

11 June 2004

Dear Sir/Madam,

You are summoned to attend the Annual Meeting of the Borough Council of Newcastle-under-Lyme to be held in the **COUNCIL CHAMBER, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE**, on **WEDNESDAY, 23 June 2004 at 7.00pm**.

### **B U S I N E S S**

1. To elect a Mayor for the next Municipal Year.

When the Mayor has declared the result of the election, the new Mayor, Retiring Mayor and the Town Clerk and Chief Executive, preceded by the Mace Bearers will retire to the Mayor's Parlour accompanied by

Retiring Mayoress  
Retiring High Constable  
Retiring Chaplain  
Mayoress/Consort designate  
High Constable designate  
Chaplain designate

The new Mayor will be robed and invested with the Chain of Office. They will return to the Council Chamber in the following order:-

Mace Bearers  
Mayor  
Mayoress/Consort designate  
Town Clerk and Chief Executive  
High Constable designate  
Chaplain designate  
Retiring Mayor  
Retiring Mayoress  
Retiring High Constable  
Retiring Chaplain

The Mayor will then take the Chair and make the declaration of acceptance of office.

2. To appoint a Deputy Mayor for the next municipal year including the declaration of acceptance of office.
3. To approve as a correct record the minutes of the Council Meeting held on 26 May 2004.
4. The Mayor to announce the appointments of:-  
Mayoress or Consort  
High Constable  
Chaplain  
Mace Bearers
5. The Mayor to address the Council.

6. Vote of thanks to the retiring Mayor and Mayoress in appreciation of their services during the past year and presentation of badges.
7. Reply of Retiring Mayor.
8. Mayor's announcements (if any).
9. To adopt the Council's Constitution, Standing Orders, Financial Regulations, Terms of Reference of Committees and Scheme of Delegations and Duties for the next Municipal Year.
10. To adopt the Council's Employees Handbook.
11. To appoint the members of the Executive including Leader and Deputy for the next Municipal Year. (List of nominations to be circulated at the meeting – pink paper).
12. (a) In accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 to review the representation of political groups on Committees, Sub-Committees and Working Parties and to approve and adopt the arrangements and the membership on those bodies as set out for the next Municipal Year. (List to be circulated at the meeting – yellow paper).  
(b) To appoint the Chairs and Vice Chairs of Committees in accordance with Standing Order 46(1). (List of nominations to be circulated at the meeting – blue paper).
13. (a) To confirm the appointment of the following independent members to the Standards Committee for the next Municipal Year. Mr D Wood, Mr S Morris and Mr I Ashbolt (as representative of the Staffordshire Parish Councils Association).  
(b) To confirm the arrangements for Parish Council Observers.
14. To make appointments to Joint Committees and Boards as set out (to be circulated later on lavender paper) for the next Municipal year.
15. To consider which duties should be regarded as an approved duty in respect of travelling and subsistence allowances (see attached report).
16. To consider the reports (copies herewith) of the various Committees and to pass thereon such resolutions as may be deemed necessary.
17. To receive the Returning Officer's Statement of the result of the Elections held on 10 June 2004 (copy to be circulated prior to the meeting).
18. To consider any communications which in accordance with Standing Order No 18 are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

Town Clerk & Chief Executive

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## COUNCIL

26 May 2004

Present:- **The Worshipful the Mayor**

(Councillor R A Slater) in the Chair

### COUNCILLORS

Astle, Mrs Margaret	Higginson, Colin, JP
Astle, Raymond	Holland, Charles Edward, CC
Becket, David William	Howells, Robert Ashley, JP
Bentley, Martin Kenneth	Jones, William Nigel
Blaise, Mrs Betty	Lawton, Bertram Cedric
Blake, Mrs Elaine Elizabeth	Leech, David Awty, CC
Braithwaite, Mrs Eileen	Lefroy, Jeremy John Elton
Brooks, Colin	Lench, Mrs Mavis
Butler, Mrs Sylvia Teresa	Lewis, Mrs Melicha
Clarke, Albert Arthur	Lowndes, Mrs Hortense Hilary
Clarke, David	Maddox, Mrs Maureen, CC
Clarke, Michael Ross CC	Maxfield, Mrs Mary Cynthia
Cornes, Mrs Catherine Dylis, JP	Moss, Mrs Mary
Coxon, Edward William	Myatt, Mrs Freda Dorothea
Deakin, Mrs Glennis	Naylon, Mrs Wenslie
Dolman, Michael John	Phillips, Mrs Sheila Ann, JP
Evans, John Stanley	Reddish, Miss Marion Lynne
Fear, Andrew Thomas	Salt, Mrs Nora
Finnemore, Victor Clifford	Sinnott, William Arthur
Fox, Muffi	Studd, Robin
Foy, Michael	Tagg, Simon John
Hailstones, Peter James, JP	Tatton, John Arthur
Hambleton, Mrs Sandra CC	Walklate, Miss June
Hambleton, Trevor	Williams Mrs Gill
Heames, Mrs Ann	Williams, John

1095. **NORTH STAFFORDSHIRE HOSPITAL TRUST – NEW HOSPITAL DEVELOPMENT**

The Council received a presentation by representatives of the North Staffs Hospital Trust on the new hospital development scheme for North Staffordshire.

**Resolved:-** That the North Staffs Hospital Trust be thanked for their presentation.

1096. **NEWCASTLE PCT – ‘OUT OF HOURS SERVICE’**

The Council received a presentation by representatives of the Newcastle PCT on the proposed relocation of the ‘out of hours’ service as part of their consultation

process. Members supported the ‘out of hours’ service but expressed their concerns about the service being readily accessible particularly by public transport.

**Resolved:-** That the representatives of the Newcastle PCT be thanked for their presentation.

1097. **APOLOGIES**

No apologies were received.

1098. **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the meeting held on 25 February 2004 be approved as a correct record.

1099. **RETIRING MEMBERS**

The Mayor made reference to the fact that this would be the last meeting that several Members could attend since they would not be seeking re-election at the forthcoming elections.

Members from all parties paid tribute to these members and in particular to former Councillor Mrs Caddy for her work as a Councillor over the past 18 years and as a former Mayor and Chair of the Public Protection Committee.

1100. **INVESTMENT STRATEGY 2004/05**

A report was submitted outlining a proposed Investment Strategy for 2004/05 which had been prepared following guidance from the Office of the Deputy Prime Minister.

**Resolved:-** (a) That the Investment Strategy for 2004/05 be approved.

(b) That the Schedules to the Treasury Management practices be amended to make a distinction between Specified and Non-Specified Investments and to require the Council’s own bank, UK Clearing Banks and their subsidiaries, other banks and building societies to have a short-term credit rating of at least F1, or equivalent, in order to be categorised as Specified Investments.

(c) That future years Investment Strategies be approved by the full Council.

1101. **STATEMENT OF ACCOUNTS 2002/03**

A detailed report was submitted outlining changes that needed to be made to the Accounts approved in September. The changes resulted from the audit of the accounts and a meeting held with the auditor.

**Resolved:-** That the amended Statement of Accounts for 2002/03 be approved.

1102. **BEST VALUE PERFORMANCE PLAN 2004/05**

A report was submitted giving details of the need to produce a Best Value Performance Plan together with a draft copy for Members to consider.

**Resolved:-** (a) That the Draft Best Value Performance Plan 2004/05 be approved.

(b) That the Chief Executive, in consultation with the Leader of the Council, be authorised to approve any subsequent changes to the document that may be necessary.

1103. **PROPOSED CHANGES TO THE COUNCIL'S SCHEME OF DELEGATIONS AND STANDING ORDERS**

A detailed report was submitted outlining proposed changes to the Council's Scheme of Delegations and Standing Orders.

**Resolved:-** (a) That the following amendments be made to the Council's Scheme of Delegations.

(i) Conduct of Elections

New Delegation: "To set the level of fees to be paid to the Returning Officer, Deputy Returning Officer and all other officials involved in conducting elections within the overall sums agreed by the Government/Councils within Staffordshire – Town Clerk and Chief Executive/Head of Legal and Democratic Services".

(ii) Emergency Powers

New Delegation: "To commit the Council's financial and other resources in the event of a civil emergency – Town Clerk and Chief Executive and all Heads of Service".

(iii) Community Safety

New Delegation: "To respond to statutory consultations from the Chief Constable or Chief Superintendent of Police – Town Clerk and Chief Executive".

(iv) General Purposes Committee

New Delegation: "To determine any matter which is not an Executive function which is not reserved by statute to the Council and which is not delegated to either the Planning Committee, the Public Protection Committee or the Licensing Committee".

(v) DSO Advisory Board

Amendment to the Constitution Terms of Reference:

“DSO Advisory Board to oversee the management of the Direct Service Organisations including refuse collection, street cleansing, grounds maintenance and leisure management”.

(vi) Licensing Act 2003

New Delegation:

(a) Consideration of applications under the Licensing Act 2003 – Licensing Committee/Licensing Sub-Committees/Head of Legal and Democratic Services.

(b) Approval of the Licensing Plan – Licensing Committee.

(vii) Planning Enforcement

Amendment

That item 12 page 10 of the Scheme of Delegations in respect of the Council’s powers of enforcement of planning control, including listed buildings, conservation areas and tree enforcement including in relation to trees, Part VIII, Town and Country Planning Act 1990 be amended to include the delegation to the Planning Committee in addition to the Head of Regeneration and Planning Services.

(b) That the following amendment be made to Standing Order No 28.

Voting

Following “Members will vote by show of hands” add “or by any other method deemed appropriate by the Mayor or Chair of the meeting”.

**1104. COUNCILLORS’ CODE OF CONDUCT – LOCAL PROTOCOLS**

A report was submitted on proposals to adopt two Local Protocols on the following issues:-

Publicity of Allegations, and  
Recording of Conversations and Telephone Interviews.

It was further reported that the Standards Committee supported both of the suggested protocols.

**Resolved:-** That the following Local Protocols be adopted as local guidance and not forming part of the Council’s Code of Conduct.

**(i) *Publicity of Allegations***

*Members of the Council are concerned that public debate concerning allegations which are under investigation could hinder these investigations and prevent a fair hearing in due course.*

*It is therefore agreed that where a Member of the Borough Council has made an allegation to the Standards Board against another Member of the Council that that Member has acted in breach of the Code of Conduct, the Member making the allegations will treat the allegation as confidential and will not disclose the making of the allegation to any third party other than the Member's own legal representative or another Member or an Officer of the Council.*

*The allegation will be treated as confidential while it is under investigation and until the Tribunal or the Council's Standards Committee have determined the matter and issued a public report of its decision.*

*If however the Member against whom the allegation has been made, makes public the fact that the allegation has been made, the Member who made the allegation will be at liberty to comment publicly on the matter.*

**(ii) Recording of Conversations and Telephone Interviews**

*That Members should not covertly record electronically conversations either with members of the public or with other Members of the Council.*

*This protocol is without prejudice to the Member's right to keep a contemporaneous note of all interactions with members of the public and other Members of the Council should they wish to do so.*

*Any breach of this Protocol should be referred to the Standards Committee who will determine what action, sanction or remedy is appropriate in each case.*

**1105. BUDGET 2004/05 – REVIEW OF SAVINGS AND OTHER ITEMS**

A detailed report was submitted reviewing the achievement of budget reductions agreed by the Council as part of the 2004/05 budget together with recommendations of the Cabinet made at its meetings on 4 and 19 May 2004 in respect thereof.

**Resolved:-** (a) That the previously approved staffing budget for the Personnel Services be reinstated as soon as possible and, in the interim, immediate temporary sources of funding identified

(b) That a virement of £87,000 from investment income to cover any shortfall in achieving the approved budget savings, be not agreed and that Scrutiny Committee be asked to set up a Budget Task and Finish Group.

(c) That the unspent balance of £16,655 on the Grants Budget for 2003/04 be carried forward and used to increase grants to the level of inflation or some other purpose and that the unspent balance be carried forward.

**1106. INTEGRATED REVENUE AND CAPITAL BUDGET 2004/05 AND LATER YEARS**

A detailed report was submitted outlining the Capital Programme approved by Cabinet together with the current Capital Project Reserve List.

**Resolved:-** That the Capital Programme be approved.

1107. **SCRUTINY COMMITTEE PROCEDURAL RULES**

Consideration was given to a proposed amendment to the Scrutiny Procedure Rules.

**Resolved:-** That the following be added to paragraph 14.5:

“Once notice of call-in has been given and 8 non-Executive Members have required an item to be referred to the Scrutiny Committee, the item shall stand referred and the call-in may not be withdrawn without the agreement of the Scrutiny Committee who will decide whether to allow the call-in to be withdrawn or whether to adopt the call-in and proceed with consideration of the item”.

1108. **CONFIRMATION OF MINUTES**

**Resolved:-** That the minutes of the following meetings be adopted.

Public Protection Committee – 15 March and 19 April 2004.

1109. **PETITIONS**

Pursuant to Standing Order No 17, the Mayor received a petition from residents of Wolstanton/May Bank objecting to proposals for the provision of 2 teen shelters and a skateboarding ramp on The Marsh, Wolstanton.

*Councillors M R Clarke and Foy declared an interest in the following item and left the meeting – Interest not stated*

1110. **MOTION SUBMITTED BY A MEMBER**

Members were asked to support a motion by Councillor Becket requesting consideration to various issues relating to the performance of First Bus and a reduction in service provided by the Company.

**Resolved:-** (a) That representations be made to the Chief Executive of First with reference to the general level of service and specifically the manner of the withdrawal of Route 73 in this Borough.

(b) That representations be made to the LGA (Transport Executive), Transport 2000 and all MPs in the Borough; to press the Government to introduce greater regulation of the bus industry. In particular:

- Legislation to allow a local transport authority to prevent the break-up of a viable local network.

- Replacement of fuel rebate based on miles covered with a rebate based on passengers carried.

(c) That representations be made to Staffordshire County Council for improvements in information provision, in particular that concerning subsidised services and a requirement, where subsidy is given, for bus timetables to be provided at each pick-up point.

(d) That the thanks of the Council be forwarded to the County Council for their work to date in trying to maintain the bus services.

**R A SLATER**  
**Chair**

\*Printed for information

## **THE CABINET**

**4 May 2004**

**Present:-** Councillor Leech in the Chair

Councillors Becket, Bentley, Finnemore, Mrs Maxfield, Studd and Williams

1111. \* **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the previous meeting of Cabinet held on 10 March 2004 be approved as a correct record.

1112. \* **GRANTS ASSESSMENT PANEL**

**Resolved:-** That, subject to the deletion of Councillor Wemyss from the list of attendees, the minutes of the above meeting held on 7 April 2004 be approved.

1113. \* **SERVICE AND FINANCIAL PLANS**

Consideration was given to the Council's Service and Financial Plans for the period April 2004 to March 2007.

**Resolved:-** That the Service and Financial Plans be approved for publication and development.

1114. \* **INTERNAL AUDIT STRATEGIC PLAN 2004/05**

Consideration was given to a report on the Internal Audit Plan for 2004/05 which was designed to support Service Managers in managing and controlling their risks together with reporting arrangements for performance against the Audit Plan and implementation of Audit recommendations and proposals for the resourcing of Internal Audit and the buying in of Internal Audit Services to cover vacancies whilst recruiting.

*Resolved:-* (a) That the Internal Audit Plan be approved.

(b) That Members agree to the continuation of the reporting arrangements set out in the report and the proposal for the Head of Financial Services to provide interim cover for Internal Audit Services from within current budgets by virement of up to £20,000 from employees to agency staff budgets.

1115. \* **DASHBOARD INDICATORS PERFORMANCE MANAGEMENT REPORT TO 29 FEBRUARY 2004**

Consideration was given to a report updating Members on the Council's performance against 2003/04 targets for the period to 31 March 2004 for a set of 'dashboard' indicators.

**Resolved:-** (a) That Cabinet notes performance for the year to 31 March 2004 and identifies specific measures or actions to improve areas where performance is not meeting the targets set by the Council.

(b) That, for future meetings, the report highlight specific items requiring particular attention.

1116. \* **PERSONNEL SERVICES BUDGET 2004/05**

Consideration was given to proposals for the Personnel Services Budget for 2004/05 in the light of the Council's decisions at the Budget setting meeting of 25 February 2004.

**Resolved:-** (a) That the previously approved staffing budget for the Personnel Services Section be reinstated as soon as possible and, in the interim, immediate temporary sources of funding be identified.

(b) That in the short term, the budget for the two currently vacant posts be used for continued funding of the WMLGA/LINK consultants and for the provision of additional temporary HR/admin support.

(c) That the use of Staffordshire University's Business Schools Undergraduate Student placement scheme be piloted with one or, if appropriate, 2 placements being offered to provide additional support for the section for 2004/5, to be financed from within the reinstated staffing budget.

(d) That further reports be submitted as necessary in relation to the staffing requirements of Personnel Services to ensure its continued effectiveness in relation to the Council's developing human resources issues and in the light of any specific 'areas for improvement' in the CPA.

1117. \* **ANNUAL STAFF SURVEY**

Consideration was given to a report outlining the results of the 2003/04 Staff Attitude Survey and the measures taken in response to the issues raised.

**Resolved:-** That the report be received and the actions taken noted.

1118. \* **PLANNING DELIVERY GRANT 2004/05**

A report was submitted indicating that a sum of £173, 939 had been awarded as this Council's Planning Delivery Grant (PDG) for 2004/05 for 'having an up-to-date local plan' and for progress towards adopting a new or revised plan.

Members were requested to ‘ring fence’ the use of the grant in principle pending further consideration of a report addressing other issues in Regeneration and Planning Services, details of which were considered.

**Resolved:-** (a) That the information be received and the ring-fencing of the Planning Delivery Grant allocation for 2004/05 for the purpose of delivering improvements in Planning services be agreed in principle.

(b) That, subject to (a), officers report back at the earliest opportunity with proposals for investing the PDG allocation.

1119. \* **PROPOSED DISPOSAL OF LAND AT WOLSTANTON PARK, WOLSTANTON**

Consideration was given to a report seeking approval in principle to the disposal of a small area of land at Wolstanton Park and to the rear of properties Nos 1-15 Edward Street, Wolstanton

The reasons for the proposed disposal were submitted.

**Resolved:-** (a) That Cabinet approves in principle the disposal of the land at Wolstanton Park to the residents of Nos 1 to 15 Edward Street.

(b) That the Head of Assets and Amenity Services be authorised to enter into negotiations with the residents of Nos 1 to 15 Edward Street regarding the disposal of the land subject to the residents gaining the necessary planning permission and agreeing to meet all costs relating to the disposal and enclosure of the land.

(c) That, prior to any final agreement on disposal, a further report be submitted concerning the detailed negotiations and the terms of the proposed disposal.

1120. \* **AUDIT OF ACCOUNTS 2002/03**

Receipt was reported of the management letter from the District Auditor concerning the 2002/03 Audit of Accounts.

**Resolved:-** (a) That the District Auditor Management Letter be received

(b) That, where necessary, further reports dealing with the specific issues raised be submitted to future meetings.

1121. \* **NORTH STAFFORDSHIRE REGENERATION ZONE PILLAR 4 ACTIVITY – CHANGING THE BOROUGH COUNCIL’S STANDING ORDERS**

Consideration was given to a report updating Members on the Council’s role as lead authority in the delivery of the North Staffs Regeneration Zone Pillar 4

activity together with proposals for changes to the Council's Standing Orders to assist the process.

**Resolved:-** That Officers bring forward for adoption by the Borough Council any necessary amendments to the Borough Council's Standing Orders and Financial Regulations to provide for the commissioning of work or services under the Regeneration Zone (Pillar 4) activities.

1122. \* **REVIEW OF PLANNING APPEALS PROCEDURE**

Receipt was reported of a consultation document received from the Office of the Deputy Prime Minister (ODPM) on proposed changes to the Planning Appeals Process, details of which were submitted.

**Resolved:-** That a letter be sent to the ODPM indicating support for Option 1 as detailed in the report.

1123. \* **CONSULTATION BY BT**

Members were advised that, following representations concerning the proposed closure of two BT payphones at Bradwell Lane, Bradwell and Cemetery Road, Knutton, the Company had indicated that it was to retain the facilities for the time being but would review the situation at a later date.

**Resolved:-** That the report be received.

1124. \* **BEREAVEMENT SERVICES – BEST VALUE USER SATISFACTION SURVEY**

Consideration was given to a report detailing the outcome of the biennial Best Value Bereavement Services Satisfaction Survey.

**Resolved:-** That the outcome of the consultation exercise be utilised to plan further improvements to the Bereavement Service and that further reports on specific issues be brought to Cabinet at the appropriate time.

1125. \* **WEST MIDLANDS MUSEUM, LIBRARIES AND ARCHIVES FUND MUSEUM LOAN BOX SCHEME – FUNDING AWARD**

Members were advised that a sum of £800 had been awarded to the Borough Museum and Art Gallery by the West Midlands Museum, Libraries and Archives Fund for the development of 8 object loan boxes for schools for use in the classroom.

A loan box would consist of objects, costume, photographs, etc relating to a National Curriculum topic taught at Primary Level (Key Stages 1 and 2).

In addition the Council had also supported an application by the Apedale Heritage Centre to the same fund for display equipment and museum documentation paperwork and a grant of £650 had been received in respect thereof.

**Resolved:-** That the success in obtaining funding for the Museum Loan Box Scheme be noted.

1126. \* **STAFFORDSHIRE COUNTY COUNCIL – INCLUSIVE PLAY GRANT**

Members were informed of a successful bid of £3494.99 for a Staffordshire County Council grant to develop inclusive play in the Borough with particular emphasis on the NASA scheme.

**Resolved:-** That the award of funding for the acquisition of sports equipment for the NASA scheme be noted.

1127. \* **ARTS COUNCIL – STAFFORDSHIRE PARTNERSHIP AGREEMENT**

Consideration was given to a report seeking approval to enter into a partnership agreement with The Arts Council West Midlands and other Staffordshire Local Authorities to develop joint strategic working on a sub-regional basis, the aim of which was to support equity, transparency and minimum standards and the exchange of good practice and to realise growth for the arts within the Staffordshire and Stoke-on-Trent sub-region.

The Arts Council West Midlands and local authorities would liaise on proposals for major funding programmes and all strategic developments with actual or potential impact on arts.

**Resolved:-** That the Council agrees to sign up to the Partnership Agreement as detailed in the report.

1128. \* **GRANTS 2004/05 – RECOMMENDATIONS OF THE GRANTS ASSESSMENT PANEL**

Consideration was given to the recommendations of the Grants Assessment Panel in respect of proposed priority and non-priority grants for 2004/05 taking into account the decision of Cabinet on 10 March 2004 that subject to contractual obligations, an ‘across the board’ reduction to all budget heads and beneficiaries be applied in 2004/05.

A number of representations had been received from organisations in respect of their proposed grants.

Members were advised that the unspent balance on grants in 2003/04 was £16,655 and that in previous years the Council had agreed to carry such a balance forward to the following financial year to supplement the budget for non-priority grants.

**Resolved:-** (a) That a meeting of the Grants Assessment Panel be reconvened with a view to the unspent balance of £16,655 on the Grants Budget for 2003/04 being used to increase grants to the level of inflation or some other purpose subject to approval by the Full Council to carry the unspent balance forward

(b) That the grants recommended by the Grants Assessment Panel be approved and paid immediately and consideration given to any additional payments at a later date.

1129. \* **BUDGET 2004/05 – REVIEW OF SAVINGS AND OTHER ITEMS**

**Resolved:-** That consideration of this matter be deferred to a Special Meeting of the Cabinet to be held on Wednesday 19 May 2004.

1130. \* **BUDGET STRATEGY 2005/06 – AERO BASED BUDGETING**

**Resolved:-** That consideration of this matter be deferred to a Special Meeting of the Cabinet to be held on Wednesday 19 May 2004.

1131. \* **ROE LANE PLAYING FIELDS – DEVELOPMENT OF FOOTBALL FACILITIES (294/04)**

Further to the above resolution consideration was given to a report detailing progress with the proposed comprehensive refurbishment of the facilities at Roe Lane Playing Fields.

It was indicated that the revised cost of the project was now £980,000 some £90,000 above the original estimate towards which a grant of £650,000 had been received from the Football Foundation.

Tenders had been received for the replacement pavilion element and following post tender evaluation the preferred bid was that submitted by Messrs Thurston Building Systems. In addition fixed priced tender had been obtained for the drainage system from Messrs Turfdry which would require the waiving of Standing Orders.

In addition representations had been received from Ward Councillors and residents in respect of the provision of ball stop fencing, the estimated cost of which was £18,000.

**Resolved:-** (a) That Cabinet approves the revised estimated cost of the project, subject to the allocation of an additional £90,000 from the 2004/05 Capital Programme being approved by Council.

(b) That the provision of ball stop fencing in the sum of £18,000 be approved.

Subject to (a) and (b) above:

(c) That the Head of Assets and Amenity Services be authorised to invite tenders for the works and following consultation with the Portfolio Holder to accept the lowest suitable tender.

(d) That in respect of the football pitch drainage scheme, the tender of Messrs Turfdry in the sum of £140,361 be accepted and Standing Orders waived to permit this.

1132. \* **CONTRACT FOR THE HOMELESSNESS, HOUSING ADVICE AND HOUSING REGISTER SERVICE (732/04)**

Further to the above resolution consideration was again given to the award of the Contract for the Homelessness, Housing Advice and Housing Register Service following negotiations with Aspire Housing Ltd.

**Resolved:-** The contract for the Homelessness, Housing Advice and Housing Register Service be awarded to Aspire Housing Ltd for £210,000 per annum plus RPI for 3 years with a possible 2-year extension under the terms set out on the report.

1133. \* **WERETON ROAD BRIDGE, HALMER END**

Consideration was given to a report seeking funding for the reconstruction of the parapet walls on the above bridge which had been purchased by the Council as part of the disused railway line now known as Marion Platt Walkway.

Following discussions with the Highways Authority it was indicated that the County Council would prefer the new parapets to be constructed to a higher strength category than normal and as such has requested a fixed price contribution of £33,000 from the Borough Council. The remaining cost of the work would be funded by the County Council.

On completion of the works the County Council had indicated that it would consider taking over ownership and future maintenance and liabilities of the bridge.

**Resolved:-** (a) That the Cabinet seek approval of the Council for £33,000, from the capital programme to fund the Borough Council's contribution to the reconstruction of the bridge parapets.

(b) That the Head of Assets and Amenity Services be authorised to transfer the ownership of the bridge to the Highway Authority, following completion of the works.

(c) That the item be treated as a matter of urgency to ensure that the Highway Authority funding is secured.

1134. \* **BUSINESS IMPROVEMENT DISTRICTS – CONSULTATION ON DRAFT REGULATIONS**

Consideration was given to a report in respect of draft regulations setting out the arrangements for establishment of a Business Improvement District.

**Resolved:-** That the information be received.

1135. \* **PLANNING DELIVERY GRANT AND TEMPORARY SENIOR PLANNING ASSISTANT POST F90 (368/04)**

Consideration was given to a report seeking approval to an extension for a further six months of the post of temporary Senior Planning Assistant to be funded from the Planning Delivery Grant, the reasons for which were submitted.

**Resolved:-** (a) That a six-month extension of the temporary Senior Planning Assistant post F90 at a cost of £12,300 be approved and funded as set out in the report.

(b) That the report be referred to the Planning Committee for information.

1136. \* **IMPROVEMENT PLANNING FOLLOWING COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA)**

A report was submitted informing Members of the process and timetable of the Improvement Planning process following CPA and the work which has already commenced around some improvement areas.

The initial timetable for the process is that Step 1 should be submitted to the Audit Commission by 21 May. However due to local elections being held in June the Council had asked the Commission to delay the process until late summer.

**Resolved:-** (a) That Members endorse the request to the Audit Commission regarding a later date for improvement planning and the associated round table meeting.

(b) That Members agree the timetable associated with the rest of the improvement planning process.

(c) That Members approve the Best Value Review programme for 2004/05 and subsequent years.

1137. \* **DISABLED DISCRIMINATION ACT – IMPLEMENTATION PROGRESS REPORT**

A report was submitted outlining progress in the implementation of the access provisions of the Disability Discrimination Act together with proposals to undertake an Accessibility Audit of Amenity areas.

**Resolved:-** (a) That the progress in implementing the access provisions of Disabled Discrimination Act be noted.

(b) That the cost of an Accessibility Audit of Amenity areas be approved in the capital item already approved for Disabled Access.

1138. \* **INTEGRATED CAPITAL AND REVENUE BUDGET 2004/05 AND LATER YEARS**

Consideration was given to the current Capital Programme and Reserve List in the light of the Capital Budget for 2004/05 and later years.

**Resolved:-** That the Capital Programme as detailed, updated to include decisions made by Cabinet, be submitted for approval by the Council.

1139. \* **ADOPTION OF SPACE AROUND DWELLING GUIDANCE AS SUPPLEMENTARY PLANNING GUIDANCE (SPG) (772/04)**

Further to the above resolution consideration was given to the adoption as SPG of Space Around Dwellings Guidance which had been the subject of a consultation exercise. The purpose of the guidance was to update the Council's existing objectives for space around new dwellings including the need for privacy, daylight standards and environmental considerations in accordance with national policy guidance.

**Resolved:-** That the matter be referred to the Planning Committee for comment and a further report submitted to a subsequent meeting of the Cabinet.

1140. \* **SIR MICHAEL LYONS REPORT**

A report was submitted seeking approval to continued officer involvement in the 'Sir Michael Lyons Campaign' to bring central government functions to North Staffordshire, details of which were submitted.

**Resolved:-** That Members approve continued Officer involvement in the Sir Michael Lyons Review campaign team.

1141. \* **APEDALE HERITAGE CENTRE (1140/03)**

A report was submitted seeking approval to offer the cost of acquiring land formerly part of the Apedale Heritage Centre either to the Trustees of the Centre or the County Council.

The acquisition would help deliver the medium and long term objectives for the Heritage Centre, Apedale Community Country Park and the Three Dales Vision and the County Council had resolved to fund in part and seek match funding to alter the Heritage Centre for education, and tourism purposes.

The Borough Council had already agreed the finance to acquire the land and there would be no additional costs other than limited officer time.

**Resolved:-** That the Council assist Staffordshire County Council to acquire the land in question but should the County Council not wish to proceed a further report be submitted to Cabinet.

1142. \* **PUBLIC TRANSPORT – FIRST BUS SERVICE REDUCTIONS**

A report was submitted indicating that the West Midlands Area Traffic Commissioners had found that First Bus had not been maintaining its fleet properly and, as a result, the number of vehicles they were permitted to operate was to be reduced from 9 May 2004.

This would mean that the Company would no longer be able to maintain its current services. The County Council, as the responsible body for passenger transport, was taking steps to mitigate the situation.

**Resolved:-** That the County Council be urged to do everything possible to maintain public transport services in both the short and long term and representations be made to the Chief Executive of First Bus and the Local Government Association concerning the problems.

1143. \* **CUSTOMER CARE**

Consideration was given to a report detailing progress with the development of a new Customer Care Strategy for the Council together with proposals to submit the document for consultation.

**Resolved:-** That the 2003 Customer Care Strategy document be approved for consultation.

1144. \* **NASA YOUTH SUMMER SCHEME 2004**

Consideration was given to the above programme for 2004 in partnership with Staffordshire Police and the Youth and Community Service and Social Services.

The scheme encouraged socially excluded children to access the scheme by the issue of 50 passes, free of charge, to young people identified by Social Services.

A sum of £6,000 had been requested as the cost of the concessionary use of the Council's leisure facilities for which provision had been made in the Council's Revenue Estimates.

**Resolved:-** (a) That the request for the inclusion of the NASA Summer Scheme into the Sports Development 2004 Programme be approved.

(b) That the concession of £6,000 be approved and this be met from the provision for concessionary lettings for recreational facilities in the 2004/05 Revenue Estimates.

1145. \* **ACTIVE8 LEISURE LINK SCHEME – FIRST YEAR RESULTS**

Consideration was given to a report detailing the results of the first year of the Active8 Leisure Link Scheme, the purpose of which was to introduce a discount leisure scheme card designed to benefit socially excluded residents of the Borough.

It was indicated that the first year target had been achieved and in total 600 members had been accepted into the scheme.

**Resolved:-** That the report be noted.

1146. \* **BRADWELL CREMATORIUM CHAPEL (359/03)**

Further to the above resolution consideration was given to a report detailing a comprehensive scheme of refurbishment within the Bradwell Crematorium Chapel.

The estimated cost of the work was £156,000 for which there was currently no provision in the Council's Estimates.

**Resolved:-** (a) That Cabinet approves the refurbishment scheme and considers including the associated costs of £156,000 within the General Fund Capital Programme to be met from Capital Receipts.

(b) That subject to a) above, the Head of Assets and Amenity Services be authorised to seek and accept the lowest suitable tender for the works within the financial limits indicated.

(c) That the works include screening to the exit and this together with the curtains for the fixed cross be erected in advance of the full programme of works commencing.

1147. \* **'CHOOSING HEALTH' CONSULTATION ON IMPROVING PEOPLE'S HEALTH**

Receipt was reported of a consultation document issued by the Department of Health entitled 'Choosing Health' a consultation on action to improve people's health', the aim of which was to consider what really made a difference to people's health and what barriers had hindered progress.

**Resolved:-** (a) That Cabinet notes the national consultation being carried out through the report entitled "Choosing Health", and the process established locally to secure comments in the Borough.

(b) That any comments made by Cabinet be submitted to the Department of Health.

1148. \* **INCREASING ENFORCEMENT ACTIVITY**

A report was submitted requesting the consideration of options for increased enforcement activity in accordance with the Council's priorities and the Budget Strategy for 2004/05.

Details of the range of activities that could be included in a new enforcement function were considered.

**Resolved:-** That a further report be submitted to a subsequent meeting of the Cabinet.

1149. \* **PROPOSED DECLARATION OF POOL DAM MARSHES AS A LOCAL NATURE RESERVE**

Consideration was given to a request seeking approval to the declaration of the Pool Dam Marshes as a Local Nature Reserve under the provisions of the National Parks and Access to the Countryside Act 1949 and the acceptance of a grant of £4,999 from the New Opportunities Fund SEED Programme to fund the declaration of the site and implement a 5 year management plan.

In addition a contribution of £45,000 had been secured from private developers by way of a Section 106 Agreement which would be used to provide leisure facilities at the site, future maintenance and also educational facilities at the Harriet Higgins Community Centre to enable local groups and schools to access the wildlife resources at the Marshes.

**Resolved:-** (a) That the declaration of Pool Dam Marshes as a Local Nature Reserve be approved.

(b) That the offer of grant funding of £4,999 from the New Opportunities und SEED Programme be accepted and the Head of Assets and Amenity Services be authorised to progress the declaration process and the implementation of the five-year management plan.

(c) That the Cabinet approve the expenditure of the private developer contribution, secured via a Section 106 Agreement, on the elements detailed in this report when the funding becomes available.

(d) That the Ward Members and the Harriet Higgins Community Centre Management Committee be advised of the position.

1150. \* **ANTI-SOCIAL BEHAVIOUR ACT 2003 - UPDATE**

A detailed report was submitted outlining provisions of the above Act which came into effect in January, February and March 2004 and would provide the Crime and Disorder Reduction Partnership (CDRP) with powers to (i) reduce the gap between crime levels in the highest and lowest parts of the Borough (ii) reduce the incidence of crime to vulnerable groups and their fear of crime (iii) deter young people from Anti-Social Behaviour and (iv) reduce the amount of drug and alcohol related crime.

**Resolved:-** (a) That Cabinet welcomes the introduction of these new powers and supports the police and the CDRP in their use.

(b) That a further report be brought detailing the outcome of the use that has been made of these powers.

(c) That the Chief Executive be authorised to respond to police and other statutory agency consultations over the use of such powers.

1151. \* **HIGH STREET SOUTH – PROHIBITION OF DRIVING AND PROVISION OF AUTOMATIC BARRIER**

Consideration was given to a report seeking Capital Revenue funding for an automatic barrier in High Street South to enforce an experimental Traffic Regulation Order to close High Street South to all traffic on selected evenings for an 18 month period.

The provision of an automatic, card-controlled barrier would enable a variety of selected users access at all times and would contribute to improve safety in the Town Centre.

The Capital cost of a pair of barriers was £30,000 and the revenue cost for 18 months was £3,750.

**Resolved:-** That the scheme be approved in principle subject to consultation.

1152. \* **BETH JOHNSON HOUSING ASSOCIATION BOARD – NOMINATION (598/04)**

**Resolved:-** That consideration be deferred to the next meeting.

1153. \* **BUDGET REDUCTIONS 2004/05**

**Resolved:-** That consideration of this matter be deferred to a Special Meeting of the Cabinet to be held on Wednesday 19 May 2004.

1154. \* **BUDGET STRATEGY 2004/05 – HEALTH PROMOTION**

**Resolved:-** That consideration of this matter be deferred to a Special Meeting of the Cabinet to be held on Wednesday 19 May 2004.

1155. \* **PLANNING DELIVERY GRANT AND TEMPORARY PLANNING & HOUSING POLICY ASSISTANT – POST F93**

A report was submitted outlining the position in respect of the above post and requesting approval to advertise such post on a temporary two year fixed term contract.

**Resolved:-** (a) That a six-month extension of the temporary Planning and Housing Policy Assistant post F93 at a cost of £11,500 be approved and funded as set out in the report.

(b) That the post be renamed Planning Policy Officer for the reasons set out in the report.

(c) That the report be referred to the Planning Committee for information.

1156. \* **YOUTH RECREATIONAL FACILITIES – WOLSTANTON MARCH**

A recommendation of the Scrutiny Committee was submitted requesting further consultation with all interested parties before a decision is implemented in respect of the provision of teen shelters and a half pipe skateboard ramp on Wolstanton Marsh and authorising the Head of Assets and Amenity Services, in consultation with the Portfolio Holder, to act upon any decision of Cabinet in respect of this matter.

**Resolved:-** That consideration of the location of the equipment be deferred pending full consultation with residents, Ward Members and other interested parties.

1157. \* **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration of the following items by reason of the likely disclosure of exempt information as defined in paragraphs 5, 7 and 9 in Part 1 of Schedule 12A of the Local Government Act 1972.

1158. \* **FREEHOLD DISPOSAL – RESIDENTIAL BUILDING PLOT  
CORNER CHURCH LANE/MOW COP ROAD, MOW COP (194/04)**

Further to the above resolution consideration was given to offers in respect of the sale of an area of some 375sq.m at the above location for residential development.

Details of the best offer were submitted and it was indicated that this had been accepted.

**Resolved:-** That the information be received.

1159. \* **KIDSGROVE MARKET (466/04)**

Further to the above resolution a report was submitted updating Members of the situation in respect of the above market.

**Resolved:-** That consideration be deferred for a further report.

1160. \* **KIDSGROVE ATHLETIC FOOTBALL CLUB - LEASE**

**Resolved:-** That consideration be deferred for a further report.

1161. \* **DATA CAPTURE OF PLANNING AND BUILDING CONTROL  
RECORDS**

Consideration was given to a report seeking approval to appoint a contractor for the Planning and Building Control Data Capture Project, details of which were submitted including the evaluation of the 5 tender bids.

**Resolved:-** That Terraquest Solutions be selected as the preferred contractor for the Planning and Building Control Data Capture Project, subject to the outcome of the site visits as set out in the report.

1162. \* **PROPOSED PRIMARY CARE CENTRE, AUDLEY – NEWCASTLE  
PRIMARY CARE TRUST (970/04)**

Further to the above resolution a report was submitted detailing progress in negotiations with the Newcastle Primary Care Trust concerning the provision of the primary care facility in Audley.

**Resolved:-** That Cabinet recognises the efforts the PCT have made to achieve community benefits through the re-provision of the health centre and agrees to the Head of Assets and Amenity Services entering into negotiations with the Newcastle PCT regarding any temporary relocation of the health centre on to the community centre site as outlined above.

1163. \* **SWIMMING PROVISION – UPDATE (470/04)**

Consideration was given to a report outlining progress to date in respect of future swimming provision in the Borough.

**Resolved:-** That the report be noted and a further report considered at a future meeting.

1164. \* **FITNESS SUITE – KIDSGROVE SPORT CENTRE  
- REVIEW OF MANAGEMENT ARRANGEMENTS**

Consideration was given to a report on the current and proposed future management of the fitness suite at Kidsgrove Sports Centre.

**Resolved:-** That the Contract with Pulse Fitness not be renewed at the end of the existing Contract and that Kidsgrove Sports Centre Fitness Suite be directly managed as part of the “Castle Gym” facility with effect from 1 July 2004.

**D A LEECH  
Chair**

\*Printed for information

## **PLANNING COMMITTEE**

**11 May 2004**

**Present:-** Councillor J Evans in the Chair

Councillors Mrs Astle, Astle, Becket, Mrs Blaise, Mrs Blake, Brooks, Clarke A A, Clarke D, Mrs Cornes, Fox, Foy, Holland, Jones, Lawton, Leech, Mrs Lewis, Mrs Lowndes, Mrs Maddox, Mrs Maxfield, Mrs Moss, Mrs Myatt, Miss Reddish, Studd, Tagg, Tatton, Mrs Williams and Williams

### 1165. \* **MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** (a) That the minutes of the meeting held on 17 February 2004 be approved as a correct record subject to the following:-

**RESIDENTIAL DEVELOPMENT AT FORMER PARKSITE SOCIAL CLUB**  
**SCOT HAY ROAD, PARKSITE. M F MCCARTHY. 04/47/OUT**

After the word ‘That’ in resolution (a) deletion of the words “subject to satisfactory amended plans being received overcoming any relevant highway conditions and providing a more appropriate footpath link to Moffatt Way”.

(b) That the minutes of the meeting held on 9 March 2004 be approved as a correct record subject to the following amendment:-

**RETENTION OF BUILDING FOR USE AS SELF CONTAINED HOLIDAY ACCOMMODATION**  
**128 JUG BANK, ASHLEY. MR A MADDOX. 03/708/FUL**

Additional resolution to read as follows:

(b) That, on the grounds that to allow the building to remain would be contrary to local and national policy on development in the Countryside, the Head of Legal and Democratic Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure the removal of the existing building and clearance of the site.

**DEMOLITION OF DWELLING AND ERECTION OF BUNGALOW, 3 TERRACED DWELLINGS AND A GARAGE**  
**CONIFERS AND REAR OF IVY COTTAGE, COMMON LANE, BETLEY**  
**CHAMBERLAIN DEVELOPMENTS LTD. 02/792/FUL**

Resolution (b) amended to read as follows:-

(b) That in the event of the above works not being completed by 30 April 2004, the Head of Legal and Democratic Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure the amendment to the eaves detail.

1166. \* **CONVERSION OF DETACHED HOUSE TO SIX SELF-CONTAINED FLATS AND A THREE STOREY EXTENSION TO CREATE A FURTHER THREE SELF CONTAINED FLATS  
14 SIDMOUTH AVENUE, NEWCASTLE  
MISS S SANGELEE. 04/172/FUL**

**Resolved:-** That the application be refused for the following reasons:-

- (i) Overdevelopment
- (ii) Adverse impact of proposal on highway and pedestrian safety by reason of insufficient parking.
- (iii) Adverse impact on character and appearance of Conservation Area.

1167. \* **RESIDENTIAL DEVELOPMENT (280 HOUSES)  
LAND OFF KEELE ROAD, NEWCASTLE  
PERSIMMON HOMES LTD. 03/790/REM**

**Resolved:-** That consideration of this application be deferred to a subsequent meeting pending receipt of further information.

1168. \* **SINGLE STOREY HOT-FOOD TAKEAWAY  
LAND BETWEEN CO-OP LATE SHOP AND KWIK SAVE CAR PARK  
CHURCH STREET, AUDLEY  
MISS M MASON. 04/215/FUL**

**Resolved:-** That the application be refused for the following reasons:-

- (i) By virtue of its siting and design, the proposed development would have an adverse impact on the visual amenities of the street scene to the detriment of the character and appearance of the area generally.
- (ii) Adverse impact on highway safety resulting from the consequences of additional on-street parking.

1169. \* **EXTENSION  
11 SALISBURY CLOSE, MADELEY  
MR K BAILEY. 04/231/FUL**

**Resolved:-** That permission be granted subject to the undermentioned conditions:-

- (i) Standard condition 1.

- (ii) Revised window detailing within the front elevation to include the window positioning and proportion.
- (iii) Materials to match existing building.
- (iv) Three parking spaces to be provided and within the curtilage of the site.
- (v) New access to be standard specification.
- (vi) Maximum driveway width should be no greater than 4.5m.

1170. \* **RESIDENTIAL DEVELOPMENT  
WHITE GABLES, SUNNY HOLLOW, NEWCASTLE  
DR L BOWCOCK. 04/252/OUT**

**Resolved:-** That subject to no objections being received from the Highway Authority and third parties by 24 May 2004, the Head of Regeneration and Planning Services be authorised to permit the application in outline subject to the undermentioned conditions:-

- (i) Standard outline conditions 2 and 3.
- (ii) Drainage condition.
- (iii) Any conditions considered appropriate by the Head of Regeneration and Planning Services arising from comments that may be made by the Highway Authority.

1171. \* **ERECTION OF 20 METRE TELECOMMUNICATIONS LATTICE  
TOWER INCORPORATING 4 ANTENNAE AND 2 DISHES WITH  
GROUND BASED EQUIPMENT CABINS AND ANCILLARY  
DEVELOPMENT  
BOWER END FARM, BOWER END LANE, THE MOSS, MADELEY  
VODAFONE LTD. 04/358/FUL**

**Resolved:-** That permission be granted subject to the undermentioned conditions:-

- (i) Standard condition 1.
- (ii) Apparatus and equipment cabinets to be removed within 1 month after they are no longer required for telecommunications purposes.
- (iii) Prior approval of soft landscaping scheme which mitigates the visual impact of the compound.

1172. \* **EXTENSION BOW HILL FARM, BOW HILL LANE, BETLEY  
E WITTER AND SONS. 03/985/FUL**

**Resolved:-** (a) That the period for completion of the Section 106 Obligation tying the dwellinghouse to 42 acres of agricultural land and securing self-policing of an agricultural occupancy condition, be extended until 14 May 2004.

(b) That subject to the Section 106 Obligation being completed by the above date then the application be permitted in accordance with the conditions previously agreed.

1173. \* **TWO STOREY DWELLING  
DALES GREEN FARM, 14 DALES GREEN ROAD, HARRISEAHEAD  
MR D MILLS. 04/268/FUL**

**Resolved:-** That the application be refused for the following reasons:-

- (i) Inappropriate development in the Green Belt and would, if permitted, permanently harm the openness of the Green Belt and be contrary to the purposes of including land within the Green Belt.
- (ii) The required very special circumstances do not exist to justify allowing this inappropriate development in the Green Belt.

1174. \* **NON-COMPLIANCE WITH CONDITION 1 OF PERMISSION 03/733/FUL  
REQUIRING RETENTION OF 45 SQM OF FLOORSPACE FOR USE AS  
OFFICE ACCOMMODATION  
AUGUST BARN, CHAPEL AND HILL CHORLTON  
MR D CARTWRIGHT. 04/280/FUL**

**Resolved:-** That permission be granted.

1175. \* **GENERAL PURPOSE BUILDING FOR STORAGE OF AGRICULTURAL  
MACHINERY AND HAY  
PEAR TREE LAKE FARM, BALTERLEY  
MR & MRS D DOUGLAS. 04/192/FUL**

**Resolved:-** That permission be granted subject to the applicant first entering into a Section 106 Obligation, within 3 months, to prevent the erection of the covered riding area approved under permission 94/949/FUL being erected and tying the proposed building to the property known as Pear Tree Lake Farm, subject to the following conditions:-

- (i) Prior approval of colour finish.
- (ii) revised details to include provision of ventilation/open sides on part for hay storage.
- (iii) Landscaping and replacements for 5 years upon any failures.
- (iv) Removal of existing storage building on completion of proposed building.
- (v) Surplus material as a result of ground level changes to be removed from the site.
- (vi) Precise details of access.

1176. \* **RETENTION OF ROOF TOP AIR HANDLING UNIT AND VARIATION  
OF THE SITE AND APPEARANCE OF AND EXTENSION PERMITTED  
UNDER 01/483/COU  
BRASSINGTONS, 115 HIGH STREET, NEWCASTLE  
MR M FALLOWS. 04/317/FUL**

**Resolved:-** That consideration of this application be deferred to a subsequent meeting.

1177. \* **SITE VISITS**

- (i) Detached cottage. The Cottage, 28 The Village, Keele  
Dep. 04/243/FUL
- (ii) Conversion of agricultural building to form 4 dwellings  
Oaklands Farm, Newcastle Road, Blore  
Mr & Mrs N Yates. 04/128/FUL

**Resolved:-** That consideration of the above applications be deferred pending site visits.

1178. \* **APPEAL DECISIONS**  
**ADDITIONAL NURSING HOME ACCOMMODATION, DAY**  
**NURSERIES UNIT, ADDITIONAL PARKING AND NEW SITE ROAD**  
**BRADWELL NURSING HOME, OLD HALL DRIVE, BRADWELL.**  
**02/1044/OUT**

It was reported that an appeal lodged against the Council's decision not to grant outline permission for the above development had been allowed by the Planning Inspectorate.

**Resolved:-** That the information be received.

1179. \* **REPORT ON DECISION OF THE OFFICE OF THE DEPUTY PRIME**  
**MINISTER – RESIDENTIAL DEVELOPMENT AT BUTTERTON**  
**NURSERIES**

It was reported that following the decision of Planning Committee to advise the Office of the Deputy Prime Minister that the Council was minded not to refuse this application as a departure from the Development Plan the application had been called-in for determination and subsequently been dealt with at a Public Local Inquiry.

The recommendation of the Inspector appointed to preside over the Inquiry that the application be refused had been accepted by the Secretary of State who had outlined what he considered to be the main issues in this case.

In refusing the application, the Secretary of State had directed that the Council pay partial costs to the appellant following its failure to properly advertise arrangements for the Inquiry which, as a result, had to be adjourned to a later date.

**Resolved:-** (a) That the information be received.

(b) That a letter be sent to the Department of Media, Culture and Sport seeking a reply to the Council's request that the walled garden at Butterton Nurseries be considered for inclusion in the Statutory List of Buildings of Special Architectural Interest.

**J S EVANS**  
**Chair**

\*Resolutions 1180, 1182 - 1191 and 1193 inclusive printed for information the Committee having/taking power to act

## **PUBLIC PROTECTION COMMITTEE**

**18 May 2004**

**Present:-** Councillor Mrs B Blaise in the Chair

Councillors Mrs Butler, Mrs Heames, Lawton, Miss Walklate and Williams

1080. \* **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration of the following items by reason of the likely disclosure of exempt information as defined in paragraphs 4, 7, 12 and 14 in Part 1 of Schedule 12A of the Local Government Act 1972

1081. **DOGS (FOULING OF LAND) ACT 1996  
ENFORCEMENT ACTION – DOG FOULING (CASE NO 04/01)**

It was reported that the Dog Warden had witnessed a dog fouling land in Lyme Valley Parkway and that the owner had made no attempt to clean up after his dog. Permission was sought to prosecute the owner of the dog.

**Resolved:-** That prosecution proceedings be commenced against the owner of the dog.

1082. \* **ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80  
BREACH OF NOISE ABATEMENT NOTICE (CASE NO 04/46AR)**

It was reported that a Noise Abatement Notice had been served on the occupier of a property in Chesterton requiring the occupier to refrain from causing further noise nuisance to properties within the vicinity.

**Resolved:-** That prosecution proceedings be commenced against the occupier of the property for failure to comply with the Noise Abatement Notice.

1083. \* **ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80  
BREACH OF NOISE ABATEMENT NOTICE (CASE NO 04/56W)**

It was reported that Noise Abatement Notices had been served on the occupiers of a property in Kidsgrove requiring them to refrain from causing further noise nuisance to premises within the vicinity.

**Resolved:-** That prosecution proceedings be commenced against the occupiers of the property for failure to comply with the Noise Abatement Notices.

1084. \* **ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80  
BREACH OF NOISE ABATEMENT NOTICE (CASE NO 04/67P)**

It was reported that the occupier of a property in the Westlands had been served with a Noise Abatement Notice prohibiting the recurrence of a noise nuisance.

**Resolved:-** That prosecution proceedings be commenced against the occupier of the property for failure to comply with the Noise Abatement Notice.

1085. \* **ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80  
BREACH OF NOISE ABATEMENT NOTICE (CASE NO 04/8BW)**

It was reported that the occupiers of a property in the Thistleberry had been served with a Noise Abatement Notice requiring the occupier to refrain from causing further noise nuisance to premises within the vicinity.

**Resolved:-** That prosecution proceedings be commenced against the occupier of the property for failure to comply with the Noise Abatement Notice and, if necessary, seizure of items likely to contribute to further noise nuisance be authorised.

1086. \* **BUILDING ACT 1984 SECTION 59  
17, 19, 21 & 23 NORFOLK ROAD AND 18 & 20 VICTORIA STREET,  
KIDSGROVE**

It was reported that following receipt of a complaint, notices had been served on the owners of the above properties requiring drainage works to be carried out.

The time allowed for the works to be completed had expired and permission was sought to carry out the works in default.

**Resolved:-** That the execution of the works be approved and all costs be recovered from the owners of the properties.

1087. \* **PUBLIC HEALTH ACT 1936 SECTION 83 AS AMENDED BY SECTION  
35 OF THE PUBLIC HEALTH ACT 1961 (CASE NO 04/52W)**

It was reported that following receipt of a complaint, notice had been served requiring the property to be cleansed. The time allowed for completion of the works had expired and permission was sought to carry out the works in default.

**Resolved:-** That the execution of the works be approved and all costs recovered from the occupier.

1088. \* **PUBLIC HEALTH ACT 1936 SECTION 83 AS AMENDED BY SECTION  
35 OF THE PUBLIC HEALTH ACT 1961 (CASE NO 04/22M)**

It was reported that following receipt of a complaint, notice had been served requiring the property to be cleansed.

The time allowed for completion of the works had not yet expired but permission was sought to carry out the works in default.

**Resolved:-** That the execution of the works in default be approved and all costs recovered from the occupier.

1089. \* **TOWN POLICE CLAUSES ACT 1845 – PLYING FOR HIRE WITHOUT A LICENCE**

Members were informed of the outcome of Court proceedings taken against persons plying for hire without a licence within the Town Centre and also that one of these was licensed by the Council, namely HJB.

**Resolved:-** That HJB be issued with a written warning as to his future conduct.

1090. \* **TOWN POLICE CLAUSES ACT 1845 – PLYING FOR HIRE WITHOUT A LICENCE**

The following of persons had been found plying for hire in the Town Centre without the relevant licences and authority was sought to instigate legal proceedings.

AG, CM, SHE, AH, SRJ, AM, JM, SKM, MS, PD, PM AND ZK.

**Resolved:-** That subject to the Head of Legal and Democratic Services being satisfied with the evidence, prosecution proceedings be commenced in the Magistrates Court against each of the drivers.

1091. \* **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE DRIVERS LICENCE (1059/04)**

Details of an application for private hire driver's licence, together with the information requested at the previous meeting, from Mr SMQ were considered.

The applicant was again interviewed by committee.

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

1092. **ENFORCEMENT MEASURES BY POLICE**

Details of enforcement action against undertaken by the Police within the Town Centre were considered.

**Resolved:-** That the report be received.

1093. \* **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPEALS AGAINST STANDARD PUBLIC ENTERTAINMENT LICENCE CONDITIONS**

***Public Protection – 18/05/04***

Members were informed of proposals submitted by the appellants in order to deal with appeals currently lodged against the Council's standard conditions.

**Resolved:-** That this matter be deferred to the next meeting.

**MRS B BLAISE**  
**Chair**

\*Printed for information

## **THE CABINET**

**19 May 2004**

**Present:-** Councillor Leech in the Chair

Councillors Becket, Bentley, Finnemore, Mrs Maxfield and Williams

1194. \* **BEST VALUE PERFORMANCE PLAN**

Consideration was given to a report seeking approval to the draft Best Value Performance Plan for 2004/05 and authorisation for the Chief Executive, in consultation with the Council Leader, to approve any further changes to the document that may be necessary.

**Resolved:-** (a) That the draft Best Value Performance Plan for 2004/05 be approved.

(b) That the Chief Executive, in consultation with the Leader of the Council, be authorised to approve any further changes to the document as may be necessary.

1195. \* **REVENUE BUDGET SAVINGS (1042/04)**

Consideration was again given to a report seeking clarification on the definition, scope and targets for each of the budget reductions made by the Council at its meeting on 25 February 2004.

**Resolved:-** (a) That the staffing support for the Scrutiny Process be reviewed as part of the CPA Improvement process.

(b) That this item be deferred to the Cabinet meeting on 2 June and that a report on the proposed saving of £50,000 on replacement flowers and shrubs in the next financial year be submitted as a supplementary item to that meeting.

1196. \* **BUDGET 2004/05 – REVIEW OF SAVINGS AND OTHER ITEMS**

Consideration was given to a report reviewing the achievement of budget reductions agreed by the Council as part of the 2004/05 budget and to agree a strategy for approving virements to cover the period necessary to implement some of the reductions.

Members were also advised that representations had been received from Unison seeking consultation on the proposed budget savings.

**Resolved:-** (a) That Cabinet does not approve a virement of £87,000 from investment income to cover any shortfall in achieving the approved budget savings and that Scrutiny Committee be asked to set up a Task and Finish Group.

(b) That Officers be authorised to meet representatives of Unison to discuss the Budget and savings.

(c) That Unison be invited to attend Cabinet for items relating to the budget savings.

1197. \* **BUDGET STRATEGY 2004/05 – ZERO BASED BUDGETING**

A report was submitted outlining the Council's existing approach to Service and Financial Planning, the principles of zero based budgeting together with alternative approaches to developing the Council's budgeting process.

**Resolved:-** (a) That proposed implementation of Zero Based Budgeting be referred to the Scrutiny Committee and to the Budget Task and Finish Group.

(b) That the Service and Financial Planning Framework be reviewed and updated and submitted to the July meeting of the Cabinet in preparation for the 2005/06 and later years Capital and Revenue Budgets to ensure that they are integrated with the Improvement Plans following the Comprehensive Performance Assessment.

1198. \* **BUDGET STRATEGY 2004/05 – HEALTH PROMOTION**

A report was submitted on the implications of the Budget Strategy proposal for 2004/05 concerning 'Health Promotion' with particular reference to the Environmental Health Work Programme.

**Resolved:-** That consideration be deferred pending the Priority Reassessment exercise to be undertaken under improvement planning.

1199. \* **CPA IMPROVEMENT PLANNING – APPOINTMENT OF CONSULTANT**

Consideration was given to proposals to the appointment of Messrs Link Consultancy to work with the Council and to advise on the drawing up and implementation of an improvement plan to address issues raised through CPA.

**Resolved:-** That, in view of the costs, the West Midlands Local Government Association be asked to recommend an alternative consultancy for comparison purposes.

**D A LEECH**  
**Chair**

\*Printed for information

## **SCRUTINY COMMITTEE**

**25 May 2004**

**Present:-** The Mayor, Councillor R Slater  
Councillor Fear in the Chair

Councillors Amos, Mrs Astle, Astle, Mrs Blaise, Mrs Blake, Mrs Braithwaite, Brooks, Mrs Butler, Clarke A A, Clarke D, Clarke M R, Mrs Cornes, Coxon, Mrs Deakin, Dolman, Evans, Foy, Hailstones, Mrs Hambleton, Hambleton, Mrs Heames, Higginson, Holland, Howells, Jones, Lawton, Mrs Lench, Mrs Lewis, Mrs Lowndes, Mrs Maddox, Mrs Moss, Mrs Myatt, Mrs Naylon, Mrs Phillips, Miss Reddish, Mrs Salt, Sinnott, Tagg, Tatton, Miss Walklate and Mrs Williams.

Cabinet Members: Becket, Finnemore, Leech, Mrs Maxfield, Studd and Williams

### 1200. \* **MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** That the minutes of the meetings of this Committee held on 24 February, 3 March, 31 March and 28 April 2004 be approved as correct records.

### 1201. \* **FAIRTRADE TOWN**

The Committee received a presentation from two representatives of South Cheshire College explaining the principles behind the Fairtrade Town Initiative which was a project to develop support for the Fairtrade Mark, the UK's independent guarantee that producers have had a better deal. It was indicated that to become a Fairtrade Town, the Council would need to achieve five goals which were outlined in the presentation.

**Resolved:-** (a) That the representatives of South Cheshire College be thanked for their presentation.

(b) That a Scrutiny Steering Group be set up consisting of 5 Council Members and 5 representatives from appropriate outside bodies to discuss the possibility of Newcastle becoming a Fairtrade Town.

### 1202. \* **PUBLIC HEALTH ANNUAL REPORT**

The Committee received a presentation by Dr Stephen Bridgman on the recently published Public Health Annual Report relating to the "Health and Well Being of the People of Newcastle-under-Lyme".

At the end of his presentation, Dr Bridgman answered a number of questions put by Members and agreed to contact them after the meeting to discuss the issues further.

**Resolved:-** That Dr Bridgman be thanked for his presentation.

1203. \* **CIVIC OFFICES, CIVIC SUITE REFURBISHMENT AND DISABILITY DISCRIMINATION ACT WORKS**

Consideration was given to a report seeking:-

- (i) approval for works to be undertaken in the Civic Suite to meet the requirements of the Disability Discrimination Act at a total cost of £220,000.
- (ii) the views of Members on how the Civic Suite should be re-furnished.

**Resolved:-** (a) That Cabinet be recommended to approve the release of £220,000 from the existing Capital Programme approved for 'Public Buildings Disabled Access' to permit the works to satisfy the requirements of the Disability Discrimination Act to be undertaken as soon as possible.

(b) That the refurbishment proposals be referred to the Political Groups for discussion and their views be incorporated into a report for consideration of a future meeting of this Committee.

(c) That the Mayor and ex-Mayors of the Borough be invited to make their own observations on the refurbishment proposals as they effect the Mayor's Parlour and that such views be incorporated into the future report to this Committee.

1204. \* **LOCAL PROTOCOL ON THE RECORDING OF CONVERSATIONS AND TELEPHONE INTERVIEWS**

Consideration was given to a recommendation of the Standards Committee that the Council adopts a protocol to be observed by Members on the recording of conversations and telephone interviews.

The protocol was reproduced as an appendix to the report.

**Resolved:-** That the Council be recommended to adopt the proposed Protocol as local guidance not forming part of the Council's Code of Conduct.

1205. \* **BEST VALUE PERFORMANCE PLAN 2004/05**

It was reported that Cabinet had approved the Best Value Performance Plan for 2004/05 and authorised the Chief Executive, in consultation with the Leader of the Council to approve any subsequent changes to the document that may be necessary.

**Resolved:-** That the recommendation of Cabinet be supported.

1206. \* **THE BUDGET**

The Committee was invited to comment on the recommendations of the Cabinet, made on 19 May 2004, in respect of the undermentioned specific Budget issues:-

- (i) Revenue Budget Savings
- (ii) Budget 2004/05 – Review of Savings and Other Items
- (iii) Budget Strategy 2005/06 – Zone Based Budgeting
- (iv) Budget Strategy 2004/05 – Health Promotion

It was reported that any comments made by the Committee would be reported to a special meeting of Cabinet which was scheduled to be held immediately before Full Council on 26 May 2004.

**Resolved:-** That no comment be made in respect of the above matters and that as a consequence, the special meeting of the Cabinet, as detailed above, be cancelled.

1207. \* **FORWARD PLAN**

It was reported that this item would appear on all future Scrutiny Committee agendas providing Members with an opportunity to raise issues in relation to matters included in the Forward Plan.

**Resolved:-** That the information be received.

*Councillor M R Clarke declared a personal interest in items 1131 and 1140 of the Cabinet Decisions for 4 May 2004 and remained in the meeting during their consideration but took no part in the debate.*

1208. \* **CABINET DECISIONS 4 MAY AND 19 MAY 2004**

Details were submitted of all decisions made by Cabinet at its meetings on the above dates on non-confidential matters upon which Members were invited to comment.

None of the decisions had been subject to the call-in procedure.

**Resolved:-** That the decisions made by Cabinet be noted.

1209. \* **MEMBER'S ITEM - AMENDMENT OF SCRUTINY CALL-IN RULES WITHDRAWAL OF CALL-IN**

Consideration was given to a request made by the Chair, Councillor MacMillan, to amend the Council's Scrutiny Procedure Rules by the addition of the following to paragraph 14.5

14.5: "Once notice of call-in has been given and 8 non-Executive Members have required an item to be referred to the Scrutiny Committee, the item shall stand referred and the call-in may not be withdrawn without the agreement of the

Scrutiny Committee who will decide whether to allow the call-in to be withdrawn or whether to adopt the call-in and proceed with consideration of the item.”

**Resolved:-** That Council be recommended to adopt the above amendment to the Scrutiny Procedure Rules.

*Councillors Clarke M R and Foy declared personal interests in the following matter and left the meeting during its consideration.*

1210. \* **MEMBERS’ ITEM – SCRUTINY OF PUBLIC TRANSPORT PROVIDERS**

Councillors Tagg and Lawton re-iterated an earlier request that the Scrutiny Committee sets up a cross party working group comprising 8 members selected on the basis of proportional representation to co-ordinate the Council’s Scrutiny agenda and that public transport providers Arriva and First Bus be invited to the Scrutiny Committee to explain their respective timetabling/routing policies.

**Resolved:-** That a Scrutiny Task and Finish Group be set up to consider Transport issues and that First Bus and Arriva be invited to a future meeting of the Scrutiny Committee after this Group had met to set the Agenda.

1211. \* **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration of the following items by reason of the likely disclosure of exempt information as defined in paragraphs 1, 7, 8 and 9 in Part 1 of Schedule 12A of the Local Government Act 1972.

1212. \* **CABINET DECISIONS – 4 MAY 2004 – CONFIDENTIAL MATTERS**

Details were submitted of decisions made by Cabinet on 4 May 2004 on confidential matters upon which Members were invited to comment.

**Resolved:-** That the confidential decisions of Cabinet made on 4 May 2004 be noted.

**A T FEAR**  
**Chair**