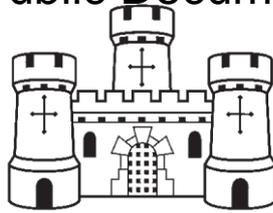


# Public Document Pack



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

**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, 20th September, 2023** at **7.00 pm**.

### B U S I N E S S

- 5 ALLOCATION OF COMMITTEE SEATS TO POLITICAL GROUPS (Pages 3 - 6)**
- 7 STATEMENT OF THE LEADER OF THE COUNCIL (Pages 7 - 10)**  
To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.
- 10 MOTIONS OF MEMBERS (Pages 11 - 18)**  
To consider a Motion regarding Low Emission Zones and Low Traffic Neighbourhoods
- 11 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS (Pages 19 - 20)**

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 B5, Rule 4 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

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Council  
20 September 2023

**Report Title:** Appointment to Committees – Supplementary Report to Agenda Item

**Submitted by:** Chief Executive

**Portfolios:** One Council, People and Partnerships

**Ward(s) affected:** All

#### **Purpose of the Report**

To appoint Members to committees following the changes in the political proportionality of the Council

#### **Recommendation**

**That:**

- (a) Council makes the changes to committee membership as set out in this report;**
- (b) Council make the changes to Appointment to Outside Bodies as set out in this report;**

#### **Reasons**

In accordance with the requirements of the Constitution, and to enable council business to be conducted through committees (Sections 101 & 102 of the Local Government Act 1972; Section 6 of the Licensing Act 2003) and to comply with the requirements in respect of Scrutiny (Part 1A of the Local Government Act 2000).

### **1. Background**

- 1.1 Agenda Item 5 for the Council meeting on 20<sup>th</sup> September 2023 addresses the changed political proportionality of the Council and sets out arrangements to amend the membership of certain committees to reflect this.
- 1.2 The conservative Group have advised which of their group members will step down from committees and the Labour Group have made nominations for Committee Membership. These are summarised as follows:
  - 1.3 **Audit & Standards Committee:**
    - Cllr Barry Panter (Conservative) will cease to be a member of this committee and revert to being a substitute member for this committee;
    - Cllr Rebekah Lewis (Labour) will become a member of this committee;
  - 1.4 **Economy & Place Scrutiny Committee:**
    - Cllr Mark Holland (Conservative) will cease to be a member of this committee and revert to being a substitute member for this committee;

- Cllr Robert Moss (Labour) will become a member of this committee

### **1.5 Planning Committee**

- Cllr Wendy Brockie (Labour) will become a member of this committee, taking the current vacant seat;

1.6 In addition to the above changes, the election of Cllr Moss and Cllr Lewis require changes to the Appointment to External Bodies.

- Walleys Quarry Liaison Forum – Cllr Moss will attend as the Knutton Councillor, replacing former Cllr Talbot
- Knutton Quarry Liaison Committee – Cllr Moss will attend as the Knutton Councillor, replacing former Councillor Talbot;
- Community Centre Management Committees, Local Action Partnerships and Resident Associations – Cllr Moss and Cllr Lewis will become the Council's nominated representatives for such bodies as exist within their wards.

## **2. Issues**

2.1 Set out above.

## **3. Proposal**

That:

- (a) Council makes the changes to committee membership as set out in this report;
- (b) Council make the changes to Appointment to Outside Bodies as set out in this report;

## **4. Reasons for Proposed Solution**

4.1 To comply with the legislative requirements and Council's Constitution.

## **5. Options Considered**

5.1 Not applicable.

## **6. Legal and Statutory Implications**

6.1 Dealt with in the body of the report for Agenda item 5

## **7. Equality Impact Assessment**

7.1 Not applicable.

## **8. Financial and Resource Implications**

8.1 There are no significant direct financial or resource implications arising from the proposals. There is no change to the number of chairmanships or vice-chairmanships so no impact on members' allowances.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 Not applicable.

11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not Applicable.

13. **List of Appendices**

13.1 Nominations.

14. **Background Papers**

14.1 Not Applicable.

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## **STATEMENT OF THE LEADER OF THE COUNCIL TO FULL COUNCIL – 20<sup>th</sup> SEPTEMBER 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 is due to meet on 19<sup>th</sup> September 2023, detailed below is a selection of decisions and other actions of the Leader and Cabinet since the last Leader's Statement.

#### **2. Town Centre Regeneration Update**

The regeneration of Newcastle town centre has taken another step forward. Multi-million pound developments as part of the Future High Street Fund and Town Deal, including homes, offices, shops and public open spaces, are progressing as part of the York Place and Midway redevelopment projects.

The Cabinet has been asked to agree to appoint nationally renowned property developers, Capital & Centric, to bring this vision to life. Their sustainable approach, which includes retaining parts of the original building's frame, aligns with the vision for York Place, emphasising environmental responsibility and cost-effectiveness. With these developments, our aim is to enhance footfall, support local businesses, and establish the town as a vibrant hub for residents and visitors.

Capital & Centric have a reputation for innovative and energy-efficient developments and will further enhance the social value of these exciting proposals.

The construction of Castle Car Park, a replacement for Midway, begins this month, creating a safe, well-lit area crucial for upcoming hotel and housing projects on the Ryecroft.

3. **Medium Term Financial Strategy (2024/25 to 2028/29)**

In preparation for its 2024/25 budget, Cabinet received the Medium Term Financial Strategy. The Council is financially stable and engaged in significant regeneration projects although it is experiencing inflationary costs and growing service demands that are affecting all councils across the country. The focus, as in previous years, revolves around resource efficiency, savings and income generation. The Council has a successful track record since 2018, saving over £10 million from budgets, while enhancing essential services like recycling and investing in projects such as the refurbishment of Kidsgrove Sports Centre.

An anticipated additional £2.75 million of saving are required due to the national pay award, inflationary pressures, and the rising demand for short-term assistance from families facing homelessness, resulting in increased spending to support vulnerable residents. Cabinet has decided to write to the government and local MPs emphasising the necessity of adequate central government support to meet the growing demands on the Council budget.

4. **Asset Management Strategy 2023-2028**

The Council is updating its borough-wide Asset Management Strategy to align with ongoing substantial investment in Newcastle and Kidsgrove town centres as well other areas of the borough. Since 2018, the Council has successfully raised capital by selling surplus Council land and buildings, earmarking the proceeds for community projects, equipment upgrades, and maintenance. This proactive asset management approach has generated £6.1 million for these investments by maximising asset value for taxpayers.

The refreshed Strategy includes plans for the £30 million development at Rycroft and York Place, long-term regeneration initiatives in Knutton, and a shared public services hub in Kidsgrove. Furthermore, it explores the potential of various sites for an ongoing disposal programme, which will include local consultation, emphasising the Council's focus on sustainable development and prudent resource management.

5. **Local Planning Enforcement Plan**

Cabinet was asked to adopt a new Planning Enforcement Plan which outlines the Council's powers to enforce planning regulations, ensuring that development aligns with local and national policies and contributes to social, economic and environmental objectives.

While the Council also has strong policies to address issues like noise, odours, air quality and litter, this Plan specifically focuses on planning-related enforcement. The Council's Enforcement Team possesses broad authority to act in the public interest when breaches of planning control are considered. The Plan reflects the Council's commitment to impartial, timely and transparent investigations, guided by principles of proportionality and legality, while maintaining communication with all stakeholders involved.

6. **Delivery of a Homeless Hub**

The Council has gained funding to further address the issue of rough sleeping in the borough and is proposing a new facility to offer safe emergency accommodation and practical guidance to individuals experiencing homelessness, as well as providing shelter.

The facility will be operational both day and night, delivering access to essential services such as healthcare, financial advice, and hygiene facilities, aiming to prevent individuals from spending multiple nights on the streets.

Up to £1 Million funding has been secured through a successful bid to the UK Shared Prosperity Fund, this will be used to offer a location where those in need can access various support services, ultimately improving the well-being of the homeless population and alleviating the strain on resources of the health service.

7. **Future Delivery of Occupational Health Services**

In line with the Council's commitment to the wellbeing of its workforce and sickness reduction action plan, Cabinet was asked to approve a procurement for a renewed Occupational Health Service. Our Occupational Health services serve as a versatile resource, assisting both employees and managers throughout the entire employment journey. As the current service contract approaches its end, the aim is to establish a robust and supportive service model, thereby enabling the Council to sustain its commitment to staff health, reduce sickness absence, and uphold our compliance with Health and Safety obligations.

8. **Financial & Performance Review Report 1st Quarter 2023-24**

Cabinet received a report detailing first Quarter performance. At the end of June 2023, the Council had 76% of measures on track to meet the 2023-24 target.

Our new suite of performance measures has been specifically designed to challenge and stretch teams to deliver specifically against our new Council Plan in a push to focus on the aspects of service that matter most to our residents.

Performance continues to be strong in key areas of the Council including planning, Town Centres, sports, and leisure.

Where we are seeing areas highlighted for improvement, such as sickness absence, action plans have been developed to focus on the cause of concerns and we continue to monitor progress.

9. **Forward Plan**

The Forward Plan can be found at: -

<https://moderngov.newcastle-staffs.gov.uk/mgListPlanItems.aspx?PlanId=149&RP=118>

**Councillor Simon Tagg**  
**Leader of the Council**

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## No to Low Emission Zones and Low Traffic Neighbourhoods

### This council notes that:

Local authorities including Bath & North East Somerset Council and Oxford City Council have brought forward the concept of '15 minute cities' and '15 minute neighbourhoods'. In practice, the realisation of these concepts has taken the form of Low Emission Zones and Low Traffic Neighbourhoods, enforced by physical infrastructure (vehicle filters, bus gates, bollards) and ANPR recording systems, backed by a schedule of fees and penalties for non-compliance.

The recent extension of the Labour Mayor of London's Ultra Low Emission Zone (ULEZ) to all boroughs of London, **directed by Conservative Secretary of State for Transport Grant Shapps as a requirement of the Transport for London financing agreement (Appendix A)** has attracted wide condemnation and opened a debate across the country about the suitability of such schemes.

**The landmark ruling by Southwark Coroner's Court in the sad case of nine year old Ella Adoo-Kissi-Debrah of Lewisham, who died in 2013 following an acute asthma attack. The coroner ruled that air pollution "made a material contribution" to her death.**

### This council believes that:

- **Given the well documented health risks posed by air pollution, in the form of nitrogen dioxide and particulate matter, it is critical that local and national government work together to ensure documented dangerously high levels of air pollution in the borough a remedied immediately.**

Ultra Low Emission Zones, Low Emissions Zones and Low Traffic Neighbourhoods are:

- ~~Ineffective at reducing pollution and emissions,~~ **Effective at reducing levels of Nitrogen dioxide and particulate matter in the atmosphere of the areas concerned. Though** risk pushing vehicles onto other roads and often increasing dangerously the traffic and pollution at the perimeter of such zones
- Harmful to the local economy, discouraging visitors and raising unnecessary extra costs to businesses
- ~~Unethical tools of local and devolved government, designed to bring in revenue and exert control over individual freedoms, and not a sincere effort to cut pollution or improve lives~~
- **Represent an undue financial burden on residents, with disproportionate impact on lower earners, who are unable to afford more sustainable transport solutions.**

### This council further notes:

Newcastle Borough Council's excellent environmental record and previous commitments to reduce carbon emissions as set out in its Sustainable Environment strategy. Over the last few years, the council has committed to eliminate single-use plastics; and to embrace the UN's Sustainable Development Goals.

**The ministerial directive from then Conservative Parliamentary Under Secretary of State for the Environment Thérèse Coffey, mandating the council to "introduce the option which will deliver compliance with legal limits for nitrogen dioxide in the area for which the authority is responsible, in the shortest possible time." (Appendix C)**

**The North Staffordshire Local Air Quality Plan outline business case, submitted to Government in response to the ministerial directive, commissioned and endorsed by Conservative controlled**

**Staffordshire County Council, Newcastle Borough Council and Stoke-on-Trent City Council, recommended a preferred option of the introduction of a “Bus Gate” on Basford Bank. (Appendix D)**

**The minutes of the Newcastle borough council cabinet meeting on 9<sup>th</sup> December 2020, approving the introduction of a bus gate on Basford Bank as the preferred option in response to the ministerial directive, including the introduction of a low emission vehicle exemption. (Appendix E)**

This council resolves:

To oppose fully and unambiguously any proposal to introduce Ultra Low Emission Zones, Low Emission Zones or Low Traffic Neighbourhoods in any part of our borough.

To ask the ~~Council~~ **cabinet to formally reverse its previous endorsement of a “Bus Gate” on Basford Bank, and work with the county council to submit an alternative proposal to reduce air pollution levels, in response to the ministerial directive.**

**To work with local MP’s to lobby government in support of an alternative proposal to reduce air pollution levels, in response to the ministerial directive.**

Proposed: Dave Jones

Seconded: Andrew Fox-Hewitt



Department  
for Transport

Sadiq Khan  
Mayor of London  
City Hall  
London  
SE1 2AA

From the Secretary of State  
**The Rt. Hon. Grant Shapps**

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: 0300 330 3000  
E-Mail: grant.shapps@dft.gov.uk

Web site: www.gov.uk/dft

14 May 2020

Dear Sadiq,

**TRANSPORT FOR LONDON: EXTRAORDINARY FUNDING AND FINANCING AGREEMENT**

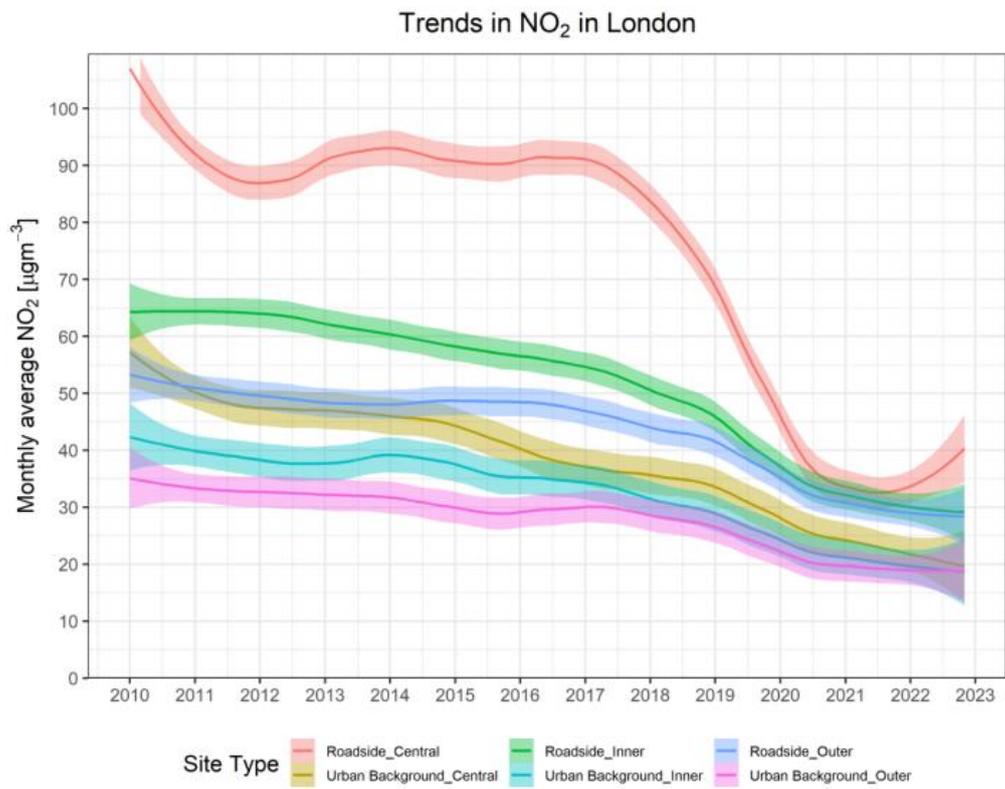
1. This letter sets out an extraordinary funding and financing agreement for Transport for London (TfL) for the period to October 2020.

**Service Levels**

12. During the Support Period, Transport for London will work in unison with HMG on taking steps to support the safe restart to the transport system and agrees to joint action and oversight by the London Covid Transport Task Force, terms of reference for which are attached. Subject to TfL's statutory responsibilities (particularly in relation to safety), TfL agrees to:

- h. The immediate reintroduction of the London Congestion Charge, LEZ and ULEZ and urgently bring forward proposals to widen the scope and levels of these charges, in accordance with the relevant legal powers and decision-making processes.

Appendix B:



Atmospheric nitrogen dioxide concentrations following introduction of Low emission zones (LEZ) and ultra-low emission zones (ULEZ) in London.

Inner London ULEZ Expansion 1 Year Report

<https://www.london.gov.uk/sites/default/files/2023-02/Inner%20London%20ULEZ%20One%20Year%20Report%20-%20final.pdf>

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MINISTERIAL DIRECTION

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**ENVIRONMENT ACT 1995**  
Environment Act 1995 (Feasibility Study for Nitrogen  
Dioxide Compliance) (No. 2) Air Quality Direction 2018

The Secretary of State, in exercise of the power conferred by section 85(5) of the Environment Act 1995<sup>(a)</sup>, gives the following direction.

In accordance with section 85(6) a copy of this direction will be published in the London Gazette.

The Secretary of State makes this direction having determined that it is necessary in order to meet obligations placed upon the UK under the EU Ambient Air Quality Directive<sup>(b)</sup>.

**Citation, commencement and application**

1.—(1) This direction may be cited as the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018 and comes into force on 5 October 2018.

(2) This direction applies to England.

**Interpretation**

2. In this direction—

“specified authorities” means the local authorities listed in Schedule 1;

“specified activities” means the activities described in Schedule 2.

**Requirement to take certain steps**

3. Each of the specified authorities must complete the specified activities by the dates specified in Schedule 2.

Thérèse Coffey MP  
Parliamentary Under Secretary of State for the Environment  
Department for the Environment Food & Rural Affairs

4 October 2018

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(a) 1995 c25.

(b) 2008/50/EC OJ No. L 152, 11.06.08, p.1.

## SCHEDULE 1

Paragraph 3

### Specified Authorities

Bolsover District Council  
Broxbourne Borough Council  
City of Bradford Metropolitan District Council  
Leicester City Council  
Liverpool City Council  
Newcastle-under-Lyme Borough Council  
Portsmouth City Council  
Stoke-on-Trent City Council

## SCHEDULE 2

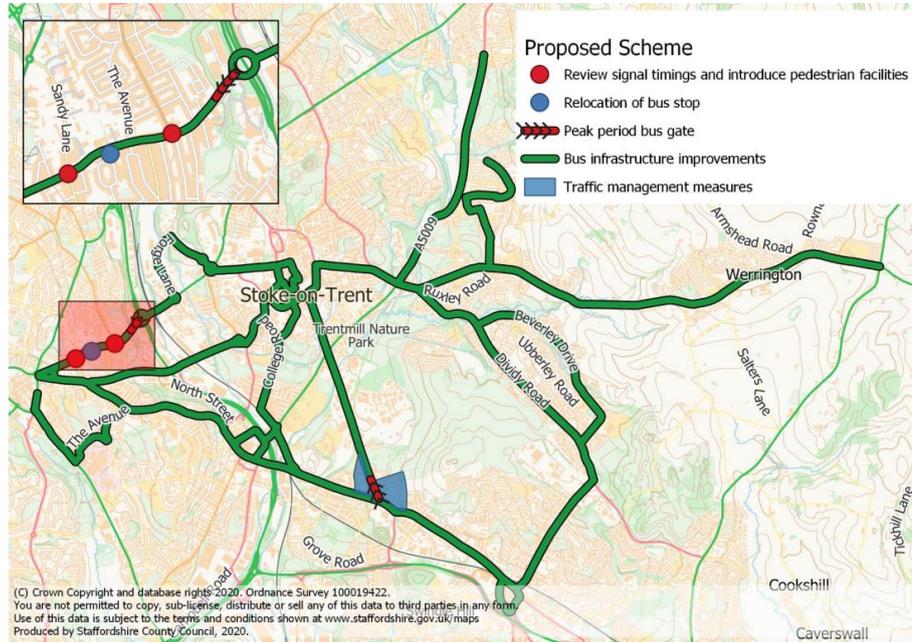
Paragraph 3

### Specified Activities

| <i>Activity</i>                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>Description of activity</i>                                                                                                                                                                                                                                                              | <i>Deadlines</i>                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>Undertake as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017, together with the Supplement to that plan published on 5 October 2018, a Feasibility Study in accordance with the HM Treasury's Green Book approach, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the area for which the authority is responsible, in the shortest possible time.</b> | <b>Initial Plan:</b><br>Setting out the case for change and the first stage in identifying, exploring, analysing and developing options for measures which the local authority will implement to deliver compliance in the shortest possible time, with indicative costs for those options. | <b>As soon as possible and by 31 January 2019 at the latest.</b> |
| As above                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Final Plan:</b><br>Identifying the preferred option for delivering compliance in the                                                                                                                                                                                                     | <b>As soon as possible and by 31 October 2019 at the latest.</b> |

## Appendix D:

Figure 1-15: Summary of the proposed NSLAQP



North Staffordshire Local Air Quality Plan, Outline Business Case

[North Staffordshire Local Air Quality Plan - Unapproved OBC May 2020.pdf \(newcastle-staffs.gov.uk\)](http://newcastle-staffs.gov.uk)

## Appendix E:

### 56. **NORTH STAFFORDSHIRE LOCAL AIR QUALITY PLAN - OUTLINE BUSINESS CASE**

Councillor Johnson presented the Air Quality report which set out how the Council, along with Stoke on Trent City Council and Staffordshire County Council, proposed to meet the legal requirements of two directives served under the provisions of The Environment Act 1995. The directives required both councils to jointly investigate EU exceedances of nitrogen dioxide on roads and what measures could be introduced to achieve compliance. In Newcastle under Lyme Borough there had been one exceedance and this was on the A53 Etruria Road between Victoria Street and Basford Park Road, the main route between Newcastle and Hanley. The report outlined the preferred option which would see the introduction of a virtual bus gate limiting use by certain vehicles including cars during peak times. Cabinet discussed making an exemption for low emission vehicles which was agreed; and seeking the support of the local MP regarding urging Government to reconsider the need for the action.

The second directive required this Borough Council to implement a bus engine retrofit programme and progress with this was outlined in the report.

**Resolved:** That:-

(a) The comments made in relation to the North Staffordshire Local Air Quality Plan from Economy, Environment & Place Scrutiny Committee held on 12 November 2020 be received.

(b) The Outline Business Case for the North Staffordshire Local Air Quality Plan for tackling roadside nitrogen dioxide exceedances, including technical addenda, as contained in Appendices C and D, be approved for submission to Government, in line with the requirements of the Environment Act 1995 (Implementation of Measures for Nitrogen Dioxide Compliance) Air Quality Direction 2018 (the "2018 Direction") and subsequent amendments by the Secretary of State for the Environment.

(c) Subject to approval of (b), Cabinet request a further report from the Head of Environmental Health Services in June 2021, setting out the Full Business Case, including the detailed costs and proposed funding bid to Government.

(d) Subject to approval of (b), that Cabinet delegates authority to the Director of Operational Services alongside Portfolio Holder for Environment & Recycling to enter into a legal agreement with Staffordshire County Council (SCC) and Stoke-on-Trent City Council (SOTCC) to jointly submit the Full Business Case and deliver the preferred option in line with the requirements of the Environment Act 1995 (Implementation of Measures for Nitrogen Dioxide Compliance) Air Quality Direction 2018 and subsequent amendments by the Secretary of State for the Environment.

(e) The Chief Executive be authorised to enter into a contract to complete the Full Business Case (and inform the Cabinet Member for Environment and Recycling), by direct award to the supplier for the delivery of the Outline Business Case for the North Staffordshire Local Air Quality Plan.

(f) The progress made in relation to the delivery of the Ministerial Direction requiring a bus retrofit scheme for busses operating on the A53 be noted.

## QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

### To the Portfolio Holder for Finance, Town Centres and Growth:

1. Given the safety concerns raised about Reinforced Autoclaved Aerated Concrete (RACC). Can the Portfolio Holder update the council on the status of Council owned buildings in the borough?

I was pleased see that Sir Thomas Boughey Academy in my Ward took proactive remedial action to replace RAAC panels which were present in some roof constructions at the school. This was before the recent government announcement of a list of schools across the country containing RACC and a funding package for remediation. Does the Portfolio holder agree with me that Sir Thomas Boughey Academy should receive retrospect funding from the government to compensate them for the work already carried out?

**Cllr Ian Wilkes**  
.....

### To the Leader of the Council

2. On the 14<sup>th</sup> of September a category 2 non compliance breach was issued to WQ relating to issues with temporary capping across the site. This followed an unannounced inspection on the 19<sup>th</sup> June by the Environment Agency. The EA found that there had been a failure to install temporary clay capping to the flanks of Phases 1,2,3 & 4 and concluded that `there could be a significant impact on quality of life if not addressed promptly and adequately.` WQL issued a statement saying they did not accept these findings and will challenge them directly with the E.A.

Does the Leader of the Council share my concern that WQL may be falling back into the attitude of `denial` and the habit of disputing the findings of regulators?

**Cllr Jacqueline Brown**  
.....

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