

# Public Document Pack



Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the ***Civic Offices, Merrial Street, Newcastle Under Lyme, Staffordshire ST5 2AG*** on ***Wednesday, 19th October, 2011 at 7.00 pm***

## B U S I N E S S

- 1 MINUTES** **(Pages 1 - 44)**  
To approve as a correct record the minutes of the meeting held on 14 September 2011.
- 2 Mayors Announcements**
- 3 Statement of the Leader of the Council** **(Pages 45 - 46)**
- 4 Member Development Panel** **(Pages 47 - 50)**
- 5 Replacement of Road Sweeping Vehicle** **(Pages 51 - 52)**
- 6 Reports of the Chairs of the Overview and Scrutiny Committees**
- 7 REPORTS OF COMMITTEES**  
To consider the reports (copies herewith) of the various Committees and for Members to make any comment thereon: -
- 8 Motions of Members**
- 9 RECEIPT OF PETITIONS**  
To receive from Members any petitions which they wish to present to the Council pursuant to Standing Order 17.
- 10 STANDING ORDER 18 - URGENT BUSINESS**  
To consider any communications which pursuant to Standing Order No18 are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. A.', written over a horizontal line.

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. Do not stop to collect personal belongings, do not use the lifts.

Fire exits are to be found either side of the rear of the Council Chamber and at the rear of the Public Gallery.

On exiting the building Members, Officers and the Public must assemble at the front of the former Hubanks store opposite to the Civic Offices. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Attendance Record**

Please sign the Attendance Record sheet, which will be circulating around the Council Chamber. Please ensure that the sheet is signed before leaving the meeting.

### **3. Mobile Phones**

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

### **4. Notice of Motion**

A Notice of Motion other than those listed in Standing Order 19 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.

**COUNCIL**

**14 September 2011**

**Present:-** The Worshipful the Mayor

(Councillor Trevor Hambleton) in the Chair

**COUNCILLORS**

Allport, David	Lawton, Thomas
Bailey, Reginald	Lewis, Mrs Barbara Mary
Beech, Mrs Ann Elizabeth	Loades, David
Blair, Stephen Paul	Matthews, Ian John
Boden, Edward Michael	Myatt, Mrs Freda Dorothea
Burke, Mrs Yvonne Carmel	Nixon, David Ernest, CC
Burnett, Mrs Gillian	Olszewski, Mark Joseph, JP
Cairns, George O'Kane	Olszewski, Miss Sophie
Clarke, David	Reddish, Marion Lynne
Clarke, Michael Ross	Richards, Dennis John
Cooper, John, CC	Robinson, Kyle-Noel
Cooper, Miss Julie Margaret	Shenton, Mrs Elizabeth A R
Cornes, Mrs C Dylis, JP CC	Simpson, Mrs Sandra Jean
Eagles, Tony	Sinnott, William
Fear, Andrew Thomas	Snell, Gareth Craig
Gilmore, Ian David	Studd, Robin
Hailstones, Mrs Linda	Sweeney, Stephen J M, CC
Hailstones, Peter James, JP	Tagg, John Henry
Hambleton, Mrs Sandra	Tagg, Simon John, CC
Heames, Mrs Ann	Taylor, John
Heesom, Mrs Gillian Mary	Walklate, Miss June
Holland, Mark	Waring, Paul
Howells, Robert Ashley, JP	Welsh, Billy
Johnson, Mrs Hilda	Wemyss, Andrew Robert
Jones, William Nigel	Wilkes, Ian Frank
Kearon, Anthony	Williams, John

239. **APOLOGIES**

Apologies were received from Councillor Mrs. Astle, Bannister, Clarke D, Mrs Hailstones, Hailstones, Nixon, Miss Reddish, Slater and Mrs Williams

240. **MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** That the minutes of the meeting of the Council held on 27 July 2011 be approved as a correct record.

241. **QUESTION RECEIVED UNDER STANDING ORDER 21(2)**

A question was put to the Council Leader under Standing Order 21(2)

**Resolved:-** It was confirmed that the number of members of the Labour Group was 25 unchanged since the last election.

**242. STATEMENT OF LEADER OF THE COUNCIL**

Consideration was given to the Council Leader's statement on the activities and decisions of the Cabinet, together with the Forward Plan.

The Leader was asked about the Newcastle Development Programme. He responded that the matter had been considered at Cabinet on 7 September and would form part of the Leader's Statement at the next Council.

The Leader was asked about the management arrangements for the Jubilee 2 Centre. He responded that for the foreseeable future the centre would be managed in-house. The other options would be put on hold for future consideration. The Leader was asked whether the cost effectiveness of the Jubilee 2 needed to be looked at. He responded that our facility will be better from the competition. The Leader was asked to respond to concerns over the success of the Sainsbury's regeneration project given the number of vacant premises in the town. County Scrutiny members had not been kept informed. The Leader responded that the role of county scrutiny in these issues was a matter for the County. As regards vacancies, the rate of vacancy here is in line with national figures.

The Leader was asked whether the works at the Midway Car Park would go into Christmas. The Leader responded that he was not aware that would be the case.

The Portfolio Holder for Regeneration and Planning was asked about the timing of the Town Centre Public Realm works. He responded that works would commence in the New Year with Phase 1 to be completed around March and later Phases to follow on so that the project should be completed in the summer of 2012.

The Portfolio Holder for Regeneration and Planning was asked when the Sainsbury's site car park would re-open and what loss of revenue there was on the meantime. He responded that the intention was to open sooner rather than later, discussions were ongoing and there would be a report.

The Leader was congratulated on the securing of £400,000 for the Jubilee 2, but asked whether the facility came at the expense of resources to other facilities. The Leader responded that there was no change in Kidsgrove, there would be an effect on Knutton Leisure Centre as had been previously discussed.

The Portfolio Holder for Regeneration and Planning was asked what was happening with disabled parking in the Town, was it being moved to the outskirts. He responded that such parking had been extended with a whole floor of the Midway being provided.

The Leader was asked whether the previous administration had mishandled the issue of cemetery memorial safety to the distress of the public. The Leader responded that he did not know.

The Portfolio Holder for Regeneration and Planning was asked for an assurance that the consultation in relation to the Batewood Park review would be overseen by the appropriate scrutiny committee. He responded that the consultation would be thorough and widespread.

**Resolved:-** That the statement of the Leader of the Council be received.

243. **OVERVIEW AND SCRUTINY CO-ORDINATING COMMITTEE RESPONSE TO THE PEER REVIEW OF SCRUTINY**

The Overview and Scrutiny Co-ordinating Committee had discussed the findings of the Peer Review of Scrutiny at its meeting on 26 July 2011. The recommendations of the peer review were recommended with the amendments that the Council would act on the appointment of a scrutiny officer and the removal of 'and not Political Proportionality' from para 2.3.

Members expressed views that proportionality of Task and Finish groups would be important, that training was best delivered internally and that Members IT would need to be considered.

**Resolved:-** That the recommendations be agreed as amended.

244. **ANNUAL REPORT 2010/11**

The Annual Report was presented to Members.

**Resolved:-** The Annual Report was noted.

245. **REPORTS OF THE OVERVIEW AND SCRUTINY CHAIRS**

The Chairs of the Overview and Scrutiny Committees presented reports on the various activities that had been undertaken since the last Council meeting.

**Resolved:-** That the reports of the Overview and Scrutiny Committee Chairs be received.

246. **REPORTS OF COMMITTEES**

**Resolved:-** That the reports of committees were noted.

**T HAMBLETON**  
Chair

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**SPECIAL COUNCIL**

**14 September 2011**

**Present:-** The Worshipful the Mayor

(Councillor Trevor Hambleton) in the Chair

**COUNCILLORS**

Allport, David	Lawton, Thomas
Bailey, Reginald	Lewis, Mrs Barbara Mary
Beech, Mrs Ann Elizabeth	Loades, David
Blair, Stephen Paul	Matthews, Ian John
Boden, Edward Michael	Myatt, Mrs Freda Dorothea
Burke, Mrs Yvonne Carmel	Nixon, David Ernest, CC
Burnett, Mrs Gillian	Olszewski, Mark Joseph, JP
Cairns, George O'Kane	Olszewski, Miss Sophie
Clarke, David	Reddish, Marion Lynne
Clarke, Michael Ross	Richards, Dennis John
Cooper, John, CC	Robinson, Kyle-Noel
Cooper, Miss Julie Margaret	Shenton, Mrs Elizabeth A R
Cornes, Mrs C Dylis, JP CC	Simpson, Mrs Sandra Jean
Eagles, Tony	Sinnott, William
Fear, Andrew Thomas	Snell, Gareth Craig
Gilmore, Ian David	Studd, Robin
Hailstones, Mrs Linda	Sweeney, Stephen J M, CC
Hailstones, Peter James, JP	Tagg, John Henry
Hambleton, Mrs Sandra	Tagg, Simon John, CC
Heames, Mrs Ann	Taylor, John
Heesom, Mrs Gillian Mary	Walklate, Miss June
Holland, Mark	Waring, Paul
Howells, Robert Ashley, JP	Welsh, Billy
Johnson, Mrs Hilda	Wemyss, Andrew Robert
Jones, William Nigel	Wilkes, Ian Frank
Kearon, Anthony	Williams, John

247. **APOLOGIES**

Apologies were received from Councillor Mrs. Astle, Bannister, Clarke D, Mrs Hailstones, Hailstones, Nixon, Miss Reddish, Slater and Mrs Williams

248. **FREEDOM OF THE BOROUGH  
SECTION 249(S) OF THE LOCAL GOVERNMENT ACT 1972**

**Resolved:-** That the Council being desirous of expressing its admiration and appreciation of the long and distinguished record of service to the residents of this Borough by Sir James Hawley KCVO JP TD DL, Her Majesty's Lord Lieutenant of, and within, the County of Stafford and Lady Hawley DL and as a mark of esteem confer upon them the honorary FREEDOM OF THE BOROUGH.

**T HAMBLETON**  
Chair

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## **ACTIVE AND COHESIVE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**

**22 August 2011**

**Present:-** Councillor Mrs A Heames – in the Chair

Councillors Cairns, Clarke M R, Cooper, Mrs Cornes, Mrs Heesom,  
Miss Olszewski, Tagg J H, Miss Walklate, Wilkes and  
Mrs Williams

249. **TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS ON ITEMS INCLUDED IN THIS AGENDA**

No declarations were received from Members

250. **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the meeting held on 13 June, 2011 be agreed as a correct record.

251. **COVERING REPORT GRANTS REVIEW AND THIRD SECTOR COMMISSIONING**

Consideration was given to a report updating members on the progress made with the Grants Review and the revised Third Sector Commissioning Framework.

Members were asked to comment on the report and recommendations that had been made, as set out on page 12 on Appendix A.

Discussion took place and Members agreed with all of the recommendations except the approach from Staffordshire Community Foundation offering to take on the management of the Council's grants was unanimously rejected.

Members also discussed the specific grants for theatres, public entertainment and the arts and were divided as to which option would best suit the funding for the New Vic Theatre. A Service Level Agreement was discussed.

**Resolved:-** (a) That the information be received and the comments be included in the report to Cabinet.

(b) That the Cabinet be advised that this Committee raised strong objections to the recommendation regarding the involvement of the Staffordshire Community Foundation.

(c) That the possibility of a three year Service Level Agreement be investigated with funding through the Third Sector Commissioning Framework. This option would require advertising and increased competition for the available funds.

(d) That further options be investigated such as option 3 on the agenda with quarterly reports from the New Vic being made available to Members.

(e) That the Partnership Officer (Community Development) investigates linking performance reports and funding.

**252. REPORT LOCALITY ACTION PARTNERSHIPS**

Consideration was given to a report regarding the Newcastle Partnership and Borough Council's review of Locality Action Partnerships.

The review had been completed and Members of this committee were asked for their comments.

Members reported that the LAPs get very few attendees to their meetings. The question was raised as to where LAPs fitted in with Parish Councils.

It was felt that this subject needed further in depth consideration and requested that the Cabinet be asked for this. A report would be going on LAPs to September's Cabinet meeting.

Members requested that information on the recommendations be forwarded to them.

- Resolved:-**
- (a) That the information be received
  - (b) That information on the recommendations be forwarded to Members
  - (c) That the Cabinet be requested to give this committee more time to scrutinise this topic
  - (d) That further investigation be made into the future funding of LAPS

**253. BATESWOOD LOCAL NATURE RESERVE**

At the previous meeting of this committee held on 13 June, 2011, Members had requested details on the Bateswood Nature Reserve. A petition had been presented requesting that the Council allow angling on the pool at the nature reserve and also for additional bridle route provision.

Concerns were raised as to the safety of the general public who would be in close proximity to the bridle way.

The cost of managing the angling facilities on a full time basis was also raised as a concern.

A report on this would be going to the Cabinet on 5 September.

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

**254. DRAFT BRIEF FOR SCRUTINY (LOCALITY WORKING)**

As this had been discussed at length earlier in the meeting, it was agreed to postpone the consideration of this brief until full comments had been received from the Cabinet

**Resolved:-** That the comment be noted

**255. DRAFT BRIEF FOR SCRUTINY (REVIEW OF GRANTS AND THE THIRD SECTOR)**

As this had been discussed at length earlier in the meeting, it was agreed to postpone the consideration of this brief until full comments had been received from the Cabinet

**Resolved:-** That the comment be noted

**256. FORWARD PLAN - AUGUST TO NOVEMBER, 2011**

Consideration was given to a report identifying the proposed key decisions in the latest version of the Forward Plan and falling within the remit of this Committee.

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

**257. TO CONSIDER ANY BUSINESS WHICH IS URGENT WITHIN THE MEANING OF SECTION 100B (4) OF THE LOCAL GOVERNMENT ACT 1972**

There was no urgent business considered.

**MRS A HEAMES  
Chair**

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## PLANNING COMMITTEE

23 August 2011

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

Councillors Boden, Mrs Burke, Cairns, Clarke D, Cooper, Lawton, Matthews, Sinnott, Studd, Sweeney, Mrs Williams and Williams

Apologies were received from Councillors Clarke M and Howells.

258. **DECLARATIONS OF INTEREST**

No declarations of interest were reported.

259. **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the meeting of this Committee held on 21 June 2011 be approved as a correct record.

260. **FORMATION OF LANDSCAPED MOUNDING AT THE 9-HOLE GOLF COURSE  
KEELE GOLF CENTRE, KEELE ROAD, KEELE  
NICK WORRALL/KEELE GOLF CENTRE. 11/00257/FUL**

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

- (i) Harm to the safety of users of public rights of way.
- (ii) Harm to the residential amenity arising from additional traffic associated with the importation of material.
- (iii) Overdevelopment – excessive mounding harmful to landscape/visual amenity.

261. **ERECTION OF REPLACEMENT GARAGE AND STABLES  
OAKDENE COTTAGE, GREAT OAK ROAD, BIGNALL END  
MR K GREEN. 11/00299/FUL**

**Resolved:-** That the application be permitted subject to the undermentioned conditions:-

- (i) Time limit.
- (ii) Approved plans.
- (iii) Matching materials.
- (iv) Removal of permitted development rights for domestic outbuildings.
- (v) No burning of waste materials generated by the use of the development.
- (vi) Prior approval of any proposed external lighting.

**262. VARIATION OF CONDITION 1 ATTACHED TO PLANNING PERMISSION  
09/00718/REM AND REMOVAL OF CONDITION 2d  
70 APEDALE ROAD, CHESTERTON  
MISS N BROWN OF BROWN ESTATES. 11/00313/FUL**

**Resolved:-** That the application be permitted and condition 1 varied so that it now refers to the plan showing the revised siting of the dwellings and parking and condition 2(d) of reserved matters approval 09/00718/REM removed subject to conditions relating to the following:-

- (i) All other conditions of 09/00718/REM remain.
- (ii) Implementation and retention of the proposed screen planting/landscaping, details of which are to be agreed beforehand. In addition, the submission, approval and implementation of boundary treatments even if the details have already been approved as part of planning approval 09/718/REM.
- (iii) The provision and retention of the car parking spaces shown on the amended drawing.
- (iv) No alterations to ground levels within the rear garden of plots 2 and 3 without prior approval.
- (v) Prior approval of the steps from the rear patio doors of plots 2 and 3.
- (vi) Prior approval of step detail.
- (vii) Removal of permitted development rights including those relating to the formation of decking.

**263. FOUR INTERNALLY ILLUMINATED ADVERTISEMENTS  
JUBILEE 2, FORMER GARAGE SITE, BRUNSWICK STREET, NEWCASTLE  
NEWCASTLE BOROUGH COUNCIL. 11/00360/DEEM3**

**Resolved:-** That the application be approved subject to the undermentioned conditions:-

- (i) The surface brightness of the signs shall be restricted to a maximum of 300 candelas/square metre.
- (ii) The precise details of the manner in which the signs are to be fixed to the building.
- (iii) The standard conditions attached to all advertisement consents.

**264. REAR SINGLE STOREY EXTENSION  
59 AND 60 THE COVERT, KEELE  
KEELE UNIVERSITY FACILITIES MANAGEMENT. 11/00370/FUL**

**Resolved:-** That the application be permitted subject to the undermentioned conditions:-

- (i) Time limit relating to the commencement of development.
- (ii) Approved plans.
- (iii) Materials to match existing.
- (iv) Tree protection measures.
- (v) The development to be carried out fully in accordance with the recommendations of the submitted tree report, including where it is identified and considered necessary, the use of pile foundations.

265. **APPEAL DECISIONS**

The following appeal decisions were reported:-

<u>Ref</u>	<u>Proposed development and name(s) of appellant(s)</u>	<u>Decision</u>
11/00109/FUL	Ground floor extension to the front of the garage and first floor extension over existing garage/utility room to form two bedrooms. 138 Coalpit Hill, Talke. Mr M Peters.	Appeal dismissed.
10/00711/FUL & 10/00710/LBC	Erection of a single-storey oak framed garden room at Ashley Farm, School Lane, Ashley. Mr D J West.	Appeals allowed.
10/00277/FUL	Storage of caravans at Bar Hill Villa, Bar Hill Road, Onneley. Mr D Johnson.	Appeal dismissed.

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

266. **URGENT BUSINESS**

Appeal by Persimmon Homes North West Against the Council's Decision to Refuse Planning Permission for the Erection of 76 Dwellings on Land at Milliners Green, Keele Road, Newcastle.

Consideration was given to a report on an appeal which had been lodged for land at Milliner's Green. The appeal would be dealt with by means of an informal hearing. All parties have until 7 September to submit their statements.

A reason for refusal was given that the development did not provide an adequate road network or cycleways to support the additional dwellings proposed.

The report reminded members of the need to be able to substantiate reasons for refusal, that the advice received from the Highway Authority continued to be that the application could be approved subject to certain conditions, and that it was extremely unlikely that technical evidence would be able to be advanced in support of this reason for refusal – given the limited number of additional movements likely to be involved. It was also explained that the appellants had indicated their intention to dispute the requirement for a contribution towards NTADS

Therefore, Members were asked to agree the following recommendations:-

- (a) That the Council withdraws its second reason for the refusal of application 11/00123/FUL and offers no evidence with respect to that reason for refusal.

(b) That the Council without prejudice to its position that the appeal should be dismissed for the first and third reasons of its decision notice dated 19 May 2011, seeks those financial contributions and clauses recommended to the Planning Committee on 10 May and that authority for officers to enter into an agreement to this effect is also given.

**Resolved:-** That the recommendations be accepted.

**A FEAR  
Chair**



**ECONOMIC DEVELOPMENT AND ENTERPRISE  
OVERVIEW AND SCRUTINY COMMITTEE**

**24 August 2011**

**Present:-** Councillor Olszewski – in the Chair  
Councillors Mrs Beech, Boden, Cairns, Clarke D, Hailstones, Holland,  
Loades, Richards, Slater and Wilkes

**267. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS ON ITEMS INCLUDED IN THIS AGENDA**

There were no declarations of interest.

**268. MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting held on 23 June 2011 were agreed.

**269. COVERING REPORT BRIEFS**

**Preparation of a new Economic Development Strategy for the Borough**

The Committee considered a draft brief relating to the development of a new Economic Development Strategy for the Borough. The Strategy would be in force from 2011 until 2016 which was thought to be the right amount of time to allow real developments to prosper and real changes seen.

At present the key economic issues facing the Borough were not set in stone and consultation would be carried out with Scrutiny Committees, Cabinet and partner organisations as to which areas the Strategy would need to focus on most. It was thought that areas such as business promotion, skills, place and marketing would form the key strands for consideration. It was also thought that in some of these areas the Borough Council would be best placed to take the lead whilst others may be better led by partner organisations.

The short term outcomes regarding the project included developing specific lines of enquiry with specialist groups before the submission of a draft report to Cabinet and this Scrutiny Committee.

A request was made that a full list of the partners involved in the process be provided at the next meeting.

The Committee raised the question of finances regarding any recommendations made in the Strategy. It was stated that any outcomes suggested by the strategy would need to be realistic and credible and that any financial implications would be dealt with and costed on an individual basis.

Members considered the proposed timetable and agreed that an additional meeting of the Committee be arranged following the submission of the draft report to EMT on 22 September and before its consideration by Informal Cabinet on 28 September. It was also agreed that an update report from officers be presented to each meeting.

The Scrutiny of the Strategy would be undertaken by the Economic Development and Enterprise Overview and Scrutiny Committee.

**The Stoke on Trent and Staffordshire Local Enterprise Partnership's proposals for the designation of an Enterprise Zone in North Staffordshire.**

The Committee resolved that following National decisions made regarding Enterprise Zones that this topic be kept for consideration at a later date. It was however emphasised that issues relating to enterprise zones would play a part in the Economic Development Strategy.

**Broadband Provision**

The issue regarding the slow speed of some broadband connections in the Borough had been brought to the attention of the Chair and other members of the Council by concerned citizens and those with businesses that relied on an internet connection.

The Committee resolved that a small Task and Finish Group be set up to look in detail at the topic. Group Leaders would be approached to elect a Member from their Group with an interest or level of expertise in the subject.

**High Speed 2 Ltd**

Members were informed that a report regarding HS2 had been submitted to Cabinet on 20 July and that some work had already been undertaken on the topic by Stoke on Trent City Council and the County Council. It was also stated that a decision would be made by Central Government before the end of the calendar year as to whether the project would be going ahead.

The Committee resolved that a small Task and Finish Group be set up to look in detail at the topic. Group Leaders would be approached to elect a Member from their Group with an interest or level of expertise in the subject.

**Proposal to jointly commission a viability assessment for the Community Infrastructure Levy (CIL) with Stoke on Trent City Council**

The CIL regime gave powers to local planning authorities to set a local levy to pay for a wide range of infrastructure when new development took place. Regulations would allow the Council to choose to set a standard charge on most types of new building in its administrative area following an assessment of local infrastructure needs and consultation with the local community. If the levy were to be adopted it would still be possible to seek section 106 contributions if the three statutory tests were met.

There were two requirements that had to be met prior to the setting of a CIL:

- An up to date Core Spatial Strategy
- An infrastructure Delivery Plan (IDP)

The Borough Council met both of these requirements and a report had previously been submitted to Cabinet on 20 July 2011 requesting approval to take the necessary steps to become a charging authority.

It was stated that in setting any charges the Council would have to ensure that it was not leaving itself open to challenge. Should the levy be set at too low a rate it would

attract business but could be challenged by neighbouring authorities, similarly should the levy be too high it could prove detrimental to development in the borough.

The Scrutiny brief requested that Members consider whether a joint viability assessment should be undertaken with Stoke on Trent City Council and what the implications to the process of developing a joint CIL would be.

Following discussion it was agreed that in the first instance the matter be dealt with by the full Scrutiny Committee but that should more detailed scrutiny be required then a smaller task and finish group be convened.

**Resolved:** (a) That an additional meeting of the Committee be arranged to consider the Economic Development Strategy prior to its submission to informal Cabinet on 28 September.

(b) That Officers provide an update report on the Economic Development Strategy to each meeting of the Committee

(c) That Scrutiny of the Economic Development Strategy be carried out by the full Committee

(d) That Group Leaders be approached regarding setting up a 3 member task and finish group to investigate the provision of broadband in the Borough

(e) That Group Leaders be approached regarding setting up a 3 member task and finish group to investigate the High Speed 2 proposals.

(f) That a scrutiny project be undertaken by the full Committee in the first instance regarding the Community Infrastructure Levy.

**270. FORWARD PLAN - AUGUST TO NOVEMBER 2011**

The Committee received the information in the forward plan but considered that it had sufficient work topics at the current time.

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

**M OLSZEWSKI**  
**Chair**

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## **CLEANER GREENER AND SAFER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**

**31 August 2011**

**Present:-** Councillor Williams – in the Chair

Councillors Becket, Miss Cooper, Hailstones, KEaron, Matthews, Tagg S J and Wemyss

Apologies were received from Councillors Mrs Johnson and Robinson

### **271. DECLARATIONS OF INTEREST**

None reported.

### **272. MINUTES OF THE PREVIOUS MEETING**

**Resolved:-** That the minutes of the meeting of this Committee held on 16 June 2011 be agreed as a correct record.

### **273. CDRP PRESENTATION**

Members received a presentation on the Crime and Disorder Resolution Partnership from the Council's Community Safety Partnership Manager. The presentation explained what a Community Safety partnership was, the responsible authorities and priorities for 2011/12. It also looked at harm caused by alcohol and safer nights in the town centre.

Discussion took place and Members queried whether Anti-Social Behaviour Orders (ASBOs) were on the increase because they were seen as a 'medal of honour'! Newcastle had not had this issue yet but ASBOs were being replaced by a different name at some point in the future.

A question was raised as to why parish town councils were not involved. Not every area had a town or parish council and therefore in those areas the Locality Action Partnerships was essential.

Schools were being liaised with regarding anti-social behaviour of their pupils outside of school hours.

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

### **274. RECYCLING SERVICE**

The Council's Head of Recycling and Fleet Services updated Members on the current position of the Council's recycling services. There were six key areas being worked on:

- Special (formerly Clinical) Waste

Residents who had previously been issued with bright yellow bags, which highlighted to members of the public that it was clinical waste, had now been issued with additional bins.

- Flats

Progress was still being made to ensure that all blocks of flats received the recycling service. Currently there were 17 blocks still receiving a weekly residual collection. The Council was working with Aspire to overcome difficulties.

- Missed Bins

The target for missed bins had been beaten through the use of tracking devices and on-vehicle cameras.

- Targets

In 2010, the Council's recycling rate had been 48.1% and in quarter one of this year it was 52.1% (a rise of 2% on the same quarter last year).

- Schools

Thirty schools were now on the recycling service with some using the full service and some using part.

- Partnership Working

The Council was working with Aspire Housing and the Furniture Mine.

Discussion took place and Members stated that there were still problems with green bags blowing about once they had been emptied. Where this had been reported, the bags had been replaced with the weighted ones.

The collection of street sweepings would increase the Council's recycling figures by 4%.

Members agreed that recycling matters should continue to come to this Committee on a quarterly basis.

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

275. **COVERING REPORT DRAFT BRIEFS FOR SCRUTINY**

(i) Crime and Disorder Reduction partnership (CRDP)

Members were asked how they wished to approach scrutiny of the CDRP.

Members requested that the Council's Alcohol Harm Reduction Officer be invited to the next meeting of this Committee to advise Members of the problems caused by the misuse of alcohol.

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

(b) That the Council's Alcohol Harm Reduction Officer be invited to the next meeting of this Committee.

(ii) Carbon Management Plan

Consideration was given to a report in connection with the Council's Carbon Management Plan. The aim was to reduce the amount of carbon produced by 30% by 2015.

A number of projects covering the near and long term were explained to Members for possible scrutiny over the current municipal year.

Members queried the safety of the Midway Car Park and how much of it closed overnight. The Council's Head of Housing would check on this and report back to a future meeting.

The Committee could ensure that implementation of the projects was completed by the dates specified in the report. In addition, the annual savings could be measured. Officers could therefore report back on these every quarter.

Members requested that the Portfolio Holder for Environment and Recycling be invited to attend the next meeting of this Committee.

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

(b) That the extent to which the Midway Car Park is open overnight be reported back to a future meeting.

(c) That the Portfolio Holder for Environment and Recycling be invited to attend the next meeting.

276. **FORWARD PLAN - CLEANER, GREENER AND SAFER COMMUNITIES  
EXTRACTS FOR THE PERIOD SEPTEMBER TO DECEMBER 2011**

Consideration was given to the Forward Plan for the period September to December 2011, on items relating to this Committee.

The volunteers staffing the CCTV control room was discussed and Members agreed that a meeting be arranged between the Chair, Vice-Chair and the Council's Alcohol Harm Reduction Officer for consideration. Should it be felt necessary, the matter would be brought to a meeting of this Committee.

Members also discussed the Primary Authority Scheme. It was agreed that a meeting be arranged with the Chair, Vice-Chair and the Council's Head of Environmental Health Services and again, should it be felt necessary, be brought to a meeting of this Committee.

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

(b) That a meeting be arranged between the Chair, Vice-Chair and with the Council's Alcohol Harm Reduction Officer to discuss CCTV and the Head of Environmental Health Services to discuss the Primary Authority Scheme.

**J WILLIAMS**  
**Chair**



## CONSERVATION ADVISORY WORKING PARTY

6 September 2011

**Present:-** Councillor Miss Cooper in the Chair

**Attendees:-** Mr L. Chatterton, Mr J. Worgan and Mr R. Manning

**277. APOLOGIES**

Apologies were received from Councillors Becket and Holland.

**278. DECLARATIONS OF INTEREST**

No declarations were received from Members.

**279. MINUTES OF PREVIOUS MEETING**

That the minutes of the previous meeting held on 16 August 2011 be agreed as a correct record.

**280. APPLICATIONS PREVIOUSLY CONSIDERED**

That the decisions on applications previously considered by this Working Party be received.

**281. PLANNING APPLICATIONS FOR CONSIDERATION**

That the following observations be made on the applications listed below:-

<u>App No</u>	<u>Proposed development and name of applicant</u>	<u>Comments</u>
11/393/FUL	Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	No objections.
11/413/FUL	Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	No objections.
11/423/FUL	Butterton Nurseries, Park Road, Butterton. Mr Leath.	The Working Party objected to the design of the extensions as a disappointing solution to increasing the size of the property. The proposal is an unsympathetic change

		to this historic building in the Conservation Area.
11/424/FUL	Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	No objections.
11/427/FUL	Church Farm, Mucklestone. Mr Friend.	The Working Party felt that too much of the original wall had been removed, losing the sense of enclosure for what was a rural farm access.
11/445/AGR	The Old Hall Farm, Main Road, Betley.	The Working Party recommended that a timber cladding in untreated cedar boarding be used, and left to weather.

**282. CONSERVATION AND HERITAGE FUND**

There were no applications for financial assistance from the Conservation and Heritage Fund.

**283. URGENT BUSINESS**

(a) Poundstretcher

The Conservation Officer informed the Working Party that the owners had been invited to a meeting with the Council and other interest to work up a way forward.

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

(b) Local Register SPD

The Working Party had made no formal representations to the draft document but in general were in support of its contents.

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

**MISS J COOPER  
Chair**

## CABINET

7 September 2011

**Present:-** Councillor Stephen Sweeney – in the Chair  
Councillors Studd, J Bannister, A Howells and N Jones

284. **APOLOGIES**

Apologies were received from Councillor Miss Reddish.

285. **MINUTES**

That the minutes of the previous meeting of the Cabinet held on 20 July 2011 be approved as a correct record pending the addition of the following wording in relation to the Newcastle under Lyme Equestrian Strategy:

That it be added to the background section of the report:

'it is also important to engage with other user groups including walkers and cyclists to promote co-operation and prevent conflict.'

286. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

287. **FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER ONE (JUNE) 2011**

A report was submitted providing Members with the Financial and Performance Review for the 2011/12 First Quarter.

It was stated that the majority of targets were being met and that there was a positive trend throughout the report. There was also positive news with regards to Heritable Bank and it was stated that at least 90% of the Council's investment would be returned.

In February 2011 the Council had approved a General Fund Revenue Budget of £15,258,700. The overall position at 30 June showed an adverse variance of £48,000. This was predominately due to sources of income such as land charges, planning fees and car park fees yielding less than what would have previously been expected. Due to anticipated economic problems however an allowance of £200,000 had been included in the budget to cover shortfalls.

The provisional outturn for 2010/11 showed an adverse variance of £87,000 mainly due to the current economic situation. This outturn figure had been minimised due to the addition of £200,000 in the 2010/11 budget.

The Capital Programme contained a number of large value schemes such as the former Sainsbury's site, the Health and Wellbeing centre and Silverdale Community Centre facilities where expenditure was not expected to be incurred until later in the year. Therefore only £1,565,200 was expected to be spent by 30 June.

The Portfolio Holder for Customer Services highlighted the fact that the Council's Customer Services Department had achieved a national excellence award and that improvements were continuing to be made. The % of requests solved at first point of contact was up on the quarter 1 target and was already higher than when the excellence award had been achieved.

It was stated that Sections RP3 to RP5 in the Dashboard Indicators report were very high targets to meet but that the only slippage had occurred due to the undertaking of necessary site visits.

ER2 in the Appendix showed that 52.6% of household waste was now sent for reuse, recycling and composting, this compared to just 16% seven years ago. It was also stated that the North Staffs warm Zone had recently won an award for its achievement.

The increase in the number of people visiting the museum was highlighted in CA2. This increase was largely attributable to the work of the staff at the museum and their encouragement of children to visit the museum. It was however thought that even more improvements could be made at the museum through the use of more scientific and interactive exhibitions and activities.

The overall trend in relation to crime was down in the Borough and throughout Staffordshire. It was hoped that this downturn would be helped further by greater partnership working with the police due to that fact that they would soon be moving into the Civic Offices. By sharing resources such as accommodation it was hoped that the police would be able to free up other resources to enable a greater police presence on the streets. It was stated that members of the public would benefit from being made more aware of the work of Locality Action Partnerships (LAPs) as crime figures were regularly brought to LAP meetings.

**Resolved:** - That the report be noted and that the Council continue to monitor and scrutinise performance alongside financial information.

## **288. LOCALITY ACTION PARTNERSHIP (LAP) REVIEW**

A report was submitted containing information and proposals relating to the Newcastle Partnership and Borough Council review of Locality Action Partnerships (LAPs). The review was part of the wider Borough Council transformation project and aimed to further develop Locality Action Partnerships and to firmly establish them as a structure to the emerging localism agenda.

**Resolved:-** (a) That the contents of the report and the full Newcastle Partnership Locality Action Partnership Review Report be noted.

(b) That the recommendations of the full report and the proposals contained in the covering report be agreed subject to an ongoing review of partnerships with the aim of promoting locality working.

(c) That Cabinet Members identify opportunities within their portfolio areas for links to be made with Locality Action Partnerships.

(d) That Cabinet suggest proposals or recommendations relating to strengthening the role of the elected member.

(e) That the comments made by the Active and Cohesive Communities Overview and Scrutiny Committee on 22 August 2011 be noted and the actions followed up as required.

(f) That an action plan be produced to implement the proposals in the full report and covering report.

**289. TRANSFORMATION PROGRAMME UPDATE**

Members received a report updating them on the various elements of the Newcastle under Lyme Transformation Programme.

There were three change and transformation programmes ongoing within the Council:-

- Transformation Programme (TP)
- The Way We Work Programme (TWWW)
- The Business of the Council (TBC)

The TP included areas such as Customer Relationship Management in which the Council was working closely with the County Council and other partners to improve the it's picture of the people within the Borough and thus manage its facilities better to fit this picture.

Areas under TWWW programme included the introduction of the Modern.gov Committee Management System. This system was now live and being used to publish all agendas and minutes for Committee business.

**Resolved:-** (a) That the report be noted.

(b) That Cabinet receive further updates in its role as a key element of the Council's Strategic Programme Board, alongside the Executive Management Team.

(c) That Cabinet suggest items for further inclusion in the change programmes as set out in the report in terms of project areas for further examination.

(d) That Cabinet instruct the Head of Business Improvement and Partnerships, as the Programmes Manager to continue to provide these updates as the officer responsible corporately for programme and project management for the Council and also instruct the Head of Business Improvement and Partnerships to make any necessary updates as outlined in the previous recommendation.

**290. JUBILEE 2 UPDATE**

A report was received containing information regarding progress of the development of the Jubilee 2 Centre since the last meeting of the Cabinet.

The capital build phase of Jubilee 2 was now 75% complete and the programme of completion remained in line with the Council's aspirations of opening the new centre to the general public in January 2012.

It was also confirmed that a decision had now been made regarding the operator for the cafeteria and vending machines for the centre, the selection criteria had been

based on the Most Economically Advantageous Tender (M.E.A.T) and the winning tender had scored highest in both the quality and price elements.

- Resolved:-**
- (a) That the progress in delivery of the Jubilee 2 be noted.
  - (b) That the Council enter into a contract with the preferred Cafeteria operator for the Jubilee 2.
  - (c) That the Council enter into a contract with Staffordshire County Council to procure the Section 278 Highways Works in relation to the Jubilee 2 development in accordance with the project plan.

**291. JUBILEE 2 HEALTH AND WELLBEING CENTRE FEES AND CHARGES**

A report was submitted detailing the proposed fees and charges and car parking arrangements for the new Jubilee 2 Health and Wellbeing Centre. The figures had been devised to try and provide the best value for money for those people visiting the centre.

**Resolved:-** That the fees and charges and car parking arrangements for Jubilee 2 be approved

**292. FUTURE MANAGEMENT OPTIONS FOR LEISURE SERVICES**

Members received a report updating them on the work of the Leisure Trust Steering Group. Members agreed that it would be a good idea to use a leisure trust to run the Council's leisure facilities but that for the time being it might be wise to take note of how this was being done in other Councils and learn from this first.

- Resolved:-**
- (a) That the work of the Leisure Trust Working Groups be noted and that in view of the uncertain business case and financial implications not to progress at this point in time.
  - (b) To receive a further report once the financial implications of the business case are clearer.

**293. BATESWOOD LOCAL NATURE RESERVE - MANAGEMENT PLAN**

The report was submitted highlighting a petition presented to a ward member on behalf of local residents requesting that the Council allow angling on the pool at Bateswood Local Nature Reserve, Halmer End. The report asked Members to consider undertaking a consultation exercise on the principle of including additional site based recreational activities with the review and update of the Management Plan for Bateswood. Members were further asked to consider adopting ethical fishing guidelines for use on Borough Council controlled fishing areas.

If a consultation exercise was to go ahead it was highlighted by members that it would need to take into account all users of the land and investigate all possible conflicts that could arise.

- Resolved:-**
- (a) That the petition be received.
  - (b) That the principle of allowing angling and additional bridal route provision in Bateswood Local Nature Reserve be subject to consultation with local residents and appropriate stakeholders and appropriate agreements to manage angling on the pool and equestrian access to the site be prepared.

(c) That a further report on the outcome of the consultation be brought back to an appropriate Cabinet meeting for consideration and that the consultation take into account all users of the land and all the possible conflicts that could arise.

(d) That the draft "Ethical Fishing Guidelines" which have been proposed in relation to the pool at Bateswood and other angling facilities in the Council's control be approved for consultation with appropriate stakeholders.

**294. GRANTS REVIEW AND THIRD SECTOR COMMISSIONING**

A report was submitted to update Members on progress with the grants review and the revised third sector commissioning framework.

The Council provided funding from its own budgets, for the voluntary and community sector, both through commissioning and grants; a review of processes to try and improve efficiency for the Council, whilst providing support to voluntary and community groups had now been undertaken.

**Resolved:-** (a) That the initial recommendations of the grants review be noted.

(b) That comments be provided on the initial recommendations of the grants review.

(c) That the revised third sector commissioning framework be noted.

(d) That the revised third sector commissioning framework be agreed

(e) That the recommendation of the Active and Cohesive Communities Overview and Scrutiny Committee not to accept the offer from The Staffordshire Community Foundation to manage the Council's grants be supported.

(f) That a detailed report be requested regarding the work of the New Vic Theatre.

**295. ROUGH SLEEPER'S OUTREACH SERVICE**

A report was received requesting Cabinet's support for the re-provision of the Rough Sleeper's Outreach Services from April 2012 and to reserve future years third sector commissioning funding for a three year period.

For the past few years Stoke on Trent City Council and the Borough Council and separately commissioned a Rough Sleeper's Outreach programme. Both authorities' contracts were due to end in March 2012 thus creating an opportunity to jointly commission a single service.

**Resolved:-** That a future service be jointly commissioned with Stoke on Trent City Council to combine both Councils' resources and to develop a service which meeting the need of both authority areas whilst maximising efficiencies.

**296. CABINET RESPONSE TO SCRUTINY TASK GROUP RECOMMENDATIONS**

A report was submitted to enable Cabinet members to consider and respond to the report and recommendations of the Scrutiny Task and Finish Group that was set up to review plans for the disposal and development of surplus Council-owned land (seven particular sites).

In the majority of areas the report was completely accepted by the Cabinet and where this was not the case it was principally due to the fact that that Cabinet had no authority to permit its capacity as established by the 2000 Act to be trammelled.

**Resolved:** - (a) That the Newcastle Development Programme (NDP) Scrutiny Task and Finish Group, and all those involved in supporting the review process, be thanked for their report and recommendations in respect of this matter.

(b) That it be confirmed that no further decision be taken at this stage regarding disposal of the seven NDP sites.

(c) That the appropriateness of development, in land-use planning terms, of the seven NDP sites along with all other surplus non-operational land belonging to the Council, be reviewed as part of the forthcoming Site Allocations Development Plan Document process.

(d) That future versions of the Council's Asset Management Strategy incorporate an annual planned disposals programme, as appropriate, supported by the three important qualifications set out in the Report:-

- (i) That this programme is accompanied by appropriate site specific technical information ;
- (ii) That a clear process be established for effective community and stakeholder consultation along with a summary report of the outcome of public consultation and any related public consultation activities regarding individual sites and;
- (iii) That clear evidence be provided of the proposal's alignment with the Council's financial capital planning process.

(e) That officers be instructed to undertake an annual review of the progress made with implementation of the North Staffs Green Spaces Strategy and the associated action plan to ensure that objective are being met.

(f) That members note the information regarding the Council's transformation programme which, through its associated sub-programme plan, 'The Way We Work' and the associated emerging programme 'The Business of the Council' is concerned with the organisational structure of the Council to promote greater efficiency in the way the Council operates as well as ensuring greater accessibility for all to decision making processes.

(g) That further member training be provided, as appropriate, so that members have a fuller understanding both of Asset Management and strategic policy making.

**297. ASSET DISPOSAL OF LAND AT DRAYTON ROAD**

Members received a report seeking authority for the freehold sale of 0.297 hectare (0.73 acres) of Borough Council owned land situated off Market Drayton Road,



Loggerheads to facilitate the development of a community fire station as part of the Staffordshire-wide improvement programme of such facilities.

Staffordshire Fire and Rescue Services needed to provide a new fire station and this land had been identified as the most suitable development site in the area to meet operational requirements. Borough Council officers are satisfied that the disposal of this land is in the public interest and that market value will be obtained.

**Resolved:-** (a) That approval be given for the release of the property which is required by Staffordshire Fire and Rescue Authority for the construction of a new community fire station subject to the granting of planning permission.

(b) That the provisionally agreed sale terms be agreed.

298. **URGENT BUSINESS**

There was no urgent business.

**S SWEENEY**  
**Chair**

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## **PLANNING COMMITTEE**

**13 September 2011**

**Present:-** Councillor A Fear – in the Chair

Councillors Boden, Mrs Burke, Cairns, Clarke M R, Cooper, Howells, Lawton, Matthews, Miss Reddish, Sinnott, Studd, Sweeney, Mrs Williams and Williams

Councillor Loades also in attendance during consideration of planning application 11/00270/FUL only.

Apologies were received from Councillor D Clarke

### **299. DECLARATIONS OF INTEREST**

No declarations of interest were reported.

### **300. MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** That the minutes of the meetings of this Committee held on 12 July and 2 August 2011 be approved as correct records.

### **301. FORMER GEC, LOWER MILEHOUSE LANE, NEWCASTLE. KIER VENTURES LTD. 11/266/REM**

**Resolved:-** That the application be permitted subject to the undermentioned conditions:-

- (i) Link to outline planning permission and conditions.
- (ii) Highway matters – road construction, street lighting, drainage, planting details, use of site compound.
- (iii) Surfacing materials including permeable surfaces.
- (iv) External facing and roofing materials.
- (v) Boundary details including around the wildlife area.
- (vi) Surface and foul drainage.
- (vii) Management plan relating to waste and recycling collections.
- (viii) Details of the landscaping scheme including implementation and aftercare.
- (ix) Management plan for the embankment onto the Wammy.
- (x) Tree constraints plan and protection measures.
- (xi) Implementation of the foot/cycleway links.

### **302. LAND TO THE REAR OF STEPHENSON BUILDING, KEELE UNIVERSITY, KEELE. MR CHRIS WESTON - KEELE UNIVERSITY. 11/00272/FUL**

**Resolved:-** (a) That, subject to both a supplemental agreement to the current Section 106 allowing this use being concluded by 19 October 2011, and the receipt by 27 September 2011 of an acoustic impact study that satisfies the Head of Planning and Development, in consultation with the Environmental Health Section, that permission can be granted subject to appropriate acoustic related conditions/minor amendments to the scheme, the application be permitted subject to the undermentioned conditions:-

- (i) Time limit for commencement.
- (ii) Approved drawings.
- (iii) Recyclable materials and refuse storage and disposal arrangements.
- (iv) Contaminated land.
- (v) Lighting.
- (vi) Tree protection and details of long term fencing arrangements.
- (vii) Landscaping scheme.
- (viii) Provision of the access, parking, servicing and turning areas.
- (ix) Details of secure weatherproof cycle parking.
- (x) External materials and sun shades.
- (xi) Solar Panels.
- (xii) Boundary materials.
- (xiii) Cessation of use of the existing nursery and consent being required for any new use should the building not be demolished.
- (xiv) Any acoustic related conditions deemed appropriate by the Head of Planning and Development

(b) That in the event that the Head of Planning and Development is not satisfied having regard to the noise issue and that this issue can be addressed by appropriate conditions/minor amendments to the scheme, that the application be referred back to the Committee at its meeting on 4 October 2011.

(c) That should the above supplemental agreement not be completed by 19 October 2011, that the Head of Planning and Development be given delegated authority to refuse the application on the grounds that appropriate safeguards of the integrity of an existing legal agreement have not been secured; or, if he considers it appropriate, to extend the period of time within which the supplemental agreement can be secured.

**303. LAND ADJACENT STATION ROAD, SILVERDALE. RELIANT BUILDING LTD.  
11/00284/FUL**

**Resolved:-** (a) That subject to the applicant entering into a planning obligation, by no later than 3 October 2011, to secure the following:-

- (i) A financial contribution of £2,943 per dwelling for open space enhancement/improvements and maintenance.
- (ii) A financial contribution of £26,224 for the Newcastle (urban) Transport and Development Strategy (NTADS).
- (iii) A financial contribution towards 5 primary school places of £55,155.
- (iv) That the financial viability assessment be reviewed if the consent has not been substantially commenced within one year of being granted or if the development is constructed in phases and the securing of a clawback or overage provision to allow for the possibility of some contribution to offsite provision of affordable housing should the viability of the scheme significantly alter by the time of its completion.

The application be permitted subject to the undermentioned conditions:-

- (i) Standard time limit condition for the commencement of development.
- (ii) Approved plans.
- (iii) Contaminated land.
- (iv) Prior approval of recyclable materials and refuse storage.

- (v) Access, parking, servicing and turning areas to be provided prior to occupation of the dwellings.
- (vi) Prior approval and implementation of alterations necessary to integrate the development into the cycle route improvements secured to the former railway line.
- (vii) Visibility splays to be provided prior to occupation.
- (viii) Prior approval of surface water drainage and implementation of the approved details.
- (ix) No development to commence until an off-site traffic management scheme comprising visibility splays, removal of on-street parking bays and the relocation of the give way mark at the Station Road/Sneyd Terrace junction; and amendment to the parking bays on Station Road has been approved and implemented.
- (x) Landscaping scheme to include more planting to the site periphery.
- (xi) Removal of pd rights relating to formation of hardstandings on the frontages of all dwellings.
- (xii) Prior implementation of boundary treatments
- (xiii) Prior approval of details of windows to be introduced in the side elevations of certain plots.
- (xiv) Prior approval of all external facing materials including all areas of hard surfacing.

(b) That should the matters be referred to in (i), (ii) (iii) and (iv) above not be secured within the above period, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the provision of an appropriate education contribution, the provision of open space within residential development and achieving sustainable forms of development; and would not take appropriate account of possible future changes in financial circumstances, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

**304. FORMER CAR PARK, MUCKLESTONE ROAD, LOGGERHEADS. MR C GEE.  
11/00270/FUL**

**Resolved:-** That the application be refused on the grounds of insufficient justification for the provision of only one car parking space and the increased likelihood of on-street parking contrary to the interests of highway safety and contrary to NLP Policy T16.

**305. APPEAL DECISION**

The following decision was reported:-

<u>Ref</u>	<u>Proposed development and name(s) of appellant(s)</u>	<u>Decision</u>
10/00397/OUT	Temporary siting of an agricultural worker's dwelling at Greenacre's Farm, Dab Green, Whitmore. C & J Farms	Appeal allowed.

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

**A FEAR  
Chair**

## **OVERVIEW AND SCRUTINY CO-ORDINATING COMMITTEE**

**19 September 2011**

**Present:-** Councillor M R Clarke – in the Chair

Councillors Miss Cooper, Gilmore, Mrs Heames, Mrs Heesom, Olszewski, Mrs Shenton, Snell and Wilkes

### **305. APOLOGIES**

Apologies were received from Councillors Becket, Boden, Mrs Hailstones and Williams.

### **306. DECLARATIONS OF INTEREST**

Councillor Mrs Shenton requested that a note be made regarding her Membership of the Newcastle under Lyme Sports Council.

### **307. MINUTES FROM THE PREVIOUS MEETING**

That the minutes of the meeting held on 4 July 2011 be agreed as a correct record.

### **308. CALL-IN REGARDING PROPOSALS FOR THE REDEVELOPMENT AND DISPOSAL OF KNUTTON RECREATION CENTRE FOLLOWING THE CABINET DECISIONS OF 15 JUNE 2011**

The Chair welcomed the Committee and explained the procedure to be followed for the Call-in.

The Lead Call in Member explained the reasons for the call in. The following issues were of concern:

- The perceived lack of consultation with local residents in Knutton
- The regeneration programme in Knutton following the demise of RENEW
- The revenue budgets stated in the original report to Cabinet
- The proposed mini supermarket that could potentially take business away from the high street in Knutton.

The relevant Cabinet Member responded to the issues and drew the Committees attention to the report that was submitted to the Cabinet on 15 June 2011. The Cabinet Member stated that consultation had been undertaken with members of the public and through meetings of the AMI briefing group. Members and residents had been kept constantly informed of the issues relating to Knutton Recreation Centre through this group and it was thought that all decisions made had kept faith with the outcomes of consultations. The issue regarding the opening of a new mini supermarket was not yet set in Stone and was still subject to discussion as were issues relating to the retention of the 3G football pitch and the Bowling Green.

The Committee questioned the Lead Call in Member and Cabinet representative and further concerns were raised regarding the perceived block booking of the Gordon Banks Leisure.

The following was resolved:

**That the item be sent back to formal Cabinet to reconsider the decision in the light of the following specific points that were raised by the Overview and Scrutiny Co-ordinating Committee; and that Cabinet formally respond back to this committee:**

- **The block booking of the Gordon Banks Sports Centre**
- **The mix of affordable and social housing**
- **Full consultation with residents, users and other interested parties**
- **The impact of a convenience store**
- **Parking provision and concerns at Jubilee 2**

**309. UPDATE REGARDING SCRUTINY BRIEFS CURRENTLY BEING CONSIDERED**

The Committee considered the report regarding the Scrutiny Briefs. It was noted that not all of the work currently being carried out by the Scrutiny Committees was included in the report including projects being undertaken by the Transformation and Resources Scrutiny Committee.

**Resolved:** That the Scrutiny briefs be agreed and the report noted.

**310. FORWARD PLAN FOR THE PERIOD COVERING SEPTEMBER 2011 TO DECEMBER 2011**

The Committee received a report regarding items that were currently on the forward plan. Concerns were raised regarding the format of the forward plan and it was agreed that steps to be taken to improve both the lay out of the plan and the timescales it covered. The Chair also raised concerns regarding the timing of the Committee meetings and requested that steps be taken to ensure that all future meetings were held prior to meetings of the Full Council in order to enable him to feed back to the Council any reports or comments from the Committee.

**Resolved:** (a) That the report be noted.

(b) That a meeting be arranged with the Chair and Officers to discuss the forward plan.

(c) That the Calendar of meetings be changed where possible to ensure that meetings of this Committee fell before meetings of the Full Council.

**M R CLARKE**  
**Chair**



LICENSING SUB-COMMITTEE

23 August 2011

**Present:** - Councillor S J Tagg in the Chair

Councillors Mrs Cornes and Sinnott

Mr T Hough	Applicant
Mr K Thompson	Representative of Applicant
Mr Hough	Representative of Applicant
Mrs Jackson	Interested Party
Mrs MJ Hodgkinson	Interested Party
Mrs C Hodgkinson	Interested Party
Mr C Hodgkinson	Interested Party

311. **APPLICATION FOR A PREMISES LICENCE - KING WILLIAM IV, HIGH STREET, TALKE**

**Issues**

Representations had been received from Staffordshire Police and from interested parties living in the vicinity of the premise.

**Resolved**

The Committee took into account the Licensing Act 2003, the guidance issued under section 182 of the Act, the Councils statement of Licensing Policy and the fact that a representation had been received from Staffordshire Police.

The Committee were persuaded to adopt the conditions requested by the Police (Appendix A). The Committee resolved that an agreement could be reached between the respective parties regarding the conditions deemed necessary for the promotion of the licensing objectives. The Committee resolved to grant the licence subject to the following conditions and operating schedule:

- Evidence of sound proofing and noise abatement produced within 14 working days of receipt of the licence.
- Outdoor drinking in the beer garden restricted to 9PM every day.
- Fire exit alarmed.
- Evidence that the premise licence holder and designated premises supervisor are first aid trained and compliant with health and safety regulations 14 days after completion of any necessary course.

Live Music Indoors	Recorded Music Indoors	Supply of Alcohol	Hours Premises Open to Public	
Saturday only 19.00-23.30	Mon-Thurs 11.00-22.30  Fri-Sat 11-23.30  Sunday 12.00-22.30	Mon-Thurs 11.00-23.00  Fri-Sat 11.00-00.00  Sunday 12.00-23.00	Mon-Thurs 10.00-23.00  Fri-Sat 10.00-00.00  Sunday 12.00-23.00	Doors close 30 minutes before closing

### CCTV

CCTV must be installed and operative and cover all public areas both inside and immediately outside the premises, including any smoking areas. The CCTV unit shall be positioned in a secure part of the licensed premise and not within any private area of the location.

The CCTV system must be maintained so as to be fully operational and recording at all times when persons are present on the premises.

Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc) a written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. A secure storage system to store those recording mediums shall be provided.

All images should be kept for a 31 day period and to be produced to the Police upon request or within 24 hrs of such request.

There will be notices displayed throughout the premise stating that CCTV is in operation.

The CCTV system clock should be set correctly and maintained ( taking account of GMT and BST )

There should be a member of staff available at all times who is trained and capable of operating the CCTV system and also down loading any footage required by the Police.

Daily checks to be made to check the operation of the CCTV system and confirm it is working correctly and such checks to be recorded in a register which is to be endorsed by the person conducting the check and to contain the name of the person conducting the check.

### Drugs Policy

The Designated Premises Supervisor shall at the reasonable request of the Police or local Authority display any promotional material regarding drug awareness. A zero tolerance policy will be adopted by the licensee and any incidents concerning drugs reported to the Police immediately.

### Challenge 21

The premise must adopt a locally recognised Challenge 21 scheme to tackle underage sales. All staff are to be fully trained in its use before being allowed to sell alcohol. This training is to be refreshed every 2 calendar months and a written record of the training to kept.

Persons who appear to be under the age of 21 shall be required to produce proof of age by way of a proof of age card accredited under the Proof of Age Standards Scheme. (PASS ). The only acceptable alternatives being either a photo driving licence or passport.

No persons under 18 years to be allowed on the premises at any time.

The Designated Premises Supervisor should ensure that a record is kept of all staff training and is fully updated at all times.

The records of training must be kept at the licensed premises and be made available immediately to police officers or trading standards officers upon request.

A refusals book must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The book must also contain details of the staff member refusing the sale. The book must be checked on a monthly basis by the Designated Premises Supervisor and endorsed accordingly by the DPS signing the book with the time and date of inspection.

### Pubwatch/Business Crime Initiative

The premises will be an active member of Pubwatch and the Newcastle Business Crime Initiative. The licence holder/DPS or another nominee will attend all meetings relevant to the premises as organised by the initiative and will actively participate in the scheme and fully adhere to all the rules and regulations of the scheme.

### Incident Log/Accident Log

The Designated Premises Supervisor shall ensure that a written log of any accidents or incidents is kept on the premise with all details recorded of dates, times, incident, staff involve etc. Written records of incidents will be retained and shall be made available for inspection on demand by an authorised officer of the council or a police constable or an officer from the Fire Authority.

### Sporting Events

Live Premier football matches, live International football matches or football matches involving local football teams (within the city of Stoke on Trent ) will **NOT** be shown without written consent from Northern Police Licensing Unit.

### Noise Nuisance

Music to be inaudible at the boundary of the nearest noise sensitive property.

DPS Delegation

At any time when the DPS is not physically present on the premises there must be present a personal licence holder who has been authorised by the DPS to cover their functions under the licensing act. Any such person should have seen read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the venue.

A record should be kept detailing, the name, address, personal licence number and issuing authority of personal licence relative to the person left in charge of the venue and the times and dates when the authority to cover the functions of the DPS exists.

These should be individual entries covering short periods of time only and should not exceed more than a three week period.

The personal licence holder should also sign on each occasion that he has physically seen inspected and is fully aware of all the conditions attached to the premise licence.

The DPS should sign to acknowledge that they agree to the personal licence holder being in charge of the premise for any times specified.

The records of these matters should be kept fully updated at all times and be held within the venue to allow the immediate inspection by a police or trading standards officer immediately upon request.

**S J TAGG  
Chair**

**LICENSING SUB-COMMITTEE**

**15 September 2011**

**Present: -** Councillor S J Tagg in the Chair

Councillors Welsh and Sinnott

P R Washington Clerk  
Staffordshire Police  
Staffordshire Police  
Applicant

**312. APPLICATION FOR A VARIATION TO A PREMISES LICENCE –  
BRASSINGTONS CAFÉ CAR**

Having taken into account the Licensing Act 2003 and the guidance issued under section 182 of the Act, the Council's statement of licensing policy and also the fact that the police had objected to the application on the basis that to grant the application would undermine the crime and disorder objective.

The Sub-Committee considered the Crime and Disorder objective in the light of what had been said and listened to the arguments.

Agreement was reached by the parties as a result of the amendment to the application made at the hearing by the applicant. The sub-Committee having heard the evidence agree to: the withdrawal of the application of dance and the provision of facilities for dance. An additional hour to the standard and non-standard timings on the day when British Summertime commences. That Good Friday trading be the same as standard Friday Hours. That all the embedded restrictions detailed under Appendix 2 of the licence be removed. That the last admission condition set out in Appendix 3 be amended to read:

“No person shall be allowed admittance to the premises after 45 minutes before the last permitted supply of alcohol on Friday and Saturday except for persons exiting the premises for the purpose of smoking.”

This was subject to the introduction, use and maintenance of the Scannet Identification System in the premises.

**S J TAGG**  
**Chair**

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## **STATEMENT OF THE LEADER OF THE COUNCIL**

**Submitted by :** Councillor Stephen Sweeney

**Portfolio:** All

**Wards affected:** All

### **Purpose of the Report**

To provide an update for Members on the activities and decisions of the 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 Cabinet and to enable questions and comments on the statement to relevant Portfolio Holders.

#### 1. **Background**

Cabinet last met on 7 September 2011. Below is a summary of actions and decisions taken along with a link to the Forward Plan (for further background to the Cabinet's decisions please refer to the Cabinet agenda of 7 September).

#### 2. **Financial and Performance Management Report**

The financial and performance review for 2011/12 (first quarter) was discussed. Most services are performing with the majority of targets being met.

#### 3. **Locality Action Partnership**

Cabinet were asked to review the report 'The Story of Our Place' and agreed with the recommendations subject to it being an ongoing review. A formalised action plan was requested by Cabinet.

#### 4. **Transformation Programme Update**

There are several programmes being carried out at the Council to make sure we have efficient, effective and modernised services.

The accommodation review will see the police, pct and staff from Staffordshire County Council occupy available space in the Civic Offices. This will mean officers of the Council moving to free-up identified space for partners to occupy.

#### 5. **Jubilee 2**

A number of reports were received, these included fees and charges, future management options for Leisure Services and a report on the progress of the building itself. The program is within budget and is 75% complete. Facilities Partner Ltd has been selected as the café

operator. The firm, based in Tamworth, employs local people and they also work with local suppliers and source local farm products.

Jubilee 2 is set to officially open on 7 January 2012, the start of the Olympic year.

6. **Bateswood Local Nature Reserve – Management Plan**

A petition has been presented by a ward Member on behalf of local residents asking the Council to allow angling on the pool at Bateswood Local Nature Reserve.

It was agreed that consultation should take place to allow for angling and additional bridle routes.

6. **Grants Review and Third Sector Commissioning**

It was agreed to support the recommendations of the grants review. A detailed report of the work of the New Vic Theatre was also requested.

7. **Rough Sleepers Outreach Service**

It was agreed to jointly commission a future service with Stoke-on-Trent City Council to combine both Councils resources and to develop a service which meets the needs of both authorities whilst at the same time making efficiencies.

8. **Cabinet Response to Scrutiny Task Group Recommendations**

Cllr Loades and the eleven members of the Scrutiny Task and Finish Group were thanked for their work on the Newcastle Development Programme.

In future, all surplus non-operational land belonging to the Council will be reviewed as part of the Site Allocations Development Plan which is set to get underway in Newcastle in the autumn. Other landowners, whether they are the County Council, health service, MOD or private landowners will be invited to put forward sites.

9. **Asset Disposal of Land at Drayton Road**

Cabinet were asked to approve a piece of land for sale off Market Drayton Road in Loggerheads for the new community fire station as part of a Staffordshire-wide improvement programme.

10. **Forward Plan**

The Forward Plan can be found at:

<http://www.newcastle-staffs.gov.uk/forwardplan>

The next Cabinet meeting is to be held on 19 October. A report detailing the decisions made at this meeting will be made to the Council meeting on 14 December.

**Councillor Stephen Sweeney**  
**Leader of the Council**



## **MEMBER DEVELOPMENT PANEL**

**Submitted by:** (Elections and Licensing Manager)

**Portfolio:** (Customer Services and Transformation)

**Ward(s) affected:** (Not Ward Specific)

### **Purpose of the Report**

That the current Member Development Working Group be formalised to create the Member Development Panel with the remit suggested in **Appendix A**.

### **Recommendations**

- (a) That the Member Development Working Group become an established panel of the Council
- (b) That the membership of the panel be 8
- (c) That the remit of the panel attached at Appendix A be agreed.

### **Reasons**

To raise the profile of the panel to ensure all members are aware of its crucial role, as champion for all elected member development and ICT.

## 1. **Background**

- 1.1 The Member Development Working Group designed and produced the Elected Member Development Strategy (which helps to ensure that Member Development is strategically placed in the Council), provided a structure, and set out the roles and responsibilities for the planning, delivery and evaluation of development opportunities offered to Members. The Working Group also aims to support Members in their various roles by identifying training needs and transforming these into a comprehensive training and development plan.
- 1.2 The Council achieved the Primary Level of the West Midlands Member Development Charter in October 2011. One of the recommendations of the Charter was that the Member Development Working Group be formalised.
- 1.3 A further recommendation was made by the Transformation and Resources Committee to Cabinet in February 2011 regarding expanding the remit of the Member Development Working Group to include Member ICT. No decision was made at this time and a request was made by Cabinet that a further report be submitted at a later date including any developments that may already have occurred.
- 1.4 The introduction of the Modern.Gov system also means that all Members will require ICT training and skills to enable them to access agendas and minutes online and through their emails. A Members Website is also now in operation through which Members will benefit from being able to access information specific to their roles, training resources and committee documentation.

2. **Issues**

2.1 It is suggested that membership of the Panel remain as at present.

2.2 It will be left to the panel to decide who is to be chair and vice-chair

2.3 The Panel must maintain political proportionality.

3. **Reasons for Preferred Solution**

3.1 Recommendations made by the West Midlands Member Development Charter Assessors.

3.2 The increase in the use of ICT planned for Elected Members

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- Transforming our Council to achieve excellence

5. **Legal and Statutory Implications**

5.1 The formalisation of the Panel will require a resolution by Full Council and the agreement of the remit of the Panel.

5.2 The Panel will be formally constituted in the Council's constitution.

5.3 The Panel must adhere to the Council's constitution regarding proportionality.

6. **Equality Impact Assessment**

- *No negative impact has been identified.*

7. **Financial and Resource Implications**

None Identified

8. **Major Risks**

8.1 Should the recommendations not be agreed there may be a risk that Member Development and ICT provision is not given the forum necessary to progress it to the required level and that Elected Members will not have the opportunities to develop and train that are afforded at other Local Authorities.

9. **Earlier Cabinet/Committee Resolutions**

Member Development Charter Working Group Minutes 25 November 2010  
Cabinet Minutes 9 February 2011

10. **List of Appendices**

**Appendix A** - Draft Remit for the Member Development Panel

**Member Development Panel**

**Terms of Reference**

- To identify and implement the requirements of the West Midlands Member Development Charter and to develop and implement a Member Development Strategy.
- To identify a process for the implementation of Personal Development Plans and offer all Members the opportunity to participate.
- To ensure that all Member development and training opportunities relate to Newcastle under Lyme Borough Council's corporate priorities.
- To engage all elected members in the process of member development and training.
- To establish a mechanism to evaluate overall effectiveness of Member Development.
- Identify financial resources required to deliver development needs.

**Additional Terms of Reference agreed by the Member Development Working Groups on 1st September 2011**

- To address issues relating to the provision of ICT for elected members.
- To help promote the members website and to encourage members and officers to use the site on a regular basis.
- To monitor the provision of member support.

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## **REPLACEMENT ROAD SWEEPING VEHICLE**

**Submitted by:** Head of Operations – Roger Tait

**Portfolio:** Environment and Recycling

**Ward(s) affected:** All

### **Purpose of the Report**

To seek approval to revise the Councils Capital Programme to replace a road sweeping vehicle which has reached the end of its serviceable life span and which is now uneconomical to maintain.

### **Recommendations**

- (a) That Council approves the procurement of a replacement road sweeping vehicle.**
- (b) That the cost of the vehicle is met from the approved General Fund Capital Programme and the Programme be revised accordingly.**

### **Reasons**

To enable the Council to continue to fulfil it's statutory obligations in relation to street cleansing.

## **1. Background**

- 1.1 The Streetscene Business Unit currently delivers street cleansing services to fulfil the Council's statutory obligations in relation to this function and to maintain satisfactory levels of street and environmental cleanliness across the Borough.

## **2. Issues**

- 2.1 Street Cleansing Operations are carried out using a fleet of vehicles designed to maximise efficiency and performance. The fleet includes a large road sweeping vehicle which is deployed on a year-round basis to carry out scheduled street cleaning and which is particularly intensively used for leaf clearance operations during the autumn and winter of each year. The usual life expectancy of a vehicle with this level of intensive use is between 5 – 7 years, but with prudent servicing and maintenance, the vehicle has been kept in service beyond the expected duration.

The existing road sweeping vehicle is now 10 years old and has reached the point where it is uneconomical to maintain.

## **3. Options Considered**

- 3.1 Hire – the ongoing cost of vehicle hire is more expensive than purchase over the life of the vehicle
- 3.2 Purchase – This option is more economical and there will be a modest re-sale value for the vehicle at the end of it's useful life

## **4. Proposal**

- 4.1 That the procurement of a replacement road sweeping vehicle is approved.

4.2 Cabinet will be asked to support the proposal at their meeting on 19 October 2011.

5. **Reasons for Preferred Solution**

5.1 To enable the Council to continue to fulfil its statutory obligations in relation to street cleansing.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 Creating a cleaner, safer and sustainable Borough

7. **Legal and Statutory Implications**

7.1 The Council has a statutory obligation to provide the Street Cleansing function.

8. **Equality Impact Assessment**

No adverse impact has been identified in relation to this report.

9. **Financial and Resource Implications**

9.1 The estimated capital cost of purchasing a replacement road sweeping vehicle is £125,000. It is proposed to fund the cost of procuring the road sweeping vehicle from the approved General Fund Capital Programme.

10. **Major Risks**

10.1 The major risks associated with this report are as follows:

<b>RISK</b>	<b>CONTROL MEASURE</b>
Inability to deliver service and fulfil statutory obligation	Procure vehicle
Adverse financial impact	Purchase vehicle rather than ongoing hire costs
Reputational damage through inability to deliver service	Procure vehicle
accidents relating to leaf fall (slips/skids etc)	Implement leaf clearance programme
Inability to respond to incidents requiring the street cleansing function	Procure vehicle

11. **Key Decision Information**

11.1 The decision involves significant expenditure, affects all wards in the Borough and has been included in the forward plan.

12. **Earlier Cabinet Resolutions**

None