

Public Document Pack



PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE IN THE COUNCIL CHAMBER BY NO LATER THAN 6.45PM.

Dear Sir/Madam,

You are summoned to attend the Annual Council meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG** on **Wednesday, 16th May, 2018** at **7.00 pm**.

BUSINESS

1 APOLOGIES

2 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items contained within this agenda.

3 MINUTES

(Pages 7 - 20)

To consider the minutes of the previous meeting(s)

4 ELECTION OF MAYOR 2018/19

When the Mayor has declared the result of the election, the Mayor preceded by the Mace Bearers, will retire to the Mayor's Parlour accompanied by the following:-

- Retiring Consort
- Retiring Mayoress
- Retiring High Constable
- Retiring Chaplain
- Chief Executive
- Mayor Designate
- Consort designate
- High Constable designate
- Chaplain designate

The incoming Mayor will then be robed and invested with the chain of office. The Mayoral party will then return to the Council Chamber in the following order:-

- Mace Bearers
- Mayor
- Mayoress designate
- Consort designate
- Chief Executive
- High Constable designate
- Chaplain designate
- Retiring Mayor
- Retiring Mayoress
- Retiring Consort
- Retiring High Constable
- Retiring Chaplain

The Mayor will take the chair and make the declaration of acceptance of office.

5 APPOINTMENT OF DEPUTY MAYOR 2018/19

Following the appointment of the Deputy Mayor, he/she will make the declaration of acceptance of office.

6 MAYORAL APPOINTMENTS

The Mayor will announce the appointment of her:

Mayoress?
Consort
High Constable
Chaplain
Mace Bearers

7 MAYORAL ADDRESS

To receive the Mayoral address.

8 VOTE OF THANKS TO THE RETIRING MAYOR, MAYORESS AND CONSORT

In appreciation of their services during the past year, the retiring Mayor and Mayoress and Consort will be presented with their badges.

9 RESPONSE OF THE RETIRING MAYOR AND SUMMARY OF THE MAYORAL YEAR

Retiring Mayor's response.

10 MAYOR'S ANNOUNCEMENTS

To receive the Mayor's announcements of forthcoming events.

11 ELECTION RESULTS 2018

(Pages 21 - 22)

Additional report to follow

12 APPOINTMENT OF LEADER OF THE COUNCIL

To appoint the Leader of the Council.

13 APPOINTMENT OF DEPUTY LEADER AND CABINET

The Leader will report the appointment of his/her Cabinet and Deputy Leader for 2018/19.

14 ADOPTION OF THE CONSTITUTION

(Pages 23 - 36)

Licensing and Public Protection Report to follow.

15 APPOINTMENT OF COMMITTEES, CHAIRS AND VICE-CHAIRS FOR 2018/19

To appoint Members to committees.
Report to follow

16 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES

(Report to follow)

The Council is requested to review its representation on outside bodies for 2018/19.

In the case of any appointments made by office rather than by name, in the event of any change to the office holder these will automatically transfer to the new incumbent.

17 MEMBERS ALLOWANCES

(Pages 37 - 42)

Report of the Independent Remuneration Panel

18 CALENDAR OF MEETINGS 2018/19

(Pages 43 - 52)

19 A500 WIDENING - LAND NORTH OF DOMVILLES FARM, AUDLEY PARISH - 348/241

(Pages 53 - 56)

20 STANDING ORDER 18 - URGENT BUSINESS

To consider any communications which pursuant to Appendix 7 – paragraph 7 of the constitution are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

21 DISCLOSURE OF EXEMPT INFORMATION

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

Yours faithfully

J. Trudewill

Acting Chief Executive / Head of Paid Service

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs. Do not stop to collect personal belongings, do not use the lifts.

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

On exiting the building Members, Officers and the Public must assemble at the car park at the rear of the Aspire Housing Office opposite to the Civic Offices. DO NOT re-enter the building until advised to by the Controlling Officer.

2. Attendance Record

Please sign the Attendance Record sheet on entering the building. This will be located at the Porter's lodge.

3. Mobile Phones

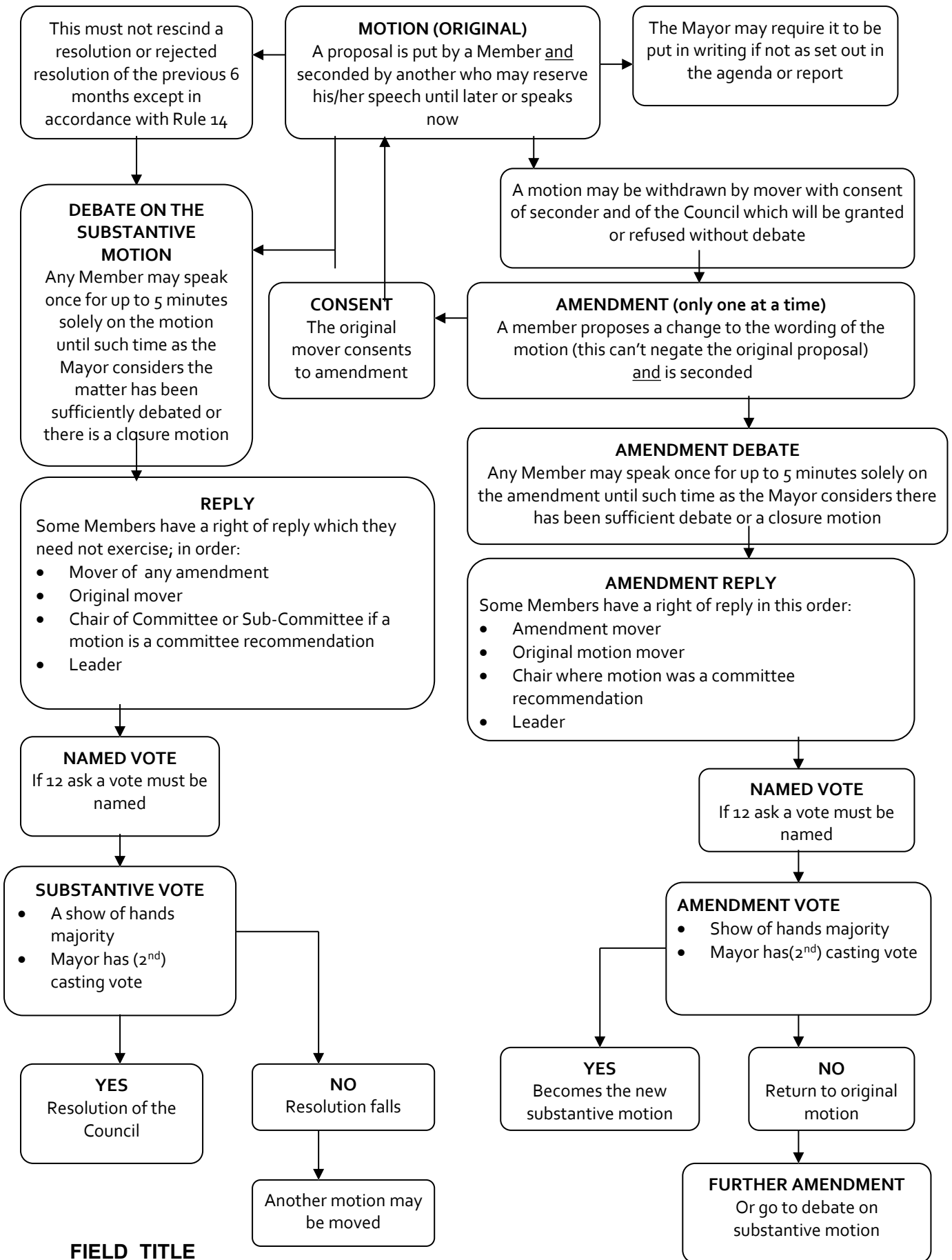
Please switch off all mobile phones before entering the Council Chamber.

4. Tea/Coffee

Refreshments will be available at the conclusion of the meeting, or in the event of a break occurring, during that break.

5. Notice of Motion

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



COUNCIL

Wednesday, 21st February, 2018

Time of Commencement: 7.00 pm

Present:- The Mayor Councillor Simon White – in the Chair

Councillors:

Allport	Naylon
Bailey	Northcott
Beech	Owen
Bloor	Panter
Burgess	Parker
Cooper	Pickup
Miss J Cooper	Proctor
Dillon	Reddish
Dymond	Robinson
Eagles	Rout
Fear	Simpson
Fox-Hewitt	Spence
Frankish	Stubbs
Gardner	Sweeney
L Hailstones	J Tagg
S Hambleton	S Tagg
Harper	Turner
Heesom	Walklate
Holland	J Waring
Huckfield	P Waring
Johnson	G White
Jones	G Williams
Kearon	J Williams
Loades	Winfield
Mancey	Woolley
Matthews	Wright

Officers

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
Executive Director (Resources and Support Services) - Kelvin Turner

1. **APOLOGIES**

Apologies were received from Councillors' P Hailstones, Olszewski, Shenton, Snell, Wilkes and Wing.

2. **DECLARATIONS OF INTEREST**

Councillors' Paul Waring and John Williams declared an interest in item 5 on the agenda – Revenue and Capital Budgets and Council Tax 2018/19, with regard to the submitted additional recommendations. Councillor Waring as a member of 'Go-Kidsgrove' and Councillor Williams as a Director of BID.

3. MINUTES

Resolved: That the minutes of the meeting held on 17 January, 2018 be agreed as a correct record.

4. MAYOR'S ANNOUNCEMENTS

The Mayor would be conferring Freedom of the Borough on Gordon Banks O.B.E. on Friday 23 February at Keele Hall.

The Mayor's Annual Civic Mass will be held on Sunday 11 March at the Holy Trinity Catholic Church, London Road, Newcastle.

Tickets are now on sale for the Mayor's Venetian Masquerade Charity Ball on 14 April, 2018 at Keele Hall.

A Mayor's Parlour has now been provided within Castle House and the existing one at the Civic Offices had been reopened for visits.

5. REVENUE AND CAPITAL BUDGETS AND COUNCIL TAX 2018/19

The Leader of the Council introduced this report which set out the recommendations of Cabinet for Revenue and Capital Budgets for 2018/19 and sets out the recommendations for setting the 2018/19 Council Tax. In summary the Council's updated Medium Term Financial Strategy (MTFS) as reported to Cabinet indicated a forecast budget shortfall of £1.696m for 2018/19. The Council had a duty to deliver a balanced budget.

Cabinet proposed an increase in council tax for 2018/19 of £5.00 per month from the 2017/18 amount, the maximum amount permitted without triggering the need for a referendum. This represented an increase of 2.70 percent from 2017/18. Detailed recommendations were set out in Appendix A of the report. Appendix B set out the proposed Revenue Budget for 2018/19. A summary of additional income, additional expenditure and loss of income and new pressures was given in the report.

A summary of savings and funding strategies to bridge the £1.696m gap had been identified and agreed with managers and were given at Appendix C.

A review of the Council's Balances and Reserves together with a risk assessment had been carried out. Details were given in Appendices D and E. The MTFS and budget proposals had been scrutinised by the Finance, Resources and Partnerships Scrutiny Committee.

The Capital Programme for 2018/19 was given in Appendix F of the report.

The Executive Director of Resources and Support Services and his team were thanked for the work that had been put into the preparation of the Budget.

The Labour Group proposed additional recommendations for the budget, which would be debated and voted upon separately:

First proposed amendment:

Proposed by Councillor Stubbs and seconded by Councillor Kearon.

That Council considers creating targeted one off ‘seed’ funding to create three new financial provisions that directly benefit all parts of the Borough. To stimulate footfall in Newcastle Town Centre, Council proposes to allocate an additional £5K for use by the Newcastle BID Team to provide free parking for its successful, and ever widening, series of Town Centre events.

Council further pledges to allocate £5K to “Go Kidsgrove”, the community interest company setup to support not only the traders of Kidsgrove Town Centre, but to rekindle the community spirit within the wider Parish. This financial backing should be synchronised with that of the local Town Council so that every penny is best utilised for the betterment of each Kidsgrove resident.

Finally, Council will show its support for the newly proposed Borough Investment Fund, with an initial injection of £5K. The Borough Investment Fund is a long-term facility created to capture a meaningful proportion of all land sales throughout the Borough, ring-fenced for the provision / re-provision of facilities and services for our residents. Council welcomes the Leaders support of the re-provision of Leisure Facilities in Kidsgrove and takes this first step to support this effort with the first cash allocation to the scheme.

Council understands that these are austere times and therefore does not look to reduce any service with this cash allocation. Therefore, Council will reallocate £15K for the purpose of the new provisions from the Budget Support Fund, mindful that the £15K could be reallocated, as a last resort, should the end of year accounts be in deficit to the FULL value of the Budget Support Fund.

The amendment was debated and a named vote was requested:

ALLPORT	YES	HOLLAND	NO	SIMPSON	YES
ASTLE	ABSENT	HUCKFIELD	NO	SNELL	APOLOGIES
BAILEY	ABSTAIN	JOHNSON	NO	SPENCE	YES
BEECH	YES	JONES	YES	STUBBS	YES
BLOOR	NO	KEARON	YES	SWEENEY	NO
BURGESS	YES	LOADES	NO	J TAGG	NO
COOPER	NO	MANCEY	NO	S TAGG	NO
MISS COOPER	NO	MATTHEWS	NO	TURNER	YES
DILLON	YES	NAYLON	NO	WALKLATE	YES
DYMOND	YES	NORTHCOTT	NO	J WARING	NO
EAGLES	YES	OLSZEWSKI	APOLOGIES	P WARING	DEC INTEREST
FEAR	NO	OWEN	NO	G WHITE	NO

FOX-HEWITT	YES	PANTER	NO	S WHITE	NO
FRANKISH	NO	PARKER	ABSENT	I WILKES	APOLOGIES
GARDNER	YES	PICKUP	YES	G WILLIAMS	YES
L HAILSTONES	NO	PROCTOR	NO	J WILLIAMS	DEC INTEREST
P HAILSTONES	APOLOGIES	REDDISH	YES	WINFIELD	YES
HAMBLETON	YES	ROBINSON	YES	WING	APOLOGIES
HARPER	NO	ROUT	YES	WOOLLEY	NO
HEESOM	NO	SHENTON	APOLOGIES	WRIGHT	YES

In Favour - 23

Against - 26

Abstain – 1

The amendment therefore fell.

Councillor Parker now in attendance.

Second proposed amendment:

Proposed by Councillor Turner and seconded by Councillor Spence:

Over the last five years, despite crippling budgetary restrictions, this Authority has always placed a premium on its Homelessness Service and the essential work it provides across the Borough. Council therefore, wishes to continue to uphold this principle by increasing the available funds for this Department taking it closer to a £400K budget, currently £396,530.

Council also understands the true value of its Mayor, not only the Chairperson of our Council Chamber, but the figurehead of the Authority across the Borough representing all of us from Mow Cop through to Loggerheads. Council understands though, that due to the nature of financial cuts across Local Government, we must analyse every line of our budget and therefore proposes that the 25% reduction to the Mayoral & Deputy Allowance be extended to a £10K Cap on the Mayoral Allowance and £2.5K Cap on the Deputy Mayor Allowance.

All additional funds raised by this proposal should be ring fenced and added to the Homelessness Service, sending a clear message as to its priorities for the residents of Newcastle under Lyme. Council also proposes that any increase to the Mayoral Allowance be removed from the NJC Scale Point system and placed in the hands of the Independent Body formed to make recommendations on Councillors Allowances.

The amendment was debated and a named vote was requested:

Councillors' Paul Waring and John Williams' declarations of interest related to the first proposed amendment only.

ALLPORT	YES	HOLLAND	NO	SIMPSON	YES
ASTLE	ABSENT	HUCKFIELD	NO	SNELL	APOLOGIES
BAILEY	YES	JOHNSON	NO	SPENCE	YES
BEECH	YES	JONES	YES	STUBBS	YES
BLOOR	NO	KEARON	YES	SWEENEY	NO
BURGESS	YES	LOADES	NO	J TAGG	NO
COOPER	NO	MANCEY	NO	S TAGG	NO
MISS COOPER	NO	MATTHEWS	NO	TURNER	YES
DILLON	YES	NAYLON	NO	WALKLATE	ABSTAIN
DYMOND	YES	NORTHCOTT	NO	J WARING	NO
EAGLES	YES	OLSZEWSKI	APOLOGIES	P WARING	NO
FEAR	NO	OWEN	NO	G WHITE	NO
FOX-HEWITT	YES	PANTER	NO	S WHITE	ABSTAIN
FRANKISH	NO	PARKER	NO	I WILKES	APOLOGIES
GARDNER	YES	PICKUP	YES	G WILLIAMS	YES
L HAILSTONES	NO	PROCTOR	NO	J WILLIAMS	YES
P HAILSTONES	APOLOGIES	REDDISH	ABSTAIN	WINFIELD	YES
HAMBLETON	YES	ROBINSON	YES	WING	APOLOGIES
HARPER	NO	ROUT	YES	WOOLLEY	NO
HEESOM	NO	SHENTON	APOLOGIES	WRIGHT	YES

In Favour - 23

Against - 27

Abstain – 3

The amendment therefore fell.

Councillor Gardner asked the Leader where Universal Credit was mentioned in the budget and whether there were any contingencies to manage the process. Also, what would be done regarding the development of Skills?

The Leader stated that Councillor Gardner would receive a written response to her question.

A named vote was then taken in respect of the proposed budget:

ALLPORT	NO	HOLLAND	YES	SIMPSON	NO
ASTLE	ABSENT	HUCKFIELD	YES	SNELL	APOLOGIES
BAILEY	YES	JOHNSON	YES	SPENCE	NO
BEECH	NO	JONES	NO	STUBBS	NO
BLOOR	YES	KEARON	NO	SWEENEY	YES
BURGESS	NO	LOADES	YES	J TAGG	YES
COOPER	YES	MANCEY	YES	S TAGG	YES
MISS COOPER	YES	MATTHEWS	YES	TURNER	NO
DILLON	NO	NAYLON	YES	WALKLATE	YES
DYMOND	NO	NORTHCOTT	YES	J WARING	YES
EAGLES	ABSENT	OLSZEWSKI	APOLOGIES	P WARING	YES
FEAR	YES	OWEN	YES	G WHITE	YES
FOX-HEWITT	NO	PANTER	YES	S WHITE	YES
FRANKISH	YES	PARKER	YES	I WILKES	APOLOGIES
GARDNER	NO	PICKUP	NO	G WILLIAMS	NO
L HAILSTONES	YES	PROCTOR	YES	J WILLIAMS	NO
P HAILSTONES	APOLOGIES	REDDISH	YES	WINFIELD	NO
HAMBLETON	NO	ROBINSON	NO	WING	APOLOGIES
HARPER	YES	ROUT	NO	WOOLLEY	YES
HEESOM	YES	SHENTON	APOLOGIES	WRIGHT	NO

In Favour - 31

Against - 21

Abstain – 0

Resolved: That the recommendations set out in Appendix 'A' of the agenda report be approved.

6. TREASURY MANAGEMENT STRATEGY 2018/19

The Portfolio Holder for Finance and Resources sought approval of the Treasury Management Strategy for 2018/19, including the Prudential Indicators, Investment Strategy and Minimum Revenue Provision Strategy contained within it.

Resolved:

- (i) That the Treasury Management Strategy for 2018/19 be approved.
- (ii) That the Prudential Indicators contained within the Report be approved.
- (iii) That the Investment Strategy contained within the Report be approved.
- (iv) That the Minimum Revenue Provision Strategy contained within the report be approved.

7. PUBLICATION OF A PAY POLICY STATEMENT FOR 2018/19

The Leader of the Council / Portfolio Holder – Corporate and Service Improvement, People and Partnerships introduced this item by stating that the Localism Act 2011 requires local authorities to prepare and publish a pay policy statement for each financial year. Full details were given in the Appendices of the report.

Resolved: That the Pay Policy Statement attached at Appendix A to the report be approved and published on the Council's website by 31 March, 2018.

8. REVIEW OF THE CONSTITUTION

The Leader of the Council / Portfolio Holder – Corporate and Service Improvement, People and Partnerships advised Members of changes that are to be made to the Council's Constitution.

The changes were regarding the Environmental Health Scheme of Delegation and Terms of Reference of the Employment Committee.

- Resolved:**
- (i) That the changes to the Environmental Health Scheme of Delegation, as set out in the report, be approved.
 - (ii) That the updated Terms of Reference to the Employment Committee be noted.

9. ELECTIONS UPDATE

The Leader of the Council / Portfolio Holder for Corporate and Service Improvement, People and Partnerships introduced a report updating Members on the progress of the preparations for the local elections in May.

Members were advised of a change within the report. The final box in the table on page 84, Polling District SLA – voting would remain at the Crewe Arms. Also, Polling District SLA on page 98, ‘recommendations’ in the final column would be ‘no change’.

The software used for elections was being changed at this Authority to replace that currently used which is outdated.

- Resolved:**
- (i) That John Tradewell, acting Chief Executive, be appointed as the Council’s Returning Officer and Electoral Registration Officer.
 - (ii) That the changes set out in Paragraph 3.8 of this report, relating to polling district boundaries and polling places, be approved in order for them to be implemented on or by 1 March 2018.
 - (iii) That the schedule of proposals for polling stations outlined in Appendix A be approved.
 - (iv) That delegated powers be given to the Council’s Returning Officer to find suitable alternatives, in conjunction with local members, should any polling station not be available for a particular election.

10. MENTAL HEALTH CHALLENGE

The Leader / Portfolio Holder for Corporate and Service Improvement, People and Partnerships introduced a report regarding the appointing of an elected Member as ‘mental health champion’ and also an officer to act as ‘lead officer’ for mental health.

Members were advised that the Portfolio Holder for Community Safety and Wellbeing, Councillor Jill Waring would be the ‘champion’ and Mr Robin Wiles would be the ‘lead officer’.

- Resolved:**
- (i) That Councillor Jill Waring, as Cabinet Portfolio Holder for Community Safety and Wellbeing, be appointed as the Council’s mental health champion.

11. **PETITIONING ON THE HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL**

The Portfolio Holder for Planning and Regeneration introduced a report providing Members with information so that they may consider petitioning Parliament on the Hybrid Bill.

Councillor Northcott thanked the officers who had worked on this.

This matter had been considered by Cabinet earlier today and they recommended that Full Council agree to the principle of petitioning the High Speed Rail (West Midlands – Crewe) Bill. In addition, that the Portfolio Holder for Planning and Regeneration, in consultation with the Executive Director for Regeneration and Development to develop the scope of the Council's petition to parliament and to coordinate the petitioning of the Bill before Parliament.

It would cost £20 to put the petition to Parliament.

A vote was taken and all fifty-two Members present voted in favour of the recommendations.

- Resolved:**
- (i) That the principle of petitioning the High Speed Rail (West Midlands - Crewe) Bill be agreed and;
 - (ii) That delegated authority be given to the Cabinet Member for Planning and Regeneration in consultation with the Executive Director (Regeneration and Development) to:
 - a) develop the scope of the Borough Council's petition to Parliament, in consultation with the relevant Members and Officers of Staffordshire County Council (including the commissioning of Parliamentary Agents) and;
 - b) co-ordinate the petitioning of the Hybrid Bill before Parliament and in so doing, to seek any necessary approvals for the expenditure of resources, if required.

12. **ENFORCEMENT POLICY**

The Leader /Portfolio Holder for Corporate and Service Improvement, People and Partnerships introduced a report advising members of the requirement to update the Council's current Enforcement policy.

Reference was made to the fifth paragraph on page 128 of the agenda commencing "We believe..." . The paragraph referred to 'firm' action being taken and a request was made by Councillor Fear to use the word 'firm' within the report where it referred to action being taken.

Councillor Kearon referred to Planning Enforcement stating that he would also welcome a review of Planning Enforcement by this Council.

The Leader accepted the requested change to the wording and also agreed that a review of Planning Enforcement would be carried out.

- Resolved:** That the proposed Enforcement Policy, as set out in Appendix A

be agreed with the addition of the word 'firm' where required and that the Policy be adopted.

13. STATEMENT OF THE LEADER OF THE COUNCIL

The Leader submitted a report providing an update to Members on the activities and decisions of the Cabinet together with the Forward Plan.

Members asked the following questions on the Leader's Statement:

Waste and recycling

Members asked the Portfolio Holder for Environment and Recycling about missed collections. Councillor Johnson explained that there was a computer problem in that the smaller vehicles had not got the same system as the larger ones but the two systems were being looked at to bring them together.

The Leader commended the Portfolio Holder on his work and informed Members that a review of the Service was now underway.

The Guildhall

Councillor Mancey asked the Leader about the future of the Guildhall. The Leader stated that it was the only premier Council owned building in the town centre and considered that the Council should keep control of the building, renting out space. Potential uses needed to be explored.

Newcastle Market

Councillor Wright asked the Leader if there were any plans to improve Newcastle Market. The Leader advised members that last Autumn a decision had been made to bring in a private contractor in the hope of improving the facility and that the new management arrangement should be in place by April.

Kidsgrove Sports Centre

Councillor Dymond enquired about monies ring-fenced for the reopening of Kidsgrove Sports Centre and where the money had actually come from. The Leader advised that it was the money that had been left over when it had closed.

The community group's plans were that the Centre would start by opening with the 'dry' side facilities and dependent upon its success, look at bringing the pool into use.

The equipment from the fitness suite had been stored so that it could be brought back into use.

The Council, in partnership with the County Council would be looking at ways of enabling the building of a new facility within a five to ten year period.

The Cabinet intends to bring an update report to its 23 March meeting.

Castle House

Councillor John Cooper enquired about the position regarding Castle House.

The Leader informed members that the County Council would not take the building on until works had been completed. The Leader supported this decision. Each day that the Council remains within the Civic Offices, any costs which were being incurred would be met by the contractors.

Councillor Pickup stated that a justification for moving was to save costs and whether with the delay, the Council would recover the costs. The Council's Executive Director for Regeneration and Development would do a written response to all Members.

Councillor Turner referred to Kier's proposals for installing the replacement cladding materials and questioned whether they had arrived yet as he understood that they were custom made and there would be a lead in period. The Executive Director for Regeneration and Development would do a written response to all Members on this.

At this point, the meeting had been in session for three hours. Members took a vote, agreeing to continue for a further thirty minutes.

Cabinet meeting 7 February, 2018

Councillor Gardner asked the Portfolio Holder for Finance and Resources about the increase in Council Tax. When Universal Credit is rolled out it could change a person's income resulting in them having to pay Council Tax. The Portfolio Holder would do a written Response to all Members.

14. REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES

Written reports had been submitted for all of the Scrutiny Committees which had met since the last Council meeting.

Resolved: That the reports be received.

15. REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES

Written reports were submitted for the Committees that had met since the last Council meeting except for the Public Protection Committee where the Chair gave a verbal update.

Resolved: That the reports be received.

16. MOTIONS OF MEMBERS

A Motion was submitted to Council regarding adequate funding of services delivered in the Borough.

Members discussed the Motion and in view of the time, the Leader suggested that Members would have seen the information prior to the meeting and therefore it should be put to the vote. A named vote was requested.

ALLPORT	YES	HOLLAND	NO	SIMPSON	YES
---------	-----	---------	----	---------	-----

ASTLE	ABSENT	HUCKFIELD	NO	SNELL	APOLOGIES
BAILEY	YES	JOHNSON	NO	SPENCE	YES
BEECH	ABSENT	JONES	YES	STUBBS	YES
BLOOR	ABSENT	KEARON	YES	SWEENEY	NO
BURGESS	YES	LOADES	NO	J TAGG	NO
COOPER	NO	MANCEY	NO	S TAGG	NO
MISS COOPER	NO	MATTHEWS	NO	TURNER	YES
DILLON	YES	NAYLON	NO	WALKLATE	ABSENT
DYMOND	YES	NORTHCOTT	NO	J WARING	NO
EAGLES	ABSENT	OLSZEWSKI	APOLOGIES	P WARING	NO
FEAR	NO	OWEN	NO	G WHITE	NO
FOX-HEWITT	YES	PANTER	NO	S WHITE	NO
FRANKISH	NO	PARKER	NO	I WILKES	APOLOGIES
GARDNER	YES	PICKUP	YES	G WILLIAMS	YES
L HAILSTONES	ABSENT	PROCTOR	NO	J WILLIAMS	YES
P HAILSTONES	APOLOGIES	REDDISH	YES	WINFIELD	ABSENT
HAMBLETON	YES	ROBINSON	YES	WING	APOLOGIES
HARPER	NO	ROUT	YES	WOOLLEY	NO
HEESOM	NO	SHENTON	APOLOGIES	WRIGHT	ABSENT

In Favour - 20

Against – 26

Abstain – 0

The Motion was therefore rejected.

A further Motion was submitted regarding Land Sales and the funding of services provided by the Council.

Members were asked to vote on this Motion.

In Favour - 18

Against – 26

Abstain – 1

The Motion was therefore rejected.

17. **QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS**

The following questions had been tabled this evening. However, due to the lateness of the hour and that Members had voted to remain in session for an additional thirty minutes only, the Leader proposed that written responses would be sent to all Members before the end of the week:

To the Portfolio Holder for Planning and Regeneration

1. In my ward of Butt Lane, housing developer Taylor Wimpey has exceeded several conditions of planning permission. This includes the failure to install a play park in a satisfactory time scale, failure to install an access point onto the public footpath from part of the estate and failure to replace dead trees on a green at the centre of the Bluebell Croft Estate. Therefore can the Cabinet Member for Planning and Regeneration please investigate why enforcement action has still not been taken against the developer in question and please update me about what further action he will take to see a satisfactory outcome for concerned residents?
2. Can the Cabinet Member for Planning and Regeneration assure me that enough resources have been allocated to support the Preferred Options Joint Local Plan consultation sessions across the Borough?

Councillor Kyle Robinson

.....
To the Portfolio Holder of Finance and Resources

- 3 Can the Portfolio for Finance and Resources inform the council how much additional funding has been allocated to electoral services in the Borough council budget for 2018/19 compared to the budget for 2017/18?

Councillor Tony Kearon

.....
To the Portfolio Holder for Planning and Regeneration

- 4 Can the cabinet member for Planning and Regeneration please explain why many of the preferred options joint plan consultation sessions held across the Borough were at times which resulted in many working people being unable to attend to have their say?

Councillor Sylvia Dymond

.....

To the Portfolio Holder for Community Safety and Wellbeing

- 5 If the proposed police reorganisations go ahead, there will soon be NO police officers based in Newcastle, Kidsgrove or any other part of the Borough to respond to 999 calls made by residents of Newcastle, Kidsgrove or our rural communities. Any of our residents who ring 999 will have to wait for a response from police officers based in Stoke. What has the portfolio holder for Community Safety and Wellbeing done to oppose this move so far, and how does the Portfolio Holder plan to oppose it going forwards?

Councillor Chris Spence
.....

To the Portfolio Holder for Planning and Regeneration

6. Although there have been a number of requests there is to be no Joint Local Plan consultation event in Silverdale. This is despite the Joint Local Plan including 1800 houses on the Greenbelt Keele Golf Course which is located in Silverdale. How did the portfolio holder select locations, why was Silverdale not included and why were the requests for an event not met?

Furthermore, please can the portfolio holder confirm whether there are any Tree Preservation Orders in place on the land included?

Councillor Amelia Rout

18. **RECEIPT OF PETITIONS**

No petitions were received.

19. **FINAL MEETING**

Councillor Hambleton stated that this would be the last Council meeting for some Members and offered a vote of thanks for the work that they had carried out and for being loyal servants of the Borough.

The Leader thanked the mayor for his hard work and loyal service.

20. **STANDING ORDER 18 - URGENT BUSINESS**

There was no urgent business.

THE MAYOR COUNCILLOR SIMON WHITE
Chair

Meeting concluded at 10.23 pm

Update on election

The election took place on the 3rd May and the counts on the 4th and 5th May. So far as the administration of the election process is concerned, both went really well and have hopefully helped to re-establish the reputation of the Council for running elections successfully. The support we had from Shropshire was excellent, but so were the many other staff from the Council who answered calls, opened the postal votes, set up the polling stations, acted as presiding officers and poll clerks and who undertook the counts. This gives us a really solid base for preparing for future elections.

We have been successful in recruiting to the Elections Manager post and are just looking to finalise the arrangements with the successful applicant. The elections process has also been invaluable in building up the knowledge and experience of the other current elections team member. In the process of preparing for the elections we changed our software supplier. This process also went well and I have had feedback from a number of staff as to how the new system made things both easier and quicker for them.

We have tried to gather as much feedback as we can on the running of the election, and have kept a log of all the calls we dealt with on election day. We will use this to inform our future planning. If any members have any specific feedback that they would like to share with me or the team we would very much like to hear from them.

I am working with the interim Elections Manager to develop a staffing plan that gradually seeks to reduce our reliance on external support, as well as to develop a contingency planning in the event of a general election being called at short notice.

This page is intentionally left blank

Classification: NULBC UNCLASSIFIED

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ACTING CHIEF EXECUTIVE'S REPORT TO COUNCIL

16 May 2018

1. **REPORT TITLE** **ADOPTION OF THE CONSTITUTION**

Submitted by: **Acting Chief Executive – John Tradewell**

Portfolio: **Corporate and Service Improvement, People and Partnerships**

Wards affected: **All**

Purpose of the Report

The Council is asked to consider asking a number of changes to its constitution as follows:

1. The Changes to Committees proposed to reflect the reduced number of members on the Council
2. Changes to the Planning Service Scheme of Delegation to reflect changes to legislation (full report attached)
3. Changes to the Constitution to reflect new ways of working (particularly the use of sub-committees) consequent on bringing together the Licensing and Public Protection Committees together into a single committee (whilst maintaining the statutory separation of the work) (full report attached)

Recommendations

That the acting Chief Executive be authorised to make the changes to the Constitution need to effect the changes set out in this report and the two reports attached.

Background

The Council's membership has reduced from 60 to 44 but the Council's workload has not reduced. In order to avoid overburdening individual members it is proposed that the Council's standing Committee structure is streamlined so as to comprise the following Committees:

- Health, Wellbeing and Partnerships Scrutiny Committees (to mirror the Community Safety and Wellbeing and Sport and Leisure Portfolios)
- Economy, Environment and Place Scrutiny Committee (to mirror the Planning and Regeneration and Environment and Recycling Portfolios)
- Finance, Assets, and Performance Scrutiny Committee (to mirror the Corporate and Service Improvement, People and Partnerships and Finance and Resources Portfolios)
- Planning Committee

Classification: NULBC **UNCLASSIFIED**

- **Licensing and Public Protection Committee (to bring together the work of the Licensing Committee and the Public Protection Committee into one Committee but preserving the strict separation between the two functions)**
- **Audit and Standards Committee**
- **Employment Committee**
- **Conservation Advisory Working Party.**

1. **REPORT TITLE** **ADOPTION OF THE CONSTITUTION**
- Submitted by:** **The Monitoring Officer**
- Portfolio:** **Corporate and Service Improvement, People and Partnerships**
- Ward(s) affected:** **All**

Purpose of the Report

The Council, at its Annual Meeting, must formally adopt its Constitution for the forthcoming municipal year.

Recommendations:

- (a) That Council adopt the Constitution for the 2018/19 municipal year
- (b) That the consequential changes to the Constitution as set out in the report be noted

1. **Background**

- 1.1 At its Annual Meeting, the Council must formally adopt its Constitution for the forthcoming municipal year. The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed. The Council adopted a new formal Constitution in 2001 and this has been regularly updated and reviewed since that date. The Constitution provides a framework for Council decision-making through which the Council delivers its strategic objectives.
- 1.2 The Constitution contains Articles which set out basic rules and principles and these are developed in more detailed rules and procedures which appear in the Appendices. The law requires some of these processes, the Council has chosen others.
- 1.3 Part 2, paragraph 15.2 of the Constitution authorises the Monitoring Officer to make consequential changes to the Constitution to reflect resolutions of the Council or Cabinet, decisions properly made under delegated powers and changes of fact and law, subject to regular notification of Members to such changes.
- 1.4 Ongoing review of the Constitution is necessary to ensure that the Council is efficient and effective in making and implementing decisions and is properly accountable. Changes may become necessary where the law has changed or where the Council decides to change the way it operates, for example if the management structure changes and/or services move from one directorate to another. The Scheme of Officer Delegation must be updated and revised where necessary to allow officers to continue to act lawfully and such changes are made during the course of the year and reported to Council as they arise.
- 1.5 In relation to the Scheme of Delegation for the Planning Service, there have been legislative changes relating to the bringing in of two new types of applications – (1) for permission in principle and (2) technical details consent. The relevant provisions are set out in the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and come into force on the 1st June 2018. The Planning Scheme of Delegation therefore needs to be amended to enable the Authority to deal with such applications (should they be received) and consultations on such applications (should they be received).

- 1.6 Appendix 1 to this report is the Planning Service Scheme of Delegation, the amendments to which are indicated by tracked changes.
2. **Outcomes to support Corporate Priorities as set out in the Council Plan and/or the Newcastle Partnership priorities**
- 2.1 The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.
- 2.2 The Constitution governs the way the Council works. The amended Schemes of Delegation will enable the public, Council Members and officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful.
- creating a cleaner, safer and sustainable Borough
 - creating a Borough of opportunity
 - creating a healthy and active community
 - transforming our Council to achieve excellence
- 2.3 An effective Constitution contributes to the overall ethical wellbeing of the Council, and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in.
3. **Legal and Statutory Implications**
- The Local Government Act 2000 requires the Council to have, and to maintain, a Constitution. The Constitution is the legal framework set by the Council and which governs the way it conducts its business. The powers of the Council to delegate the exercise of functions are set out in Section 101 of the Local Government Act 1972.
4. **Financial and Resource Implications**
- The Constitution supports good governance and budgetary compliance. There are no new financial or resource implications flowing from this report.
5. **Major Risks**
- If the Schemes of Delegation for the Council's various functions are not kept up to date, it could expose the Council to legal risk, frustrate aspects of legal enforcement and may prevent the full implementation of Council decisions.
6. **List of Appendices**
- Appendix 1 – Planning Scheme of Delegation.**

SPECIFIC FUNCTIONS

PLANNING FUNCTIONS

	FUNCTION	EXERCISED BY
(1)	To determine applications for planning permission or approval (i.e. outline permission, permission in principle, technical details consent pursuant to a permission in principle, full permission, change of use, temporary permission, demolition approval, approval of reserved matters or approval of details), listed building consent, or consent to display advertisements	Planning Committee
(2) (a)	<p>To determine applications for planning permission, consent or approval (i.e. outline permission, permission in principle, technical details consent pursuant to a permission in principle, full permission, change of use, temporary permission, listed building consent, approval of reserved matters or approval of details,(unless required by the conditions of an express grant of planning permission)) for which permission or approval may be granted or refused in accordance with the policies of the approved development plan for the area, local finance considerations and any other material considerations, all of the above so far as material to the application, and in the case of applications for householder developments and small-scale equestrian developments without such limit; <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</p> <p>This class to exclude:</p> <p>(i) All Major Developments (major residential proposals are those involving 10 or more dwellings or, where the number is not known, half an hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or where, if the floorspace is not known, the site area is one hectare or more) unless the application is only for approval of the reserved matter of landscaping.</p>	Executive Director (Regeneration and Development)

	<p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
(2) (b)	To determine applications for approval of details where required by the conditions of an express grant of planning permission (except for applications for approval of reserved matters of an outline planning permission and for approval of technical details consent pursuant to a permission in principle) for which approval may be granted or refused in accordance with the policies of the approved development plan for the area, local finance considerations and any other material considerations, all of the above so far as material to the application. ;	Executive Director (Regeneration and Development)
(2) (c)	To determine whether or not prior approval is to be given (under Class A to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order), in the case of otherwise permitted larger house extensions	Executive Director (Regeneration and Development)
(2) (d)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development within the following Classes – IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings) - of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order); <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.	Executive Director (Regeneration and Development)
(2) (e)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Parts 6 and 7 to the Town	Executive Director (Regeneration and Development)

	and Country Planning (General Permitted Development) Order (agricultural and forestry buildings and associated developments); <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application.	
(2) (f)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code System Operators that includes antennas installed on a building or structure unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application	Executive Director (Regeneration and Development)
(2) (g)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure	Executive Director (Regeneration and Development)
(2) (h)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given to otherwise permitted development under Part 31 to the Town and Country Planning (General Permitted Development) Order 1995 – demolition of buildings; <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member	Executive Director (Regeneration and Development)

	who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or to the Development Management Team Leader about the application	
(3) (a)	To comment on County Matters (This class to exclude all Major Developments – where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more,) unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical details consent pursuant to a permission in principle	Executive Director (Regeneration and Development)
(3) (b)	To comment on County Matters that are for Major Development – where the floorspace to be built is 1000 square metres or more or, where floorspace is not known, the site area is one hectare or more unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical details consent pursuant to a permission in principle	Planning Committee
(4)	To identify planning applications on which the County Planning Authority or neighbouring Councils should be consulted (Local Government Act 1972, Sch.16 (as amended))	Executive Director (Regeneration and Development)
(5)	To determine applications for a certificate of existing or proposed lawful use or development (Town & Country Planning Act 1990, S.191-194)	Executive Director (Regeneration and Development)
(6)	To determine applications for the issue of Certificates of Appropriate Alternative Development (Land Compensation Act 1961, S.17)	Planning Committee
(7)	To determine submissions for authorisation to carry out development in accordance with the terms of the Town and Country Planning General Regulations	Planning Committee
(8)	To comment on applications to the Secretary of State for Energy, proposing overhead electricity transmission lines (consultations in accordance with Circular 14/90)	Executive Director (Regeneration and Development)
(9)	To comment on urgent applications for Crown Development	Executive Director (Regeneration and Development)
(10) (a)	To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General	Executive Director (Regeneration and Development)

<p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>Regulations. This class to exclude:</p> <p>All Major Developments unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical consent details pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
<p>(10)</p> <p>(b)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations which are for:</p> <p>All Major Developments unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical consent details pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	<p>Planning Committee</p>
<p>(11)</p> <p>(a)</p> <p>(i)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and the likely impact upon the interests of the Borough. This class to exclude:</p> <p>All Major Developments unless the application is for the approval of the reserved matters of an outline planning permission or for the approval of technical consent details pursuant to a</p>	<p>Executive Director (Regeneration and Development)</p>

	<p>permission in principle . Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
(11) (b)	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and proposals and the likely impact upon the interests of the Borough, such proposals being for:</p> <p>(i) All Major Developments unless the application is for the approval of the reserved matters of an outline planning permission or for the approval of technical details consent pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	Planning Committee
(12)	To authorise the creation by agreement, and the, modification or discharge of planning obligations under S.106 and 106A of the Town and Country Planning Act 1990	Planning Committee
(13)	To exercise the Council's powers of enforcement of planning control, including in relation to Listed Buildings, Conservation Areas and tree enforcement including, in relation to trees, Part VIII, Town and Country Planning Act 1990	Planning Committee/ Executive Director (Regeneration and Development)
(14)	To authorise the service and enforcement of Notices and the recovery of expenses under	Planning Committee and/or

	S.215 –218 of the Town and Country Planning Act 1990	Executive Director (Regeneration and Development) / Chief Executive
(15)	To authorise the service of information requisitions and Planning Contravention Notices S.171C of the Town and Country Planning Act 1990; S.330 of the Town and Country Planning Act 1990 and S.16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive Director (Regeneration and Development) / Chief Executive
(16)	To exercise all the Council's powers in relation to advertisements under S. 220-222 of the Town and Country Planning Act 1990 and subordinate Regulations	Executive Director (Regeneration and Development)
(17)	To exercise all the Council's powers in relation to advertisements under S. 223 - 225 of the Town & Country Planning Act 1990 and subordinate Regulations	Planning Committee and/or Executive Director (Regeneration and Development)
(18)	To exercise the Council's powers to make Tree Preservation Orders and to control felling, topping, lopping and re-planting under such Orders	Executive Director (Operational Services) and/or Head of Business Improvement, Central Services and Partnerships
(19) (a)	To confirm Tree Preservation Orders	Planning Committee
(19) (b)	To make Tree Preservation Orders	Executive Director (Operational Services) and/or Head of Business Improvement, Central Services and Partnerships
(20)	To screen applications and determine whether an environmental impact assessment is required and to respond to applicants who enquire whether such an assessment is needed and the scope of such an assessment	Executive Director (Regeneration and Development)
(21)	To exercise all the powers under the Planning (Listed Buildings and Conservation Areas) Act 1990, other than those expressly included in 2(a) above	Executive Director (Regeneration and Development)
(22)	To exercise all the powers under the Planning (Hazardous Substances) Act 1990	Planning Committee
(23)	To authorise an application to the Court for an injunction to restrain any actual or apprehended breach of planning control including Listed Building control and breach of a Tree Preservation Order	Planning Committee and/or Chief Executive
(24)	To authorise any person to enter land in connection with the exercise by the Council of its powers of enforcement of planning control	Planning Committee and/or Executive Director

	including Tree Preservation and Listed Building control	(Regeneration and Development) and/or Executive Director (Operational Services)
(25)	To authorise any person to enter land in accordance with the provisions of the Town and Country Planning Act 1990	Planning Committee Executive Director (Regeneration and Development) or Executive Director (Operational Services)
(26)	To refuse to entertain an application where statutory requirements have not been complied with	Executive Director (Regeneration and Development)
(27)	To determine which applications should be advertised by means of a discretionary press notice	Executive Director (Regeneration and Development)
(28)	To exercise the powers under the Hedgerow Regulations (Environment Act 1995, Section 97)	Executive Director (Regeneration and Development) / Executive Director (Resources and Support Services) / Executive Director (Operational Services)
(29)	To determine applications under the Anti-social Behaviour Act 2003 (Part 8, High Hedges)	Planning Committee
(30)	To determine applications submitted under the Anti-social Behaviour Act 2003 (Part 8, High Hedges) unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application.	Executive Director (Regeneration and Development)
(31)	To authorise the taking of enforcement action under the Anti-social Behaviour Act 2003 (Part 8, High Hedges)	Executive Director (Regeneration and Development)
(32)	To issue notifications under Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (requirement to include details in applications for outline planning permission)	Executive Director (Regeneration and Development)
(33)	To exercise the power to decline to determine applications/overlapping applications and retrospective applications under S. 70A, 70B and 70C of the Town and Country Planning Act 1990	Executive Director (Regeneration and Development)
(34)	Processing of all appeals	Head of Business Improvement, Central

		Services and Partnerships and Executive Director (Regeneration and Development)
(35)	To determine applications for a certificate of lawfulness of works to a Listed building (Listed Buildings and Conservation Areas Act, as amended)	Executive Director (Regeneration and Development)
(36)	To enter in Planning Performance Agreements on behalf of the Council	Executive Director (Regeneration and Development)
(37)	To authorise the making of a Local Development Order	Planning Committee

May 2018

This page is intentionally left blank

Classification: NULBC UNCLASSIFIED

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ACTING CHIEF EXECUTIVE'S REPORT TO COUNCIL

16 May 2018

1. **REPORT TITLE** **INDEPENDENT REMUNERATION PANEL REPORT 2018/19**

Submitted by: **Acting Chief Executive – John Tradewell**

Portfolio: **Corporate and Service Improvement, People and Partnerships**

Wards affected: **All**

1. FOREWORD

1.1 This report of the Independent Remuneration Panel (the Panel) sets out our conclusions and recommendations on members' allowances for the period 1 April 2018 to 31 March 2019 for the consideration of Newcastle-under-Lyme Borough Council (the Council).

1.2 The Panel was established under the Local Authorities (Members' Allowances) (England) Regulations 2001 to provide advice and recommendations to the Council on amounts to be paid under its members' allowances scheme. Members of the Panel are appointed by the Council and are independent members of the community. The Council is required to have regard to our recommendations in deciding what to pay councillors.

2. PANEL MEMBERSHIP

- **Phil Butters** (Director of Estates and Development, Keele University)
- **Sarah Carrington** (Business Development Director, VAST)
- **Sara Williams** (Chief Executive, Staffordshire Chambers of Commerce)

3. TERMS OF REFERENCE

3.1 The Panel is required to gather information, to consider evidence and to make recommendations to the Council on:

- the amount of basic allowance to be paid to members
- those positions that should receive special responsibility allowances, and the level of those allowances
- travel, subsistence and certain other allowances

4. The Process we have followed

4.1 The Panel met during March and April 2018 and have also corresponded via e-mail. We considered a range of comparative information in respect of allowances paid in the other borough and district authorities in Staffordshire. In order to understand the views of the councillors themselves we arranged for a questionnaire, to be sent to all councillors and we considered the responses. We have also considered the advice of the Council's acting Chief Executive.

Classification: NULBC UNCLASSIFIED

5. Introduction

- 5.1 The prime role of the Panel has been to assess and recommend the allowances to be made available to elected members, and in formulating our recommendations we have borne in mind:
- The contribution that members make to the Council and their communities and the extent to which this is dependent on a sense of corporate social responsibility and public service and that members are motivated to a significant extent by a sense of public good.
 - The current economic climate and the continuing substantial financial constraints on the Council.
- 5.2 Nevertheless, we have also recognised that those who decide to stand for election should not be required to make unreasonable sacrifices in their private lives. In this context, the Panel continues to recognise that there is a substantial gap between the level of financial remuneration provided nationally to elected councillors and the commitment they are expected, or believe that they need, to make, both in terms of time and responsibility, to fulfil the increasingly demanding roles in public life.
- 5.3 The Panel was also conscious that a major change was occurring at the elections in May 2018 with the number of elected members reducing from 60 to 44. We recognised that this is going to have a significant effect on the role of elected members in terms of an increase in the number of residents that they represent, but also in the potential structures within the Council after the election as a result of their being fewer members. It is difficult to anticipate the changes that will occur fully and precisely, but the Panel have done their best and stand ready to review them in a year's time once the changes as a result of the May elections have bedded in.

6. PROPOSALS CONSIDERED

- 6.1 The Panel's proposals are set out below.

Basic Allowance

The Panel felt that the Basic Allowance payable to all members should increase from £3,365.04 to **£4,250** to reflect the reduction in the number of members and the greater workload that this will generate for individual members.

Leader

The Panel felt that the Leader's role in the Council would remain essentially the same despite the other changes taking place and for this reason feel that only a nominal increase from £13,590 to **£13,600** was warranted.

Deputy Leader

The Panel felt that the Deputy's role in the Council would, similarly to the Leader's role, would remain essentially the same and for this reason felt the allowance should remain almost the same at **£9,500** (instead of £9,510).

Cabinet Members

For Cabinet Members with portfolios it was felt that a small increase from £5660 to **£5,800** was appropriate. At the same time, the Panel felt that the role of Cabinet Member without portfolio did not warrant an additional allowance – if the role did not have specific individual responsibilities it was difficult to see how a Special Responsibility Allowance could be justified

Scrutiny Chair

The Panel felt that a small increase in the allowance for Scrutiny Chairs was warranted from £2,830 to **£3,000**. This reflects the likelihood that a smaller Council membership will almost certainly mean a smaller number of scrutiny committees, and brings the allowance very close to the average in other district and borough authorities in Staffordshire.

Audit and Standards Committee Chair

The Panel felt that the Council might want to replicate the practice in other similar authorities whereby the Audit and Risk Committee was combined with the Standards Committee. If the Council were to move to this arrangement an allowance of **£3,000** for the Chair would be appropriate.

Planning Chair

The Panel felt that this was a very significant and high profile role justifying a significant allowance. For this reason they felt that an increase from £4,230 to **£4,500** was justified and this would more closely reflect the allowances paid in other authorities in Staffordshire.

Licensing and Public Protection Chair

The Panel noted that the Council was considering moving to combine the work of the current two regulatory committees into one. As with the Planning Committee, this would result in a significant and high profile role for the Chair that justifies an allowance of **£4,500** (as compared to the allowance of £3,430 paid to the current Chairs of the Public Protection and Licensing Committees).

Vice Chairs

The Panel felt that the role of Vice Chair of both the Planning and the Licensing and Public Protection Committees justified a significant allowance as the post holders can be called on to substitute for the Chairs due to the frequency of meetings, and that this results in them having to take on an important role with regulatory and decision-making responsibilities. The Panel felt that an allowance of **£1,800** was appropriate.

In relation to Scrutiny Committees, the Panel felt that the work tended to be done by the Chair rather than the Vice Chair for the most part, and as a result no Special Responsibility Allowance was warranted.

Leader of Principal Opposition

The Panel recognised the vital part that the opposition plays in the democratic process in holding the administration to account. The Panel noted that the Council had a tradition of having a large main opposition party and felt that the leadership of this group was an important role within the Council. For this reason it is proposing that this role is recognised and reflected in an allowance for the Leader of the Principal Opposition of **£5,000**.

Minority Party Leaders (5 members or more)

Party leadership carries with it significant responsibilities in a democratic organisation. This should continue to be recognised with an allowance (where, due to the reduced membership, a group has 5 members or more) of **£1,130** (which is unchanged from the current scheme).

Mayor

The Panel has been asked to include the allowance for Mayor in its recommendations. Having looked at the allowances for Mayors and Chairmen paid in a number of the other borough and district authorities in Staffordshire, the allowance paid in Newcastle seems to be well above the norm. For this reason the Panel feels that the allowance should be reduced to **£9,500**. At this level it would be the second highest allowance paid by the authority after that payable to the Leader, which reflects the importance of the Mayoral role to the work of the Council as being second only to that of the Leader.

Deputy Mayor

The Panel felt that the allowance for the Deputy Mayor be increased nominally from £2,986 to **£3,000**.

6.2 Other provisions in the allowance scheme

The Panel make no recommendations for change to other elements in the allowance scheme.

7. Conclusions

- 7.1 In developing the allowances proposed the Panel have tried to anticipate the changes to the political structures of the Council that will follow the reduction to 44 elected members.
- 7.2 The changes proposed can all be justified by reference to the practice in place in other boroughs and districts in Staffordshire.
- 7.3 The overall cost of the proposals will result in a lower cost to the Council overall than the current scheme in place.
- 7.4 We have completed our task for this year and would like to express our thanks to the Members and Officers of the Council for all their help and support in producing this report.

Position	Allowance (£'s)	Number of Members	Amount Required (£'s)
Leader of the Council	13,600	1	13,600
Deputy Leader	9,500	1	9,500
Cabinet Member with Portfolio	5,800	6	34,800
Chair of Audit and Standards Committee	3,000	1	3,000
Chair of Planning Committee	4,500	1	4,500
Chair of Public Protection Committee	3,000	1	3,000
Chair of Licensing Committee	4,500	1	4,500
Chair of Scrutiny Committee	3,000	3	9,000
Vice Chair of Planning Committee	1,800	1	1,800
Vice Chair of Licensing Committee	1,800	1	1,800
Minority Party Leaders	1,130	3	3,390
Basic Allowance	4,250	44	187,000
Leader of Opposition	5,000	1	5,000
Mayor	9,500	1	9,500
Deputy Mayor	3,000	1	3,000
Total			293,390
Saving on 2017/18 Expenditure			31,000
2018/19 Budget			258,930
Unbudgeted			34,460

This page is intentionally left blank

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S REPORT
TO THE COUNCIL**

16 May, 2018

Submitted by: (Democratic Services)

Portfolio: Corporate and Service Improvement, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To agree the Calendar of Meetings for 2018 - 2019

Recommendations

That Council agree to the dates and times of the meetings as listed at appendix A.

Reasons

Appendix 7 of the Council's Constitution states that

'The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.'

The calendar of meetings for 2018/2019 is attached at appendix A for approval.

This page is intentionally left blank

(meetings commence at 7pm unless otherwise agreed by each Committee)

May 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 6.30pm CAWP	2	3 Elections	4
7 Bank Holiday	8	9	10	11
14 Group Meetings	15	16 Annual Council	17	18
21	22 6.30pm CAWP	23	24 Planning	25
28 Bank Holiday	29	30	31	

June 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5	6 2.00pm Cabinet	7	8
11	12 6.30pm CAWP	13 Economy, Environment & Place Scrutiny	14	15 Member's welcome day
18	19 Planning	20	7 Health, Wellbeing & Partnerships Scrutiny	22
25 Audit and Standards	26 Licensing followed by Public Protection	27	28 Finance, Assets & Performance Scrutiny	29

(meetings commence at 7pm unless otherwise agreed by each Committee)

July 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
2	3 6.30pm CAWP	4	5	6
9 Group Meetings	10	11 Council	12	13
16	17 Planning	18 2.00pm Cabinet	19	20
23	24 6.30pm CAWP	25	26	27
30 Audit & Standards	31 Licensing followed by Public Protection			
August 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
		1	2	3
6	7	8	9	10
13 6.30pm CAWP	14 Planning	15	16	17
20	21	22	23	24
27 Bank Holiday	28	29	30	31

(meetings commence at 7pm unless otherwise agreed by each Committee)

September 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
3 Health, Wellbeing & Partnerships Scrutiny	4 6.30pm CAWP	5 Council	6	7
10 Group Meetings	11 Planning	12 2.00pm Cabinet	13 Economy, Environment & Place Scrutiny POSS PLANNING CTTEE	14
17	18 Licensing followed by Public Protection	19	20 Finance, Assets & Performance Scrutiny	21
24 Audit & Standards	25 6.30pm CAWP	26	27 Parish Council Forum	28
October 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
1	2	3	4	5
8	9 Planning	10	11	12
15	16 6.30pm CAWP	17 2.00pm Cabinet EVENING PLANNING CTTEE KEEP FREE?	18	19
22	23	24	25	26
29	30 Licensing followed by Public Protection	31		

(meetings commence at 7pm unless otherwise agreed by each Committee)

November 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5	6 6.30pm CAWP Planning	7 2.00pm Cabinet	8	9
12 Audit & Standards	13	14	15	16
19 Group Meetings	20	21 Council	22	23
26	27 6.30pm CAWP	28	29	30
December 2018				
Monday	Tuesday	Wednesday	Thursday	Friday
3 Health, Wellbeing & Partnerships Scrutiny	4 Planning	5 2.00pm Cabinet	6	7
10	11 Licensing followed by Public Protection	12	13 Economy, Environment & Place Scrutiny	14
17 Finance, Assets & Performance Scrutiny	18 6.30pm CAWP	19	20	21
24	25 Bank Holiday	26 Bank Holiday	27 Office Closed	28 Office Closed
31 Office Closed				

(meetings commence at 7pm unless otherwise agreed by each Committee)

January 2019				
Monday	Tuesday	Wednesday	Thursday	Friday
	1 Bank Holiday	2	3 Planning	4
7	8	9	10	11
14	15 6.30pm CAWP	16 2.00pm Cabinet	17	18
21	22 Licensing followed by Public Protection	23 Council	24	25
28	29 Planning	30	31	
February 2019				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 6.30pm CAWP	6 2.00pm Cabinet	7	8
11 Audit & Standards	12	13	14	15
18 Group Meetings	19	20 Council (Budget)	21	22
25	26 6.30pm CAWP Planning	27	28	

(meetings commence at 7pm unless otherwise agreed by each Committee)

March 2019				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4 Health, Wellbeing & Partnerships Scrutiny	5	6	7 Parish Council Forum	8
11	12 Licensing followed by Public Protection	13	14 Economy, Environment & Place Scrutiny	15
18	19 6.30pm CAWP	20 2.00pm Cabinet	21 Finance, Assets & Performance Scrutiny	22
25	26 Planning	27	28	29
April 2019				
Monday	Tuesday	Wednesday	Thursday	Friday
1	2	3 Council	4	5
8 Group Meetings	9 6.30pm CAWP	10	11	12
15 Audit & Standards	16	17	18	19 Bank Holiday
22 Bank Holiday	23 Planning	24 2.00pm Cabinet	25	26
29	30 6.30pm CAWP Licensing followed by Public Protection			

(meetings commence at 7pm unless otherwise agreed by each Committee)

May 2019				
Monday	Tuesday	Wednesday	Thursday	Friday
		1	2	3
6 Bank Holiday	7	8	9	10
13 Group Meetings	14	15 Annual Council	16	17
20	21 6.30pm CAWP	22	23 Planning	24
27 Bank Holiday	28	29	30	31
June 2019				
Monday	Tuesday	Wednesday	Thursday	Friday
3 Health, Wellbeing & Partnerships Scrutiny	4 Licensing followed by Public Protection	5 2.00pm Cabinet	6	7
10	11 6.30pm CAWP	12	13	14
17	18 Planning	19	20 Economy, Environment & Place Scrutiny	21
24	25	26	27 Finance, Assets & Performance Scrutiny	28

Updated: 10.05.2018

This page is intentionally left blank

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAMS REPORT TO COUNCIL

16 May 2018

REPORT TITLE **A500 WIDENING -
LAND NORTH OF DOMVILLES FARM, AUDLEY PARISH - 348/241**

Submitted by: **Executive Director – Regeneration and Development – Neale Clifton**

Portfolio: **Planning and Regeneration**

Wards affected: **Audley**

Purpose of report: This matter is brought to Council for a decision as to whether or not the Council wishes to delegate to Cheshire East (as an LPA) any of its planning powers (with respect to the determination of a planning application and with respect to the giving of a Scoping Opinion). The planning application is due to be submitted in early June, the content of the Environmental Statement that will accompany it will be determined by the Scoping Opinion that has been sought, and it is critical that the Borough Council's position, with respect to such delegation, is known before then.

RECOMMENDATIONS

- 1. That Council resolves that it delegates to Cheshire East Council the discharge of the Borough Council's function under the Town and Country (Environmental Impact Assessment) Regulations 2017 to give a Scoping Opinion, under the above Regulations, with respect to a proposal to widen the A500 between Junction 16 of the M6 and the Meremoss roundabout, Crewe, insofar as it relates to land that lies within the Borough Council's administrative area.**
- 2. That Council resolves that it delegates to Cheshire East Council the discharge of the Borough Council's planning control functions under Section 70(1) (Part III) of the Town and Country Planning Act 1990 to determine, insofar as it relates to land that lies within the Borough Council's administrative area, a cross boundary planning application in relation to the proposed widening of the A500 between Junction 16 of the M6 and the Meremoss roundabout, Crewe.**

Reason for Recommendation

Whilst the Council has demonstrated that it can in a co-operative manner determine cross boundary planning applications, in this particular case because such a small amount of land relative to the total area is involved (and the development within the borough comprising only of a temporary works compound/stockpile and then surface water attenuation feature and planting), and the scheme so clearly relates to a strategic priority for both Councils, it is considered appropriate to recommend in this case that Council consider devolving limited planning powers to Cheshire East Council

Background / issues

An application for planning permission is to be submitted, by Cheshire East Council, in the very near future for the dualling and consequent widening of the section of the A500 that lies to the west of Junction 16, and runs between that junction and the Meremoss roundabout to the south of Crewe. The application site lies primarily within the administrative area of Cheshire East but a very small proportion of it (less than one percent of the application site area) lies within the Borough of Newcastle. That section that lies within the Borough would be used for a temporary site compound during the construction works and subsequently for planting and for a permanent surface water attenuation feature.

At the same time Cheshire East Council as Local Planning Authority (LPA) have received a request for what is termed a Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Given that the site of the proposals extends into the Borough, albeit to a very limited extent as described above, the question also arises as to whether Cheshire East Council can give such an Opinion with respect to the land that lies within the Borough.

The authority for the giving of scoping opinions by the LPA (under the EIA Regulations) is one that Council has delegated to the Executive Director (Regeneration and Development) and the authority for the determination of planning applications for this scale of development (the application if made to the Borough Council would be considered to be Major Development) is one that Council has delegated, ordinarily, to the Planning Committee. The giving of comments to an adjoining Local Planning Authority on a proposal for Major Development (other than in certain limited circumstances) also similarly rests with the Planning Committee.

In circumstances where an application crosses the administrative boundary between two LPAs national planning practice guidance indicates that two *identical* planning applications, should be submitted, one to each local planning authority, seeking planning permission for the development of land falling within each local planning authority's administrative area and identifying the relevant area on a site plan. The guidance goes on to say "the planning fee is paid to the LPA whose area contains the largest part of the application site".

In this case the largest part of the application site lies within the administrative area of Cheshire East Council (CEC), accordingly the application fee is payable solely to CEC. Indeed the area of land involved in the proposal that lies within the Borough is less than 1% of the total area involved. A plan attached to this report shows the Borough boundary and the expected application site boundary to illustrate this point.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is to be carried out. In the case of cross boundary planning applications this can lead to two LPAs making individual planning determinations, imposing differing conditions on the permissions and entering into separate S106 agreements. There is always a risk that this may be counter to the achievement of a coordinated approach to delivering development, although your officers have been able in respect of past cross boundary applications to work closely and positively with the other LPA concerned. Government Guidance encourages joint working between LPAs in relation to the use of their planning powers. Para 178 of the NPPF, albeit in the section on 'plan-making', advises that public bodies have a duty to cooperate on planning issues which cross administrative boundaries, particularly those which relate to strategic priorities.

Pursuant to Section 101(1) of the Local Government Act 1972 a Local Authority may arrange for the discharge of any of its functions by a Committee, a subcommittee, an officer of the authority *or by any other local authority*.

Accordingly the Borough Council could delegate its decision making powers (whilst retaining for the avoidance of any doubt its enforcement powers and its power to determine any other planning applications relating to this site). It could also delegate to CEC its power to give a Scoping Opinion. The Borough Council will be consulted by CEC on the application regardless and the Planning Committee will be asked to agree comments to be sent to CEC, which it would be required, by law, to give consideration to. Similarly CEC would be required, by statute, to consult with Staffordshire County Council as Highway Authority; officers of CEC have confirmed this to your officers.

Members may feel uncomfortable with the principle of another authority determining an application within the Borough. This is understandable but there are considered to be circumstances here that could justify such approach.

First of all the dualling of this section of the A500 is clearly a matter of joint strategic importance. Secondly the fee for any planning application for this particular development would not be received by the Borough Council but would go to CEC, so if the Borough Council were to determine the application it would have to bear such costs entirely. Thirdly and most importantly in your Officer's

view, the area of land involved is very small indeed and the development would comprise only of a temporary works compound/stockpile and then a surface water attenuation feature and planting.

With respect to the giving of a Scoping Opinion it makes no sense whatsoever for the Borough Council to have to give such an Opinion in a case like this. A common sense approach is for the Authority considering the substance of the scheme to provide such an Opinion.

This matter was considered by the Planning Committee at its meeting on 24th April and the Planning Committee recommended to Council the two actions referred to in the above recommendation.

This page is intentionally left blank