

Public Document Pack

Date of meeting Wednesday, 6th June, 2018
Time 2.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Cabinet

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES** (Pages 5 - 8)
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 **FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER FOUR (January - March) 2017-18** (Pages 9 - 18)
- 5 **KEELE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT** (Pages 19 - 22)
- 6 **NEWCASTLE ECONOMIC DEVELOPMENT STRATEGY: YEAR ONE ACTION PLAN** (Pages 23 - 36)
- 7 **DUTY TO COOPERATE STATEMENT OF COMMON GROUND BETWEEN NEWCASTLE-UNDER-LYME BOROUGH COUNCIL, STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL, STOKE ON TRENT CITY COUNCIL AND STAFFORD BOROUGH COUNCIL** (Pages 37 - 48)
- 8 **ASB POLICY AND PROCEDURE** (Pages 49 - 70)
- 9 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

10 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following reports, because it is likely that there will be disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

11 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 of 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 S Tagg (Chair), Holland, Johnson, Northcott, Sweeney and J Waring

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.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

CABINET

Wednesday, 21st March, 2018
Time of Commencement: 2.00 pm

Present:- Councillor Simon Tagg – in the Chair

Councillors Holland, Johnson, Northcott, Sweeney and J Waring

Officers Executive Director (Resources and Support Services) - Kelvin Turner,
Executive Director Operational Services- David Adams,
Executive Director (Regeneration and Development) - Neale Clifton,
Geoff Durham - Member Training and Development Officer,
John Tradewell - Acting Chief Executive / Head of Paid Service
and Phil Jones - Head of Communications

Also in attendance Mr Daniel Buckley – Newcastle College

1. **APOLOGIES**

There were no apologies.

2. **MINUTES**

Resolved: That the minutes of the meeting held on 21 February, 2018 be agreed as a correct record.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **TOWN & COUNTRY PLANNING ACT 1990 - SECTION 106 PROCUREMENT OF AFFORDABLE HOUSING**

A report was submitted to Cabinet seeking approval to procure the provision of affordable housing provision within the Borough using funds from developer contributions obtained as a result of planning obligations.

The Cabinet Member for Planning and Regeneration brought Members' attention to paragraph three which listed the options to be considered.

The Leader/ Portfolio holder for Corporate and Service Improvement, People and Partnerships asked if there would be an opportunity for this council to lead on some of these in the future and was advised that some authorities had considered setting up a committee to deal with Section 106 Agreements and to recommend where it should be spent. This would give a two way benefit in that it would provide housing stock and generate income.

Resolved: (i) That officers be authorised to undertake a tender process to

evidence best value in the provision of contributions to a registered provider for the provision of affordable housing.

- (ii) That authority be delegated to the Executive Director (Regeneration and Development) to award a contract, in consultation with the Portfolio Holder for Planning and Regeneration, following the completion of the procurement process which is within the budget provision.

5. IRRECOVERABLE ITEMS

A report was submitted to Cabinet advising members of items that were deemed irrecoverable.

The Portfolio Holder for Finance and Resources advised that there was a total of £467,000 to write off as irrecoverable but that £50,000 of the total was the amount that Newcastle would be losing. There was money in the budget to cover this.

Resolved: That the items detailed in the attached Appendix be considered irrecoverable for the reasons stated and be written off.

6. LEISURE PROVISION IN KIDSGROVE

A report was submitted to Cabinet updating Members on the Progress in the re-provision of leisure facilities in Kidsgrove.

The Leader/Portfolio Holder for Corporate and Service Improvement, People and Partnerships advised Members that the County Council were on board and the Cabinet members were meeting with County officers and members of the community group this afternoon. The Leader thanked the Acting Chief Executive for his help in linking up with the County Council.

The aim was to have the facility open within six months and a longer term ambition was for a new sports facility to be provided in Kidsgrove within a five to ten year period.

- Resolved:**
- (i) That the approach outlined in recently signed Memorandum of Understanding between the Leaders of Newcastle Borough Council and Staffordshire County Council for providing leisure facilities in Kidsgrove be endorsed and recognised as a significant development in addressing the sporting aspirations of the town.
 - (ii) That the current progress against what was agreed at Cabinet and Full Council in July 2017 regarding opportunities for sports facilities in Kidsgrove be noted.
 - (iii) That the final Business Plan from the community group be considered at a future meeting prior to instructing any formal agreement.

7. DRAFT ECONOMIC DEVELOPMENT STRATEGY 2018 - 23

A report was submitted to Cabinet reporting comments received on the draft Economic Development Strategy 2018-2023 following consultation on the draft and to consider any recommended changes.

Members were advised that an Action Plan would now be prepared and brought to the June Cabinet meeting.

- Resolved:**
- (i) That the draft strategy, as amended, be approved.
 - (i) That officers be authorised to publish the approved strategy subject to inclusion of appropriate images and photographs, along with any minor textual changes as may be required, in consultation with the Portfolio Holder.
 - (iii) That officers report back to the next meeting of Cabinet with a draft Year 1 action plan

8. LYME VALLEY CAR PARKING

A report was submitted to Cabinet seeking approval to include the two remaining Lyme Valley car parks in the existing off-street parking order.

Members were advised by the Portfolio Holder for Finance and Resources that parking had stretched down as far as Homebase and Martec and therefore time restrictions would be introduced – two hours free then £6 per day except for the football car park which would be three hours free.

This action was to clear the car parks so that people could use the Lyme Valley. It was not to 'make money'.

- Resolved:**
- (i) That the remaining two car parks be included in the off-street parking order which is currently being drafted.
 - (ii) That the Executive Director (Regeneration and Development) in consultation with the portfolio holder for Finances and Resources be authorised to consider the consultation responses and make the off-street parking order as necessary.

9. DISPOSAL OF RYECROFT CAR PARK

A report was submitted to Cabinet seeking authority for the making of an order to remove the Ryecroft, Civic Offices and Merrial Street car parks from the town-centre off street parking order.

This was to enable the redevelopment of the Ryecroft site when works commence.

- Resolved:**
- (i) That the process to make the order be progressed;
 - (ii) That the making and implementation of a Ryecroft, Civic Offices and Merrial Street car parks off-street parking order be delegated to the Executive Director (Regeneration and Development), following consultation with the relevant Cabinet member, as required.

10. **URGENT BUSINESS**

There was no Urgent Business.

11. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A of the Local Government Act, 1972.

12. **IRRECOVERABLE ITEMS - CONFIDENTIAL APPENDIX**

Resolved: That the confidential appendix be accepted.

COUNCILLOR SIMON TAGG
Chair

Meeting concluded at 2.27 pm

FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER FOUR (January - March) 2017-18

Submitted by: Executive Management Team

Portfolio: Corporate & Service Improvement, People & Partnerships;
Finance & Efficiency

Wards Affected: All

Purpose

To provide Cabinet with the Financial and Performance Review report with the Financial and Performance Review report – fourth quarter 2017/18.

Recommendations

- (a) **That Members note the contents of the attached report and agrees to the recommendation that the Council continues to monitor performance alongside the latest financial information for the same period.**

Reasons

The Financial and Performance Management monitoring reports provide information on a quarterly basis regarding the performance of individual council services, alongside related financial information on the organisation.

1. Background

- 1.1 This quarterly report provides Members with a detailed update on how the Council has performed during the fourth quarter of 2017/18 by presenting performance data set within a financial context.
- 1.2 This report provides broad financial information (Appendix A) and also details performance (Appendix B) for the fourth quarter of 2017/18.
- 1.3 A summary of the overall performance picture is presented in section 3 of this report and members will note that performance is generally progressing well.

2. 2017/18 Revenue and Capital Budget Position

- 2.1 The Council approved a general fund revenue budget of £13,825,060 on 22 February 2017. Further financial information is provided in Appendix A.

3 Performance

- 3.1 The latest performance information for quarter four has been analysed.
- 3.2 All indicators monitored for this period are listed in the table found in Appendix B.
- 3.3 Any indicators failing to meet the set targets include a comment explaining why the indicator has not performed well, and what steps are being taken to ensure improvement in the future.
- 3.4 The layout for Appendix B changed in the previous quarter.

- 3.5 For this report a total of 22 indicators were monitored, and the proportion of indicators which have met their target or are within tolerance levels during this period stands at 72%.
- 3.6 There are 7 indicators off target this quarter and one indicator is within tolerance levels, and officers consider that the performance against these indicators does not give rise to serious cause for concern at present (see commentary provided at Appendix B). The management of each of the service areas concerned continue to monitor and take steps to deal with under achievement of targets where possible and/or appropriate.

Further quarterly updates will be provided for Members in future reports.

- 3.7 Positive performance can be seen in a range of services and members will note that some services are affected by both seasonal and external factors. It should also be noted for consideration that some indicators have stretched targets set and local targets that are higher than the national ones.

4. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 4.1 All indicators link to corporate priorities set out in the Council Plan and/or Service Plans.

5. Legal and Statutory Implications

- 5.1 The Council has a duty to set targets for performance of a range of functions and needs to monitor these closely.

6. Equality Impact Implications

- 6.1 There are no differential equality issues arising directly from this monitoring report.

7. Financial and Resource Implications

- 7.1 Any positive variance for the full year on the General Fund Revenue Account will enable that amount to be transferred to the Budget Support Fund and will be available in future years for use as the Council considers appropriate. Conversely, if there is an adverse variance, the amount required to cover this will have to be met from the Budget Support Fund.

8. Major Risks

- 8.1 The ongoing changing market conditions represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon income receivable in relation to services where customers may choose whether or not to use Council facilities or in the case of the waste/recycling service where the volume of recycled materials is liable to fluctuate. The situation will be monitored through the normal budget monitoring procedures.
- 8.2 The capital programme will require regular monitoring to identify any projects which are falling behind their planned completion dates. This will be carried out by the Capital Programme Review Group, which meets on a monthly basis together with quarterly reports to Cabinet.
- 8.3 The above represents a high level view of risk. There are detailed risk registers available if members wish to see them.

9. List of Appendices

Financial information (Appendix A), and performance information (Appendix B).

10. Background Papers

Working papers held by officers responsible for calculating indicators.

11. Management sign off

Each of the designated boxes need to be signed off and dated before going to Executive Director/Corporate Service Manager for sign off.

	Signed	Dated
Financial Implications Discussed and Agreed		
Risk Implications Discussed and Agreed		
Legal Implications Discussed and Agreed		
H.R. Implications Discussed and Agreed		
ICT Implications Discussed and Agreed		
Report Agreed by: Executive Director/ Head of Service		

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Financial Position Quarter Four 2017/18

1. General Fund Revenue Budget

- 1.1 The Council approved a General Fund Revenue Budget of £13,825,060 on 22 February 2017. The actual position compared to this budget is continuously monitored by managers, EMT and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget.
- 1.2 The unaudited outturn in respect of the General Fund Revenue Account was a surplus of **£4,868** compared to the budget of £13,825,060. Whilst there were adverse variances against some budget heads, these have been offset by positive variances against others. The Audit and Standards Committee agenda for its meeting on 25 June 2018 will contain a commentary on the outturn in the report in relation to the Statement of Accounts for 2017/18 which can be referred to for further details such as areas where variances occurred. The formal external audit of the Statement of Accounts commences on 2 July 2018. The findings of the audit will be reported to the Audit and Standards Committee at their meeting on 30 July 2018.

2. Capital Programme

- 2.1 A Capital Programme totalling £3,047,000 was approved at the same Council meeting. Of this total, £1,500,000 relates to the total cost of new schemes for 2017/18 together with £1,547,000 for schemes brought forward from the original 2016/17 Capital Programme. In addition £2,890,616 slippage was incurred in 2016/17 and £451,507 additional Disabled Facilities Grants funding was received than originally budgeted for resulting in a total Capital Programme of £6,389,123 for 2017/18.
- 2.2 The position at the end of the fourth quarter is as follows:-

	£
Budget	6,389,123
Actual Expenditure	6,062,635
Committed orders and carry forwards for existing projects	284,756
Budget to be carried forward regarding Castle House project	47,874
Variance	6,142

- 2.3 It should be noted that the Council's Capital Balance is at a minimum. The contingency funds available for any urgent/essential works only amount to £277k. It is imperative that the sites earmarked for disposal within the Asset Management Strategy are progressed as soon as possible as any delays will only worsen the Council's overall financial position.

3. Treasury Management

- 3.1 The Council had short-term borrowings of £2,500,000 as at 31 March 2018, these funds were borrowed for a two week period for cash flow purposes. It should be noted that the Council had no money invested as at 31 March 2018 resulting in the need to borrow.

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Corporate Performance Scorecard Quarter 4, January - March 2017-18

Priority 1: A clean, safe and sustainable Borough

Outcomes: Our borough will be safer, cleaner and sustainable











Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Q4 2016-17	Result Q4 2017-18	Target 2017-18	Target 2018-19	Status	Notes
1.1	Environmental Health	Cllr. Trevor Johnson	Percentage of food premises that have a zero or one national food hygiene rating	Low	1.17%	1.82%	5%	5%		(2016-17) 10 out of 855 published premises, (2017-18) 16 out of 880 published premises.
1.2	Community Safety	Cllr. Jill Waring	Number of Anti-Social Behaviour (ASB):-							
1.2a			-New ASB cases received during the quarter	Low	146	91	-	-	-	The annual figures for 2017-18 are 433 new cases received and a total of 445 were closed during this period. This is a monitoring indicator where no targets are set.
1.2b			-Current open ASB cases as at the end of the quarter	Low	46 (31/03/17)	21 (31/03/18)	-	-	-	
1.2c			-ASB cases closed in the quarter	Low	127	81	-	-	-	
1.5	Recycling & Fleet	Cllr. Trevor Johnson	Household collections from the kerbside (%):-							
1.5a			· Dry Recycling	High	19.76%	22.83%*	17%	18%		The annual figures for waste were as follows; Dry -18.68%*, Food 5.57%* and Green -21.82%*. Very cold weather and snow in February and March drastically reduced quantities of green waste.
1.5b		· Food	High	6.31%	5.79%*	5%	5%			
1.5c		· Green	High	15.72%	8.76 %*	25%	20%			
1.6	Operations	Cllr. Trevor Johnson	Levels of street and environment cleanliness (LEQ survey) free / predominantly free of litter, detritus, graffiti and fly-posting)	High	94.17% 97.09% 99.50% 100%	84.5%** 89.34%** 99.83% 100%	91% 91% 97% 99%	91% 91% 97% 99%		The levels of litter and detritus results are slightly off target for the third survey undertaken in 2017-18 but remain within tolerance levels, and the overall annual scores exceed the targets and are as follows: Litter 91.17%, Detritus 94.24%, Graffiti 99.89%, Fly-posting 100%.
1.7	Operations	Cllr. Trevor Johnson	Number of community volunteer groups/hours spent caring for their local green spaces and neighbourhoods	High	1,795hrs Qtr 4 (6,368.5 hrs cumulative)	1,023 hrs Qtr 4 (5,342 hrs cumulative)	1,020hrs Qtr 4 (5,250 hrs cumulative)	4,000 hrs		The annual target was reviewed mid year to 4,462.5 hours, however at year end the original target of 5,250 hours was exceeded.

*Results are provisional at this time.

** Results are within tolerance levels.

Priority 2: Borough of Opportunity

Outcomes: Newcastle is a great place to live, work and do business

Service Area	Portfolio Holder	Indicator	Good is	Result Q4 2016-17	Result Q4 2017-18	Target 2017-18	Target 2018-19	Status	Notes
2.1 Regeneration & Economic Development	Cllr. Simon Tagg	Town Centre Vacancy Rate	Low	11.30%	16.9%	15%	15%		This represents a rise of 10 vacant units since the December survey. A significant part of this can be put down to the loss of the coffee shop and three fast food outlets in Lymelight Boulevard plus two Christmas pop-up shops. Also vacancies continue to be an issue in the core of the town at the Roebuck Centre and Lancaster Building. Members will be aware of the emerging and ongoing consolidation within the retail economy for a variety of reasons. On the positive side, some new food related independents have opened up including Patty and Shake, Legendeli and Just Shop. The annual outturn was a vacancy rate of 13.8%.
2.2 Property	Cllr. Paul Northcott	Percentage of investment portfolio vacant (NBC owned)	Low	6.30%	9.40%	12%	12%		Annual figure is 7.7%
2.3 Regeneration & Economic Development	Cllr. Paul Northcott	Average stall occupancy rate for markets	High	59%	46%	65%	-		Members will be aware that January to March is the off trading period for markets and the highway works immediately next to market stalls has had an adverse impact on stall occupancy rates. It is hoped that the planned new commercial management arrangements will help to improve the market's overall performance.
2.4 Planning & Development	Cllr. Paul Northcott	Percentage of Major Planning Applications decisions issued within an agreed extension of time	High	81.50%	78.4% (cumulative)	70%	72.5%		The target has been increased for 2018-19.
2.5 Planning & Development	Cllr. Paul Northcott	Percentage of Non Major Planning decisions issued within an agreed extension of time	High	92.90%	78.6% (cumulative)	85%	85%		This raised target has not quite been met again for this quarter. A significant contributory factor in the backlog of undetermined applications has been a change in policy leading to the need to secure public open space contributions through legal agreements or undertakings. Although steps have been taken to address this issue it still remains challenging to complete an acceptable obligation within the determination period and as applicants are often unhappy to make such contributions they are less likely to agree to extend the determination period which is therefore adversely affecting performance. The Council's performance remains above the Government target.
2.6 Customer & ICT	Cllr. Simon Tagg	Percentage of requests resolved at first point of contact	High	98%	98%	97%	97%		
2.7 Customer & ICT		% Unmet demand (number of calls not answered as a % of total call handling volume)	Low	14.36%	14.81%	8%	8%		The target was not met due to a significant increase predominately due to waste call enquires.
2.8 Revenues & Benefits	Cllr. Stephen Sweeney	Time taken to process Housing/Council Tax Benefit new claims and change events	Low	4.62 days	4.6 days	10 days (cumulative)	10 days		The annual results shown are slightly above the results for 2016-17.
2.9 Revenues & Benefits		Percentage of Council Tax collected	High	97.40%	97.70%	97.5% (cumulative)	97.50%		
2.10 Revenues & Benefits		Percentage of National non-domestic rates collected	High	97.90%	98.00%	96% (cumulative)	96.00%		

Priority 3: A Healthy and Active Community

Outcomes: Everyone has the chance to live a healthy, independent life, access to high quality leisure and cultural facilities/activities and the opportunity to get involved in their community

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Q4 2016-17	Result Q4 2017-18	Target 2017-18	Target 2018-19	Status	Notes
3.1	Operations	Cllr. Trevor Johnson	Number of parks which have Green Flag status	High	7	7	7	7		This was reported earlier in the year.
3.2	Operations	Cllr. Trevor Johnson	Level of satisfaction with Council run parks and open spaces	High	67% (Annual Survey)	Unavailable at this time	70%	66%	N/A	
3.3	Culture & Arts	Cllr. Mark Holland	Number of people visiting the museum	High	9,701 Qtr 4 (56,231 cumulative)	9,687 Qtr 4 (62,331 cumulative)	12,000 Qtr 4 (50,000 cumulative)	Qtr 1 16,000 Qtr 2 20,000 Qtr 3 10,000 Qtr 4 10,000 (56,000 cumulative)		The target of 50,000 was exceeded in 2017-18 with a result of 62,331, over 6,000 more visitors than the previous year.
3.4	Leisure	Cllr. Mark Holland	Number of people accessing leisure and recreational facilities	High	209,175 Qtr 4 (690,620 cumulative)	157,353 Qtr 4 (639,902 cumulative)	150,080 Qtr 4 (630,000 annual)	600,000		The Qtr 4 result was on target, and the annual target has also been exceeded.
3.5	Human Resources	Cllr. Simon Tagg	Average number of days per employee lost to sickness	Low	7.34 days (cumulative)	9.7 days (cumulative)	8 days (annual)	-		Since Qtr 3 there has been an increase in long term sickness cases which has impacted on the cumulative result. Both long term and short term cases continue to be proactively managed by HR service managers and Occupational Health support.

Priority 4 : A Co-operative Council, delivering high-quality, community driven services

Outcomes: Your council is efficient, open and innovative in its work, with services designed and delivered co-operatively and communities are strong and well supported

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr 4 2016-17	Result Qtr 4 2017-18	Target 2017-18	Target 2018-19	Status	Notes
4.1	Democratic Services	Cllr. Simon Tagg	Percentage attendance at planned meetings by members	High	83%	76%	80%	80%		This quarterly result is slightly off target due to the impact of long term absences through illness. The annual result was slightly better at 78%.
4.2	Culture & Arts	Cllr. Mark Holland	Number of hours worked by volunteers in council co-ordinated activities (museum)	High	632hrs (1882 hrs cumulative)	492hrs (2269hrs cumulative)	400 hrs (1200 hrs annual)	Qtr 1 400 Qtr 2 500 Qtr 3 300 Qtr 4 300		
4.3	Housing	Cllr. Paul Northcott	Number of homelessness cases where positive action was successful preventing homelessness	High	147 (571 cumulative)	197 (563 cumulative)	150 (600 annual)	-	-	Overall number of discretionary housing benefit claims fell slightly.

N/A Performance information not available at this time or due to be provided at a later date.

Performance is not on target but direction of travel is positive

Performance is not on target where targets have been set

Performance is on or above target.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Date: 6 June 2018

<u>REPORT TITLE</u>	The Keele Conservation Area Appraisal and Management Plan Supplementary Planning Document
<u>Submitted by:</u>	Head of Planning Services
<u>Portfolio:</u>	Planning and Growth
<u>Ward(s) affected:</u>	Keele

Purpose of the Report

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

Recommendations

That the Supplementary Planning Document relating to Keele 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 Keele Conservation Area.

1. Background

- 1.1 The Planning Committee has received reports on the preparation of Keele Conservation Area and Management Plan Supplementary Planning Document (SPD). The Keele Conservation Area was designated in 1989 and its current extent is indicated on the attached plan (Appendix 1).

2. Consultation process and results

- 2.1 The Planning Committee at its meeting on 2nd January approved a draft Keele 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 five week period from 25th January to 2nd March. 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 27th March received the results of the consultation exercise. No changes were proposed to the draft SPD, and subject to no significant 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 7th

May 2018. 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 20th March 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:
- Retaining the landscape character of the village and high density of mature trees and hedgerows.
 - Protecting architectural features on buildings and preventing incremental alterations to houses.
 - Maintaining a vibrant village life once the students leave the Hawthorns campus.
 - Maintaining the historic sandstone walls along the roads within the village.
 - Congestion in the village through parking.
- 2.6 The purpose of the Management Plan is to provide a framework for future actions. One key change is to amend the boundary to include the area of former student halls of residence known as The Hawthorns which is currently being developed for housing.

3. Proposal

- 3.1 That the Supplementary Planning Document relating to Keele 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 (as amended) 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 undertaken, 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. Appendices

- 11.1 Appendix 1 – Plan showing the boundary of the Conservation Area.

12. Background Papers

- 11.1 Consultation Draft SPD.
11.2 The SPD Consultation Statement and copy of representation made on the draft SPD.

Version 2

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

6 June 2018

Title: Newcastle Economic Development Strategy: Year One Action Plan

Submitted by: Executive Director (Regeneration & Development)

Principal author: Regeneration Manager

Portfolio: Corporate and Service Improvement, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To report the Borough's Economic Development Strategy 2018-2023 Draft Year One Action Plan for consideration by Cabinet.

Recommendations

That the Economic Development Strategy 2018-2023 Draft Year One Action Plan be approved and that officers be authorised to take the necessary actions to progress the approved actions.

Reasons

By proposing an up to date prioritised range of actions for the forthcoming year the Council can ensure that the aims of the strategy are progressed.

1. Background

- 1.1 Following consultation with partners and the local business community, Cabinet approved the Economic Development Strategy 2018 - 2023 for the Borough at its meeting in March 2018. The approved strategy has a five year timescale and includes the preparation of an Action Plan for Year One (2018-2019) which identifies a number of key priorities.
- 1.2 The Action Plan will be refreshed annually and will set out in more detail how the agreed aims and objectives will be delivered. The actions will be based on the four themes of Business Intelligence and Support, Place and Infrastructure/Sites and Premises, Skills and Innovation. The Year 1 action plan is attached at Appendix 1 with a summary provided at paragraph 1.5 below.
- 1.3 Partnership working is at the heart of our approach to economic regeneration. Through our partnerships we have supported businesses in the Borough to grow, increased opportunities for employment, secured investment to develop cultural tourism and increased footfall in our town centres. A highlight of 2018 is the celebration of the Borough's cultural heritage which

has seen internationally acclaimed No Fit State Circus and Circolombia perform to capacity audiences both in Newcastle town centre and Kidsgrove further boosting the local economy.

1.4 In the period of this Strategy we will continue to support and work with partners such as the Business Improvement District to build on its good work, notably in relation to the town centre activities programme which continues to grow in stature with annual highlights firmly embedded in the programme such as the Lymelight Festival along with the Jazz & Blues Festival. Such events will be vitally important to ensure that Newcastle Town Centre remains the local centre of choice for the Borough's residents given the evident challenges for the retail sector.

1.5 Whilst in a broader context and on a longer term timescale, the further growth in high value, knowledge economy, jobs at the University of Keele's Science and Innovation Park provide real confidence that our communities will have access to opportunities in new sectors. Additionally the Enterprise Zone designation for the strategic employment site at Chatterley Sidings / Peacock Hay should assist in increasing the volume of employment opportunities for our residents.

1.6

Key priorities for Year 1 2018 – 2019

- Business Development and focus on SME's – Business Boost Competition (10 year celebration) and Awards Evening.
- Procurement – Focus on the opportunity to keep business local and increase the local pound.
- Newcastle BID and Go Kidsgrove - focus on Cultural Tourism to attract more businesses into town to increase footfall, secure external funding from Heritage Lottery Fund and Arts Council England.
- Ryecroft Development – continue to work with the preferred developer to facilitate redevelopment of the site and explore temporary use of the site in advance of works for events to encourage more visitors and increase footfall in the town centre (No Fit State Circus example).
- Enterprise Zone – Chatterley Valley (work with partners to support the developer to progress with the site).
- Joint Local Plan – support Planning Policy to progress this work with the City Council to provide a clear framework for future economic growth.
- Employment and Skills – coordinate the Newcastle Employment and Skills Group to address key issues across the Borough and work with the Stoke and Staffordshire LEP Education Trust to deliver the Skills Strategy
- Keele Science and Innovation Park (KSIP) – in line with the Keele Deal provide support for further development of KSIP and the masterplanning in relation to the Newcastle Western Extension.

2. **Issues**

2.1 The annual action plan is about adding the detail to those priorities identified within the Economic Development Strategy, setting out what actions are to be taken within the context of the broader objectives. The annual review may also provide the opportunity to consider new initiatives from Government, key partners or changes in the economic landscape and capitalise on them. It may also suggest changes in emphasis or priority.

3. **Options Considered**

3.1 Cabinet 21 March requested that officers report back to the next meeting of Cabinet with a Draft Year 1 Action Plan.

4. **Proposal**

4.1 The appendix to this report contains the Draft Year One Action Plan for your consideration and approval. The annual Action Plan sets out in more detail how the aims and objectives agreed will be carried out. These are based around the four themes of:

- Business Intelligence and Support
- Place and Infrastructures and Sites and Premises
- Skills
- Innovation

5. **Reasons for Preferred Solution**

5.1 To continue to act as a basis for dialogue with other partners to encourage complementary action and to direct the activity of the Regeneration and Economic Development Team.

6. **Outcomes Linked to Corporate Priorities**

6.1 The Economic Development Strategy addresses the Borough Council's corporate priority of 'Creating a Borough of Opportunity'.

7 **Legal and Statutory Implications**

7.1 It is not a statutory requirement on the Council to prepare an Economic Development Strategy though it is good practice to do so and to take decisions against the background of agreed priorities, up to date data and following consultation with partners. In view of the relevant powers and duties placed upon Local Authorities in relation to economic well-being it is appropriate for the Council to have an up to date action plan.

8. **Equality Impact Assessment**

8.1 No differential impact has been identified. Specific actions which are designed to improve the prospects of particular sections of the community (for instance, those without work), will be subject to subsequent reports, which may themselves require an EIA.

9. **Financial and Resource Implications**

9.1 Where actions are proposed which require proposals for expenditure these will be the subject of specific reports to Cabinet.

Key actions highlighted within the Action Plan include some committed Council expenditure:

Action	Budget
Support for Business Boost competition	£500 from fees for other services
Provide ongoing support to HDD for the redevelopment of the Ryecroft site	Existing land sale agreement
Keele Science and Innovation Park	Previously approved support for masterplanning exercise.
Support NBID to apply for further funding from Arts Council England for an event in 2019	£500 match funding from fees for other services
Work with the County Council to refurbish two town centre subways – Grosvenor Island	S106 funded from the development of the former Bristol Street Motors site

10. **Major Risks**

10.1 These will be dealt with project by project.

11. **Key Decision Information**

11.1 The strategy will affect more than two wards of the Borough. Approval for specific expenditure will be subject to more detailed later reports as may be required.

12. **Earlier Cabinet Resolutions**

12.1 At its meeting on 21 March 2018, Cabinet approved the draft strategy and draft action plan.

13. **List of Appendices**

13.1 Appendix 1 - Draft Year One Action Plan.

14. **Background Documents**

14.1 Newcastle Economic Development Strategy 2018-2023.

Appendix 1 – Year 1 Action Plan

Economic Development Strategy 2018-23

Implementation, Monitoring and Review

As Members will recall the approved 5-year strategy includes a broad Action Plan and the Cabinet resolution, made in March 2018, requires it to be refreshed annually (each January/February) and setting out in more detail how the aims and objectives agreed will be carried out. Like the strategy itself, these will also be based around the four themes of:

- Business Intelligence and Support
- Place and Infrastructure / Sites and Premises
- Skills
- Innovation

The Action Plans will identify lead bodies and timescales for implementation.

At the end of each year the Council will publish an annual progress report, reviewing the year as well as agreeing the action plan for the following year, giving decision makers in the Council and their partners the opportunity to assess success to date.

The review may also take the opportunity to consider fresh Government initiatives or changes in the economic or financial landscape.

Key priorities for Year 1 2018 – 2019

- Business Development and focus on SME's – Business Boost Competition (10 year celebration) and Awards Evening.
- Procurement – Focus on the opportunity to keep business local and increase the local pound.
- Newcastle BID and Go Kidsgrove - focus on Cultural Tourism to attract more businesses into town to increase footfall, secure external funding from Heritage Lottery Fund and Arts Council England.
- Ryecroft Development – explore temporary use of the site for events to encourage more visitors and increase footfall in the town centre (No Fit State Circus example).
- Enterprise Zone – Chatterley Valley (work with partners to support the developer to progress with the site).
- Joint Local Plan – support Planning Policy to progress this work with the City Council.
- Employment and Skills – coordinate the Newcastle Employment and Skills Group to address key issues across the Borough and work with the Stoke and Staffordshire LEP Education Trust to deliver the Skills Strategy
- Keele Science and Innovation Park (KSIP) – in line with the Keele Deal provide support for further development of KSIP.

The overall action plan (below) has been updated to reflect the above Year 1 priorities.

ACTIONS

We will work with our partners to deliver the following:

Business Intelligence and Support

	Action	Partner / Lead	Resources	Activity	Timescale
1	Increase both the proportion of knowledge intensive employment and the proportion of high quality jobs in retail, leisure, tourism and distribution	SSLEP Keele NSCG NULBC	NULBC staff time Review in line with changes to EU funding	Longer term years 2/3	2020-22
2	Support development of emergent knowledge intensive sectors, building on higher and further education expertise	LEP Keele NSCG Council	NULBC staff time EU funding	Longer term years 2/3	2020-22
3	Support development of the professional and business services sector	Growth Hub Finest Chamber Council	SSLEP funding Company membership of relevant organisations Growth Hub NULBC staff time	Signpost to relevant support agencies	Ongoing
4	Make the most of the Borough's successful logistics sector	SSLEP Make It NULBC Staffordshire CC	SSLEP NULBC staff time Staffordshire CC	Ensure people have the right skills to access employment in this sector. Work with the SSLEP to market the ease of access to the area	Ongoing
5	Focus on support and development of local SMEs	NULBC SSLEP Staffordshire Chamber	NULBC staff time	Secure funding for annual Business Boost competition and 10 year celebration.	Awards evening planned 8 November 2018

6	Seek to optimise the benefit to local companies from public sector procurement.	NULBC Staffordshire CC Anchor institutions	NULBC staff time	Support the development of the Council's procurement strategy and continue to gather evidence of good practice such as the Preston Model and Manchester procurement model working with CLES (Centre for Local Economic Strategies)	Ongoing
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Place and Infrastructure

	Action	Partner / Lead	Resources	Activity	Timescale
7	Work with Newcastle BID and Go Kidsgrove to promote the town centre's as a places to visit, work and live	BID Go Kidsgrove NULBC Staffordshire CC Town Centre Businesses Appetite York Place – Hometown Plus and other investors	BID membership levy Go Kidsgrove Arts Council England Heritage Lottery Funding NULBC staff time	Continue to work with the BID to promote town centre events, festivals, fairs and markets and support local business. Support development of the Kidsgrove heritage trail. Further development of cultural tourism especially circus and The Philip Astley Project. Facilitate the links between Market Place Management (MPM) and the BID to ensure successful delivery of the town centre market. Work with the County	Circus 250 taking place throughout 2018, BID until 2020 subject to re-ballot, MPM from May 2018 and Growth Deal from June 2018

				Council to develop and deliver the Newcastle Growth Deal.	
8	Work with the developers of the Ryecroft area of town to secure a development that will add to the economic vitality of the town.	Henry Davidson Developments NULBC Staffordshire CC SSLEP	Private sector investment SSLEP funding Sustainable Transport funding Staff time	Support the project group as required adding to the town's retail offer and increasing the number of people who live in the town. Support property services to promote temporary use of the Ryecroft site – such as circus and larger scale events	2018-20
9	Promote Keele Science and Innovation Park for high tech inward investment including new Innovation Centres and a new Training and Conference Hotel in line with the extension to the KSIP, which is being promoted in the draft Local Plan.	Keele NULBC Staffordshire CC SSLEP Make It	Private sector investment EU funding Staffordshire CC funding Possible central government funding NULBC staff time	Work with Keele University and Staffordshire CC to secure funding to further expand Keele Science and Innovation Park in line with final proposals in the Keele Masterplan.	2018 onwards
10	Work with partners in the Enterprise Zone to attract employment investment to sites and premises around the Borough including land at Chatterley Valley	SSLEP NULBC Staffordshire CC Stoke CC Private Investors	Private sector investment EU funding SCC funding Possible central government funding NULBC staff time	Support the land owner to bring forward the site by helping to overcome planning difficulties, helping to resolve the issue of mineral extraction, highway access and investigating sources of external funding.	2018 onwards

				Work with the SSLEP and Make It to market for large scale inward investment and local expansion and facilitate high profile enquiries as required.	
11	Bring forward proposals for retail and business accommodation in Newcastle Town Centre with priority placed on growing its professional services and a distinctive retail offer	BID NULBC Henry Davidson Developments York Place SSLEP	Private sector investment Rural Enterprise Grants NULBC staff time	Support the property team to attract business into the town centre and specifically for Lancaster Buildings. Explore funding options for the re-use and refurbishment of existing town centre property for business, leisure or retail use Work with Hometown Plus to provide innovative approaches to address the ever changing high street and retail market	2018 onwards Private investment Up to 2020 for grants
12	Enable the development of a wide range of housing, including affordable and higher quality housing for current and future residents.	Homes England Registered Providers NULBC Private Developers	Private Developers Homes England funding S106 funding to support affordable housing NULBC staff time	Continue to work with partners such as Aspire Housing and Homes England to develop and deliver housing options (including social rented) across the borough. Completing the Keele Masterplan is expected	2018 onwards

				to play a significant role in this.	
13	Bring forward new sites for employment and housing through the emerging Local Plan to enable the further growth of the Borough.	NULBC Staffordshire CC Stoke CC	NULBC staff time	Work with the local plans team to review the emerging proposals	2018 onwards to 2022
14	Explore options to improve M6 connectivity at Junction 15 in line with the SMART Motorway improvements	Council LEP Highways England Local MP's	NULBC staff time	Support elected members in their position on this	2018 onwards

Skills

	Action	Partner / Lead	Resources	Activity	Timescale
15	Continue to work with Newcastle Employment and Skills Group and providers to support people furthest from training and jobs and ensure effective communication between service deliverers	NULBC Aspire Housing NSCG DWP National Careers Staffordshire CC / Libraries Providers	NULBC staff time	Chair and coordinate meetings with Aspire and Newcastle and Stafford College Group. Address specific actions as required.	Ongoing
16	Work with the SSLEP Education Trust and partners, such as the Locality Project and North Staffs Cultural Education Partnership to deliver the Skills Strategy priorities	SSLEP NULBC Staffordshire CC Stoke CC North Staffs Cultural Education	NULBC staff time EU funding Central Government Funding Private Sector Investment	Represent the Council at all relevant meetings in order to secure resources for Newcastle	Ongoing

		Partnership Locality Project			
17	Continue to work with both Keele University, Staffordshire University and Newcastle and Stafford College Group to address skills gaps, raise skills and increase training and employment rates to increase productivity	SSLEP Keele University Staffordshire University Newcastle College NESG Providers	NULBC staff time	Represent the Council at all relevant meetings and provide staff time to support specific initiatives such as apprenticeship and training events	Ongoing subject to EU funding
18	Stimulate demand specifically for higher skills in line with the emerging Local Industrial Strategy	NESG Universities NSCG SSLEP Providers	NULBC staff time EU funding	Represent the Council at all relevant meetings.	Ongoing subject to EU funding

Innovation

	Action	Partner / Lead	Resources	Activity	Timescale
19	Continue to support further development of Keele University and Science and innovation Park as detailed in The New Keele Deal and encourage a greater level of innovation amongst our local businesses including Medtec.	Keele University and KSIP SSLEP Staffordshire CC NULBC Local businesses	EU funding Private Sector Funding Staffordshire CC funding and staff time NULBC staff time	Continue to support the Keele Deal and Leading Places pilot	Ongoing
20	Develop a well-funded,	SSLEP	NULBC staff time	Work with the SSLEP to	Ongoing

	strongly targeted funding structure that is flexible in delivery and managed locally and democratically post Brexit	Universities NULBC Local businesses	UK Shared Prosperity Fund	strengthen UK regional policy to improve the Staffordshire position. We will lobby through the SSLEP and through other representative local authority organisations, for the UK Government to replace the European Regional Development Programme with a well-funded and appropriately targeted UK Shared Prosperity Fund and an improved deal from the Government's Regional Growth	
21	In line with our Local Plan develop employment sites and premises that support creation and investment of innovative businesses	Council Universities Private Developers SSLEP	NULBC staff time Private Investment	Explore the potential to expand Keele Science and Innovation Park. Develop a masterplan for the area.	Ongoing
22	Monitor the growing influence of AI and automation on job trends and skill requirements and work with the education partners to develop courses and structures to enable people to train within the identified growth areas.	NULBC Universities and wider education sector SSLEP	NULBC staff time	Monitor research and publications and attend industry seminars in line with the emerging Local industrial Strategy	Ongoing
23	Consider the support in terms of housing, services and benefit provision to mitigate	NULBC SSLEP	NULBC staff time	Work with the Council's housing policy, housing enforcement and housing	Ongoing

against the impact of work-force polarization resulting in an increase in unemployment and of low-paid and insecure jobs.			benefits teams to monitor the situation in order to address issues.	
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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Date: 6 June 2018

REPORT TITLE Duty to Cooperate Statement of Common Ground between Newcastle-under-Lyme Borough Council, Staffordshire Moorlands District Council, Stoke on Trent City Council, and Stafford Borough Council.

Submitted by: Head of Planning Services

Portfolio: Planning and Growth

Ward(s) affected: All

Purpose of the Report

To advise Members, that in accordance with the Council's Scheme of Delegation relating to matters of urgency the Executive Director for Regeneration and Development and the Portfolio Holder for Planning and Growth have a) agreed and; b) signed a Statement of Common Ground with Staffordshire Moorlands District Council (SMDC), Stoke on Trent City Council and Stafford Borough Council demonstrating performance of the Duty to Cooperate, pursuant to section 33A of the Planning and Compulsory Purchase Act, for submission to the Examination in Public of the Staffordshire Moorlands Core Strategy Review.

Recommendations

- a) That Cabinet note that the Executive Director for Regeneration and Development has taken urgent action to agree and sign a Statement of Common Ground, countersigned by the Portfolio Holder for Planning and Growth, with Staffordshire Moorlands District Council, Stoke on Trent City Council and Stafford Borough Council.
- b) That Cabinet note that the Statement of Common Ground has been submitted to SMDC for inclusion in their Duty to Cooperate Statement to form part of the evidence supporting the Submission version of the Staffordshire Moorlands Core Strategy Review at its Examination in Public.

Reasons

The matter does not make or change policy and therefore in accordance with the Council's Scheme of Delegation (appendix 4 relating to matters of Urgency) any action taken as a 'matter of urgency,' shall be reported to the next available committee.

More specifically, the Statement of Common Ground was required by SMDC by 25th May in order to enable them to submit their Core Strategy Review to the Council Assembly meeting in June prior to submission to the Examination in Public of the said Review.

1. **Background**

- 1.1 In this case the "Statement of Common Ground" that has been agreed primarily relates to the preparation of Development Plans and also sets out a framework for future collaboration on identified strategic cross boundary planning issues between the four Local Planning Authorities (LPAs) in North Staffordshire; as Members will be aware Newcastle-under-Lyme

Borough Council is a neighbouring Authority to Staffordshire Moorlands District Council and it lies adjacent to both Stoke on Trent and Stafford Borough. The Statement of Common Ground (SCOG) is made within the context of the Duty to Co-operate as required under Section 110 of the Localism Act 2011. Its purposes are:

- a. To establish area of agreement in relation to strategic planning and development matters between the four LPAs;
 - b. To identify areas where further work is required and;
 - c. To set the framework for future cooperation, including the monitoring and project management of required works.
- 1.2 The SCOG sets the planning context; describes the geographical area that it covers; reviews each of the three Strategic Housing Markets Assessments (SHMAs), the joint 2015 Gypsy and Traveller and Travelling Showperson Accommodation Assessments; the three Employment Land Reviews and; the position with respect to the North Staffordshire Green Belt within each LPA's area.
- 1.3 In terms of strategic cross boundary matters the following have been agreed by the four local authorities as strategic cross-boundary matters which require co-operation to meet future development requirements:
- a. Housing – the provision of housing across the four local planning authority areas;
 - b. Gypsies, Travellers and Travelling Showpeople – provision for accommodation;
 - c. Employment – the provision of employment across the four local planning authority areas;
 - d. Co-ordination of shared infrastructure:
 - i. Green Infrastructure
 - ii. Traffic growth on A50
 - iii. Education
 - e. Green Belt – co-operation on the approach to Green Belt;
 - f. Constellation Partnership – co-operation on any future joint strategy in support of the potential HS2 hub at Crewe;
 - g. Blythe Vale Strategic Allocation – consideration of the cross boundary implications of the allocation as identified in the proposed Staffordshire Moorlands Local Plan.
- 1.4 A number of matters are indicated in the SCOG as being agreed between the parties. Details of these are provided within the attached Appendix 1. At a summary level there are no adverse implications arising from the SCOG whilst the implications for the Borough Council, as it moves from the Preferred Options stage to draft Joint Local Plan, are as follows:
- a. Housing – that along with SoTCC the Borough is unable to assist in meeting SMDC's housing development requirements due the fact that the Joint Local Plan is in the early stages of preparation and the Preferred Options Document has identified a shortfall in housing supply within the Housing Market Area which would need to be resolved before consideration of housing need arising from Staffordshire Moorlands could be considered.
 - b. Gypsies and Travelling Showpeople – that at this stage the Borough Council is not in a position to identify suitable and /or available land within the Borough to accommodate its own needs, or the needs of other local authorities. Furthermore the shortfall of housing and employment land within the Borough means that the Borough Council is unable to accommodate any potentially arising unmet gypsy and traveller needs from neighbouring authorities due to a lack of available land
 - c. Employment – that all four authorities will liaise on future consideration and evidence gathering in relation to employment requirements and provision undertaken as part of future plan making

- d. Infrastructure – that all four authorities agree to coordinate green infrastructure strategies and any subsequent delivery plans to ensure a consistent and complementary approach
- e. Green Belt – that the authorities will liaise on any future Green Belt reviews that would affect shared Green Belt boundaries in order to consider the merits of a consistent approach
- f. Constellation Partnership – that emerging or future Local Plans will have regard to the Constellation Partnership’s Growth Strategy
- g. Blyth Vale Strategic Allocation – that the Borough Council considers that the proposed employment land allocation at Blyth Vale (the southern part of the ‘site’) should be protected from being developed for housing and promoted for B2/B8 uses, the site having been identified in the 2015 Employment Land Review as playing an important role in meeting the investment needs of the Stoke and Newcastle conurbation.

1.5 The SCOG concludes by listing various decision-making and project management tasks as follows:

- a. An officer working group with representatives from each authority is to liaise quarterly to determine and agree the scope for further engagement on strategic planning matters. This will include consideration of the need to involve wider stakeholders, including those named in this Statement of Common Ground.
- b. Details of activities undertaken in relation to this Statement of Common Ground are to be recorded and published in a monitoring report.
- c. The Statement of Common Ground is to be reviewed in whole or in part as required and as a minimum at the time of a relevant Development Plan update or Development Plan review. Any such review will require Member approval from each respective authority.
- d. The Statement of Common Ground does not fetter the discretion of the local authorities in the determination of any planning application, or in the exercise of any of its statutory powers and duties, or in its response to consultations, and is not intended to be legally binding. The terms of the Statement of Common Ground can be dissolved at the written request of any of the parties.

2. **Issues**

- 2.1 The Council is required by statute to prepare such Statements of Common Ground. In this instance the Council was required to engage in this matter and respond in a timescale which did not provide for the Council to respond via the usual decision making processes. Therefore the provisions within the Council’s Scheme of Delegation for making urgent decisions were invoked and the relevant officer made the necessary decision in consultation with the relevant Portfolio Holder (Planning and Growth).

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

- 3.1 The decision has potential implications for all of the Council’s corporate priorities in the context of the future long term planning to meet the Borough’s development requirements.

4. **Legal and Statutory Implications**

- 4.1 The preparation of a Statement of Common Ground (SCOG) is made within the context of the “Duty to Co-operate” as required under Section 110 of the Localism Act 2011.

5. **Equality Impact Assessment**

5.1 The SCOG would seek to ensure that the future, long term, needs of all of the Borough's communities will be provided for in the most coherent and sustainable manner.

6. **Financial and Resource Implications**

6.1 There are no direct financial implications arising from preparation of the SCOG other than the officer time required to complete the task.

7. **Major Risks**

7.1 There are no major risks to the Council arising from the actions taken.

8. **Sustainability and Climate Change Implications**

8.1 There are no direct implications arising specifically from the SCOG. However by establishing key principles about future development across the four Ipa areas should optimise the prospects of achieving sustainable development.

9. **Key Decision Information**

9.1 This is a key decision because it affects more than two wards.

10. **List of Appendices**

10.1 Statement of Common Ground document.

Agreed matters (within the Statement of Common Ground agreed by the Borough Council, Staffordshire Moorlands District Council, Stoke on Trent City Council and Stafford Borough Council)

Working towards meeting development requirements

a. Housing provision

The proposed Staffordshire Moorlands Local Plan makes provision for an average annual development of 320 dwellings up to the year 2031. This is towards the top of the range of the objectively assessed need for housing identified for the District in the 2017 SHMA Update (235 to 330dpa). This is supported by Green Belt release to enable housing growth in Biddulph and the Rural Areas. There is a shortfall of 190 homes from the top of the objectively assessed need range over the period 2012 to 2031.

Staffordshire Moorlands District Council is unable to accommodate any potentially arising unmet housing needs from neighbouring authorities due to development constraints. In particular, the supply of land in the District is limited by Green Belt which should only be released in exceptional circumstances. Furthermore, the District also partly lies within the Peak District National Park

The adopted Plan for Stafford Borough makes provision for an average annual development of 500 dwellings up to the year 2031 in accordance with the objectively assessed need for housing identified for the Borough in the 2012 SHMA. Housing growth is focussed at Stafford and Stone on large-scale Strategic Development Locations as well as being delivered across a number of Key Service Villages. Since 2011 a total of 3,337 new homes have been completed with 3,509 having planning consent. Stafford Borough currently has more than a 5 year supply of housing land.

In February 2018 Staffordshire Moorlands District Council made a request to Stafford Borough to assist with meeting the shortfall of 190 new homes. However based on this need having to be met within the relevant Housing Market Area, the adjoining area between Stafford Borough and Staffordshire Moorlands is contained within the North Staffordshire Green Belt and therefore delivery is severely constrained in this area. At this stage no request has been received from the City of Stoke-on-Trent Council or Newcastle-under-Lyme Borough Council to accommodate any unmet housing needs within Stafford Borough, although it is noted that the Joint Local Plan currently has a shortfall of over 1,200 new homes compared to deliverable sites.

Taking into account the Joint Local Plan evidence base Newcastle-under-Lyme Borough Council has published for consultation purposes, with Stoke-on-Trent City Council, a preferred growth strategy which seeks to provide for 11,720 homes over a twenty year plan period between 2013 and 2033 within Newcastle-under-Lyme. However, within the urban area of Newcastle-under-Lyme the Borough Council can only demonstrate delivery of 6,611 dwellings against this requirement. The Council has therefore proposed and consulted on the release land within the Green Belt to help meet its housing needs. At this stage the Council has identified sites within the Green Belt with a capacity of 3,010 dwellings. The total delivery against the requirement is 9,621 (82% of their apportionment) leaving a shortfall of -2099. Between, 1 April 2013 and 31 March 2017, 1,080 homes have been completed in the borough.

Taking into account the Joint Local Plan evidence base Stoke-on-Trent City Council has a housing need requirement of 16,080 dwellings which is the city council's appointment of the

joint plan area's requirement of 27,800 dwellings. The city council has published for consultation purposes, with Newcastle-under-Lyme Borough Council, a preferred options growth strategy which seeks to deliver 16,892 homes over a twenty year plan period between 2013 and 2033 within Stoke-on-Trent (105% of their appointment). How this supply is calculated is set out at paragraph 2.76 of the Preferred Options Consultation Document. Between 1 April 2013 and 31 March 2017, 2,235 homes have been completed in the city.

Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council are both unable to assist in meeting SMDC's housing development requirements due to the fact that the Stoke-on-Trent and Newcastle-under-Lyme Joint Local Plan is in the early stages of preparation.

The councils are still gathering evidence and have just completed a consultation on the Preferred Options which aims to meet the needs of the Joint Local Plan area. The Joint Local Plan will need to be at a more advanced stage before the councils can consider the needs of adjoining authorities as the Joint Local Plan Preferred Options consultation identifies a shortfall in housing supply within the Housing Market Area of Newcastle-under-Lyme and Stoke-on-Trent and which would need to be resolved before the consideration of housing need arising from Staffordshire Moorlands could be considered.

All four authorities will liaise on future consideration and evidence gathering in relation to housing requirements and provision undertaken as part of future plan making.

b. Gypsies, Travellers and Travelling Showpeople

The Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) identified the requirement as identified in this Statement of Common Ground.

There are 4 pitches in Staffordshire Moorlands. The residual requirement for pitches in the period 2014/15 to 2018/19 in the District is 3.

The proposed Staffordshire Moorlands Local Plan does not identify any land to accommodate the identified needs due to a lack of suitable and available land. Policy H4 of the Core Strategy and emerging Local Plan will help to deliver the shortfall in pitches through the determination of appropriate windfall sites.

Staffordshire Moorlands District Council is unable to accommodate any potentially arising unmet needs from neighbouring authorities due to the lack of available land.

There are currently 69 households living on Gypsy and Traveller pitches in Stafford Borough, 12 pitches on a Local Authority site and 56 on authorised sites alongside 8 unauthorised.

The Plan for Stafford Borough Part 2 identifies current new provision for 43 pitches over the period 2011 to 2027 of which 36 new pitches having planning consent at St Alban's Road, Stafford. There is an unidentified need for 7 pitches which will be delivered through windfall sites over the Plan period in line with Policy C7 of the adopted Plan for Stafford Borough.

The Stafford Borough New Local Plan will allocate a new gypsy site to meet requirements through to 2040 but will be unable to accommodate any potentially arising unmet needs from neighbouring authorities due to the lack of available land despite having a request from Staffordshire Moorlands District Council to do so in February 2018. Stafford Borough will need to update the Gypsy and Traveller and Travelling Showperson Accommodation Assessment through the New Local Plan either jointly with neighbouring authorities or independently.

The Joint Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) identifies a shortfall of one pitch between 2014 and 2019 for Newcastle-under-Lyme. A further six pitches are required between 2019 and 2034, bringing the total requirement to seven permanent pitches. In addition to the provision of permanent pitches, the study identifies the requirement to plan for five transit pitches across Newcastle-under-Lyme between 2015/16 and 2018/19.

Within Stoke-on-Trent the Joint Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) identifies a shortfall of 22 pitches between 2014 and 2019 and a further requirement for 16 pitches between 2019 and 2034, bringing the total requirement to 38 permanent pitches. In addition to the provision of permanent pitches, the study identifies the requirement to plan for five transit pitches across Stoke-on-Trent between 2015/16 and 2018/19.

Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council have cooperated on the preparation of a Joint methodology to identify the provision of pitches. Preparations are underway to consult on the Joint methodology and potential land to accommodate the requirement later in 2018. Therefore, at this stage the borough council is not in a position to identify suitable and/or available land within Newcastle-under-Lyme to accommodate its needs, or the needs of other local authorities. However, the shortfall of housing and employment land within Newcastle-under-Lyme means that the borough council is unable to accommodate any potentially arising unmet gypsy and traveller needs from neighbouring authorities due to a lack of available land.

c. Employment provision

The proposed Staffordshire Moorlands Local Plan makes provision for 27ha of employment land up to the year 2031. This is the top end of the objectively assessed need for employment land for the District and supports the growth of approximately 800 jobs within the District.

Staffordshire Moorlands District Council is unable to accommodate any potentially arising unmet employment needs from neighbouring authorities due to development constraints. In particular, the supply of land in the District is limited by Green Belt which should only be released in exceptional circumstances. Furthermore, the District also partly lies within the Peak District National Park.

Stafford Borough Council published an Employment Land Review in 2012 as part of the evidence for the Plan for Stafford Borough 2011-2031 which concluded that 160 hectares of employment land is required for the area at 8 hectares per year.

The Plan allocates a total of 89 hectares of new employment land on strategic development areas at Stafford, Stone, Ladfordfields and Raleigh Hall. Currently 23.2 hectares have been completed since 2011 and 70 hectares (gross) have planning commitments, with 50.4 hectares allocated. At this stage no request has been received from neighbouring authorities to accommodate any unmet employment needs within Stafford Borough.

Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council agreed a Joint Employment Land Review in December 2015 to inform the preparation of a new Joint Local Plan. The ELR together with the SHMA, recommends that the OAN for employment land should be set to meet the Cambridge Econometrics LEFM, amounting to 199 hectares of land to be delivered for B-Class uses over the plan period 2013 to 2033. This OAN is made up of 68 hectares for Newcastle-under-Lyme and 131 hectares for Stoke-on-Trent.

However the availability of land for employment development in the plan area has led the councils to identify a preferred employment land supply of 230 hectares, which is approximately 15% higher than the OAN. Both councils propose to maintain this high level of supply across the plan area so as to help deliver wider economic aspirations and give flexibility and choice for the market.

Within Newcastle-under-Lyme this supply is made up of the following:

- 4 hectares of completed employment land between 2013 and 2017
- 28 hectares of vacant land with planning approval
- 18 hectares of vacant employment land that is currently considered to be suitable and available.

Within Newcastle-under-Lyme there is currently an identified shortfall of 18 hectares of employment land. However in support of the delivery of an innovation led, higher value employment growth, as advocated by the Stoke-on-Trent and Staffordshire LEP, the Joint Local Plan Preferred Options Consultation Document has proposed the development of 12.5 ha of B1a/B1b land within the Green Belt adjacent to the existing Keele Science and Innovation Park. This leaves a shortfall of 5.5 hectares against the identified need of 68 hectares. However, as indicated above this shortfall can be met across the Functional Economic Market Area.

The new jobs that are projected to be created under the OAN total 17,372 jobs. Of this total job growth figure, 7,613 are projected to be in Newcastle-under-Lyme and 9,759 in Stoke-on-Trent. Within Stoke-on-Trent the Joint Local Plan Preferred Options Consultation Document (para. 2.32 – 2.35) identifies a supply of 167 hectares of employment land (against a requirement of 131 hectares) within Stoke-on-Trent, the supply is made up of the following:

- 37 hectares of completed employment land between 2013 and 2017
- 87 hectares of vacant land with planning approval
- 43 hectares of vacant employment land that is currently considered to be suitable and available.

In Stoke-on-Trent 89% of the employment land supply comprises of previously developed land and the preferred sites are all identified within the urban area of Stoke-on-Trent and are concentrated close to the City and Town centres and around major transport corridors (that is the A50 and A500 and the Manchester-Stafford and Crewe-Derby railway lines). The Ceramic Valley Enterprise Zone covers a large proportion of this employment land supply, from Cliffe Vale and Etruria Valley in the centre of the conurbation to Chatterley Valley and Tunstall in the north. The updated monitoring evidence identifies that Stoke-on-Trent is experiencing a marked improvement in the take-up of employment land in recent years and this is now at a level that is comparable to longer-term trends. All four authorities will liaise on future consideration and evidence gathering in relation to employment requirements and provision undertaken as part of future plan making.

d. Co-ordination of shared infrastructure

Signatories to this statement will co-ordinate green infrastructure strategies and any subsequent delivery plans to ensure a consistent and complementary approach

Highways England has identified the need to consider the cumulative impact of development at Blythe Vale along with growth identified in the Joint Stoke-on-Trent and Newcastle

Borough Local Plan and East Staffordshire Local Plan on the A50 with a detailed assessment of the impact of the A50/A521 junction a priority.

Staffordshire Moorlands District Council will work with partners, including the signatories to this Statement of Common Ground and others such as Staffordshire County Council, East Staffordshire Borough Council, Highways England, landowners and developers to implement the requirements of Policy DSR1 to ensure that cross boundary strategic planning matters are addressed. This will include consideration of the transport implications for the A50, associated improvements as required by Highways England and the Derby-Crewe railway line and services.

There are cross boundary movements of pupils between the respective authority areas. The signatories to this statement will liaise with one another and Staffordshire County Council to address matters that may arise in terms of accommodating growth and the subsequent demand for school places.

e. Green Belt

The adopted and proposed Green Belt boundaries in Staffordshire Moorlands prevent urban sprawl and the merging of towns and villages along the border of the Local Plan areas.

The North Staffordshire Green Belt boundary was originally defined in 1967 and its function defined in The North Staffordshire Green Belt Local Plan adopted in 1983 (Summary of Survey and Issues Section, para 1.02) as directing the continuing pressure for development in rural areas to the regeneration of the older parts of the urban areas and maintaining the valuable tracts of open countryside near the built up area.

At paragraph 2.03, it sets out the established aims of the Green Belt in North Staffordshire, as originally approved by the County Council in 1967. This is as follows:

“To limit the expansion into adjoining open country of the urban areas of North Staffordshire forming part of the Potteries Conurbation.

To prevent the following towns and settlements in the adjoining open area from merging with the Potteries Conurbation and with other settlements;

- The built up areas of Kidsgrove (within Newcastle-under-Lyme) and Biddulph;
- The settlements of:

Brown Edge, Endon, Stanley, Bagnall, Stanley Moor, Norton Green, Baddeley Green, Baddeley Edge, Light Oaks, Werrington, Cellarhead, Caverswall, Cookshill, Blythe Bridge, Forsbrook, Meir Heath, Barlaston (within Stoke-on-Trent)

Alsagers Bank, Halmer End, Miles Green, Wood Lane, Bignall End and Audley.
(within Newcastle-under-Lyme)

To prevent the coalescence of the following towns and settlements around the Potteries Conurbation:

- Madeley Heath with Madeley;
- Betley with Audley. (within Newcastle-under-Lyme)

- Leek with Longsdon;
- Leek with Cheddleton;
- Longsdon with Cheddleton;
- Longsdon with Endon;

- Cheddleton with Folly Lane;
- Folly Lane with Wetley Rocks;
- Wetley Rocks with Cellarhead;
- Cheadle with Kingsley Holt;
- Kingsley with Kingsley Holt;
- Cheadle with Dilhorne;
- Cheadle with Forsbrook;
- Fulford with Meir Heath;
- Stone with Oulton;
- Stone with Yarnfield;
- Tittensor with Barlaston;
- Barlaston with Stone;

The adopted Plan for Stafford Borough 2011-2031 (June 2014) identifies the Green Belt boundaries for the Borough, located to the north of Stone forming part of the North Staffordshire Green Belt area and south east of Stafford as part of the West Midlands Green Belt area. As there is sufficient land to serve the development needs of Stafford Borough outside of these Green Belt areas no safeguarded land or boundary changes have been identified. However Policy E5 does identify Major Developed Sites in the Green Belt at Hadleigh Park, Moorfields Industrial Estate and the former Meaford Power Station site where employment uses are supported on previously developed areas. The North Staffordshire Green Belt will be maintained through the new Local Plan in line with the national policy position and the local context.

The authorities will liaise on any future Green Belt reviews that would affect shared the Green Belt boundaries in order to consider the merits of a consistent approach.

f. Constellation Partnership

All signatories to this statement form part of the Constellation Partnership which is in the process of developing a growth strategy to maximise the economic benefits of the potential HS2 hub at Crewe across Cheshire and Staffordshire.

Joint working between the signatories of this statement and the wider partnership are set out in the terms of the Constellation Partnership Concordat.

Emerging or future Local Plans will have regards to the Constellation Partnership's Growth Strategy.

g. Blythe Vale Strategic Allocation

The Staffordshire Moorlands Local Plan includes a 48.5ha mixed-use allocation for approximately 300 dwellings, employment and supporting infrastructure at Blythe Vale. The site lies adjacent to the A50 and is in close proximity to the boundary with Stoke-on-Trent and Stafford Borough.¹

Policy DSR1 (Blythe Vale) of the Staffordshire Moorlands Local Plan includes a requirement for the preparation of a comprehensive master plan for the site, the provision of a Transport Assessment, Travel Plan, flood risk assessment, landscaping scheme, ecological survey and management plan, measures to improve sustainable transport routes and connectivity

¹ On 2nd November 2017, full planning consent was granted by Staffordshire Moorlands District Council on part of the allocation for 118 dwellings, access, pedestrian and cycle linkages, open space, landscaping and sustainable urban drainage measures.

with Blythe Bridge and contributions towards open space, education and other community needs as required.

Stafford Borough Council notes the significant mixed use development at Blythe Vale including 300 new homes and over 48 hectares of employment land, which is supported through the Constellation Partnership provided this notes new development at Hadleigh Park, a Major Developed Site in the Green Belt of Stafford Borough. However the Borough Council wish to be consulted on further detailed studies regarding new infrastructure at Blythe Vale as well as a master plan for the area setting out links to adjoining areas and landscape implications. Whilst the Borough Council welcomes the Blythe Bridge Opportunity corridor for green infrastructure, areas designated for potential new floodplain and riparian woodland within Stafford Borough Council's area should be removed from the Staffordshire Moorlands Local Plan's Green Infrastructure Strategy maps.

The Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review 2015 identified the Blythe Bridge strategic site as playing an important role in meeting the investment needs of the Stoke and Newcastle conurbation in the early 1990s.

Newcastle-under-Lyme Borough Council considers that the proposed employment land allocation at Blythe Vale (southern part of the 'site) should be protected from being developed for housing and promoted for B2/B8 uses.

Stoke-on-Trent City Council considers the Blythe Vale site to be an important strategic employment site on the boundary of Stoke-on-Trent, as recognised within the Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review 2015. The allocation of the Blythe Vale site is supported, particularly for employment generating uses and in particular the southern part of the site should be protected for employment uses (B2/B8).

Policy DSR1 (Blythe Vale) of the Staffordshire Moorland Local Plan Submission Version) states that the "residential development should be located to the north of the site". The development will be subject to a comprehensive masterplan for the whole site, including the delivery of employment land to the south of the A50.

Staffordshire Moorlands District Council proposes to introduce a more flexible approach to the site by opening the potential range of employment to all B-use class developments, including B8. This departure from the former approach to the Regional Investment Site is proposed in order to facilitate the delivery of the site which to date has been restricted to B1 and B2 (where appropriate) without success.

Staffordshire Moorlands District Council will work with partners, including the signatories to this Statement of Common Ground to implement the requirements of Policy DSR1 to ensure that cross boundary strategic planning matters are addressed.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

Date: 6 JUNE 2018

<u>Title:</u>	Anti-social Behaviour (ASB) Policy
<u>Submitted by:</u>	Sarah Moore – Partnerships Manager
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	All

Purpose of the Report

To seek Cabinet approval for the adoption of an Anti-social Behaviour (ASB) Policy for the Borough Council in Newcastle-under-Lyme.

Recommendations

To approve the proposed ASB Policy and accompanying procedure for delivery in the Borough.

Reasons

The Anti-social Behaviour, Crime and Policing Act (2014) provides powers to local authorities and their partners, and places a number of statutory obligations on councils when responding to incidents of ASB.

The ASB Policy provides guidance for Council Officers, Members, Partners and the public on how the Partnerships Team responds to complaints of ASB.

1. Background

- 1.1 A report was presented to Cabinet on 15th October 2014 informing Members of the new powers under the Anti-Social Behaviour Crime and Policing Act 2014 that came into force that year, and the impact this would have for the Council in dealing with ASB.
- 1.2 The Act introduced a number of new tools for tackling ASB, as well as deleting some previously used tools, such as Anti-Social Behaviour Orders (ASBOs), which were no longer deemed to be effective.
- 1.3. In light of the above, it has been necessary to formalise the Council's ASB Policy associated to reflect these changes.
- 1.4. Officers from the Partnerships Team have worked with colleagues in Environmental Health services and with a number of other partners to produce an ASB Policy and accompanying Procedure, in order to outline the Council's approach to tackling ASB and to make the best use of the powers available from the 2014 Act.

- 1.5 The Council's Partnerships Team has responsibility for community safety and related partnership work within the Newcastle Partnership and administers the Community Safety Partnership (CSP) to discharge statutory obligations, including ASB powers.
- 1.6 The Council's Environmental Health service has responsibility for discharging the Council's statutory duties – including dealing with complaints/enquiries regarding licensing, noise and other nuisances, dog controls, inappropriate storage of trade waste, litter enforcement, and as such often works alongside the Partnerships Team on issues affecting both service areas.
- 1.7 The Council's Legal service provides advice and assistance in relation to ASB and Environmental Health including the enforcement of civil proceedings with both the Partnerships Team and Environmental Health service.

2. Summary of the ASB Policy and accompanying Procedure

2.1 In summary the new ASB Policy:

- Defines the Council's approach to tackling ASB in partnership with other statutory agencies.
- Sets out the Council's commitment to reducing anti-social behaviour, improving the quality of life for local people and reducing crime and fear of crime within our communities.
- Encourages residents to resolve issues themselves wherever possible and where problems escalate into more serious and wide spread issues, confirms that the Council will proactively work with partners and residents to tackle ASB in our communities.
- Incorporates the revised definition of ASB included within the 2014 legislation.
- Highlights the types of ASB recognised by the Council.
- Outlines what the Council is unlikely to be able to investigate or assist with e.g. private disputes, legally parked vehicles, household noise etc.
- Explains how cases will be managed and risk assessed by the Partnerships Team.
- Explains how the Council will approach Data Protection and other legislative requirements regarding information sharing.
- States that the Policy will be reviewed every 3 years.

2.2 In summary the new ASB Procedure;

- Highlights how an ASB complaint can be made.
- Gives further detail around the ASB case management process and in particular risk assessments and categories for prioritisation.
- Explains the range of approaches that will be used in prevention and early intervention such as information, diversionary activities, target hardening, community resolution and mediation.
- Explains the informal action that may be taken by the Council such as verbal or written warnings, acceptable behaviour contracts or parenting contracts and community protection notices.
- Explains the formal action that may be taken by the Council in a small number of cases such as civil injunctions, criminal behaviour orders, community protection notices, public space protection orders and closure orders.
- Explains the process for case resolution and closure.
 - Highlights the escalation process if a complainant is dissatisfied with the outcome of an investigation, through either the statutory Community Trigger process or the Council's complaints procedure.

3. Proposal and Reason for Preferred Solution

- 3.1 To approve the proposed ASB Policy and accompanying procedure for delivery in the Borough. The ASB Policy and accompanying Procedure provides guidance for Council Officers, Members, Partners and the public on how the Partnerships Team responds to complaints of ASB.
- 3.2 Reasons for the preferred solution include:
- 3.2.1 The Council needs to ensure that it has robust mechanisms in place in order to appropriately co-ordinate ASB enforcement and diversionary activity in the Borough, using available resources.
- 3.2.2 The Anti-social Behaviour, Crime and Policing Act (2014) provides powers to local authorities and their partners, and places a number of statutory obligations on councils when responding to incidents of ASB.

4. Outcomes Linked to Corporate Priorities

- 4.1 Performing the statutory duties under the Anti-social Behaviour, Crime and Policing Act 2014 through use of the ASB Policy and associated Procedure, contributes to meeting the Council's Corporate Priorities of Creating Healthy and Active Communities; Creating a Cleaner, Safer and Sustainable Borough; and Delivering a Co-operative Council.

5. Legal and Statutory Implications

- 5.1 The Anti-social Behaviour, Crime and Policing Act 2014 places statutory duties on and gives powers to local authorities in challenging ASB in the community.
- 5.2 The application of any enforcement powers under the Act will also take into account any statutory guidance / regulations and will reflect the requirements of the Act and the Council's adopted Enforcement Policy.
- 5.3 The Council's scheme of delegation gives clarity and legal certainty over who is able to exercise the various powers within the Act which fall within the remit of the Council.

6. Equality Impact Assessment

- 6.1 An Equality Impact Assessment is being developed for this area of work.

7. Financial and Resource Implications

- 7.1 There are no specific additional financial implications or commitments required for the adoption of the Policy.
- 7.2 There are resource implications (using existing resources) for Council Officers who are involved in and will co-ordinate ASB activity, in particular coordinating partnership working and enforcement activity.
- 7.3 Enforcement of the legislation is predominantly civil and it is anticipated that this may therefore have financial implications for the Council in terms of increased legal costs. The potential increase expected is unknown at this time but Officers will provide further information when available. In the short term this will be managed by existing resources but kept under review.

8. Major Risks

- 8.1 Failure to take appropriate action regarding the use of ASB powers and legislation may result in the Council being unable to perform its statutory duties, leaving the Council open to legal challenge.
- 8.2 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

9. Key Decision Information

- 9.1 This report can be considered key in the following ways: -
 - It results in the Borough Council committing existing resources for the function to which the decision relates and;
 - To be significant in terms of its affects on communities living or working in an area comprising two or more electoral wards in the Borough.

10. Earlier Cabinet/Committee Resolutions

- 10.1 15/10/14 – Update on Anti-social Behaviour, Crime and Policing Act 2014.

11. List of Appendices

- 11.1 Appendix 1 – Anti-social Behaviour Policy 2018.

12. Background Papers

- 12.1 None.

Implications included	Head of Service agreed report, signed & dated	Financial Implications signed & dated	Legal & risk implications signed & dated
Financial			
Legal			
Risk			
Corporate format used			



ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE

JUNE 2018

Final Approved Version

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PART 1 – POLICY

1.1 Introduction

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery. These range from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

This policy and procedure document defines Newcastle-under-Lyme Borough Council's approach to tackling ASB, in partnership with other statutory agencies.

1.2 Policy statement, commitment and principles

Newcastle-under-Lyme Borough Council (hereon described as the Council) is committed to continuously improving the quality of life and experiences of people, who live, work, invest, study and visit the Borough of Newcastle-under-Lyme. The implementation of this ASB policy and use of its procedures will be part of providing safer, stronger and more resilient communities in the Borough by taking positive action in conjunction with partners, to deal with, and prevent, all forms of anti-social behaviour and to ensure that residents are able to enjoy peace, quiet and security in their communities.

This policy sets out the Council's commitment to reducing ASB, improving the quality of life for local people and reducing crime and fear of crime within our communities. The Council is committed to promoting understanding, tolerance and respect within our communities.

The Council encourages residents to resolve issues themselves wherever possible. Where problems escalate into more serious and wide spread issues, the Council will proactively work with partners and residents to tackle ASB.

1.3 Definition of ASB

The legal definition of ASB can be found in Section 2 of the Anti-social Behaviour, Crime and Policing Act 2014;

“conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or conduct capable of causing housing-related nuisance or annoyance to any person”.

1.4 Types of ASB and/or nuisance (not exhaustive)

ASB can take many forms, some of which are listed below.

- Misuse of public spaces
- Repeat noise nuisance including loud music, persistent alarms, excessively loud or frequent parties, shouting or yelling etc.
- Rowdy, aggressive or threatening behaviour or language
- Repeat nuisance from pets such as dogs barking or failing to control an aggressive dog
- Property damage and vandalism
- Environmental issues including fly-tipping, vandalism, dog fouling, graffiti, fly posting, abandoned vehicles etc.
- Repeat verbal or written abuse, intimidation, harassment or threats

- Acts of violence
- Hate crime
- Anti-social behaviour as a result of misuse of drugs or alcohol
- Off road riding of motorbikes or mopeds.

There are often occasions where the involvement of an agency such as the local Council or Police can cause any dispute to escalate. Persons being complained about can take offence at the involvement of officials and this can exacerbate the matter, causing the loss of proportionality and perspective.

The Council's approach will mean that with some less serious types of behaviour, parties should, wherever possible and practicable, seek to resolve the matter themselves peacefully and through positive communication. Some types of behaviour would not constitute ASB.

The following examples of behaviour are where the Council would not encourage complaints nor expect to investigate and these include:

- Everyday activities or household noise (e.g. washing machines, hoovers, use of stairs etc), including children playing and dogs barking
- Children playing ball games or congregating with no associated ASB
- People staring at others with no other associated offending
- People perceived as being unreasonable or unpleasant without significant harm
- Vehicles that are parked legally
- Disputes between neighbours over private matters e.g. parking of vehicles.

Whilst some of the above, if undertaken in the extreme, can cause significant harassment, alarm or distress, in the majority of cases, the Council would be unlikely to conduct any formal investigation nor explore use of legislative powers in these circumstances.

In tackling ASB, the appropriate legislation and regulations must be complied with. In particular the Council and its partners have powers under, but not limited to, the following Acts of Parliament:

- Anti-Social Behaviour Act 2003
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Data Protection Act 2003
- General Data Protection Regulation (GDPR) 2016
- Equalities Act 2010
- Housing Acts 1985, 1996 and 2004
- Clean Neighbourhoods Act 2002
- Refuse Disposal (Amenity) Act 1978
- Mental Health Act 1983 (amended 2007)
- Human Rights Act 1998
- Freedom of Information Act 2000
- Care Act 2014
- Local Government Act 2000
- Serious Crime Act 2015

The above Acts contain both civil and criminal offences, both of which require different standards of proof. Civil offences are tried on the balance of probabilities, whereas criminal offences are tried beyond reasonable doubt. The standard of evidence gathered by the

Council, before formal action can be taken will depend on the ASB in question and what is deemed to be the most appropriate course of action. To assist in the Council's investigation of a complaint, the complainant will be required to provide evidence detailing what they have witnessed and/or experienced.

1.5 Approach to Tackling ASB

The Council will continue to work with partner agencies to prevent, and where appropriate, tackle ASB by using a wide range of measures.

The measures to tackle ASB include both informal and formal action. Wherever possible and practicable the Council will seek early intervention to prevent escalation of ASB such as; warning letters, Acceptable Behaviour Contracts (ABCs) and mediation. Formal action such as; Civil Injunctions, Community Protection Notices (CPNs), Public Spaces Protection Orders (PSPOs), Criminal Behaviour Orders (CBOs) and Closure Orders may be used for recurring and/or more serious issues.

1.6 Working Together and Sharing Information

The Council's Partnerships team, together with other key departments, such as Environmental Health, will lead the Council's work in preventing and tackling ASB. Key to this will be the work with partner agencies including (not exhaustive):

- Staffordshire Police
- Registered Social Landlords
- Education
- Staffordshire Fire and Rescue Service (FARS)
- Health service
- Registered Charities
- Residents Associations and Locality Action Partnerships (LAPs)
- Community Interest Groups
- Staffordshire County Council – including Safeguarding teams
- Town and Parish Councils
- Voluntary sector

All these, and others, have a significant role to play and by working together we will ensure the community is safer and stronger. The partners bring a range of expertise, experience and additional powers that when collaborated, can assist in resolving issues more effectively. As part of this collaborative approach an information sharing protocol has been developed to ensure that appropriate information flows between partners quickly to expedite the resolution of the issues.

Structured formal meetings will assist with the information sharing and add to other informal or small multi professional meetings specific to individual issues. The formal meetings with partners will include (but are not limited to);

- Joint Operations Group (JOG)
- Anti-Social Behaviour and Youth Violence Case Conference
- Partnership Vulnerability Hub

The JOG meets on a monthly basis and aims to identify repeat patterns and trends of ASB at locations across the Borough. With partners, actions to address the ASB will be allocated and reported back on through the meetings.

The ASB and Youth Violence Case Conference meets monthly and focuses on those individuals presenting the highest risk of offending in respect of ASB. Partners will share information and actions will be allocated to divert individuals and/or agree sanctions to be used

to enforce against them.

The Partnership Vulnerability Hub meets on a daily basis and gives partners the opportunity to highlight cases of concern involving various vulnerabilities, share information and attribute actions to help resolve the issues raised.

1.7 Managing Cases and Assessing Risk

Effective case management underpins the successful resolution of ASB. This starts from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims, whose complaints form the basis of any action, are the main consideration at every stage of the process.

The Council will use its electronic case management systems, relevant to the department leading the response to the case, to keep a full and accurate record of the initial complaint and any subsequent actions, communication and outcomes connected to it.

Assessing the risk of harm to the victim is also an important part of case management. It is important to identify the impact ASB is having on the victim, particularly if repeated incidents are having a cumulative effect on their well-being. A continuous and detailed risk assessment helps to identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of ASB against the victim.

The Partnership will agree timescales and create an action plan for responding to each reported case of ASB. It will also:

- Support victims of ASB throughout the case
- Treat all reports as confidential unless considered that information should be shared for safeguarding purposes, or to prevent crime and disorder or where it is in the public interest
- Share information only with other relevant organisations that can help with the problem and will observe data protection laws in accordance with the One Staffordshire Information Sharing Protocol
- Ensure that criminal activities reported to the Council are promptly disseminated to the Police
- Register each case appropriately to maximise opportunities to achieve multi-agency cooperation
- Fully investigate the complaint in accordance with relevant legislation
- Formally close cases with full reasons for closure, giving feedback as appropriate, using the complainant's preferred method of correspondence
- Should no further action be taken, explain this fully to the complainant and advise on self-help or other alternative courses of action whenever it is possible and appropriate.

1.8 ASB and Young People

Young people who perpetrate ASB may have many complex support needs. The Council will strive to ensure that any actions taken against juvenile perpetrators comply with responsibilities under the Children Act and other relevant legislation. The Council will seek to address any support needs identified through available and appropriate partnership activities, which may be commissioned by a variety of funders, with a focus on early intervention and diversion.

1.9 Vulnerable People

A person may be vulnerable for a variety of reasons, e.g. mental illness, learning disability, drug or alcohol dependence, physical disability, sensory impairment, ethnicity. If a person is deemed to be vulnerable, interventions are made as soon as possible to prevent further problems

occurring. Every effort is made to work with vulnerable people to try to resolve the issues. However, any enforcement action taken by the Council will be proportionate to the risks posed and the seriousness of their behaviour. As far as the law allows, the Council will take into account the circumstances and attitude of the individual when considering what action to take.

1.10 Hate Crime

Hate crime is defined as *'any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic'*. There are five strands of hate crime, monitored nationally:

- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Disability
- Transgender identity.

Hate crimes are a subset of notifiable crimes that are recorded by the Police. All complaints of hate crime will be taken seriously and will be forwarded to the Police, unless they have been made maliciously. The Council will work in partnership with the Police to resolve the complaint and will be prioritised accordingly any action taken.

1.11 Data Protection

Any information provided to the Council in respect of an ASB complaint will be treated in the strictest of confidence and will not be used for any purpose without the express consent of the person who has provided it. However, it will be difficult to progress and resolve cases unless the Council are able to broach the issues with the perpetrator.

Individuals have the right to request access to the information the Council holds about them. The Council aims to provide access to information for 'data subjects' within 40 days of a subject access request being received, in line with the Council's Data Protection Statement. However, individuals do not have the right to see information about other people and as such the Council will not disclose personal information to perpetrators.

There are certain circumstances where these principles may not apply, for example in child protection cases which require immediate referral to Children's Services.

Any data held by the Council will be managed in accordance with the Data Protection Legislation (the GDPR and new Data Protection Act 2018), which covers the collection, storage, processing and distribution of personal data, but is also subject to the terms of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Council aims to fulfil its obligations under the legislation to the fullest extent; only processing personal data for the reason it was collected, ensuring you are aware of why it is being processed (with some exceptions due to legislative requirements) and by ensuring we take appropriate measures to protect your information.

1.12 Monitoring and Review of the Policy

This aims and objectives of this Policy will be monitored by quarterly quality reviews to ensure that the procedure for case management is being followed appropriately and that records are suitably detailed and accurate.

This Policy will be reviewed every 3 years to ensure that any changes in legislation or best practice are included and updated. The Council will consult with staff, internal and external partners in the review.

The Council will maintain procedural documents for the use of ASB enforcement powers and this will be subject to scrutiny and monitoring by the Economy, Environment and Place and/or the Health, Wellbeing and Partnerships Scrutiny Committees. Under the Council's Scheme of Delegation the Chief Executive and Head of Environmental Health Services will also have a number of enforcement powers, particularly in relation to Public Space Protection Orders and Prosecution proceedings for breaches of anti-social behaviour powers. Any changes to this Policy will be subject to approval by the Portfolio Holder for Community Safety and Wellbeing.

PART 2 – PROCEDURE

2.1 Making an ASB complaint

The Council deal with ASB complaints for homeowners and private tenants in the Borough and use a range of powers from informal actions such as mediation, referrals to support services and warnings through to the enforcement by the use of legal powers through the courts.

Residents who are social housing tenants, should report issues directly to their landlord in the first instance.

Anyone experiencing ASB should report it as soon as possible. Complaints can be made online via the Council's website at <https://www.newcastle-staffs.gov.uk/online-form/?id=18>

Alternatively, a complaint can be reported;

- by telephone on 01782 717717
- by email asb@newcastle-staffs.gov.uk
- in person or in writing to the Council at Castle House, Barracks Road, Newcastle-under-Lyme, Staffs, ST5 1BL.

2.2 Anonymous and Malicious Complaints

Anonymous complaints will be treated with the same importance as any other complaint. If there are serious allegations such as child abuse or drug dealing, these will be passed, without delay, to the relevant agency for the most appropriate action to be taken. Other anonymous complaints will be handled carefully as they may be difficult to prove and could be harmful to the accused if found to be untrue. Anonymous complaints will not form the sole basis of legal action, but could lead to additional evidence and formal action. Malicious complaints will be dealt with in line with the Council's policies and procedures for such matters.

2.3 Community Trigger

The Anti-social Behaviour, Crime and Policing Act 2014 includes a new measure which is designed to give victims and communities a say in the way anti-social behaviour is dealt with; The 'Community Trigger' or ASB Case Review gives victims the ability to require action, starting with a review of their case, where the locally defined threshold is met.

If there have been 3 separate incidents recorded from the same complainant within a six month period of anti-social behaviour and the complainant does not feel that they have been dealt satisfactorily they can apply for a community trigger where the case will be reviewed.

In terms of the behaviour itself, what is seen as 'anti-social' will vary from victim to victim, and community to community. This is one reason why the way in which incidents of anti-social behaviour are reported has changed; no longer focusing on the behaviour, but on the impact it has on the victim.

Agencies including councils, the police, local health teams and registered providers of social housing have a duty to undertake a case review when someone requests one and the case meets a locally defined threshold.

For further information see <https://www.staffordshire.police.uk/ASB/CommunityTrigger>

2.4 Case Management Process

2.4.1 Risk Assessment

An initial assessment of each case is made to establish the circumstances that have led to the complaint and if the complainant has any vulnerability that the Council need to take into consideration during the investigation. The assessment will be undertaken using the Council's computer based tool to ascertain the associated risk and in order to establish the priority category assigned to the case, which is also dependent on the seriousness of the allegations.

2.4.2 Categories for prioritisation

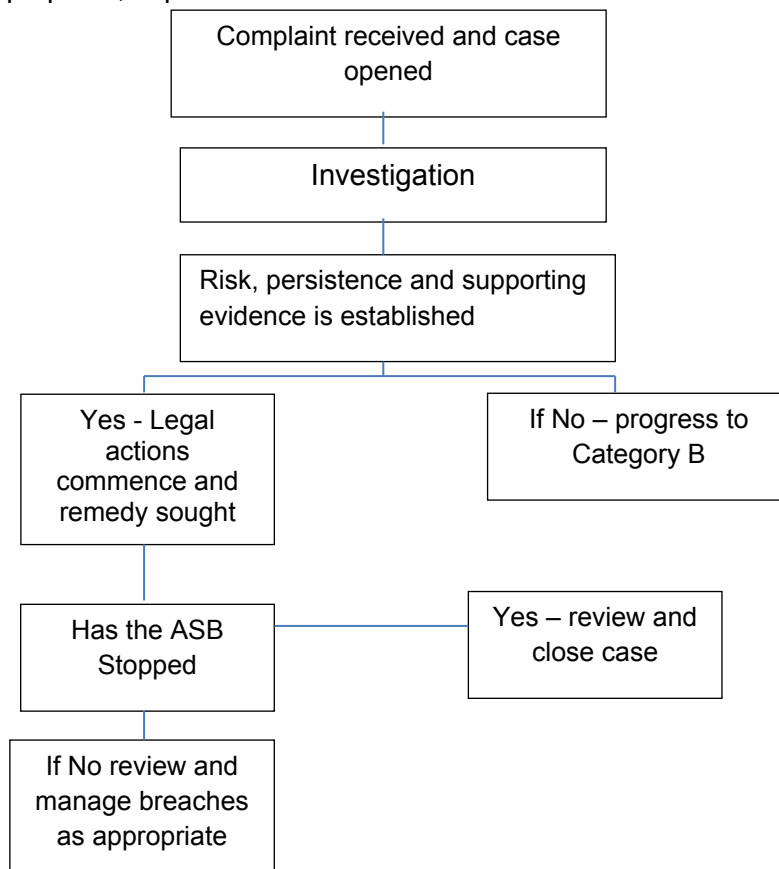
There are three categories given to incoming complaints:

Category A - these are most serious cases of ASB, requiring a timely and proportionate response.

These complaints relate to behaviour which requires a priority response and may include the following:

- Acts of violence
- Serious intimidation/threats of violence
- Criminal behaviour affecting the local community (where it is deemed that a civil power is the most appropriate solution)
- Serious misuse of public areas that affects the community
- Cases previously deemed 'Persistent' (see below), but have exhausted all prevention interventions and are serious enough to warrant further legal action.

In many of these cases action may be taken by the Council pursuing enforcement powers or by the Council working in partnership with agencies who are able to utilise safeguarding and/or criminal enforcement powers, however informal approaches may be utilised prior to enforcement action if proportionate and appropriate, dependent on risk. See flowchart below:

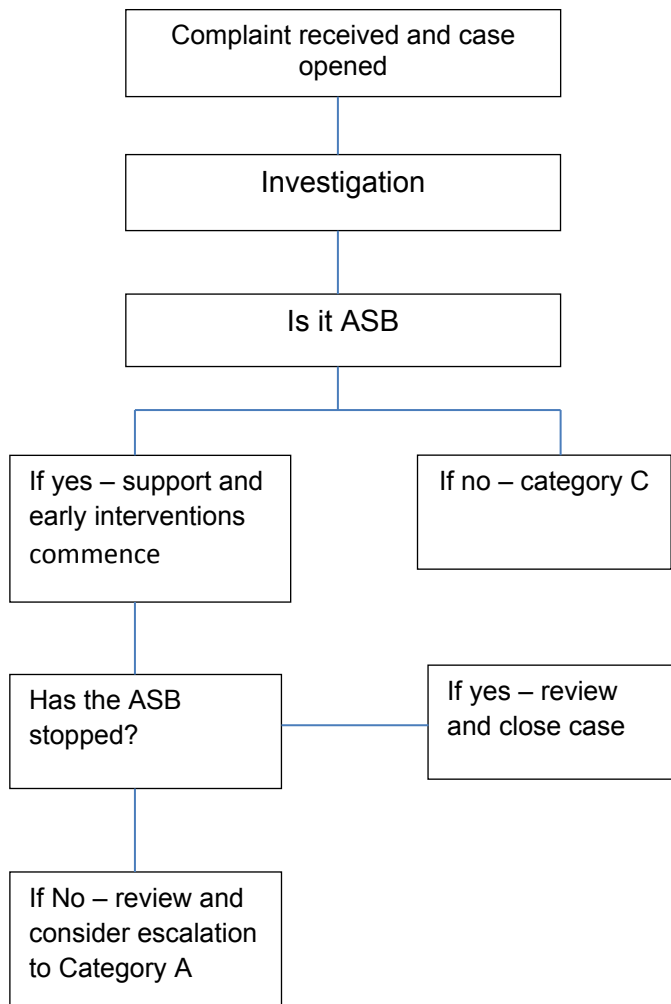


Category B – this includes the persistent cases of less serious allegations of ASB which do not require an urgent response. This may be the case where the evidence is not forthcoming or is from many sources and requires substantiating and investigation in order to pursue formal action.

These complaints relate to behaviour that is unreasonable, causes prolonged disturbance or persistent noise nuisance and will include the following:

- Excessive noise, especially late at night e.g. loud music, DIY
- Rowdy or aggressive behaviour
- Problems caused by animals e.g. dog barking, dog fouling.
- Intimidation, harassment or verbal abuse
- Hate crime not requiring legal action
- ASB behaviour from visitors to premises.

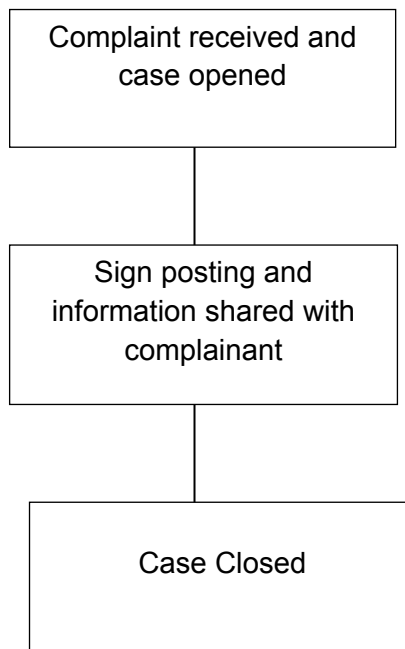
These cases may be dealt with by pursuing early interventions, support and informal actions such as mediation or acceptable behaviour contracts (ABCs). However, if the situation escalates, it may result in formal action being pursued. See flowchart below;



Category C - this includes those cases involving low level incidents of anti-social behaviour. This would include complaints where there are less than 3 incidents in a 6 month period or where there are no witnesses or lines of investigation. This may include incidents of;

- Damage to property or communal areas
- Pets & animals causing nuisance
- Neighbour disputes over boundaries, car parking, use of communal facilities.
- Nuisance caused by ball games
- Isolated incidents
- Intolerance or conflict of lifestyles.

Advice and information will be provided in such cases, through either signposting to information available on the Council's website or on occasions through contact by a suitably experienced officer. In appropriate cases mediation may be offered. See flowchart below:



2.5 Investigation

Contact will be made with complainants within 5 working days of receipt by the Partnerships Team, who will be responsible for the investigation of ASB complaints. If the Partnerships Team are unable to contact the complainant after 3 attempts by telephone, a letter will be sent to encourage contact. If the complainant does not contact the Council or the Partnerships team within 10 working days of the letter being sent, the case will be closed.

The Council uses discretion and professional judgement in deciding whether complaints should be investigated and in prioritising the case. During an investigation evidence is gathered objectively in a thorough and fair manner ensuring that it is unbiased and accurate. Any allegations and anonymous information is substantiated to the required legal standard before any legal action is considered.

All evidence is recorded and used in considering the most appropriate course or type of action to take. In doing so a number of factors will be considered:

- the seriousness of the alleged offence or situation
- the previous history of the individual or company
- the consequences of non-compliance

- confidence in a resolution without legal action
- the public interest
- the effectiveness of various enforcement options
- the availability of other appropriate courses of action.

There are a number of ways in which the Council will gather evidence to support a complaint, some examples are given below:

- interviewing complainants
- incident diaries
- overt surveillance
- obtaining information from other agencies
- professional witnesses
- interviewing perpetrators.

During the investigation the investigating officer will come to one of three conclusions and act accordingly:

1. There is no evidence and no further lines of enquiry. The complainant will be advised, information and support offered and the case closed.
2. The behaviour is not anti-social behaviour. Information, support and early interventions, if appropriate, will be offered and the case closed.
3. There is evidence of anti-social behaviour and the case will be progressed for support and early intervention or legal action if appropriate.

If initial enquiries produce no further evidence to support the complaint, the complainant (and the alleged perpetrator if appropriate), will be advised in writing that no further action will be taken at this stage and the case will be closed. The complainant should record any further incidents in a diary and when there is sufficient further evidence the case may be re-opened.

If investigations continue, regular contact (as a minimum every three weeks) with the complainant, will be maintained by the Partnerships Team, to ensure that they are updated with progress and actions that have been taken.

2.6 Action the Council may take

Dealing with ASB can be complex. Information, support and low level interventions to tackle the causes of ASB at an early stage are as important as effective case management and timely enforcement action.

The majority of complaints can be resolved through early intervention methods and these are considered with the complainant during the initial interview and risk assessment with the emphasis on stopping bad behaviour before it escalates. Legal action will usually be approved where all early interventions have failed or the ASB is serious enough to warrant such action and it is proportionate to take further action.

Where an area is experiencing significant and reoccurring ASB perpetrated by groups as opposed to individuals, a multi-agency action plan will be put in place led by the Council's Partnerships Team.

In some cases where there is little or no evidence or where an alleged offender has fully co-operated with information given in accordance with this policy, no action will be taken by the Council and the case will be closed.

2.6.1 Early Intervention

If there is some evidence available to show that the complaint may be justified, or if the allegations are admitted by the perpetrator, early interventions may be considered to deter continued patterns of behaviour, such as:

2.6.1.1 Information

In some cases, information will be provided to residents in order to help them deal with the issues themselves. Information is available both on the Council's website or in other formats and will include:

- Noise
- Neighbour disputes
- Football and ball games

2.6.1.2 Diversionary Activity

These activities are particularly useful to address issues such as low self-esteem and extreme behaviour. Wherever possible, the Council will work with partners and commissioned organisations to provide additional support to divert individuals away from ASB, crime and disorder. There is a range of such support from empowering young people with self-esteem to drugs and alcohol addiction support for all ages.

2.6.1.3 Community Resolution

For less serious issues of ASB, a community resolution may be used between the parties involved to avoid progression to legal action. The aim is to bring together victims and perpetrators of low level crime, ASB and nuisance in a meeting where trained volunteers use restorative or reparative approaches to agree on a course of action for those involved. Providing the perpetrator admits liability and both consent to coming together, a meeting is held to consider the issues relating to the incident.

2.6.1.4 Target Hardening

This is used to identify practical ways to design out ASB from a location as a protective and preventative approach, such as lighting schemes and boundary definition.

2.6.1.5 Mediation

Mediation can be used successfully in most low level disputes. Officers can offer (subject to availability) an independent mediator on an impartial basis for neighbour disputes, family mediation and also offer mediation in an attempt to avoid court action.

2.6.1.6 Overt Surveillance

The Council reserves the right to work with partner agencies to carry out surveillance in the community to assist in ongoing investigations. This may include applying for CCTV footage or use of private mobile CCTV professionals, where there is a need for the prevention and detection of crime in accordance with prevailing legislation.

2.6.2 Informal Action

If there is enough evidence available to show that the complaint is justified, or if the allegations are admitted by the perpetrator, further proportionate informal action may be pursued, such as:

2.6.2.1 Verbal Warnings/Written Warnings

Warnings are issued initially if ASB is admitted or the investigating officer feels ASB has or is likely to occur. The perpetrator will be told the nature of the behaviour which has resulted in the warning and the consequences of not adhering to the warning. This can be via a letter, telephone or other means of communication. The Council keep a record of verbal or written warnings issued so that they are available to use, even by partner agencies, as evidence in court proceedings, should the issue escalate for further action.

2.6.2.2 Acceptable Behaviour Contract/Parenting Contracts

These are voluntary written agreements between an individual, the Council and partners such as education and Staffordshire Police. They are useful in dealing with children and young people aged over 10 as an effective way to assist in addressing truancy and ASB. These agreements are not legally binding however they are useful in highlighting children and young people's behaviour to their parents and guardians and in communicating the consequences if they are not adhered to.

The Youth Offending Service and relevant education setting will be notified when an Acceptable Behaviours Contracts (ABCs) or Parenting Contract is being pursued with a child or young person.

There is no formal sanction in refusing to participate in an ABC or Parenting Contract, so individuals cannot be forced to do so but refusal may persuade a court that only formal action such as a civil injunction or criminal behaviour order will prevent the ASB.

2.6.2.3 Community Protection Notice warnings

Community Protection Notice (CPN) warnings were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 and can be used in ongoing problems or nuisances which negatively impact on the community's quality of life, for example graffiti, rubbish or noise.

These warnings are given in writing, by the Council or the Police acting on the Council's behalf, highlighting the behaviour that needs to stop or positive action to be taken, in order to prevent a Community Protection Notice being served, see 2.6.3.3 below.

2.6.3 Formal / Legal action

More serious cases may require formal / legal action being pursued with or without any warnings being given. In the majority of cases a warning will be given and if a perpetrator fails to address their behaviour then legal action will be considered.

In a small number of the most serious cases, where time is of the essence, the Council reserves the right to take legal action without prior warning to the perpetrator in order to provide a swift resolution.

Any enforcement action will be carried out in line with the Council's Enforcement Policy (2018-21) and appropriate permissions obtained in line with the Council's Scheme of Delegation.

Under the Anti-social Behaviour Crime and Policing act 2014 there are a number of formal / legal actions that can be taken, such as:

2.6.3.1 Civil Injunctions

A Civil Injunction is a court order to stop or prevent individuals engaging in ASB. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from continuing.

Injunctions can be utilised to control the actions or omissions of anyone, not just social housing tenants, over the age of 10 years.

For ASB in a non-housing related context, the test is; conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This will apply, for example, where the ASB has occurred in a public place, such as a town centre or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

For ASB in a housing context, the test is where the conduct is capable of causing a nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person. This may be used by the police, local councils and social housing providers against perpetrators in social housing, the private rented sector and owner occupiers.

Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt. The penalties are:

- Over 18s: civil contempt of court with unlimited fine or up to two years in prison
- Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.

2.6.3.2 Criminal Behaviour Orders

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

CBOs can be issued against a person aged over 10 years, who has been convicted of an offence to tackle the most persistent ASB where involvement includes criminal activity.

Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. The penalties are:

- For over 18s on summary conviction: up to six months imprisonment or a fine or both
- For over 18s on conviction on indictment: up to five years imprisonment or a fine or both
- For under 18s: the sentencing powers in the youth court apply.

2.6.3.3 Community Protection Notices (CPN)

The Community Protection Notice (CPN) is intended to deal with the conduct of an individual or body that is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those living in the locality and that the conduct is considered to be unreasonable.

A CPN can be issued against any person aged 16 years or over or a body (corporate), including a business. The notice can impose requirements to stop doing specified things, or to do specified things and to take reasonable steps to achieve specified results. A CPN can only be served once a written warning has been issued, see 2.6.2.3 above. They can also be used to the parent or guardian of those aged under 16 years.

Breach of a Community Protection Notice is a criminal offence, any liability to which can be discharged by payment of a fixed penalty notice, if deemed appropriate or upon prosecution through the Magistrates Court.

2.6.3.4 Public Space Protection Orders (PSPO)

Public Space Protection Orders (PSPOs) are intended to stop individuals or groups of individuals committing ASB by imposing specific conditions that apply to everyone, regarding the use of that space. This may include multiple restrictions and requirements throughout the Borough or in specific areas for example parks or communal areas, where ASB is evident and is deemed to be detrimental to the wider community.

PSPOs are designed to ensure the law-abiding majority can use and enjoy public spaces, and feel safe from ASB. Breach of any of the PSPO conditions can result in a Fixed Penalty Notice being issued by any delegated Officer of the Council, Police Officer or prosecution through the Magistrates court.

2.6.3.5 Closure Orders

Closure Orders allow the Police or Council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

A closure notice can be issued for 24 hours if the Council or Police Officer (of at least the rank of Inspector) is satisfied on reasonable grounds:

- a) That the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- b) There has been, or (if the notice is not issued) is likely to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice can be issued in the first instance for 24 hours by the Chief Executive or a person delegated by them such as the Head of Environmental Health and extended up to a maximum of 48 hours by the Council's Chief Executive or designate thereof or by a Police Superintendent.

A closure order can subsequently be applied for and issued if the court is satisfied:

- a) That a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- b) That the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
- c) That there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

It is a criminal offence to breach the conditions imposed by a Closure Notice or Order, with up to three months imprisonment for the former, six months for the latter and an unlimited fine for breaching both.

2.7 Case Resolution and Closure

A case will be closed when:

- It has been assessed as a Category C complaint and the relevant information has been shared or signposting to appropriate support services has been offered to the complainant
- An investigation has been undertaken and it has been deemed not to be ASB
- An investigation has been undertaken and there is no corroborating evidence
- An investigation has been undertaken but does not meet the threshold for enforcement action and support and early intervention have been offered
- It has been successfully resolved through mediation, warnings or formal action.
- The ASB desists without the need for further action
- The complainant has not been in contact for 4 weeks or more.

Before closing a case, the complainant(s) will be informed in writing of the reasons for such a decision. The perpetrator(s) will also be informed in writing of the decision and the reasons underpinning that decision and should the conduct recur in the future the case may be re-opened.

2.8 Complaints

If the complainant is dissatisfied with the outcome of the investigation they can ask that the case be reviewed by invoking the Community Trigger, see 2.3 above.

A complainant may also make a complaint using the Councils Corporate Complaints, Comments and Compliments Policy, which can be found at <https://www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments> However, this Policy excludes the decision made by the Investigating Officer and can only be about the conduct of the procedure.