

Public Document Pack

Date of meeting	Wednesday, 11th November, 2015
Time	6.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Geoff Durham

Cabinet

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **MINUTES** (Pages 5 - 10)
To consider the minutes of the previous meeting.
- 3 **DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 4 **Medium Term Financial Strategy 2016/17 to 2020/21** (Pages 11 - 42)
- 5 **Financial and Performance Management Report to end of Quarter Two (July - September) 2015** (Pages 43 - 54)
- 6 **Asset Disposals - Land at Sheldon Grove, Chesterton** (Pages 55 - 64)
- 7 **Asset Disposals - Land at Knype Way, Chesterton** (Pages 65 - 70)
- 8 **Safeguarding Children and Adults at Risk of Abuse and Neglect Policy** (Pages 71 - 112)
- 9 **Planning Peer Review** (Pages 113 - 116)
- 10 **Bill Payment Services Contract 2015/16 to 2020/21** (Pages 117 - 120)
- 11 **Applications for Discretionary Rate Relief** (Pages 121 - 124)
- 12 **Update on the Future of Kidsgrove Sports Centre** (Pages 125 - 134)
- 13 **Northern Gateway Development Zone** (Pages 135 - 148)
- 14 **Implementation of new Housing Legislation for the Redress Scheme and smoke/carbon monoxide alarms** (Pages 149 - 152)
- 15 **Syrian Vulnerable Persons Relocation Scheme** (Pages 153 - 158)
- 16 **Petition submitted to Council to preserve the land at Sandy Lane, May Bank as open space** (Pages 159 - 162)
- 17 **Proposal for Selective Licensing** (Pages 163 - 166)
- 18 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

19 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

20 Land adj the Former Maxims Night Club, Lower Street, Newcastle (Pages 167 - 170)

21 ATTENDANCE AT CABINET MEETINGS

Councillor attendance at Cabinet meetings:

- (1) The Chair or spokesperson of the Council's scrutiny committees and the mover of any motion referred to Cabinet shall be entitled to attend any formal public meeting of Cabinet to speak.
- (2) Other persons including non-executive members of the Council may speak at such meetings with the permission of the Chair of the Cabinet.

Public attendance at Cabinet meetings:

- (1) If a member of the public wishes to ask a question(s) at a meeting of Cabinet, they should serve two clear days' notice in writing of any such question(s) to the appropriate committee officer.
- (2) The Council Leader as Chair of Cabinet is given the discretion to waive the above deadline and assess the permissibility if the question(s). The Chair's decision will be final.
- (3) The maximum limit is three public questions at any one Cabinet meeting.
- (4) A maximum limit of three minutes is provided for each person to ask an initial question or make an initial statement to the Cabinet.
- (5) Any questions deemed to be repetitious or vexatious will be disallowed at the discretion of the Chair.

Members: Councillors Beech, Kearon, Turner (Vice-Chair), Williams, Shenton (Chair), Proctor and Rout

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

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

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

FIELD_TITLE

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

CABINET

Wednesday, 16th September, 2015

Present:- Councillor Elizabeth Shenton – in the Chair

Councillors Beech, Kearon, Turner, Williams and Rout

1. **APOLOGIES**

Apologies were received from Councillor Proctor.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 22 July, 2015 be agreed as a correct record.

4. **OFF STREET PARKING ORDER**

A report was submitted to Cabinet seeking authority to amend the consolidated Off-Street Parking order for various Borough car parks contained within the report.

Varying the Order would bring the management of the car parks listed in line with the other town centre car parks.

- Resolved:**
- (i) That the consultation for the addition and variation of the existing consolidated off street parking order be approved.
 - (ii) That the decision to make the order be delegated to the Executive Director of Regeneration and Development in consultation with the Cabinet portfolio holder for Town Centres Business and Assets.

5. **ASSET DISPOSALS - LAND DEANS LANE, RED STREET (TRANCHE 3)**

A report was submitted to Cabinet giving comments from the public following consultation.

The Cabinet were also asked to approve the securing of specialist planning consultants to prepare and submit a planning application on the site.

- (a) That the disposal of the land at Deans Lane, subject to having first secured an outline planning permission for this area of land, be approved.
- (b) That the procurement of specialist consultants to prepare and submit a planning application in respect of this site be approved.

6. APPLICATIONS TO DESIGNATE TWO NEIGHBOURHOOD AREAS FOR NEIGHBOURHOOD PLANNING PURPOSES

A report was submitted to Cabinet seeking approval for the designation of two neighbourhood areas for neighbourhood planning purposes.

In addition, Cabinet's approval was sought for the delegating of future designs in respect of neighbourhood areas to the Cabinet Member with responsibility for Planning and Housing.

The Chair thanked Councillor Turner for covering Councillor Proctor's Portfolio during his absence.

- Resolved:**
- (i) That the designation of the undermentioned neighbourhood areas be approved:
 - (a) Loggerheads Parish
 - (b) Chapel and Hill Chorlton, Maer and Aston and Whitmore Parishes.
 - (ii) That future decisions on the designation of neighbourhood areas be delegated to the Cabinet Member with responsibility for the Planning and Housing portfolio.
 - (iii) That officers be authorised to submit a bid for funding support to the Department for Communities and Local Government and that a report be brought to a future meeting of Cabinet on the likely resource and staffing implications for the Council of responding to the development of Neighbourhood Plans.

7. WAMMY NEIGHBOURHOOD PARK - PHASE 3

A report was submitted to Cabinet seeking approval to proceed with Phase Three of the master plan for the delivery of teenage recreational provision in line with a consultation carried out with local teenagers.

Councillor Williams thanked the Portfolio Holder for Environment and Recycling – Councillor Mrs Beech for her work on this project. A good facility had been gained together with a cycle/walkway which ran from the Lyme valley and up to the Apedale Valley.

- Resolved:**
- (i) That the third phase of the Wammy project to deliver teenage recreation provision, wildlife habitat improvements and tree planting be approved.
 - (ii) 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.
 - (iii) That authorisation be given to further develop the pavilion phase of the project and to investigate / secure match funding opportunities.

8. **URBAN NORTH STAFFORDSHIRE GREEN SPACE STRATEGY - ANNUAL PROGRESS REPORT 2014**

A report was submitted to Cabinet informing Members of the progress made with the implementation of the Urban North Staffordshire Green Space Strategy and the associated Action Plan.

The Portfolio Holder for Safer Communities – Councillor Kearon queried whether the Authority was confident that it could keep up with the changes made by the Government and whether the process was frequent enough?

Councillor Mrs Beech – Portfolio Holder for Environment and Recycling informed Members that the Action Plan was reviews annually and the Plan complied with what the Council had been asked to do, therefore, yes the Council could keep up with the changes.

- Resolved:**
- (i) That the report be received and progress noted.
 - (ii) That the link between the Green Space Strategy and Asset Management Plan be reaffirmed in respect of sites which are identified as not required for green space use.

9. **RECYCLING AND WASTE SERVICE 2016**

A report was submitted to Cabinet regarding the new Recycling and Waste Service which commences in July, 2016.

A presentation on the Service had been given to Members prior to the Council Meeting on 9 September outlining the proposed changes.

The Portfolio Holder for Environment and Recycling- Councillor Mrs Beech thanked the Cabinet Panel and the officers for their work on this project. Councillor Turner said that the officers deserved a lot of the credit for this and wished the project success.

Councillor Mrs Beech informed Members that the additional cost of vehicles would be part covered by the sale of the existing vehicles, some of which were scheduled for replacement in the near future.

- Resolved:**
- (i) That the good progress of the project and potential project issues be noted.
 - (ii) That the additional costs of the works to the depot and equipment, and the additional expenditure on vehicles be added to the current capital programme in accordance with the Council's Financial Regulations.
 - (iii) That the financial implications in respect of the capital expenditure as outlined in paragraph 7.0 be noted.

10. **FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER ONE (APRIL-JUNE) 2015**

A report was submitted to Cabinet, providing Members with the Financial and Performance Review report first quarter indicating the performance of individual council services.

The Portfolio Holder for Finance, IT and Customer – Councillor Turner thanked officers for the report.

- Resolved:**
- (i) That the contents of the attached report be noted and the recommendation that the Council continues to monitor and scrutinise performance alongside the latest financial information for the same period be agreed.
 - (ii) That the comments made through the Scrutiny process and the responses from officers and others to these comments be noted.

11. INTERIM PLANNING POLICY STATEMENT: MID YEAR 5 -YEAR HOUSING LAND SUPPLY STATEMENT AND LOCAL PLAN TIMETABLE

A report was submitted to Cabinet providing Members with updates and advice in respect of the preparation of an Interim Planning Policy Statement, a mid year five year housing land supply statement and the Joint Local Plan

The comments of the previous night's Planning Committee were passed to Members.

- Resolved:**
- (i) That officers be authorised to prepare a Housing Clarification Statement on the basis set out in the report.
 - (ii) That officers take the necessary steps to prepare a mid-year 5-year housing land supply statement.
 - (iii) That the revised Local Plan process be approved.

12. THE BUSINESS, MEMBERSHIP AND FREQUENCY OF THE COUNCIL'S STRATEGIC PLANNING CONSULTATIVE GROUP

A report was submitted to Cabinet providing an opportunity to review the business, membership and frequency of the Council's Strategic Planning Consultative Group.

Councillor Turner stated that it was intended to remain as a cross party committee and the frequency of the meetings was to be maintained.

When a major application was submitted for a particular ward, the Ward Councillors could come in and ask questions of the developer.

- Resolved:**
- (i) That the business of the Group be limited to those matters listed below in Section 3 of this report
 - (ii) That the membership of the Group be kept as it currently is.
 - (iii) That ward members be invited to attend the Group solely for the consideration of items which relate to their wards
 - (iv) That the Group continues to meet on a three weekly basis
 - (v) That the above changes be introduced with immediate effect

13. SYRIAN RELOCATION

An urgent report was submitted to the Cabinet regarding a Syrian Vulnerable Persons Relocation Scheme.

A commitment was given at the Council Meeting held on 9 September for the Cabinet to consider support for Syrian refugees.

The Chair thanked officers for the speed with which the report had been prepared

This Council needed to see what it could do in respect of the crisis and our officers would need to enter into discussions with the County Council and other partners for possible actions.

The Chief Executive Officer, Mr Sellgren advised the Cabinet that there had been an exchange of emails between Chief Executive's of the Staffordshire local authorities. The Chief Executive of Staffordshire County Council would take the lead role.

- Resolved:**
- (i) That officers be authorised to commence discussions with partner organisations to consider establishing local support options.
 - (ii) That it be reported to a future Cabinet on the preferred option to support the Syrian Vulnerable Persons Relocation Scheme.

COUNCILLOR ELIZABETH SHENTON
Chair

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MEDIUM TERM FINANCIAL STRATEGY 2016/17 TO 2020/21

Submitted by: Executive Director – Resources and Support Services

Portfolio: Finance IT and Customer

Ward(s) affected: All

Purpose of the Report

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

Recommendations

To approve the Medium Term Financial Strategy for 2016/17 to 2020/21.

Reasons

The Medium Term Financial Strategy underpins the whole financial planning structure of the Authority. It is closely aligned to the Council Plan and focuses on targeting its financial resources in line with its stated aims and objectives.

1. Background

- 1.1 The Borough Council is committed to deliver high quality services. Integral to this ambition is the need to effectively target its financial resources in line with its stated aims and objectives.
- 1.2 The document attached as an Appendix, the Medium Term Financial Strategy (MTFS) for the period from 2016 to 2021, demonstrates alignment with the Council Plan and will be the main vehicle in assessing the Council's financial position, ensuring efficiency in service delivery and targeting resources to agreed priority areas.

2. Issues

- 2.1 Local government in general and district councils in particular continue to face the prospect of operating within a severely challenging financial environment. With further large decreases in general government funding forecast, the Council must review the services that it provides and its approach to value for money to keep council tax increases as low as possible.
- 2.2 Central Government support is in the form of Revenue Support Grant (RSG) and a Baseline Funding amount related to Business Rates. The amounts of funding will be notified later in the financial year, most likely in December 2015. The government has given limited information about the amounts of funding for next year and subsequent years. Indications are that there is likely to be a further substantial reduction in 2016/17 and continuing significant reductions for at least the following three years.

- 2.3 Revised arrangements in respect of business rates have applied from 1 April 2013, allowing local authorities to retain part of any growth in rate income. These arrangements, which are fairly complex, are outlined in the MTFS report. Additionally, the Council is a member of the Stoke on Trent and Staffordshire Business Rates Pool, which enables it to retain more rates income than it otherwise would have done by avoiding payment of a levy on rates income growth to the government. It is anticipated that the Council will benefit from rates retention, although it is difficult to estimate precisely how much additional income it will be able to retain.
- 2.4 The Chancellor of the Exchequer announced a series of major reforms to local government finance on 5 October 2015. These included:
- That by the end of the Parliament, local government will be able to retain 100 per cent of local taxes including all revenue from business rates.
 - The government will abolish the Uniform Business Rate and give local authorities the power to cut business rates to boost economic activity in their areas.
 - Local authorities who have directly elected mayors will be able to add a premium to business rates to pay for new infrastructure.
 - Local areas which successfully promote growth and attract businesses will keep all of the benefit from increased business rate revenues.
 - The core grant funding from Central Government will be phased out and local government will take on new responsibilities.
- No further details on timescales have yet been announced. It is expected that further information will be given in the Spending Round announcement as part of the Chancellor's Autumn Statement on 25 November 2015.
- 2.5 The attached MTFS was prepared before the Chancellor's announcement. However, as the implementation of the changes are likely to take a number of years, and no further information is available, it is recommended that the current version is adopted and then as further details are forthcoming the document will be updated and reported back to Cabinet.
- 2.6 Housing is an important source of economic growth. For each new-build home, conversion and long-term empty home which has been brought back into use, the Council receives New Homes Bonus Grant which is based on the extra Council Tax revenue generated by these homes. It is therefore both economically and financially important to support housing growth.
- 2.7 The purpose of the comprehensive five year MTFS is to predict likely budget totals, if services are maintained at current levels, by projecting forward the different elements of the 2015/16 budget, such as employee pay or supplies and services, based on assumptions as to likely changes or specific pressures, such as pay increases or price increases or any agreed changes which will affect service levels. These assumptions are all set out in the MTFS. It also illustrates how the Council Plan is driving the medium term financial plan over the next five years. Whilst standing on its own as a strategy, it is an integral part of the Council's overall planning process comprising service delivery plans, the Council Plan and the Borough's Sustainable Community Strategy.

- 2.8 The MTFFS identifies significant budgetary shortfalls over the next five years that will need addressing with robust financial and budget strategies. The amounts for each year are set out below:

2016/17 £1.478m
2017/18 £1.109m
2018/19 £1.153m
2019/20 £0.422m
2020/21 £0.646m

The detailed MTFFS shows how these amounts arise and what measures are being proposed to address them.

- 2.9 The Council Leader and the Portfolio Holder for Finance IT and Customer are members of the Budget Review Group. The Budget Review Group will continue to oversee all aspects of the budget process, including service review and challenge, longer term planning, development of budget options including proposals for savings and increasing income, agreeing consultation arrangements and consideration of feedback and seeking to deliver service models that drive improvement to front-line services whilst offering value for money.
- 2.10 The budget options developed by the Budget Review Group will be available for consideration by December and the MTFFS amended, where necessary, to take account of them. Cabinet will consider these proposals, in the form of a draft budget for 2016/17 at its meeting on 20 January, to enable this to be submitted to the Finance, Resources and Partnerships Scrutiny Committee on 27 January.
- 2.11 It is also envisaged that as in previous years, the first draft of the savings plans for 2016/17 will be available for the meeting of the Finance Resources and Partnerships Scrutiny Committee on 3 December.
- 2.12 The MTFFS was considered by the Finance Resources and Partnerships Scrutiny Committee at their meeting on 4 November. Feedback from their meeting will be provided at the Cabinet meeting.

3. **Proposal**

- 3.1 That Members approve the Medium Term Financial Strategy for 2016/17 - 2020/21.

4. **Reasons for Preferred Solution**

- 4.1 Without an MTFFS it would be difficult to demonstrate the alignment of resources with the Council Plan. It is also the main vehicle for assessing the Council's position, ensuring efficiency in service delivery and targeting resources to agreed priorities.

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

- 5.1 The MTFFS identifies the resources to deliver the corporate priorities of the Authority linked to expected outcomes.

6. **Legal and Statutory Implications**

6.1 The MTFS is not a statutory document but it is considered best practice.

7. **Equality Impact Assessment**

7.1 Differential equality impact issues will be identified against the key strategies, policies and functions of the Council and will be considered in producing future service improvements, which will then be reflected within the Council's budgets.

8. **Financial and Resource Implications**

8.1 The MTFS identifies future years' shortfalls in financial resources which will need to be addressed as part of the Council's budget strategies.

9. **Major Risks**

9.1 Section 25 of the Local Government Act 2003 places a duty on the Chief Finance Officer to report on the robustness of the budget. The main risks to the budget include:

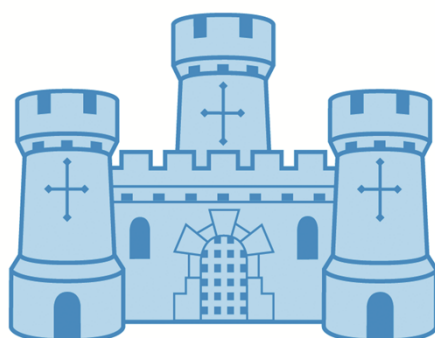
- Spending in excess of the budget
- Income falling short of the budget
- Unforeseen elements, e.g. changes in interest rates

Such risks require regular and careful monitoring and it is essential that the council has sufficient reserves to call on if required, e.g. the council has a general fund balance of £1.20 million and a minimum balance of £0.100m in the Contingency Reserve. In previous years the Chief Finance Officer has believed that the assurance required under Section 25 can be given and, with careful budget planning, robust monitoring and adequate level of reserves, there should be no reasons to alter that view.

10. **List of Appendices**

Appendix - Medium Term Financial Strategy 2016/17 to 2020/21.

Medium Term Financial Strategy 2016/17 to 2020/21



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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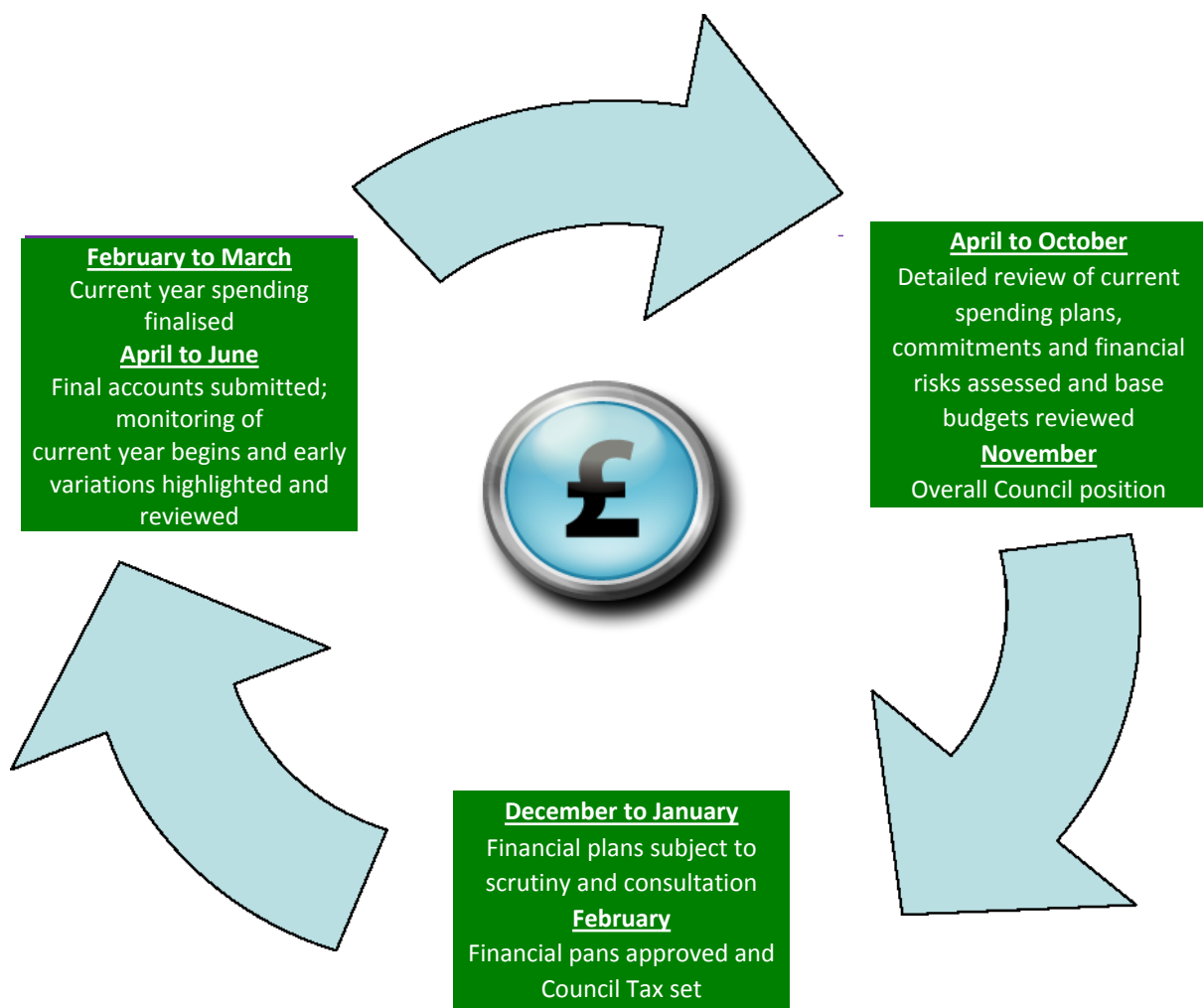
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MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

1. INTRODUCTION

- 1.1 This document provides details of the Council's medium term financial plans and projected financial position to 2021.
- 1.2 It sets out how the Council spends the money it receives from the residents and businesses of Newcastle-under-Lyme and Central Government, to provide services and to meet the priorities identified in the Council Plan.
- 1.3 The formulation of this medium term strategy is part of the wider financial strategy and framework at the Council. Financial planning is an on-going process and this strategy is reviewed and updated on a regular basis.

The Annual Financial Cycle



A Longer-Term View

- 1.4 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.
- 1.5 This 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 Budget Review Group

- 1.6 A Budget Review Group was established to ensure that the budget setting process consults all interested parties in a transparent manner. The Council Leader and the Cabinet Portfolio Holder for Finance IT and Customer are members of the group, together with the Chief Executive, Executive Director of Resources and Support Services, Executive Director of Regeneration and Development and the Executive Director of Operational Services.
- 1.7 The remit of the group is to oversee all aspects of the budget process, including service review and challenge, longer term planning, development of budget options, agreeing consultation arrangements and consideration of feedback and seeking to deliver service models that drive improvements to front line services whilst offering value for money.

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.

The Council Plan

- 1.8 The Council Plan describes the key actions that the Council will take in order to create a borough that is prosperous, clean, healthy and safe. It sets out the Council's priorities and focuses on delivering these and ensuring that we continue to deliver high quality services for the Council's customers and bring real improvements in services for all in the Borough.
- 1.9 The Plan is updated annually to ensure that the Council's corporate objectives and priorities for action are helping to achieve the Council's Vision and reflect community priorities in the services that it provides.
- 1.10 In these very challenging times, the Council continues to have its funding reduced by Central Government and legislative changes to the responsibilities of local councils means there will be some tough decisions ahead. For these reasons alone it is important that resources are used prudently and effectively and to review the way in which we do things and consider what is important for the borough. There is thus a clear and direct link to the Medium Term Financial Strategy (MTFS) from the Council Plan.

The Council's Role

- 1.11 The Council wants Newcastle-under-Lyme to be a borough in which people are proud to live, work, visit and do business. Moreover, it is important that the council be an open 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. By trying to deliver better services and focused on the needs of local people, the council's aim is to create an organisation which is responsive and in touch with the people it serves. Consequently, the Council's Vision is:

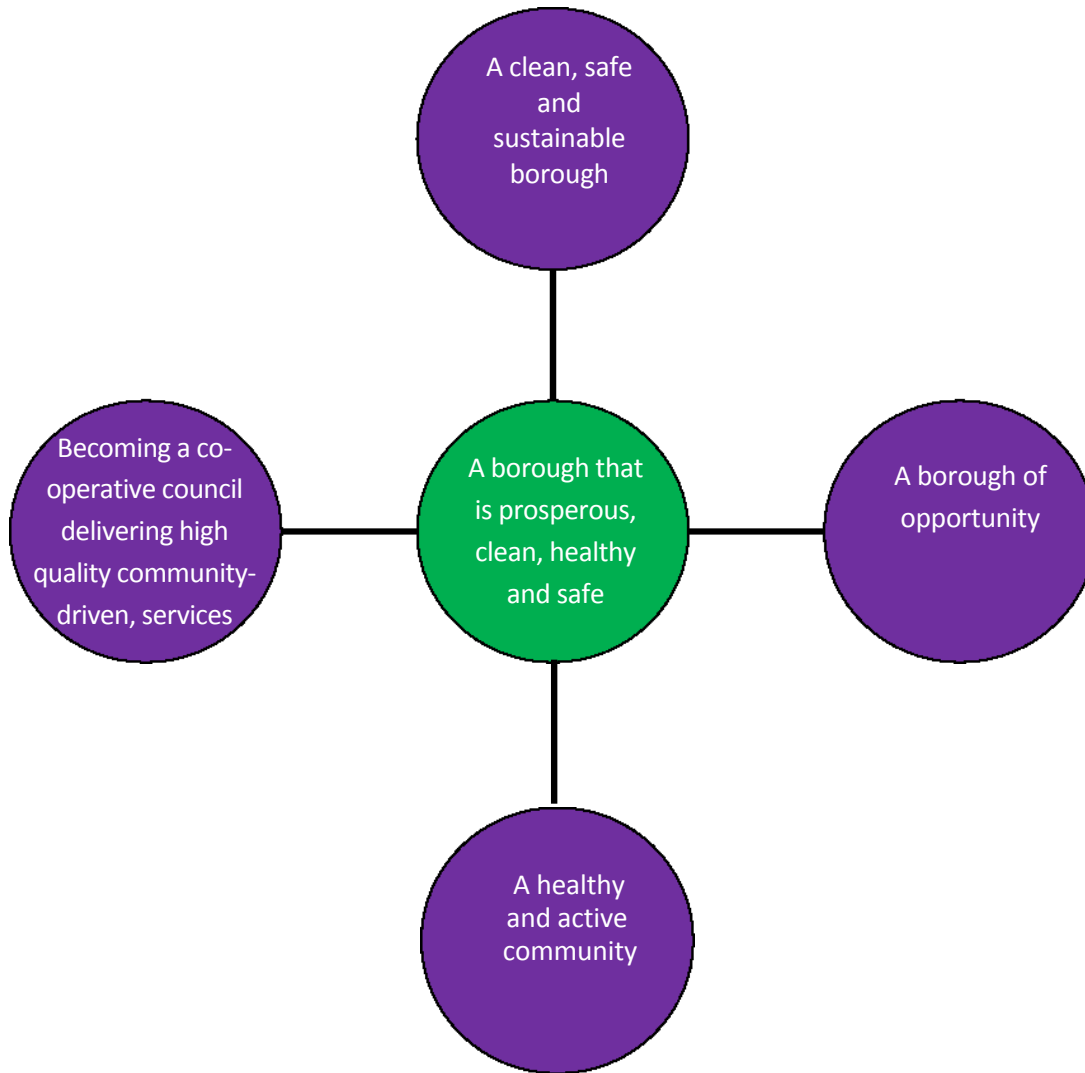
“To create a borough that is prosperous, clean, healthy and safe”

Priorities and Outcomes

- 1.12 In order to deliver this vision, the Council has developed 4 “priorities” under which there are a series of outcomes and activities. These priorities and outcomes are reviewed and monitored on an annual basis. Progress against targets is reported to Cabinet and the Finance Resources and Partnerships Scrutiny Committee.
- 1.13 The full Plan with targets for 2015/16 can be accessed on the Council's web site at:
www.newcastle-staffs.gov.uk

Priorities

1.14 Effectively, the Plan covers all aspects of life in all areas of the borough.



- **A clean, safe and sustainable borough** – To improve the environment so that everyone can enjoy our safe, sustainable and healthy borough.
- **A borough of opportunity** – To 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.

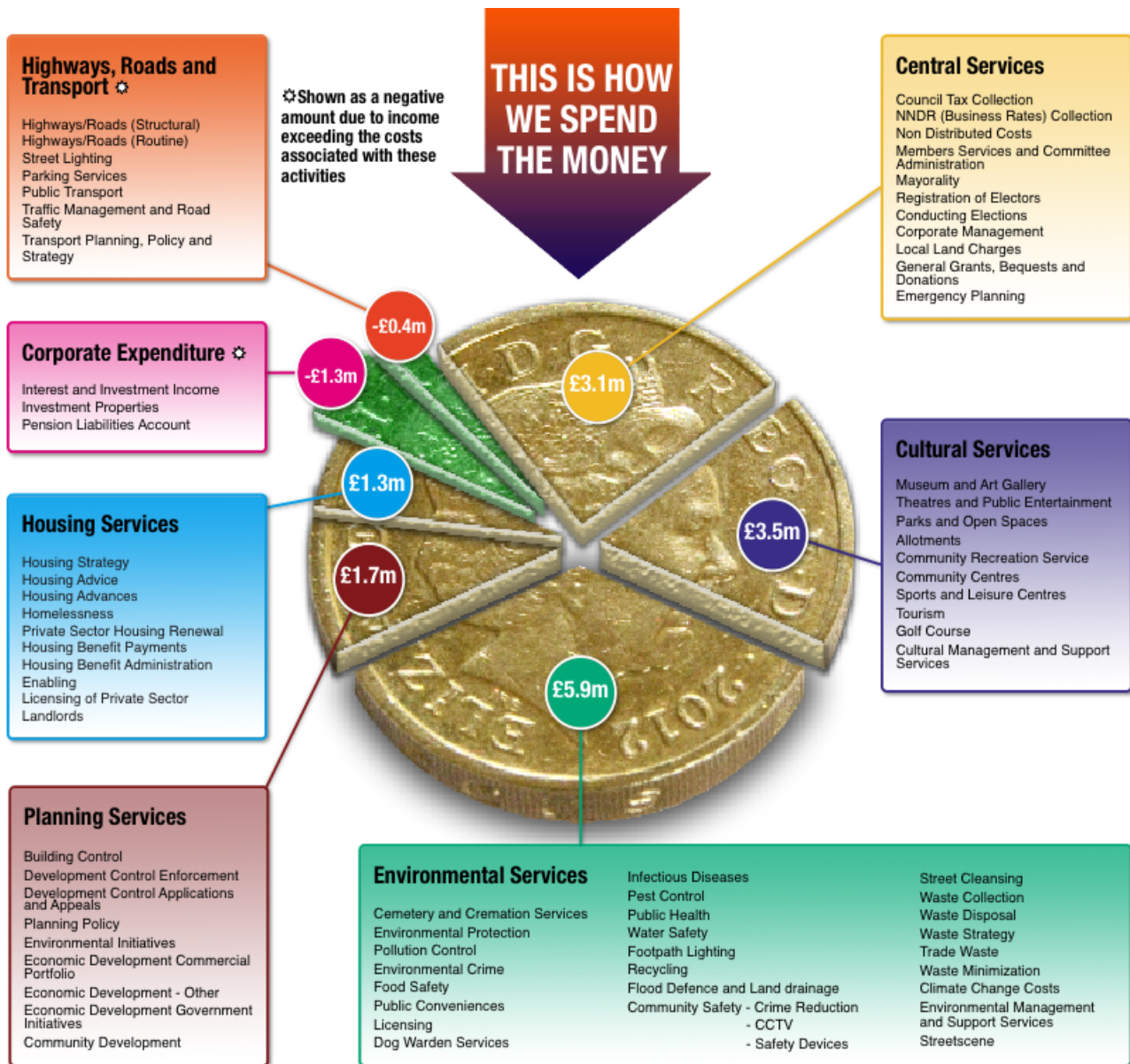
MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

- [A healthy and active community](#) – To 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.
- [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 working together with residents, partners and local organisations to collectively deliver the best using available resources.

Links with the Medium Term Financial Strategy

- 1.15 The financial planning framework is integrated with the corporate planning process. The Council Plan aims to identify the specific services and issues as to where the Council should prioritise its resources and the Council's budgetary plans reflect this.
- 1.16 The net revenue budget for 2015/16 has been allocated across services provided as shown in the chart below.

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021



Links to other strategies and plans

1.17 The MTFS has links to a number of other Council and wider community strategies and plans. Where these have financial consequences for the Council, these are reflected in the MTFS.

The Council has three main strategies linked to its priorities:

- Economic Development Strategy
- Health and Wellbeing Strategy
- Stronger and Safer Communities Strategy

Others which have a particularly significant input are:

Capital strategy and capital programme

1.18 The Capital Strategy sets out how the Council proposes to deploy its capital resources in order to assist it to achieve its corporate and service objectives. It also takes into account the resources which are likely to be available to the Council to fund capital investment and the effect of that investment on the Council's revenue budget. The Council's detailed capital investment plan is contained in its Approved Capital Programme. The current programme was approved by Full Council on 25 February 2015. This programme provides for £5.5 million of investment during 2015/16 in projects across all of the Council's priority areas.

1.19 The Capital Strategy has been prepared against a background of unprecedented reductions in funding provided to local authorities by central government and its agencies, arising from the need to restrain public expenditure owing to the ongoing economic recession and to rebalance public finances. At the same time, the Council's own resources available to finance capital projects are running out and will need replenishing before any substantial further capital investments can be made. Whilst the Council has benefited from an ability to recycle income derived from the disposal of land and property over many years, a more focused programme of asset disposals has been agreed via the Asset Management Strategy to counteract the effects of reduced external finance.

1.20 The Council is presently debt free, having no long term loans outstanding. However, if further capital receipts do not materialise borrowing may be the only option to finance proposed capital expenditure in future years. This will have an effect on the general fund revenue account through financing charges and reduced investment income.

Asset management strategy

1.21 The asset management strategy encapsulates the Council's response to national policies and guidelines; it sets out the processes for the strategic management of the Council's property assets in order to ensure the best use of assets to meet corporate objectives in an efficient and effective manner. These processes resonate with the Capital Strategy and in turn may result in projects being included in the capital programme.

- 1.22 Through a planned and ongoing review of the asset register, against current and anticipated usage, disposal of assets provide investment into the Council's capital programme. In parallel the Council will seek partner contributions (for example through external grants, partner organisation use of Council assets to contribute to revenue streams and joint venture opportunities).

Treasury management strategy

- 1.23 This is approved annually and sets out the Council's strategy for investment of its funds. The investment strategy, together with the prevailing market conditions in relation to interest rates and counterparty security will be the major factor in determining the return which is obtained on investments. Interest on investments is a source of income in the revenue budget.

Workforce development plan

- 1.24 The workforce development plan provides the strategic linkages in people performance and management to enable the Council to meet the Council Plan objectives. The plan sets out how the Council will develop the skills and capacity of its staff. Where there are costs associated with this, these will be included in the MTFS.

Charging policy

- 1.25 The policy sets out what the Council intends to achieve through the charges it makes and the criteria which it will use to determine the level of charge for individual services. The annually approved scale of fees and charges is compiled in line with the principles set out in the policy. Income from fees and charges comprises a significant proportion of the income included in the revenue budget.

Reserves and balances strategy

- 1.26 The Council's Reserves and Balances Strategy indicates that, following a risk assessment, the minimum prudent level of general fund balance to hold is £1.2 million and that there should also be a contingency reserve of £100,000. Current indicators are that this strategy will be delivered.

Departmental service delivery plans

- 1.27 Service Plans are an integral part of the Council's planning process and demonstrate the actions and targets of each directorate in order to achieve the Council's corporate objectives and priorities.

Other strategies which may influence the MTFS

1.28 There are a number of other Council strategies whose contents may have implications for the MTFS:

- Procurement Strategy
- North Staffs Green Spaces Strategy
- Private Sector Housing Renewal Strategy
- Housing Strategy
- Arts and Cultural Strategy
- Energy Efficiency and Climate Change Strategy and Carbon Reduction Plan
- North Staffs Core Spatial Strategy
- Saved Local Plan Policies (emerging)
- Co-operative Council Strategy
- Sustainable Community Strategy

2. THE COUNCIL'S OVERALL FINANCIAL POSITION

2.1 The Council's overall financial position has been relatively strong over recent years, this has arisen both from prudent financial management, together with a programme of efficiency savings from transformation, procurement, service delivery and the generation of additional income. These savings have helped to sustain the Council's financial position against a background of reducing resources.

The National Context

2.2 Similar to other areas of the Public Sector, local authorities have had to lower costs as their main source of funding, i.e. Central Government Grant has reduced by 55 per cent since 2010. This is a result of the Government's Policy to address the national budget deficit and this is expected to be on-going over the life of this Medium Term Financial Strategy.

2.3 Central government support for local authorities revenue budgets is provided in the form of Revenue Support Grant (RSG) plus a Baseline Funding amount relating to Business Rates. The amounts to be paid to local authorities as a whole and to individual authorities are announced via the annual local government finance settlement, provisional figures being announced usually in December and final ones in January.

2.4 The Local Government Finance Act 2012 introduced business rate retention for local authorities and for the localisation of council tax benefit, i.e. for local authorities to assume responsibility for devising schemes for making payments to claimants, instead of acting as agents for the Department of Work and Pensions.

- 2.5 The revised arrangements took effect from 1st April 2013. The Council still bill and collect business rates, but instead of contributing all business rates into the central pool and receiving formula grant plus a baseline funding amount, a proportion of the business rates is retained by the Council.
- 2.6 A baseline level of funding was set so that at the start of the system, the amount received is equivalent to what it would have been under the previous system, less the reductions arising from the Local Government Resources Review. From then on the Council's funding may grow if the business rates base in Newcastle-under-Lyme grows, but could also fall if the business rate base declines.

Compilation of the MTFs

Principles

- 2.7 The MTFs considers changes to the 2015/16 base budget by breaking this budget down into its subjective cost and income components; pay, pensions, utilities, fuel, supplies and services, investment income, income from fees and charges, etc. An assessment is then made, in respect of each of these components, of the factors which might affect their cost or the amount of income receivable and whether there is likely to be a change in this cost or income, and if so how much it will amount to, in each year over the five year period. Also taken into consideration are any additional pressures which may apply to services over the five year period, plus any savings which have been identified and agreed or approved investments in services over the five years. The MTFs therefore shows the changes from the initial 2015/16 base budget through to 2020/21, demonstrating the variances between each of the years.

Base budget components assessed for cost variances

- 2.8 These are set out in detail in section 2.12, which shows by how much in monetary terms the estimated budget for each of the five years varies by comparison to the previous year on account of these factors alone. Also shown are the assumptions about price changes that have been made in respect of each component. In summary, the components examined and the factors which were taken into account to assess the changes were:

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

- Levels of central government funding (estimated) as referred to in the National Context section of the strategy (page 9);
- Pay awards and incremental pay increases;
- National Insurance increases, linked to increased pay and the abolishment of the current basic state pension and state second pension resulting in the end of “contracting-out”. The abolition of contracting-out will therefore have cost implications for both employers and employees because of the loss of the NIC rebates. As a result, employers' Class 1 NICs will increase by 3.4% (of relevant earnings) and employees' Class 1 NICs will increase by 1.4% (of relevant earnings).
- Superannuation increases, both to take account of increased pay and changes in contributions to the pension fund;
- Energy costs, based on advice from the Council's Procurement Officer;
- Business rates increases on Council properties;
- Fuel for vehicles, based on advice from the Council's Procurement Officer and Freight Transport Association and allowing for changes to fleet numbers and in vehicle types;
- Inflationary increases built into current contracts
- Levels of grants and contributions paid by the Council to external bodies;
- Increase in income from customer receipts;
- Changes in specific government grants receivable;
- Changes in amounts of investment income receivable, both as a result of changes in forecasted interest rates and changes in relation to the capital sums available for investment;
- Contributions from reserves and ongoing effects of previous savings exercises or investments associated with them

The following key assumptions have been made:

- Full provision for known pay increases from incremental progression.
- A 1 per cent pay award each year in line with the announcement made in the recent national budget.
- Central Government funding will decrease by 25 per cent in 2016/17. The government has given limited information about the amounts of funding for subsequent years. Indications are that there is likely to be a further substantial reductions. The MTFs has assumed a 29 per cent reduction for 2017/18 followed by 38 per cent in 2018/19, 14 per cent in 2019/20 and 25 per cent in 2020/21. Funding for 2016/17 will not be confirmed until the local government finance settlement in December.

- A 2.9 per cent increase in transport fuel for 2016/17 followed by 3.4 per cent in 2017/18 and 3.6 per cent in each of the following three years, as per the forecast provided by Staffordshire County Council and their fuel procurement framework.
- An increase in pension contributions.
- Energy costs are based on an assessment by the Council's energy management advisors and the Council's Facilities Manager.
- Increases in line with inflation for most income heads.
- Interest rates based on forecasts supplied by the Council's treasury management advisors.
- Investment income takes account of the latest capital programme expenditure forecasts.

2.9 Whilst all of these are important and of some significance, a sensitivity analysis has been undertaken on the following four issues for which the main findings are:

- The level of central government funding which is received
These support a large per cent of the budget so have a major impact. A variation of 1 per cent in the level of external support via these two sources (see paragraph 2.3) would amount to £60,000.
- How movements in interest rates will affect the Borough Council
The Council has no external debt at the current time but does generate income from its investment portfolio. The Bank of England base rate is currently 0.50 per cent. It is estimated that a change of 0.50 per cent in the interest levels on the Council's investments would lead to £33,000 (based on anticipated investment levels) more or less interest.
- How changes in nationally agreed pay awards will impact
There is provision for a 1 per cent pay award in each year. With a pay bill of £16.6m, a change of 0.50 per cent would save or cost £83,000.

Assessment of what the MTFs means

2.10 The implications of the MTFs forecast will be taken into consideration in the preparation of detailed budgets for 2015/16 and give guideline figures for the budgets for the following four financial years. Details of the timetable, which is being followed, are shown later.

2.11 The summarised MTFFS illustrates that the Council would have the following shortfalls over the next five years which need to be addressed.

- £1.478m in 2016/17
- £1.109m in 2017/18
- £1.153m in 2018/19
- £422,000 in 2019/20
- £646,000 in 2020/21

2.12 As a percentage of the net budget, the potential shortfall in 2016/17 represents 11 per cent of the current year's net revenue budget. In recent years, the shortfalls have been met by a combination of efficiency measures, better procurement, increased income generation, council tax freeze grant, support from reserves, etc. The continued severity of Central Government funding reductions together with other pressures outlined will mean that together with a continuation of the above strategies, more radical solutions may need to be formulated e.g. shared services, alternative service delivery models and reduction in services.

Newcastle 2020

2.13 In view of the MTFFS forecasts a project called Newcastle 2020 was started at the end of 2013. This is looking at how the Council's ever decreasing resource base can be best used to meet the needs of the population of the Borough.

2.14 The project consists of a number of different work streams, all of which will provide a perspective on the future role and funding of the council. Some of the work that has already been undertaken includes:-

- ***Financial Modelling***

Heads of Service were asked to model what their services would look like with a 20 per cent, 40 per cent and 60 per cent reduction in resources.

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- ***Income***

This has involved an analysis of the Council's future tax resource base. This is essential in the content of the changes in respect of business rates and the incentives created in respect of the New Homes Bonus. (These are outlined elsewhere in the MTFS). In addition, further work is ongoing to maximize income from fees and charges.

- ***Reducing Bureaucracy***

Work has been undertaken to ease the burden of carrying out administration tasks across the Council.

- ***Delivery Models***

A number of options are being looked at which could assist the council to sustain services with significantly reduced resources. Areas being looked at include demand management, self-service delivery, procurement and cost sharing with partners and other organisations.

Budget Strategy 2016/17

2.15 The shortfall identified for 2016/17 needs to be managed so that a balanced budget is compiled with spending matched with resources.

2.16 The potential savings, efficiencies and areas of increased income identified for 2016/17, predominately as part of the Newcastle 2020 project, currently include:

- Procurement savings resulting from the negotiation of contracts and annual uplifts incurred, also from determining the actual need for goods, works or services and through ensuring that the Council commissions and procures quality services and supplies, as cost effectively as possible
- Additional areas of income generation including areas where services are performing above their targets, a review of current fees and charges in comparison to other authorities and competitors and a review of areas where we provide a service for free or have the potential to provide a charge for service together with new initiatives
- Staffing efficiencies including a review of vacant posts within the Council, the need to recruit to these posts, a number of service restructures following the departures of senior staff and a number of flexible retirements

- Good housekeeping efficiencies including a comprehensive review of services expenditure budgets that are underutilised and reductions in fees that are required to be paid to external bodies
- Better use of assets including a review of their usage or potential usage and the costs associated with the continued usage or occupation of these assets
- Alternative sources of funding, e.g. New Homes Bonus contributions, Business Rates Retention Scheme and other grants.

3. TIMETABLE AND PROCEDURE

- 3.1 A Budget Review Group was established in 2012. The Council Leader and the Portfolio Holder for Finance IT and Customer are members of the group, together with the Chief Executive, Executive Director of Resources and Support Services, Executive Director of Regeneration and Development and the Executive Director of Operational Services.
- 3.2 The remit of the group is to oversee all aspects of the budget process, including service review and challenge, longer term planning, development of budget options, agreeing consultation arrangements and consideration of feedback and seeking to deliver service models that drive improvement to front line services whilst offering value for money.
- 3.3 A service challenge process was conducted by the Budget Review Group in 2012 with the Newcastle 2020 project being established in 2013. Heads of Service have put forward options for improved service delivery and efficiency savings together with suggestions for 'invest to save' proposals whereby continuing increased efficiency can be obtained in return for a proportionally modest initial outlay.
- 3.4 The early results from the Newcastle 2020 project have formed the basis of the formulation and preparation of both the current year's budget and the 2016/17 budget.
- 3.5 The Budget Review Group will also consider the capital programme for 2016/17 and beyond and the resources available to finance it. There will be the opportunity for members to review and comment on this during the scrutiny process.
- 3.6 The budget timetable as regards member involvement and the completion of key stages in the process is set out in the table below:

Event	Body Affected	Date
Scrutiny of MTFS	FRAPSC*	4 November
Consideration of MTFS and feedback from FRAPSC*	Cabinet	11 November
Initial budget strategy and savings options	FRAPSC*	3 December
Draft Budget proposals including options approved	Cabinet	20 January
Scrutiny of draft budget	FRAPSC*	27 January
Budget proposals recommended for approval by Full Council	Cabinet	10 February
Full Council to approve Budget	Full Council	24 February

* FRAPSC = Finance Resources and Partnerships Scrutiny Committee

4. RISK

Risk Statement

- 4.1 Section 25 of the Local Government Act 2003 places a duty on the Chief Finance Officer to report on the robustness of the budget. The main risks to the budget include, spending in excess of the budget, income falling short of the budget and unforeseen elements, e.g. changes in interest rates and budget strategies and savings that do not have robust plans.
- 4.2 Such risks require regular and careful monitoring and it is essential that the Council has sufficient reserves to call on if required, e.g. the Council has a general fund balance of £1.2 million. In previous years the Chief Finance Officer has believed that the assurances required under Section 25 can be given and, with careful budget planning, robust monitoring and an adequate level of reserves, there should be no reasons to alter that view.

Risk Analysis

- 4.3 These risks are managed through a series of mitigation measures included in the financial planning and are monitored on an on-going basis via the Council's risk management process, the Budget Review Group and regular reports to Members.

5. THE COUNCIL'S FINANCIAL STRATEGY

- 5.1 The Council is committed to delivering high quality services and considerable progress has been made over the last year with significant improvements in performance indicators and positive feedback from external auditors. Integral to this ambition is the need to effectively target its financial resources in line with the priorities of the Council.
- 5.2 It is the Council's ambition to continue to substantially improve its service delivery over the next five years. Sound and effective financial planning has a vital role to play in ensuring that ambition is realised, through providing sufficient resources to enable the services that matter most to our citizens to be delivered and to respond to the increased demands placed upon the Council.
- 5.3 The current economic climate and the reductions in central government support to local authorities, particularly for second tier district councils such as Newcastle-under-Lyme, reinforces the need for sound financial planning, not just for the year immediately ahead (2016/17) but over the medium term as well.
- 5.4 To meet this need, the Medium Term Financial Strategy (MTFS) has been developed for a period spanning five years, from 2016/17 to 2020/21. The MTFS demonstrates alignment with the Council Plan and will be the main vehicle in assessing the Council's financial position, ensuring efficiency in service delivery and targeting resources via a transparent process to agreed priority areas. It illustrates how the Council Plan is driving the medium term financial plans for each block of services over the next five years.
- 5.5 It is a key document informing the 2016/17 budget process. The assumptions about future costs and income together with those relating to investment and efficiency savings will be incorporated in the 2016/17 budget and will account for the majority of the change in net spending between the 2016/17 budget and that for 2015/16. The indications given in the MTFS concerning the gap between future years' expenditure levels and available resources will enable the Council to draw up an informed strategy, that reflects the priorities of the Council, to bridge those shortfalls.

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

- 5.6 The MTFS will be used during 2016/17 as the basis for reviewing the Council's financial position. The assumptions contained in it will be regularly reviewed and amendments made to the plan, where necessary. If any consequences in terms of significant adverse budget variations become apparent, this information will be used to formulate an action plan to deal with the budget shortfall. Conversely, if a significant positive variance is indicated, and likely to persist, this knowledge will enable the Council to decide whether to use this to increase reserves or to reallocate some or all of it to additional investments in line with corporate priorities.
- 5.7 Whilst the MTFS stands on its own as a strategy, it is an integral part of the Council's overall planning process comprising service delivery plans, the Council Plan and the Borough's Sustainable Community Strategy.

The current economic climate and the reductions in central government support to local authorities reinforces the need for sound financial planning.

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

The Financial Framework

5.8 Within the overall strategy, a framework is effectively cascaded down and detailed in other plans and policy documents, as set out in the following table.

Medium Term Financial Strategy	This document sets out the medium term financial plans of the Council.
Treasury Management Strategy	Setting out how cash and investments are managed. This is designed to ensure the security and liquidity of any council money invested.
Financial Regulations	Setting out the procedures to ensure that the use of finance is legal, properly authorised, reported and provides value for money. These are the detailed rules which are used by Council officers on a daily basis to govern their operations.
Internal Audit Plan	Setting out when fundamental financial and other systems will be reviewed over time to test the effectiveness of internal control. This Plan is approved and monitored by the Council's Audit and Risk Committee.
Capital Strategy and Capital Programme	Setting out how major investment is planned and managed and helps to deliver the Council's priorities.
Asset Management Strategy	Setting out the management of land and property and identifying assets for disposal.

6. GOVERNMENT FUNDING FOR REVENUE PURPOSES

6.1 In various forms, the Council receives a substantial part of its funding from central government.

- 6.2 Besides receiving a general grant (Revenue Support Grant), it also receives funding through a New Homes Bonus and specific grants earmarked for certain services. The overall level of grant is reducing nationally, although allocations to the Council from the New Homes Bonus have increased over the last 3 years.

The Council's Financial Settlement 2016/17

The National Picture

- 6.3 On 1st April 2013, the national distribution of local authority funding changed significantly. The system moved away from being based on central funding allocation, to a model based on retaining a proportion of local business rates. However, nationally the Government will still control the overall level of resources for local authorities.
- 6.4 These resources are to continue to reduce. Due to certain services receiving protection (Education and Social Services) the largest impact of the reductions is likely to fall on district councils. Core funding was reduced by an average of 15.6 per cent for district councils in 2015/16. A further reduction of 25 per cent is estimated in 2016/17, with indications of a further reduction of 29 per cent from 2017/18 followed by 38 per cent in 2018/19, 14 per cent in 2019/20 and 25 per cent in 2020/21.
- 6.5 Newcastle-under-Lyme Borough Council will be in a position to partly offset these decreases through the Business Rates Retention Scheme and the New Homes Bonus. Overall however, it is likely that all councils will continue to see diminishing resources for the foreseeable future.

How the New System Works

- 6.6 Under the new system, a start-up funding assessment was established for each council. It is calculated broadly in the same way as Formula Grant was under the previous system.
- 6.7 This assessment is then split between Revenue Support Grant (RSG) and Business Rates Retention (BRR – a Baseline Need). Once set each year, the RSG element is guaranteed, whilst the BRR element is not.

6.8 Therefore, overall funding levels are not guaranteed; ultimately the level of business rates collected by councils during the year will determine a significant part of overall funding - the Baseline Need is only the starting point.

The Baseline

6.9 To fund the Baseline, councils had an expected level of National Domestic Rates (NNDR Income) to collect. This is based on the projected level of business rates to be collected nationally as determined by the Government.

6.10 50 per cent of this amount is paid over to the Government, with 10 per cent paid over to the County Council and the Fire Authority (combined) in two tier areas. The remaining 40 per cent is effectively the business rates to be retained by the Council.

6.11 For councils with a need higher than their Baseline, a **Top Up grant** is paid and this will be fixed. Conversely, for councils with a need lower than their Baseline, a **Tariff** is paid to the Government. This funds the national redistribution mechanism.

6.12 Councils that see a higher level of NNDR income compared to their Baseline will be rewarded through the scheme as they will be able to retain an element of the associated increase in revenues. However, councils that have a lower level of NNDR income will see a decline in their resources and, subject to a safety net, will not be compensated.

A Damping Mechanism

6.13 The new scheme contains a mechanism to limit individual gains and losses. A **Safety Net** limits losses and this is funded through a Levy (or charge) on disproportionate gains.

6.14 The Safety Net applies when a council's income falls by more than 7.5 per cent from its original baseline funding level, set on transition to the new system on 1st April 2013; the level is then fixed and increased by inflation each year.

6.15 The Levy limits what councils can gain in cash terms for any given level of NNDR growth. This has been set at 1:1, meaning that a 1 per cent increase in NNDR growth cannot increase overall resources by more than 1 per cent, but subject to a limit of 50p in the pound.

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- 6.16 The calculation is complicated, but does allow councils to gain from incremental growth even after paying a levy.
- 6.17 Where councils actually collect business rates at their NNDR target, the level of resources that they would receive (through retained business rates and RSG) will be their start-up funding assessment; i.e. they would neither gain nor lose. The Council is a member of the Stoke-on-Trent and Staffordshire Business Rates Pool, which enables it to retain more rates income than it otherwise would have done by avoiding payment of a levy on rates income growth to the government. It is anticipated that the Council will benefit from rates retention, although it is difficult to estimate precisely how much additional income it will be able to retain.

Reviewing the System

- 6.18 The Government intends that Baselines will be set until 2020, up rated each year for inflation. However, the Government reserve the power to review and if necessary reset the system in exceptional circumstances at anytime. However, they have indicated that a review will not occur within the first 3 years of the new system.

New Homes Bonus (NHB)

- 6.19 This was introduced in 2011/12 and will continue to be paid in the new system in addition to RSG and retained business rates.
- 6.20 Where authorities gain in NHB due to growth, RSG will be reduced. However, the overall system is designed to benefit those authorities who achieve residential growth (including new affordable housing) together with good management of empty properties.
- 6.21 Similar to RSG and retained business rates, the NHB is a flexible, unringfenced fund and is part of the support package that central government will continue to pay to local councils.
- 6.22 In the 2013 Autumn Statement the Chancellor announced that the Government is considering the option of withholding payments to councils where planning permission is granted on appeal. The intention is to make councils think twice about opposing schemes, adding greater weight to the presumption in favour of sustainable development as enshrined in the National Planning Policy Framework.

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

7. COUNCIL TAXBASE AND COLLECTION FUND

- 7.1 The Council's taxbase represents the average "value" of the properties in its area as set against a standard band D property. For example a band D property is expressed as one whilst a lower value band A property is calculated as 6/9 of the band D. On the other hand, the highest value property is band H which is calculated at 18/9 of band D.
- 7.2 The calculation of the taxbase has an important effect on the level of council tax in that an increase in the taxbase (say, from new building) will mean that the amount to be raised is spread over more properties whilst a reduction (say, from demolitions) will mean that it has to be spread over fewer properties. For 2015/16 the taxbase was calculated at 35,242 properties.
- 7.3 The collection fund is the vehicle through which all council tax is collected. The Council makes an assumption as to the percentage of council tax which will be ultimately collected. That decision will be made in January 2016. If that target is not met then there will be a deficit which will have to be accounted for in the next financial year whilst if there is a surplus then this can be used to offset whatever council tax is levied in the next financial year.
- 7.4 Only a certain proportion of the overall council tax bill is attributable to the Council's services. The Council also collects the proportions due to other public bodies that provide services within Staffordshire. These are;
- **Staffordshire County Council** (Education, Social Services, Highways, Libraries, Waste Disposal and Trading Services)
 - **Office of the Police and Crime Commissioner Staffordshire** (Day to Day Policing and Crime Prevention)
 - **Staffordshire Fire and Rescue Service** (Fire Fighting and Accident Prevention)
 - **Local Parishes** (Community Facilities)

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

7.5 The split of the overall bill for 2015/16 at Band D level is;

Overall Band D Council Tax	2015/16 £:p
Newcastle-under-Lyme Borough Council	176.93
Staffordshire County Council	1,047.28
Office of the Police and Crime Commissioner Staffordshire	177.61
Staffordshire Fire and Rescue Service	68.96
Sub-total	1,470.78
Parish Council (Average)	21.45
TOTAL	<u>1,492.23</u>

7.6 Local Parish Councils set various rates that are additional to the Band D levels above for residents in those areas. There are 10 parished areas in the District and the Parish levy for 2015/16 at Band D ranges from £11.98 to £44.60.

8. Environmental footprint

8.1 One of the four priorities in the Council Plan is “A clean, safe and sustainable Borough” so it is clear that there is a wide understanding of the impact and implications of the Council’s policies on the environment and hence the need to develop and maintain a sustainable approach. In formulating the MTFs as a means of enabling the achievement of its priorities and to improve service delivery, it is essential that all staff, members and stakeholders are aware of the requirement to consider the environmental impact of their actions.

8.2 In response to such environmental issues the Council has prepared plans, most notably a Carbon Management Plan, which focus upon saving energy with a view to both saving costs and minimising our environmental footprint. The main three avenues of interest for achieving such efficiencies are around premises related energy saving measures, waste recycling and reducing vehicle fleet fuel consumption.

9. Procurement

9.1 The Council has an approved Procurement Strategy which encompasses every aspect of the purchasing process from determining the need for goods, works or services, to buying and delivery in order to help achieve the Council’s key priorities and outputs.

9.2 The procurement role is to ensure the Council commissions and procures quality services and supplies, as cost effectively as possible. The Council must understand the market and seek to influence and develop it for the benefit of delivering low council tax. As part of this role all contracts that the Council currently has are to be reviewed in order to ensure that they are efficient and cost effective.

10. Equalities

10.1 Differential equality impact issues will be identified against the key strategies, policies and functions of the Council and will be considered in producing future service improvements, which will then be reflected within the Council's budgets.

Classification: NULBC UNCLASSIFIED

MEDIUM TERM FINANCIAL STRATEGY 2016 to 2021

Summary	2016/17	2017/18	2018/19	2019/20	2020/21	Notes
Changes to Base Budget	£'000	£'000	£'000	£'000	£'000	
Employees:						
▪ Incremental Increases	44	22	17	9	2	As per Salaries Estimates
▪ Pay Awards	123	125	126	128	129	1% increase per year
▪ Superannuation Increases	197	25	24	23	22	2016/17 includes £168k lump sum increase
▪ National Insurance	343	20	20	19	18	Per incremental increases & pay awards plus 3.4% in 2016/17 re: discontinuation of discount for contracted out employees following re. single tier state pension
Premises (e.g. Business Rates)	25	31	34	35	36	Based on increases as per DCLG
Transport (e.g. Fuel)	11	14	15	15	16	Based on increases of 2.9% 2016/17, 3.4% 2017/18, 3.6% 2018/19, 3.6% 2019/20 and 3.6% for 2020/21
Other Costs (e.g. Inflation, Uplifts)	39	0	0	42	0	General inflation on energy contracts
One Off Budget Items Removed 2015/16 Budget	67	58	36	0	0	Expenditure taken from/income added to budget
Investment Income	(58)	(70)	(49)	0	0	Based on forecast interest rates
New Homes Bonus	0	264	513	154	364	
Government Grants	670	583	543	124	190	Per LG Futures forecast re. RSG
Business Rates Baseline Funding	(68)	(104)	(107)	(108)	(108)	Per LG Futures forecast re. Business Rates Baseline Funding
Council Tax Freeze Grant	70	0	0	0	0	A Council Tax freeze grant was given by Government in 2014/15 which was given until 2015/16 only.
New Pressures	130	256	100	100	100	Revenue funding from reserves, Planning Staffing, BID, Insurance Tax, Debit Cards, Depot Rent, Staffordshire Connects
Fees & Charges & other Income	(115)	(115)	(119)	(119)	(123)	Increase based on 2%
TOTAL MTFs SHORTFALLS	1,478	1,109	1,153	422	646	

Classification: NULBC UNCLASSIFIED

1. FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER TWO (July -September) 2015

Submitted by: Executive Management Team

Portfolio: Policy, People & Partnerships
Finance, IT & Customer

Wards Affected: All

Purpose

To provide Cabinet with the Financial and Performance Review report with the Financial and Performance Review report - second quarter 2015/16.

Recommendations

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

Reasons

The Financial and Performance Management monitoring reports provide information on a quarterly basis regarding the performance of individual council services, alongside related financial information on the organisation. This report will be presented to Cabinet on 11 November 2015. This report was originally presented to the Finance, Resources & Partnerships Scrutiny (FRAPS) Committee meeting on 4 November 2015.

1. Background

- 1.1 This quarterly report provides Members with a detailed update on how the Council has performed during the second quarter of 2015/16 by presenting performance data set within a financial context.
- 1.2 This report provides broad financial information (Appendix A) and also detailed analysis of performance (Appendix B) for the second quarter of 2015/16.
- 1.3 A summary of the overall performance picture is presented in section 3 of this report and members will note that performance is generally progressing well.

2. 2015/16 Revenue and Capital Budget Position

- 2.1 The Council approved a general fund revenue budget of £13,830,450 on 25 February 2015. Further financial information is provided in Appendix A.

3 Performance

- 3.1 The latest performance information is reported and attached as Appendix B.
- 3.2 Any indicators failing to meet the set targets are reported, by exception, in the table found in section 3.6.

3.3 The information found in Appendix B is presented in four sections against each corporate priority and detailed results and progress towards identified outcomes for the Council is presented here as well.

3.4 The number of indicators monitored in this report for quarter two 2015-16 is 27 in total, and the proportion of indicators which have met their target during this period stands at 85.2%.


3.5 The report contains five columns designed to show achievement:

- The “Good is” column denotes whether ‘low’ or ‘high’ figures are good and allows the reader to analyse the results in detail;
- There are two columns included showing comparative quarterly performance for 2014-15 and 2015-16 – this allows the reader to gain some insight into annual trends;
- The fourth column shows the annual target for 2015-16 (in some cases a quarterly target may be provided when relevant and necessary) and;
- In the last column one set of symbols (icons) show whether performance is on target or not at this time.

3.6 Four indicators from Appendix B are off target this quarter and are reported by exception in the table below, together with commentary.

Exception Report Quarter 2, 2015 (July - September)						
Ref	Indicator	Result	Target	Status	Officer	Portfolio holder
2.6	Percentage of Minor Planning Applications determined within time	64.7% (Cumulative)	75%	No	Guy Benson	Cllr. Proctor
Comment	Performance with respect to this target during the quarter was significantly better than in the preceding quarter. However the cumulative result was inevitably affected by the number of already out of time applications in the system and two long term staff absences in a small team due to illness. Proposals to address staff resourcing/capacity were agreed by July Cabinet which should help to improve the Service’s performance in the latter part of 2015/16, with additional staffing resources already employed towards the end of the quarter. A Development Management Performance Action Plan submitted to Planning Committee 18 th August sets out these proposals along with further measures to address the underperformance.					
<u>Comment from Cllr. Bert Proctor</u> I am satisfied that the throughput of applications has improved despite there being ongoing staffing resources issues. Nevertheless it is unlikely that the performance target will be achieved within this financial year. But I am confident that the improvement trend will continue and put the Council in a stronger position going into 2016/17.						

Exception Report Quarter 2, 2015 (July - September)						
Ref	Indicator	Result	Target	Status	Officer	Portfolio holder
3.6	Number of people accessing leisure and recreational facilities	158,971 (324,631 cumulative)	670,000	No	Rob Foster	Cllr. Rout
Comment	<p>The annual target set of 670,000 attendances was a stretched target when compared to the 2014/15 outturn of 597,805. However there has been a positive growth in attendances when compared to the same cumulative period in 2014, with an increase of 24,769 attendances. It should be noted that there was a three week closure of the swimming pools at Kidsgrove Sports Centre in July 2015, which would have an impact on attendances during the second quarter. In addition, the reduction in car parking provision at Kidsgrove Sports Centre may now be having an impact on the number of attendances at the centre and this will be monitored throughout the third quarter.</p>					
<p><u>Comment from Cllr. Amelia Rout</u> It is very encouraging to see that there have been almost 25,000 more attendances than the same period last year and this is in spite of a lengthy period of closure of the pools at Kidsgrove sports centre. There is a range of activities taking place and in the planning to encourage further attendances over the second half of the year.</p>						
4.3	Average number of days per employee lost to sickness	4.77 days (long term 3.34 and short term 1.43 days)	3.75 days	No	Sarah Taylor	Cllr. Shenton
Comment	<p>In Qtr. 2 we have seen the number of long term sickness cases greatly reduced to 6, which was previously 23 cases in Qtr. 1. Although improvement is evident, due to the cumulative collection of the indicator and the impact of many cases in Qtr. 1 on the result, the indicator remains off target in Qtr. 2. Both short term and long term sickness cases are continuing to be proactively managed with HR and Occupational Health support and are monitored monthly at Executive Management Team and Departmental meetings.</p>					
<p><u>Comment from Cllr. Elizabeth Shenton</u> This was discussed at the Employee Consultative Committee (ECC) on 27th October. The Committee reaffirmed the importance of undertaking return to work interviews which will continue to be monitored by Human Resources, with the aim of completion on the first day of return to work wherever practical. The Attendance Management Policy is currently under review.</p>						

Exception Report Quarter 2, 2015 (July - September)						
Ref	Indicator	Result	Target	Status	Officer	Portfolio holder
4.4	Percentage of requests resolved at first point of contact	96%	97%		Jeanette Hilton	Cllr. Turner
Comment	Although there is a slight reduction this quarter, this still constitutes a high percentage of requests resolved given the number of staff corporately available to deal with service requests during the peak summer holidays.					
<u>Comment from Cllr. Terry Turner</u> The result for this quarter is marginally below target but still represents a high percentage of resolution. The service had over 29,000 face to face or telephone contacts over the quarter. The target continues to be monitored.						

Officers consider that the performance against these indicators does not give rise to serious cause for concern at present, and the management of each of the service areas concerned continue to monitor and take steps to deal with under achievement of targets where possible and/or appropriate.

Further quarterly updates will be provided for Members in future reports.

- 3.7 Positive performance can be seen in a range of services and members will note that some services are affected by both seasonal and external factors. It should also be noted for consideration that some indicators have stretched targets set and local targets that are higher than the national ones.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 4.1 All indicators link to corporate priorities set out in the Council Plan and/or Service Plans.

5. Legal and Statutory Implications

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

6. Equality Impact Implications

- 6.1 There are no differential equality issues arising directly from this monitoring report.

7. Financial and Resource Implications

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

8. Major Risks

- 8.1 The ongoing changing market conditions represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon income receivable in relation to services where customers may choose whether or not to use Council facilities or in the case of the waste/recycling service where the volume of recycled

materials is liable to fluctuate. The situation will be monitored through the normal budget monitoring procedures.

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

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

9. List of Appendices

Financial information (Appendix A), and the Performance report (Appendix B) are attached.

10. Background Papers

Working papers held by officers responsible for calculating indicators.

11. Management sign off

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

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

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Financial Position Quarter Two 2015/16

1. General Fund Revenue Budget

- 1.1 The Council approved a General Fund Revenue Budget of £13,830,450 on 25 February 2015. The actual position compared to this budget is continuously monitored by managers, EMT and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget.

2. Capital Programme

- 2.1 A Capital Programme totalling £9,390,300, covering the two years 2014/15 to 2015/16, was approved at the same Council meeting. Of this total, £5,564,000 was estimated to be spent in 2015/16.

3. Revenue Budget Position

- 3.1 At this point in the financial year, we would have expected to have spent approximately £10,224,864; we have actually spent £10,263,109. Therefore, as at the end of the second quarter, the general fund budget shows an adverse variance of £38,245. This is a reduction to the variance of £54,798 reported at the end of the first quarter.

- 3.2 The main reasons for the overall adverse variance to date are:

- a. The implementation of the staff related savings required to deliver the 2015/16 target of £50k has now been concluded and a Collective Agreement has been signed. It is anticipated that savings of £15k will be made this year and £30k in a full financial year.
- b. Jubilee 2 and Kidsgrove Sports Centre are both operating at net overspends primarily due to income shortfall. Officers are looking at ways to both retain current income levels and pursue additional income to eradicate the current shortfalls. At the last meeting of Finance Resources and Partnerships Scrutiny Committee (FRAPSC), members requested that a copy of the marketing and promotion plan that has been put in place to deal with this issue. This has been circulated to members of FRAPSC.
- c. Income from commercial rents and car parking is below the amount budgeted for. Active marketing of properties is continuing in order to try and secure new tenancies and a review of car parking income is underway.

There are also a number of favourable variances, the main ones being:

- a. Employee costs in respect of a number of vacant posts and flexible retirements that have taken place across the Council.

- b. Additional interest income as a result of increased amounts available to invest following sales of land and buildings together with a one off receipt in respect of a covenant release fee.

4. Capital Programme Position

- 4.1 The Capital Programme approved by Council in February 2015 has been updated to take account of slippage in 2014/15. Where planned expenditure did not occur last year, this has been added to the budget for 2015/16 (apart from any cases where costs have been reduced or expenditure will no longer be incurred). The revised budget for capital projects in 2015/16 totals £7,559,700.
- 4.2 £1,455,000 of the revised budget was expected to be spent by 30 September; the actual amount spent was £1,361,866 resulting in a variance at the end of quarter two of £93,134. This is due to savings made on a number of projects which forms part of the additional £500,000 that was included in the funding proposals for the new Civic Hub.

5. Investment Counterparties









- 5.1 Investment counterparties with whom money is invested, as at 30 September 2015 are as follows (with the parent company shown in brackets, where applicable):

Halifax Bank of Scotland
Barclays Bank
Nationwide Building Society
Coventry Building Society
Santander
Heritable Bank (*Landsbanki*)







- 5.2 With regard to the Council's frozen investment in Heritable Bank, a further payment was received in August which means the total amount repaid now totals £2,457,623, which is 98% of the total that was frozen.

Corporate Performance Scorecard Quarter 2 2015-16




Priority 1: A clean, safe and sustainable Borough

Outcomes: Our borough will be safer, cleaner and sustainable						
Ref	Indicator	Good is	Result 2014/15 Qtr 2	Result 2015/16 Qtr 2	Target 2015/16	Status
1.1	Percentage of food premises that have a zero or one national food hygiene rating.	Low	1.02% (8 out of 780 published premises)	1.36% (10 out of 734 published premises)	2.25%	
1.2	The percentage of food establishments which are broadly compliant with good hygiene law	High	95.03% (1072 out of 1128 premises)	92.29% (1042 out of 1129 premises)	85%	
1.3	The area of contaminated land that has been remediated or is determined suitable for use	High	42.42 Ha	2.78 Ha	-	-
1.4	Number of incidents of violence with injury	Low	248	274	-	-
1.5	Number of incidents of anti-social behaviour	Low	1035	1004	-	-
1.6	Number of incidents of serious acquisitive crime	Low	223	154	-	-
1.7	The amount of residual waste per household	Low	108.39	103.04kgs	415kgs (annual)	
1.8	Percentage of household waste sent for reuse, recycling and composting	High	53.17%	54.67%	55%	
1.9	Levels of street and environment cleanliness (LEQ survey) free / predominantly free of litter, detritus, graffiti and fly-posting)	High	92.33% 96.27% 99.17% 99.83%	94.33% 97.45% 99.67% 99.83%	91% 91% 97% 99%	
1.10	Number of community volunteer groups/hours spent caring for their local green spaces and neighbourhoods	High	2,681 hrs	2,761.5 hrs	2,350 hrs (Qtr 2)	
1.11	Town Centre Vacancy Rate	Low	13.5%	13.8%	15%	
1.12	Percentage of investment portfolio (NBC owned) vacant	Low	8.6%	6.2%	12%	



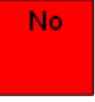





Priority 2 : Borough of Opportunity




Outcomes: Newcastle is a great place to live, work and do business						
Ref	Indicator	Good is	Result 2014/15 Qtr 2	Result 2015/16 Qtr 2	Target 2015/16	Status
2.1	Number of hours worked by volunteers in council co-ordinated activities (museum)	High	363hrs	374hrs	375 hrs	
2.2	Percentage of minor adaptations delivered within four months (approval to payment for works under £5000)	High	86%	93%	75%	
2.3	Number of homelessness cases where positive action was successful preventing homelessness	High	141	192	600	
2.4	Average stall occupancy rate for markets	High	78.5%	78%	55%	
2.5	Percentage of Major Planning Applications determined within time	High	85.7%	89.5% (Cumulative)	70%	
2.6	Percentage of Minor Planning Applications determined within time	High	75.7%	64.7% (Cumulative)	75%	No
2.7	Percentage of Other Planning Applications determined within time	High	85%	84.7% (Cumulative)	85%	

Priority 3 : A Healthy and Active Community

Outcomes: Everyone has the chance to live a healthy, independent life, access to high quality leisure and cultural facilities/activities and the opportunity to get involved in their community						
Ref	Indicator	Good is	Result 2014/15 Qtr 2	Result 2015/16 Qtr 2	Target 2015/16	Status
3.1	Number of parks which have Green Flag status	High	11	9	9	
3.2	Level of satisfaction with Council run parks and open spaces	High	70%	70% (Annual survey)	70%	
3.3	Number of people visiting the museum	High	31,363	37,761 (cumulative)	60,000	
3.4	Number of referrals from GPs to organised sporting activity	High	n/a	60	-	-
3.5	Percentage of people referred for exercise by GPs whose health improves	High	n/a	75%	-	-
3.6	Number of people accessing leisure and recreational facilities	High	145,731	324,631	670,000	No

Priority 4 : A Co-operative Council, delivering high-quality, community driven services

Outcomes: Your council is efficient, open and innovative in its work, with services designed and delivered co-operatively and communities are strong and well supported						
Ref	Indicator	Good is	Result 2014/15 Qtr 2	Result 2015/16 Qtr 2	Target 2015/16	Status
4.1	Percentage attendance at planned meetings by members	High	77.28%	84%	80%	
4.2	Percentage projected variance against full year council budget	Low	0.3%	0 %	No variance	
4.3	Average number of days per employee lost to sickness	Low	3.33 days (long term 1.88 and short term 1.45 days)	4.77 days (long term 3.34 and short term 1.43 days)	3.75 days	
4.4	Percentage of requests resolved at first point of contact	High	96%	96%	97%	
4.5	% Unmet demand (number of calls not answered as a % of total call handling volume)	Low	5.9%	4.5%	7%	
4.6	Time taken to process Housing/Council Tax Benefit new claims and change events	Low	9.42 days	7.36 days	10 days	
4.7	Percentage of Council Tax collected	High	52.8%	52.8%	50.11%	
4.8	Percentage of National non-domestic rates collected	Hlgh	57.5%	58.1%	58.3%	

Key	Performance information not available at this time or due to be provided at a later date.	n/a
	Performance is not on target but direction of travel is positive	
	Performance is not on target where targets have been set	
	Performance is on or above target.	

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

11th November 2015

1. ASSET DISPOSAL – Land at Sheldon Grove, Chesterton

Submitted by: Property Manager

Portfolio: Town Centres, Business and Assets

Ward(s) affected: Holditch Ward

Purpose of the Report

- i) For Cabinet to consider the comments received from the public following the consultation in respect of the land at Sheldon Grove, Chesterton, along with desktop technical information for the site.
- ii) To seek approval to secure specialist planning consultants to prepare and submit a planning application in respect of the site.

Recommendations

- (a) That Members approve the principle of disposal of part of the land at Sheldon Grove, subject to the outcome of the necessary further technical site assessments.**
- (b) That Members approve the procurement of specialist consultants to prepare and submit a planning application in respect of this site, taking account of the known technical constraints and key site features highlighted through the consultation process.**
- (c) That officers report back on the viability of any development scheme prior to submitting any outline planning application for the comprehensive treatment of the overall site.**

Reasons

This land has been identified in the Asset Management Strategy 2015/16 – 2017/18 as a site in respect of which alternative uses should be explored as it no longer serves any strategic or operational purpose to the Council. In addition, by disposing of this asset the Council removes any potential ongoing maintenance liabilities.

Equally (importantly), the capital receipts derived from this disposal, of Council-owned land, is required to support the funding of the Council's currently approved Capital Programme. It is important that members are in a position to receive timely reports in such matters to ensure capital funding availability to allow purchasing decisions to be taken on items such as refuse/recycling fleet vehicles, play area maintenance and disabled facilities grants.

1. **Background**

- 1.1 The revised Asset Management Strategy was approved by Cabinet on 14th January 2015. This document contained a list of sites in appendix 3 (which includes Sheldon Grove) where subject to the outcome of the Playing Pitch Strategy 2015-2020 alternative uses were to be considered. The Playing Pitch Strategy was formally approved by Cabinet on 10th June 2015. It identified this site as one that had not been used for playing pitches for a considerable length of time and is therefore no longer required as playing pitches. The site has also been assessed as part of the Green Space Strategy and is not required to meet the agreed local standard for future green space provision. As this area of land is not required for operational purposes to meet local standards for green space the site is to be considered for alternative uses.
- 1.2 In October 2014, Cabinet resolved that as a first resort, the Council will seek to fund its future known capital programme needs through the annual Asset Management planning process by the identification of land and/or property in its ownership that is capable of, and appropriate for, disposal. The estimated funding requirement for the Council's Capital Programme as set out in the Asset Management Strategy for the next three financial years from 2015/16 is approximately £14.5m.
- 1.3 A desk top assessment (including a mining report) has been produced in respect of this site, which has brought to light that there is a geological fault line running through this site. Whilst this would not prevent development of the site any scheme would have to be configured in such a way as to minimise risks of structural instability.

2. **Community Consultation**

- 2.1 The public have been consulted in respect of this site over a six week period which ended on 17th August 2015. This took the form of letters being sent to the relevant ward councillors, all owners/occupiers whose properties were adjacent to the sites (when footpaths and roads were excluded), Aspire Housing and Chesterton Development Company. Notices were also placed on the site.

Set out below is a summary of the comments:

Summary of consultation comments	Outcome of desktop assessment and response to consultation comments
Safe open space used daily by members of the community i.e. children, adults, families, dog walkers. Use for socialising and informal community recreation use.	This site has been assessed as part of the Playing Pitch Strategy and the Green Space Strategy and is not required for sports or strategic green space purposes.
Contributes to 'Building a Co-operative Council'.	Comment noted but no specific harm to key policy objectives identified.
Area one of the most developed in the Borough e.g. Lymedale Industrial Estate/proposed Hampton's Recycling Centre.	Comment noted; Planning process would consider the balance of land uses in the area and the appropriateness of any re-use or development.
Holditch/Chesterton wards among the most deprived in the Borough.	Comment noted.
Adverse effect on house prices/residents'	Comments noted although the private

views affected. Residents would be seeking compensation.

No green land in Holditch other than this land. Loomer Road and Chesterton Park sites are not accessible for young children without parental supervision.

Land acts as a buffer between the A34, 24 hour petrol station, Industrial use of London Road and the residential area (necessary buffer zone).

Traffic management issues around Leech Avenue, London Road and Wolstanton Road (Leech Avenue used as a short cut to the industrial estate).

Wildlife on the site e.g. foxes, badgers, bats, birds and squirrels. Many mature trees which improve pollution levels.

Concerns regarding access routes to the site. Increased demand on schools/doctors/dentists/hospitals, if developed.

Stream/brook running to the side of the land consequently land is always wet. Soil is contaminated by the Esso Garage. Abandoned footings on the edge of the site.

Land left to the Children of Chesterton; covenant on the land preventing development.

Other more suitable areas that could be developed/plenty of suitable brownfield sites.

Site does not cost much to maintain (no more than £6,500 per year). Site has strategic value to residents. Disposal of site will not assist the council's revenue services.

interests of householders would not be a legitimate consideration for the local planning authority.

The site has been assessed as part of the Green Space Strategy and it is not required to meet the agreed local standard for future strategic green space provision.

These issues will be considered at the planning stage.

The Highway Authority would consider such matters as part of any planning application process.

Ecological issues would be addressed as part of any development proposals along with any trees / landscape considerations.

Highway and other infrastructure issues would be considered as part of the Planning process.

Land drainage issues would be addressed by any planning application. Any alleged ground contamination would be addressed as part of the Planning process and any necessary remediation would be a requirement of any scheme.

The land is owned and registered to Newcastle Borough Council. There is no restriction on the use of the land other than it shall not be used for manufacture/sale of intoxicating liquors.

The Council does not own any suitable brownfield sites that have not been considered for development.

The site is not required for operational purposes to meet local standards for green space. Although the grounds maintenance costs may not be significant the Council would relinquish liabilities which subsist with the ownership of the land (including maintenance and insurance costs).

Potential Technical Constraints:

It is understood that there is a fault line running across the land and a stream running along the edge of the site – any development proposals would need to address these constraints. In addition there is a significant amount of trees and associated vegetation around the site's boundaries which need to be assessed with a view to identifying the particularly important specimen trees which contribute positively to the visual amenities of the area. Also there may be other issues such as noise nuisance that would need to be addressed both from vehicular movements on the adjacent main roads and from the adjoining petrol filling station.

2.2 In addition the Council, at its meeting on 9th September 2015, received a petition containing 972 signatures opposing any alternative uses for this land. It also stated that the land has been acknowledged by Staffordshire Wildlife as a wildlife haven and is treasured by the Chesterton community and they request that this green land remain untouched so that future generations can continue to enjoy it. It was resolved that the petition be received and comments be noted.

2.3 Since the Council meeting a further letter has been received from a local Church Minister and the "Save The Grumbles group" raising the following points:

- As residents of the local area we would like to remind you of the value of the land to the area for residents of all ages.
- This is the only local area where our children can play outside safely (essential for children's well-being and health), without having to travel over a mile and cross over major roads.
- It is an area of recreational use for young and old alike, as many retired people use this area to walk their dogs and to socialise with neighbours, essential for well-being.
- It is an area where there is a great deal of wildlife, including bats.
- This is a piece of land that has many issues within it due to previous industry, mining, geological faults, underground streams.
- If this land use is changed to residential land there is a requirement to provide green open spaces for residents, where would this be? what is the point of taking green open space for present residents and then having an issue to provide new open space?
- We would urge you to consider the needs of the local people of Chesterton and the surrounding areas when you make your decision. This whole area has recently started to improve with new housing, updating of social housing etc, but we are now facing more disruption with the recycling centre that has been enforced upon us, traffic issues are getting worse, and any extra pressure on the roads in this area will cause major issues.

2.4 The primary aim of the consultation, along with the desktop technical assessment, was to identify any issues that are likely to impact upon the developability of this site. In this case it is noted that there are a number of technical constraints affecting this site. Also there are concerns from residents about the loss of this space for informal recreation. Notwithstanding the fact that there is no formal policy requirement to retain any open space (when considered against the Council's Green Spaces Strategy (which identifies strategic open spaces) and the recently-approved Playing Pitch Strategy), it is evident that parts of the

site would not be suitable for development (because of the afore-mentioned technical constraints) thereby providing the opportunity to retain key features and amenity space for the enjoyment of both existing and future residents. It is your officers' view that the balance of these issues can and should most appropriately be considered more fully as part of the Planning process.

2.5 In November 2014, Cabinet Members approved that specialist consultants be procured to prepare and submit planning applications in respect of Sandy Lane, May Bank, Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads. It is proposed that specialist consultants be procured on the same basis in respect of this site and if planning permission is granted for this site, the area of land be disposed of. Members are advised that this site lies in a location that is broadly compliant with current planning policies relating to housing development.

3. **Options Considered**

3.1 Option 1 – Retain this site within the Council's portfolio.

If the Council retains the whole of this asset then there would be an ongoing maintenance cost. In addition, neither a capital receipt nor best consideration will be achieved thereby undermining the Council's ability to fund its Capital Investment Programme and potentially jeopardising essential services. Also the Council would fail to help in providing for much-needed housing development in a sustainable urban location.

3.2 Option 2 – Dispose of this site and procure specialist consultants to prepare and submit a planning application in respect of this site.

If those parts of the site that are developable are disposed of, with the benefit of planning permission, then the highest possible capital receipts will be realised which can contribute towards the works/schemes identified in the Newcastle Capital Investment Programme to assist the Council in achieving its corporate and service objectives. In addition this would meet the legal duty placed upon the Council to achieve 'best consideration' in any land disposal.

In addition, the release of this site for housing development would contribute to the supply of housing land and meet broader housing provision objectives.

Also it should be noted that in view of the technical constraints affecting this site, it is likely that parts of the site would not be suitable for development thereby providing the opportunity to retain key features and amenity space for the enjoyment of both existing and future residents.

Agreeing this option would enable the necessary technical reports and assessments to be undertaken to inform the feasibility of development.

3.3 Option 3 – Dispose of the site without the benefit of planning permission.

It is considered likely that the value of the capital receipts would be substantially reduced, therefore not achieving best consideration.

4. **Proposal**

4.1. Option 2 is proposed as outlined above.

5. **Reasons for Preferred Solution**

5.1 There is sufficient evidence that part of this land can be considered to have better alternative use and that it would not serve any ongoing or future strategic, operational or other purpose to the Council. The on-site technical constraints are likely to result in a significant part of the site being undevelopable thereby meeting some of the concerns of local residents. In addition, the Council needs to proactively generate its own capital to fund the Newcastle Capital Investment Programme.

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

6.1 The disposal of this surplus asset enables the achievement of priority outcomes in all four of the Council's Corporate Priorities.

7. **Legal and Statutory Implications**

7.1 The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.

7.2 The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.

7.3 The Local Government Act 2000 - powers to promote the economic, social and environmental wellbeing of the Borough.

8. **Equality Impact Assessment**

8.1 There are no issues directly arising from this report.

9. **Financial and Resource Implications**

9.1 It is estimated that the disposal of the land listed in Appendices 1, 2 and 3 of the Asset Management Strategy 2015/16 – 2017/18 will generate in the region of £16m (subject to planning permission being granted, there being no significant abnormal costs and the sites selling at open market value). The sale of this land will form part of this overall capital receipt.

9.2 As stated in paragraph 2.4 of this report, it is proposed that specialist consultants be procured to prepare and submit a planning application in respect of Sheldon Grove, Chesterton. At your November 2014 meeting, a sum of £432,000 was approved to fund the costs associated with submitting the planning applications in respect of the tranche 2 sites. It is considered likely that there is sufficient headroom in this budget allocation to meet the planning costs associated with the disposal of this site.

10. **Major Risks**

- Loss of income to the council (Capital Receipts)
- Increased revenue expenditure for the council
- Reputational damage to the council
- Inability to implement the Council's Asset Management Strategy 2015/16 – 2017/18
- Inability to implement the Council's Playing Pitch Strategy 2015 - 2020
- Community and/or political resistance to the land sale
- Inability to fund essential Council services
- The estimated capital value is based on the assumption that there are no significant abnormal costs associated with making the land/site developable

11. **Sustainability and Climate Change Implications**

11.1 Any issues will be considered through the planning process.

12. **Key Decision Information**

12.1 The report is referred to in the Forward Plan

13. **Earlier Cabinet/Committee Resolutions**

Cabinet 18th June 2014 – Asset Disposals
Cabinet 15th October 2014 – Newcastle Capital Programme funding
Cabinet 12th November 2014 – Asset Disposals
Cabinet 14th January 2015 – Asset Management Strategy
Cabinet 16th September 2015 – Asset Disposals
Council 9th September 2015 – Receipt of Petition

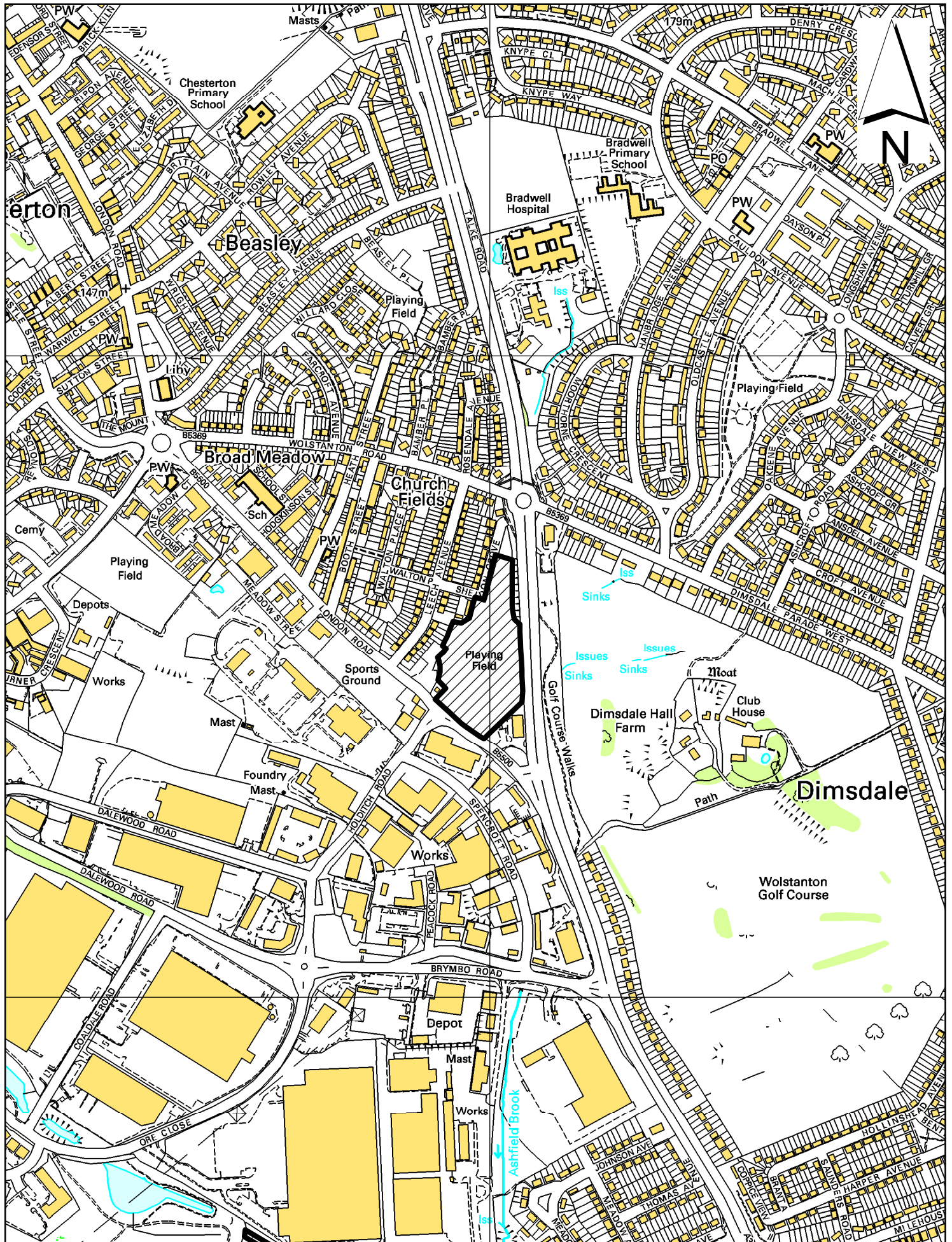
14. **List of Appendices**

14.1 Plan of site in the context of the wider area.

15. **Background Papers**

Asset Management Strategy 2015/16 – 2017/18 available from the Council's website
Plan of the sites – available on request from the property section
Consultation letters and background information – available on request from property section
Previous Cabinet/Committee reports (see 13 above)
Petition – 9th September 2015
Email from Rev Sidebottom and the "Save the Grumbles Action Group" dated 23 October 2015


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Location: Site at Sheldon Grove, Chesterton	Date 26/10/2015	Scale 1:7,500
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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

11th November 2015

1. ASSET DISPOSAL – Land at Knype Way, Bradwell

Submitted by: Property Manager

Portfolio: Town Centres, Business and Assets

Ward(s) affected: Bradwell

Purpose of the Report

- i) For Cabinet to consider the comments received from the public following the consultation in respect of the land at Knype Way, Bradwell, along with desktop technical information for the site.
- ii) To seek approval to secure specialist planning consultants to prepare and submit a planning application in respect of this site

Recommendations

- (a) That Members approve the disposal of the land at Knype Way, subject to having first secured outline planning permission for this area of land.**
- (b) That Members approve the procurement of specialist consultants to prepare and submit a planning application in respect of this site.**

Reasons

The land at Knype Way, Bradwell has been identified in the Asset Management Strategy 2015/16 – 2017/18 as a site in respect of which alternative uses should be explored as it no longer serves any strategic or operational purpose to the Council. In addition, by disposing of this asset the Council removes any potential ongoing maintenance liabilities.

Equally (importantly), the capital receipt derived from this disposal of Council-owned land, is required to support the funding of the Council's currently approved Capital Programme. It is important that members are in a position to receive timely reports in such matters to ensure capital funding availability to allow purchasing decisions to be taken on items such as refuse/recycling fleet vehicles, play area maintenance and disabled facilities grants.

1. Background

- 1.1 The revised Asset Management Strategy was approved by Cabinet on 14th January 2015. This document contained a list of sites in appendix 3 (which includes Knype Way) where subject to the outcome of the Playing Pitch Strategy 2015-2020 alternative uses were to be considered. The Playing Pitch Strategy was formally approved by Cabinet on 10th June 2015. It identified this site as one that had not been used for playing pitches for a considerable length of time and is therefore no longer required as playing pitches. The site has also been assessed as part of the Green Space Strategy and is not

required to meet the agreed local standard for future green space provision. As this area of land is not required for operational purposes to meet local standards for green space the site is to be considered for alternative uses.

1.2 In October 2014, Cabinet resolved that as a first resort, the Council will seek to fund its future known capital programme needs through the annual Asset Management planning process by the identification of land and/or property in its ownership that is capable of, and appropriate for, disposal. The estimated funding requirement for the Council's Capital Programme as set out in the Asset Management Strategy for the next three financial years from 2015/16 is approximately £14.5m.

1.3 A desk top assessment (including a mining report) has been produced in respect of this site, which has not brought to light any significant technical constraints (which may inhibit alternative future use or developments).

2. **Community Consultation**

2.1 The public have been consulted in respect of this site, over a six week period which ended on 17th August 2015. This took the form of letters being sent to the relevant ward councillors, all owners/occupiers whose properties were adjacent to the sites (when footpaths and roads were excluded), Aspire Housing and Bradwell Villages Residents Association. Notices were also placed on the site.

Set out below is a summary of the comments:

Summary of consultation comments	Outcome of desktop assessment and response to consultation comments
<p>Concerns regarding access to the site e.g. disruption.</p> <p>Lane at the back of Talke Road will become a dead end, possibility of fly-tipping/anti-social behaviour.</p> <p>There was a small brook on the site, concerns as to where water will drain to and the provision of new drains.</p> <p>Site has the potential for use for outdoor sports provision/sporting hub use.</p> <p>Providing parks and green space is essential for sustainable communities. Green spaces enhance the quality of life for residents.</p>	<p>These issues will be considered at the planning stage.</p> <p>It is envisaged that any site layout would seek to minimise such risks arising.</p> <p>Drainage matters would be addressed by the relevant technical consultees on any planning application and through comprehensive drainage proposals in any redevelopment scheme.</p> <p>No strategic requirement of this nature has been identified.</p> <p>This site has been assessed as part of the Playing Pitch Strategy and the Green Space Strategy and is not required for sports or green space purposes. Technical constraints – nothing major identified.</p>

2.2 The primary aim of the consultation was to identify any issues that are likely to impact upon the developability of this site. As the table above shows, the issues raised are, in

the main, ones which can and should most appropriately be considered more fully as part of the Planning process.

- 2.3 In November 2014, Cabinet Members approved that specialist consultants be procured to prepare and submit planning applications in respect of Sandy Lane, May Bank, Market Drayton Road, Loggerheads and Eccleshall Road, Loggerheads. It is proposed that specialist consultants be procured on the same basis in respect of this site and if planning permission is granted for this site, this area of land be disposed of. Members are advised that this site lies in a location that is broadly compliant with current planning policies relating to housing development.

3. **Options Considered**

3.1 Option 1 – Retain this site within the Council's portfolio.

If the Council retains this asset then there may be an ongoing maintenance cost associated with this site. In addition, neither a capital receipt nor best consideration will be achieved thereby undermining the Council's ability to fund its Capital Investment Programme and potentially jeopardising essential services.

3.2 Option 2 – Dispose of this site and procure specialist consultants to prepare and submit a planning application in respect of this site.

If this site is disposed of, with the benefit of planning permission, then the highest possible capital receipts will be realised which can contribute towards the works/schemes identified in the Newcastle Capital Investment Programme to assist the Council in achieving its corporate and service objectives. In addition, this would meet the legal duty placed upon the Council to achieve 'best consideration' in any land disposal.

In addition, the release of this site for housing development would contribute to the supply of housing land and meet broader housing provision objectives.

3.3 Option 3 – Dispose of the site without the benefit of planning permission.

It is considered likely that the value of the capital receipts would be substantially reduced, therefore not achieving best consideration.

4. **Proposal**

4.1. Option 2 is proposed as outlined above.

5. **Reasons for Preferred Solution**

This land is considered to have better alternative uses and does not serve any strategic, operational or other purpose to the Council. Therefore, if this asset is retained there may be an ongoing maintenance liability to the Council. In addition, the Council needs to proactively generate its own capital to fund the Newcastle Capital Investment Programme.

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

The disposal of this surplus asset enables the achievement of priority outcomes in all four of the Council's Corporate Priorities.

7. **Legal and Statutory Implications**

The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.

The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.

The Local Government Act 2000 - powers to promote the economic, social and environmental wellbeing of the Borough.

8. **Equality Impact Assessment**

There are no issues arising from this report.

9. **Financial and Resource Implications**

It is estimated that the disposal of the land listed in Appendices 1, 2 and 3 of the Asset Management Strategy 2015/16 – 2017/18 will generate in the region of £16m (subject to planning permission being granted, there being no significant abnormal costs and the sites selling at open market value). The sale of this land will form part of this overall capital receipt.

As stated in paragraph 2.3 of this report, it is proposed that specialist consultants be procured to prepare and submit a planning application in respect of Knype Way, Bradwell. At your November 2014 meeting, a sum of £432,000 was approved to fund the costs associated with submitting the planning applications in respect of the tranche 2 sites. It is considered likely that there is sufficient headroom in this budget allocation to meet the planning costs associated with the disposal of this site.

10. **Major Risks**

- Loss of income to the council (Capital Receipts)
- Increased revenue expenditure for the council
- Reputational damage to the council
- Inability to implement the Council's Asset Management Strategy 2015/16 – 2017/18
- Inability to implement the Council's Playing Pitch Strategy 2015 - 2020
- Community and/or political resistance to the land sale
- Inability to fund essential Council services
- The estimated capital value is based on the assumption that there are no significant abnormal costs associated with making the land/site developable

11. **Sustainability and Climate Change Implications**

Any issues will be considered through the planning process.

12. **Key Decision Information**

The report is referred to in the Forward Plan

13. **Earlier Cabinet/Committee Resolutions**

Cabinet 18th June 2014 – Asset Disposals
Cabinet 15th October 2014 – Newcastle Capital Programme funding
Cabinet 12th November 2014 – Asset Disposals
Cabinet 14th January 2015 – Asset Management Strategy
Cabinet 16th September 2015 – Asset Disposals

14. **List of Appendices**

Plan of site.

15. **Background Papers**

Asset Management Strategy 2015/16 – 2017/18 available from the Council's website
Plan of the site – available on request from the property section
Consultation letters and background information – available on request from property section
Previous Cabinet/Committee reports (see 13 above)

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

Date: NOVEMBER 2015

Title: Safeguarding Children and Adults at Risk of Abuse and Neglect Policy

Submitted by: Sarah Moore

Portfolios: Safer Communities and Leisure, Culture and Localism

Ward(s) affected: All

Purpose of the Report

To reaffirm to Cabinet of the role of the Borough Council in safeguarding children and adults at risk of abuse and neglect.

To seek Cabinet approval for the adoption of the revised Safeguarding Children and Adults at Risk of Abuse and Neglect Policy for the Borough Council in Newcastle-under-Lyme.

Recommendations

To approve the revised Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and accompanying procedure for introduction and delivery in the Borough.

Reasons

The Children Acts (1989) and (2004), the Care Act (2014) and the Safeguarding Vulnerable Groups Act (2006) place statutory duties on District Councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children and adults at risk of abuse and neglect.

The statutory guidance '*Working together to safeguard children: a guide to inter agency working to safeguard and promote the welfare of children (2015)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

1. Background

1.1 Safeguarding children can be defined as "*The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully*".

1.2 The safeguarding duties apply to an adult who: has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of

abuse or neglect. The adult experiencing, or at risk of abuse or neglect will hereafter be referred to as the adult throughout this policy.

- 1.3 The Children Act (2004) requires each local authority to establish a Local Safeguarding Children Board (LSCB) made up of representatives from the agencies and bodies which have regular contact with children or have responsibility for services to them (or their families) in the local area and builds upon the provisions of the Children Act (1989) Act.
- 1.4 As a statutory authority providing services in the community to children and their families the Borough Council is required to co-operate in the establishment, operation, and participation of the LCSB and is a member of the Staffordshire Safeguarding Children's Board (SSCB), which became operational in April 2006. The Borough Council also has a legal responsibility to safeguard, promote wellbeing and protect children when discharging our functions.
- 1.5 The Care Act (2014) introduced a statutory requirement for each local authority to establish a Safeguarding Adults Board (SAB) made up of representatives from the agencies and bodies which have regular contact with adults at risk of abuse and neglect or have responsibility for services to them (or their families) in the local area. The Borough Council is a member of the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership (SSASP).
- 1.6 The Borough Council participates in the District Safeguarding Sub Group (for Children and Adults at risk of abuse and neglect) and has assisted in the creation of the recently reviewed Safeguarding Children and Adults at Risk of Abuse and Neglect Policy template, which is proposed to be adopted by all participating Districts in Staffordshire.
- 1.7 The Policy seeks to help protect all children and adults at risk of abuse and neglect living in our communities and to support the Borough Council, its staff, elected members and volunteers.
- 1.8 In line with the legal responsibilities from Section 11 of the Children Act 2004, the Council has undertaken an audit to ensure that in discharging our functions we have regard to the need to safeguard and promote the welfare of children. The audit assessment gave the Council the opportunity to highlight areas of strength and to identify areas for further development, which have now been incorporated into the revised Policy.
- 1.9 The Council needs to ensure that it has robust mechanisms in place in order to appropriately co-ordinate safeguarding activity in the Borough. The following individuals have been identified to champion safeguarding within our organisation;
 - Portfolio Holder.
 - Executive Managers - Chief Executive and Director of Operations.
 - Heads of Service – Head of Business Improvement, Central Services and Partnerships and Head of Human Resources.
 - Designated Safeguarding Officer - Partnerships Manager.
 - Deputy Designated Safeguarding Officer – Community Safety Officer (DV Lead).
- 1.10 The Council has identified a number of Officers from each service area, to undertake the roles of 'Safeguarding Champions'. These Officers have received (are receiving) specialist training in this area and will be the point of contact for queries in relation to safeguarding in their Department. They will assist the Designated Safeguarding Officer and Deputy to ensure that all staff are trained appropriately to recognise

safeguarding issues and know where to refer concerns in relation to children and adults at risk of abuse and neglect in our communities.

2. Issues

2.1 The Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and supporting procedure are based on the following principles;

- The welfare of children and adults at risk is the primary concern.
- All children and adults at risk irrespective of their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/ or sexual orientation have the right to protection from abuse and harm.
- It is everyone's responsibility to report any concerns about abuse in order that prompt action be taken if required.
- All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately.
- All personal data will be processed in accordance with the requirements of the Data Protection Act 1998.

2.2 In order to effectively deliver the principles in 2.1 (above) the Borough Council needs to be able to demonstrate;

- Senior management commitment
- A clear statement of the Council's responsibilities towards children and adults at risk, available for all staff
- A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children and adults at risk
- Safe recruitment procedures
- Training on safeguarding for all staff working with or in contact with children and families and adults at risk
- Effective inter agency working
- Effective information sharing

3. Options Considered

3.1 Two options were considered;

- To recommend to Cabinet the approval and introduction of the District Safeguarding Children and Adults at Risk of Abuse and Neglect Policy in the Borough (Recommended).
- To recommend to Cabinet that the approval and introduction of District Safeguarding Children and Adults at Risk of Abuse and Neglect Policy should be rejected – thereby placing both the organisation, its key stakeholders and children and adults at risk in danger of harm (Not recommended)

4. Proposal and Reason for Preferred Solution

4.1 That Cabinet approve the adoption and introduction of the Safeguarding Children and Adults at Risk of Abuse and Neglect Policy in the Borough.

4.2 Reasons for the preferred solution include:

4.2.1 Officers have been involved in the development of the Policy with Officers from Staffordshire Safeguarding Children's Board (SCCB) and Staffordshire and Stoke-on-Trent Adult Safeguarding Board (SSASB) to ensure that the Policy is suitable for adoption and introduction in the Borough.

4.2.2 The Council needs to ensure that it has robust mechanisms in place in order to appropriately co-ordinate safeguarding activity in the Borough.

- 4.2.3 The Children Act (1989) and (2004), the Care Act (2014) and the Safeguarding Vulnerable Groups Act (2006) place statutory duties on District Councils to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children and adults at risk of abuse and neglect.
- 4.2.4 The statutory guidance '*Working together to safeguard children: a guide to inter agency working to safeguard and promote the welfare of children (2015)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

5. Outcomes Linked to Corporate Priorities

- 5.1 The Safeguarding Children and Adults at Risk of Abuse and Neglect Policy contributes to meeting the Council's Corporate Priorities for Creating Healthy and Active Communities and Creating a Cleaner, Safer and Sustainable Borough.

6. Legal and Statutory Implications

- 6.1 The Council has statutory duties under the Children Act (1989) and (2004), the Care Act (2014) and the Safeguarding Vulnerable Groups Act (2006) to make arrangements to ensure that in discharging functions we have regard to the need to safeguard and promote the welfare of children and adults at risk of abuse and neglect.
- 6.2 The statutory guidance '*Working together to safeguard children: a guide to inter agency working to safeguard and promote the welfare of children (2015)*' provides core legislative requirements regarding the expectations of the role of District Councils working alone or in partnership with other organisations.

7. Equality Impact Assessment

- 7.1 An Equality Impact Assessment is being developed for this area of work.

8. Financial and Resource Implications

- 8.1 There are no specific additional financial implications or commitments required for the adoption of the Policy.
- 8.2 There are resource implications for Council Officers and Members who are involved in and will co-ordinate safeguarding activity, in particular delivering and participating in training on the Policy and accompanying Procedure and making appropriate referrals, signposting and promoting the Policy and safeguarding activity thereafter.

9. Major Risks

- 9.1 Failure to take appropriate action regarding safeguarding may result in the Council being unable to perform its statutory duties, leaving the Council open to legal challenge.
- 9.2 Failure to take appropriate action regarding safeguarding may lead to a child or adult at risk suffering unnecessary harm.
- 9.3 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

10. Key Decision Information

- 10.1 The Council has statutory duties to safeguard, promote wellbeing and protect children and adults at risk of abuse and neglect.
- 10.2 This report can be considered key in the following ways: -
- It results in the Borough Council committing existing resources for the function to which the decision relates and;
 - To be significant in terms of its affects on communities living or working in an area comprising two or more electoral wards in the Borough.

11. Earlier Cabinet/Committee Resolutions

- 11.1 Safeguarding Children and Vulnerable Adults Protection Policy – January 2014.

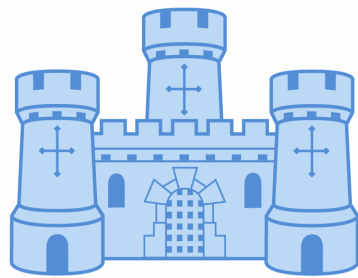
12. List of Appendices

- 12.1 Appendix 1 - Safeguarding Children and Adults at Risk of Abuse and Neglect Policy 2015.

13. Background Papers

- 13.1 None

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**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and Procedure

SEPTEMBER 2015



**The Staffordshire and Stoke-on-Trent
Adult Safeguarding Partnership**
Abuse must stop

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SECTION 1

1.1 Introduction

All children ¹and adults at risk of abuse or neglect ² have the right to live their lives to the fullest potential, to be protected, to have the opportunity to participate in and enjoy any activity, and to be treated with dignity and respect.

Newcastle-under-Lyme Borough Council has both a moral and legal obligation to ensure a duty of care for children and adults across its services. We are committed to ensuring that all children and adults are protected and kept safe from harm whilst engaged in services organised and provided by the Council. We believe that safeguarding is everyone's responsibility.

The purpose of this Policy and its associated procedures is to help protect all children and adults, including those living in our communities, placed in our care within our services and to protect Newcastle-under-Lyme Borough Council, its staff, elected members and volunteers.

1.2 Policy Statement and Scope

The scope of this Policy is to understand the Borough Council's legislative framework, to outline the procedures to be followed and to identify the relevant contacts in relation to safeguarding children and adults at risk of abuse and neglect. The Policy covers Safeguarding Children and Adults at risk.

Newcastle-under-Lyme Borough Council has a legal responsibility to safeguard, promote wellbeing and protect children and adults at risk.

We will aim to comply with our duties by:

- Respecting and promoting the rights, wishes and feelings of children and adults.
- Raising the awareness of the duty of care responsibilities relating to children and adults throughout the Council.
- Promoting and implementing appropriate procedures to safeguard the well-being of children and adults to protect them from harm.
- Creating a safe and healthy environment within all our services, to protect all parties and reduce the risk of abuse or allegations of abuse from occurring.
- Recruiting, training, supporting and supervising staff, elected members and volunteers to adopt best practice to safeguard and protect children and adults from abuse, and to also minimise any risks to themselves.

¹ 'Children' for the purposes of these guidelines are defined as those aged under 18 years

² The safeguarding duties apply to an adult who: has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. The adult experiencing, or at risk of abuse or neglect will hereafter be referred to as the *adult* throughout this policy.

- Responding promptly to any suspicions or allegations of misconduct or abuse of children or adults in line with the Staffordshire Safeguarding Children Board (SSCB) inter agency Policies and Procedures for safeguarding children and promoting their welfare and the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership adult safeguarding Procedures.
- Requiring staff, elected members and volunteers to adopt and abide by the Council's Safeguarding Children and Adults at Risk of Abuse and Neglect Policy and Procedure, codes of conduct and associated procedures.
- Reviewing and evaluating this Policy and Procedure on an annual basis or in line with best practice, changing legislation, organisational requirements and service delivery.
- Ensuring representatives of Newcastle-under-Lyme Borough Council who have contact with children, young people or adults are subject to safer recruitment procedures. This is also applicable for when the Council is working in partnership with other private, voluntary or contracted organisations and employees.

1.3 Principles

This Policy and supporting Procedures are based on the following principles;

- The welfare of children and adults is the primary concern.
- All children and adults irrespective of their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/ or sexual orientation have the right to protection from abuse and harm.
- It is everyone's responsibility to act on any concerns about abuse in order to ensure that children and adults are appropriately safeguarded.
- All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately.
- All personal data will be processed in accordance with the requirements of the Data Protection Act 1998.

1.4 Supporting Documents/Legislation

This Policy should be read in conjunction with a number of additional Policies and legislative documents, listed in Appendix B.

- **The major pieces of legislation and guidance are:**
 - Children Act 1989
 - Children Act 2004
 - Care Act 2014
 - Guidance to the Care Act 2014
 - Safeguarding Vulnerable Groups Act 2006
 - Public Interest Disclosure Act 1998
 - Data Protection Act 1998
 - European Convention of Human Rights
 - Working Together to Safeguard Children 2015
 - Mental Capacity Act 2005

- Disclosure and Barring Service (DBS) (formerly the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA)
- Staffordshire Safeguarding Children Board's inter-agency policies and procedures for safeguarding children and promoting their welfare www.staffsscb.org.uk/Professionals?Procedures/Procedures.aspx
- Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership inter-agency procedures for adult safeguarding.

SECTION 2

Procedure Guide

2.1 Introduction

This set of Procedures and guidelines sets out how Newcastle-under-Lyme Borough Council will implement the Safeguarding Children and Adults at Risk of Abuse and Neglect Policy. It is to be used by all staff that come into direct contact with those who fall under the definition of the Procedure, or those who are responsible for managing services that affect these individuals or groups.

The procedure guide is intended to be used in conjunction with the Policy document, and other supporting individual service Procedures. See Appendices for detail.

2.2 Definitions used within the Procedure

- The term children or young person is used to refer to anyone under the age of 18 years in accordance with the Children Act 1989.
- All the Policies and Procedures described within this document refer to adults as well as children.
- Adults at risk for the purposes of this Procedure are an adult who; has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- The term staff, elected members and volunteers is used to refer to employees, district councillors, volunteers and anyone working on behalf of, delivering a commissioned service for or representing the Council.

2.3 Recognition of Abuse including Neglect and Bullying

Important Rule

It is important to remember that many children and adults will exhibit some of these signs and indicators at some time, and the presence of one or more should not be taken as proof that abuse is occurring. There may well be other reasons for changes in behaviour such as a death, or the birth of a new baby in the family, relationship problems between parents/carers, etc. However, you should always report anything that causes you to suspect that abuse may be happening or discuss your concerns with the Designated Safeguarding Officer or Deputy or a Safeguarding Champion, in order for appropriate action to be taken to ensure the welfare and safety of children and adults.

Recognising Abuse

Recognising abuse is not easy, and it is not the responsibility of Council staff, elected members or volunteers to decide whether or not abuse has taken place or if there is significant risk. We do however have a responsibility to act if we think it may be happening.

Abuse, including neglect, are forms of maltreatment of a child or adult. Somebody may abuse a child or adult by inflicting harm, by failing to act to prevent harm. Children and adults may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger for example via the internet. They may also be abused by an adult or adults, or by another child or children.

Types and Signs of Abuse

It is generally accepted that there are the following types of abuse:

Children and Adults:

Physical abuse, emotional abuse (or psychological), sexual abuse and neglect.

Adults:

Financial abuse, discriminatory abuse, organisational abuse, domestic abuse, modern slavery, neglect and acts of omission and self neglect.

Please note that the tabled examples and signs detailed below may also be indicators of other medical factors and may not necessarily confirm abuse and neglect. These tables are provided as a guide to help employees and members identify the types and signs of abuse and to help them decided whether concerns should be raised.

PHYSICAL ABUSE	
Examples include	Signs include
<ul style="list-style-type: none">• Shaking• Pinching• Slapping• Force-feeding• Biting• Burning or scalding.• Causing needless physical discomfort• Inappropriate restraint• Locking someone in a room	<ul style="list-style-type: none">• Unexplained bruising, marks or injuries on any part of the body• Frequent visits to the GP or A&E• An injury inconsistent with the explanation offered• Fear of parents or carers being approached for an explanation• Aggressive behaviour or severe temper outbursts• Flinching when approached• Reluctance to get changed or wearing long sleeves in hot weather• Depression• Withdrawn behaviour or other behaviour change• Running away from home/ residential care• Distrust of adults, particularly those with whom a close relationship would normally be expected

EMOTIONAL/PSYCHOLOGICAL ABUSE	
Examples include	Signs include
<ul style="list-style-type: none"> • Intimidation and/or threats • Bullying • Rejection • Shouting • Indifference and the withdrawal of approval • Denial of choice • Deprivation of dignity or privacy • The denial of human and civil rights • Harassment • Being made to fear for one's well being 	<ul style="list-style-type: none"> • A failure to thrive or grow • Sudden speech disorders • Developmental delay, either in terms of physical or emotional progress • Behaviour change • Being unable to play or socialise with others • Fear of making mistakes • Self harm • Fear of parent or carer being approached regarding their behaviour • Confusion
SEXUAL ABUSE	
Examples include	Signs include
<ul style="list-style-type: none"> • Rape and other sexual offences • For adults, sexual activity including sexual contact and non-sexual contact that the person does not want, to which they have not consented, could not consent, or were pressured into consenting to • For adults, being denied access to a sexual life • Being encouraged or enticed to touch the abuser • Coercing the victim into watching or participating in pornographic videos, photographs, or internet images • Any sexual relationship that develops where one is in a position of trust, power or authority 	<ul style="list-style-type: none"> • Pain or itching in the genital/anal areas • Bruising or bleeding near genital/anal areas • Sexually transmitted disease • Vaginal discharge or infection • Stomach pains • Discomfort when walking or sitting down • Pregnancy • Sudden or unexplained changes in behaviour, e.g. becoming aggressive or withdrawn • Fear of being left with a specific person or group of people • Nightmares • Leaving home • Sexual knowledge which is beyond their age or development age • Sexual drawings or language • Bedwetting • Saying they have secrets they cannot tell anyone about • Self harm or mutilation, sometimes leading to suicide attempts • Eating problems such as overeating or anorexia • Disclosure

NEGLECT	
Examples include	Signs include
<ul style="list-style-type: none"> • Withholding help or support necessary to carry out daily living tasks • Ignoring medical and physical care needs • Failing to provide access to health, social or educational support • The withholding of medication, nutrition and heating • Keeping someone in isolation • Failure to intervene in situations that are dangerous to the vulnerable person • Inadequate supervision and guidance – leaving the child to cope alone, abandoning them or leaving them with inappropriate carers and failing to provide appropriate boundaries about behaviours such as under age sex or alcohol. 	<ul style="list-style-type: none"> • Constant hunger, sometimes stealing food from others • Dirty or 'smelly' • Loss of weight, or being constantly underweight • Inappropriate dress for the weather • Complaining of being tired all the time • Not requesting medical assistance and/or failing to attend appointments • Having few friends • Worsening of health conditions • Pressure sores • Mentioning their being left alone or unsupervised • Sore or extreme nappy rash • Skin infections • Lack of response to stimuli or contact • Poor skin condition(s) • Frozen watchfulness • Anxiety • Distressed • Child moves away from parent under stress • Little or no distress when separated from primary carer • Inappropriate emotional responses • Language delay
SELF-NEGLECT (Adults)	
Examples include	Signs include
<ul style="list-style-type: none"> • Little or no personal care • Refusing medication or refusing to stay on medication • Disorientated or incoherent • Unsafe living conditions & hoarding • Inability to manage finances and property • Isolation 	<ul style="list-style-type: none"> • poor grooming, dirty or ragged clothes, unclean skin and fingernails • unwilling to accept medical care • unable to focus, carry on normal conversation or answer basic questions about date, place, and time • Lack of food or basic utilities in the home, unclean living quarters, rodents or other vermin • Hoarding animals or trash, inability to get rid of unneeded items • Inability to manage finances and property: not paying bills, repeatedly borrows money, gives money or property away • Little contact with family or friends, no social support.

Adults at risk may experience several other types of abuse as detailed below;

FINANCIAL ABUSE	
Examples include	Signs include
<ul style="list-style-type: none"> • Being over charged for services • Being tricked into receiving goods or services that they do not want or need • Inappropriate use, exploitation, or misappropriation of property and/or utilities • Theft • Deception • Fraud • Exploitation or pressure in connection with wills 	<ul style="list-style-type: none"> • Lack of basic requirements e.g. food, clothes, shelter • Inability to pay bills. • Unexplained withdrawals from accounts. • Inconsistency between standard of living and income • Reluctance to take up assistance which is needed • Unusual interest by family and other people in the person's assets • Recent changes in deeds • Power of Attorney obtained when person lacks capacity to make the decision.
DISCRIMINATORY	
Examples	Signs
<ul style="list-style-type: none"> • Use of inappropriate "nick names" • Use of derogatory language or terminology • Enforcing rules or procedures which undermine the individual's well being • Denial to follow one's religion • Lack of appropriate food • Denial of opportunity to develop relationships • Denial of health care. 	<ul style="list-style-type: none"> • Being treated unequally from other users in terms of the provision of care, treatment or services • Being isolated • Derogatory language and attitude by carers • Dismissive language by staff • Hate campaigns by neighbours or others • Deteriorating health • Indicators of other forms of abuse
ORGANSATIONAL ABUSE	
Examples	Signs
<ul style="list-style-type: none"> • Service users required to 'fit in' excessively to the routine of the service • More than one individual is being neglected • Everyone is treated in the same way • Other forms of abuse on an institutional scale 	<ul style="list-style-type: none"> • Inflexible daily routines, for example: set bedtimes and/or deliberate waking • Dirty clothing and bed linen • Lack of personal clothing and possessions • Inappropriate use of nursing and medical procedures • Lack of individualised care plans and failure to comply with care plans • Inappropriate use of power, control, restriction or confinement • Failure to access health care, dentistry services etc • Inappropriate use of medication. • Misuse of residents' finances or communal finances • Dangerous moving and handling practices • Failure to record incidents or concerns

Other types of abuse

Domestic Violence and Abuse

As of 1st March 2013, the Home Office definition of Domestic **violence and abuse** is:

Any incident or pattern of incidents of controlling³, coercive⁴ or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse; psychological, physical, sexual, financial and/or emotional

Source: www.homeoffice.gov.uk

In all cases where there is knowledge or suspicion that there exists a **potential** for a child or children to be suffering harm as a result of domestic violence and abuse, then a referral should be made to Children's Social Care via the First Response Team (FRT) who act as the first point of contact for all referrals in relation to cases that meet the **threshold for significant harm** – for further information please refer to Section 1E threshold framework 'Accessing the right help at the right time'.
www.staffscb.org.uk/Professionals/Procedures/Procedures.aspx

Where it is thought that a victim of domestic violence and abuse meets the definition of an adult at risk, then an Adult Protection referral should be made to the Contact Centre on **0845 604 2719**.

Hidden Harm

Children may be suffering from the effects of what is known as 'hidden harm' if they live with parents or carers who are misusing drugs or alcohol. Children in these situations may be acting as young carers or they may be subjected to any of the forms of abuse described above. Separate policies and procedures for children living with parents who misuse substances and those who are deemed as young carers can be found on the SSCB website.
www.staffscb.org.uk/Professionals/Procedures/Procedures.aspx

Child Sexual Exploitation

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the

³ Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

⁴ Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability. (Safeguarding Children and Young People from Sexual Exploitation DCFS 2009).

Children and young people do not make informed choices to enter or remain in sexual exploitation. Rather, they do so from coercion, enticement, manipulation, fear or desperation.

For further guidance www.staffsscb.org.uk/Professionals/Procedures/Procedures

Forced Marriage

Forced marriage⁵ is a marriage without the full and free consent of both parties. It is a form of domestic violence and an abuse of human rights. In an arranged marriage the family will take the lead in arranging the match but the couples have a choice as to whether to proceed. In forced marriage, one or both spouses do not (or, in the case of some disabled young people and some adults, cannot) consent to the marriage and some element of duress is involved. Duress can include physical, psychological, sexual, financial and emotional pressure.

It is important to note that the Mental Capacity Act does **NOT** allow for consent to marry to be given on behalf of a person without capacity to make this decision for themselves.

Female Genital Mutilation

Female genital mutilation (FGM) includes procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons." (World Health Organisation, 2014). It is illegal in the UK.

FGM is known by a number of names including "female genital cutting", "female circumcision" or "initiation". The term female circumcision suggests that the practice is similar to male circumcision, but it bears no resemblance to male circumcision, has serious health consequences and no medical benefits. FGM is also linked to domestic abuse, particularly in relation to "honour based violence".

For further guidance - <http://www.staffsscb.org.uk/Professionals/Procedures/Section-Four/Section-Four-Docs/Section-4M-Female-Genital-Mutilation.pdf>

Modern slavery

Modern slavery encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

The organised crime of human trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children and adults. Any form of trafficking humans is an abuse.

Trafficking of persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of, or use of coercion, abduction, fraud, deception, abuse

⁵ Research carried out by the then Department for Children, Schools and Families estimated that the national prevalence of reported cases of forced marriage in England was between 5,000 and 8,000, with the youngest victim being 2 years old and the oldest 76 years.

of power or of a position of vulnerability. It also includes the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

It is important to note that some cases involve UK-born people being trafficked within the UK, e.g. people being trafficked from one town to another. The consent of the victim of trafficking is irrelevant where any of the above methods have been used.

Trafficked people may be used for sexual exploitation, agricultural labour including tending plants in illegal cannabis farms and benefit fraud. Children as well as adults are trafficked.

If you have a concern regarding the possible trafficking of a person you should immediately contact the Designated Safeguarding Officer or make a referral direct to the appropriate team. Practitioners should not do anything which would heighten the risk of harm or abduction to the child or adult.

Race and Racism

People from black and minority groups (and their parents or carers) are potentially likely to have experienced harassment, racial discrimination and institutional racism. Although racism causes significant harm it is not, in itself, a category of abuse (unless the victim meets the definition of an adult at risk of abuse or neglect, in which case an appropriate referral should be made) and dealing with it is considered under other specific policies of the Council.

Hate Crime

The Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) have a nationally agreed definition of Hate Crime. Hate crimes are taken to mean any crime where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition. A victim does not have to be a member of the group. In fact, anyone could be a victim of a hate crime.

The Crown Prosecution Service (CPS) and The Association of Chief Police Officers (ACPO) have agreed 5 monitored strands of hate crime as set out below.

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's:

- disability
- race
- religion or belief
- sexual orientation
- transgender identity

Hate crime can take many forms including:

- physical attacks such as physical assault, damage to property, offensive graffiti and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints
- verbal abuse, insults or harassment - taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

If the victim of a Hate Crime meets the definition of an adult at risk of abuse and neglect, an Adult Protection referral should be made to the Contact Centre on **0845 6042719**.

Safeguarding People who are vulnerable to being drawn into Violent Extremism and / or Terrorism

The current threat from terrorism in the United Kingdom can involve the exploitation of vulnerable people, including children of all ages, young people and adults to involve them in terrorism or activity in support of terrorism.

Violent Extremism is defined by the Crown Prosecution Service (CPS) as:

"The demonstration of unacceptable behaviour by using any means or medium to express views, which:

- *Encourage, justify or glorify terrorist violence in furtherance of particular beliefs;*
- *Seek to provoke others to terrorist acts;*
- *Encourage other serious criminal activity or seek to provoke others to serious criminal acts;*
- *Foster hatred which might lead to inter-community violence in the UK."*

There are a number of offences that can be considered when dealing with violent extremism. They include offences arising through spoken words, creation of tapes and videos of speeches, internet entries, chanting, banners and written notes and publications.

The main offences employed to date have been soliciting murder and inciting racial hatred.

The Stoke-on-Trent and Staffordshire Local Safeguarding Children's Board and the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board recognise the need to protect people against the messages of all violent extremism including that linked to Far Right / Neo Nazi / White Supremacist, Al Qaeda ideologies, Irish Nationalist and Loyalist paramilitary groups, and that linked to Animal Rights movements.

For further guidance <http://www.staffscsb.org.uk/Professionals/Procedures/Section-Six/Section-Six-Docs/Section-6L-Staffordshire-and-Stoke-on-Trent-LSCB-and-SSASPB-Prevent-Channel-Guidance.docx>

2.4 Risks that increase the likelihood of abuse happening to Adults at Risk

There are certain situations and factors that put people at particular risk of abuse. If one or more of these factors are present, it does not mean that abuse will occur but it will increase the risk:

- Isolation
- Living in the same household as an abuser
- A previous history of abuse
- The existence of financial problems
- A member of the household experiences emotional or social isolation
- Inappropriate physical or emotional environment e.g. lack of privacy and/ or personal space
- Where there has been a change of lifestyle e.g. illness, unemployment or employment
- Dependence on others for personal and practical care
- Where a person is dependent on other people to administer money or where several people manage their money
- Where the vulnerable person exhibits difficult and challenging behaviour
- The carer has difficulties such as debt, alcohol or mental health problems

- Poor leadership in care services
- Unmonitored provision of care e.g. where reviews or inspections do not take place
- Failure to comply with standard operating policies and procedures.

Increased Risk to Vulnerable Children

There are many issues that may contribute to child abuse, but some factors *increase* the risk to children and make them more vulnerable to abuse. They can be found in the background of parents, in the environmental situation and in attributes of the child themselves.

Parental factors:

- Parent has a mental illness
- Parent is misusing drugs or alcohol
- Parent has already abused a child
- Parent has previously had children removed
- Unwanted pregnancy / terminations
- Parent has a background of abuse when growing up
- Parents have unrealistic expectations of the child and lack parenting knowledge
- Parent is isolated and has little support
- Parent has a learning difficulty / disability

Environmental factors:

- Overcrowding in the house
- Poverty or lack of opportunity to improve the family's resources
- Domestic abuse is present
- A non biological adult (i.e. unrelated) living in the house
- Family is experiencing multiple stresses

Child factors:

- Baby is sickly, colicky or unwanted
- Child has a physical or learning disability
- Lack of attachment between child and parent
- Child resides in care, particularly residential
- Child is excluded from mainstream school
- Child uses drugs/ alcohol
- Child goes missing
- Child is living in private fostering arrangements

It is possible to limit the situations where the abuse of children and adults may occur, by promoting good practice to all staff and elected members (see **Appendix F**).

2.5 Responding to disclosure, suspicions and allegations

Council employees/ elected members/ volunteers may come across cases of suspected abuse either through direct or indirect contact with children and adults, for example, running a holiday activity, or for peripatetic staff visiting homes as part of their day to day work. It is not an employee's/ elected members/ volunteer's responsibility to decide whether or not a child or adult has been abused. It is however their responsibility to act immediately on any such suspicions and report their concerns and to ensure any relevant information is passed to the appropriate team (see **Appendix A**).

Responding to disclosure

Abused children and adults are more likely to disclose details of abuse to someone they trust and with whom they feel safe. By listening and taking seriously what the child or adult is saying employees/ elected members/ volunteers are already helping the situation.

The following points are a guide to help employees respond appropriately:

Dos and Don'ts	
Do	Don't
<ul style="list-style-type: none"> • React calmly so as not to frighten the child or vulnerable adult. • Take what the person says seriously, recognising the difficulties inherent in interpreting what is being said by a person who has for example a speech impairment and / or differences in language. • Avoid asking leading or direct questions other than those seeking to clarify your understanding of what the person has said. They may be subsequently formally interviewed by the Police and/or Children's Social Care (CSC) and they should not have to repeat their account on several occasions. The first person told may become a witness at court if they have asked/gained direct relevant information. • Reassure the child or adult at risk of abuse and neglect that they are right to tell. • Explain to them that concerns may have to be shared with someone who is in a position to act. • Make a written record of what has been disclosed at the earliest opportunity. 	<ul style="list-style-type: none"> • Dismiss the concern. • Panic. • Allow your shock or distaste to show. • Probe for more information than is offered. • Speculate or make assumptions. • Make negative comments about the alleged abuser. • Make promises or agree to keep secrets. • Ask the child, young person, adult at risk of abuse and neglect or any witnesses to sign your written information as this may be significantly detrimental to any subsequent police investigation. • Take photographs of any alleged injuries. Any such recording must only be done by an approved medical or other practitioner, following referral.

Responding to Concerns

It is the responsibility of the individual employee, elected member or volunteer to take action where there are safeguarding concerns.

If any employee, elected member or volunteer has any concerns regarding a child or adult who they think is being abused it is important for them to act **immediately**. All concerns must also be shared with the Designated Safeguarding Officer or Deputy. If these persons are not available, either because they are on annual leave or off sick then any concerns

should be discussed with a Safeguarding Champion who will take responsibility for safeguarding when the Designated Safeguarding Officer is unavailable.

The employee, elected member or volunteer must make a record of the concern, using the initial concerns form at **Appendix C** which should include:

- The date and time
- The child or adult at risk's name, address and date of birth
- The nature of the allegation
- A description of any visible injuries
- Observations – e.g. a description of the child or adult's behaviour and physical and emotional state
- What the child or adult said and what was said in reply. *Please record this as accurately as possible, using their choice of language*
- Any action taken as a result of the concerns being raised e.g. who was spoken to and resulting actions. Include names, addresses and telephone numbers
- Sign and date what has been recorded
- Store the information in accordance with relevant procedures, e.g. Data Protection
- Report to and inform your line manager and/or the Council's Designated Safeguarding Lead Officer or Deputy.

A copy of this should be shared with the Designated Safeguarding Officer on completion and submitted to First Response or the Adult Protection Contact Centre as appropriate (see contact information below). If concerns do not meet the threshold for significant harm the initial concerns form should be shared with the Local Support Team.

Actions to be taken by the employee / elected member / volunteer / Designated Safeguarding Officer(s) / Safeguarding Champions

(Please see Appendix A (i) and (ii) for Procedural Flowcharts).

- Where concerns relate to a child or young person a referral must be made to Staffordshire Children's Social Care's First Response Team based at the MASH on **0800 1313126 (between 8am and 5pm Monday to Thursday and 8am to 4.30 pm on a Friday)** or via a brief e-mail firstr@staffordshire.gov.uk with your contact details (please note this should not include any confidential details about a child or young person) and explain the need for an urgent response due to a child protection concern.
- To make an Adult Protection referral advice should be sought from the Adult Protection Contact Centre **0845 604 2719**.
- Outside of 8am and 5pm any concerns relating to a child should be directed to Staffordshire County Council **Emergency Duty Service on 0845 6042886**.
- Alternatively you can contact Staffordshire Police on **101** or **dial 999 in an emergency where someone is at risk of immediate harm**.

**Where there is any possibility that a criminal act may have been committed care should be taken not to take any action that may jeopardise any subsequent criminal investigation.*

The Borough Council's Designated Safeguarding Officer or Deputy should also ensure that the employee reporting the incident is reassured that their concerns are being appropriately addressed and that they have access to staff support if needed.

Consent

Whilst professionals should in general discuss any concerns with the child and family and where possible seek their agreement to making referrals to Staffordshire Children's Social Care Services, this should only be done where such discussion and agreement-seeking will not place the child or others at increased risk of suffering significant harm.

Consent is **not** required for referrals that meet the threshold for significant harm.

Consent is not required for adult protection referrals; however it is good practice to gain consent if possible. If the adult lacks capacity to make a decision to share the information for themselves, a decision can be taken in their best interests about whether this is appropriate.

Responding to allegations against Staff and Volunteers

Detailed procedures and guidance relating to the management of allegations against people who work with children are contained within the following documents:

- Working Together to Safeguarding Children (2015) Chapter 2 www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf
- SSCB Inter-Agency Procedures: Section 4HA

It is essential that any concerns for the welfare of a child arising from abuse or harassment by a member of staff or a volunteer should be reported **IMMEDIATELY** to the Designated Safeguarding Officer or Deputy and the Head of Human Resources (**for contact details see Appendix E**).

If a child or children may have suffered or be at risk of suffering significant harm due to the alleged actions, or inactions, of a member of staff, an immediate referral will be made to the Staffordshire First Response Team. They will ensure that a safeguarding investigation is implemented in appropriate circumstances. The Duty LADO (Local Authority Designated Officer) will also be informed and will contact the Designated Safeguarding Officer or Deputy for an initial discussion in regards to the position of trust issues.

If the matter does not appear to meet the threshold of significant harm the Designated Safeguarding Officer or Deputy will refer to the LADO, via the First Response Team within 24 hours.

The LADO is a statutory role in relation to allegations against children⁶. They provide an 'Initial Discussion' which allows for the giving of advice and guidance relating to the most appropriate way of managing the allegation or concern, and most importantly will help establish what the 'next steps' should be in terms of investigating the matter further.

The LADO will liaise with Police and children's social care safeguarding teams when appropriate, and also discuss with the Designated Safeguarding Lead or Deputy other issues such as – notifying the child's parents/carers; suspending the adult; risks to other children; communication with relevant other organizations/bodies; supporting the adult and possible media interest. The LADO will also monitor the progress of an investigation and

⁶ As defined in Working Together 2013, Chapter 2, page 48

assist an employer in the taking of any difficult judgments about a person's suitability to remain in the children's workforce.

If the allegation is in respect of abuse or harassment of an adult, the Designated Safeguarding Officer or Deputy will make a referral to the Adults Contact Centre 0845 604 2719.

Support for the Referrer

The Council will fully support and protect all elected members/ employees/volunteers who, in good faith (without malicious intent), make a referral about a colleague who may be abusing a child or adult and report his or her concern about a colleague's practice.

This support may take the form of counselling through the Council's service, or in exceptional circumstances and if requested by the person raising concerns by moving the person reporting the abuse / potential abuse to another workplace temporarily whilst the incident is investigated. The Council also has a whistle blowing procedure which a referrer can follow if there are reasons why the standard procedures for dealing with allegations make them feel particularly vulnerable, or if they consider their concerns are not being acted upon appropriately. However, all elected members/ employees/ volunteers have a duty to safeguard and promote the welfare of children and adults and in order to investigate concerns robustly it may not be possible to maintain complete anonymity, but the interests of the referrer will be protected when concerns are raised.

Disclosure

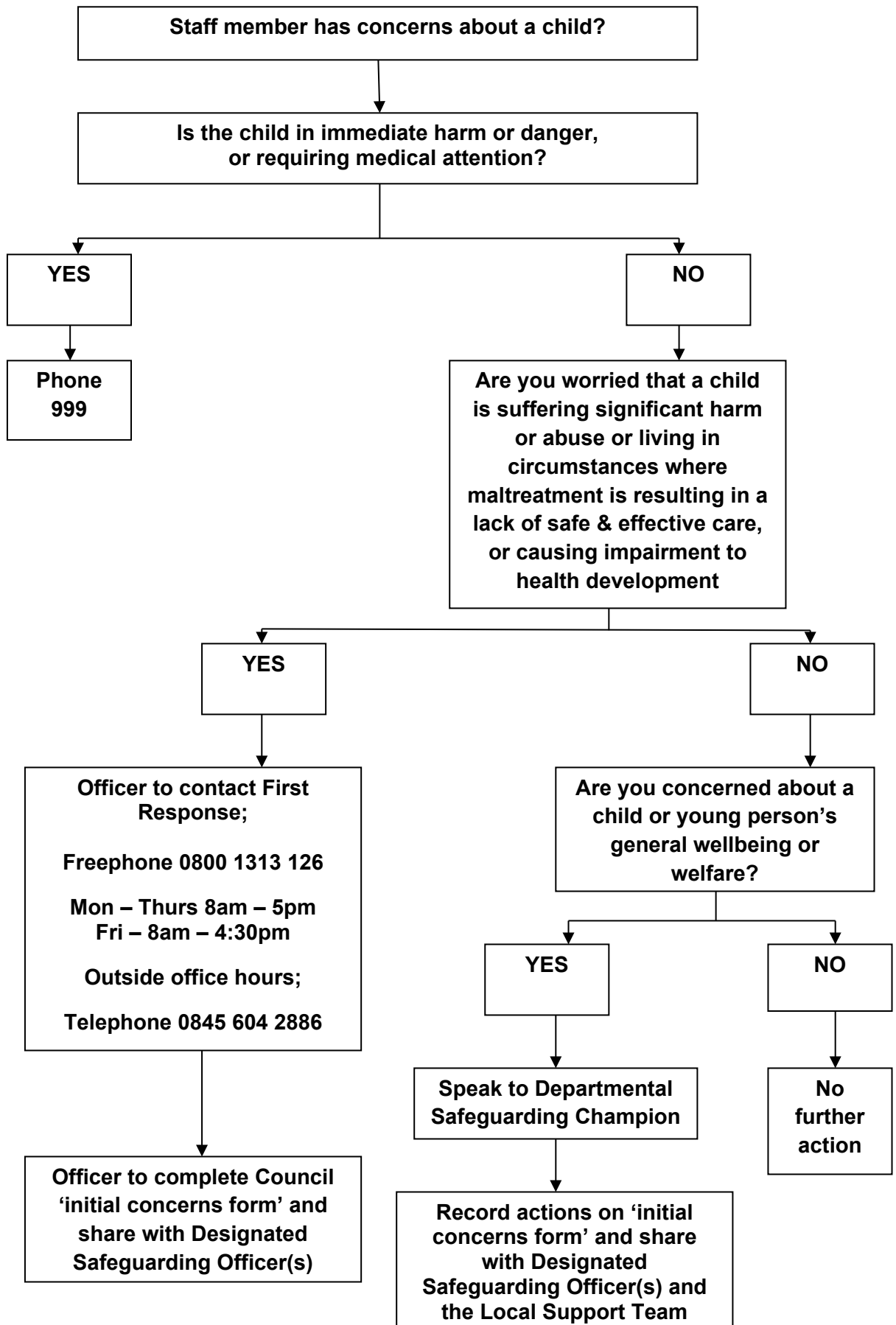
Any staff member, volunteer or governor who becomes the subject of a police investigation in relation to physical or sexual offences against adults or children, or are charged with such a criminal offence, must inform the Head of Human Resources. Staff must disclose any convictions, cautions, court orders, reprimands and warnings which may affect their suitability to work with children whether received before, or during their employment at the organisation. The Head of Human Resources will discuss any potential safeguarding matters with the LADO and any required action will be agreed.

Types of Investigation

There may be a number of strands to a child or adult protection investigation e.g. professionals strategy meetings, child protection conferences and core groups, criminal investigations, joint evaluation meetings as well as disciplinary investigations. Elected members/ employees/ volunteers may need to be involved as witnesses, holders of key information, or in regard to ongoing processes around protection and welfare.

Further guidance available at: <http://www.staffsscb.org.uk/> or <http://preview.staffordshirecares.info/StayingSafeintheCommunity/Stopabuseofadults.aspx>

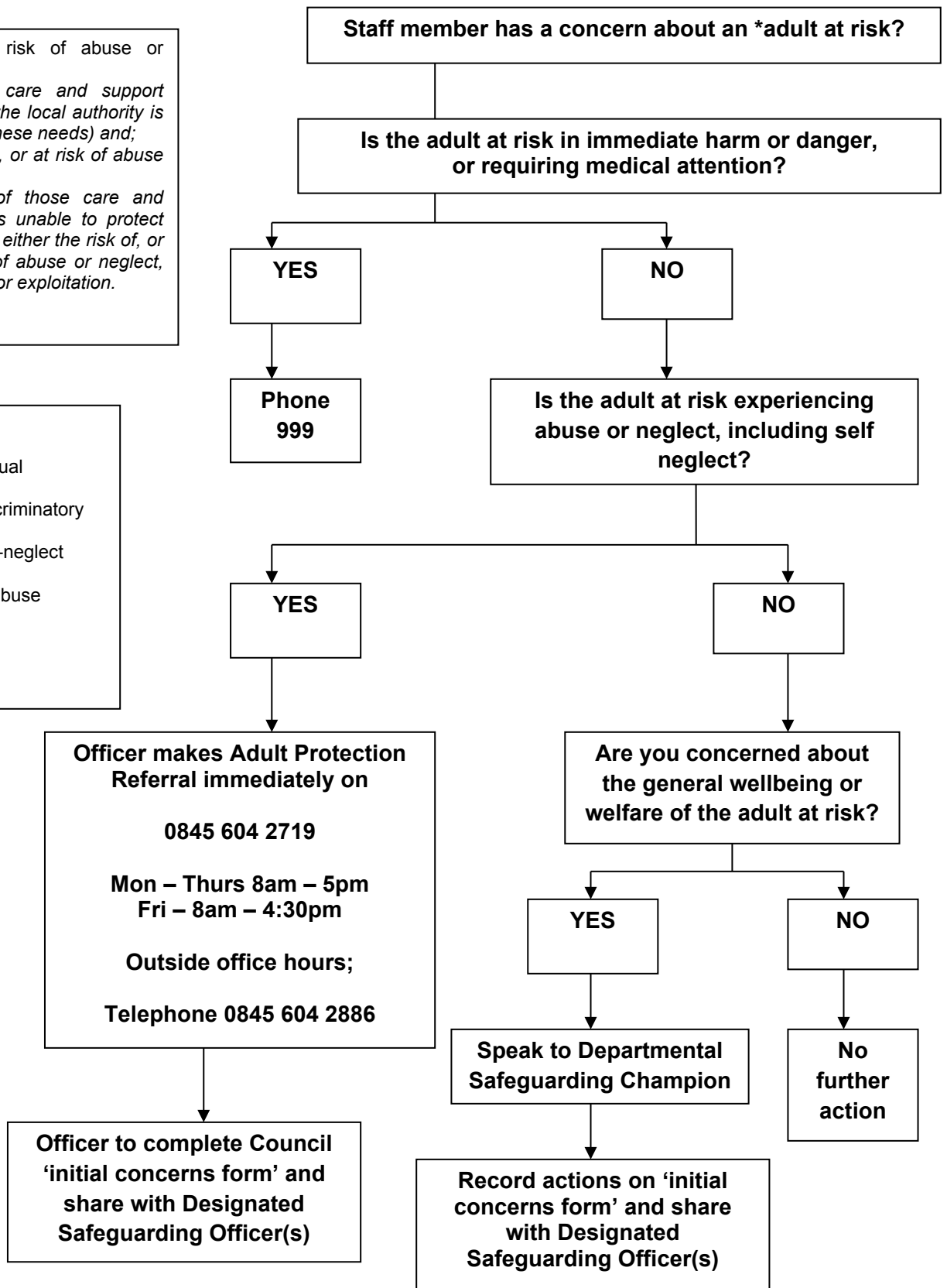
APPENDIX A (i)



APPENDIX A (ii)

* An adult at risk of abuse or neglect;
has needs for care and support (whether or not the local authority is meeting any of these needs) and;
- is experiencing, or at risk of abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect, significant harm or exploitation.

- Types of abuse:
- Physical - Sexual
 - Financial - Discriminatory
 - Neglect - Self-neglect
 - Organisational abuse
 - Domestic abuse
 - Modern slavery



APPENDIX B

Guidance and Legislation

Children Act 1989 – provides legislation to ensure that the welfare and developmental needs of children are met, including their need to be protected from harm. The welfare of the child is paramount.

Children Act 2004 – Section 11 places a duty on all organisations to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. The Act offered the legislative framework for the implementation of the five Every Child Matters principles which are considered to be integral to achieving positive outcomes and life chances for all children and young people from birth into adulthood. These principles are:

- Be healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Achieving economic wellbeing

Working Together to Safeguard Children 2015 - this statutory guidance as revised by the government in 2015 details the roles and responsibilities of all agencies with the aim of promoting effective working together to promote the welfare and safety of children. To view the 2015 Working Together to Safeguard Children statutory guidance please go to; <http://www.workingtogetheronline.co.uk/index.html>

Inter-agency procedures for safeguarding children and promoting their welfare in Staffordshire are available on line at www.staffsscb.org.uk.

The “No Secrets” guidance is available at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008486

Care Standards Act 2000 – this Act details the statutory responsibility for all agencies to ensure the protection of vulnerable adults. In summary this Act –

- establishes a new, independent regulatory body for social care and private and voluntary healthcare services (“care services”) in England to be known as the National Care Standards Commission;
- provides for an arm of the National Assembly for Wales to be the regulatory body for such services in Wales;
- establishes new, independent Councils to register social care workers, set standards in social care work and regulate the education and training of social workers in England and Wales;
- establishes an office of the Children’s Commissioner for Wales;
- reforms the regulation of childminders and day care provision for young children;
- provides for the Secretary of State to maintain a list of individuals who are considered unsuitable to work with vulnerable adults.

Care Act 2014 – builds on recent reviews and reforms, replacing previous legislation to provide a coherent approach to adult social care in England. Part one of the Act (and its statutory guidance) consolidates and modernises the framework of care and support law; it set out new duties for local authorities and partners, and new rights for service users and carers. The Act aims to achieve:

- clearer, fairer care and support;

- wellbeing – physical, mental and emotional – of both the person needing care and their carer;
- prevention and delay of the need for care and support;
- putting people in control of their own care.

Further information can be found at <https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

Mental Capacity Act 2005 - provides a framework to empower and protect people who may lack capacity to make some decisions for themselves. The Act makes clear who can take decisions in which situations, and how they should go about this. Anyone who works with or cares for an adult who lacks capacity must comply with the MCA when making decisions or acting for that person. This applies whether decisions are life changing events or more every day matters and is relevant to adults of any age, regardless of when they lost capacity.

Interagency Procedures for Adult Protection in Staffordshire can be found at <http://preview.staffordshirecares.info/StayingSafeintheCommunity/Stopabuseofadults.aspx>

There is a wide range of associated legislation and guidance available, see the Office of Public Sector Information for more information (www.opsi.gov.uk)

APPENDIX C

CONFIDENTIAL

Safeguarding Children and Adults at Risk of Abuse and Neglect

Initial Concerns Form

This form should be completed to record your concerns and then shared with the Designated Safeguarding Officers in the Partnerships Team – sarah.moore@newcastle-staffs.gov.uk and catherine.fox@newcastle-staffs.gov.uk and submitted to First Response or the Adult Protection Contact Centre as appropriate.

ABOUT YOU

Your name	
Job title	
Department	
Contact no	
E-mail address	
Date and time concern raised	

ABOUT THE CHILD / ADULT AT RISK

Name of child / adult at risk that you have concerns about	
Address of child / adult at risk you have concerns about	
Date of Birth of child/adult at risk (if known)	
Name of parent or carer responsible for child /adult at risk (if known)	

NATURE OF YOUR CONCERN

(please include as much detail as possible)

ACTION YOU HAVE TAKEN

<p>What you have done with the concern? e.g. reported to Police, referred to Local Support Team, referred to First Response, referred to Adult Protection Team etc.</p>	
<p>Date action taken</p>	
<p>Reference number if applicable</p>	

To be completed by Designated Safeguarding Officer(s)

<p>Name of Designated Safeguarding Officer</p>	
<p>Date and time concern received</p>	
<p>Actions taken</p>	
<p>Reference Number if applicable</p>	
<p>Has the Multi Agency Referral Form (MARF) been completed</p> <p>http://www.staffsscb.org.uk/professionals/procedures/.</p>	

APPENDIX D

Roles and responsibilities within the Council

Staff, Elected Members and Volunteers

It is everyone's responsibility to report any safeguarding concerns that they may have in order to ensure that prompt action can be taken if required.

Staff, Elected Members and Volunteers;

- should not begin any regulated activity involving direct access to children or adults at risk prior to the Council receiving a satisfactory DBS check in accordance with the DBS Policy.
- should be aware of this policy and procedure and of any local or national related policies / procedures that are applicable for their service area, as part of their induction programme.
- need to complete Level 1 Safeguarding training and additional safeguarding children and adults at risk training if applicable to their employment role and responsibilities (i.e. if they have direct or some form of indirect contact with children and adults at risk).
- should be aware of appropriate and inappropriate behaviour when working with children and adults at risk.
- need to know who their Designated Safeguarding Officer, Deputy Designated Safeguarding Officer and Safeguarding Champion is.
- have an expected responsibility to take action when they have concerns, witness or hold information that relates to the abuse of a children and adults at risk.
- complete an initial concerns form to record any concerns that they may have about a child or adult at risk and make appropriate referrals (if required).
- seek advice or assistance from their Safeguarding Champion if they are unsure of what to do with their concerns about a child or adult at risk.

Safeguarding Champions

Each Directorate has a number of Safeguarding Champions (see **Appendix E** for contact details).

Safeguarding Champions should;

- provide advice and guidance to members of staff or volunteers who may have concerns about the abuse of a child or an adult at risk.
- ensure that concerns are recorded appropriately on the system and appropriate referrals made if appropriate to the First Response Team or Adult Protection Team.
- participate in training and disseminate information within their department.

Designated Safeguarding Officer and Deputy Designated Safeguarding Officer

The Council's Designated Safeguarding Officer is Sarah Moore (Partnerships Manager) and the Deputy Designated Safeguarding Officer is Catherine Fox (Community Safety Officer – DV Lead).

It is their responsibility to:

- provide advice and assistance to the Safeguarding Champions and Elected Members.
- receive information from staff, elected members and volunteers who have concerns, and register /log them on the Council's system.

- be the delegated liaison on behalf of the Council for any formal investigations into allegations of abuse undertaken by the Police and / or Staffordshire County Council's Children's Social Care Service (CSC).
- receive, participate and co-ordinate the appropriate safeguarding children and adults at risk protection training.

If the absence of the Designated Safeguarding Officer or Deputy Designated Safeguarding Officer, queries can also be raised directly with Staffordshire County Council's First Response Team or the Adult Protection Team (see **Appendix E** for contact details).

Head of Business Improvement, Central Services and Partnerships

The Head of Business Improvement, Central Services and Partnerships is responsible for:

- ensuring policy documents and procedures are up to date and in line with best practice as defined under the "No secrets" guidance and other legislative or statutory guidance.
- ensuring that employees (including volunteers, contractors, agents and other partner representatives) and elected members are aware of this Policy and understand how to comply with this procedure.
- working with responsible bodies to implement and promote a partnership approach to working together to protect children and adults at risk in all areas of the community.

Head of Human Resources

The Head of Human Resources is responsible for ensuring that:

- appropriate procedures are in place to carry out pre-employment checks for all employees and volunteers working with the Council who have (or may be reasonably expected to have) contact with children or adults at risk.
- DBS checks are renewed every three years in accordance with DBS policy.
- DBS checks and employee references are kept secure and confidential in compliance with the DBS Code of Practice.
- a record is maintained all employees and volunteers that have completed a DBS check and are considered to be suitable for working with children and adults at risk.
- training is in place for all staff who fall into the definition of level 1 (basic) or level 2 (specialist / intermediate) and any additional specialist training as part of the corporate training plans for induction and on-going training, and that adequate budget is in place to fund training for those staff who require it as a part of their role.
- appropriate support is provided for any employee that reports a concern in good faith, even if these concerns are subsequently proven to be unfounded.

- **Newcastle Borough Council Safeguarding Champions are;**
 - Jane Finnemore – Environmental Officer – 01782 742588 – jane.finnemore@newcastle-staffs.gov.uk
 - Michelle Hopper – Environmental Officer – 01782 742597 – michelle.hopper@newcastle-staffs.gov.uk
 - Emma Reardon – Administrative Assistant – 01782 742544 – emma.reardon@newcastle-staffs.gov.uk
 - Gareth Harvey – Acting Head of Environmental Health – 01782 742732 – gareth.harvey@newcastle-staffs.gov.uk
 - Rebecca Cooper – Solicitor – 01782 742218 – rebecca.cooper@newcastle-staffs.gov.uk
 - Gillian Taylor – Housing Team Leader – 01782 742563 – Gillian.taylor@newcastle-staffs.gov.uk
 - Joanne Halliday – Head of Housing and Regeneration – 01782 742451 – joanne.halliday@newcastle-staffs.gov.uk
 - Darren Walters – Environmental Health Team Manager – 01782 742587 – darren.walters@newcastle-staffs.gov.uk
 - Andrea Roe – Accountancy Assistant – 01782 742107 – andrea.roe@newcastle-staffs.gov.uk
 - Rosie Bloor – Customer and ICT Business Manager – 01782 742483 – rosie.bloor@newcastle-staffs.gov.uk
 - Nicola Durose – Senior Human Resources Officer – 01782 742156 – nicola.durose@newcastle-staffs.gov.uk
 - Giovanna Facciponti-Moore – Human Resources Officer – 01782 742263 – giovanna.facciponti-moore@newcastle-staffs.gov.uk
 - Jeremy Regan – Tech Support and Customer Services Manager – 01782 742199 – jeremy.regan@newcastle-staffs.gov.uk
 - Andy Arnott - Sport & Active Lifestyles Manager – 01782 742624 – andrew.arnott@newcastle-staffs.gov.uk
 - Lucy Taylor – Sports Development Manager – 01782 742615 – lucy.taylor@newcastle-staffs.gov.uk
 - Jessica Woolgar - Sports Centre Manager (Kidsgrove) – 01782 742580 – jessica.woolgar@newcastle-staffs.gov.uk
- **Designated Safeguarding Officer** is Sarah Moore (Partnerships Manager) – 01782 742496 – sarah.moore@newcastle-staffs.gov.uk
- **Deputy Designated Safeguarding Officer** is Catherine Fox (Community Safety Officer – DV Lead) – 01782 742238 – catherine.fox@newcastle-staffs.gov.uk
- **Head of Business Improvement, Central Services and Partnerships** is Mark Bailey – 01782 742751 – mark.bailey@newcastle-staffs.gov.uk
- **Head of Human Resources** is Sarah Taylor – 01782 742260 – sarah.taylor@newcastle-staffs.gov.uk

Contact information for making a referral regarding a safeguarding concern:

- For all child protection issues contact Staffordshire County Council's First Response Team based at the MASH on **0800 1313 126 (between 8am and 5pm Monday to Thursday and 8am and 4.30 pm on a Friday)** or via a brief e-mail firstr@staffordshire.gov.uk with your contact details (**please note this should not include any confidential details about a child or young person**) and explain the need for an urgent response due to a child protection concern. If concerns do not meet the threshold for significant harm the initial concerns form should be shared with the Local Support Team (LST), contact details are available from the Designated Safeguarding Officers.

For concerns about a childcare provider, advice should be sought from OFSTED on **0300 123 4666 (between 8am - 6pm on Monday to Friday)** or enquiries@ofsted.gov.uk

- To make an Adult Protection referral advice should be sought from the Adult Protection Contact Centre **0845 604 2719 (between 8am and 5pm Monday to Thursday and 8am and 4.30 pm on a Friday)**.
- **Outside of office hours** any concerns relating to a child or adult at risk of abuse and neglect should be directed to Staffordshire County Council **Emergency Duty Service on 0845 6042886**.
- Alternatively contact Staffordshire Police Central Referral Unit on **101** or dial **999 in an emergency**.

APPENDIX F

Promoting Good Practice with Children and Adults at Risk

Code of conduct for the protection of children and adults at risk

It is possible to limit the situations where the abuse of children and adults at risk may occur, by promoting good practice to all staff, elected members and volunteers.

This code of conduct details the type of practice required by all employees, elected members and volunteers when in contact with children or adults at risk. Suspicions or allegations of non-compliance of the Code by a member of staff will be dealt with through the Council's Disciplinary Procedure.

Newcastle-under-Lyme Borough Council supports and requires the following good practice by employees, members and volunteers when in contact with children and adults at risk.

When working with children and adults at risk all parties should:

- Adhere to the Council's Safeguarding Children and Adults at Risk of Abuse and Neglect Policy at all times;
- Treat all children and adults at risk equally, with respect and dignity;
- Be an excellent role model including not smoking or drinking alcohol in the company of children and adults at risk;
- Ensure that personal care is delivered in a dignified manner that meets the needs of the individual;
- Involve parents, guardians and carers wherever possible;
- Build balanced relationships on mutual trust that empower children and adults at risk to share in the decision making process.

Employees shall work to the organisation's policies and procedures, including for example:

- Safeguarding Children and Adults at Risk of Abuse and Neglect Policy
- Code of Conduct
- Whistle blowing
- Safer Recruitment
- Bullying and Harassment.

Social networking sites

Due to the increasing personal use of social networking sites, staff, members and volunteers within the workforce should be aware of the impact of their personal use upon their professional position. Guidance on the personal use of social networking sites for adults involved in services for children and adults at risk is available at http://www.staffsscb.org.uk/Search.aspx?search_keywords=social+networking

First aid and treatment of injuries

If a child or adult at risk requires first aid or any form of medical attention whilst in the care of an employee, then the following good practice should be followed:

- Be aware of any pre-existing medical conditions, medicines being taken by participants or existing injuries and treatment required;
- Keep a written record of any injury that occurs, along with the details of any treatment given;
- Where possible, ensure access to medical advice and / or assistance is available;
- Only those with a current, recognised First Aid qualification should respond to any injuries;
- Where possible any course of action should be discussed with the child/adult at risk, in language that they understand, and their permission sought before any action is taken;
- In more serious cases, assistance must be obtained from a medically qualified professional as soon as possible;
- The child's or adult at risk's parents/guardians or carers must be informed of any injury and any action taken as soon as possible, unless it is in the child's or adult at risk's interests and on professional advice not to do so;
- A notification of accident form must be completed and signed and passed to the Health and Safety Officer;
- Familiarise yourself with the bruising in non-mobile babies policy and procedure. This can be found on the SSCB website
<http://www.staffscb.org.uk/Professionals/Procedures/Section-Three/Section-3-Managing-Individual-Cases.aspx>

Transporting children and adults at risk away from home

If it is necessary to provide transport to take children or adults at risk away from home or school the following good practice must be followed:

- Where practical request written parental/guardian consent if members of staff are required to transport children or adults at risk;
- Always tell another member of staff that a child or adult at risk is being transported, giving details of the route and the anticipated length of the journey;
- Never transport a child or adult at risk unaccompanied, other than in exceptional circumstances. Plan pick ups and drop offs to minimise the risk of being alone with a child or adult at risk;
- Ensure all vehicles are correctly insured and well maintained;
- Ensure drivers hold current, appropriate driving licenses, and have undergone training as appropriate (e.g. minibus driving, use of wheelchair hoist);
- All reasonable safety measures must be taken, e.g. children in the back seat behind the driver, seatbelts worn and booster seats in place;
- Ensure where possible at least one male and one female accompany mixed groups of children or adults at risk. These adults should be familiar with and agree to abide by the Council's Safeguarding Children and Adults at Risk of Abuse and Neglect Policy;
- Always plan and prepare a detailed programme of activities and ensure copies are available for other staff and parents/guardians.

Use of Contractors

Contractors must comply with the principles set out in:

- The Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012;
- The Department for Education 'Keeping Children safe in education (2015)';
- Disclosure and Barring Service (DBS) Checks: Policy and Guidance for service providers and CQC staff (July 2011).

The operation of effective safeguarding practice relies on having safer selection and recruitment policies in place, which are implemented on each occasion a person is employed or volunteers to work with children or adults at risk of abuse and neglect.

Newcastle-under-Lyme Borough Council and its employees, elected members and volunteers should undertake reasonable care that contractors doing work on behalf of the Council are monitored appropriately. Service level Agreements or contracts in place for these contractors should therefore specify this requirement.

Any contractor or sub-contractor engaged by the Council in areas where workers are likely to come into contact with children or adults at risk¹ and take part in 'regulated activity'² (as defined within the new definition with effect from September 2012) must have an appropriate DBS check in place. Additionally they must have their own equivalent Safeguarding Policy, or failing this, must confirm in writing to the relevant departmental manager that they have read and understood and are willing to comply with the terms of this Policy and associated procedures.

There are five types of check that are available. Further guidance is provided on the DBS website (www.gov.uk/disclosure-barring-service) to enable employers to establish, which, if any, level of check is required. The checks that are available are:

1. **Enhanced Check for Regulated Activity (Children)** - used when someone is undertaking regulated activity relating to children. This check involves a check of the police national computer, police information and the children's barred list.
2. **Enhanced Check for Regulated Activity (Adults)** - used when someone is undertaking regulated activity relating to adults. This check involves a check of the police national computer, police information and the adults barred list.
3. **Enhanced Check for Regulated Activity (Children and Adults)** - used when someone is undertaking regulated activity relating to both children and adults. This check involves a check of the police national computer, police information and the children's and adults barred list.
4. **Enhanced DBS Check** - used where someone meets the pre September 2012 definition of regulated activity. This level of check involves a check of the police national computer and police information.
5. **Standard DBS Check** - used primarily for people entering certain professions such as: members of the legal and accountancy professions. Standard DBS checks just involve a check of the police national computer and do not include a check of police information or the children's or adults barred lists.

Where there is potential for contact with children or adults at risk it is the responsibility of the manager who is using the services of the contractor (the Client) to check that the correct Disclosure and Barring Service (DBS) check has been satisfactorily completed.

1 The DBS definition of regulated activity relating to **adults** no longer labels adults as 'vulnerable'. Instead the definition identifies the **activities** which, if any requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is no longer a requirement for a person to do the activities a certain number of times before they are engaging in regulated activity. Further guidance is on the DBS website: www.gov.uk/disclosure-barring-service

2 The full definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012). Further information can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/143666/eligibility-guidance.pdf

Guidelines on Children and Adults at Risk in Publications and on the Internet

Websites and publications provide excellent opportunities to publicise achievements of individuals and provide a showcase for the activities of children and adults at risk. In some cases, however, displaying certain information about children and adults at risk could place them at risk.

The following procedure must be followed to ensure the Council's publications and information on the internet does not place children or adults at risk.

- Publications or information on an internet site must never include personal information that could identify the child or adult at risk. Any contact information must be directed to the Council or another relevant organisation.
- Before publishing any information about a child or adult at risk, written consent must be obtained from the child or adult at risk's parent / guardian. If the material is changed from the time of consent, the parents/guardians must be informed and consent provided for the changes.
- The content of photographs or videos must not depict a child or adult at risk in provocative pose or in a state of partial undress. Children and adults at risk must never be portrayed in a demeaning or tasteless manner.
- For photographs or videos of groups or teams of children or adults at risk ensure that only the group or team is referred to not individual members. Credit for achievements by an individual child or adult at risk are to be restricted to first names only.
- All published events involving children or adults at risk must be reviewed to ensure the information will not put children or adults at risk. Any publications of specific meetings or child/adult at risk events e.g. team coaching sessions, must not be distributed to any individuals other than to those directly concerned.
- Particular care must be taken when publishing photographs, film or videos of children or adults at risk who are considered particularly vulnerable e.g. the subject of a child or adult at risk protection issue or a custody dispute.

Important Note: Any concerns or enquiries about publications or internet information should be reported to the Council's Communications Team.

Guidelines on Use of Photography, Videoing and Filming of Children and Adults at Risk – (Including Mobile Phone Technology)

There is evidence that some individuals have used public events as an opportunity to take inappropriate photographs or film footage of children. The following best practice is to be adopted to protect children and adults at risk who are being photographed or videoed.

- When commissioning professional photographers or inviting the press to cover Council services, events and activities organisers must ensure that they make expectations clear in relation to child and adult at risk protection.
- Organisers must check the credentials of any photographers and organisations used.
- Where possible the consent of the parent/guardian/carer for photographing, videoing and / or filming of a child or adult at risk must be obtained prior to the event or activity.
- Where possible anyone wishing to use photographic/film/video equipment at a venue must obtain the approval of the Council.

- An activity or event specific identification badge/sticker must be provided and clearly displayed at all times by the accredited photographers, film and video operators on the day of the activity or event.
- Unsupervised access must not be allowed to children or adults at risk or one to one photographic sessions.
- Do not allow photographic sessions outside of the activities or services, or at a child or adult at risk's home.
- It is recommended that the names of children or adults at risk should not be used in photographs or video footage, unless with the express permission of the child or adult at risk's parent, guardian or carer.
- The Council reserves the right at all times to prohibit the use of photography, film or video at any event or activity with which it is associated.
- The specific details concerning photographic/video and filming equipment should, where possible, be published prominently in event programmes and must be announced over the public address system prior to the start of an event. The recommended wording is;

“In line with the recommendation in the Council’s Safeguarding Children and Adults at Risk of Abuse and Neglect Policy, the promoters of the event request that any person wishing to engage in any video, zoom or close range photography should register their details with staff at the spectator’s entry desk before carrying out any such photography. The promoter reserves the right to decline entry to any person unable to meet or abide by the promoter’s conditions.”

Any concerns with photographers or video or film operators are to be reported to the Council’s Designated Safeguarding Officer or Deputy Designated Safeguarding Officer and where relevant, the Police.

Parents/Carers use of Photographic and Filming Equipment at Events

It is good practice to inform parents/carers of our expectations of them using their own photographic/filming equipment at events organised by the Council.

- Parents/carers and spectators should register with the organiser their intent to use zoom, close range photography or filming equipment at an event.
- Children, adults at risk and parents/carers should be informed that if they have concerns they can report these to the organiser.
- Concerns regarding inappropriate or intrusive photography or filming should be reported to the organiser, or senior member of staff present. It is their responsibility to record the incident on the initial reporting a concern form and pass on to the Designated Safeguarding Officer or Deputy Designated Safeguarding Officer to take appropriate action.

An example of wording to be displayed at an event or on publicity material prior to the event should follow the lines of:

“In line with the Council’s Safeguarding Children and Adults at Risk of Abuse and Neglect Policy, any person wishing to engage in zoom, close range photography or filming, should register their intent with the event/activity organiser, prior to carrying out any such photography or filming. The organiser reserves the right to refuse any such photography or filming if there are concerns or complaints about its appropriateness”

APPENDIX G

Best Practice in the recruitment of staff and volunteers

Pre-recruitment

If any form of advertising is used to recruit staff and volunteers, it should reflect:

- The responsibilities of the role.
- The level of experience or qualifications required (e.g. experience of working with children is an advantage)
- The Council's open and positive stance on children and adult at risk protection.
- The use of the Disclosure and Barring Service procedures to promote safe recruitment and selection processes.

Applicant Information

All applicants, whether for paid or voluntary, full or part-time positions, should complete an application form which should elicit the following information:

- Name, address and National Insurance Number.
- Past career, relevant interests, any gaps in employment and reasons for leaving.
- Relevant experience, educational qualifications, job specific qualifications and training.
- Any criminal record, convictions or cautions.
- The names of at least two people (not relatives) willing to provide written references that comment on the applicant's previous experience of , and suitability for, working with children or adults at risk where it is a requirement of the job or volunteering role,
- And a willingness to assist in the completion of a DBS check

Checks and References

Staff and volunteers recruited to work in services for children and adults at risk must be checked for any possible irregularities (or issues), which may give reason for concern.

A minimum of two references should be taken up, one of which must be the previous employer and if available, at least one should be associated with former work with children or adults at risk. References should include the applicant's suitability to work with children or adults at risk where it is a requirement of the job. Where references are given verbally, they must follow a prescribed format and a written record kept.

In accordance with guidance from the Disclosure and Barring Service (DBS) all posts that have direct contact with children and vulnerable adults will require an Enhanced DBS check. These checks will be completed by the Human Resources Team.

Interview

Interviews are carried out in line with the Council's Recruitment and Selection procedures. The interview is likely to include questions on how to deal with children and adult at risk protection issues. Questions will assess competencies around:

- Forming appropriate relationships

- Acting in an appropriate way to protect the safety of individuals
- Behavioural cues and signs

Induction and Training

Checks are only part of the process to protect children and adults at risk from possible abuse. Appropriate training will enable individuals to recognise their responsibilities with regard to their own good practice and the reporting of suspected poor practice/concern of possible abuse. It is important that the recruitment and selection process is followed by relevant inductions and training in order to further protect children and adults at risk from possible abuse.

The induction and training should include:

- An assessment of the training needs required carried out by the local manager.
- Clarification, agreement and signing up to the Council's Code of Conduct for Employees.
- Clarification, agreement and signing up to the Council's Safeguarding Children and Adults at Risk of Abuse and Neglect Policy.
- Clarification of the expectations, roles and responsibilities of the job or volunteering role.

As a minimum the Council expects all staff to have participated in formal children and adults at risk safeguarding training within 3 months of commencement of employment with the Council. Refresher training will be required every 3 years. It is the responsibility of line managers in services where children and/or adults at risk are clients/customers to liaise with the Designated Safeguarding Officer(s) to identify additional appropriate training that may be required.

Probation, Monitoring and Appraisal

All newly appointed members of staff undergo an agreed period of probation on commencement of their role.

All members of staff who have contact with children and adults at risk will be monitored and their performance appraised. This will give an opportunity to evaluate progress, set new goals, identify training needs and address any issues of poor practice. Line managers should be sensitive to any concerns about poor practice and act on them at an early stage. They should also offer appropriate support to those who report concerns/complaints.

Particular care must be taken to monitor casual and agency staff, whose less frequent employment reduces the opportunities for regular supervision and training and who may therefore be less familiar with policies and procedures.

It is the responsibility of line managers to monitor good practice. This can be done in a number of ways:

- Direct observation of the activity or service
- Staff appraisals, mentoring and providing feedback on performance
- Children's and adults' feedback on the activities or services.

Rehabilitation of Offenders

Newcastle-under-Lyme Borough Council is committed to the fair treatment of its employees (both paid and voluntary), potential staff or users of its service, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Having a criminal record will not necessarily bar someone from working or volunteering with the Council. This will depend on the nature of the position, the nature of the offence, how long ago and at what age the offence was committed and any factors which may be relevant.

Failure to declare a conviction, caution or pending police action, will disqualify the applicant from appointment or result in summary dismissal if the discrepancy comes to light.

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CABINET

11th November 2015

REPORT OF THE EXECUTIVE MANAGEMENT TEAM

Report Title: Progress made in implementing the Action Plan agreed by Council in response to the report of the Planning Peer Review Team

Submitted by: Executive Director – Regeneration and Development

Portfolios: Planning and Housing

Ward(s) affected: All

Purpose of the Report

To bring Cabinet up to date on further progress in implementing the proposals agreed at its meeting on the 22nd July 2015.

Recommendations

- (a) That Cabinet note the progress made.
- (b) That subject to a report coming forward on the Community Infrastructure Levy no further reports on the Action Plan be required.

Reasons:

To bring the Action Plan work to an appropriate conclusion.

1. Background and update information

- 1.1 Cabinet at its meeting on the 22nd July received a report back on progress made in implementing some 75 Actions that formed the Action Plan agreed by Cabinet in November 2014, following the receipt of the report of the Planning Peer Review Team in August 2014.
- 1.2 Cabinet on the 22nd July agreed a number of further actions, having reviewed those actions which had not been completed. The date by which any call in of that decision had to be made passed on the 12th August.
- 1.3 Some 14 actions were agreed at the meeting on the 22nd July. Each action is considered below and a brief update provided on progress made at the time of writing and if appropriate that anticipated by the time of your meeting.
- 1.4 **Action 1** – That a report be brought forward to 16th September Cabinet on the development of an Interim Planning Policy Statement (IPPS) as part of the Local Plan preparation process, identifying the potential benefits and costs of such an approach including its implications for the existing Local Plan timetable and the weight such a statement could have

in development management decisions. **Progress to date – action completed;** a report was submitted to the 16th September Cabinet.

- 1.5 **Action 2** – That if Cabinet do wish an Interim Planning Position Statement to be prepared a timetable and details of the required consultation and resource implications be brought forward for approval to a subsequent Cabinet. **Progress to date – action completed;** Cabinet resolved on the 16th September that officers be authorised to prepared a Housing Clarification Statement on the basis set out in the report, early in 2016.
- 1.6 **Action 3** – Implementation of the decision. **Progress to date – on target to achieve;** there is no reason to suggest that the Housing Clarification Statement will not be able to be prepared by early in 2016.
- 1.7 **Action 4** – That a new post of Senior Planning Officer (Enforcement) be created at Grade 9 plus any appropriate Market Supplement. **Progress to date – action proceeding;** a draft Job description and Job Specification has since prepared for consultation with Human Resources. It is hoped that by the 11th November the post will have been the subject of the necessary internal processes to enable commencement of formal recruitment.
- 1.8 **Action 5** – That Officers be authorised to spend up to £20,000 on the securing of short term assistance to the Development Management Function. **Progress to date – action completed;** the Council has obtained the services of two planning consultants one of whom started on the 18th September and the other on the 5th October. However members should be aware that two planning officers within the Development Management section remain on long term sick leave which negates the intended additional capacity. This situation is being managed dynamically by officers and may result in further steps being taken in consultation with the Portfolio Holder.
- 1.9 **Action 6** – That officers take steps to ensure that a report on the review of the remit, membership and business of the Strategic Planning Consultative Group comes before Cabinet at its meeting on the 16th September. **Progress to date – action completed;** Cabinet received a report on the 16th September, made various decisions with respect to the remit, membership and business of SPCG and the agreed changes are now being implemented.
- 1.10 **Action 7** – that appropriate training be provided by Member Services for non-Planning committee members on probity, and member officer relations, if it can be sourced. **Progress to date – action outstanding;** because it has not been possible yet to source such training but officers will seek to procure suitable training provision as part of the wider member training package.
- 1.11 **Action 8** – that the review of local validation requirements to determine whether more applications should require to be accompanied by Heads of terms (of possible legal agreements that might be required) or whether actual draft agreement should be required, be incorporated in the statutorily required review of the local validation list that must be completed before the beginning of October 2015. **Progress to date –**

action completed; Planning Committee at its meeting on the 21st July approved a revised list of Local Validation requirements for public consultation purposes. Subsequent to that decision the consultation was launched on the 24th July and it closed on the 4th September. The Planning Committee at its meeting on the 15th September received a report on the results of that consultation, enabling the Council to determine its new Local Validation requirements prior to the 1st October 2015 target date.

- 1.12 **Action 9** – that when resources permit a Service Level Agreement between Legal and Planning Services setting standards for response times to instruction and requests for clarification (with respect to Section 106 agreements) be drawn up and introduced. **Progress to date – action proceeding;** with the additional capacity in the Council’s Legal team it is expected that this SLA will be substantially progressed by the 11th November.
- 1.13 **Action 10** – that when resources permit, key consultees be invited to enter into Service Level Agreements if the other party shows a willingness to enter into such an agreement, similar to that already in place between the Highway Authority and the Borough Council (as Local Planning Authority). **Progress to date – none;** but no approaches seeking such a SLA have been received. This will be maintained as an objective but is considered to have a lower priority than other actions given that it is largely an operational management issue.
- 1.14 **Action 11** – that by December 2015 draft conditions should be prepared within two weeks of the relevant Planning committee in all cases, and also be the subject of consultation with the developer, wherever possible (within the restrictions imposed by the wish to make timely decisions. **Progress to date – ongoing action agreed;** given the limited number of such decisions it is too soon to be able to say whether such practice is becoming embedded within the service but this will be monitored as part of the internal performance monitoring.
- 1.15 **Action 12** – that officers take steps to ensure that the revised Planning Committee members’ protocol comes before Council at its meeting on the 9th September if possible. **Progress to date – target date not achieved** because of officer capacity reasons but a revised timetable is now being prepared and substantive progress by the 11th November is anticipated.
- 1.16 **Action 13** – that appropriate steps be taken to bring a report on the issue of pooling post April 2014 (of Section 106 contributions) and, having taken external legal advice, to revisit the advice given to the December 2013 Cabinet that the adoption of a CIL Charging Schedule could not proceed in the light of the decision to abandon the Site Allocations and Policies Local Plan and to instead proceed with the new Local Plan. **Progress to date – not achieved** due to competing demands on officer time, this work has not been able to be given priority but officers are confident that a report will be brought to Cabinet within the next 3 months.
- 1.17 **Action 14** – that a new 0.5 FTE post of practice manager to the Planning Service (Grade 8) be created. **Progress to date – action progressing;** it is expected that by the 11th November a draft Job

description and Job Specification will have been prepared to enable internal recruitment processes to be completed before advertising the position.

- 1.18 As is indicated above considerable progress has been (and continues to be) made in bringing to a conclusion the Planning Peer Review Action Plan work.
- 1.19 In addition to this programme of improvement measures your officers, in consultation with the relevant Portfolio Holder, are giving active consideration to further improvements that might be appropriate in a range of areas across the Planning Service to further strengthen the function.

Classification: NULBC **PROTECT** Organisational

BILL PAYMENT SERVICES CONTRACT 2015/16 TO 2020/21

Submitted by: Executive Director (Resources and Support Services)

Portfolio: Finance IT and Customer

Wards(s) affected: All

Purpose of the Report

To seek approval to enter into a contract with allpay Limited for the Council's bill payment contract.

Recommendations

- (a) That the contract for the Council's Bill Payment Service be awarded to allpay Limited for a 5 year period from 1st December 2015.

Reasons

To enable residents who currently make Council Tax payments to the Council via the payment card method to continue doing so in the most efficient and cost effective manner, whilst minimising disruption, once the current arrangements cease on 30th November 2015.

1. Background

- 1.1 The Council's current bill payment service via payment cards is provided by the Co-Operative Bank. This contract expires on 30th November 2015 following notice being given twelve months previous.
- 1.2 A limited number of residents utilise the payment card method in order to make payments to the Council in relation to their Council Tax. The number of payment card users across the Borough is circa 6,000, out of a total 53,000 residents.
- 1.3 Residents who make these payments are able to do so via either the Post Office or a Paypoint location. The Paypoint locations are available across the Borough through a convenient network of stores. For example these include local newsagents and convenience stores.
- 1.4 This payment method does attract a cost to the Council, based on the total number of transactions that the provider has enabled.
- 1.5 A tender exercise has been undertaken to identify best value within the marketplace, and analysis undertaken to establish best value for the Council.

2. Issues

- 2.1 Consideration was given towards utilising the Eastern Shires Purchasing Organisation (ESPO) framework. However it was established that the provision of Bill Payment Services through this framework was currently under review and the replacement framework would not be available until after the required implementation date. The current provider on this framework was allpay Limited via Lloyds Bank.

- 2.2 Invitations to tender were therefore requested from the marketplace, with notices placed on mytenders.org. The invitation to tender requested options for both a three year and a five year contract.
- 2.3 Two potential suppliers submitted a tender and their submission analysed against a pre-determined evaluation criteria. In this instance the ratio between quality and price was 50% quality and 50% price.
- 2.4 The evaluation of the contracts required the submission by allpay Limited to be pro-rated to 2 years 4 months due to Company 'B' only being able to provide the service until March 2018.
- 2.5 The evaluation undertaken resulted in the recommendation to award the contract to allpay Limited, which scored full marks for quality and tendered the lowest price for the period of the contract. The overall score for both potential suppliers is shown in the table below:

Supplier	Cost	Quality Score	Cost Score	Total score
<i>allpay Limited</i> (5 years)	£65,405* (£141,349.54)	50	50	100
<i>allpay Limited</i> (3 years)	£66,905* (£85,562.51)	50	49	99
<i>Company 'B'</i>	£74,592	49	44	93

* Note, allpay Limited's prices are pro-rated to 2 years 4 months in order to compare with the contract length Company 'B' is able to provide for. In addition allpay Limited's prices include inflationary rises based on the higher of RPI and 2%. The 2% increase has been incorporated into this evaluation.

- 2.6 Included within the allpay Limited's tender is a provision for the production and delivery of 6,000 replacement payment cards to a list of residents who currently utilise this particular payment method. The Council will now receive its own Issue Identification Number (IIN) from allpay Limited. This will mean that cards will not need to be re-issued following the proposed contract with allpay Limited terminating in December 2020.

3. Proposal

- 3.1 That allpay Limited be awarded the contract for the Council's bill payment service for a 5 year period.

4. Reasons for the Preferred Solution

- 4.1 To enable the efficient continuation of the Council's bill payment service following the expiry of the current service on 30th November 2015.
- 4.2 To award the bill payment service contract to allpay Limited which has been evaluated as the most economically advantageous tender.

5. Financial and Resource Implications

- 5.1 The current expenditure in relation to the Bill Payment Services contract is £ £35,000 per annum, over a 5 year period this equates to £175,000.
- 5.2 At £141,349 over the five years of the contract, the award of the Bill Payment Services contract to allpay Limited would result in a saving. Over the 5 year period of the contract this would amount to £33,650 (£6,730 per annum).
- 5.3 It should be noted that the costs quoted are based on the number of transactions that are undertaken. Therefore these costs can fluctuate up and down. At the same time the savings made can also fluctuate.

6. Legal and Statutory Implications

- 6.1 The procurement of this contract complies with Public Procurement Regulations and the Council's own Contract Procedural Rules.

7. Major Risks

- 7.1 All risks associated with the procurement of this contract have been adequately managed

8. Key Decision Information

- 8.1 The Council's medium term financial strategy identifies that the Council will be required to make significant savings over the coming years.
- 8.2 This is a key decision; it has been included in the Forward Plan.

9. List of Appendices

- 9.1 None

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MEETING BEING SUBMITTED TO: CABINET November 2015

1. **HEADING** Applications for Discretionary Rate Relief
- Submitted by:** Revenues Manager
- Portfolio:** Finance, IT and Customer
- Ward(s) affected:** All

Purpose of the Report

To consider the granting of Discretionary Rate Relief in accordance with powers under Section 47 of the Local Government Finance Act 1988.

Recommendations

That, in accordance with Section 47 of The Local Government Finance Act 1988, Discretionary Rate Relief is either granted or refused in respect of the organisations and premises detailed in Appendix A of this report.

Reasons

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

1. **Background**

Section 47 of The Local Government Finance Act 1988 gives Councils the discretion to grant relief from the payment of business rates for charitable or not for profit organisations or in the case of charities already receiving mandatory charity relief, to grant additional discretion relief.

2. **Issues**

Section 47 of The Local Government Finance Act 1988 enables charitable or not for profit organisations to make application to the Council for consideration of assistance or additional assistance, with the statutory rates liability in respect of the premises they occupy for the furtherance of their activities. The cost of granting the relief is shared in accordance with the Business Rates Retention Scheme local and central share arrangements, which are currently 50% by central government, 40% by the billing authority (Newcastle-under-Lyme Borough Council), 9% by the County Council and 1% by the Fire and Rescue Authority.

The Borough Council grants relief in accordance with the type and nature of an organisation's activity.

3. **Proposal**

That the discretionary relief set out in the attached appendix A be granted or refused as indicated.

4. **Reasons for Preferred Solution**

Legislation enables the Council to provide financial assistance towards the payment of business rates in respect of charitable and not for profit organisations. The roles these organisations carry out contribute to the health, wellbeing and activity of the area, often helping with the creation of opportunities for individuals and groups who would otherwise be unable to access such services. However, there is a cost to granting such relief and the Council needs to be mindful of this when deciding to grant any relief and assess the overall benefit provide in doing so.

5. **Outcomes Linked to Corporate Priorities**

Granting discretionary relief where appropriate fits well with the Council's corporate priorities of Creating a cleaner, safer and sustainable Borough, Creating a Borough of Opportunity and Creating a Healthy and Active Community.

6. **Legal and Statutory Implications**

Section 47 of The Local Government Finance Act 1988 enables the Council to grant discretionary relief for the payment of rates in respect of business premises where it see fit.

7. **Financial and Resource Implications**

The cost of any discretionary relief is split between the national and local rating pools 50% each. The 50% cost to the local pool is then split 40%, 9% and 1% between Newcastle-under-Lyme Borough Council, Staffordshire County Council and the Fire and Rescue Authority respectively. Although the costs of any discretionary relief are shared, the decision to grant the relief or not lies solely with the billing authority.

8. **Major Risks**

Failure to provide assistance to these charitable or not for profit organisations may lead to undue financial pressures being placed upon them, risking their ability to continue with their activities. This could lead to the loss of important work being carried out on behalf of the wider community.

9. **List of Appendices**

Local Government Finance Act 1988 – Applications for Discretionary Rate Relief

Appendix A

Local Government Finance Act 1988 – Applications for Discretionary Rate Relief

1 Beavers Arts Ltd 7 Ironmarket, Newcastle, Staffordshire, ST5 1PE

The Beavers Arts Project is a registered charity and as such already receives 80% mandatory charity relief. It is occupying 7 Ironmarket as a Heritage shop as a drop in heritage project collecting memories of Newcastle with the aim of encouraging increased appreciation of the area.

It is your usual practice to grant such an organisation 2.5% additional discretionary rate relief, to the mandatory charity relief it already receives.

The Beavers Arts Project will occupy 7 Ironmarket between 27 July 2015 and 31 December 2015. The gross rates payable for this period will be £4,362.92. This amount has been reduced by £647.54 by Retail Relief and £3,490.34 due to mandatory charity relief leaving rates payable of £225.04. Granting 2.5% discretionary rate relief would further reduce this amount by £109.07 at a cost of £54.53 to the DCLG, £10.91 to Staffordshire County Council and Staffordshire Fire and Rescue Service, £13.09 to the Stoke on Trent and Staffordshire Rating Pool and £30.54 to the Borough Council.

Recommendation: That additional discretionary rate relief at 2.5% is granted.

2 Lifeworks Staffordshire Offices & Premises, Silverdale Court, Silverdale Road, Newcastle, Staffordshire, ST5 6EH

Lifeworks Staffordshire is a registered charity and as such already receives 80% mandatory charity relief. It occupies offices on Silverdale Court, Silverdale Road to help to facilitate its work in promoting and protecting the physical and mental health of adults with AUTISM by providing support, practical advice and recreational facilities and raising awareness of the condition.

It is your usual practice to grant such an organisation 2.5% discretionary rate relief.

Lifeworks Staffordshire have occupied this building since 1 April 2015. The gross rates payable for the current financial year will be £4,289.10. This amount has been reduced to £3,431.28 due to mandatory charity relief. Granting the 2.5% discretionary rate relief would further reduce this amount by £107.23 at a cost of £53.62 to the DCLG, £10.72 to Staffordshire County Council and Staffordshire Fire and Rescue Service, £12.87 to the Stoke on Trent and Staffordshire Rating Pool and £30.02 to the Borough Council.

Recommendation: That additional discretionary rate relief at 2.5% is granted.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

REPORT TITLE: Update Report on the Future of Kidsgrove Sports Centre

Submitted by: Dave Adams - Executive Director (Operations)

Portfolio: Leisure, Culture and Localism

Wards affected: All, especially Kidsgrove area wards

Purpose of the Report

1. To provide Cabinet with an updated position statement on the options available in respect of the future of Kidsgrove Sports Centre.
2. To consider a temporary extension to the current Joint Use Agreement between Kings School, (formerly Clough Hall School) Staffordshire County Council and the Borough Council.
3. To consider entering into a community use agreement with Kings School for the use by the community of the new school sports facilities once completed.

This follows feedback from partners after initial engagement with the Kings School regarding the transfer of the artificial grass pitch to them and the inclusion of a sports hall as part of a new sports block attached to the new education super block currently under construction and the interim and future operation of the sports centre and swimming pool.

Recommendations:

It is recommended that Cabinet:

With regards to a Replacement Facility:

- a) Agree to consideration of a constant depth pool of modular construction as part of a new sports centre on the school campus as an option for the development;
- b) Authorise Officers to enter into detailed discussions with The Penda Partnership and a suitable pool supplier with a view to establishing a business case for a development of a replacement swimming pool, fitness centre and studio on the school campus;
- c) Establish a Cabinet Panel to provide the leadership and governance

required to bring such a scheme to fruition, chaired by the Portfolio Holder for Leisure, Culture and Localism.

With regards to extending the current agreement:

- d) Agree to extend the current agreement with the school and county council for the management of Kidsgrove Sports Centre until the school takes on operational responsibility for the new education super block and sports block.

With regards to a Community Use Agreement for School Facilities

- e) Authorise Officers to hold further detailed discussions with the Head teacher and Governing Body of the Kings School with a view to developing an agreement for the community use of the astro-turf pitch, natural grass pitch and new school sports hall.

Reasons

1. As a result of condition survey findings, structural report findings and the need to take urgent action, an additional option to those considered in December 2014 is now suggested to find an affordable solution for the replacement of Kidsgrove Sports Centre.
2. To provide continuity of service provision while the new school is being built and the replacement sports facility project is being developed.

1. Background

- 1.1 The County Council and Borough Council have clearly set out their vision for the development of a new Sports Centre in Kidsgrove (the District Deal Letter refers). In December 2014 the Cabinet agreed to the proposals for options for a scheme, the preferred facility mix and also considered a number of site options. Budget estimates were considered for each of the alternatives but it was recognised further work could not be undertaken until capital finance was available to progress both feasibility (this could be revenue or capital funded) and subsequent professional services and construction.
- 1.2 The current Joint Use Agreement between the Kings School, (formerly Clough Hall Technology School), Staffordshire County Council and Newcastle Borough Council, expires on 31 March 2016.
- 1.3 The strategic case for providing appropriate sports and leisure facilities in the Kidsgrove area was established by the Kidsgrove Sports Centre Working Group and reported to Cabinet at your meeting on 10th December 2014.

2. Issues

Replacement Facility

2.1 Site options have now been refined, leaving the school site as currently the best development opportunity to provide a range of sports facilities, suitable for curriculum, extracurricular and community use. This is due to the schools proposals to include a sports hall, all weather football pitch and natural grass football pitch all within the grounds of the school.

2.2 Your Officers have recently brought a further swimming pool option to the attention of the members of the Kidsgrove Sports Centre Working Group. Known as a constant depth swimming pool, that uses a modular method of construction, this type of pool is now proven for the provision of 25m public swimming pools. The above ground sectional steel tank with a pool liner is constructed on a 400mm concrete slab and is considerably cheaper and quicker to build than traditional concrete foundations.

The swimming pool will provide all the usual requirements for changing, showers, toilets and lockers as well as spectator seating. At a 1.2m constant depth the pool can accommodate a full aquatics programme, including public swimming and lessons, school swimming lessons, clubs from the local community and aqua fit classes.

2.3 Members of the Kidsgrove Sports Centre Working Group looked at case studies from a market leader in this method of design for swimming pool solutions across the UK. Over the last 5 years they have delivered over 40 projects for local authorities, leisure trusts and private leisure providers. Case studies at Bury Council (Radcliffe Pool), Dumfries and Galloway Council (Dumfries Pool) and East Yorkshire Council (Bridlington Pool) were reviewed by the working group as well hearing a report from the Head of Leisure and Cultural Services who had visited the Radcliffe Pool. The Working Group came to the view that this solution probably offers a more affordable option for Cabinet to consider.

2.4 To further the concept, discussions have started with partner organisations. Staffordshire County Council, the Police and Crime Commissioner for Staffordshire and Kier have recently formed the Penda Property Partnership to provide the capacity, funding and investment and the development of the local supply chain and are keen to move at a pace on a Partnership Plan. If accepted as a Penda Partnership Project an outline business case would be developed, which if approved would lead to a full business case being developed, with the costs shared amongst partners. This may provide an opportunity to progress the development of a new swimming pool in Kidsgrove.

2.5 The feasibility study is expected to demonstrate the leisure and education needs of the community (already identified) can be met, by

providing a new Kidsgrove Sports Centre on the school campus to replace the existing facility.

- 2.6 If Members wish to move the project forward, either through the Penda Partnership Agreement or independently, financial provision for the feasibility study needs to be made by the Borough Council either for the full costs or a contribution through the Partnership Agreement. Members' views are sought on this now as there is the opportunity to move quickly and plan the development of new sports facilities to follow on from the completion of the new school.

Extension of the existing Joint Use Agreements

- 2.7 The new school is expected to be completed by December 2016. Up until that point the School will continue to have a need to use the existing sports centre.
- 2.8 Cabinet is asked to consider extending the current Agreement until the new school has been completed. To do this, financial provision to continue to operate the existing sports centre needs to be agreed when the Council sets its budget for 2016/17. This would roll forward the current joint use agreement to coincide with the expected completion of the school in December 2016 and a dual use agreement with the Staffordshire County Council thereafter, until a replacement facility is available. There are clearly added benefits to the community if the existing sports centre stays open until new facilities are ready.

Community Use Agreement for School Facilities

- 2.9 There is an opportunity to secure community use of the new school sports facilities being built on the new campus. These consist of a new sports hall, the astro-turf pitch and a natural grass turf pitch. It is proposed to enter into discussions with the School in this respect.

3. Options

Replacement Facility

- 3.1 As a result of condition survey findings, structural report findings and the need to take urgent action the Council aspires to deliver new sports facilities as part of the physical and social regeneration of Kidsgrove. A Scrutiny Committee Working Group looked into the feasibility and a range of options for the project, which is to include both wet and dry areas and address the age/condition of the existing joint use sports centre and the significant running costs.
- 3.2 In December 2014 the Cabinet agreed to the proposals for options for a scheme, for the preferred facility mix and considered a number of site options, but it was recognised further work could not be undertaken until capital finance was available to develop the project further.

3.3 Subsequent to the Scrutiny Panel's findings being reported to Cabinet the development a new swimming pool with associated health and fitness facilities on the existing site is now felt to be the strongest option and will complement the new sports hall and existing astro-turf pitch at Kings School. However, due to the high estimated capital cost of over £7.7million, the Scrutiny Committee Working Group has decided to explore alternative, more cost-effective delivery options. Furthermore rather than simply wait until finances permit, the working group has been keen to see partners engaged to progress the optimal specification and financial costs of providing and operating a new pool.

The current situation is summarised in the following table in relation to each partners' aspirations:

Partner	Objectives, concerns and considerations
Newcastle Borough Council	<ul style="list-style-type: none"> • The Council is aware of the negative impact that recent closures of the swimming pool has had on the local community and the accessibility to quality swimming opportunities • The Council has no capital and limited revenue funding available to contribute to a new swimming pool • It cannot therefore currently commit to providing any capital funding and needs to significantly reduce the revenue funding required to subsidise the swimming pool • It is important to examine ways in which a pool could be provided which requires limited revenue subsidy from any of the partners • A new pool is being considered in Stoke-on-Trent and the effect of City Council's pools should be taken into account. Even so currently across North Staffordshire there is a shortage of 1,000m² of water space, with Newcastle having 10.7m² per 1000 population, compared to an England average of 12.4m². • In spite of this shortfall, Newcastle actually has a higher satisfied demand at 91.6% than the England average of 91.3%. This would indicate that as far as possible we need to maintain the current amount of water space in the Borough, but could reduce it, dependant on the scale of provision in Stoke. • Having looked at examples of constant depth modular swimming pools at their last meeting, the scrutiny panel are keen to see the use of this system considered for Kidsgrove. The above ground steel construction is considerably cheaper and quicker to build than traditional concrete foundations. It could provide a 1.2m constant depth 6 lane 25m pool, to satisfy the demand above and without the need to provide a separate

	teaching pool.
The Kings School	<ul style="list-style-type: none"> • The integration of a swimming pool within the School complex fits with the ambitions to create a community campus which provides extended learning opportunities • The School is very keen to ensure that there is a pool available which can easily provide swimming lessons from a basic level to ensure children have the skills to swim • The School caters for a large catchment of children and several feeder schools who all need to learn basic swimming skills • The design of the pool must be sustainable • The school has limited capital resources although it is willing to make land available for the pool.
Staffordshire County Council	<ul style="list-style-type: none"> • The core objectives for the County Council are from both assets and Public Health view point. • Increased participation in physical activity in core target groups to tackle long term conditions. • There are great opportunities to explore regarding cardiac rehabilitation and a GP referral scheme currently in place at Jubilee2 for Kidsgrove • There is an opportunity to include provision for local day services with the flexible space proposed at the new centre, plus the provision of a 'Changing Places' room • The County Council are responsible for the existing sports centre building at the end of the joint use agreement but will not operate it as a sports centre. • Staffordshire County Council, the Police and Crime Commissioner for Staffordshire and Kier have recently formed the Penda Property Partnership to provide the capacity, as well as funding and investment, and the development of the local supply chain and are keen to move at a pace on a Partnership Plan. • If accepted as a Penda Partnership Project an outline business case would be developed, which if approved would lead to a full business case being developed. This may provide an opportunity to progress the development of a new swimming pool in Kidsgrove.

3.4 To take the project forward the Working Group supports the establishment of a Cabinet Panel to provide the leadership and governance required to bring such a scheme to fruition. If approved it is proposed that the Cabinet Panel would be chaired by the Portfolio Holder for Leisure, Culture and Localism.

Extending the current joint use agreement:

- 3.5 The extension of the current joint use agreement with the school and county council for the management of Kidsgrove Sports Centre until the school takes on operational responsibility for the new school education super block and sports block will need to be contained within available resources. It is anticipated that the same budget will be available in 2016/17 as for 2015/16.

Community Use Agreement for School Facilities

- 3.6 The agreement for community use of the school sports hall and astro-turf pitch from January 2017 will develop the sports hall programme and continue to operate the astro-turf pitch and support the school in upgrading the pitch with 3G surfacing (through grants). It is proposed that no new money is made available for this but the existing funding for the sports centre is used across the site to maximise sports participation and income generation.

Long term agreement for the new facility

- 3.7 As the new facility project is developed full consideration will be given to any agreements with partners necessary for the future operational success of the sports centre.

4. Financial and Resource Implications

Capital

- 4.1 It is anticipated that a contribution towards the feasibility costs of between £25,000 and £40,000 (subject to formal quotes) are needed to progress the project. A project cost ranging from around £3m is anticipated at this stage for a constant depth pool solution to £7.7m for a traditional build replacement.

The Council has no capital funding available to contribute to a new swimming pool. To enable progress to be made, the means to fund the work at each stage will need to be secured.

Revenue

- 4.2 The councils current approved revenue contribution to Kidsgrove Sports Centre is budgeted to be £246k. However, due to a combination of factors such as building condition, site constraints and service disruptions from a number of short term closures, an additional strain of £123k is forecast.

Included in this budget is a contribution of £72k towards the sports centre this financial year made by the School. The basis for the annual financial contribution from the school is covered in the Joint Use Agreement and covers specific operational costs calculated either on a shared basis according to proportionate use or recharged based on qualifying expenditure.

The Council's costs have been reduced where possible through efficiencies over the past two years. The ability to reduce these further is limited by the current agreement. The only scope remaining would be to reduce the hours that the sports centre is open to the public, but care would need to be taken not to simply shunt costs onto the other partners who may not have ability to absorb such increases. Therefore, any extension of the joint use agreement will need to be contained within available resources.

- 4.3 To secure community use of the school's sports facilities so that the community can use them outside of school hours, the proposal would be to use the existing funding for the sports centre across the site to maximise community use, sports participation and income generation.
- 4.4 The operation of the new swimming pool will still require a level of subsidy, but it is expected to be on a reduced scale compared to the existing sports centre. The expected subsidy will be determined as the business case is developed.

5. **Outcomes Linked to Corporate Priorities**

- 5.1 There will be a positive impact on those relating to health improvement, quality of life, and support for disadvantaged communities, community safety and potentially broader social regeneration objectives for the Borough.

6. **Legal and Statutory Implications**

- 6.1 The Council has powers, under the Local Government Act 2000, to improve the social, economic and environmental well-being of the Borough's residents.

7. **Equality Impact Assessment (EIA)**

- 7.1 An equalities impact assessment will be undertaken for the project.

8. **Major Risks**

- 8.1 A full risk assessment/log will be developed for the project in conjunction with the Council's Corporate Risk Manager and will be subject to regular review.

9. **Key Decision Information**

- 9.1 To promote positive health and wellbeing. This should be reflected by an increased number of the Borough's residents participating in sports, health, and physical activity programmes, which in turn should lead to improvements in individual life expectancy and the reduced burden of disease or ill health.

10. **Previous Cabinet Decisions**

14th November 2012

23rd July 2014

10th December 2014

12. **List of Appendices**

None

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STOKE ON TRENT AND STAFFORDSHIRE LEP CONCORDAT AND POTENTIAL DESIGNATION OF NORTHERN GATEWAY DEVELOPMENT ZONE (NGDZ) AND ASSOCIATED PARTNERSHIP

Submitted by: Executive Director Regeneration and Development

Portfolio: Policy, People and Partnerships

Purpose of report

To apprise members of a rapidly-developing dialogue amongst the Local Enterprise Partnerships and Local Authorities representing areas in North Staffordshire and Cheshire about the potential opportunity of establishing a high-growth development zone, predicated on HS2 investment in the area, supported by some form of economic partnership.

Recommendations

- (a) To note the information provided and the actions taken to date.
- (b) To note the signing of a Concordat by the Local Enterprise Partnerships of Stoke-on-Trent and Staffordshire and Cheshire and Warrington.
- (c) To authorise the Leader and relevant Portfolio Holders and officers to engage with the emerging Northern Gateway Development Zone initiative and the potential partnership that may arise.
- (d) That officers report back on progress with the initiative at appropriate intervals.

Reasons for recommendation

To provide elected members with relevant information in respect of this matter and to ensure that senior members and officers have an appropriate mandate for their actions.

1. Background

- 1.1 Members will be aware of the emergence of the “Northern Powerhouse” and, more recently, the “Midlands Engine”. With these matters in mind the two Local Enterprise Partnerships (Stoke on Trent and Staffordshire and; Cheshire and Warrington) have recently signed a joint Concordat that seeks to demonstrate a preparedness to work collaboratively to achieve mutual economic benefit across the intervening geography of North Staffordshire and Cheshire (see Appendix A).
- 1.2 In addition Members are aware that a decision on the route of HS2 (north of Birmingham) is due soon (anticipated to be announced in November as part of the Comprehensive Spending Review). Members will recall that this Council adopted a ‘qualified’ position in respect of HS2; expressing concerns about potential environmental harm whilst being prepared to consider potential economic benefits should they be demonstrable.
- 1.3 Both Stoke-on-Trent City Council and Cheshire East Council have made significant representations to HS2 Ltd about the potential economic, social and environmental benefits of the route going through their areas along with the inclusion of a hub station.

1.4 There is growing confidence and expectation that Government's decision in this matter will confirm HS2 investment somewhere in the broad area of North Staffordshire and South Cheshire. If this position is announced then there is an emerging consensus amongst a range of Local Authority partners that there is great potential for the area to derive significant economic benefit (reflecting the spirit and intent of the LEP concordat). Whilst the City Council and Cheshire East Council are competing with one another for the HS2 line/station investment there is a mature appreciation that once the decision is made, the LEPs and Local Authorities in the area should work together to optimise the economic benefits for all parties.

1.5 As a consequence of the above senior Member and officer meetings have taken place over the past couple of months comprising representatives of the following Councils:

- Cheshire East Council (CEC)
- Cheshire West and Chester Council (CWCC)
- Stoke on Trent City Council (SoTCC)
- Staffordshire County Council (SCC)
- Staffordshire Moorlands District Council (SMDC)
- Stafford Borough Council (SBC)
- Newcastle under Lyme Borough Council (NuLBC)

1.6 The other noteworthy point is that as a result of the case-making for HS2 investment being made by both CEC and SoTCC they have been forging relationships with central government (and HS2 Ltd) over a number of months. In particular senior civil servants across various government departments have been engaged in the dialogue with CEC and SoTCC. This culminated in a "Summit" held at Keele University on 23 September 2015 – chaired by Jackie Sadek, policy advisor to Greg Clark MP, the Minister for Cities – involving Leaders and Chief Executives of the seven Councils listed above along with the Chairs of the two LEPs, an array of senior civil servants and representatives of HS2 Ltd. The pretext for the event was to demonstrate the potential to achieve economic benefit over a wide "zone of economic influence" (the NGDZ) on the back of HS2 investment. Whilst only high-level principles were discussed the stated ambition was to build 100,000 new homes and create 120,000 new jobs across this zone by the year 2040 (although it should be noted that these targets include existing commitments set out in Local Plans and planning permissions).

1.7 More recently the partners were encouraged by senior civil servants to promote the emerging NGDZ opportunities at a national property event (MIPIM) in London running from 20th to 23rd October 2015; this was attended by the two LEPs. In addition, at the time of writing this report, there were indications of a follow-up meeting with senior Civil Servants (and possibly a senior government Minister) in mid-November to enable preliminary discussions about the potential "gives" (from the area) and the "asks" (of government) that might form the basis of a "Growth Deal" with Government for the geographical area encompassed by the local authorities listed above.

2. Issues

2.1 At this stage the discussions have been undertaken at a high level of principle framed by the jointly-signed LEP concordat and the pre-condition of HS2 investment in our broad geographical area. Nevertheless it remains important to ensure that any messaging around this matter is sensitively handled and that the necessary policy framework is in place for any growth, particularly if it is additional to existing commitments.

- 2.2 To this end the consistent position adopted by both senior Members and officers of this Council in these recent discussions is that the existing needs for growth within Newcastle Borough are defined, in the main, within the current Core Spatial Strategy (adopted by the local planning authority in 2009). Key locations for both housing and employment are indicated in this document and are reflected in subsequent policy documents such as the Council's economic Development Strategy and the LEP's Strategic Economic Plan.
- 2.3 With regard to future growth needs and ambitions Members will be aware that this Council is currently working towards the preparation of a joint Local Plan for the borough (with Stoke on Trent City Council) which will enable growth to be planned up to 2031 based upon recently-updated economic and housing forecasts. But it is important to note that the latter evidence base has been prepared in a non-HS2 scenario.
- 2.4 Partners have been made aware that any change in the Borough Council's stance on growth would have to be triggered by an HS2 investment decision that could be shown to create economic growth opportunities within the borough to the benefit of its communities (including infrastructure improvements). Nevertheless your officers consider it appropriate for the Council to engage with the emerging NGDZ partnership in order that any opportunities and/or other practical implications for the borough can be properly assessed and influenced by the actions and decisions of this Council.
- 2.5 It is evident that at this stage a key foundation block of the NGDZ initiative is the early preparation of a Growth Strategy. The starting point for this would be the existing known commitments across the subject area. Any additional growth forecast on the back of HS2 investment would need to be the subject of a rigorously refreshed evidence base. The Growth Strategy would require formal sign-off by all of the partners in due course.
- 2.6 In turn such a Strategy would inform future Local Plans across all of the six Local Planning Authority areas. Of course any firm commitment on HS2 would prompt an early review of the emerging joint Local Plan. In all likelihood the time horizon for the latter may be brought forward and it would be subjected to an early review (probably within a year of two of its adoption; probably beginning around the year 2020 and planning for a 2026 to 2041 timeframe).
- 2.7 For the avoidance of doubt your officers strongly advise of the importance of pressing ahead with the current process of preparing a joint Local Plan (in accordance with the agreed timetable) in order to establish a firm baseline planning policy position to guide short to medium term growth requirements. The point being that the Council must not be distracted from delivering the emerging Local Plan.
- 2.8 With regard to the emerging ambitions of the NGDZ partners the high-level aims are as referred to at paragraph 1.7. In addition to the short-term promotion of about a dozen strategic investment sites across the whole area (all commitments that are Planning policy-compliant, including Keele Science and Innovation Park Phase 3) the other key messages are as follows:-
- The investment in HS2 to the north of the UK would be the catalyst for this new growth-focussed partnership.

- The NGDZ is expected to deliver plan-led sustainable growth to optimise the benefits of HS2 investment.
- The zone is situated between the emerging “Northern Powerhouse” and “Midlands Engine” offering excellent connectivity within the UK into major transport links.
- The NGSZ would facilitate a programme of infrastructure-led development with a focus on brownfield-first regeneration and improved connectivity within the zone, framed by a new Growth Strategy.
- It would capture and channel investment into key development sites.
- It would enable delivery of a package of regional, local and sites-based infrastructure to achieve maximum economic return from HS2.

2.9 In terms of governance and practical working arrangements, at this stage the partnership is informal in nature. A steering group, comprising senior officers of the seven Local Authorities and the two LEPs has been established and has begun to identify the key work streams and to prepare proposals for governance of the partnership. The group is also being used to co-ordinate the preparation of material to inform meetings of senior members and officers, as well as other audiences such as with civil servants and the MIPIM event.

3. Options

3.1 Option 1 – to not engage with the emerging NGDZ partnership. This option might be considered a ‘safe’ option given the Council’s formal position on HS2 and in view of its current position regarding economic and housing growth (as set out in current Planning policy).

3.2 Option 2 – to engage with the emerging NGDZ partnership. This option might be considered to exposing the Council to the risk of promoting high levels of growth in the borough without either the necessary justification or evidence for doing so. On the other hand, provided that the Council’s representatives operate within existing policy parameters then it might be considered preferable to be a partner at this stage to help in the shaping of any Growth Strategy and programme / project delivery formulation.

4. Preferred option

4.1 Option 2 is recommended for the reasons cited above.

5. Outcomes linked to Council Plan / corporate priorities

5.1 This initiative has the potential to contribute significantly to the priority in relation to a Borough of Opportunity.

6. Legal and statutory implications

6.1 The Council has powers under the Local Government Act 2000 (as amended) to promote the economic, social and environmental well-being of its area; this assimilates previous provisions in Part III of the Local Government and Housing Act 1989 that enabled the promotion of economic development (now repealed).

7. Financial and resources implications

7.1 At this stage the resource implications are unclear. Unquestionably the initiative will require support from a range of both senior officers and key professional/technical staff (and some senior Members); this will be achieved, at least in the immediate short term, by prioritising this within existing work programmes. The Council may be expected to contribute towards the preparation of technical reports or to employ consultancy support in the short term; at this stage it is intended to use existing budgets in consultation with relevant Portfolio Holders.

8. Major risks

8.1 As indicated above there are reputational and organisational risks of either being involved in this initiative or not. By agreeing to option 2 with the safeguards referred to then it is considered that any risks are adequately mitigated. It is considered that the major risk would lie in not engaging in this potentially strategically significant initiative could be harmful to the long term economic and social wellbeing of the borough.

9. Appendices

9.1 Appendix A – concordat between the LEPs of Stoke on Trent & Staffordshire and Cheshire & Warrington.

10. Background papers

10.1 The adopted Core Spatial Strategy for North Staffordshire (2009)

10.2 The Council's Economic Development Strategy 2012-2017

10.3 The LEP's Strategic Economic Plan (2014)

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***CONCORDAT
FOR INTER-LEP
JOINT WORKING
AND COOPERATION***

***CHESHIRE AND WARRINGTON LEP
STOKE-ON-TRENT AND
STAFFORDSHIRE LEP***



**CONCORDAT FOR INTER-LEP JOINT WORKING
AND COOPERATION**

BETWEEN

CHESHIRE AND WARRINGTON LEP

AND

STOKE-ON-TRENT AND STAFFORDSHIRE LEP



DECLARATION OF COMMITMENT TO WORKING IN PARTNERSHIP

This Concordat, between the two adjoining Local Enterprise Partnerships of Cheshire and Warrington and Stoke-on-Trent and Staffordshire, has been created to promote, engage and release the potential through collaboration and joint working.

In order to achieve these objectives the Parties have agreed to work together to ensure that they can maximise the benefits of the common economic and growth opportunities of the proposed North West HS2 Hub and the Northern Powerhouse, given their strategic position particularly between the Core Cities of Birmingham, Liverpool and Manchester.

The Parties will extend the opportunities available through this Concordat to other neighbouring LEP areas interested in pursuing the principles of joint working or for specific projects and initiatives where similar benefits can be identified.

<p>Cheshire and Warrington LEP</p> <p>.....</p> <p>Chair</p>	<p>Stoke-on-Trent and Staffordshire LEP</p> <p>.....</p> <p>Chair</p>
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CONCORDAT

This Concordat between Cheshire and Warrington LEP and Stoke-on-Trent and Staffordshire LEP, provides a vehicle to foster inter-LEP joint working and co-operation. It mirrors the current pan-LEP collaboration between Cheshire and Warrington, Liverpool and Manchester LEPs around the Atlantic Gateway, and across the Midlands LEPs on Midlands Connect. The Concordat recognises the opportunities for significant economic growth across the Cheshire and Warrington and Stoke-on-Trent and Staffordshire LEP areas, driven by enhanced capacity on the motorway network, the arrival in the next decade of high speed rail and the wider logistics impacts of the new post-Panamax terminal at the Port of Liverpool.

OUR AIMS AND OBJECTIVES

The parties AGREE to work together and jointly explore how collaboration can:

- ◇ Develop a Growth Strategy and delivery mechanisms building on existing Strategic Economic Plans, harnessing the synergies between the economies of the two areas e.g. south east Cheshire and northern Staffordshire.
- ◇ Provide a platform for joint working to maximise the benefits of common opportunities linked to economic growth and prosperity
- ◇ Provide more effective mechanisms for joint working on cross-boundary issues
- ◇ Identify and promote the opportunities for sustainable growth including opportunities for residents to access jobs and training
- ◇ Maximise the contribution to and opportunities from the proposed Northern Powerhouse, taking advantage of our strategic location particularly between the Core Cities of Birmingham, Liverpool and Manchester as well as our access to ports and airports
- ◇ Develop a series of clear, strong messages to Government and other investors regarding the economic strengths and excellent connectivity of the two LEP areas

for the mutual and individual benefit of the parties and in the pursuit of the well-being of the communities and businesses of the two adjoining LEP areas.

OUR SHARED RESPONSIBILITIES

Cheshire and Warrington LEP is a Company Limited by Guarantee, bound by its Articles of Association. Stoke-on-Trent and Staffordshire LEP is a partnership bound by its constitution.

The Parties will therefore be bound collectively and separately by those laws and requirements in the exercise of this Concordat and in any initiatives, projects or joint working activities which arise from it.

OUR SHARED VALUES

The Parties AGREE to maintain the following shared values during the exercise of this Concordat [examples]:

- A commitment to deliver quality outcomes which offer good value and mutual benefit
- To retain flexibility, honesty and accountability
- A pragmatic approach to ensure to ensure bureaucracy and duplication are minimised
- A belief in partnership and sharing
- A recognition of the rights and responsibilities of each of the Parties

OUR APPROACH TO JOINT WORKING

The Parties will work together to ensure that this Concordat is implemented successfully and will, wherever possible, use the following approach to achieve common goals:

- ◇ Maintain close political links between the two Partnerships
- ◇ Develop closer co-operation and/or joint working
- ◇ Build a framework within which joint project development can become a reality
- ◇ Utilise our collective resources to provide common sources of advice and data
- ◇ Embrace best practice, learning and experience

The two LEPs commit to meet at least four times a year at Board level to ensure that they are working together in a way that fully exploits sustainable growth opportunities across the two areas.



**Stoke-on-Trent
& Staffordshire**
Enterprise Partnership

**Stoke-on-Trent
& Staffordshire**
Enterprise Partnership



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Date 11th November 2015

REPORT TITLE Implementation of new housing legislation for the Redress scheme and smoke / carbon monoxide alarms

Submitted by: Gill Taylor

Portfolio: Planning & Housing

Ward(s) affected: All

Purpose of the Report

To advise Cabinet of the following new housing legislation and to decide upon the Council's response to it::

- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014, and;
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, ensuring arrangements are in place for appropriate delegations and fines.

Recommendations

- a) To note the new duty placed on Local Authorities under both 'The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014, and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- b) To delegate authorisation to investigate, take enforcement action and issue civil penalties and monetary penalties under the above legislation to the Head of Housing, Regeneration and Assets (and appropriately qualified housing officers). To report this amendment to the Scheme of Delegation to full Council.
- c) To approve the issue of a monetary penalty or a civil penalty notice of up to £5,000 as provided for in the legislation (also referred to in this report as 'fines') for breaches of the legislation reflecting the serious consequences non-compliance can have on tenants' rights and on their safety.
- d) To authorise the Executive Director for Regeneration and Development in liaison with the Portfolio Holder for Planning and Housing to revise the Housing Enforcement Policy to include the new legislation and principles used to determine the level of fine and enforcement requirements.

Reasons

The Council should be aware of and compliant with new legislation. The report proposes to delegate authority to appropriately qualified officers to ensure that the Council is ready and prepared to deal with any breaches thereby ensuring tenants in the borough are appropriately protected.

1. **Background**

- 1.1 There is a strong private rented sector in the borough serving the housing needs of approximately 10% of the population. The Council is responsible for ensuring good standards in the sector protecting the health, welfare and rights of tenants. This report discusses two new pieces of government legislation to strengthen these powers.

2. **New Legislation**

2.1 **The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014**

- 2.1.1 This Order makes it a legal requirement for any person who engages in lettings agency work and/or property management work in England to join a Government-approved redress scheme. The legislation intends that tenants, prospective tenants, landlords dealing with lettings agents, leaseholders and freeholders dealing with property managers (as detailed in the Order) can complain to an independent body about the service received. This should make it easier to complain about bad service and reduce the risk of disputes escalating. There are currently three government approved redress schemes. Each Scheme publishes a list of its members on their website.

- 2.1.2 The Council has a duty to enforce the legislation. In the event of a failure to remedy a breach following service of notices, the Council may impose a fine up to £5000. The requirements and procedure for the imposition of a fine are set out in Appendix A.

- 2.1.3 Guidance has been issued and sets out that that expectation is that a £5,000 fine should be considered the norm and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances.

2.2 **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

- 2.2.1 These Regulations came into force on 1st October 2015 and place three duties on landlords in the private rented sector:

- to ensure there is a smoke alarm on every storey of their property;
- to ensure there is a carbon monoxide alarm in any room used as a living room which contains a solid fuel-burning combustion appliance; and
- to ensure that alarms are in proper working order at the start of a new tenancy.

- 2.2.2 The Council has a duty to enforce the legislation. The Regulations require the Council to serve a remedial notice where there are reasonable grounds to believe the landlord has not complied with any of the three duties. If a landlord fails to comply with the remedial notice within 28 days of the notice being served, the Council has a duty (where the occupier consents) to arrange remedial action, within 28 days of such consent, in order to ensure that tenants are protected by working alarms. The Council may also, within a 6 week period, impose a civil penalty charge of up to £5,000 on landlords who are in breach of their duty to comply with the remedial notice.

Further information on the process for service of a remedial notice is contained in Appendix B. A landlord may request a review of the service of a remedial notice and if dissatisfied with the outcome of the review has the right to appeal to the first-tier

Tribunal. The legislation also makes provision that in the event of non-payment of a penalty charge the Council can recover the charge on the order of a court. A local housing authority is required to publish a statement of principles in relation to the amount of the penalty charge.

- 2.2.3 Following discussions with neighbouring authorities it is proposed to have a consistent fine for non-compliance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 throughout Staffordshire to ensure it is given equal importance and a consistent message to landlords who have properties in more than one borough within the County. A fine of £2,500 is proposed for a first occasion and £5,000 where there is evidence of a previous fine.

3. **Proposal**

- 3.1 For the relevant officers within the Housing Services team (within the Regeneration and Development Directorate) to be delegated to enforce both pieces of new legislation, taking enforcement action and issuing fines as appropriate. In addition it is proposed that authority is given to the appropriate officer, in liaison with the Portfolio Holder for Planning and Housing, to amend current Policy to take account of these legislative changes.

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

- 4.1 The adoption of these duties will contribute to:
- creating a healthy and active community by improving the safety of the private rented sector and enhancing tenants' rights;
 - our Co-operative Council aims to protect the interests of our citizens and;
 - demonstrate effective Partnership Working, with Staffordshire Fire and Rescue Service and neighbouring authorities.

5. **Legal and Statutory Implications**

- 5.1 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 place a duty on local authorities to enforce the requirements enshrined in these pieces of legislation.

6. **Equality Impact Assessment**

- 6.1 There are no negative impacts that have been identified. The positive impacts will directly benefit tenants in the private rented sector.

7. **Financial and Resource Implications**

- 7.1 It is expected that there will be some resource implications for staff to monitor the new duties but it is anticipated that these can be absorbed within the existing resources. With regard to the work arising from any resulting enforcement action (where needed) it is expected that this will be covered by the income derived from any fines.
- 7.2 With regard to financial implications, whilst any surplus income resulting from fines for non-compliance is expected to be minimal (once the Council's administrative/legal costs have been taken into account) these sums may be used by the authority to support any of its functions.

8. **Major Risks**

8.1 None identified from the recommendations identified in this report

9. **Key Decision Information**

This is a key decision as it could affect all wards.

10. **List of Appendices (available on request)**

10.1 Appendix A - Guidance on The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361556/Lettings_Agents_and_Property_Managers_redress_scheme_leaflet.pdf

10.2 Appendix B – Guidance to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/464711/150929_SC_Explan_Book_Annex_B_LAs_REVISED.pdf

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

Date: 11th November 2015

1. **HEADING** Syrian Vulnerable Persons Relocation Scheme
- Submitted by:** Head of Housing, Regeneration and Assets
- Portfolio:** Planning and Housing
- Ward(s) affected:** All

Purpose of the Report

To consider proposals to work in partnership with the County Council to deliver the Syrian Vulnerable Persons Relocation scheme.

Recommendations

- a) To accept the proposals to work with Staffordshire County and other District Councils to establish referrals processes and to authorise officers to commission appropriate support packages in consultation with the Portfolio Holder for Planning and Housing.
- b) That the Borough Council confirms its support for the Syrian Vulnerable Persons Relocation Scheme being co-ordinated through Staffordshire County Council with the borough accepting 6 households in the first tranche.
- c) Subject to the delivery of the first tranche of relocation of persons qualifying under this scheme to authorise the Executive Director for Regeneration and Development in consultation with the Portfolio Holder for Planning and Housing to take forward further tranches in accordance with the processes described in this report.
- d) That if the most appropriate option is to house the Syrian Refugees through a nomination with a Registered Provider (e.g. Aspire Housing), that officers be authorised to make delegated decision(s) for a direct letting and for the nomination to be acknowledged as an exception to the Housing Allocation Policy.
- e) That officers report back on progress with the scheme to a future Cabinet (by no later than June 2016).

Reasons

There was a commitment given at the September Council meeting to consider support for Syrian refugees and Cabinet approved to receive a further report outlining the local delivery options. Discussions have commenced with the County Council and it is appropriate that this Council considers the number of households to be supported alongside the resource requirements.

1. **Background**

- 1.1 There continues to be large numbers of people fleeing Syria and many of the particularly vulnerable Syrians living in refugee camps in neighbouring countries. The government has asked local authorities to volunteer to accommodate some of these refugees as part of the national commitment to resettle up to 20,000 Syrian refugees. The Home Office expects it to

take several months to reach full capacity but when the systems are fully operational nationally there will be several hundreds of refugees being resettled each month over the course of Parliament.

- 1.2 The Government is intending to increase the numbers of households resettled from Syria through the Syrian Vulnerable Persons Relocation (VPR) Scheme. The VPR scheme will identify refugees to be taken from the camps in the countries neighbouring Syria using the established United Nations High Commissioner for Refugees UNHCR process for identifying and resettling refugees. The VPR scheme prioritises help for survivors of torture and violence, women and children at risk, and those in need of medical care. Generally, families will comprise 4 to 6 people (inclusive of the head of family) but cases will also consist of single people and the occasional larger family.
- 1.3 Those who are accepted under the VPR Scheme are granted humanitarian protection giving them leave to remain for 5 years with full access to employment and public funds and rights to family reunion comparable to refugees. They are required to enrol their biometrics in order that a Biometric Residence Permit can be issued to them. At the end of the 5 years, if they have not been able to return to Syria, they may be eligible to apply for settlement in the UK.
- 1.4 As amplified in section 2.2 this matters requires a co-ordinated multi-agency response. The primary area of support that the Borough Council would be expected to provide relates to the Strategic Housing function. As a non-stockholding Authority the responsibility for addressing homelessness (including the provision of housing advice) is discharged through the commissioned Newcastle Housing Advice service. The allocation of properties via the latter service is informed by an Allocations Policy prepared by the Council (in consultation with Registered Providers). The current waiting list is running at about 1810 households. The approved Allocations Policy makes no specific provision for Refugees Any nomination made to a Registered Provider would need to be defined as a 'Direct Let' and be made with a delegated power as it would be an exception to the housing allocation policy.

2. Resettlement of refugees

- 2.1 The County Council is establishing a Migration Steering Group to co-ordinate a countywide multi-agency response. This will include representatives from district and borough councils, health and social care and umbrella voluntary sector groups. Alongside this will be a Staffordshire Migration Forum which will provide a wider partnership forum including the County Council, Stoke-on-Trent Council (SOTCC), district and borough councils, other local public sector organisations and agencies, the voluntary and faith sectors and the private sector housing representatives. This forum would come together regularly to share, discuss and agree to take action on any issues which may affect the integration and well-being of Syrian Vulnerable Persons. These groups could be mirrored at an operational level within the Borough to support the refugee response locally. It is proposed that officers discuss having a local operational group to pick up the specific issues arising from the individual households.
- 2.2 The County Council is proposing an integrated approach to ensure that vulnerable refugees are provided with dignified and appropriate support from a range of agencies. Clearly providing a simplified customer experience must be sought to ensure that services are delivered efficiently to these homeless households. The County Council has identified 7 key components:
 - a) **Residency issues** - Whilst refugee status should be in place for Syrian refugees prior to arrival in the UK, support may be required for related issues such as obtaining necessary identity and immigration documentation for themselves or dependents.

Lead agency – UK Visas and Immigration

- b) **Health and wellbeing** – an immediate priority is likely to be address any physical and mental health issues.

Lead agencies: Stoke-on-Trent and Staffordshire NHS Partnership Trust (SSOTP), North Staffs Combined NHS Trust, South Staffordshire and Shropshire Healthcare NHS Foundation Trust (SSSFT) and the local Clinical Commissioning Groups (CCGs).

- c) **Access to settled housing** – finding somewhere stable and secure to live is a vital support requirement.

Lead agencies: The Borough Council (with the County Council co-ordinating arrangements for children without parental care and other refugees requiring residential social care) supported by housing landlords.

- d) **Financial stability** – refugees will require help setting up bank accounts and accessing interim financial support (i.e. welfare benefits).

Lead agencies: Job Centre Plus, Borough Council benefits team and possibly the local Citizens Advice Bureau.

- e) **Access to childcare and education** – Nursery, school and higher education places will be required for dependent children.

Lead agency: County Council (with input from local educational providers).

- f) **Access to training / education and employment** – refugees will be seeking to establish a new life and will be keen to obtain a source of income, should they be capable of working. Making steps towards securing employment and financial independence will be essential to helping them settle in the UK and reducing pressure on public sector budgets.

Lead agency: Job centre plus, along with County Council skills and employment team in conjunction with local training organisations.

- g) **Citizenship, culture, faith and community** – support must be given for refugees to assimilate into British culture, to learn English, to integrate with their local faith groups, and to become a cohesive part of their local community.

Lead agency: County Council with support from the voluntary sector and faith communities.

- 2.3 Further to paragraph 1.4 the Council would need to balance the local policy context with the Government's call for a national response to the ongoing Syrian Refugee crisis. It is likely that any local response will need to address:

- a. the geographical location in relation to the wide range of support services;
- b. the potential desirability of clustering to provide a degree of mutual support between the Syrian Refugee households;
- c. the availability of accommodation to meet considerations (a) and (b) in a variety of tenures including Social Rented, Private Rented and B & B accommodation.

3. **Proposal and Reasons for Preferred Solution**

- 3.1 Taking a co-ordinated approach throughout Staffordshire will assist in sharing best practice and provide capacity for taking the practical steps of relocating the individual refugees. The County Council will be able to provide the key link to the West Midlands Strategic Migration Partnership (WMSMP).

- 3.2 Through the recommended Staffordshire-wide approach the Councils and key partner agencies will be able to work alongside existing voluntary sector support providers and to consider commissioning third party providers to deliver orientation services or provide this in-house. Consideration will also need to be given to bringing in specialist support providers subject to individuals' specific requirements.
- 3.3 As a non-stock holding authority, but with enabling responsibilities for the Strategic Housing function, this Council would need to have discussions with local registered providers and private landlords to secure access to suitable housing. As the scheme is accommodating vulnerable persons the Council will be looking to make direct payments to landlords. Subject to discussions with the partner organisations it would be appropriate for the Council to consider working with voluntary sector specialist housing support providers to provide advice and support in finding and settling in a new home. Ideally the Council would like to secure accommodation for the arrival of the refugees and to minimise the use of emergency homeless accommodation. Should the Council work with a specialist provider they can start discussions with private landlords to secure private rented accommodation and be ready to establish services like gas and electric when the household arrives.
- 3.4 The Council commissions the Furniture Mine to provide recycled furniture to homeless households. This service can be used to secure furniture cost-effectively and where necessary additional furniture may need to be purchased to meet the needs of the individual family. The County Council is also looking to find ways of providing items such as bedding and kitchen white goods.
- 3.5 Originally the County Council made an offer to accept 50 refugees in the first tranche and they have asked District Councils to confirm the number they are willing to accommodate. It is proposed that the Council offers to assist 6 households in the first tranche; this is in line with provisional views of other districts in the County.

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

- 4.1 Support for the VPR scheme could contribute to the corporate priority of providing a healthy and active community.

5. **Legal and Statutory Implications**

- 5.1 The option to join the Syrian Vulnerable Persons Relocation Scheme is currently voluntary and is totally separate to supporting asylum seekers. By considering supporting Syrian refugees the Council would not be involved in any discussions about becoming a dispersal area for asylum seekers.

6. **Equality Impact Assessment**

- 6.1 The Council and its partner agencies / organisations will need to ensure that there is a range of appropriate support available for any relocated household.

7. **Financial and Resource Implications**

- 7.1 Officer resources will need to be prioritised to take forward the discussions with partner organisations; at this stage it is difficult to quantify the workload demands. Further information is required on how the financial aspects of the VPR scheme will work locally within Staffordshire. The government has announced that the cost of supporting the refugees in their first year in Britain will be funded from foreign aid spending. The Local Government Association (LGA) has requested that the Government extends this support to

cover the full 5 year period of support required. It is understood that the funding will be based on a fixed rate per refugee and will be used to contribute towards health and social care costs with some support for housing.

The list below provides an indication of the kind of funding that the government envisage being provided, based on agreements made with local authorities who are already participating in the scheme and those who accept new arrivals under the Refugee Gateway programme:

- Reception and ground travel costs to the receiving area;
- The actual costs of up to two months void costs when securing accommodation plus the actual cost of adapting and furnishing properties where necessary;
- One-off cash and clothing allowance for new arrivals of £200 per person paid in advance of receipt of mainstream benefits;
- £600 per head for primary care costs plus first year secondary health care costs including any specialist services that are necessary;
- £4,500 per head for education costs for 5-18 year olds (£2,250 for ages 3-5) plus any first year costs for specialist educational support which may be required;
- Where necessary, first year adult and child social care costs as incurred and;
- Actual costs of providing one year's orientation support including provision of English for Speakers of Other Languages (ESOL).

7.2 The council uses a company for interpretation and translation services; it's difficult to predict the costs of translation calls (both in terms of the number of calls that any household may require and the length of the calls), however it should be acknowledged that these costs will be above the normal budgeted levels. Whilst the year one costs are covered, there may be some minor increased costs in future years should the persons within these households need further assistance.

7.3 In terms of securing accommodation it is anticipated that there will be a need to cover the rent of the properties for a few weeks between the property becoming vacant and the family moving in. Officers recommend that void payments are made as this would be cheaper and, importantly, better for the family than using emergency housing whilst a property is secured. It is proposed that officers agree a process for securing appropriate housing as part of the Staffordshire-wide approach.

8. **Major Risks**

8.1 The key issues and areas of risk have been identified in the earlier parts of this report. More operationally-based risk assessments will need to be updated as the local working procedures are established and these will be shared with the relevant Portfolio Holders as appropriate.

9. **Key Decision Information**

9.1 This is not a key decision.

10. **Earlier Cabinet/Committee Resolutions**

10.1 Cabinet approved in September 2015:
(i) That officers be authorised to commence discussions with partner organisations to consider establishing local support options.
(ii) That it be reported to a future Cabinet on the preferred option to support the Syrian Vulnerable Persons Relocation Scheme

11. **List of Appendices**

11.1 None.

12. **Background Papers**

12.1 Various exchanges of correspondence with government and other partner agencies in this matter.

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

Date 11th November 2015

Petition submitted to Council to preserve the land at Sandy Lane, May Bank as open space

Submitted by: The Property Manager
Portfolio: Town Centre, Business and Assets
Ward(s) affected: May Bank

Purpose of the Report

To provide members with information that will enable Cabinet to make a decision in this matter.

Recommendations

- (a) That Members receive and note the petitioners' concerns and objections.
- (b) That members consider the issues raised by the petitioners in light of previous decisions.

Decision required

Do Members wish to reaffirm their decision of 12 November 2014 and authorise the disposal of this area of land, subject to securing a residential planning permission?

Reasons

Receipt of the petition that was reported to Council on 23rd September 2015 where it was resolved that the comments within the petition be referred to Cabinet for consideration.

1. Background

- 1.1 An area of land on the corner of Sandy Lane and Brampton Road, May Bank was identified in the Council's Asset Management Strategy 2014/15 as a site where alternative uses should be explored because it had been demonstrated that it did not serve any strategic or operational purpose to the Council. In accordance with the Strategy the public were consulted and the outcome was reported to Cabinet on 12 November 2014.
- 1.2 At that meeting it was resolved to dispose of this land subject to securing a planning permission for residential development of the site. Authorisation was given for officers to procure the services of a specialist planning consultant to prepare and submit a planning application in respect of this site.

1.3 Consultants were duly appointed and all the technical reports and background information have now been prepared. Appropriate plans have been produced and pre-Planning application procedures have been undertaken to enable formal submission of a planning application. This process has been suspended to enable Cabinet members to consider any relevant implications of the petition.

1.4 The petition contained 552 names and its purpose was;

- To request that the Council recognises the community use of the parkland by the junction of Sandy Lane and the Brampton Road.
- To call on the Council to preserve it in its entirety as public open space

2. **Issues / options**

2.1 Option 1 – To re-affirm the previous resolution of Cabinet to dispose of the site on the basis previously resolved. The content of the petition would be taken into account in the preparation of the planning application and it would be forwarded to the Local Planning Authority so that it could be taken into account as part of the Planning decision-making process.

This would result in the following:

- It would be consistent with a previous Cabinet decision in this matter and accord with the proposals in the current Asset Management Strategy in respect of this parcel of land.
- It would be consistent with the Council's Green Spaces Strategy.
- Subject to the granting of planning permission, it would enable the realisation of a capital receipt which will contribute to delivery of the schemes identified in the Council's Capital Investment programme which, in turn, will assist in the Council achieving its corporate and service objectives.
- Residential development on this site would contribute to the supply of housing land and meet broader housing provision objectives.
- Remove any ongoing maintenance and other liabilities arising from land ownership.

2.2 Option 2 – Retain the site as an area of open space as requested by the petition.

This would result in the following:

- The Council retaining land that it has no operational need for.
- Responsibility for the ongoing maintenance costs and other liabilities arising from land ownership.
- Neither a capital receipt nor best consideration will be achieved thereby undermining the Council's ability to fund its Capital Investment Programme and potentially jeopardising delivery of essential Council services, contrary to a key aim of the current Asset Management Strategy.
- Failure to contribute to the borough's supply and choice of housing.
- Abortive costs in relation to the preparation of reports and background information in respect of the planning application.

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

3.1 A potential disposal of this asset would enable the achievement of priority outcomes in all four of the Council's corporate priorities.

4. **Legal and Statutory Implications**

4.1 There are no legal or statutory implications arising directly from this report. Although members should be reminded that the Council is under a duty to achieve 'best consideration' in any land disposal (S.123 of the Local Government Act 1972 (as amended)). In addition there is a broad public interest duty that falls upon the Council in the way that it manages its use of resources with a view to demonstrating value for money.

5. **Equality Impact Assessment**

5.1 There are no such issues arising directly from this report.

6. **Financial and Resource Implications**

6.1 Option 1 – The disposal of this site would generate a capital receipt that is required to contribute towards the funding of the Council's current capital programme. The failure of the Council to realise the necessary values to achieve the latter objective would mean that the Council has to either find alternative capital funding sources or borrow to fund its capital programme (at least in part).

6.2 Option 2 – If the site were to be retained as public open space there would be an annual ongoing maintenance cost and a one-off capital cost for the abortive planning consultancy fees (about £31k).

7. **Major Risks**

- Loss of income to the Council (capital receipt)
- Increased revenue expenditure for the Council
- Inability to fund essential Council services
- Inability to implement the Council's Asset Management Strategy 2015/16-2017/18.
- The under-utilisation of public assets
- Inability to fund essential Council services;

8. **Key Decision Information**

8.1 The full Council has delegated consideration of this matter to Cabinet.

9. **Earlier Cabinet Decisions**

Cabinet 12th November 2014 – Asset Disposals
Cabinet 14th January 2015 – Asset Management Strategy
Full Council 23rd September 2015 - Petition

10. **Appendices**

Location plan showing the site in the context of the wider area.

11. **Background Papers**

Asset Management Strategy 2014/17
Asset Management Strategy 2015/16-2017/18 – available of the Council's website
Petition dated 8th September 2015

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

Date 11th November 2015

REPORT TITLE **Proposal for Selective Licensing**

Submitted by: **Gill Taylor**

Portfolio: **Planning & Assets**

Ward(s) affected: **Kidsgrove**

Purpose of the Report

This is a progress report on the Council's proposal for Selective Licensing in the Miners Estate in Kidsgrove to address concerns about anti-social behaviour and general estate management.

Recommendations

- a) **To note the progress made in collating an evidence base to support the implementation of a selective licencing scheme**
- b) **To commission a peer review of the evidence base to ensure that this is sufficiently robust to support the implementation of a selective licencing scheme on the Miners Estate in Kidsgrove**

Reasons

The Miners Estate in Kidsgrove is reported to suffer from persistent and ongoing anti-social behaviour and poor property condition. It is appropriate for the Council and partner agencies to consider the extent of the problems, to gain robust evidence of the situation and to initiate appropriate projects to address the concerns.

1. **Background**

- 1.1 Selective licensing schemes are designed to improve the standards of property management in the private rented sector. Schemes can be proposed if an area is experiencing one or more of the following;
 - low housing demand (or is likely to become such an area),
 - a significant and persistent problem caused by anti-social behaviour,
 - poor property conditions,
 - high levels of migration,
 - high level of deprivation,
 - high levels of crime.
- 1.2 When considering whether to make a selective licensing designation the Council must evidence that the area is suffering problems that are attributable to the above criteria and what it expects the designation to achieve.

- 1.3 The Council must also consider whether there are any other courses of action available that would achieve the same objectives. Only where there is no practical and beneficial alternative to a selective licensing designation should a scheme be proposed.
- 1.4 If a selective licensing designation is approved, it can last up to five years and the Council must be able to demonstrate that improvements have been made to the area.
- 1.5 If a selective licensing scheme is approved, the landlord of every privately rented property in the designated area would have to obtain a licence from the council, unless the property already has a House in Multiple Occupation (HMO) licence or is owned by a registered social landlord.

2. **Issues**

- 2.1. Approximately 45% of the properties in the Miners Estate in Kidsgrove are privately rented, this is well above the borough average of 10% and the national average of 16%. The properties were built by the Coal Board in the 1950s to a non-traditional, pre-fabricated, Schindler design. The properties were sold by the Coal Board in the 1980s with many occupiers choosing to purchase them. Those that were not bought by the occupiers were auctioned which attracted investors, often from outside the area. Several of the tenants at the time remain as protected tenants. Between 1990-95 a major refurbishment programme overseen by the Council helped to rectify defects with the non-traditional construction. Those owning property prior to a cut-off date when the defects became evident were eligible for and were offered grants under the Housing Defects Act 1984. Whilst those who had purchased after the date were ineligible. This has led to approximately half of the properties being reinstated to a condition where a mortgage can be obtained with the remainder still being original construction.
- 2.2 Mortgage companies are not willing to lend on the original construction properties, limiting their market to cash buyers. While this limits their value it does not affect the rental return hence making the properties attractive to landlords. This has led to the high incidence of private renting which in turn has led to concerns about low housing demand, poor property conditions and significant and persistent problems caused by crime and antisocial behaviour. This in turn has led to consideration of selective licensing and collating evidence relative to those criteria.
- 2.3 Officers have collated an evidence base using data drawn from the Council's own records and those of relevant partner organisations as well as published data sources. However, in order to ensure that this is robust and meets the legislative requirements it is recommended that a peer review be undertaken to validate this evidence base which will form the basis of the case for implementing a selective licence scheme. Experience of other councils has shown that the evidence base may be challenged and in view of the fact that this would be the first scheme proposed by the Borough Council it important that the underlying data which supports the case for selective licencing is sound.

3. **Proposal**

- 3.1 The designation of a selective licensing scheme must be based on strong evidence demonstrating a clear need and must state achievable and realistic outcomes. Public consultation must be carried out prior to a declaration and the action is subject to legal challenge. Legal challenges have been undertaken against other local

authorities by landlords and landlord groups where selective licensing has been proposed. Further, this Council has not to date sought to implement a selective licencing scheme and it is therefore considered prudent to seek input from a council which has had experience of successfully implementing a selective licencing scheme and to ensure that any scheme in the Borough is in accordance with current best practice. The key proposal in this report is therefore to gain an independent review of the evidence and the strength of the proposal set against the specific criteria for selective licensing before progressing to the next step. This will also provide an opportunity to draw upon the experience of a council which has already implemented such a scheme.

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

4.1 The proposal will contribute to:

- creating a healthy and active community by improving housing conditions and reducing anti-social behaviour,
- our Co-operative Council aims by protecting the interests of our citizens and;
- demonstrating effective Partnership Working, with Staffordshire Police and neighbouring authorities.

5. **Legal and Statutory Implications**

5.1 Selective Licensing Schemes can be declared under the Housing Act 2004. The requirements of the Act and relevant guidance must be followed in making a declaration otherwise the Council will be open to legal challenge.

6. **Equality Impact Assessment**

6.1 The proposal will directly affect landlords of properties in the Miners Estate, Kidsgrove. All landlords will have the opportunity to make representations during the public consultation which must be fully considered. The positive impacts will directly benefit tenants in the private rented sector and residents on the Miners Estate.

7. **Financial and Resource Implications**

7.1 The next step after this reports recommendations may be a formal public consultation, such a consultation will be resource intensive and will be costed out as part of the consultation project plan.

8. **Major Risks**

8.1 There are no major risks associated with the recommendations in this report.

9. **Key Decision Information**

This is not key decision.

10. **List of Appendices (available on request)**

Communities and Local Government - Selective licensing in the private rented sector
- A Guide for local authorities - March 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418551/150327_Guidance_on_selective_licensing_applications_FINAL_updated_isbn.pdf

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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