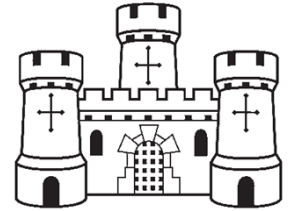


Public Document Pack

Date of meeting Wednesday, 7th December, 2016
Time 6.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Cabinet AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies**
- 2 MINUTES** (Pages 3 - 6)
To consider the minutes of the previous meeting.
- 3 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 4 Public Space Protection Order** (Pages 7 - 26)
- 5 Tender for the Procurement of an Off-Site Document Storage and Retrieval Service** (Pages 27 - 31)
- 6 Miners Estate** (Pages 33 - 38)
- 7 Penalties Policy** (Pages 39 - 47)
- 8 Ryecroft Development - Land Sale Contract** (Pages 49 - 50)
- 9 The Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document** (Pages 51 - 53)
- 10 Watlands Park Conservation Area Appraisal and Management Plan Supplementary Planning Document** (Pages 55 - 57)
- 11 Northern Gateway Development Zone and HS2 Update** (Pages 59 - 62)
- 12 Site of the former Crackley Community Centre** (Pages 63 - 66)
- 13 Procurement of Wide Area Network Links** (Pages 67 - 70)
- 14 URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

15 ATTENDANCE AT CABINET MEETINGS

Councillor attendance at Cabinet meetings:

- (1) The Chair or spokesperson of the Council's scrutiny committees and the mover of any motion referred to Cabinet shall be entitled to attend any formal public meeting of Cabinet to speak.
- (2) Other persons including non-executive members of the Council may speak at such meetings with the permission of the Chair of the Cabinet.

Public attendance at Cabinet meetings:

- (1) If a member of the public wishes to ask a question(s) at a meeting of Cabinet, they should serve two clear days' notice in writing of any such question(s) to the appropriate committee officer.
- (2) The Council Leader as Chair of Cabinet is given the discretion to waive the above deadline and assess the permissibility if the question(s). The Chair's decision will be final.
- (3) The maximum limit is three public questions at any one Cabinet meeting.
- (4) A maximum limit of three minutes is provided for each person to ask an initial question or make an initial statement to the Cabinet.
- (5) Any questions deemed to be repetitious or vexatious will be disallowed at the discretion of the Chair.

Members: Councillors Beech, Kearon, Turner (Vice-Chair), J Williams, Shenton (Chair), Rout and Robinson

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

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

CABINET

Wednesday, 19th October, 2016
Time of Commencement: 6.00 pm

Present:- Councillor Elizabeth Shenton – in the Chair

Councillors Beech, Kearon, Turner, J Williams, Rout and Robinson

Officers Executive Director (Resources and Support Services) - Kelvin Turner, Executive Director (Operational Services) - David Adams, Executive Director (Regeneration and Development) - Neale Clifton, Geoff Durham, Chief Executive - John Sellgren and Janet Baddeley

1. **APOLOGIES**

There were no apologies.

2. **MINUTES**

Resolved: That the minutes of the meeting held on 14 September, 2016 be agreed as a correct record.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **DRAFT OPEN SPACE AND GREEN INFRASTRUCTURE STRATEGIES - CONSULTATION**

A report was submitted to Cabinet seeking approval for consultation of the draft Open Spaces and Green Infrastructure Strategies (formerly the Green Space Strategy). The document contains a comprehensive list of sites within the Borough to ensure that Newcastle residents have access to decent quality green sites.

Cabinet members stressed that there was no hidden agenda and that everything was contained within the report and appendices. The consultation process would give residents the opportunity to put their views across.

The Strategies would also be considered by the Council's Cleaner, Greener and Safer Communities Scrutiny Committee for its comments.

Resolved: (i) That the draft Open Spaces and Green Infrastructure Strategies be received and are approved for wider consultation with stakeholders as detailed in the report.

- (ii) That as part of the planned consultation process, the Cleaner, Greener and Safer Communities Scrutiny Committee receive a copy of the draft strategies for consideration and comment.
- (iii) That a report on the outcome of the consultation be brought to a future meeting of the Cabinet for consideration prior to adoption of the strategies.

5. DRAFT SPORT AND ACTIVE LIFESTYLES STRATEGY 2016

A report was submitted to Cabinet seeking approval for consultation of the draft Sport and Active Lifestyles Strategy.

The document would identify a range of strategic goals for future sports provision as well as an action plan for delivery.

Resolved: That the draft Sport and Active Lifestyles Strategy be endorsed and approved for wider consultation with the local community and stakeholders as detailed in the report.

6. STOKE ON TRENT BID FOR UK CITY OF CULTURE 2021

A report was submitted to Cabinet seeking support for a bid from Stoke on Trent for the UK City of Culture 2021.

The Portfolio Holder for Leisure and Culture, Councillor Amelia Rout advised members that Stoke on Trent would receive significant media attention for this and that it was important that Newcastle's Communications team work in partnership with the City Council.

Resolved: That the Stoke on Trent Bid for the City of Culture 2021 title be supported as a key partner through appropriate Borough Council Elected Member and officer involvement.

7. NEWCASTLE HOUSING ADVICE (NHA) SERVICE CONTRACT EXTENSION

A report was submitted to Cabinet seeking authorisation to extend the Current Newcastle Housing Advice Service Contract to 31 March, 2020.

The Portfolio Holder for Planning and Housing, Councillor Kyle Robinson said that he would like to see a more robust approach to the delivery standards if the contract was renewed.

A Private Sector Support Officer would be brought in to replace a Housing Advisor. The portfolio Holder for Communities and Social Cohesion, Councillor Tony Kearon said that it was nice to see an opportunity to provide an improved service on a limited budget.

Resolved: (i) That the Newcastle Housing Advice Service Contract with Midland Heart be extended for a further three years to 31 March, 2020 in accordance with the original award of contract.

- (ii) That officers be authorised to take the necessary steps to replace a Housing Advisor with a Private Sector Officer role within the NHA contract.

8. CAR PARKING CHARGES

A report was submitted to Cabinet providing information arising from a Car Park Review undertaken by Alpha Parking and giving direction to the future management of the Council's car parks.

The Leader of the Council, Councillor Elizabeth Shenton felt that more information was needed before considering the fourteen recommendations contained within the report.

- Resolved:**
- (i) That the report be noted.
 - (ii) That the policy framework provided by the Car Park Management Review be endorsed.
 - (iii) That a more detailed report be brought back to a future meeting of the Cabinet.

9. NEWCASTLE UNDER LYME LOCAL LOTTERY

A report was submitted to Cabinet seeking approval for recommendations to implement a local lottery for Newcastle-under-Lyme.

The Leader / Portfolio Holder for Policy, People and Partnerships, Councillor Elizabeth Shenton stated that it would be a good way of funding small organisations, sports clubs etc and a lot of Council's were picking up on this.

The Portfolio Holder for Operational Services stated that local people would be helping to support local groups.

- Resolved:**
- (i) That the Council introduce a local lottery for the Borough of Newcastle with the aim of raising funds for local charities, voluntary organisations and good causes.
 - (ii) That authorisation be given to officers to work with an External Lottery Manager to develop and Implement a local lottery to commence as soon as practically feasible.
 - (iii) That the Portfolio Holder for Policy, People and Partnerships and the Chief Executive receive regular update reports on the progress of the implementation of the local lottery.

10. URGENT BUSINESS

The Chair of the Health and Wellbeing Scrutiny Committee, Councillor Dave Jones had requested to speak to the Cabinet with regard to the potential closure of sixty-three community beds at Bradwell Hospital on 28 October, 2016.

Councillor Jones raised concerns regarding the potential impact on patients and also the support staff who work at the hospital. He advised the Cabinet that a special

Cabinet - 19/10/16

meeting of the Health and Wellbeing Scrutiny Committee had been arranged for 26 October, 2016 and attendance had been confirmed by the Clinical Commissioning Group (CCG), University Hospital North Midlands and the Staffordshire and Stoke on Trent Partnership.

Cabinet was asked to Contact the CCG in order to open up a line of communication. In addition, Councillor Jones asked that Cabinet look into what help is available for the support staff at the hospital should they lose their jobs.

- Resolved:**
- (i) That the Cabinet contact the CCG to establish an open line of communication.
 - (ii) That the Council investigates support available for staff affected by the potential closure of community beds.

11. ATTENDANCE AT CABINET MEETINGS

COUNCILLOR ELIZABETH SHENTON
Chair

Meeting concluded at 6.40 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

December 2016 Cabinet report

<u>Title:</u>	Public Space Protection Orders
<u>Submitted by:</u>	Trevor Smith, Partnerships Interventions Officer
<u>Portfolios:</u>	Stronger, Safer Communities
<u>Ward(s) affected:</u>	All

Purpose of the Report

To seek approval to make a Public Space Protection Order (PSPO) within the specified boundaries of Newcastle-under-Lyme Town Centre.

Recommendations

To authorise Officers to make a PSPO 'live' within the designated areas of the Town Centre for the indicative issues detailed in this report.

Reasons

- The Criminal Justice and Police Act 2001 which encompasses Designated Public Place Orders (DPPO's) also known as Alcohol Prohibition Zones (APZ's) have been replaced by the Anti-Social Crime and Policing Act 2014 which governs PSPO's and other powers such as Response to Complaints, issuing Fixed Penalty Notices and Closure of Premises.
- The Borough of Newcastle-under-Lyme, much like other towns and cities nationally, experiences a variety of issues such as street drinking, car cruising, drug use, rough sleeping, vandalism and other issues categorised as anti-social behaviour. Whilst several initiatives and operations assist in managing the impact which these issues cause, there is a concern regarding loss of the ability to enforce provision, especially around street drinking, should Alcohol Prohibition Zones be rescinded without an effective replacement.

1. **Public Space Protections Orders (PSPO)**

- 1.1 A PSPO is an order that identifies a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people, or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.
- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is an offence. Upon summary conviction (offences heard within the Magistrates Court)

defendants can face a fine up to £1,000. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. Subsequent breaches of the order can also be discharged by use of a Fixed Penalty Notice (FPN). The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act).

- 1.3 In time PSPO's will replace existing provisions such as Alcohol Prohibition Zones (APZ's), which are designed to stop the drinking of alcohol in public spaces and Dog Control Orders. Under the new legislation existing conditions will continue to be valid until October 2017.
- 1.4 PSPO's offer more flexibility and can be applied to a broader array of issues, granting Local Authorities the autonomy to create their own prohibitions and requirements dependent on whether particular conditions are met. These conditions centre on the degree of impact caused by those issues in the community.
- 1.5 A PSPO would enable an authorised person to issue a warning to any persons which if ignored could result in that person being issued with a Fixed Penalty Notice (FPN). As with all similar powers, there may be potential difficulty with obtaining personal identification/details from people which may limit the circumstances in which the Order can be used. It must be noted that it is intended that the use of fixed penalty notices will only be used in cases where offences persistently occur and where other preventative measures have failed to address the problem.
- 1.6 Any new PSPO would co-exist with the Borough wide Dog Control Order so therefore this proposal does not attempt to deal with issues covered by this regulation. At some point before October 2017, the Borough Council will need to consider how its Dog Control provisions can be maintained through the mechanism of a PSPO.
- 1.7 The issues in Town centre which are of most cause for concern are street drinking, drug taking, rough sleeping, general anti-social behaviour and car cruising (specifically on the Midway car park).

2. **Consultation period**

- 2.1 The six-week consultation period for the Town Centre PSPO commenced on Monday 19th September 2016 and ended on Monday 31st October 2016.
- 2.2 The proposed conditions for the Town centre PSPO include the following:
 - Not to be in possession or utilise an aerosol and/or any item intended to cause defacement within the location.
 - Not to undertake repairs of vehicles within all local authority car parks other than for urgent breakdown repairs.
 - Not to use any local authority owned car parks as a place to congregate, cook or sleep and to only use the car park for parking.
 - Not to engage in behaviour likely to cause harassment, alarm or distress within designated areas.
 - Not to consume or be in possession of an open container of alcohol in the designated area excluding licensed premises or licensed events.
 - Not to ingest, inhale, inject, smoke or otherwise use intoxicating substances including Novel Psychoactive Substances (NPS) within the designated area.

3.0 **Consultation feedback**

- 3.1 The feedback came from a number of sources including the general public, businesses from the daytime and night-time economy and partnership agencies.
- 3.2 Two residents were concerned that the Queen Elizabeth Park was not covered by the proposed boundaries and that the park is used by people to commit anti-social behaviour. This area has now been included within the PSPO boundary (Please see Appendix 2 – PSPO boundary review).
- 3.3 There were a number of comments and views from survey responders regarding whether a PSPO is justified and should be made. Regarding the key questions relating to street drinking, drug taking, anti-social behaviour, vandalism and the misuse of car parks only the feedback relating to misuse of car park came back inconclusive. The feedback in general was heavily in favour of a PSPO being made to combat the negative issues experienced. (Please see Appendix 1 – Public Space Protection Orders consultation 2016)

4.0 **Options Considered**

- 4.1 Following the conclusion and feedback from the consultation there were 2 options for consideration.
 - a. The first option is to authorise the making of the PSPO within the designated areas of Newcastle Town Centre (recommended).
 - b. The second option is to do nothing at this time and consider alternative options between now and October 2017 (not recommended).

5.0 **Recommendations and reasons**

- 5.1 The recommendation is to make the PSPO for Newcastle Town Centre but reconfigure the boundary to include Queen Elizabeth Park, following the feedback from the consultation.
- 5.2 The reasons for our recommendation are as follows:-
 - a. The majority of our existing powers under the Anti-Social Behaviour and Crime Act including Alcohol Prohibition Zones will expire in October 2017.
 - b. Given the issues in Newcastle Town Centre it is prudent to commence this process as soon as possible given that existing powers will expire in October 2017.
 - c. There are incidents of anti-social behaviour in Queen Elizabeth Park and the Newcastle Local Policing Team has recommended that it is included.

6. **Outcomes Linked to Corporate Priorities**

- 6.1. The Council has a commitment to provide its residents with a clean, safe and sustainable borough and so the introduction of PSPO's will contribute to ensuring positive outcomes around these areas.
- 6.2. Another key priority for the Council is to foster a healthy and active community. The appropriate use of PSPO's will lessen or prevent issues around anti-social behaviour.

7. Legal and Statutory Implications

- 7.1 As with any new legislation, this is unchartered territory and the legislation will be further defined over the next few years by a process of appeals and High Court rulings. Any legal challenge represents a risk to the Council and it is worth noting that any “interested persons” may challenge the validity of any order in the High Courts. It is for this reason that undertaking a vigorous process, including a suitable consultation, is prudent when seeking to establish these powers. Potentially the Council could face challenges which could impede its ability to implement PSPO’s if the process is not rigorous.
- 7.2 The use of PSPO’s with individuals deemed as vulnerable, such as rough sleepers, dependent drinkers and beggars should be used with caution and under professional judgement in line with the current governing legislation.
- 7.3 Now that the views and comments from the consultation have been gathered (see Appendix 2) the Council is now in a position to proceed with the making of a PSPO. However although these powers are relatively new, several Local Authorities both locally and nationally have or are in the process of utilising them.
- 7.4 In order to mitigate legal challenges, robust consultation will be undertaken with all relevant partners of the community, comprehensive research will be undertaken and legal advice sought as appropriate.

8.0 Equality Impact Assessment

- 8.1 A comprehensive equality risk assessment has been completed detailing how PSPO’s will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars. Further legal advice may or may not be considered to lessen any potential negative effects such powers will have on vulnerable individuals.

9. Financial and Resource Implications

- 9.1 This will be met through the existing resources of partnership agencies such as Staffordshire Police. For the Borough Council there will be some costs for consultation campaigns, publicity materials and signage which will be funded through the Responsible Bodies Group, Joint Operations Group and Office of the Police and Crime Commissioner.
- 9.2 Although the Police (via their PCSO’s) will be identifying breaches of the PSPO and delivering the fixed penalty notices it should be noted that additional Borough Council Officer resources in Partnerships and Central Services will be required to enforce the orders and provide administrative support. Therefore there will be resource implications for NBC which will need to be discussed further.

10. Major Risks

- 10.1 There are no major risks, but as previously mentioned in this report there is the threat of legal action regarding how the Borough Council utilises these new powers; this needs careful consideration (see section 6).
- 10.2 The risks of not initiating action to enable the Council to utilise these powers before October 2017 because some of our current powers will become redundant by October 2017 and the Borough Council will therefore have no provisions in place to deal with some of the issues identified.

10.3 There is a risk of reputational damage to the Borough Council if it does not deliver its statutory duties lawfully and effectively.

11. Key Decision Information

11.1 This report can be considered key in the following ways.

- a. It requires the Borough Council to commit existing and additional resources for the function to which the decision relates and;
- b. It impacts on communities living or working in an area comprising two or more electoral wards in the Borough.

12. Earlier Cabinet/Committee Resolutions

12.1 In September 2014 the report 'Update on the Anti-Social Behaviour, Crime and Disorder Act 2014' was submitted to EMT.

12.2 In January 2016 the report 'Public Space Protection Orders' was submitted to EMT and Officers were given permission to undertake a formal public consultation

13. List of Appendices

13.1 Public Space Protection Order consultation 2016

13.2 Public Space Protection Order Boundary Review Original Map and Amended Map

14. Background Papers

14.1 A plan will be on display at the meeting.

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Public Spaces Protection Orders consultation 2016

Analysis of data

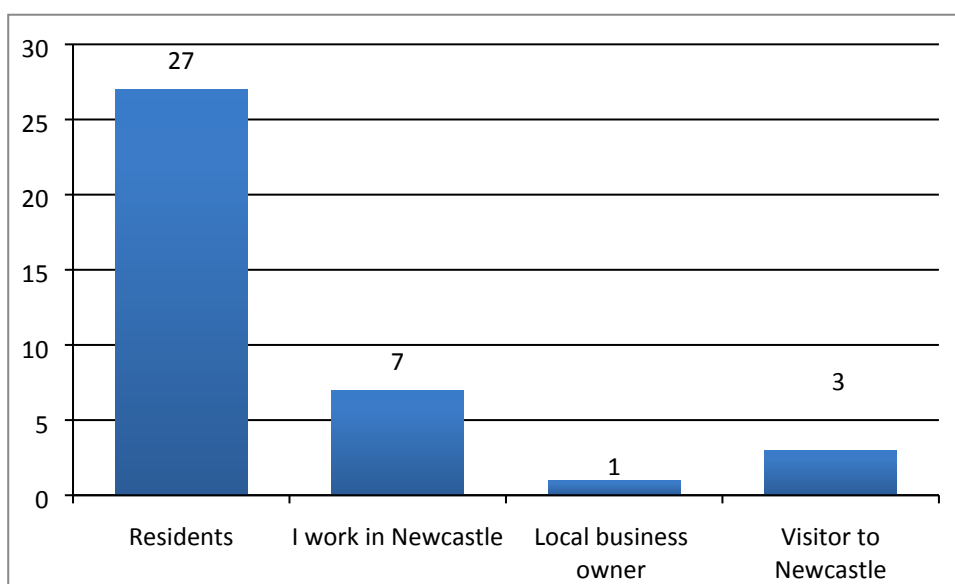
Q1) Which of the following apply to you?

Respondents were asked which of the following six options applied to them

I am a.....

- Resident of Newcastle
- Worker in Newcastle
- Local business owner
- Visitor to Newcastle
- Borough, county or parish councillor
- Representative from a local community group

There were 30 respondents but, as more than one option could apply, the results total more than 30.

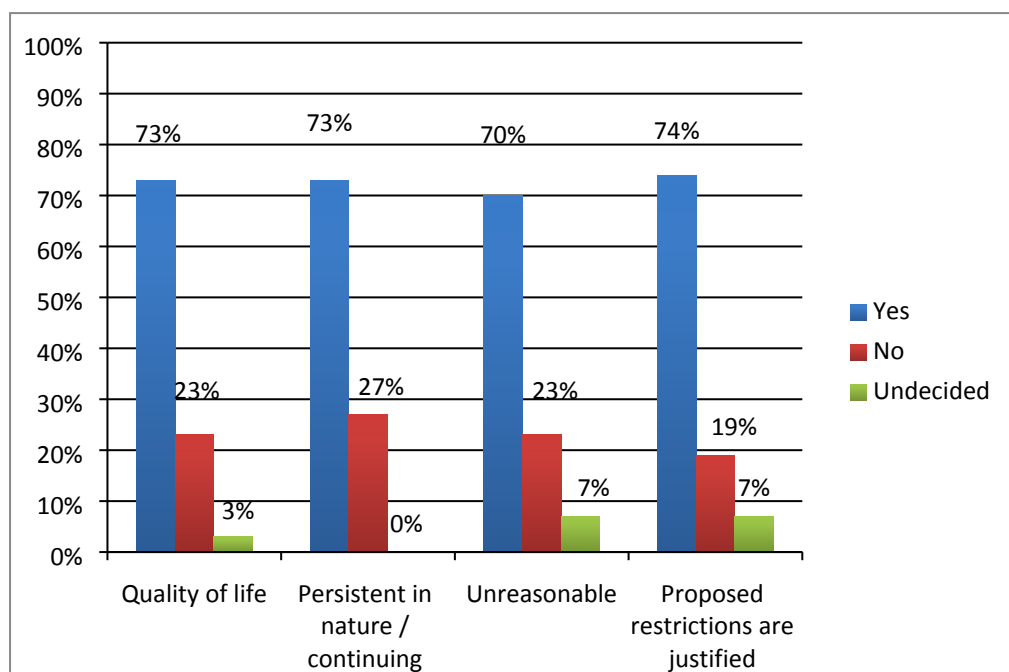


The most common response, by far, was 'Resident of Newcastle', with 27 of the 30 respondents choosing this. Seven said they worked in Newcastle, with five of them also being residents here. One respondent said they were a local business owner, with three saying they were visitors.

Respondents were then asked a series of questions to ascertain whether they felt various issues were

- Affecting their quality of life
- Persistent in nature / continuing
- Unreasonable or
- The proposed restrictions were justified.

Do you feel that street drinking in and around Newcastle Town Centre is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?



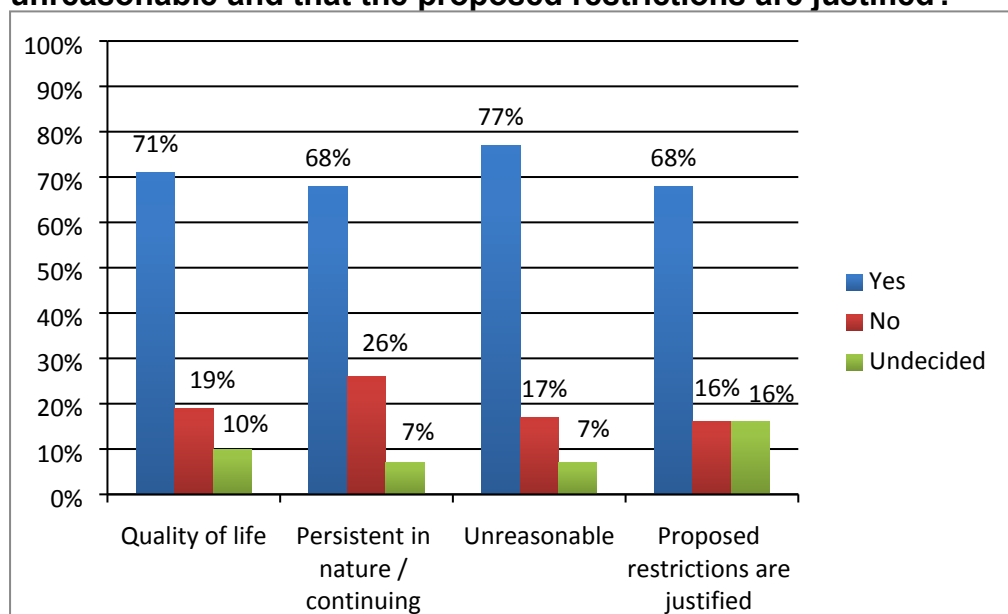
Almost three-quarters of respondents (between 70 per cent and 73 per cent) agreed that street drinking around the town centre was an issue, and 74 per cent thought that the proposed restrictions were justified.

The following comments were added.

- Street Drinkers are blighting our town, they are very intimidating and make you feel scared
- I have witnessed many times the street drinkers shouting and swearing (often in an aggressive manner) at other street drinkers.
- I come into town most days after work and come in each weekend for shopping and coffee. The same faces are drinking, begging, taking drugs all the time. It can be very intimidating if you have to walk past the groups who are drinking by Wilkinson's or in the subway in Newcastle. I've had to call 111 on several occasions to report this. These restrictions need to come in force to try to put a stop to this awful behaviour
- I am getting tired of walking around the town and being met by groups of drinkers sitting on steps etc in the most surprising of places at all times of day. I find some groups quite intimidating especially when I am alone.
- Most afternoons and early evenings the street drinkers/beggars are causing anti-social behaviour in the town. Only this week (Tues afternoon) I was in the town for about an hour and witnessed one set of street drinkers having a full blown argument outside Nat West and another street drinker shouting and swearing at some girl as they were walking past Santander.
- I have not witnessed street drinking during my visits to Newcastle, however, I don't tend to visit during the evening. I do feel that street drinking should be banned though as it encourages threatening behaviour, violence and can be a burden on emergency services.

- I want to hear what the scale of the problem is and what has been done about it.
- Not enough is being done to clamp down
- Only introduce if current powers are insufficient. Be mindful that gates etc can be disruptive for other residents.
- I believe that there is a time and place for everything and drinking of alcoholic beverages should not be allowed outside around the town centre and parks
- Zero tolerance
- This is just a measure to allow arbitrary arrest or move people on to other areas when they have not committed an offence.
- Very limited impact on other people.
- Since I moved to Newcastle in 2008 I have seen an increase in this behaviour.

Do you feel that drug taking in and around Newcastle Town Centre is having a detrimental effect on people’s quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

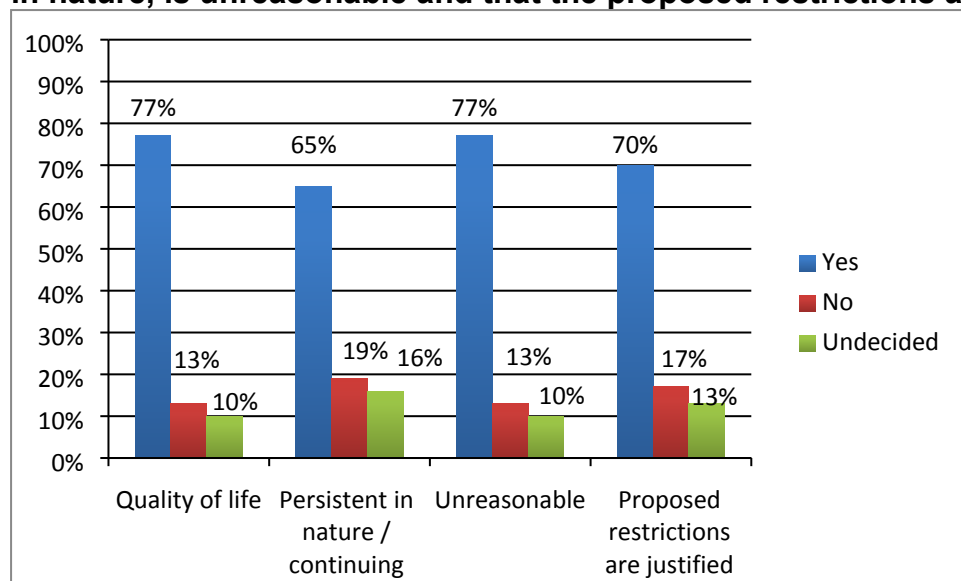


Responses were fairly similar to the previous section. Between 68 per cent and 77 per cent agreed that there were problems and 68 per cent thought that the proposed restrictions were justified. Several comments were left, as follows

- Seeing people under the influence of drugs is not good and it certainly brings down the town centre. Drug dealing also takes place in and around Newcastle which needs to stop. These are causing the same issues in the town as the street drinkers. I have not witnessed drug taking during my visits to Newcastle, however I don't tend to visit during the evening, when I assume there is more activity of the type to take drugs. I do feel that as drugs are illegal they should of course be banned and restricted in Newcastle.

- Unaware of the problem; but I would want to know the scale of it and what has been done about it
- Zero tolerance
- Not noticed this problem, compared to Manchester City Centre or Stoke upon Trent or Hanley
- Visitors to the town centre, especially after trading hours, have to deal with the effects of drug taking (confrontation by 'high' or aggressive people in public places), and there is also the health aspect when the gear is left where children might be walking of playing.
- I have literally never encountered street drug abuse here. Occasionally I have seen a limited amount of rubbish left behind (e.g. cans from nitrous oxide use), but this is not a place (like others I have lived in) where it is common to smell cannabis whilst walking down the street.
- Since I moved to Newcastle in 2008 I have seen an increase in this behaviour and in drug dealing.

Do you feel that anti-social behaviour in and around Newcastle Town Centre is having a detrimental effect on people’s quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

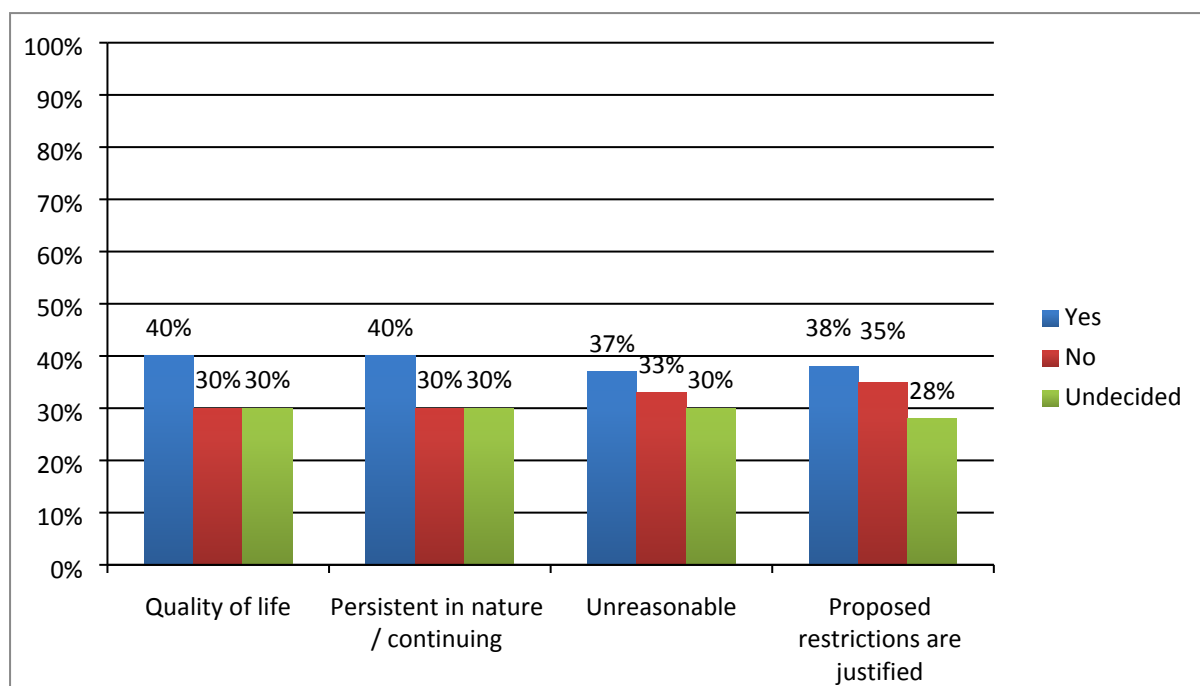


Responses were fairly similar to the previous two issues, with between 65 per cent and 77 per cent saying there was a problem, and 70 per cent saying that the proposed restrictions were justified. The following comments were made:

- The behaviour is particularly bad late afternoon early evening. As well as the usual buggers, homeless, drunks etc something needs to be done about the groups of kids who hang about McDonalds and the cinema swearing and spitting.
- Often linked to drinking at all times of the day but especially during daytime hours - it will drive people from the town centre.

- It is no longer an enjoyable experience to be in the town centre late afternoon. Most of the behaviour is caused by the street drinkers, druggies. The police and council should be taking action against these people without the need for a consultation.
- Should include Brampton park
- Again, I have not witnessed anti-social behaviour in Newcastle, it tends to be quite pleasant during the day. I would of course support any measures to reduce anti-social behaviour however.
- zero tolerance
- This measure is just providing an excuse for arbitrary arrest and effectively criminalising people. Deal with the issues that might be causing the problem not unjust end of pipe solutions
- All three issues, vandalism/excessive alcohol/drug taking, very often result in aggressive behaviour and unsanitary behaviour, making the town centre a place where law-abiding people are harassed and embarrassed - the town centre at nights is not a place one feels safe in, or a place where one would like to take children.
- Would be useful if antisocial behaviour were defined properly in this context here. However, illegal activity can be appropriately penalised. Merely standing around in public does not constitute ASB. Personally I would like the chuggers gone during the day as they are irritating, but again not doing anything illegal and I don't think that they really ought to be banned. Where will it stop if this is the case?
- Since I moved to Newcastle in 2008 I have seen an increase in this behaviour in particular in the Garden St, Back Garden St, West St areas.

Do you feel that the car parks in and around Newcastle Town Centre are being misused, and that this is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?



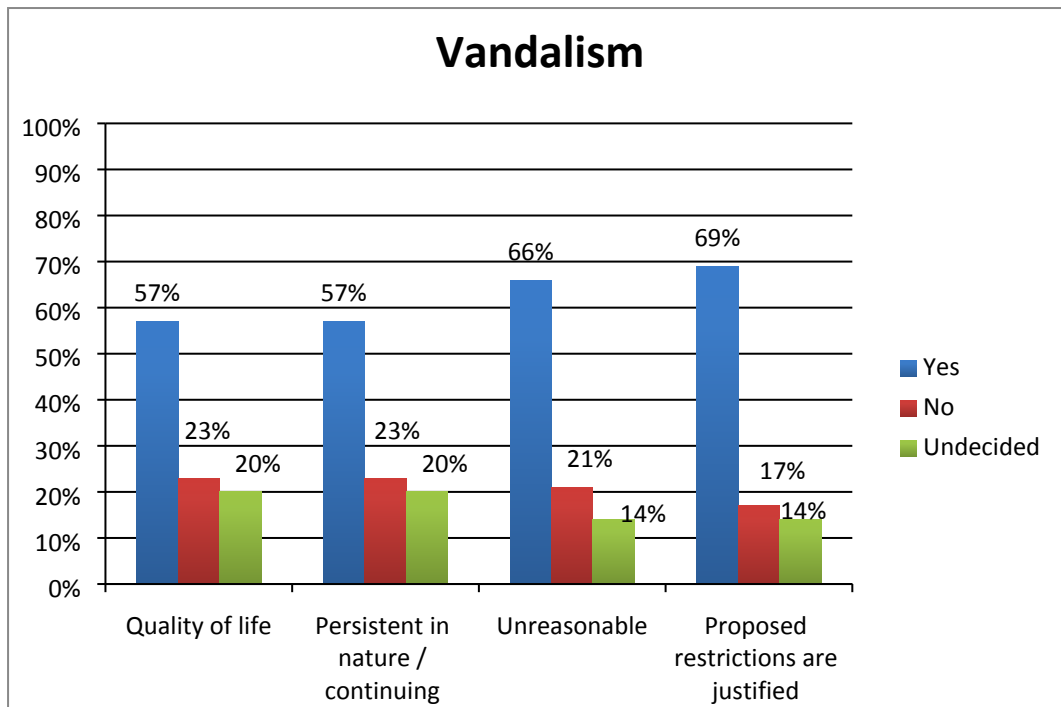
Answers here were far more mixed than for any of the previous subjects. Fewer than half of respondents (between 37 per cent and 40 per cent) thought there was a problem, and whilst 38 per cent felt the proposed restrictions were justified, almost as many (35 per cent) did not, with the remaining 28 per cent undecided. The following comments were left:

- car park attended on Silverdale Road comes at the same time everyday 10am and 2pm when there is hardly any cars parked it is mostly 9 am, 12pm and 3 pm where it is been misused Just this weekend I witnessed a man under the influence of drugs trying to defecate in Goose street car park at 6.00pm.
- the car parks are awful smell awful and are generally not nice places to go
- Lack of NHS mental health services has meant multi-storey car parks have been used to attempt suicide. This just indicates they are high elevations with easy access. No legislation will ameliorate this situation.
- I believe there is sufficient car parking provided in Newcastle, however I have noticed people parking in side streets to avoid parking fees. The fees are fairly low however I feel that if parking fees were reduced (or even eliminated) it would encourage people to use the parking facilities and not to park in side streets. I believe it would also bring more people into Newcastle.
- Unaware of a problem; you need to spell out what it is. not just car parks misused in the town centre. ASDA Retail Park Wolstanton is becoming a nightly haven for Boy Racers and their cars with big loud exhausts. The police and the council need to clamp down hard on this
- Only misuse issue I'm aware of is car racing. Meetings of like-minded car enthusiasts may benefit from a selected venue which can be policed, where cars can be shown and compared without the dangerous and noisy activity that annoys others misuse of the car parks that I have encountered is people parking irresponsibly, particularly on days where there are no charges so they don't get caught parking in areas that are not spaces, which is dangerous to all users. This measure will not stop this. I don't

really understand what the issue is in this case

- With the introduction of resident parking at the extremes of the town centre have made quite a difference to the residents. Only rarely now do we get phalanxes of loud louts waling past you homes to get to their cars. Further, vandalism to cars and property has decreased as a result of these restrictions.
- In what way? People are not using them to mend cars on a regular basis. There is little or no justification to take action against people unless they are doing something unacceptable (which would probably constitute criminal activity). This proposal is utterly draconian.

Do you feel that vandalism (including defacement by aerosols) in and around Newcastle Town Centre is having a detrimental effect on people’s quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?



The majority of respondents (between 57 per cent and 66 per cent) thought that there was an issue from vandalism, but 69 per cent felt that the proposed restrictions were justified. 17 per cent felt they were not justified with the remaining 14 per cent being undecided.



The following comments were left:

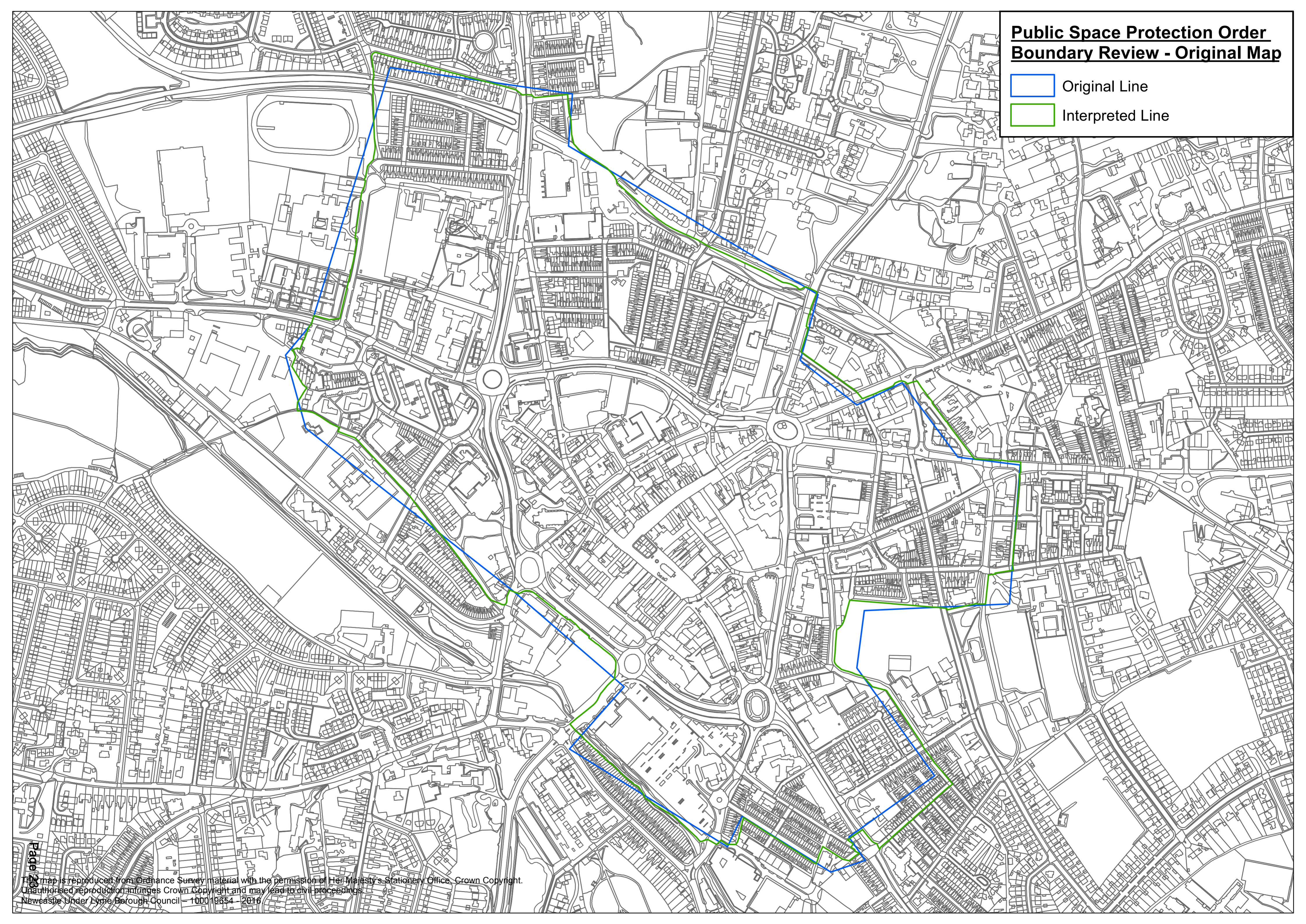
- I feel that more police and PCSO need to be in the town centre. Some weekends there are no visible officers and this is why people are able to drink, take drugs and behave in the way they do. I ring 111
- i think the graffiti is the least of your problems why not commission young artists to spruce the areas up

- The erection of public notices designating PSPO would have a detrimental effect on quality of life, and a wider area might suffer by displacement.
- The subways look a mess with the spray paint
- I have noticed a small amount of vandalism and graffiti in and around Newcastle, and this of course should be reduced where possible. However I don't believe it is at a level where it affects people's quality of life
- I see a bit of aerosol spraying but not much. In what way would what you propose deal with the issue?
- zero tolerance
- it's really a limited problem in Newcastle. Although in some cases 'graffiti' can be a positive addition to the town. Might be better of thinking about how to get shot of the subways. There are genuine pieces of art as well as mere 'graffiti' around. It is unjustified to take people off the streets or detain them under suspicion of intent to graffiti.
- The pedestrian underpasses on the Grosvenor roundabout are bad enough in terms of the litter and gloomy nature of the underpass. The graffiti is just awful and adds to the oppressive unsafe feeling.

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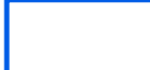

**Public Space Protection Order
Boundary Review - Original Map**

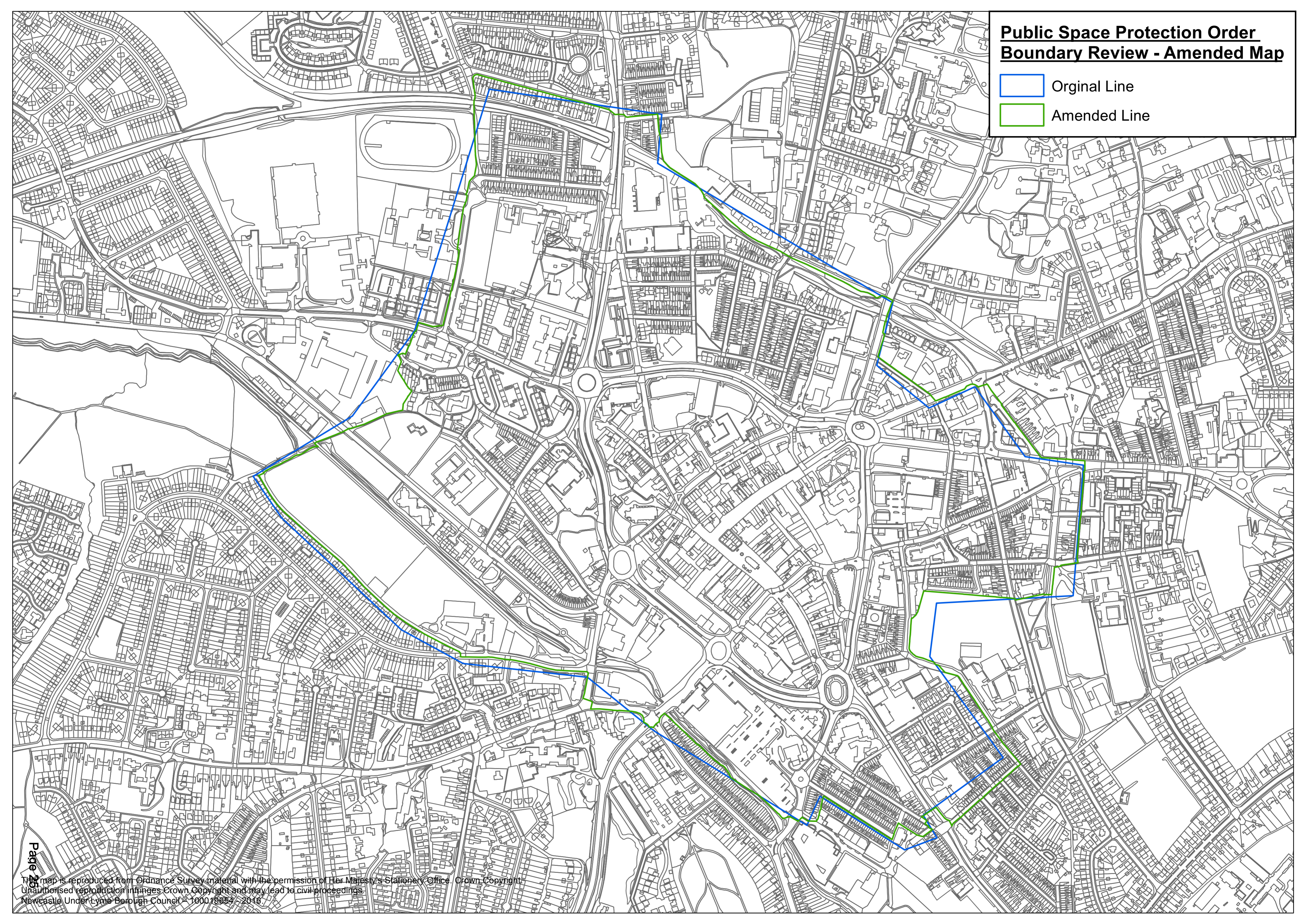
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**Public Space Protection Order
Boundary Review - Amended Map**

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM REPORT TO THE CABINET

Date: 7th December 2016

HEADING Tender for the Procurement of an Offsite Document Storage and Retrieval Service

Submitted by: Executive Director, Resources & Support Services

Portfolio: Finance, IT & Customer

Ward(s) affected: All

Purpose of the Report

- a) To inform Cabinet of the approach adopted to procure a provider for the delivery of an offsite document storage and retrieval service;
- b) To seek approval to formally award a contract to Dataspace (UK) Limited following completion of the procurement exercise based on the 'Most Economically Advantageous Tender' (MEAT) criteria.

Recommendation

That Dataspace (UK) Limited be awarded a contract of 3 years duration, with the option to extend for 2 further years (subject to satisfactory performance), for the provision of offsite document storage and retrieval services as detailed in the tender specification.

Reasons

- (a) to comply with the principles of the Freedom of Information Act, with regard to retention periods for the storage of hard copy records, the Data Protection Act and the Council's Records Management Policy ;
- (b) to embed principles of data and information security by having managed practices in place for the storage and retrieval of records;
- (c) to support the increase in agile and offsite working by staff;
- (d) to support the move to the Public Sector Hub by reducing the space required for storage of hard copy records; thereby increasing the availability of valuable working space.

1. Background

1.1 During the past 6 months all departments of the Council have undertaken an assessment of the physical records (in paper and other formats) retained by them at the Civic Offices and the Knutton Lane Depot, as part of the Council's Electronic Documents and Records Management (EDRM) programme.

1.2 The aim of the assessment process was to identify physical records that need to be retained in physical format, in one of two given alternatives:

Classification: NULBC **UNCLASSIFIED**

- “Secure Offsite” – semi current records which are not required on a regular basis but which may need occasional retrieval. Many of these have the potential to be scanned on retrieval to avoid them being returned to offsite storage;
- “Archival” – records which need to be kept for legal and compliance reasons but which do not need to be consulted, or are rarely consulted.

1.3 In estimating volumes, staff used a variety of measures depending on storage used (filing cabinets, shelves, basement racking etc.) but these were translated into an Archive Box equivalent using the standard ‘R-Kive’ storage box.¹

1.4 The records identified are mainly paper. However, CDs video and microfiche may also be stored. Most files are a standard file size but there are also some large format plans, as is the case with the Planning service.

1.5 A specification of requirements was produced and invitations to tender were sought using the ‘MyTenders’ procurement site.

1.6 As well as storage and retrieval services, officers have sought to appoint a contractor to provide added value by working with nominated staff to enhance our Records Management functions and provide for the security, preservation and effective ongoing management of our records.

1.7 The contract duration will be 3 years with an option to extend for up to 2 further years at the discretion of the Council.

2. Issues

2.1 Issues impacting on the successful delivery of the service include:

- a. The successful service provider must have the capability to manage projected or potential changes in storage requirements, which may both reduce due to the destruction of time expired records but may also increase due to further records requiring storage.
- b. The successful service provider must be able to support officers in the delivery of a compliant solution to the requirements of the Data Protection Act 1998; the Freedom of Information Act 2000; periodic audit and other regulatory requirements; and deliver the management of records as advised by the Information Commissioner’s office.
- c. In facilitating a cost effective solution, the successful service provider will also be required to demonstrate a formal process of monitoring the timely destruction of archived documents in line with the Council’s retentions policies.
- d. The successful service provider must be able to offer a timely, cost effective solution for the retrieval of stored documents; delivery to agreed Council locations and subsequent collection and re-storage after use, should this be required.

3. Procurement Options Considered

Options considered prior to the commencement of the procurement process included:

- Option 1 – Open Market Tender: to undertake the procurement by way of an open procedure publishing a national contract notice. This can offer better value/savings in the longer term by engaging potentially with a greater range of providers (than the limited range on the

¹ These boxes have internal dimensions of H 254 mm x W 330 mm x D 381 mm and external dimensions H 260 mm x W 340 mm x L 400 mm.

Classification: NULBC **UNCLASSIFIED**

framework identified), improving the level of competition and exploring opportunities to deliver improved service.

- Option 2 – Utilisation of Framework: officers are able to use the ESPO (Eastern Shires Purchasing Organisation) Framework (2957) - Document storage and retrieval service: The framework offers regional providers (5 in the Midlands area) and accompanying pricing schedules. However, the nearest provider to the Council is based in Tutbury, Staffordshire. ESPO also make a charge for use of the framework which can be between 0.5 and 1% p.a. of the agreed contract price at the time of award which is likely to impact on the final price to the client.

4. Procurement Option Chosen

Following due consideration, Option 1 was chosen for the reasons given in Section 3 above. An open market tender was undertaken utilising the following indicative timetable:

Actions	Date(s)
Date opportunity advertised	12.09.16
Closing date for requests of clarification	23.09.16
Date for receipt of Tender Submission	10.10.16
Site visits, clarifications, evaluations.	03.10-25.11.16
Notification to unsuccessful tenderers	08.12.16
Letter to Preferred tenderer of Intent to award contract	08.12.16
De-briefing of unsuccessful bidders and standstill of award process (10 days)	08.12.16 - 19.12.16
Contract Award	21.12.16
Contract Commencement Date	03.01.17

5. Evaluation and Outcomes

5.1 Noted interests in the tender opportunity were received from 19 organisations. In addition neighbouring authorities who have their own document management facilities were contacted under procurement rules.

5.2 At the close of the tender deadline the Council received 5 completed Tenders for officer consideration.

5.3 Site visits have been undertaken by officers to those organisations qualifying as potential providers to evaluate their document storage facilities.

5.4 Submissions have been evaluated and scored on price and quality based on the Most Economically Advantageous Tender (MEAT) criteria; the evaluation being subsequently moderated to identify the successful provider.

5.5 It should be noted that a number of assumptions have been made to calculate the estimated contract value. The requirements for such assumptions are due in the main to the Council never having been required to store (and/or retrieve) documents from an offsite storage facility, these assumptions include:

- Initial purchase of boxes based on estimates of the number of files held in storage at various locations within the Civic Offices and Depot (e.g. filing cabinets, store rooms, strong room etc.);
- Actual cost of storage based on the above estimates i.e. the number of boxes and a subsequent estimated average quantity of files to be contained in each box;

Classification: NULBC **UNCLASSIFIED**

- Retrievals, as only limited information has been provided by relevant departments (this not having been a service requirement in the past), estimates have had to be made based on this limited information;
- Collection frequency (and costs) are based on estimates received from each department intending to utilise the offsite storage service;
- Emergency retrievals and destruction costs are a very basic estimate based on very limited information available to officers.
- Growth figures are a very basic estimate, since these have never been monitored and are likely to change dependent on the digital strategy.

5.6 Based on the number of assumptions made, the outline costs contained in the table below will be impacted by changing volumes as the new service begins to be implemented and developed over the first 12 months.

5.7 A range of sensitivity testing / scenarios have been undertaken by officers to support the financial evaluation and justification of the subsequent award to the successful service provider. This involved examining the changing costs based on varying levels of storage, retrievals and delivery costs.

5.8 The outcomes of the MEAT evaluation are tabled below:

Bidder	Quality score	Adjusted Quality Score	Cost	Cost Score	65% x quality	35% x cost	Total score
Company A	1770	72.84	£66,888	49.05	47.35	17.17	64.52
Company B	1660	68.31	£64,270	51.05	44.40	17.87	62.27
DataSpace	2430	100.00	£32,811	100.00	65.00	35.00	100.00
Company D	1760	72.43	£45,999	71.33	47.01	24.97	71.98
Company E	1950	80.25	£35,488	92.46	52.16	32.36	84.52

(Note the above calculations are based on the first 3 year term of the contract).

5.9 Contract costs for the successful tendered of £32,811 can be broken down as follows:

Capital cost - Year 1 (purchase of storage boxes , registration fee, initial set up costs)	£19,269
Revenue Cost – Year 2 & 3 (records storage, retrievals, delivery, destruction)	£13,542
Total contract cost	£32,811

5.10 In addition, it is estimated that circa £15,000 will be required to support the initial implementation phase. These costs are not included in the cost column of the MEAT evaluation. Implementation activities include the costs/time for (either officers of the Council or the successful service provider) collating, indexing and boxing files in preparation for collection for storage. These costs are included as part of the EDRM project in the Public Sector Hub business case that was approved at full Council on 23 September 2015.

6. Recommendation

That 'Dataspace (UK) Limited' be awarded a contract of 3 years duration, with the option to extend for 2 further years (subject to satisfactory performance), for the provision of offsite storage and retrieval services, as detailed in the tender specification.

7. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

The successful delivery of this programme is intrinsically linked to the implementation of the Public Sector Hub project which contributes positively towards the corporate priority relating to "Borough of Opportunity" by both enabling and directly delivering significant investment and job outcomes for the benefit of the local economy.

It aims to deliver a more effective and efficient services by providing a sustainable approach to document storage and retrieval supporting a progressive approach to the implementation of e-storage and retrieval of existing and future documentation.

8. Legal and Statutory Implications

The successful service provider must deliver solutions in accordance with the requirements of The Data Protection Act 1998 and The Freedom of Information Act 2000.

9. Equality Impact Assessment

There are no equalities impacts that have been identified linked to the delivery of this project.

10. Financial and Resource Implications

The indicative budget for the delivery of this service over the initial 3 years of the contract is included in the provision of a document management solution. This budget is included as part of the capital budget for the Public Sector Hub.

11. Major Risks

There is a current major risk identified relating to the requirement for internal preparation of physical records prior to transferring to the successful provider:

- There is insufficient resource internally to facilitate the implementation of the project including indexing and boxing of records;
- Cost of the service may exceed those stated in the initial MEAT evaluation due to the high number of assumptions / estimates made (see para 5.5)

A full risk register is available on request.

12. Earlier Cabinet/Committee Resolutions

Minute number 6 of the Council meeting held on 23rd September 2015. (Newcastle under Lyme Public Sector Hub)

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

7 December 2016

<u>Title:</u>	Miners' Estate – multi-agency initiative
<u>Submitted by:</u>	Executive Management Team
<u>Portfolios:</u>	Principally the portfolio for Planning and Housing; broader service implications across other portfolios.
<u>Ward(s) affected:</u>	Kidsgrove (borough-wide implications)

Purpose of the Report

Following a report to Cabinet approved in September 2016 entitled the 'Miners Estate, Galleys Bank, Kidsgrove', this report presents further information about the steps taken and planned to re-prioritise existing resources, in order to effectively co-ordinate, manage and deliver locality based multi-agency working on this estate and potentially across the Borough in the longer term.

Recommendations

- (a) That Members note the immediate and short-term practical actions undertaken by officers since the last report to Cabinet in this matter.**
- (b) That Members note the steps taken to date to re-align and re-prioritise existing resources and to approve the proposed approach to multi-agency working as described in the report to deliver a more efficient and co-ordinated multi-agency approach to tackling the issues on the Miners' Estate with the potential scope to roll out this approach to other locations across the Borough in future.**
- (c) That officers work with the Portfolio Holder to clarify the form and nature of the emerging multi-agency partnership working, including the resourcing implications for the Council once it has been agreed in principle with the partners.**

Reasons

One of the Council's key corporate priorities is becoming a co-operative council. A key element of co-operative working is focused on locality working – recognising diversity of the Borough's different localities and working with these communities in understanding their needs and issues and developing solutions to address these needs and deliver practical solutions.

Without re-prioritising existing resources there will be no mechanism or capacity to either deliver the Council's interventions or to strategically co-ordinate multi-agency activity (to support the necessary interventions at the Miners' Estate). More broadly it is envisaged that this approach will, in future, facilitate community involvement and development, ensure that partners are held to account for individual areas of responsibility, create efficiencies and prevent duplication in order to contribute to tangible improvements in the localities. This approach also gives the best opportunities to create more sustainable communities in the future.

1. Background

- 1.1 In September 2016 a report entitled “Miners Estate, Galleys Bank, Kidsgrove” was approved by Cabinet and in particular the following recommendations;

“That Cabinet considers the options for intervention and approves the establishment of a pro-active multi-agency approach with immediate effect to build community capacity and maximise opportunities for external funding.

That officers be authorised to re-prioritise existing staff resources, in consultation with relevant Portfolio Holders, in order that this initiative can be effectively co-ordinated and managed by the Partnerships Team. That a further report is submitted to Cabinet in October 2016 outlining the medium term resource implications to ensure future delivery can be sustained.”

- 1.2 Consequently the Council needs to consider options for re-prioritising existing resources in order to deliver the co-ordination of an improved multi agency response to the neighbourhood. This approach will enable the Council to drive practical responses to issues such as antisocial behaviour and community safety, financial inclusion, family support, drugs and alcohol interventions, housing standards, community development, environmental issues working with and supported by the relevant statutory partners’ and community organisations.
- 1.3 Newcastle-under-Lyme Borough Council has, as one of its four corporate priorities, committed to becoming a co-operative council and wants to work with partners towards making Newcastle-under-Lyme a co-operative Borough.
- 1.4 The Co-operative Strategy outlines the community leadership role for the Borough Council, working with other agencies and communities to deliver change and to ensure that people are able to influence issues, priorities and activities in their localities.
- 1.5 In the Borough, the Newcastle Partnership is the local strategic partnership. The Partnership represents the different sectors in the Borough and plays a vital role in bringing together a range of organisations with a shared purpose through co-operative and co-ordinated joint working that will improve the social, economic and environmental wellbeing in the Borough.
- 1.6 In terms of day to day service delivery within the Council there are a number of disparate services including those which deal with partnership working; housing; anti-social behaviour; dog warden; grounds maintenance and; planning. Whilst the recent focus on this estate has created a more joined up approach it is recognised that there is scope for greater co-ordination in order to achieve more resilient and sustainable outcomes.

2. Issues for consideration

2.1 Resources – Partnerships Team

The work of the Partnerships Team will be reprioritised to enable them to:

- (i) Provide the overall corporate leadership and co-ordination of the services being delivered on the Miners Estate.
- (ii) Convene a cross-service team to co-ordinate all actions by the Borough Council to improve service delivery outcomes and to support community developments and general well-being on the Miners Estate.

- (iii) Work with local residents' groups and other community representatives to ensure that the work of statutory and community bodies is co-ordinated and improves outcomes.
- (iv) Provide the lead for the Borough Council for enhanced multi-agency working to promote improved well-being on the estate.

2.2 Resources – other NBC services

Other departments already contribute to multi-agency working on an ad hoc basis and although the commitment to assist will inevitably need to be maintained, it is anticipated that by working to co-ordinate partner activity it will have a positive effect on the capacity of these existing resources. For example, where a dog warden may be frequently called upon to assist with issues in relation to dog fouling and irresponsible dog owners, it may be that multi agency projects (potentially drawing in external funding to support) can be instigated to inform residents, address poor behaviour and prevent further episodes. This example is currently being progressed in the Kidsgrove area with partners from the statutory and voluntary sectors in response to local need. Nevertheless it should be noted that there will be at least short term impacts of Council services being re-prioritised to focus on the Miners' Estate.

Initial discussions with residents have identified a wish to improve the local environmental quality of the area as an integral part of the multi-agency approach for the neighbourhood. Issues such as littering, maintenance of greenspaces and street cleansing have been identified as activities that if increased would have a beneficial impact on the quality and image of the streets and open spaces in the area. These are activities that are undertaken by the Council's Northern Streetscene Team and as the multi-agency project develops, opportunities to increase the level of activity in these respects will be explored in conjunction with residents. To achieve this, it would be necessary to reprioritise the work of this team and any subsequent increase in activity on the Miners Estate would require a matching reduction in activity within the team's scheduled work elsewhere in their area.

2.3 NBC resources – work undertaken to date by the Housing team

Further work is being carried out to quantify the resources that require reprioritisation as well as options for corresponding reductions in activity elsewhere in conjunction with each of the relevant Portfolio Holders (e.g. in relation to other services such as Housing, Pest Control and Anti-Social Behaviour).

Nevertheless at a practical level since the Cabinet meeting in September, in agreement with the relevant portfolio holders, officers have been;

- Developing the use of the weekly multi agency partnership HUB meetings to share relevant information and agree appropriate responses.
- Carrying out regular monitoring visits to the estate, including walkabouts with the new Kidsgrove Area Residents Association, with whom officers are working closely.
- Following up on concerns identified including on the condition of footpaths, owned by Housing Associations, and gardens.
- Engaging with the National Landlords Association with the aim of ensuring our approach aligns with good practice and to explore strategic approaches to tackling the fundamental issue of the defective building construction issue.
- Mailing out to landlords about Landlord Accreditation.

- Mapping land ownership around the estate.
- Carrying out proactive housing visits with enforcement as appropriate (this has resulted in steps being taken to improve key properties).
- Developing the use of Police intelligence for joint or multi agency visits or for referral to other service areas.
- Planning a tenant event with the partnerships team, to be held in the New Year, (included on the Kidsgrove Locality Action Partnership action plan).
- Including a feature report in the Council's Reporter newsletter to raise wider community awareness of actions being taken on the estate.
- Keeping the Kidsgrove Area Residents' Association updated with the actions taken.

In addition it is noteworthy that at the time of writing, a partnership meeting was due to be held at the end of November to review at progress and agree next actions.

2.4 Resources – other partner agencies future development

Council Officers are currently liaising with colleagues from the County Council and Staffordshire Police to contribute effectively to ongoing organisational transformation plans for the Public Sector Hub and delivery of efficient services in communities. It is anticipated that this will involve some devolution of resources to assist in the delivery of shared priorities and objectives in response to local needs, particularly around vulnerability and the children and families agenda. This area of work has the ability to support the delivery of the multi-agency response in areas of the Borough including, but not limited to, the Miners Estate which have complex challenges in relation to their social and economic wellbeing.

Additionally officers can confirm that good progress is being made to formalise multi-agency partnership working including targeted pilot initiatives being led by partner agencies, notably the County Council and Staffordshire Police. The approach to be taken is to be confirmed at a meeting of the partners to be held in December.

3. Options considered

3.1 Following consideration of the recommendations outlined in the September Cabinet report and current resources available the following options have been identified;

- a) Do nothing – this is not recommended because this would not enable the recommendations from the September 2016 report to be delivered.
- b) Continue working using existing resources as currently committed – the “as is” – this is not recommended because there would not be sufficient capacity to deliver the recommendations from the September 2016 report or to make any tangible difference.
- c) Realign existing resources to deliver an improved and efficient managed multi-agency approach across the Borough – this is recommended, see Sections 4 and 5 below.

4. Proposal

4.1 This report recommends that Option C (above) is pursued, therefore that existing resources are realigned to deliver an efficient managed multi-agency approach to tackling the issues on the former Miners' Estate with a view to establishing an operating model that could be rolled out across the Borough to meet known or future needs.

5. Reasons for Preferred Solution

- 5.1 Without re-prioritising or realigning existing resources there will be no mechanism or capacity to strategically co-ordinate multi-agency activity to facilitate and grow community capacity, involvement and development, ensure that partners are held to account for individual areas of responsibility and to create efficiencies and prevent duplication in order to contribute to tangible improvements in the localities. This approach also gives the best opportunities to create sustainability in the local area and to challenge the social and economic issues experienced in many of the challenging areas in the Borough.
- 5.2 Consideration will also need to be given to developing capacity within communities to influence the re-prioritisation of existing services e.g. Operational Services. This will require acknowledgement from members that there will be at least short term impacts on a number of front-line services as referred to earlier. It is recommended that further work to develop community capacity and partnerships needs to be driven initially with a view to then influencing long term service changes.
- 5.3 The County Council is currently leading transformation of the children, young people and families' agenda through the Families Strategic Partnership Board (FSPB) and Families Partnership Executive Group (FPEG). A recent partnership workshop highlighted the need to align the transformation work in Staffordshire and from this an opportunity has been identified to design a place-based approach that builds on initiatives and resources at a locality level as well as developing ways that enable the workforce across the partnership and communities to work better together to address the four key themes identified within the workshop. A place-based approach will build on local intelligence and enable resources to be tailored based on nuances of the local areas. The County Council have chosen Newcastle-under-Lyme as one of two areas for implementing the first phase of their transformation process, which further reinforces the need for the Borough Council to be prepared for leading and driving the delivery of locality working.

6. Outcomes Linked to Corporate Priorities

- 6.1 The recommendations above contribute to all of the Council's Corporate Priorities namely; Healthy and Active Communities, a Cleaner, Safer and Sustainable Borough, a Borough of Opportunity and Delivering a Co-operative Council.

7. Legal and Statutory Implications

- 7.1 There are no specific legal or statutory implications for consideration within this report.

8. Equality Impact Assessment

- 8.1 There are no adverse equality issues identified as arising from this report.

9. Financial and Resource Implications

- 9.1 If approved this proposal requires realignment of existing resources rather than requiring the establishment of new budgetary provision to enable implementation of these recommendations. Nevertheless it is worth reiterating the point that this position assumes the effective re-prioritisation of services.

10. Major Risks

- 10.1 In the event of an adverse decision the Council may be unable to deliver the Corporate Priorities effectively without a mechanism to support the further development of locality working in the Borough.

11. Key Decision Information

This report of itself does not constitute a key decision but provides a proposal on how a key decision already taken would be implemented.

12. Earlier Cabinet/Committee Resolutions

- 12.1 Miners Estate, Galleys Bank, Kidsgrove – September 2016.
- 12.2 Locality Action Partnerships (LAPs) – further development – March 2015 and accompanying Appendix LAP Progress Report 2015.
- 12.3 Locality Action Partnerships (LAPs) – further development – June 2016 and accompanying Appendix LAP Progress Report 2016.

13. List of Appendices

- 13.1 None

14. Background Papers

- 14.1 None

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Date: 7 December 2016

<u>REPORT TITLE</u>	Penalties Policy
<u>Submitted by:</u>	Revenues Manager – Karen Hollinshead
<u>Portfolio:</u>	Finance ICT and Customer
<u>Ward(s) affected:</u>	All

Purpose of the Report

To approve the Penalties Policy in respect of Revenues and Benefits

Recommendations

That Cabinet approves the attached Penalties Policy.

Reasons

Previously the power to impose penalties has not been used in the Borough of Newcastle-under-Lyme. Members are requested to now to use this power and a formal policy is required to ensure fair and consistent decision making.

1. Background

The Local Government Finance Act 1988 gives Billing Authorities the power to issue penalties. This power has previously not been used at Newcastle. Following a review within the Revenues and Benefits service it has been established that the ability to use penalties would be a useful tool in the billing collection and enforcement process.

2. Issues

The Local Government Finance Act gives billing authorities the power to issue penalties when a person either, fails to provide requested information, deliberately supplies false information or fails to notify the authority that an exemption or discount is incorrect or that they have had a change in circumstances. This leads to the unnecessary use of resources in establishing the facts. The imposition of penalties on those who fail to provide or provide false information should encourage charge payers to provide the correct information promptly and allow for more efficient revenues collection.

3. Options Considered

The only other option is not to have a policy. However, the Council could be challenged regarding the basis on which the decision is made and the absence of a policy may leave the Council open to criticism from the Local Government Ombudsman.

4. Proposal

That the enclosed policy be approved.

5. **Reasons for Preferred Solution**

To ensure that all charge payers are treated fairly and consistently.

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

The policy contributes to the corporate priority of a borough of opportunity to position the Council as a good place to do business.

7. **Legal and Statutory Implications**

The policy explains the powers granted by the Local Government Finance Act 1998.

8. **Equality Impact Assessment**

The policy seeks to ensure that all ratepayers are treated equally, fairly and consistently.

9. **Financial and Resource Implications**

Use of penalties would have no resource implication but would come within the remit of the current Revenues and Benefits teams. There is the potential that a side effect of using this policy could bring additional income into the authority.

10. **Major Risks**

Failure to adopt a formal policy could lead to challenge from the Local Government Ombudsman.

11. **Key Decision Information**

This is a key decision as defined in the Council's Constitution. The item is included in the Cabinet's Forward Plan for the period in which the meeting is to take place.

12. **Earlier Cabinet/Committee Resolutions**

None.

13. **List of Appendices**

Penalties Policy

14. **Background Papers**

None.



Revenues Penalty and Prosecution Policy

Index

1. Introduction
2. Financial Penalties – Council Tax liabilities, exemptions and discounts.
3. Prosecution – Council Tax exemptions and discounts
4. Council Tax Support – Fraud
5. Related policies/strategies, procedures and legislation

1. INTRODUCTION

The administration of Council Tax and Council Tax Support are statutory local government functions.

Council Tax administration requires tax payers to advise the Council on issues relating to liability, discounts, and exemptions.

Failure to provide this information can result in the imposition of a penalty(s), or in more serious cases, prosecution action. Penalties and prosecutions can act as a deterrent to fraudsters.

When deciding whether a penalty or prosecution is appropriate, each case should be judged on its own merits.

The purpose of this document is to set out Newcastle under Lyme Borough Council's policy on administering penalties and undertaking prosecution action in circumstances where the tax payer has delayed or failed to advise the Council of a change in circumstance when they have been awarded a discount, exemption and/or Council Tax Support or the tax payer has failed to provide information in respect of liability matters; or when there is sufficient evidence to suggest fraudulent activity.

This policy seeks to clarify when such actions may be appropriate and how the Council will deal with those who either:

- Knowingly make incorrect statements, or without reasonable excuse fail to give a prompt notification of a relevant change in circumstance affecting their entitlement to a Council Tax discount, exemption or Council Tax Support (reduction); or
- Through an intentional act or omission commit Council Tax, or Council Tax Support fraud.
- Fail to respond to requests for information.

2. FINANCIAL PENALTIES

COUNCIL TAX LIABILITY AND COUNCIL TAX EXEMPTIONS and DISCOUNTS (Including Council Tax Support)

Supply of information to a billing authority

A person who appears to the Council to be a resident, owner or managing agent of a dwelling must, on written request supply information to the authority. It must be supplied if it is in the person's possession or control and the authority has requested it in order to identify the person who is, or would be, liable for a specified period in relation to the dwelling, including persons jointly and severally liable. The information must be provided within 21 days of the authority's written request and in any form which is specified by virtue of the provisions of the Local Government Finance Act 1992 (Schedule 3 Penalties)

The Council possesses similar powers in respect of dwellings which appear to it to be exempt or that the chargeable amount in respect of it is subject to a discount. In

such instances the owner or managing agent must provide information for the purposes of identifying the liable person or persons for any specified period, or the person or persons who would be liable if the dwelling had not been exempt/receiving a discount for that period.

Where the Council has assumed that a dwelling is exempt, or that the chargeable amount in respect of it is subject to a discount, and it has informed the liable person (or the person who would be liable if a dwelling were not exempt) of that assumption, that person must inform the authority within 21 days of his having reason to believe that the assumption did not, or will not apply. This includes cases where a discount should not apply, or a smaller discount should be made, and where a dwelling is not exempt or is exempt for a shorter period than assumed by the authority.

A billing authority may impose a fine of £70 on a person who fails without reasonable excuse to notify it of such information.

Where the Authority has imposed a penalty and a further request for the same information is made to that person and is again not properly complied with, the Authority may impose a further penalty of £280. A penalty of £280 may be imposed each time the Authority repeats the request and the person does not fulfil their statutory obligations.

A penalty must be paid to the billing authority that imposed it. It may be collected as part of a person's ordinary council tax liability or may be demanded by notice served on the person requiring payment within a specified period (not being less than 14 days). An Authority may quash a penalty that it has imposed.

The Council may not impose an administrative penalty if the decision has been made to prosecute a person in the Magistrates Court and this has led to them to being convicted of an offence.

A person may appeal to the Valuation Tribunal for England if he is aggrieved by the imposition on him of a penalty. The appeal must be initiated by serving on the Tribunal a written notice of appeal containing the grounds on which the appeal is made and the date of service of written notice of the imposition of the penalty.

3. PROSECUTION – COUNCIL TAX EXEMPTIONS and DISCOUNTS

The Fraud Act 2006 provides general powers to authorised Investigating Officers to investigate Council Tax Discounts and Exemptions (Non CTR Discount).

DECIDING IF TO PROSECUTE

The Officer in charge of the case will set out the facts of the investigation for review by the Revenues Manager or in their absence the Revenues Officer. The Revenues Manager or Revenues Officer will then recommend what action is to be taken (subject to advice from the Councils Legal department).

Decisions will be made based on the following criteria:

- a) The amount of money obtained. If the total amount of the overpayment is greater than £2,000 and the duration of offence is greater than 6 months then prosecution action should normally be taken.
- b) Overpayments of less than £2,000 may still be subject to legal proceedings which may include the use of formal cautions and or prosecution action.
- c) The person has previous convictions or cautions for similar offences.
- d) Whether there is evidence that the defendant is involved in organised fraud.
- e) Whether there are grounds for believing that the offence is likely to be continued or repeated.
- f) Whether the offence, although not serious in itself, is widespread in the area where it is committed.
- g) Whether the defendant has put right the loss or harm caused (suspects must **NOT** avoid prosecution simply because they can repay).
- h) Where the suspect is pregnant and confinement is either due within three months, or she is not in good health, it may be appropriate to defer consideration of a sanction until after the birth.
- i) It may not be in the public interest to prosecute suspects if they are elderly, or at the time that they committed the offence they were suffering from significant mental or physical ill health unless the offence is serious or there is a real possibility that the offence may be repeated. It will be incumbent on the suspect to provide medical evidence to support their physical and or mental condition.
- j) Is there sufficient evidence to realistically expect a conviction?
- k) Is a prosecution in the public interest or would a simple caution be appropriate?
- l) What would be the deterrence value of any publicity?

4. COUNCIL TAX SUPPORT - FRAUD

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulation 2013 make provision for powers to require information, the creation of offences and powers to impose penalties in connection with Council Tax Reduction schemes.

THE OFFENCES WHICH CAN BE CONSIDERED ARE:

Delay, obstruction, refusal or failure to comply with requests for information from an Authorised Officer of Newcastle-under-Lyme Borough Council. When found guilty of such an offence, the tax payer will be liable to a fine not exceeding level 3 on the Magistrates Court standard scale and where they are convicted and the taxpayers refusal or failure to comply continues, they will be guilty of a further offence and liable on summary conviction of a fine not exceeding £40.00 for each day on which it is continues.

False representations for obtaining a reduction – If a taxpayer, for the purpose of obtaining council tax reduction makes a false statement or representation which the tax payer knows to be false; or provides, or knowingly causes or knowingly allows to be provided, any document or information which they know to be false in a material particular, they shall be guilty of an offence. A taxpayer guilty of such an offence shall be liable, on summary conviction to a fine not exceeding level 4 on the Magistrates Court standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

Failure to notify a change of circumstances - If a person who is entitled to a reduction and has a change in circumstances which they know changes their entitlement to a reduction and fails to give prompt notification of that change if found guilty of this offence will be liable on summary conviction to a fine not exceeding level 4 on the Magistrates Court standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

Penalty as alternative to prosecution - As an alternative to prosecution where there are grounds for instituting proceedings against a tax payer the Council may write to the person inviting them to agree to pay a penalty instead of prosecution action starting.

The amount of the penalty is to be 50 per cent of the amount of the excess reduction of Council Tax Reduction which has been overpaid to the customer subject to:

- A minimum amount of £100; and
- A maximum amount of £1,000.

If the penalty is accepted by the customer and an agreement for repayment is made no further action will be taken against the customer for this offence.

The customer can withdraw their acceptance within 14 days of their agreement.

DECIDING IF TO PROSECUTE

The same protocols as detailed in bullet paragraph 3 shall apply to Council Tax Support Fraud.

5 RELATED POLICIES/STRATEGIES, PROCEDURES and LEGISLATION

- Local Government Finance Act 1992.
- Welfare Reform Act 2012
- Social Security Administration Act 1992.
- Social Security (Civil Penalties) Regulations 2012.
- The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.
- Criminal Justice Act 1982
- Police and Criminal Evidence Act 1984
- Criminal Procedures and Investigation Act 1996
- Regulation of Investigatory Powers Act 2000
- Data Protection Act 1998
- Theft Act 1968
- Fraud Act 2006
- Human Rights Act 1998
- Paragraph 1 of Schedule 3 to the Local Government Finance Act 1992 (c. 14) (“the Act”), which has effect by virtue of section 14 of the Act.
- The Council Tax (Administration and Enforcement) Regulations 1992 SI 1992/613 – Regulations 2, 3, 11, 12, 16 & 29
- The Local Government Finance (England) (Substitution of Penalties) Order 2008 SI 2008/981
- The Valuation Tribunal for England (Council tax and Rating Appeals) (Procedure) Regulations 2009 SI 2009/2269

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

December 2016

1. **HEADING** Ryecroft Development – land sale contract
- Submitted by:** Executive Director – Regeneration and Development
- Portfolio:** Policy, People and Partnerships
- Ward(s) affected:** Town

Purpose of the Report

To update Members on progress with the exchange of contracts with regard to the Ryecroft Development.

Recommendations

That the information be noted and that officers be asked to report back at appropriate future milestones.

Reasons

In order that members are kept informed about the progress of this important project.

1. **Background**

- 1.1 Members will be aware that the Council made two inter-related decisions at a meeting in September 2015; (a) to proceed with partners in the procurement of a new public sector hub (from which future public services would be delivered on a multi-agency basis) and (b) to proceed with a preferred development partner (Henry Davidson Developments) in the delivery of a redevelopment of the Ryecroft site (comprising the former Sainsbury's site and the current Civic Offices).

2. **Issues**

- 2.1 HDD propose to construct approximately 64,000 square feet GIA ground floor open retail space together with associated car parking and around 500 student beds.
- 2.2 Officers can confirm that on 22nd November 2016 contracts were exchanged between Newcastle Borough Council, Henry Davidson Developments and U and I Group Plc (parent company of HDD) in respect of the above scheme.
- 2.3 In line with normal practice the contract exchanged with HDD requires the satisfaction of a number of Conditions Precedent, (CP's) as quickly as is reasonably possible and in any event by certain long stop dates. Whilst the contract contains commercially sensitive information officers can confirm that the main CP's are:
- HDD securing a satisfactory planning permission for the scheme;
 - HDD to secure pre-lettings in respect of an agreed proportion of the retail floors space;

- HDD to enter into a funding agreement in respect of the development.

It is expected to take between 12 – 18 months from now for all of the CP's to be satisfied

2.4 Once CP's have been satisfied the Council has agreed to grant a 250 year lease of the Ryecroft property (comprising the site of the former Sainsbury's and NBC's Civic Offices) in return for a capital receipt.

2.5 HDD's current development programme envisages the following main milestones:

- End of "Brexit window" – end February 2017 (at which point HDD would be able to terminate the contract if they are not satisfied about the prevailing conditions in the investment/funding market);
- Planning application – July 2017;
- Start on site – late spring 2018 (June at the latest) with demolition / clearance being the first activity;
- Main construction to commence in September 2018.
- The main retail elements (comprising two separate blocks) are to be operational by September 2019 and;
- The student block of accommodation (which will include a small, ground floor retail / food & beverage element) is to be ready for occupation by July 2020 (to align with the academic year).

3. **Outcomes linked to Corporate priorities**

3.1 Delivery of this scheme would contribute to the corporate priority of "Borough of Opportunity" given the anticipated economic outputs.

4. **Financial and Resource Implications**

4.1 There are no new financial implications arising from the action taken in this matter although members will be aware of the future assumptions regarding the funding of the Council's capital programme.

5. **Key Decision Information**

5.1 This is not a key decision

6. **Key previous member decisions**

6.1 September 2015 – decisions of Council to proceed with the Ryecroft and Civic Hub projects.

The Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document

Submitted by: Guy Benson, Head of Planning Services

Portfolio: Planning and Housing

Ward(s) affected: Town Centre Ward

Purpose of the Report

To give Cabinet the opportunity to resolve to adopt as a Supplementary Planning Document The Brampton Conservation Area Appraisal and Management Plan.

Recommendations

That the Supplementary Planning Document relating to The Brampton Conservation Area Appraisal and Management Plan be adopted.

Reasons

Following a consultation on a draft Conservation Area Appraisal and Management Plan the Planning Committee has recommended to Cabinet that the Council adopt a Conservation Area Appraisal and Management Plan for the Brampton Conservation Area.

1. Background

1.1 The Planning Committee has received reports on the preparation of The Brampton Conservation Area and Management Plan Supplementary Planning Document (SPD)

2. Consultation process and results

2.1 The Planning Committee at its meeting on 26th April 2016 approved a draft Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document for consultation purposes. This draft is still available to view on the Council's website via the following link <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/newcastle-under-lymes-local-development-framework>

2.2 The consultation on the draft SPD then took place over a six week period from 23rd May to 4th July 2016. A Consultation statement was then prepared providing details of the consultation, the responses received to it, and the proposed actions in relation to those responses. A copy of this Consultation Statement is available to view via the above link.

2.3 The Planning Committee at its meeting on 16th August 2016 received the results of the consultation exercise. No changes were proposed to the draft SPD, and subject to no representations being received in response to a final formal period for representations, they commended the SPD to Cabinet for adoption. As required by the Local Planning Regulations 2012 the document, together with the Consultation Statement were then made available for inspection for the appropriate period which ended on the 28th September 2016. No further representations were received during that period so the SPD is now brought to Cabinet for adoption.

2.4 The Conservation Area Advisory Working Party at its meeting on the 27th September 2016 resolved that the SPD be commended to Cabinet for adoption.

- 2.5 The document consists of two sections – a Conservation Area Appraisal and a Management Plan. The Appraisal summarises the significance of the Conservation Area, includes a spatial and character analysis, an assessment of the quality and character of its buildings, and concludes with a summary of the opportunities and constraints. The appraisal concludes that the key issues in the area are
- Protection of the townscape and built features of the Conservation Area including the trees, landscape and front boundary walls
 - Use of modern materials on historic buildings, such as upvc windows and doors and inappropriate changes to historic buildings
 - Consideration of additions to the Register of Locally Important Buildings and Structures
- 2.6 The purpose of the Management Plan is to provide a framework for future actions – some 16 are identified. One is to amend the boundary to include Granville Avenue, King Street and Gower Street.

3. Proposal

- 3.1 That the Supplementary Planning Document relating to The Brampton Conservation Area Appraisal and Management Plan be adopted

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 4.1 The adoption of the SPD assists the Council in achieving its corporate priority of creating a cleaner, safer and sustainable Borough. As an example of community engagement the drawing up of the draft Supplementary Planning Document reflects the Council's aspiration to be a co-operative Council.

5. Legal and Statutory Implications

- 5.1 As required by the Local Planning Regulations 2012 the document together with the consultation statement were made available for inspection for the appropriate period.

6. Equality Impact Assessment

- 6.1 There are not considered to be any differential impacts arising from the adoption of this Appraisal and Management Plan

7. Financial and Resource Implications

- 7.1 The drawing up of the Appraisal and Management Plan did involve some officer time, particularly the Conservation Officer (as part of the substantive duties of the post) and there was also some contribution of input from the community. With respect to the future, the Appraisal will assist Development Management by providing an easy to use and up to date assessment of the character and appearance of the Conservation Area, whilst the Management Plan forms a focus for Conservation Area activity both by the Borough Council and other Agencies. There are potential financial implications from some of the proposals within the Management Plan and these will need to be considered before steps are taken. Some of the steps indicated within the Management Plan would involve expenditure, normally the application of staff resources or could lead in the long term to compensation liabilities – for example if permitted development rights are withdrawn by means of an Article 4 Direction and planning permission is subsequently refused for development that would otherwise be able to be undertake, then there is a possibility that a claim for financial compensation could be made

8. Major Risks

- 8.1 There are not considered to be any Major Risks arising from the adoption of this document. Nevertheless members' attention is drawn to the information provided in the previous section regarding potential compensation risks, albeit this is considered to represent a relatively low risk.

9. Sustainability and Climate Change Implications

9.1 No such significant implications have been identified.

10. Earlier Cabinet/Committee Resolutions

10.1 None.

11. Background Papers

11.1 Consultation Draft SPD.

11.2 The SPD Consultation Statement and copies of representations made on the draft SPD.

11.3 **A large plan will be on display at the meeting**

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Watlands Park Conservation Area Appraisal and Management Plan Supplementary Planning Document

Submitted by: Guy Benson, Head of Planning Services

Portfolio: Planning and Housing

Ward(s) affected: Town Centre Ward

Purpose of the Report

To give Cabinet the opportunity to resolve to adopt as a Supplementary Planning Document Watlands Park Conservation Area Appraisal and Management Plan.

Recommendations

That the Supplementary Planning Document relating to Watlands Park Conservation Area Appraisal and Management Plan be adopted.

Reasons

Following a consultation on a draft Conservation Area Appraisal and Management Plan the Planning Committee has recommended to Cabinet that the Council adopt a Conservation Area Appraisal and Management Plan for Watlands Park Conservation Area.

1. Background

- 1.1 The Planning Committee has received reports on the preparation of a proposed Watlands Park Conservation Area and Management Plan Supplementary Planning Document (SPD)

2. Consultation process and results

- 2.1 The Planning Committee at its meeting on 26th April 2016 approved a draft Conservation Area Appraisal and Management Plan Supplementary Planning Document for the proposed Conservation Area for consultation purposes. This draft is still available to view on the Council's website via the following link <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/newcastle-under-lymes-local-development-framework>
- 2.2 The consultation on the draft SPD then took place over a six week period from 10th June to 22nd July 2016. A Consultation statement was then prepared providing details of the consultation, the responses received to it, and the proposed actions in relation to those responses. A copy of this Consultation Statement is available to view via the above link.
- 2.3 The Planning Committee at its meeting on 13th September 2016 received the results of the consultation exercise. The representations were all supportive of the designation of a Conservation Area at Watlands Park and the Conservation Area has been formally designated since. No changes were proposed to the draft SPD, and subject to no representations being received in response to a final formal period for representations, the Committee commended the SPD to Cabinet for adoption. As required by the Local Planning Regulations 2012 the document, together with the Consultation Statement were then made available for inspection for the appropriate period which ended on the 3rd November 2016. No further representations were received during that period so the SPD is now brought to Cabinet for adoption.

- 2.4 The document consists of two sections – a Conservation Area Appraisal and a Management Plan. The Appraisal summarises the significance of the Conservation Area, includes a spatial and character analysis, an assessment of the quality and character of its buildings, and concludes with a summary of the opportunities and constraints. The appraisal concludes that the key issues in the area are
- Protection of the townscape and built features of the Conservation Area including the trees, landscape and front boundary walls
 - Use of modern materials on historic buildings, such as upvc windows and doors and inappropriate changes to historic buildings
 - Consideration of additions to the Register of Locally Important Buildings and Structures
- 2.5 The purpose of the Management Plan is to provide a framework for future actions – some 13 are identified. One is to promote the designation of a Conservation Area at Watlands Park. This was agreed at Planning Committee on 13th September and the area has now been formally designated and the relevant notifications done in the local newspaper and the London Gazette. The new Watlands Park Conservation Area boundary can be found by clicking on and following this link and on the Conservation Areas page. www.newcastle-staffs.gov.uk/conservation. Following this the only change to the Appraisal and Management Plan document has been to remove the word “Proposed” so that there is no ambiguity as the status of the Conservation Area.

3. Proposal

- 3.1 That the Supplementary Planning Document relating to Watlands Park Conservation Area Appraisal and Management Plan be adopted.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 4.1 The adoption of the SPD assists the Council in achieving its corporate priority of creating a cleaner, safer and sustainable Borough. As an example of community engagement the drawing up of the draft Supplementary Planning Document reflects the Council’s aspiration to be a co-operative Council.

5. Legal and Statutory Implications

- 5.1 As required by the Local Planning Regulations 2012 the document together with the consultation statement were made available for inspection for the appropriate period.

6. Equality Impact Assessment

- 6.1 There are not considered to be any differential impacts arising from the adoption of this Appraisal and Management Plan

7. Financial and Resource Implications

- 7.1 The drawing up of the Appraisal and Management Plan did involve some officer time, particularly the Conservation Officer (as part of the substantive duties of the post) and there was also some contribution of input from the community. With respect to the future, the Appraisal will assist Development Management by providing an easy to use and up to date assessment of the character and appearance of the Conservation Area, whilst the Management Plan forms a focus for Conservation Area activity both by the Borough Council and other Agencies.

- 7.2 There are potential financial implications from some of the proposals within the Management Plan and these will need to be considered before steps are taken. Some of the steps indicated within the Management Plan would involve expenditure, normally the application of staff resources or could lead in the long term to compensation liabilities – for example if permitted development rights are withdrawn by means of an Article 4 Direction and planning permission is subsequently refused for development that would otherwise be

able to be undertake, then there is a possibility that a claim for financial compensation could be made

8. Major Risks

8.1 There are not considered to be any Major Risks arising from the adoption of this document. Nevertheless members' attention is drawn to the information provided in the previous section regarding potential compensation risks, albeit this is considered to represent a relatively low risk.

9. Sustainability and Climate Change Implications

9.1 No such significant implications have been identified.

10. Earlier Cabinet/Committee Resolutions

10.1 None.

11. Background Papers

11.1 Consultation Draft SPD.

11.2 The SPD Consultation Statement and copies of representations made on the draft SPD.

11.3 **A plan will be on display at the meeting.**

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

7th December 2016

<u>HEADING</u>	Northern Gateway Development Zone and HS2 update
<u>Submitted by:</u>	Executive Director – Regeneration and Development
<u>Portfolio:</u>	Policy, Performance and Partnerships
<u>Ward(s) affected:</u>	All

Purpose of the Report

To update Members on the work of the Northern Gateway (Development Zone) Partnership and the latest Government announcement regarding HS2.

Recommendations

- a) That the latest position regarding High Speed 2 be noted.
- b) That the progress with the work of the Northern Gateway (Development Zone) Partnership be noted, including the appointment of an independent Chair.
- c) That the progress with regard to the preparation of the NGDZ Growth Strategy be noted and that officers report back to members for a decision prior to the Partnership's formal approval of the document.
- d) That officers report to the NGDZ's Growth Strategy to the Council's Economic Development and Enterprise Committee for its comments prior to it being reported to Cabinet.
- e) That officers continue to report back to the Cabinet at appropriate times in the future where there are significant policy and/or resource implications for this Council.
- f) That further to recommendation (e) the Leader of the Council continues to have a mandate to represent the Council's interests in the work of the NGDZ Partnership including the making of any necessary operational decisions as a member of the Partnership Board.

Reasons

In order to keep members informed of the NGDZ Partnership's work given its potential significance to the economic, social and environmental well-being of the borough.

1. Background

- 1.1 Members will recall receiving a report at their meeting in December 2015 explaining the emergence of the Northern Gateway Partnership in response to the Government's plans for high speed rail affecting our area. The main objective of the informal partnership was to optimise the economic growth potential for the communities of North Staffordshire and South Cheshire.
- 1.2 The partnership comprises the two Local Enterprise Partnerships of Stoke-on-Trent and Staffordshire and Cheshire and Warrington as well as the seven Local Authorities listed below:
 - Newcastle under Lyme Borough Council
 - Stafford Borough Council
 - Staffordshire Moorlands District Council
 - Staffordshire County Council
 - Cheshire East Council and;
 - Cheshire West and Chester Council

1.3 A further report was considered by members at the Cabinet meeting in March of this year highlighting the steps that were being taken with regard to the commissioning of a “Growth Strategy” as well as providing members with technical information about the Government’s “Safeguarding Directions” regarding HS2.

1.4 In both reports it was agreed that officers would report back to Members at appropriate stages.

2. **Issues**

2.1 Since last reported in Spring of this year a considerable amount of progress has been made by the partnership and this is set out below along with an update in respect of HS2.

HS2 Phase 2b – Government Command Paper (Cn9157)

2.2 On 15th November 2016 the Government published the HS2 Phase 2b – Government Command Paper which confirmed the following key points:

- a) The route from the West Midlands to Crewe known as Phase 2a will be accelerated so that it opens in 2027, 6 years earlier than planned.
- b) Since the Government consulted on the scheme in 2013/14 the following key changes to the ‘Western Leg’ of the route (to the north of Crewe) have been made. These are:
 - to move the previously proposed rolling stock depot (RSD) at Golborne to a site north of Crewe
 - to change the alignment on the approach to Manchester Piccadilly Station so that it runs to the east of West Gorton
 - move the route in the Middlewich / Northwich area
- c) To accept Sir David Higgins’ recommendation that the Government should construct a “Crewe Hub” bringing together a better HS2 service with the existing rail network, and the Government accepts the recommendation that the Hub should be located at the site of the existing station rather than Basford Hall, 2 km to the south.
- d) To ensure that Stoke-on-Trent gets to fully benefit from HS2 there will be one HS2 train per hour between Manchester and the Handsacre Junction near Birmingham which will stop at Stoke-on-Trent and Stafford and the Government has asked HS2 Limited to undertake the additional detailed work needed to reach a firm decision on this option.
- e) The Northern Gateway Partnership which has already received £625,000 Government funding towards working up its HS2 Growth Strategy will receive a further £625,000 from the Government

NGDZ Partnership governance

2.3 Whilst the general arrangements for the operation of this informal partnership remain the same there have been a few notable actions as follows:

- an independent Chair has been appointed (following a review of options). Jackie Sadek has been awarded the position and this took effect from October of this year (to coincide with MIPIM UK; the nationally important annual property trade fair);

- Cheshire East Council continued to provide the Accountable Body function on behalf of the partnership;
- an interim Programme Director was appointed to oversee the programme and co-ordinate the main work packages, particularly the commissioning of the Growth Strategy;
- The Partnership is currently reviewing its “brand” because the “Northern Gateway Development Zone Partnership” is considered somewhat cumbersome and perhaps conveys the wrong messages. At the time of writing, this matter was due to be concluded in early December 2016 so that any new brand can be established in good time for the MIPIM (Cannes) property fair in March 2017.
- the partners are in the process of formalising the Partnership through a (non-contractual) Agreement.

Draft NGDZ Growth Strategy

- 2.4 Preparation of the Growth Strategy is well underway and on target for completion by the end of March 2017. As Members will appreciate this is a large and complex piece of work and therefore it has been broken down into a number of discrete packages (to be delivered by commissioned expert consultants) as follows:
- Phase 1 – Visioning and Economic/Housing growth potential analysis
 - Phase 2 – Masterplans relating to the HS2 – connected rail stations at Crewe, Stoke-on-Trent and Stafford.
 - Phase 3 – broken into four packages:
 - Spatial opportunity plans
 - Land use, connectivity and development viability study
 - Financial model, funding delivery and economic assessment
 - Skills, supply chain and local labour strategy
- 2.5 At the time of writing the phase 1 work had been completed and was due to be presented to an NGDZ Board meeting on the 1st December 2016. At this stage the document represents work in progress and contains sensitive and confidential information.
- 2.6 It is noted that the Council’s Economic Development and Enterprise Scrutiny Committee have included a review of the emerging Growth Strategy in its work programme; any comments and/or recommendations from that Committee will help to inform the Council’s formal response in this matter.
3. **Options considered**
- 3.1 Do nothing (choose to not participate in the NGDZ Partnership) – the Council is not required to be a member of the Partnership – i.e. there is no statutory requirement or obligation.
- 3.2 Continue to engage in the NGDZ Partnership – this would enable the Council to influence and shape the work of the partnership, including the emerging Growth Strategy, in the best interests of the borough’s communities (from a social, economic and environmental perspective).

4. **Proposals and reason for preferred solution**

4.1 The second option is preferred for the reasons cited above.

5. **Outcomes linked to Corporate priorities**

5.1 The programme should contribute positively to the corporate priority “Borough of Opportunity”.

6. **Financial and Resource Implications**

6.1 There are no further direct financial implications upon the Council at this stage of the NGDZ’s work.

6.2 In terms of indirect cost it is noteworthy that the Council has continued to commit in-kind support from a small number of staff from the Regeneration and Development Directorate as well as the Chief Executive and the Leader of the Council to support the work undertaken to date. It is envisaged that this will continue to the end of the current phase of the work (completion of the Growth Strategy). Future reports will need to set out any resource requirements arising from implementation of the Growth Strategy.

7. **Major Risks**

7.1 There are none directly arising from this report. However, Members will appreciate that the major risk in the broader context is the failure to ensure that the borough optimises the economic growth opportunities arising from HS2 investment; hence the Council’s involvement in the NGDZ partnership.

8. **Key Decision Information**

8.1 This is not a key decision.

9. **Earlier Cabinet/Committee Resolutions**

9.1 Reports in this matter were reported to your meetings in March 2016 and December 2015.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

7th December 2016

1. **Title:** The former Crackley Community Centre
- Submitted by:** Head of Leisure and Cultural Services (primary role at this stage) and Head of Housing, Regeneration and Assets
- Portfolio:** Policy, People and Partnerships (Cabinet member with primary interest re Community Centres review)
- Ward(s) affected:** Chesterton

Purpose of the Report

To enable Cabinet to consider the operational needs for, and of, the former Crackley Community Centre.

Recommendations

- (a) That Members decide that the site of the former Crackley Community Centre is not required for strategic or operational purposes.
- (b) That, subject to approval of recommendation (a), Members authorise officers to undertake a local consultation exercise about the potential disposal of the site for alternative use or development.
- (c) That, subject to approval of recommendation (a) and the outcome of (b), Members authorise officers to enter into a dialogue with the adjoining land owner with the objective being to review the scope for a comprehensive approach to any overall redevelopment of the two parties' land holdings at this location.

Reasons

The former Crackley Community Centre, which has been boarded up since February 2016, is considered surplus to operational requirements because no appropriate or effective community group has come forward in the intervening period to operate the centre.

In these circumstances the Council's approved Asset Management Strategy requires that alternative uses should be explored for sites such as this which no longer serve any strategic or operational purpose to the Council. In addition, by potentially disposing of this asset the Council would remove any ongoing maintenance liabilities.

Importantly, if members accept that the building serves no strategic or operational purpose, this disused site could be used to support a comprehensive approach to the regeneration of the immediate area.

1. **Background**

- 1.1 The former Crackley Community Centre is located next to a site which formerly housed shops and a closed public house. Prior to demolition in autumn 2016 the former Hulstone public house had suffered vandalism and was an eyesore in the area. The former Crackley Community Centre has been boarded up since February 2016. The last formal community centre management committee ceased in 2011 and the building was handed back to the Council. Since that time it has not proved possible to establish a full local management committee so consequently there are no plans to re-open the centre. In 2011 two local individuals came forward with the expectation of establishing a new management committee. Whilst from time to time they received support from other local individuals, a full committee was never established and for a long period of time activities at the community centre were very limited as the responsibilities often fell to just one person. By February of this year, that responsibility had become too much for the individual concerned and it was mutually agreed that the centre should close. Initially interest was expressed from other people in the local community until the scale of the potential undertaking was explained. Although support and advice has been given it is not believed that there is the interest or capacity for a local management committee to be established to operate a sustainable centre.
- 1.2 Unfortunately the closed centre continues to provide ongoing liabilities, with the risk of vandalism increasing the longer the property remains empty. It is important that the Council seeks to minimise both the risk of personal injury as well as any liabilities.
- 1.3 Members should be aware that Aspire Housing are formulating plans for the redevelopment of the site of the former public house and shops adjoining the former community centre; such plans will greatly contribute to the regeneration of the area and the provision of affordable housing in the locality.

3. **Options Considered**

3.1 Option 1 – retain the premises within the Council's portfolio for operational community centre purposes. In view of the passage of time since the centre has been formally and effectively managed as a community centre it is considered that there is no viable option of continuing such use. Consequently if the Council retains this asset then there will be an ongoing maintenance cost associated with the site, on-going business rates liability and the Council may have to consider demolition of the building (to reduce health and safety risks and maintenance/security costs), which would require the allocation of capital funds that are not currently budgeted for.

3.2 Option 2 – consult the community on the potential for alternative use or development of the site. In addition this would provide the community with the opportunity to comment on the loss of the facility as well as identifying any technical or other site constraints. The related consideration - if the loss of the premises is considered acceptable and taking into account the Council's Corporate Priorities (especially the support for regeneration of key estates and the need for affordable housing in the Borough) - is the opportunity of facilitating a more comprehensive scheme of affordable housing by exploring the disposal of the site to the Registered Housing provider that owns the adjoining land (i.e. Aspire Housing). As well as potentially enabling delivery of more affordable housing it would negate the Council's liabilities (including any holding and potential demolition costs).

4. **Proposal and Reasons for Preferred Solution**

- 4.1 Since February 2016 no local residents have come forward to form a new and effective local management committee and no plans for operating a sustainable community centre have been developed. On a related note it may be considered that the community, in the broader

context of Chesterton, is relatively well provided-for in terms of other premises-related assets which serve their needs.

4.2 The site may be considered to have better alternative uses, if it is accepted that it does not serve any strategic, operational or other purpose to the Council. Any such alternative use or development would address what would otherwise be an ongoing maintenance liability to the Council. In addition, through redevelopment the Council could support the delivery of more affordable housing in the locality for the benefit of residents in the Borough.

4.3 The Asset Management Strategy outlines the disposal consultation process, it states:
'The primary purpose of the consultation on potential land disposals is to identify any physical, technical or other constraints that might affect the scope/opportunity for alternative use or development being pursued. The outcome of such consultation exercises, taken together with desktop technical assessments, allows the Council as a landowner to consider the latter approach. Importantly it is considered that the Town Planning processes (Local Plan and Planning Applications) should consider the appropriateness of land or property being developed or used for alternative purposes rather than the Council as landowner making potentially subjective judgements.'

Knowing that there might be the potential for the site to support a comprehensive redevelopment with the adjoining land it would be proposed that this is outlined in the consultation. As such it is recommended that Officers are authorised to undertake initial discussions with the adjoining landowner, thus enabling any proposals to be brought back for consideration at a future Cabinet meeting alongside the outcome of the community consultation. Subject to Cabinet approval it is proposed to run the community consultation until 13th January 2017 in order that the responses can be reported to the next available meeting of Cabinet on 18th January.

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

5.1 This proposal fits with the corporate priority of a clean, safe and sustainable borough. In addition the future redevelopment of the site would contribute towards the priority of a borough of opportunity.

6. **Legal and Statutory Implications**

6.1 The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.

The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.

The Local Government Act 2000 - powers to promote the economic, social and environmental wellbeing of the Borough.

As highlighted above the Council has a legal duty in respect of unauthorised access to sites under the Occupiers Liability Acts of 1957 and 1984.

7. **Equality Impact Assessment**

7.1 There are no issues arising from this report.

8. **Financial and Resource Implications**

8.1 **The cost of safety inspections and repairs or demolition**

Should any safety repairs or general maintenance be required these would be funded from the Council's Repairs and Renewals budget allocation (upon which there are significant demands). Alternatively, if the building were to be demolished provision would need to be made in the capital programme; no such provision has been made.

8.2 **The cost of business rates**

The total business rates payable by the Council in relation to the building is £3,464 p.a. However, under the business rates retention scheme the Council retains, as income, a proportion of all business rates collected. In the Council's current position (i.e. exceeding the business rates baseline established by Central Government) the proportion of business rates retained relating to the former Community Centre premises would be £970. The net reduction in business rates payable, if the building were to be disposed would, therefore, be £2,494.

8.3 **The costs of grounds maintenance**

The Council's Streetscene service is currently incurring staff time for litter picking around the disused building. Currently this cost is being absorbed, as an opportunity cost, by the Streetscene service.

8.4 **Asset value consideration**

Should members authorise Officers to take forward initial discussions with the adjoining landowner Officers can assess the financial viability of any future scheme and complete the necessary checks and negotiations to fulfil any s123 requirements (see section 6).

9. **Major Risks**

9.1 The major risk of retaining the closed building is risk of unauthorised access and the potential associated issues. Unless the land is transferred to a third party the Council carries the risks of maintenance, security and/or demolition; these would be negated if the land were disposed of.

10. **Sustainability and Climate Change Implications**

10.1 Any such issues would be considered through the planning process.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None.

13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 Asset Management Strategy 2015/16 – 2017/18 available from the Council's website.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

Date 7th December 2016

REPORT TITLE Procurement of Wide Area Network Links

Submitted by: Executive Director (Resources and Support Services)

Portfolio: Finance, ICT and Customer

Ward(s) affected: None Specific

Purpose of the Report

To seek Cabinet approval to award contracts following the procurement of wide area network links in support of the Public Sector Hub.

Recommendations

- a) That Cabinet approve the procurement of new, high capacity wide area network links from a single supplier, in support of the Public Sector Hub, and the modification of existing links to support other sites as detailed in the report.
- b) That Cabinet delegates the authority to award the required contracts to the Executive Director (Resources and Support Services) in consultation with the Portfolio Holder for Finance, ICT and Customer.

Reasons

- a) The Public Sector Hub will not be able to function without the procurement of new high capacity, resilient network links.
- b) Existing sites will not be able to function without the modification of existing links, following the migration of ICT Services away from the current Civic Offices.

1. Background

- 1.1. Currently, each of the Council's sites are interconnected by a complex series of secure network links. These links are known as a Wide Area Network (WAN). They allow staff at any location universal access to all Council ICT systems and are essential for the delivery of services to the public. Key sites with a heavy reliance on ICT typically have multiple links in place to ensure that no single failure would result in the site being without any ICT services.
- 1.2. At present, the most important site within the Council's wide area network is the Civic Offices, as all ICT Services originate from there. A small number of services are also provided from the Kidsgrove Customer Service Centre, which currently acts as the Council's disaster recovery and data replication site.
- 1.3. The Council will relocate to a new Public Sector Hub in Autumn 2017. The facility will also be shared by the Police and Staffordshire County Council, presenting many opportunities for each organisation to work together; delivering better value and better services.

2. Issues

- 2.1. Work is underway to provide ICT Services from the Kidsgrove Customer Service Centre and Knutton Lane Depot sites. This will ensure that ICT services continue to work seamlessly during the physical move to the new Hub. This means that all network services which are currently fed into the Civic Offices, will require relocation (6 in total).
- 2.2. New links will also be required between the new Hub, Depot and Jubilee 2 sites, whilst a small number of other links to non-operational sites will no longer be required.

3. Options Considered

- 3.1. Whilst the Council will need to enter into new contracts for wide area network links, there are options for how these can be procured, which have been considered by ICT:

3.2. Option 1: Single Provider

Advantages:

Using a single provider for all wide area network links ensures that the management of ICT's contracts and the service provided is straightforward. Previous research has also shown that an overall lower cost would be obtained with a single provider.

Disadvantage:

Any provider will have dependencies upon key sites within their own network that will have the ability to influence local services. If a single supplier is used, this increases the risk that a failure on their network at a strategic site could impact a greater number of the Council's services.

Whilst the probability of a failure is low, it is something that can and has previously happened.

3.3. Option 2 Multiple Providers

Advantage:

The different physical routes into each key Council site would be further supported by the use of different suppliers. In effect, this would mean that the failure of a single supplier's network would be less likely to impact the Council's ICT services.

Disadvantages:

This additional resilience incurs additional costs. Provisional research by ICT has indicated that over a 5 year contract, this additional cost is approximately £30,000.

Adds a small degree of administrative complication for ICT in terms of supporting several contracts

- 3.4. ICT have also considered the possibility of working with other partner agencies to procure wide area network links in a collaborative approach. Whilst it is highly unlikely that the Police would be able to work with us on such procurements (due to security requirements specific to their organisation) Staffordshire County Council have expressed initial interest. ICT will ensure that where opportunities to share exist, these will be evaluated and where possible enacted.

4. Recommendations

- 4.1. It is recommended that:
 - a) Cabinet approve the procurement of new, high capacity wide area network links from a single supplier in support of the Public Sector Hub, and the modification of existing links to support other sites as detailed in Option 1 above;

- b) Authority is delegated to the Executive Director (Resources and Support Services) to execute the most economically advantageous contract for the authority, in consultation with the portfolio holder for Finance, IT and Customer.

5. Reasons for Preferred Solution

- 5.1. The Council will need to procure new wide area network links to facilitate the move to the Public Sector Hub. It is not possible for the new site to operate without them.
- 5.2. The use of a single supplier, whilst introducing a small element of risk, will reduce the Council's overall, long term expenditure. In the current economic climate, ICT are continually looking at opportunities to reduce costs without adversely affecting services.
- 5.3. The timing of the contracts and orders will be crucial . Not only must ICT ensure that the required links are in place before the Public Sector Hub becomes operational, but must also be able to respond to supplier opportunities that may exist.

6. Financial and Resource Implications

- 6.1. It is not possible to provide specific costs until a procurement exercise has been completed. However, based on market research, ICT anticipate cost of approximately £150,000 over a 5 year contract period,
- 6.2. It is anticipated that a cost of approximately £20,000 will be incurred for the re-location of existing network links where required.
- 6.3. The full costs of these requirements have been included within the Public Sector Hub business case and provisions have been made within the project budget that was approved at full council on 23 September 2015.
- 6.4. Whilst the anticipated value will not exceed EU Procurement thresholds and suitable framework agreements already exist, ICT believe best value will be achieved through an open tendering process. This view is supported by the Council's Procurement Officer.

7. Major Risks

- 7.1. A full risk assessment is available on request.

However, the main risks are identified as follows:

- a) Reliance on a single provider across our wide area network resulting in service disruption;
 - b) Unanticipated costs associated with "excess fees" and economic uncertainty; and
 - c) Delays to the completion of the Public Sector Hub if links not in place by project timelines.
- 7.2. In the event of a failure across a suppliers network, staff within the Civic Hub would not be able to access any ICT based services. The overall risk is however partially mitigated by the design of the Councils wide area network and the future distribution of staff away from a single site. ICT will also ensure that a comprehensive service level agreement is in place with any successful supplier to reduce the target restoration time in any failure event.

8. Earlier Cabinet/Committee Resolutions

- 8.1. Council, 23rd September 2015. Minute relating to Item 7: Proposed Newcastle under Lyme Public Sector Hub.

- 8.2. Cabinet, 20th January 2016. Agenda Item 10; Public Sector Hub: Expansion of ICT Facilities at Kidsgrove Customer Service Centre.