

## CABINET

Wednesday, 15th October, 2014

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

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

### 1. APOLOGIES

There were no apologies.

### 2. MINUTES OF THE PREVIOUS MEETING

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

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

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. MEDIUM TERM FINANCIAL STRATEGY

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

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

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

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

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

**Resolved:**

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

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

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

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

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

**Resolved:**

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

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

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

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

**6. NEWCASTLE PARTNERSHIP REVIEW**

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

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

**Resolved:**

That Cabinet

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

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

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

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

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

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

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

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

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

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

**Resolved:**

That Cabinet:

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

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

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

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

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

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

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

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

**Resolved:**

That Cabinet notes the contents of the report and

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

**9. STATEMENT OF COMMUNITY INVOLVEMENT**

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

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

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

**Resolved:**

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

**10. PLANNING PEER REVIEW**

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

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

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

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

**Resolved:**

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

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

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

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

**Resolved:**

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

**12. DUTY TO COOPERATE**

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

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

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

**Resolved:**

- (a) That Cabinet note the action taken.

**13. TOWN CENTRE CAR PARKING**

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

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

**Resolved:**

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

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

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

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

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

**Resolved:**

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

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

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

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

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

**Resolved:**

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



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

**16. URGENT BUSINESS**

There was no urgent business.

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

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