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

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

SUPPLEMENTARY AGENDA

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL** on **Wednesday, 15th February, 2023** at **7.00 pm**.

B U S I N E S S

5 REVENUE & CAPITAL BUDGETS & STRATEGIES 2023/24 (Pages 3 - 6)

7 STATEMENT OF THE LEADER OF THE COUNCIL (Pages 7 - 9)

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

8 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES (Pages 11)

A verbal update will be given for the Economy and Place Scrutiny Committee and the Finance, Assets and Performance Scrutiny Committee.

9 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES (Pages 13 - 14)

A verbal update will be given for the Planning Committee.

10 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS (Pages 15)

Yours faithfully

Chief Executive

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs..

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

2. Mobile Phones

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

3. Notice of Motion

A Notice of Motion other than those listed in Procedure Rule 14 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.

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

Newcastle-under-Lyme Borough Council

Report by the Labour Group on the administrations proposed budget, and Labour amendments, which has been through scrutiny at the January Finance, assets and Performance Scrutiny Committee.

Proposed: Cllr Dave Jones

Seconded: Cllr Mike Stubbs

Strategic amendments to the;

- Revenue and Capital Budgets and Strategies 2023/24
- 5 year Medium Term Financial Strategy for 2023/24 to 2027/28
- Flexible Use of Capital Receipts Strategy (updated for 2023/24), the Capital Strategy for 2023/33
- Treasury Management Strategy for 2023/24 and the Investment Strategy for 2023/24

Overview:

In making the proposed amendments and request for further information, the Labour Group draw attention to the obligation to move a lawful budget each year which is shared equally by each individual Member. In discharging that obligation, Members owe a fiduciary duty to the Council Taxpayer.

Notwithstanding the legislative requirement to set a budget, financial plans are important because they act as a financial expression of the Council's policies and instruct officers on the areas to which they should attribute spend.

The Labour group is; i) very concerned at the proposed level of borrowing (an initial £15 million pounds this coming financial year followed by a further £15 million over the life cycle of the capital strategy), ii) the potential financially vulnerable position this will leave the council in from 2026 onwards, iii) the lack of transparency over financial decisions being made by the Conservative administration, iv) the spiralling costs of plans to build a new multi-story car park in the town centre, and v) the proposal to defund the Walley's Quarry legal fund.

We are committed to getting good value for money on behalf of our residents. As a consequence, we are unable to support the budget in its current form, where significant borrowing is unlikely to be matched by realised value of capital receipts. We feel that to be able to take a decision on potential borrowing, and commitments to expensive capital projects we require significant further information that has not been forthcoming or available in the public domain.

Our specific concerns, and proposals to help alleviate these are as follows:

1. Level of borrowing proposed to meet capital expenditure.

The Labour group notes that the Conservative administration's capital strategy will require the sale of assets, predominantly in the form of land for housing development, alongside significant borrowing. The proposed Capital programme amounts to £84.353 million

spending, funded by £20.900 million in capital receipts, £33.085 million in external contributions, and £30.367 million in borrowing.

The Labour group notes that for 2023/24 the Capital budget the Conservative administration proposes to borrow £15 million, incurring an annual estimated interest of £1.05 Million. To balance payments the budget anticipates capital receipts of £2.4 million in capital receipts and £12.4 million in external contributions.

The Labour group has significant concerns over the level of borrowing proposed by the Conservative administration, particularly given the current financial situation with volatility of financial markets, interest rates and affordability. Further, we are concerned that i) the value of capital receipts, in particular from proposed land sales, will not be realised, and ii) the costs associated with capital projects will be subject to unbudgeted increases in costs. We are concerned that under these circumstances the Conservative administration will be forced into further borrowing to meet the requirements of the capital programme. We therefore propose that the administration tie an annual limit on borrowing to capital receipts, with a three times multiplier; permitting the Conservative administration to borrow three times the value of funding received from capital receipts. This sensible borrowing ceiling would be set annually by, and reported to, full council.

2. Volatility in UK financial markets

The Labour group notes the number of identifiable high risks highlighted in Appendix 3 – Risk Assessment on Required Balances within the Revenue and Capital Budgets and Strategies 2023/24 report, such as;

- Increased fuel costs
- Increased energy costs
- Staff pay awards
- Unbudgeted borrowing costs
- Volatility due to Brexit

The Labour group further notes that each of these risks are a consequence of policy decisions made by the Conservative national government, represent significant potential costs, and has contributed to the current MTFS funding gaps. We are concerned that given the current financial situation with volatility of financial markets, interest rates and affordability; that council should be aware in full of these risks. We therefore propose that council receive a full report on these identified risks, including mitigation strategies and contingencies within the MTFS.

3. Value of assets proposed for disposal.

The Labour group notes the Conservative administrations £20.9 million assumption within the capital programme, to be presumably funded largely via the sale of land for housing development. We further note that the identity, location, and assumed value for these assets can be found within the Asset Management Strategy. We note that this document is not publicly available and has not been included with the proposed budget/programme assumptions.

The Labour group has significant concerns that the value of capital assets will be realised within the lifetime of the proposed capital programme. We have further concern that should the value of these assets not be realised; the Conservative administration will resort to increased borrowing to fund the capital programme. We

therefore propose that the full list of sites identified as contributing to the capital receipts assumption of the capital programme be published, with the capital programme, including evidence of financial viability assumptions and risks.

4. Costs associated with proposed new multi-story carpark in Newcastle town centre.

The Labour group notes the costs associated with the development of the new multi-story car park on the former Sainsbury's/Ryecroft site within the town centre. We further note that the financial settlement for the proposed development is to be funded through a £3.5 million contribution from the Future High Streets Fund, £400K from the Newcastle Town Deal Fund, and £7.1 million from the Council Capital programme, presumably funded through borrowing. We further note that on acceptance of the Future High Street Funds, cabinet approved match funding of £3.5 million for the whole project. We note that over a period of 24 months, that councils' financial contributions for this development have risen exponentially from less than £3.5 million to £7.1 million.

The Labour group is significantly concerned that costs associated with the development of the multi-story car park are growing exponentially. We propose that a full need and viability assessment for the creation of a new multi-story car park be conducted. We further propose that following this assessment, should a recommendation be made to proceed with this development, a 'value engineering' exercise be conducted to bring the costs of the development in line with the financial envelope approved by cabinet in April 2021.

5. Removal of the financial allocation to support legal action regarding regulation of the abatement notice at Walley's quarry.

The Labour group notes the significant victory for the council in securing the abatement notice regarding nuisance odours at Walley's quarry. This abatement notice provides a formal route for potential further legal action should the operator fail to comply with the requirements. The decision at full council to allocate £1 million to a ring-fenced fund for potential legal action, associated with the abatement notice, received cross-party support. We note however, that in meeting the deficit within the MTFS, the Conservative administration propose taking £400K out of this ring-fenced fund, leaving the fund with £100K to fund further legal action. Given that the abatement notice has only recently been legally enforced, we believe that removal of this funding would leave the council in a weak position should further legal action be required.

The Labour group strongly condemns the reallocation £400K out of the Walley's quarry legal fund to meet deficits within the MTFS. We note, that part of the settlement of the legal action with the operator included recovery of costs associated with serving of the abatement notice. We further note, that these recovered costs are not accounted for within the budget and should be reallocated to the ring-fenced legal fund. We therefore propose that Conservative administration continue to protect this ring-fenced budget line at the level set with cross-party support at full council (£1 million).

Summary

- (i) Council agrees an annual limit on borrowing to capital receipts, with a three times multiplier; permitting the borrowing of up to three times the value of funding received from capital receipts in the municipal year
- (ii) council to receive a full report on the identified risks contained within the financial risk assessment, including mitigation strategies and contingencies within the MTFS
- (iii) Publication of the full list of sites identified as contributing to the capital receipts assumption of the capital programme, including evidence of financial viability assumptions and risks.
- (iv) full need and viability assessment for the creation of a new multi-story car park be conducted. Following the assessment, should a recommendation be made to proceed with this development, a 'value engineering' exercise be conducted to bring the costs of the development in line with the financial envelope approved by cabinet in April 2021.
- (v) Re-allocate and protect Walley's Quarry budget line at the level set with cross-party support at full council (£1 million).



STATEMENT OF THE LEADER OF THE COUNCIL TO FULL COUNCIL – 15th FEBRUARY 2023

Submitted by: Councillor Simon Tagg

Portfolio: All

Wards affected: All

Purpose of the Report

To provide an update to Members on the activities and decisions of Cabinet, together with the Forward Plan.

Recommendation

That the statement of the Leader of the Council be received and noted.

Reasons

To update Council Members on the activities and decisions of the Leader and Cabinet and to allow questions and comments to be made on the Statement.

1. Cabinet Meetings

Cabinet met on 6th December 2022, 10th January 2023 and 7th February 2023; detailed below is a selection of decisions and other actions of the Leader and Cabinet since the last Leader's Statement.

2. Walleys Quarry Odour Issues

The gas odour issues from Walleys Quarry remained a top priority for the Cabinet. Complaint levels for the second half of January showed an increase, although only a fraction of the complaint levels of January 2022, reflecting the substantially reduced levels of Hydrogen Sulphide exceedances being recorded at the four monitoring stations. Cold, still, weather conditions have previously been associated with problematic odours from the site and whilst January saw some increase in odours compared with historic data, suggests that there are real grounds for optimism that this problem has been reduced.

Since the settlement of the legal action with Walleys Quarry Ltd, and the Abatement Notice being in place, the operator has been in regular dialogue with Council officers regarding the management of odour issues. In January we saw this translate into the company making a proactive statement via their website, explaining an issue on site which had likely given rise to the increased odours. We have long called for the company to be more open with the community regarding issues on site, and so this practice is welcomed.

In March the five month "stand still" period required by the abatement notice comes to an end, and I have asked officers to prepare a report for the Cabinet in April detailing the current position and this will be shared with the Economic Development Scrutiny Committee. Residents can continue to access up-to-date information on Walleys Quarry via the Council's website.

3. **Newcastle-under-Lyme 850 Celebrations**

The Council and partners have launched a year-long celebration of the 850th anniversary of the Borough's first Charter of Incorporation which aims at bringing together residents, businesses, and visitors to mark this historic milestone through events, activities, and projects.

The celebration will include the recognition of community heroes through the 'Newcastle Borough Heroes' awards ceremony, planting of a Lyme Forest, a medieval re-enactment weekend, history talks and themed markets.

The 850th anniversary is supported by various organisations, including Keele University, Aspire Housing, the Community Foundation, Staffordshire Chambers of Commerce, Options Management, Betley Show, Chesterton One Stop Shop and local MP Aaron Bell.

Many events will involve community groups and school children and will hopefully leave a lasting legacy, while commemorating the past and celebrating the contributions of Borough residents past and present.

4. **Urban Tree Planting Programme**

The Council's Urban Tree Planting Strategy aims to increase tree cover in urban areas to achieve our net carbon zero goals. The latest phase is now under way which includes a Lyme Forest with 850 lime trees to tie in with the 850 celebrations, as well as additional planting in Clough Hall Park, Kennet Close, Moreton Parade, and St. Edmund's Avenue. Residents have helped shape the plans via a consultation on the Council's website.

In the past two years, 265 trees have already have been planted on eight sites as part of an ongoing effort to enhance a network of over 60 green spaces for nature recovery and carbon capture. Further environmental initiatives, with community involvement, such as wildflower meadow planting are planned for the future.

5. **Future High Street Fund update**

Cabinet received an update on proposals to regenerate the Ryecroft and York Place. Plans are progressing for a new Castle Car Park on Ryecroft which will be the first stage of the long awaited redevelopment of the site which also includes a new headquarters for Aspire Housing and homes for over-55s. A business case is also being prepared for a midrange hotel on the middle of the site along with a linear parkway linking into the town centre.

A planning application has have been submitted for a new development on York Place which will include ground-floor food and drink outlets or retail units and office units or accommodation above.

The regeneration of Ryecroft and York Place are part of the wider plan to regenerate Newcastle town centre to help strengthen its position at the heart of economic, social, and community life in the Borough.

6. **Electric Vehicle Charging Strategy**

The Council is supporting the County wide development of a future electric vehicle charging network through a strategy that aims to meet the needs of communities and businesses as electric vehicle usage grows. This involves collaboration with the County

Council, other Districts and Boroughs and the energy sector to facilitate private sector roll out of charging points, such as rapid charging hubs, public and private car parks, on-street charging, and residential properties. The Strategy supports the Council's commitment to carbon reduction and air quality improvement, and outlines steps to encourage workplace and off-street charging installations. The Council has already worked with partners to install a number of EV charging points on surface level car parks and plans for the new Castle Car Park multi story include 39 EV charging bays.

7. **Staffordshire Wide Climate Change Communication Plan**

As part of the Council's commitment to the Staffordshire Sustainability Board, it has joined other County and District authorities on a joint communication plan. This plan will help us all to share clear, consistent messages with our residents, businesses and communities about the climate change challenge and how they can make a positive impact.

A calendar of events has been created which will include climate change and sustainable messages around key National days throughout the year such as Valentine's Day, Easter, World Environment Day and Christmas. To increase public engagement there will be events in the town centre such as Carbon Bubble and Recycling Roadshows.

8. **Police, Fire & Crime Commissioner (PFCC) – Safer Streets Round**

The PFCC has secured over £140,000 from the Government's Safer Streets Fund to tackle anti-social behaviour in the Borough. The funding, part of the fourth round of safer streets, will be used for a range of initiatives including additional lighting and CCTV, environmental measures, alley gating, street pastor schemes and community awareness campaigns. This forms part of the Commissioner's preventative approach to reducing violent crime, which also focuses on tackling the root causes of crime.

The Safer Streets funding is also contributing to the Council and partners effort to tackle violence against women and girls, which includes initiatives focused on night-time safety and the establishment of a Violence Against Women and Girls Commission.

9. **Forward Plan**

The Forward Plan can be found at:-

<http://svmma/documents/1141/Printed%20plan%20Cabinet%20Firward%20Plan%20-%20Valid%20from%201%20February%20to%2030%20April%202022.pdf?T=4>

Councillor Simon Tagg
Leader of the Council

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SCRUTINY COMMITTEES CHAIR'S REPORTS

Health, Wellbeing and Environment Scrutiny Committee

The Committee met on 28 November 2022 and the following matters were considered:

- The Committee considered a presentation on the use of grazing animals at St James Church in Audley. The churchyard was difficult for the Borough Council to manage due to the slope of the ground.
- The Committee considered a report on tennis provision in the Borough. The Lawn Tennis Association would fund resurfacing and repainting works at the Westlands courts and repainting at Wolstanton. They would also fund a digital booking system and had been asked by the Council to source a coaching company.
- The committee considered the latest report to Cabinet on odour issues at Walleys Quarry.
- The committee considered the regular reports from the County Health and Care Overview and Scrutiny Committee and the Police, Fire and Crime Panel and notes of a meeting with the Integrated Care Board.
- The Work Programme was discussed and Members suggested topics including provision of allotments, Air Quality Full Business Case, modular housing and health in all policies for the Borough Local Plan. It was requested that should a new Ministerial Direction be issued relating to air quality that an item be submitted to this committee.

Cllr Ian Wilkes

Chair

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REGULATORY COMMITTEES CHAIR'S REPORTS

Audit and Standards Committee

The Committee met on 6th February 2023.

The first substantive item of business was to look at the Internal Audit Update Quarter 3, 2022/23 and Clare Potts, Chief Internal Auditor, then presented the report, detailing the internal audit work done so far during this year and the outcomes to date. There were questions from Members and it was agreed that further information relating to Disabled Facilities Grants would be provided. Members agreed to receive the report.

The Monitoring Officer, Dan Dickenson then presented the Corporate Risk Management Report. Members were asked to note that there had been 9 risks that had been more than 6 months overdue, but also that these had all now been resolved. Members were informed that as part of the forthcoming training, there would be some worked examples of how risks are calculated by the Grace system.

Andrew Smith from the external auditors, Grant Thornton, briefly presented the final report on the Financial Statements 2021/22. The findings were confirmed as being as per the earlier version, as the outstanding audit work had not revealed any areas of concern.

Discussion then turned to the External Review of Internal Audit. Clare Potts advised members that the team had achieved the highest standard possible. Included were benchmarking details that showed that although a few areas were fractionally below average, the overall picture was very healthy and the Chair congratulated her for the work done by herself and the team.

Cllr Paul Waring
Chair

Licensing and Public Protection Committee

The Licensing and Public Protection Committee has met twice since the last Full Council meeting, held on 13th December 2022 and 17th January 2023.

In the meeting held on 13th December Members received proposed fees for:

Scrap Metal Dealers; Gambling; Sexual Entertainment Venue Licensing 2023-2024 and proposed Private Hire and Hackney Carriage fees and charges 2023-2024. Members agreed and approved the recommendations that were set out in the reports.

The Committee also discussed the following:

Clean Air act 1993-Review of Smoke Control Areas and Enforcement Powers; Environment act 1995-Part IV Local Air Quality Management-Annual Status Report 2022; Environment Act 1995 Part IV-Consultation on Revocation of Little Madeley AQMA. Members agreed and approved the recommendations that were set out in those reports.

In the meeting held on 17th January the Committee considered the following Consultation reports:

Relaxation of Licensing Hours for His Majesty The King's Coronation-Licensing Act 2003; Updating of Section 182 Guidance to make reference to Spiking-Licensing Act 2003. Members noted the reports and agreed that the consultation response be supported and submitted.

Members also discussed two reports relating to Public Protection Order Public Consultation Updates and an Update on Results of Taxi Licensing Appeals. The Committee approved and noted the contents of these reports.

Since the last Full Council Meeting the Licensing Sub Committee has met twice and the Public Protection Sub Committee has met three times.

The minutes for the Licensing Sub Committee meetings held on 21 December and the Public Protection meeting held on 14th December were made available to the main Committee and were noted.

Councillor Andrew Parker
Chair

QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

To the Leader of the Council:

1. Several Wolstanton residents have raised concerns about the lack of any maintenance programme for trees that line roads and streets in the ward. Many trees are excessively tall or have branches that overhang drives and gardens. Residents are anxious about the potential dangers of falling heavy branches, or even the trees, particularly with the increase in storm and wind surges that have become part of our weather pattern. In view of these concerns is the Leader of the Council content with the current maintenance arrangements? If he shares the concern expressed by residents , will he take up this matter with the County Council with a view to getting a more effective maintenance programme in place?

Cllr Philip Reece

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To Cllr Stephen Sweeney

2. I read with interest the recent article in the Sentinel relating to the closure of Kirkham Jewellers and the redevelopment of York Place. Would the Deputy Leader like to give the Council's side of the story to set the record straight?

Cllr Andrew Parker

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