

CABINET

Wednesday, 11th December, 2013

Present:- Councillor Gareth Snell – in the Chair

Councillors Mrs Bates, Mrs Beech, Kearon, Turner, Stubbs and Williams

1. APOLOGIES

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Cllr Snell declared an interest in the item relating to allotment provision in the Parish of Silverdale. It was stated that Cllr Stubbs would take the Chair for the item and that Cllr Snell would leave the room once his questions had been asked. Cllr Snell's interest related to him being a member of Silverdale Parish Council.

3. MINUTES

Resolved: That the minutes of the previous meeting be approved as a correct record.

4. URBAN FOREST STRATEGY

A report was submitted to seek the approval of Cabinet for the adoption of the Urban Forest Strategy for Newcastle-under-Lyme.

Cabinet thanked Officers for the splendid piece of work that had been done regarding tying the Strategy together.

Officers confirmed that there would not be any additional resourced required in order to put the strategy into action.

Resolved:

- 1) That the report be received
- 2) That the Urban Forest Strategy for Newcastle-under-Lyme be adopted.
- 3) That officers be authorised to develop and progress the action plan within current budgetary and staff resource provision.
- 4) That officers are authorised to work with partners to develop and progress the action plan.

5. BUDGET PERFORMANCE MONITORING REPORT 2013 QUARTER 2

A report was submitted to provide Cabinet with the Financial and Performance Review for the 2013/14 First Two Quarters (April -September).

The monitoring reports provided information about the corporate performance of individual council services, alongside financial information. This report had been

presented to the Transformation & Resources Overview & Scrutiny Committee on 6 November 2013.

It was noted in section 2.1 of the report that the general fund budget showed a favourable variance of £6,000. Members requested that a more detailed breakdown in this be provided for the next meeting if possible. It was agreed that information be provided on the major 10 variances either way.

Resolved: 1) That the contents of the report be noted and that the Council continues to monitor and scrutinise performance alongside finances.

2) That a breakdown of the major 10 variances wither way be provided for the next meeting.

6. **PROPOSED JOINT LOCAL PLAN**

A report was submitted to report on the views of the Planning Committee on the Cabinet's resolution to cease work on the Site Allocation and Policies Local Plan and options for proceeding with an alternative Local Plan; to seek authority to formally withdraw the Site Allocations and Policies Local Plan and to proceed with the preparation of a joint Local Plan with the Stoke-on-Trent City Council covering the borough and City of Stoke-on-Trent and to advise on the implications for the Council's CIL process of preparing a new land use plan.

It was stated that progress was being made with Stoke on Trent City Council and that stage one had now been completed with both authorities agreeing to a new local plan. The Core Spatial Strategy would also be revised.

It had been decided to join with Stoke on Trent in relation to formulating the plan due to the fact that both authorities formed a single housing market which could lead to advantages in relation to some costs but could potentially lead to delays which the Borough Council were very eager to avoid. Legal advice was also currently being sought regarding the CIL. The Portfolio Holder stated that care would be taken to insure that no growth was permitted outside of that which was objectively required and identified as needed by the Borough.

Cllr Holland raised some concerns with Cabinet Members regarding the new proposals. The main concern related to the fact that by having no Local Plan the Council was vulnerable to planning applications being submitted to which it would have little power to object. Concerns also related to the fact that the City Council would view the Borough Council as the junior partner in the relationship, that the City Council would not stick to the required timescales and that Option B (separate full local plan) in the report was the most cost effective option but had been rejected in favour of Option C.

It was stated that the current Core Spatial Strategy would remain in place until a new strategy came into force and that the policies from the old local plan were also still relevant and could be used to support or object to planning applications. The Borough Council also had a duty to cooperate with the City Council regarding housing and even if the Borough Council prepared it's own local plan, a significant amount of work would still have to be undertaken with the City Council. The Portfolio Holder reiterated that fact that a strict timetable would be adhered to and that this would be reflected in an amended recommendation.

Resolved: 1) That Cabinet agree to the formal withdrawal of the Site Allocations and Policies Local Plan.

2) That Cabinet agree to proceed with the preparation of a new joint Full Local Plan in partnership with Stoke-on-Trent City Council (Option C) and that your officers work with officers at Stoke-on-Trent City Council to reach agreement on a timetable for the preparation of the Local Plan.

3) That if Stoke-on-Trent City Council do not approve the preparation of a joint Local Plan or agreement cannot be reached on the timescale for the completion of the Plan by March 2014, that Cabinet give serious consideration to proceeding with the preparation of a borough-wide Local Plan.

4) That a further report is submitted to the Cabinet to receive an update on Stoke-on-Trent City Council's formal stance in this matter and if necessary to consider the need to establish a joint advisory group to support the governance arrangements of each Council.

5) That Cabinet note the implications arising from the need to re-appraise the adopted Core Spatial Strategy for the Council's CIL process and seek a further report in this regard at the earliest opportunity.

7. BUDGET CONSULTATION

A report was submitted to provide Cabinet with information relating to the outcomes of the 2013 budget consultation process. Over 900 responses had now been received to the consultation which included 270 substantive responses which was a very good conversion rate from the 635 quantitative responses received in the previous year.

Members thanked the communications team for their hard work on the consultation project and highlighted the need to feedback the outcome of the consultation to the public.

Resolved: 1) Cabinet notes the outcomes of the budget consultation process.

2) Cabinet authorises the Portfolio holders for Communications, Transformation and Partnerships and Finance and Resources to further review the consultation process and consider how budget consultations could be developed for the future.

8. ALLOTMENT PROVISION IN THE PARISH OF SILVERDALE

A report was submitted to inform the Cabinet of the legal position in respect of the provision of allotments in the Parish of Silverdale and to seek authority to progress action to regularise the position.

Legal advice had been provided on this matter which stated that it appeared that where there was a parish, only a Parish Council could provide allotments in the Parish and must let these only to residents of the Parish. Therefore, in Silverdale, only Silverdale Parish Council could provide allotments. The Borough Council could not provide allotments in Silverdale or in any other area where there was a Parish Council.

Officers and Members had been working closely with the parish council to ensure as smooth a transition's possible but it was still uncertain whether the parish council would take on both existing allotments or just the one situated on Park Road.

Cllr Snell stated that he had no objection in principle to the recommendations but that there were concerns regarding the suspension of letting arrangements on the acre and the fact that this could lead to an increase in anti-social behaviour. Cllr Snell also asked whether the Council had plans to help those plot holders who would be evicted is the parish council did not take on the acre allotment site.

It was stated that any evicted plot holders would be given priority regarding other allotment spaces and that there was always the possibility of new allotments being created but that again this would depend on whether the parish council decided to take on the Acre site.

The question was raised as to whether the plots were self-funding, it was stated that the plots were provided at a subsidised rate but that this had already been made clear to the parish council.

Resolved:

- (a) That the report be received.
- (b) That the legal position in respect of the provision of allotments in the Parish of Silverdale be acknowledged.
- (c) That Officers are authorised to progress actions to regularise the position as follows:-
 - (i) That the Park Road site is leased to Silverdale Parish Council for the purpose of meeting it's statutory duty to provide allotment land within the parish.
 - (ii) That tenancy agreements with current plot holders on the Park Road site are transferred to Silverdale Parish Council and any outstanding rent due to the borough council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council at the appropriate time.
 - (iii) That actions (i) and (ii) are completed by early in the new year 2014.
 - (iv) That Silverdale Parish Council is asked to confirm whether or not it wishes to lease the The Acre site (either in whole or in part) for the purpose of meeting it's statutory duty to provide allotment land within the parish.
 - (v) Subject to a positive response to (iv) that the The Acre is leased (either in whole or in part) to Silverdale Parish Council (the precise area to be agreed by negotiation in conjunction with the relevant portfolio holder).
 - (vi) That tenancy agreements with current plot holders on the agreed section of the site are transferred to Silverdale Parish Council and any outstanding rent due to the borough council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council and ploholders are relocated within the agreed section as part of a consolidation plan for the site.
 - (vii) That alternative plots in the agreed section of the site are offered to plot holders affected by (v) for allotment gardening purposes only.

9. STAFFORDSHIRE COMMUNITY FOUNDATION - DEVELOPMENT OF A FUND FOR THE BOROUGH

A report was submitted regarding the proposal to formally launch a Community Fund for the Borough of Newcastle under Lyme – in partnership with the Staffordshire Community Foundation (SCF).

Each area in Staffordshire had its own Community Fund, run by the community and held by the SCF on an endowment basis. A number of Staffordshire districts had formally launched their own Community Funds and it was proposed that this is now done for Newcastle under Lyme Borough.

Resolved: 1) That the Cabinet notes the contents of the report

2) That the Cabinet supports the proposal to launch the 'Newcastle under Lyme Community Fund' in January 2014 with the support of all sectors and partners in the Borough

3) That the Cabinet requests further consideration be given to other areas of potential collaboration between the Staffordshire Community Foundation and Newcastle-under-Lyme BC and also agrees that NuLBC offers support to the SCF in arranging fund raising events, raising the profile of the Fund and also in making best use of the Fund to assist local people in the area

10. DELEGATED AUTHORITY - SCRAP METAL DEALERS ACT 2013

Resolved: That the report be received

11. SCRAP METAL DEALERS SUPPLEMENTARY

Resolved: 1) That the supplementary report be received

2) That three Cabinet Members, be given delegated authority to vary or revoke licences issued under the Scrap Metal Dealers Act 2013.

12. APPOINTMENT OF MAYORAL ATTENDANT

Resolved: that authority be delegated to the Head of Business Improvements and Partnerships following consultation with the Portfolio Holder for Finance and Resources to formalise the appointment of the Attendant to the Mayor of Newcastle under Lyme

COUNCILLOR GARETH SNELL
Chair