

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO COUNCIL

29 October 2008

1. STATEMENT OF ACCOUNTS 2007/08

Submitted by **Finance Manager**

Portfolio **Resources and Efficiency**

Ward(s) affected **All indirectly**

Purpose of the Report

To inform members of changes to the Statement of Accounts which were submitted to you and approved at your meeting of 25 June 2008.

Recommendation

That the amended Statement of Accounts for 2007/08 be approved.

Reasons

If there have been any amendments to the Statement of Accounts, made as a result of the audit of the accounts, since the previous approval the Council are required to approve these revisions.

1. Background

1.1 The Accounts and Audit Regulations 2003 require that the Council's annual Statement of Accounts must be approved by the Council by 30 June 2008. Accordingly, the 2007/08 Statement was presented to you and approved at your meeting on 25 June. At that point the annual audit of the Council's accounts had not taken place. You were informed that if any changes were made to the Statement, the Regulations require that you are made aware of those changes.

2. Issues

2.1 Following the conclusion of the audit in September, it is pleasing to report that an unqualified audit opinion was received. However a number of amendments were agreed with the District Auditor. These amendments, which are largely of a technical accounting nature, are reflected in a revised Statement of Accounts, which is available in the Members Room. The main amendments which it is considered materially affect the Council's financial position are set out in Appendix 'A' (salmon paper).

3. Legal and Statutory Implications

3.1 The Accounts and Audit Regulations 2003 require that the Statement of Accounts is approved by the Council and that if any amendments are made to a previously approved Statement these should be reported to a subsequent Council meeting.

4. **Equality Impact Assessment**

4.1 There are no equality issues arising from this report.

5. **Financial and Resource Implications**

5.1 The amendments to the accounts have no overall effect upon the General Fund Revenue Account. The out-turn position remains as reported to you previously.

5.2 The changes to the Consolidated Balance Sheet consist of amendments to the fixed assets balances, to a number of reserves (none of them containing useable balances) and to debtors and creditors in order to bring transactions into the correct year of account, to reflect new requirements relating to Financial Instruments, which have also entailed amending the balances shown for investments, and to correct an instance where creditors were netted off debtors. None of these changes affect the resources available to the Council or have any tangible financial implications for it.

5.3 A number of changes were also needed to the narrative contained in the Statement. None of these were significant apart from the inclusion of an extra Note (Note 38) relating to Financial Instruments, giving additional information about the balances which are included in the accounts in relation to various types of Instrument.

5.4 The Auditor also drew attention, in his Annual Governance Report, considered by the Audit and Risk Committee on 24 June 2008, to the position in relation to the Building Control service, which is required to break-even in respect of its chargeable element over a three year rolling period. The accounts showed that a deficit had resulted in 2007/08 and in the previous two years: over the three year period the accumulated deficit amounted to £262,304. This includes an exceptional year, 2006/07, when the service was only able to continue by employing agency staff, which incurred considerable additional costs. The service is now provided jointly with Stoke-on-Trent City Council and discussions will be had with Stoke to address this matter. A detailed report will also be brought to the 18 November meeting of the Audit and Risk Committee to provide further information.

6. **Key Decision Information**

6.1 The decision is not included in the forward plan.

7. **Earlier Cabinet/Committee Resolutions**

7.1 The Council meeting of 25 June 2008 approved the draft 2007/08 Statement of Accounts.

8. **List of Appendices**

Appendix 'A' (salmon paper), Summary of main amendments to the Statement of Accounts.

2. REPORT OF THE MONITORING OFFICER – THE ROLE OF THE FULL COUNCIL

Submitted by Paul Clisby

Ward(s) affected All

Purpose of the Report

To detail the Constitutional amendments required by the adoption of the recommendations of the review report and advise Members on how to enact changes to ensure compliance with legislation and Council convention.

Recommendation

That the report be received.

1. Background

1.1 In November 2007 the former Scrutiny Committee established a Scrutiny Review Working Party to examine future proposals for the role of Full Council to complement the revisions which the Council has subsequently made to its Overview and Scrutiny arrangements.

1.2 The Working Party produced a final report which the former Scrutiny Committee considered at its meeting on 9 January 2008. That body agreed the final report and forwarded it, along with the following recommendations, to Cabinet:

(a) That Cabinet consider the report and respond to the recommendations contained therein

(b) That Cabinet, when determining the programme of meetings for the next municipal year (2008/9), consider the point highlighted in the conclusion of the report relating to the scheduling of committee meetings.

1.3 On 16 January 2008, the Cabinet considered the report and recommendations in respect of the role of the Full Council and made the following decision:

“That the proposals for the future role of Full Council be agreed and referred to the Council for adoption”.

Subsequently, the final report on the Role of Full Council was agreed at the Council meeting held on 30 July 2008.

2. The Recommendations contained in the Role of Full Council report and the effect on Full Council

2.1 CIVIC AND CEREMONIAL

Recommendation 1

That the authority and precedence of the Mayor be re-affirmed and the associated civic and ceremonial aspects of the full Council meeting be acknowledged as enhancing the occasion.

Change to Full Council –
None

Recommendation 2

That the Mayor's role as Chairman of the full Council be re-affirmed as representing the interests of the wider Council and the public and to order the management of full Council meetings.

Change to Full Council –
None

Recommendation 3

That the Mayor and Deputy Mayor, prior to installation, should undertake training on how to chair meetings of full Council. This training should include management of debates and the conduct of Members. Training should also be provided to the senior officers, specifically, although not exclusively, the Chief Executive and the Monitoring Officer, supporting the Mayor in this role, particularly on the issues around the enforcement of codes of conduct and the application of standing orders.

Change to Full Council –

Clearly, this should help to enhance Full Council's effectiveness and efficiency and the reputation of the Council with regard to the rights of Members and the interests of the community.

Recommendation 4

That training on the full Council meeting be included within the Member Induction Programme following municipal elections to introduce new councillors to the meeting of the full Council and the associated protocols and procedures with a particular emphasis on making Members aware of the consequences of breaching the Council's Rules of Debate.

Change to Full Council –

This should help to enhance Full Council's effectiveness and efficiency and the reputation of the Council with regard to the rights of Members and the interests of the community.

2.2 **HOLDING THE CABINET TO ACCOUNT**

Recommendation 5

That the summary of Cabinet decisions and the latest publication of the Forward Plan, which are currently submitted to the Scrutiny Committee, now be referred to the full Council for consideration.

Change to Full Council –

Full Council has always been able to scrutinise the work of all committees and the Cabinet but this systematises that process to make it an easier and more regular process, enhancing the contribution of Members and ensuring accountability and debate.

Recommendation 6

That Members be encouraged to make greater use of the provisions of Procedure Rule 21 in the Council's Standing Orders which provides for Members to ask questions without prior notice; questions with prior notice; and other questions of the Leader of the Council, a

Cabinet portfolio holder or the Chair of any committee. This can be enacted through the existing provisions outlined in Recommendation 15.

Change to Full Council –

It is a significant role of the Council to provide a forum for the asking and answering of questions (in public where possible) and an enhancement of the role of individual Members in promoting public involvement and ensuring the Council is accountable.

Recommendation 7

That the Full Council refer matters it considers appropriate to the relevant Overview and Scrutiny Committee for further investigation and there be provision for the outcomes of such investigations to be reported back to the Full Council.

Change to Full Council –

This joined up approach to accountability enhances the role of Full Council in directing the work of overview and scrutiny and using that resource to assist Council in its work.

2.3 **OWNERSHIP OF POLICY**

Recommendation 8

That consideration be given to a review of the Council's Policy Framework and the principle that the Full Council should normally agree all policies, with the exception of those that are reserved to the Cabinet, be supported.

Change to Full Council –

This emphasises that it is the role of Full Council to be the principal policy setter for the Borough.

Recommendation 9

That the Cabinet provide a full list of every policy, strategy and plan produced by Newcastle-under-Lyme Borough Council and also provide details of the deadlines for approval of such documents. This should be accompanied a timetable to better plan the development and review of policies, strategies and plans by Members and improve the existing business planning processes within the Council.

Change to Full Council –

This will assist Full Council to carry out its role of setting and developing the major policies of the Borough so that those policies are relevant and effective and that Members can fully contribute to them.

Recommendation 10

That, following on from recommendation 9, a process for encouraging greater Member involvement in the development of policy documents be developed and communicated to Members, having regard to the policy development role of the Overview and Scrutiny Committees.

Change to Full Council –

This will assist Full Council to carry out its role of setting and developing the major policies of the Borough so that those policies are relevant and effective and that Members can fully contribute to them.

Recommendation 11

That the Cabinet ensure that all Members are notified by the Members' Bulletin of the commencement of the development or review of policies, strategies and plans to ensure Member involvement at the earliest possible opportunity.

Change to Full Council –

This will assist Full Council to carry out its role of setting and developing the major policies of the Borough so that those policies are relevant and effective and that Members can fully contribute to them.

Recommendation 12

That, as well as being submitted to the Cabinet, all completed Overview and Scrutiny Review Reports be submitted to Council for full debate.

Change to Full Council –

Full Council has always been able to scrutinise the work of all committees and the Cabinet but this systematises that process to make it an easier and more regular process, enhancing the contribution of Members and ensuring accountability and debate. This joined up approach to accountability enhances the role of Full Council in directing the work of overview and scrutiny and using that resource to assist Council in its work.

2.4 **USE OF EXISTING PROTOCOLS AND PROCEDURES**

Recommendation 13

That training and development opportunities be developed and offered to Members to enhance the skills required to be effective within the forum of the Full Council

Change to Full Council –

Training and development will allow Members (especially new Members) to make Full Council work effectively and efficiently meet their needs and enhance the reputation of the Council.

Recommendation 14

That a guide to the Full Council meeting procedure should be produced and made available for all Members and other interested parties and explanatory notes be included at the appropriate sections of the Constitution. This guide should be kept as short as possible and circulated in the public gallery at Council meetings to give the public a better understanding of procedures.

Change to Full Council –

Again, this will allow Members and the public to participate fully at the meeting and enhance its effectiveness.

Recommendation 15

That a mechanism be developed to ensure that the motions that are approved and adopted by the Council are followed up and the outcome reported back to the Council in due course.

Change to Full Council –

This measure will increase the accountability of officers, Committees and Sub-committees to Council and enhance its effectiveness.

Recommendation 16

That Senior Officers, particularly the Chief Executive and the Monitoring Officer, assist the Mayor, where required, in interpreting and applying Standing Orders and the Rules of Debate to ensure that the existing procedures and protocols are adhered to.

Change to Full Council –

It is important that the meeting is well managed to enable it to operate effectively.

2.5 **INCREASING PUBLIC INTEREST AND ENHANCING PUBLIC INVOLVEMENT**

Recommendation 17

That the Annual Report be used as the basis for a State of the Borough Debate to be held in September each year.

Change to Full Council –

This will increase public interest and enhance public involvement.

Recommendation 18

That procedure rules for the State of the Borough Debate be developed by the Legal Services Manager in conjunction with Members.

Change to Full Council –

The debate will require rules.

Recommendation 19

That *The Reporter* be used to keep the citizens of Newcastle-under-Lyme informed of the activities of the Full Council and specifically to publicise the State of the Borough Debate and report back on its outcomes.

Change to Full Council –

Again, this will increase public interest and enhance public involvement.

Recommendation 20

That the information currently on the authority's website be enhanced to reflect the work of the Full Council and provide another medium for the public to realise interest in local democracy.

Change to Full Council –

Again, this will increase public interest and enhance public involvement.

3. **Legal and Statutory Implications**

There are none.

4. **Equality Impact Assessment**

No differential impact has been identified.

5. **Financial and Resource Implications**

None from this information report.

6. **Major Risks**

- 6.1 That the Council fails to comply with its statutory duty and its reputation for probity is compromised.

Main Amendments to the 2007/08 Statement of Accounts

As stated in the agenda report, the following adjustments are technical in nature and are described below.

1. An invoice for £33,929 relating to pension payments in respect of 2006/07 had not been accrued for with the result that the payment appeared in the following year's accounts. This has been amended so that the payment is recorded in the 2006/07 accounts.

2. The amount due in respect of contributions to the National NNDR Pool has been amended from £27,312,616 to £26,943,813 (a reduction of £368,803) to agree to the final NNDR return to the government. This means that the Collection Fund now shows a surplus for the year of £290,077 rather than a deficit of £78,726 and the debtors balance in the Consolidated Balance Sheet has been increased by £368,803.

3. The Government Grants Deferred Account has been written down by an amount of £2,953,667. This has been done as a prior year adjustment which means that the adjustment was made to the opening balance on the account with the balance at 31 March 2006 shown in the Balance Sheet being amended. A corresponding reduction has been made to the Capital Financing Account. The reason for this adjustment is that it is an accounting requirement that where assets which are subject to depreciation have been financed in whole or part from grants or other external contributions the amount of the grant or contribution should be written down to the revenue account in equal annual sums over the period the asset is depreciated. Because, until 2004/05, the Council did not keep detailed records of those assets which had been financed in this way this write down could not be made in respect of many assets and a balance, therefore, had built up on the Government Grants Deferred Account. In order to remove this balance it was agreed with the auditor that a write down of the total amount would be appropriate.

4. As part of the process of carrying out a rolling programme of revaluations, the valuation of Knutton Recreation Centre as recorded in the Council's Asset Register and in the Balance Sheet has been reduced by £441,324, largely as a result of a re-assessment of its remaining useful life from 60 to 20 years. In the draft accounts this reduction was treated as a normal revaluation, reducing the value of Fixed Assets with a corresponding increase in the Fixed Assets Restatement Reserve balance. It was agreed with the auditor that it would be appropriate to treat the reduction as arising from impairment, which requires a change in accounting practice in that the amount of the impairment (£441,324) is written off to the revenue account, compensated for by a transfer from the Capital Financing Account. Accordingly this has been done. The Fixed Asset Restatement reserve balance has, therefore, been reduced by £441,324.

5. Note 32, which relates to a reconciliation of the revenue cash flow as shown in the Cash Flow Statement to the Income and Expenditure Account surplus/deficit has been amended. Previously the reconciliation was to the final surplus/deficit on the General Fund (i.e. after taking account of transfers to and from reserves). This has been amended so that the reconciliation is to the deficit on the Income and Expenditure Account.

6. A pension adjustment required by Financial Reporting Standard 17 (FRS17) relating to unfunded pensions benefits had which had been made directly to the Pensions Reserve should have been credited to the Revenue Account in the first instance and then reversed out of the Revenue Account by an appropriation from the Pensions Reserve. This adjustment has no overall effect on the General Fund Revenue Account.

REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRS

Submitted by Scrutiny Officer

Portfolio Customer Service and Transformation

Ward(s) affected Non-specific

Purpose of the Report

To introduce the progress reports of the Overview and Scrutiny Committee Chairs.

Recommendations

(a) **That Council receive the information.**

(b) **That the Council approve the proposed response to the Government Consultation on *Improving Local Accountability*, which is appended to the Overview and Scrutiny Co-ordinating Committee Chair's report.**

Reasons

It is important that information on the progress of the various committees is shared with all Members of the Council. This report also provides an opportunity for Members of the Council to ask questions of the Chairs of the Overview and Scrutiny Committees on the work that they are conducting at the present time.

1. **List of Appendices (Cream paper)**

Reports of the Chairs of the

- (i) Overview and Scrutiny Co-ordinating Committee
- (ii) Cleaner Greener and Safer Communities Committee
- (iii) Economic Development and Enterprise Committee
- (iv) Active and Cohesive Communities Committee
- (v) Transformation and Resources Committee

Report of the Chair of the Overview & Scrutiny Co-ordinating Committee

What we have done

Members will recall from my report to the September meeting of the Council just over a month ago that the Overview and Scrutiny Co-ordinating Committee had met on **15 September 2008**. Although I provided a brief update on the outcomes of that meeting, I felt it was appropriate to submit another report to keep all Members up to speed on our activity.

We considered a report which had been prepared following a meeting between myself, the Chairs of the four themed Overview and Scrutiny Committees, the Leader of the Council and the Chief Executive in August, where a number of issues over the general direction of Overview and Scrutiny were discussed. The purpose of the report was to ensure that those issues were brought into the wider Member arena and to highlight what action had been or was proposed to be taken. The main issue raised by Members related to communication of what work had been done by the committees and what work was going to be done as a lot of my councillor colleagues have reported to me that they feel out of the loop following the changes earlier in the year. I would again remind Members that the primary source of information on Overview and Scrutiny activity is the officer's web log which can be found at www.readmyday.co.uk/overviewandscrutiny-nulbc. I have reiterated the message to the Scrutiny Officer that the burden is on him and his colleagues to ensure that information is easily accessible for Members and that the burden is on Members to then make use of that information if Overview and Scrutiny work is to be effective. A copy of the report has been circulated to all Members; if you have any comments or thoughts on the issues raised within the report please pass them on to me or to the Scrutiny Officer. Our scrutiny structures will be reviewed early in the new year and it is important that all Members make their views known.

We also considered the draft protocol which will hopefully define the relationship and interaction between non-Cabinet Members, the Cabinet and officers in the Overview and Scrutiny process. The purpose of the proposed protocol will be to:-

- to enable Overview and Scrutiny Members, Cabinet Members and officers to fully understand their powers, roles and responsibilities in relation to the Overview and Scrutiny function, so as to maximise their personal effectiveness
- to establish a positive framework and build upon the constitutional procedures which exist to enable the Overview and Scrutiny Committees and working groups to undertake effective scrutiny
- to promote an ethos of mutual respect, trust and courtesy in the interrelationships between Overview and Scrutiny Members, Cabinet Members and officers to foster a climate of openness leading to constructive debate, with a view to securing service improvements

- to create a culture of accountability to improve the electorate's perception of decision-making within the local authority, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery
- to define and clarify the role of the Cabinet and officers as integral components within the Overview and Scrutiny process

Councillor Cooley submitted a number of amendments to the proposed protocol and these were fully agreed by the Committee. This draft protocol has recently been sent to all Members by e-mail (and paper copies sent to those who do not access e-mail) requesting your views on the proposed content. It is very important that you take the time to read this document and feedback your views to me or the Scrutiny Officer. Once the consultation has concluded, it is intended that the Co-ordinating Committee agree a final version and forward it to the Cabinet before bringing it here to full Council in December for adoption and incorporation in to the Council's Constitution.

We considered two reports in respect of the Government's latest plans for local government. The first provided a brief overview of the Empowerment White Paper: *Communities in Control* and the second report detailed a consultation arising from the White Paper entitled *Improving Local Accountability*. We considered the implications of the various proposals in the White Paper and made a number of comments on the reference to increasing community engagement in the planning process. With regard to the consultation document *Improving Local Accountability*, we asked the Scrutiny Officer to prepare a draft response on behalf of the Committee for consultation with all Members. This has been circulated to all Members by e-mail (with paper copies sent to those who do not access e-mail) recently. We had originally agreed that a special meeting of the Co-ordinating Committee should be arranged before the end of October in order for Members to agree the response prior to the consultation deadline of 30 October 2008. Unfortunately the lack of convenient dates in the diary of meetings has meant that the Co-ordinating Committee has not been able to meet. ***Therefore I am recommending that the Council agree the response which I have appended to this report and that officers forward the agreed response of the Council immediately after this meeting.***

[What we are going to do](#)

Whilst recognising that demands on Members' time seem to be increasing all of the time, I feel it is important that the Overview and Scrutiny Co-ordinating Committee meets in the near future (and prior to the next scheduled meeting on 8 December 2008). When the Committee met for the first time in March 2008, it was agreed that it would take the lead on Member Development by replacing the Members' Development and Performance Review Sub-Committee. The Committee has yet to get into this work area and it is very important that the issues which would have been reported to the former sub-committee are now brought to Members of this Committee on a regular basis. We cannot afford to lose sight of this.

We will also need to meet to push forward the adoption of the relationship protocol for Members and Officers involved in Overview and Scrutiny. I am also expecting the officers to outline the process through which we will review our Overview and Scrutiny structures and, if required, what amendments can be made and they would need to be implemented.

Councillor Eileen Braithwaite **Chair of the Overview and Scrutiny Co-ordinating Committee**

DRAFT RESPONSE TO THE GOVERNMENT CONSULTATION DOCUMENT – IMPROVING LOCAL ACCOUNTABILITY

Do you agree with our proposed approach in relation to overview and scrutiny committees requiring information from partner authorities?

It is common sense to adopt the proposed approach in view of the progress made in recent years towards achieving more joined up working and consequently added value to an area and its community from local public service providers working towards agreed outcomes. Regulation on information to be provided relating to LAA targets is welcomed and also the widening of information from partners to matters not necessarily related to the LAA. It is acknowledged that local flexibility is important in the response to reports and recommendations, but a time limit on responses is felt to be necessary for the avoidance of doubt, with any request to extend this time limit subject to the agreement of the appropriate Overview and Scrutiny Committee.

Do you agree with the proposal to apply the provisions in relation to exempt and confidential information without modification to local authority executives?

This proposal appears to introduce best practice as a requirement on all local authorities. In an open and transparent process, Overview and Scrutiny reports, recommendations, responses and the monitoring of progress in implementing agreed recommendations should be published and available to the public. The exception to this approach would be where an exemption is required in line with Schedule 12A of the Local Government Act 1972 (as amended). It would not be helpful to have different rules and regulations applying to the various roles of Overview and Scrutiny.

Do you agree with the proposed approach towards joint Overview and Scrutiny Committees? Are there specific issues that should be considered as part of the approach?

The proposed extension of Overview and Scrutiny powers to joint committees is to be welcomed. The joint committee should not be able to direct the work of Overview and Scrutiny Committees in individual authorities nor be able to exercise any veto over legitimate lines of enquiry into the achievement of LAA targets or the performance of partner organisations. It should always be a matter for local discretion as part of the agreed terms of reference between the local authorities concerned as to how the joint committee might co-ordinate activities, respond to proposals by individual authorities for an area based study or suggest that a study is undertaken by an individual authority's Overview and Scrutiny Committee. A good example of joint committee operations can be seen in respect of the health scrutiny function in Staffordshire, where representatives from each of the districts and boroughs in the County sit on the county-wide Health Scrutiny Committee. A code of joint working arrangements has been produced and is available from the County Council.

Do you agree with the proposal to apply these new powers in Councils operating alternative arrangements? Are there any specific implications that should be taken into account on doing so?

This question is only applicable to authorities of less than 85,000 population who operate the streamlined committee system. The Borough Council would not expect such authorities to comment on proposals in respect of those authorities and therefore it will not comment on proposed changes to their arrangements.

What issues should be considered as part of the new power to establish area scrutiny committees?

The Borough Council recognises that effective scrutiny can drive improvements across public services in a co-operative approach with partners. While there is a role for an area committee in considering issues of county wide significance and in scrutinising LAA targets and performance, it should not circumvent the ability of lower tier authorities to scrutinise individual subjects relevant to that authority's area within the general power of promoting economic, social and environmental well-being.

How might the requirement for dedicated scrutiny resources be put into practice?

The Borough Council has a dedicated resource to support the Overview and Scrutiny process. Whilst the proposals in the consultation document in respect of dedicated resource relate to County and Unitary authorities, the Borough Council believes that there should be a requirement for dedicated scrutiny resource in lower-tier authorities, particularly in view of the extra requirements that are being placed on lower tier councils to scrutinise at a district level which are outlined within the White Paper and the Improving Local Accountability consultation document.

Do you agree that appeals about a local authority's response to a petition should be considered by the Overview and Scrutiny Committee? What practical issues might arise?

If there is to be the right of appeal if a petitioner is not satisfied with the response received, then an Overview and Scrutiny Committee is best placed to consider that appeal providing that it seeks to resolve the matter having regard to the evidence presented to it. There is a danger that the workload of Overview and Scrutiny Committees could become dominated by hearing appeals from dissatisfied petitioners. It would be useful if Government could provide guidance based on best practice from local authorities as to how this process would be managed.

Do you agree with this approach that those responsible for the job descriptions should determine the precise arrangements by which the Chair or Chief Executive will attend regular public meetings?

There is merit in the suggestion; however the impact and intended benefits are questionable on a practical level. Regular meetings are unlikely to attract high attendances, even if they are co-ordinated so that several bodies are represented. It is more likely that members of the public will attend meetings where local and/or topical issues are being discussed. Staffordshire County Council are currently operating a Councillor Question Time, hosted by the presenter of the local TV news, where members of the public are able to question a number of councillors and a member of the County Council's Management Team on issues facing the county. Whilst we do not have any evidence to suggest how successful or otherwise this approach has been, it may be worthwhile for the Government to contact Staffordshire County Council to learn from their experience. The approach they have adopted may prove to be more successful than a traditional committee style meeting.

Do you agree with our proposals to require the local authority with its strategic partners to agree to a local scheme for petitions to hold officers to account? What practical issues might arise?

Whilst recognising that it is Government's wish for local authorities to act as advocates on behalf of the community when petitions are received for other public agencies, we do not believe that these proposal will add value or empower local communities. The process can become too bureaucratic for the local authority if it is required to manage every petition ever received. This is inconsistent with the Government's own philosophy of reducing instances of avoidable contact in the interests of efficiency, both for local authorities and for those partners who would be subject to this arrangement. We believe that this will become particularly onerous for lower tier authorities with limited resources to support existing processes. There will also be issues where authorities have commissioned services from private companies or voluntary/community sector organisations, which will require additional clauses to cover this new responsibility. If a contract is not due to be renewed for a period of time, such an arrangement will be dependent on mutual agreement being reached otherwise the Council may have to wait until the end of a contract when new ones are agreed.

Should the Government provide some minimum standards for local schemes to hold officers to account? What should they be? Which, if any, local service providers and agencies must, or must not, be in any scheme?

It would seem most appropriate for partner organisations that provide local services through the Local Area Agreement to be part of this arrangement. If that were to be the case then it would be appropriate to apply minimum standards for those agencies which are national in structure despite their delivery of services to a particular locality, for example, the Environment Agency.

Do you agree that the scope of the scheme should be agreed locally subject to any statutory minimum standards and whether this would be an effective means of empowering communities?

This is certainly a matter for individual local authorities to manage according to local circumstances. We are not yet convinced that this would be an effective means of empowering communities.

Do you agree with the proposed approach? (in respect of facilitating the work of councillors)

This approach is agreeable in principle, although there are inevitable questions over security and probity. The main consideration for a lower tier authority such as ourselves would be the cost of facilitating this way of working to an acceptable professional standard.

Report of the Chair of the Cleaner Greener & Safer Communities Overview and Scrutiny Committee

What we have done

The Committee met on **6 October 2008** and began the meeting with a presentation from the Head of Environmental Services, Alan Montgomery, on the current position of implementing the Integrated Waste Management Strategy. He provided the context for the development of the strategy and detailed some of the challenges that will need to be addressed in the coming months. In my view it is imperative that the Recycling and Performance Working Group takes a more pro-active role in challenging the implementation of the strategy over the next year or so. The officer-led project board has suggested that the working group focus its efforts on evaluating the contract proposals and how the new service will be applied to properties which are not suitable for the modern collection methods. This will be a critical piece of work and it is vital that both this committee and the working group continue to focus on this priority area.

We received a report outlining the ways in which we, as a committee, might be able to examine the issue of under-age drinking and associated anti-social behaviour. This had originally been identified as a topic for investigation by the former Scrutiny Committee in October 2007 and we are keen to ensure that we do not lose sight of this priority area. We agreed that we would do some work on this project, having secured the support of the Police and our own community safety officers. The next meeting of the Committee on 25 November 2008 will be dedicated to the subject and will be an opportunity for representatives from the Police and community safety to make known their views and provide Members with robust evidence to undertake a valuable piece of work. I would add that this piece of work will not be undertaken by a working group.

Our other working group which is examining Police Accessibility and Engagement in the Borough submitted a report on the outcomes of their first meeting which was held on 2 October 2008. At this meeting Members agreed a project plan for the review and have agreed to complete the project by the end of December 2008. I, and the Chair of the working group, Councillor Shenton, are confident that this can be done without the need for excessive meetings and Members undertaking pieces of work in pairs and bringing back the learning. This approach may prove to be useful to other committees and groups undertaking heavy workloads. If you are interested in coming along to a meeting of the working group please contact myself, Councillor Shenton or the Scrutiny Officer who can provide you with the information you need.

What we are going to do

As outlined above, our priorities for this year are being addressed and we will continue to work on these for the remainder of the year. I cannot emphasise enough how important it will be to ensure the success of the new approach to recycling and waste management and this really will require commitment from those Members on the Recycling and Performance Working Group who will need a forensic approach to ensure that we are doing all we can to challenge the officers and Cabinet to meet the demands of the strategy, as well as providing support where possible to ensure that this issue is owned by the whole Council.

Councillor Brian Tomkins

Chair of the Cleaner Greener & Safer Communities Overview & Scrutiny Committee

Report of the Chair of the Economic Development & Enterprise Overview and Scrutiny Committee

What we have done

The Committee met on **17 September 2008** and I think we all enjoyed the meeting. If you were to have read the agenda for the meeting you would've found only report on the actions taken in response to the recommendations made in the IDeA Peer Review of our Planning Service. We examined the progress made to date whilst challenging a number of the agreed recommendations and had a fruitful discussion with the lead officer responsible for delivering the needed improvements to the service. Members are keen to being involved in reviewing the authority's approach to planning enforcement after our officers emphasised the need to focus enforcement capacity on the most strategically important planning matters.

We also received a presentation on the finalised North Staffordshire Regeneration Partnership Business Plan, which had undergone considerable development since the committee received an initial presentation on its content on 11 June 2008. The presentation focused on the wider North Staffordshire issues, but we were most interested to learn what would be in store for Newcastle. A copy of the presentation can be downloaded from the officer's web log (www.readmyday.co.uk/overviewandscrutiny-nulbc), but it is worth knowing that the Newcastle Development Package is made up of £47million of projects including:

- Redevelopment of Ryecroft site to provide an extension to the town centre
- A transport study of the town centre
- Conversion of St. George and St. Giles School into a creative arts and heritage centre
- Upgrade of Grade II listed Lancaster Buildings for office use
- Five new public squares

Included within the projects in the Borough is the continued development of Keele Science Park, to which the presentation made the following reference:

- Phase 3 approved for 15ha of mixed use development including commercial buildings, knowledge based companies and academic research facilities
- Advantage West Midlands' investment of £8.3 for infrastructure works which are due to be completed by August 2008
- Overall development at £73million
- 1100 new job and 40 new businesses to be created

We greeted these proposed developments with a lot of enthusiasm and it opened our eyes as to the potential strategic regeneration of the Borough and its importance not only to North Staffordshire but also on the national and international stage. To this end, we agreed to hold our next meeting on 22 October 2008 at Keele Science Park and to meet with representatives of Keele Facilities Management to discuss the future plans for the site. Unfortunately, due to the unavailability of key personnel from Keele Facilities Management we will have to wait a little longer before meeting with those representatives.

What we are going to do

The main outcome of our meeting in September was that we were fully enthused by the potential remit of the Committee to influence and challenge future development in the Borough. Members were particularly interested in the potential relocation of the Museum and Art Gallery to the St George and St Giles School site in Newcastle Town Centre. Councillor Dennis Richards is also working on a proposal to evaluate the Council's role in promoting economic development and enterprise in difficult economic times. This will be discussed at our meeting on 22 October 2008, along with the responses received to the consultation on the draft supplementary planning document for Affordable Housing.

Councillor John Williams
Chair of the Economic Development and Enterprise Overview
& Scrutiny Committee

Report of the Chair of the Active & Cohesive Communities Overview and Scrutiny Committee

What we have done

The Committee has met once since my last report to Council, however this report also covers the meeting held on **18 September 2008**, where we considered the draft Local Strategic Partnership (LSP) Community Engagement Strategy. The purpose of the document is to help enable a co-ordinated approach to community engagement across the Borough with partner organisations and the local community. We queried how this strategy would be monitored and in response we were informed that the Community Engagement Partnership would be responsible for evaluating the effectiveness of the strategy. We were keen to ensure that when the Borough Council develops new strategies or reviews existing strategies that any reference to engagement or consultation with the community should be aligned to principles in this overarching strategy. Overall we were happy with the proposed strategy and nominated the Vice-Chair, Councillor Cooley, to attend meetings of the Community Engagement Partnership as an observer on behalf of the Committee.

Councillor Cooley, who is also Chair of the Neighbourhood Partnerships and Councillors' Roles Working Group, provided us with a brief update on the current position of that project. He indicated that the LSP were keen to receive an update on the progress made by the working group. We agreed that Councillor Cooley should submit an interim report to make partners aware of the current thinking of the review team. We also considered the current position of the Committee's work programme as a matter of urgency given that we had not met since the middle of June. We requested that reports be submitted to our October meeting on what could be done by the Borough Council and partners in both the public and third sectors to support the existing Post Office network in the Borough. We also requested updates on the current position of the Arts Strategy and the Cultural Strategy, as well as the progress made in developing a new Fitness, Leisure and Well-Being Centre in Newcastle. Members also felt that it may be necessary to organise further meetings following receipt of the aforementioned reports in case further work was required.

At our meeting on **18 October 2008**, we began the meeting with a report detailing the current position of the Arts Strategy and the Cultural Strategy. Members learned that the Arts Strategy review and update is currently underway and should be complete by the end of the year. Interestingly the Cultural Strategy is being superseded by a number of other specific strategies for specific themes:

- Play Strategy
- Green Spaces Strategy
- Leisure Needs Strategy
- Sports & Community Recreation Service Strategy
- North Staffordshire Tourism Strategy
- Heritage and Learning Strategy
- Leisure Strategy

We feel it is important that the Committee has sight of these draft strategies before they are presented to Cabinet for approval and, indeed, before they are sent out for consultation with interested parties and the public. We have made a recommendation to that effect and will investigate holding a meeting in early January 2009 to undertake this work.

Councillor Cooley submitted a number of preliminary recommendations from the aforementioned working group. He brought them to us to get authority to present them to the LSP to update partners on the current position of the review. Whilst there was not wholesale agreement to the set of recommendations, there was widespread recognition of the validity of the proposals. This project still requires a lot more work, but we are satisfied that the preliminary recommendations will provide sufficient information to the LSP on the group's current thinking.

We received a copy of a report presented to Cabinet at its meeting on 10 September 2008 in respect of the Fitness, Leisure and Well-Being Centre. Obviously the report was somewhat outdated when we received it, however it did prompt Members to ask questions of the officers and get a feel for the current position, which (at the time of writing) is to be presented to the Cabinet meeting on 22 October 2008. Discussions centred on the issue of building 8 lane 50metre swimming pool, however the Committee felt that this was become somewhat of a distraction from the real need to build new facilities to replace the ageing existing facilities at the Jubilee Leisure Centre.

A report was received in respect of Post Office Closures and what could be done to protect the existing Post Office network. The report focused on a meeting that had taken place in Stafford on 16 September 2008 where Simon Burman of Post Office Limited made a presentation outlining how post offices could be sustained if local authority service were delivered in the same building. Some of the main examples were:

- Bill Payments – rent, council tax, parking fines
- Payouts – bar coded letter and identification, cash or postal order, vouchers, e.g school uniform, emergency payments
- Consultation services – through touch screen questionnaires
- Validation – benefit error and fraud detection/prevention service for local authorities that will provide key information to overcome challenge of fraud, error, change in circumstances or overpayment

Members recognised that although the examples highlighted were evidenced as being successful, real consideration and evaluation of what services each organisation in the Borough might identify for delivery through the Post Office with a real analysis of cost, benefit and risk would need to be undertaken for both the organisations and the community.

What we are going to do

Having considered the items relevant to our Committee in the current Forward Plan of Key Decisions, we have decided to retain a 'watching brief' in respect of the development of the new Fitness, Leisure and Well-Being Centre. We have decided to review the Third Sector Commissioning Framework in twelve months time, although we have also requested that we receive quarterly monitoring reports indicating progress throughout the course of the 2009-10 financial year. It is important to see how things work out before reviewing the strategy given the late stage we are at in implementing the framework.

We have also invited Simon Burman of Post Office Limited to attend our next meeting to elaborate on the presentation he made in Stafford. We will then evaluate whether the committee can make any further contribution to this particular area of concern.

Councillor Richard Gorton
Chair of the Active and Cohesive Communities Overview & Scrutiny Committee

Report of the Chair of the Transformation & Resources Overview and Scrutiny Committee

What we have done

We have met once on **1 October 2008** since my last report to the Council. As I mentioned in my previous report to Council, we considered a briefing note from the Head of Communications which provided us with details of the progress being made in marketing advertising space in *The Reporter* and the income being generated from that activity. Committee members suggested a number of other additions which it was felt would help to generate more income for the Council and also increase awareness of community facilities. We recommended that this should be explored further. It is disappointing that more Council notices and job vacancies are not being advertised within *The Reporter* as such notices continue to incur unnecessary costs to the authority by being placed in the local press. Having received details of the Communications budget for publicity, we also requested a breakdown of the rest of the authority's budget for publicity spend and what the current budget is spent on.

We also considered two monitoring reports. The first report was the Performance Management Report to the end of Quarter 1 (June) 2008. Committee Members raised very specific and detailed concerns about the time taken to pay invoices and we received assurances from the Executive Director (Resources and Support Services) that action would be taken to improve this indicator by the end of Quarter 3 (December 2008). We are due to receive a detailed report from the Director to a future meeting. Whilst we were challenging and putting difficult questions to the officers, I would also like to inform Council that the committee also commented positively on the improvements in the authority's sickness figures. We hope to see this trend continue. Members sought clarification on the term 'homelessness' and I am pleased to report that our Housing Strategy Team has explained that a person is homeless if he or she has no accommodation in the UK, has accommodation but cannot secure entry to it, or has accommodation but it would be unreasonable for him or her to continue to occupy it. The Council has a duty to find accommodation for the homeless under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002. Under the 1996 Act, the Council has responsibilities to those who they have reason to believe are either homeless or threatened with homelessness.

The second monitoring report related to the Corporate Improvement Programme. As I mentioned in my previous report to Council, this committee will now monitor the position of the Improvement Programme on a quarterly basis and challenge any areas of under-performance or slippage in the Council's efforts to continuously improve. We sought explanation on all of the targets that had been missed and also requested that a column be added to allow for an explanation as to why target dates had been changed, together with a

graphical illustration of the 'by when' column of the report, as well as the 'current status' column.

What we are going to do

A lot of our future workload is focused on the budget and performance monitoring. We have arranged a special meeting to take place on 12 November 2008 for the Committee to consider the proposed Medium Term Financial Strategy. We also expect to receive reports in the future on the issues arising from the Performance Monitoring Report and Corporate Improvement Programme Report as outlined above. In this regard we specifically expect reports on the fundamental review of the bulky waste collection service and the payment of invoices.

Councillor Sandra Bowyer
Chair of the Transformation and Resources Overview & Scrutiny Committee

COUNCIL

29 OCTOBER 2008

MOTION SUBMITTED BY COUNCILLOR STUDD

SUSTAINABLE COMMUNITIES ACT

That Newcastle-under-Lyme Borough Council -

- (i) expresses its concern at the decline of local services and facilities, local economies and local communities;
- (ii) notes that this combination of factors increases people's feelings of exclusion and lack of involvement; and
- (iii) further notes that local authorities and their communities know best on the solutions to local problems and so should determine how to promote thriving communities; and so
- (iv) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help that central government gives in reversing community decline and promoting thriving, sustainable communities;
- (v) notes that the Act became law in October 2007 with full cross party support and that this was a result of a 5 year campaign run by a coalition of over 90 national citizens organisations called Local Works;
- (vi) notes that the Act gives local authorities the power to:
 - improve the local economy
 - protect the environment
 - promotion of social inclusion, and
 - participation in civic and political activity
- (vii) notes that the Local Works campaign give a number of reasons for why a local authority should choose to use the Act, those reasons being –
 1. Assistance from government – Community decline is happening everywhere and local authorities are not able to prevent it on their own. They need government help. This Act gives government a legal duty 'to assist local authorities in promoting the sustainability of local communities'. So by 'opting in' local authorities are, in fact, signing up to receive that 'assistance'.
 2. Power to determine that assistance – The Act also gives local authorities (and their representative body, the Local Government Association) real power to determine the nature of the assistance that they receive from government, as explained more fully in our campaign broadsheet on implementing the Act.
 3. Strength in numbers – By opting in, local authorities can act in unison to put in proposals to government supported by their colleagues elsewhere. Joint suggestions by many authorities will make it even harder for the government to refuse to act on suggestions made by local authorities.

4. Transferring functions and monies from central to local control – The Act also enables local authorities – and thus local authorities acting together – to request the transfer of functions from government or government agencies to themselves. Because decisions on these requests must be made by the LGA and the Secretary of State trying to reach agreement (i.e. in co-operation), this can be used to regain from central government control of many powers and spending that affect local areas.
 5. Access to Central Spending Accounts Information – The requirement in the Act for the government to ‘open the books’ will mean that local authorities will know just how much extra money they can access if they push for a transfer of functions.
 6. Democratic citizen involvement – All politicians (and many local authority officers) talk a lot about lack of public involvement in democracy. The recent Power report showed that the more people think that their involvement matters, the more they are likely to get involved. The very ‘hassle’ required by this Act (reaching agreement with – not consulting – citizens’ panels) empowers citizens. Local authorities may well consider that this is a way of increasing citizen involvement; and
- (viii) resolves, when invited to by central government in October 2008, to use the Act by preparing and submitting proposals on how central government can help; and
- (ix) further resolves to –
- inform the local media of this decision;
 - write to local MPs, informing them of this decision; and
 - write to Local Works (at Local Works, c/o Unlock Democracy, 6 Cynthia Street, London N1 9JF) informing them of their resolution to use the Act.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S SUPPLEMENTARY REPORT TO COUNCIL

29 October 2008

1. COMMITTEE MEMBERSHIP/CHAIRS

Submitted by: Democratic Services Manager

Portfolio: N/A

Ward(s) affected: N/A

Purpose of the Report

To inform Members of changes to the Conservative Group's membership on committees and changes to special responsibilities.

Recommendation

That the changes referred to in the report be agreed.

1. Background

The Conservative Group proposes to make the following changes to its representatives on committees as follows:-

- Councillor Sweeney to replace Councillor Tomkins on the Cleaner, Greener and Safer Communities Overview and Scrutiny Committee and Councillor Sweeney to become the Chair;
- Councillor Sweeney to replace Councillor Tomkins on the Co-ordinating Overview and Scrutiny Committee;
- Councillor Bannister to replace Councillor Sweeney as Vice Chair of the Audit and Risk Committee.

2. Issues

The above changes comply with the rules as to political balance of committees.

3. Legal and Statutory Implications

The appointment of Members to Committees, Sub-Committees and Working Parties is the responsibility of the Council in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

4. Financial and Resource Implications

There are none as a result of this report.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S SUPPLEMENTARY REPORT TO COUNCIL

29 October 2008

2. ROSE COTTAGE, 183 HOLLOWAY LANE, ASTON (216/02)

Submitted by: Paul Clisby

Ward(s) affected: Loggerheads and Whitmore

Purpose of the Report

To seek approval to the proposed acquisition of the above property by agreement or failing that to reaffirm Cabinet's resolution to acquire the property by compulsory purchase.

Recommendation

That an offer be made to the owner of the above property for its purchase and, if not accepted, the property be acquired compulsorily.

Reasons

1. The property is half built and in a derelict condition.
2. The owner does not appear to want to complete the development despite being given every opportunity to do so.
3. Holloway Lane provides a link between Aston and Baldwins Gate, has a number of residential properties along it, and lies quite close to the centre of the hamlet of Aston. The property is not therefore remote or hidden away but one whose dereliction is a constant reminder to residents by reason of its location.
4. If the property is acquired, the existing half built and derelict structure can be removed or the existing structure can be completed.

1. Background

Cabinet has previously resolved to accept the Planning Committee's recommendations that the Council:

- (a) Compulsorily purchase the property
- (b) Submit a planning application with a property design, scale and siting suitable for the site and area, taking into account the existing structure
- (c) On the granting of any planning permission, to dispose of the property at full market value and use the funds to meet Council costs (any additional monies to be forwarded to the owner)
- (d) Engage the necessary architectural and property consultants to achieve (b) and (c) above.

For a number of reasons, including an untraced owner, changes in planning policy and Government legislation the Council has to date not been in a position to proceed with the

Compulsory Purchase Order. Latterly, it was deemed necessary to have in place a current planning permission for development of the site, which application was approved in February of this year.

2. **Issues**

The Council is now in a position to commence the formalities in order to facilitate the compulsory acquisition of the property.

Government guidance provides that “before embarking on compulsory purchase and throughout the preparation and procedural stages, acquiring authorities should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail”.

Further, the guidance states “in the interests of speed and fostering goodwill, acquiring authorities are urged, amongst other measures, to consider offering those with concerns about a compulsory purchase order full access to alternative dispute resolution (ADR) techniques”. Mediation, for example in connection with neutral evaluation may help relieve worries at an early stage about the potential level of compensation”.

3. **Options Considered**

- a. To do nothing may leave the Council with no effective remedy to the situation unless the structure becomes dangerous.
- b. To rely upon negotiation only may prolong the current situation and may indeed result in no effective remedy should negotiations fail.
- c. To reaffirm the resolution and proceed with the compulsory purchase order should negotiations for the acquisition of the property fail (‘the proposal’).

4. **Proposals**

In view of the time that has elapsed since the decision of Cabinet in 2001 it is considered that the resolution to acquire the land by compulsory purchase should be reaffirmed to avoid a possible challenge to the making of the order.

Further, given the amount of the time which needs to be allowed to complete the compulsory purchase process, it would be sensible to initiate the formal procedures in parallel with meaningful negotiations to acquire the property by agreement. This will also help to make the seriousness of the Authority’s intentions clear from the outset, which in turn might encourage the owner to enter more readily into meaningful negotiations.

5. **Legal and Statutory Implications**

Objections could be received to the compulsory purchase order and an inquiry may be deemed necessary by the Secretary of State. The validity of the order may also be challenged by application to the High Court within six weeks of the date of its confirmation on the grounds that either the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

6. **Equality Impact Assessment**

No differential impact has been identified.

7. **Financial and Resource Implications**

This will include the cost of acquisition which will hopefully be recovered and the costs involved in the making of the order (if necessary).

8. **Major Risks**

There are none.

9. **Background papers**

Cabinet agenda 15 August 2001

Planning Committee agenda 10 June 2006

Planning Committee agenda 12 February 2008