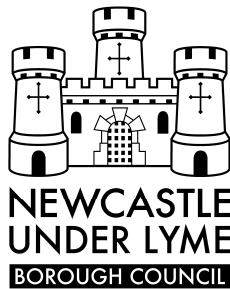


# Public Document Pack



Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the Council Chamber, ***Civic Offices, Merrial Street, Newcastle Under Lyme, Staffordshire ST5 2AG*** on ***Wednesday, 14th September, 2011*** at ***7.00 pm***

## BUSINESS

- 1 **MINUTES** (Pages 1 - 52)  
To approve as a correct record the minutes of the meeting held on 27 July 2011.
- 2 **Mayors Announcements**
- 3 **STATEMENT OF THE LEADER OF THE COUNCIL** (Pages 53 - 54)  
To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.
- 4 **Peer Review of Scrutiny Response to Recommendations** (Pages 55 - 62)
- 5 **Annual Report 2010/11** (Pages 63 - 64)
- 6 **Reports of the Chairs of the Overview and Scrutiny Committees**
- 7 **REPORTS OF COMMITTEES**  
To consider the reports (copies herewith) of the various Committees and for Members to make any comment thereon: -
- 8 **Motions of Members**
- 9 **RECEIPT OF PETITIONS**  
To receive from Members any petitions which they wish to present to the Council pursuant to Standing Order 17.
- 10 **STANDING ORDER 18 - URGENT BUSINESS**  
To consider any communications which pursuant to Standing Order No18 are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

Yours faithfully

Chief Executive  
**NOTICE FOR COUNCILLORS**

1. **Fire/Bomb Alerts**

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

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

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

2. **Attendance Record**

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

3. **Mobile Phones**

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

4. **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**

**27 July 2011**

**Present:-**

The Worshipful the Mayor

(Councillor Trevor Hambleton) in the Chair

**COUNCILLORS**

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

132. **APOLOGIES**

Apologies were received from Councillors Becket, Mrs Burnett and Mrs Shenton

133. **MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** That the minutes of the previous meetings of the Council held on 18 May and 29 June 2011 be approved as correct records subject to the deletion of the word 'Kidsgrove' in the heading of resolution number 69 and its substitution by the word 'Newcastle'.

**134. NORWAY SHOOTINGS/BOMB ATTACKS**

**Resolved:-** That a letter be sent to the Norwegian Ambassador to the United Kingdom expressing this Council's sorrow at the recent shootings/bomb attacks in Norway.

**135. RHS FLOWER SHOW, TATTON PARK**

The Mayor reported that the Council had again been successful at the RHS Flower Show at Tatton Park and had achieved a Silver Gilt award for its display which was of a horse and traditional market cart.

**Resolved:-** That the workforce be congratulated on its achievements in attaining the award.

**136. QUEEN'S AWARD FOR VOLUNTARY SERVICE**

The Mayor referred to the recent awards made to the following locally based organisations:-

Chesterton One Stop Shop  
St John Ambulance  
Ashley and Loggerheads Community First Responders

**Resolved:-** That the congratulations of the Council be passed to the organisations concerned.

**137. STATEMENT OF LEADER OF THE COUNCIL**

Consideration was given to the Council Leader's Statement which detailed a number of events which he had attended, including the Local Government Conference, the Sports Council awards ceremony and the flag raising ceremony which honoured the work of the armed forces on Armed Forces Day.

In addition he referred to the former Sainsbury's supermarket site, the completion of the works on the Midway Car Park and proposals for the relocation, into the Civic Offices, of staff from the police, public health and the County Council which would give efficiency savings for all the organisations including the Borough Council by reducing premises costs.

Questions were put and responses received from the Leader and other Cabinet Members.

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

**138. QUESTIONS RECEIVED UNDER STANDING ORDER 21(2)**

A number of questions were put to the Portfolio Holder, Resources and Efficiency under Standing Order 21(“)

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

139. **PETITIONS FROM RESIDENTS RE: SALE AND REDEVELOPMENT OF GREEN SPACES – CLAYTON, WESTLANDS, KIDSGROVE, TALKE AND BRADWELL**

Three petitions signed by residents were presented to the Mayor in accordance with the Council's adopted Petition Scheme.

The petitions were against proposals to sell off green spaces in the Clayton, Westlands, Kidsgrove, Talke and Bradwell areas.

Messrs D Leech, F Moore and A Smith addressed the meeting.

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

140. **PETITIONS – APPLICATION FOR VILLAGE GREEN STATUS AND LAND AT REPTON DRIVE/ROSSALL AVENUE, WESTLANDS**

A petition signed by residents was presented to the Mayor by Mr M Blair in accordance with the Council's adopted Petition Scheme and Mr Blair addressed the meeting thereon.

The petition requested the Council to support an application by the Westlands, Seabridge and Clayton Residents' Association for the registration of land at Repton Drive/Rossall Avenue as a village green.

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

141. **SCRUTINY REVIEW OF THE NEWCASTLE DEVELOPMENT PROGRAMME**

Consideration was given to the findings of the Scrutiny Task and Finish Group following its review of the Newcastle Development Programme.

**Resolved:-** That the Council accept the recommendations of the Task and Finish Group and refer them for consideration at the next Cabinet meeting to be held on 7 September 2011.

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

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

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

143. **PETITIONS**

Pursuant to Standing Order No 17, the Mayor received a petition from residents of Cross Heath requesting consideration to be given to the provision of dog waste bins in the area.

**T HAMBLETON**  
Chair

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

**4 July 2011**

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

Councillors Becket, Boden, Clarke M, Cooper, Gilmore, Mrs Hailstones, Mrs Heames, Olszewski, Wilkes and Williams

Apologies for absence were received from Councillor Mrs. Shenton and Councillor Snell

144. \* **MINUTES OF THE LAST MEETING (15/3/11)**

**Resolved:-** The minutes of the previous meeting held on 15 March 2011 be approved as a true and correct record of the proceedings.

145. \* **OVERVIEW AND SCRUTINY CO-ORDINATING COMMITTEE ROLE AND FUNCTION**

The role and function and terms of reference of the Committee was discussed. It was understood that scrutiny had improved over time but could do better as outlined in the peer review. Some scrutiny work had been very useful such as the Waste Recycling Task and Finish work. It was clear that communication between the Cabinet and Chair could be improved and there was a need to focus on proactive consideration of issues. Scrutiny Committees need to use the Forward Plan to act as a critical friend to Cabinet. It was felt that the thematic organisation was preferable and that Health Scrutiny was important, but what was key was to prioritise outcomes for the public.

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

146. \* **ACTIVITIES OF THE OVERVIEW AND SCRUTINY COMMITTEES AND THE HEALTH SCRUTINY SUB-COMMITTEE**

The Committee received verbal updates from the Chairs of the Overview and Scrutiny Committees and the Health Scrutiny Sub-committee.

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

147. \* **NEWCASTLE-UNDER-LYME BOROUGH COUNCIL SCRUTINY PEER REVIEW**

The Committee discussed the Scrutiny Peer Review and gave initial responses to the recommendations of the review.

**Resolved:-** That the Committee's views be noted.

148. \* **THE FORWARD PLAN OF KEY DECISIONS – JULY TO OCTOBER 2011**

The Committee received the information and identified the Council's Economic Development Strategy as a key piece of work for the Economic Development and Enterprise Overview and Scrutiny Committee and the Town Centre Public Realm as a possible area of scrutiny. The Chair was asked to discuss the Bateswood Nature Reserve Review with the Cabinet (in particular the issue of consultation) and the Vice Chair was asked to discuss the policies on Affordable Rent and Strategic Tenancy with the Head of Housing Services. It was considered that the High Speed Rail Link was a matter which could be left to a later time.

**Resolved:-** That the information be received and the identified proposals be examined.

**M R CLARKE**  
Chair



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## **AUDIT AND RISK COMMITTEE**

**5 July 2011**

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

Councillors Boden and Loades  
Portfolio Holder – Councillor Jones

Also in attendance:- Mr David Jenkins from the Audit Commission

149. \* **APOLOGIES**

Apologies were received from Councillors Blair and Waring.

150. \* **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the previous meeting of the Committee held on 18 April 2011 be approved as a correct record.

151. \* **AUDIT AND RISK COMMITTEE – PLAN OF WORK 2011/12**

Consideration was given to the proposed plan of work for the Committee during 2011/12 and it was indicated that the training for Members on the Statement of Accounts would be held on 28 July 2011.

In addition, Members considered the issues of 'horizon scanning' and the Local Enterprise Programme (LEP) with a view to these being included in the Work Plan.

**Resolved:-** (a) That the Work Plan as now amended to include 'horizon scanning' as part of the risk management report be accepted.

(b) That a presentation be given to a future meeting of the Committee on the LEP.

(c) That a letter be sent to all members of the Committee advising them of the training on the Statement of Accounts to be held on 28 July 2011.

152. \* **HEALTH AND SAFETY REPORT 2010/11**

Members gave consideration to the annual report of the Corporate Health and Safety Officer which covered the period April 2010 to March 2011.

There were no particular trends or themes emerging in comparison to previous years, but a total of 31 work related accidents had been recorded, 4 of which were reportable to the Health and Safety Executive.

These had resulted in 150 working days being lost with an average of 0.23 days lost per employee.

Details of inspections carried out to date were submitted and it was indicated that the demolition of the western block of the Council's depot in Knutton Lane had been completed and the depot and Fire Service sites were now separated.

**Resolved:-** That the report be noted and the Corporate Health and Safety Officer be thanked for her work in this matter.

153. \* **CIPFA STATEMENT ON THE ROLE OF THE HEAD OF INTERNAL AUDIT**

A report was submitted on the above matter which provided a framework against which the effectiveness of the Head of Internal Audit (HIA) could be assessed in demonstrating that the Council had good governance arrangements in place.

**Resolved:-** That the report and action plan be noted.

154. \* **QUARTERLY REPORT – ADOPTION OF INTERNAL AUDIT FUNDAMENTAL RECOMMENDATIONS AND SUMMARY OF ASSURANCE (1 JANUARY TO 31 MARCH 2011)**

Consideration was given to a report on outstanding fundamental recommendations and provided Members with assurance opinion on internal controls over Council Services.

In the fourth quarter there were 18 fundamental recommendations due for review, all of which were at their first follow up date and therefore no action was required at this stage.

It was also indicated that all Directorates were showing substantial assurance.

**Resolved:-** That the action of the officers and levels of assurance be noted.

155. \* **INTERNAL AUDIT SECTION ANNUAL REPORT 2010/11**

The Committee received a report regarding the Annual Report of the Internal Audit Section for the 2010/11 financial year.

The Audit Plan for the year had been approved on 8 February 2010 and had accounted for 629 audit days.

A good level of productivity had been maintained at 76% whilst 93% of audits had been completed compared to the number planned and 93% of the Audit Plan.

The percentage of Internal Audit recommendations implemented by the Officers had increased to 83% against a target of 95%. There were no high or medium risk recommendations that were considered as not receiving adequate management attention.

**Resolved:-** That the Internal Audit Section Annual Report for 2010/11 be received.

156. \* **REVIEW THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT**

The Committee received a report summarising an assessment that had been carried out on the effectiveness of the system of Internal Audit for 2010/11.

This was the fifth review that had taken place and involved updating the 2009/10 self assessment and formulating a revised action plan for work to be completed during the forthcoming financial year.

**Resolved:-** That the report outlining the findings from the review of the effectiveness of the system of Internal Audit for 2010/11 together with the action plan be agreed.

157. \* **REVIEW OF THE EFFECTIVENESS OF THE AUDIT COMMITTEE**

The Committee received a report summarising an assessment that had been carried out on the effectiveness of the Audit Committee for 2010/11.

The results of the self assessments showed that the Audit Committee was effective and could be relied upon when considering the Annual Governance Statement for 2010/11.

**Resolved:-** That the report outlining the findings from the review of the effectiveness of the Audit Committee for 2010/11 be agreed.

158. \* **ANNUAL GOVERNANCE STATEMENT**

The Committee considered a report recommending that the Annual Governance Statement for 2010/11 be approved for inclusion in the financial statements presented at the meeting.

The Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards and that public money was safeguarded, properly accounted for and used economically, efficiently and effectively.

In order to achieve this, the Council was responsible for putting in place proper arrangements for risk management.

The governance framework comprised the systems, processes, culture and value by which the authority was directed and controlled and activities through which it accounted to, engaged with and led the community. It enabled the authority to monitor the achievement of its strategic objectives and to consider whether those objectives would lead to the delivery of appropriate, cost effective services.

The governance framework had been in place for the year ended 31 March 2010 and up to the date of approval of the Statement of Accounts.

The Annual Governance Statement had been produced combining findings from a Corporate Governance Review, Assurance Statements from Executive Directors informed by Corporate Service Managers, the work of Internal Audit and various corporate working parties and comments from external auditors and other review agencies.

**Resolved:-** That the Annual Governance Statement for 2010/11 be referred to the Chair of the Overview and Scrutiny Co-ordinating Committee for comments prior to the next meeting of this Committee.

159. \* **ANNUAL REVIEW OF THE CORPORATE RISK MANAGEMENT STRATEGY AND ACTION PLAN**

Consideration was given to a revised Risk management Strategy, Policy Statement and Action Plan.

The risk management process adopted by the Council assisted in the identification of those key risks that potentially threatened the delivery of the corporate priorities of the Council and also delivery of operational and service objectives.

The Strategy had been changed and developed to reflect a new nationally driven regime in terms of inspection and other changes in the environment.

**Resolved:-** (a) That the documents covering the revised Risk Management Strategy for 2011/12 together with the Risk Management Policy Statement be noted.

(b) That the revised Risk Management Strategy, Policy Statement and Action Plan be approved.

(c) That training on Risk Management issues be provided for Members.

**D J RICHARDS**  
**Chair**

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## STANDARDS COMMITTEE

11 July 2011

### Present:-

Councillors Mrs Burke, Cairns, Taylor J and Wemyss

Mr. D.J. Burns – Independent Member  
Mr. D. Wood MBE – Independent Member  
Mr W Murray – Staffordshire Parish Councils Association

Mr. E. Durber – Audley Parish Council  
Mr G L E Locke – Kidsgrove Town Council  
Mr G Sedgley – Loggerheads Parish Council

Apologies for absence were received from Councillor Mrs Hambleton, Mr Y Mir, Mr M Rowley and Mr T Sproston.

160. \* **APPOINTMENT OF CHAIR**

**Resolved:-** That Mr D J Burns be appointed as the Chair of the Standards Committee for the 2011/12 municipal year and that the Committee's thanks for the work carried out by him over the previous 12 months be placed on record.

Mr Burns in the Chair

161. \* **MINUTES OF LAST MEETING**

**Resolved:-** That the minutes of the meeting of this Committee held on 17 January 2011 be approved as a correct record.

162. \* **ESTABLISHMENT OF NEW STANDARDS COMMITTEE FOLLOWING THE ENACTMENT OF THE LOCALISM BILL (527/11)**

Arising out of consideration of the minutes of the last meeting, a Member asked what progress had been made on the appointment of a Working Group to consider the membership and terms of reference for a new Standards Committee following the expected enactment of the Localism Bill and resultant abolition of the existing Standards regime.

The officers indicated that delays in the setting up of the Working Group had occurred due to availability of staff resources and to await the outcome of the May local elections and subsequent appointment of new Members to serve on the Standards Committee.

**Resolved:-** (a) That it be recommended to the Council that a Working Group consisting of 5 members, drawn from the existing membership of the Standards Committee, be appointed as follows:

Conservative Group – 1 nomination

Liberal Democrat Group – 1 nomination  
Labour Group – 1 nomination.

The remaining 2 places would be filled by the Chair of the Standards Committee (Mr. D. Burns), and one other Independent Member.

163. \* **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER FOR YEAR ENDED 31 MARCH 2011 AND ANNUAL COMPLAINTS REVIEW**

Consideration was given to a report informing Members of the Local Government Ombudsman's Annual Letter for the year ended 31 March 2011.

It was reported that the average response time to enquiries was 43 days and that in respect of one of the enquiries, a holding response had been sent to the Local Government Ombudsman advising them that more time was needed in order to respond fully. However, holding responses were not counted for the purposes of response times and in future the Council was to aim to respond within 10-15 working days.

**Resolved:-** That the information be received and the actions proposed be noted.

**D J BURNS**  
**Chair**

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## **PLANNING COMMITTEE**

**12 July 2011**

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

Councillors Boden, Cairns, Clarke D, Clarke M, Cooper, Matthews, Miss Reddish, Sinnott, Studd, Sweeney, Mrs Williams and Williams

Apologies were received from Councillors Mrs Burke, Howells and Lawton.

164. \* **DECLARATIONS OF INTERESTS**

Councillor D Clarke declared a pecuniary interest in planning application 11/283/TDET. He left the meeting during its consideration.

Councillor J Cooper declared an interest in application 11/340/CPO as a member of the County Council. He left the meeting during its consideration.

165. \* **MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** That the minutes of the meetings of this Committee held on 19 April, 10 May and 1 June 2011 be approved as correct records.

166. \* **CHANGE OF USE FROM OIL REFINERY TO SCRAP METAL AND DRY WASTE RECYCLING FACILITY  
MOORES METALS, CHEMICAL LANE, LONGBRIDGE HAYES  
MOORES METALS. 11/00340/CPO**

The Committee was invited to submit its comments on this application that was to be determined by Staffordshire County Council.

**Resolved:-** That, subject to the views/comments of the Environmental Health Division, the County Council be advised that the Borough Council raises no objections to the proposal, subject to conditions being imposed controlling:

- (i) Hours of use.
- (ii) Noise and dust mitigation schemes.
- (iii) The County Council identifying whether the proposal requires a financial contribution to be secured towards NTADS and if required the contribution is appropriately secured.

167. \* **RESIDENTIAL DEVELOPMENT (87 DWELLINGS) AND MIXED EMPLOYMENT USE  
LAND AT WEST AVENUE, KIDSGROVE  
TAYLOR WIMPEY/REVELAN PROP LTD. 11/00237/OUT**

**Resolved:-** (a) That, subject to the completion of a S106 obligation by 12 August 2011 securing:-

- (i) A TRO contribution of £7,500.

- (ii) An NTADS contribution of £4000 towards the residential development and £34,200 towards the commercial element.
- (iii) A Travel Plan monitoring contribution of £10,900 for the commercial element, together with a Travel Plan framework.
- (iv) A POS maintenance contribution of £167,000 (unless alternative satisfactory long term maintenance and management arrangements are made).
- (v) 20% affordable housing.
- (vi) That the financial viability assessment be reviewed if the housing development has not been substantially commenced within one year of being granted or if the development was to be constructed in phases and the securing of a clawback or overage provision to allow for account to be taken of increases in Residential Land Value.

Permit subject to the conditions set out in the report.

That failing the securing of the above obligation by 12 August, the Head of Planning and Development be given delegated authority to refuse the application on the grounds set out in the advance supplementary report to the Committee, or if he considers it appropriate to extend the period of time within which the obligation can be secured.

168. \* **FIRST FLOOR EXTENSION TO SINGLE STOREY BUILDING AND CHANGE OF USE OF THE GROUND FLOOR OF THE EXTENDED BUILDING TO A HOT FOOD TAKEAWAY (CLASS A5 USE) WITH THE PROPOSED FIRST FLOOR OPERATING AS A TAXI BUSINESS  
ROSEVILLE TAXICABS, STANIER STREET, NEWCASTLE  
ROSEVILLE TAXICABS. 11/00245/FUL**

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

- (i) Increase in highway safety problems due to on-street parking associated with the development.
- (ii) Loss of amenity by virtue of noise, odour and litter.
- (iii) Increase in anti-social behaviour and fear of anti-social behaviour.
- (iv) Adverse impact on the character and appearance of the area contrary to Policy D2 of SSSP, CSP1 of CSS and PPS1.
- (v) Failure to enter into a S106 to secure NTADS contribution.

169. \* **INSTALLATION OF 12 METRE HIGH SHARED MONOPOLE, EQUIPMENT CABINET AND COMPOUND FENCE  
WEST AVENUE SPORTS AND SOCIAL CLUB, KIDSGROVE  
VODAFONE UK LTD. 11/00283/TDET**

**Resolved:-** That the application be permitted with no conditions.

170. \* **CHANGE OF USE OF GROUND FLOOR TO HOT FOOD TAKEAWAY  
96 LIVERPOOL ROAD, KIDSGROVE  
MR SIDDIQUEE. 11/00292/COU**

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

- (i) Increase in anti-social behaviour and fear of anti-social behaviour.
- (ii) Loss of amenity due to noise, odour and litter as a result of the cumulative impact of the proposed HFT in addition to such existing uses in the area.



- (iii) Highway safety due to on-street parking.
- (iv) Failure to enter into a S106 to secure NTADS contribution.

171. \* **ERECTION OF FUEL EXTRACTION SYSTEM  
61 MILEHOUSE LANE, NEWCASTLE  
MR A KYRIACOU. 11/00297/FUL**

It was reported that the application had been withdrawn from the agenda.

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

172. \* **TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION  
21 WESTLANDS AVENUE, NEWCASTLE  
MR R TAIT. 11/00304/FUL**

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

- (i) Standard time limits.
- (ii) Approved plans.
- (iii) Approved materials.

173. \* **CHANGE OF USE FROM OFFICE (B1) TO RESIDENTIAL  
CEMETERY LODGE, 7 LYMEWOOD GROVE, NEWCASTLE  
NEWCASTLE BOROUGH COUNCIL. 11/00324/DEEM4**

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

- (i) Standard time limits.
- (ii) Removal of pd rights.
- (iii) Submission of parking details and subsequent retention.
- (iv) Hard and soft landscaping plan.
- (v) Recyclable and refuse storage.
- (vi) Unexpected contamination.
- (vii) Importation of soil.

174. \* **OUTSTANDING ENFORCEMENT MATTERS**

Consideration was given to a report updating the Committee on the current situation with regard to the enforcement caseload.

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

(b) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

175. \* **APPLICATIONS FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS  
GRANTS) FROM THE CONSERVATION AND HERITAGE FUND**

- (i) Coachman's Cottage, Main Road, Betley (Ref 11/12003/HBG)

Consideration was given to an application for financial assistance towards the cost of roof repairs to this building of special architectural and historic interest.

The estimated cost of the works was £6967 including VAT.

**Resolved:-** That a grant of £697 towards the costs of roof repairs to Coachman's Cottage be approved subject to the appropriate standard conditions.

(ii) 27 Marsh Parade, Newcastle (Ref: 11/12004/HBG)

Consideration was given to an application for financial assistance towards the cost of internal redecoration and restoration of sash windows/shutters of this buildings of special architectural and historic interest.

The estimated cost of the above works was £4637 plus VAT.

**Resolved:-** That a grant of £927 be approved towards the above works subject to the appropriate standard conditions.

176. \* **APPEAL DECISION**

Receipt was reported on the following appeal decision:-

<u>Ref</u>	<u>Proposed development and name(s) of appellant(s)</u>	<u>Decision</u>
10/00080/OUT	Commercial business use (Class B1, B2 and B8) and small/medium sized retail A1 foodstore. Linley Trading Estate, Linley Road, Talke. Realty Estates.	Appeal allowed with conditions.

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

177. \* **GRANGE LANE, WOLSTANTON BLOOR HOMES. 99/00918/FUL**

Consideration was given to a detailed report suggesting amendments to the terms of the previously approved Section 106 Agreement that had been entered into prior to the grant, on appeal, of the outline planning permission for housing development on the site known as Grange Lane.

**Resolved:-** That the local planning authority enter into a supplemental S106 agreement to replace current obligation, with a requirement to expend the money received on the improvement of open space and recreation facilities at Wolstanton Marsh/Park and that the supplemental agreement enables the expenditure of that sum and the other received open space financial contribution to be undertaken within the next 2½ years.

178. \* **INTERNET PHARMACY 35 SHERBORNE DRIVE, WESTLANDS**

The Committee considered a report dealing with informal advice previously given by the Council's Planning and Development Service as to whether or not

planning permission was required for the use of part of the above detached dwelling house as an internet pharmacy.

The information given, based on the information provided by the occupant of the dwelling house and operator of the proposed internet pharmacy, was that planning permission was not required because the scale of the proposal did not represent a material change of use to the dwelling.

A petition signed by 200 residents objecting to the proposed use had been presented to Full Council on 29 June 2011 by the organiser of the petition, who also was granted the opportunity to address that meeting referring particularly to residents' concerns about additional traffic movements to and from the dwelling and the secure storage of medicines there.

Having received the petition the Council resolved to refer the matter to the Planning Committee to enable all of the issues arising from the proposed use and petitioners' concerns to be fully considered.

**Resolved:-** (a) That the report be received and actions taken by officers noted.

(b) That Members also asked that the applicant be invited to submit an application for a certificate of lawfulness for the proposed use – without prejudice. Chair to write to Head of Planning and Development requesting that delegated authority to determine certificate of lawfulness application should not be exercised and the application should be reported to Committee for decision.

179. \* **TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTY PLANNING (TREES) REGULATIONS 1999  
TREE PRESERVATION ORDER NO 139 (2010)  
BARTON BEECHES, PINWOOD DRIVE, LOGGERHEADS**

Consideration was given to a report recommending that the above Order, made using delegated powers on 1 December 2010 be confirmed without modification.

No objections had been made to the Order.

**Resolved:-** That Tree Preservation Order No 139 (201) Barton Beeches, Pinewood Drive, Loggerheads be confirmed as made and the owners of the trees be advised accordingly.

180. \* **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration of the following item by reason of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 6 of Schedule 12A of the Local Government Act 1972.

181. \* **QUARTERLY REPORT ON ENFORCEMENT ACTION**

Consideration was given to a report providing details of progress made on cases where enforcement action had been authorised by the Planning Committee under delegated powers.

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

(b) That the actions agreed by the Committee in respect of a number of cases included in the Appendix to the report be pursued by the Head of Planning and Development.

**A FEAR  
Chair**

\*Printed for information

## **JOINT PARKING COMMITTEE**

**18 July 2011**

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

Councillors D Clarke, Robinson and Sinnott

County Councillors Mrs Cornes, Cooper and Locke

182. \* **APOLOGIES**

An apology was received from County Councillor Tagg.

183. \* **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the previous meeting of the Committee held on 6 June 2011 be approved as a correct record.

184. \* **RESIDENTS PARKING ZONES**

It was reported that the proposed Residents Parking Zone to the south east of the town centre approved at the previous meeting was to be advertised on 27 July 2011.

Following the implementation of this the next areas to be considered for Residents Parking Zones would be Dunkirk and West Brampton.

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

185. \* **REQUESTS FOR NEW/AMENDMENTS TO TRAFFIC REGULATION ORDERS**

Details of requests since 6 May 2011 for new or amendments to existing Traffic Regulation Orders to alleviate alleged traffic problems.

**Resolved:-** That the information be noted and the requests considered at future meetings of the Committee.

186. \* **FUNDING FOR FUTURE PROJECTS**

The Chair reported that future funding arrangements between the County Council and District Councils were due to be discussed at a meeting of the County Parking Board to be held next week.

It was indicated that the set up costs of some £140,000 for the Borough had been jointly funded by the County Council and were to be repaid by this Council through the revenue received from enforcement over a period of up to 5 years.

A proposal to be considered by the County Parking Board was for the period of repayment to be extended and for each District Council to retain a proportion of the revenue to enable them to implement some schemes.

Further details of the outcome of the meeting would be submitted to a future meeting of this Committee.

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

**S J M SWEENEY**  
Chair

\*Printed for information

## **HEALTH SCRUTINY SUB-COMMITTEE**

**18 July 2011**

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

Councillors Miss Cooper, Loades and J Taylor.

Councillor Mrs Cornes representing Staffordshire County Council

Paul Carpenter representing Staffordshire Link

Apologies for absence were received from Councillor Mrs Johnson and Mrs Hambleton.

187. \* **MINUTES OF THE MEETING HELD ON 16 MARCH 2011**

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

188. \* **DECLARATIONS OF INTEREST**

There were no declarations of interest.

189. \* **PRESENTATION BY PAUL CARPENTER, STAFFORDSHIRE LINK**

The Committee received a presentation from Paul Carpenter regarding Staffordshire Link and the Local HealthWatch Pathfinder Proposal. Concern was raised by the Committee that little was known about the LINK and assurances were given by Mr Carpenter that profile raising was currently being addressed by a co-ordinating group at County level.

It was hoped that the LINK would in the future be able to help facilitate real changes on the ground as it had the power to enter and view health establishments including those that were funded by public money. The LINK had now been established in Staffordshire for approximately 12 months and during this time a successful recruitment campaign had been carried out resulting in the appointment of approximately 25 well trained volunteers.

Appendix A detailed the Local HealthWatch Pathfinder Proposal which involved 19 health organisations from across the County coming together through the Engaging in Communities Staffordshire Project. This project would establish a social enterprise that would bring together public engagement, consultation, complaints, insight services and consumer advice under an independent heading. At the moment the information gathering was still slightly muddled but it was important that it continued in order to gain a complete understanding of the situation as it currently existed.

To date there had been three enter and view visits, 1 of which had been to Burton Hospital and was deemed by the LINK to have been successful. The Committee raised concerns that the LINK did not have any real powers regarding forcing

improvements through once problems had been identified. Mr Carpenter stated that the LINK had legislative powers to make recommendations to service providers and that should recommendations be ignored that a report would be produced to that effect. An action plan would also be produced which would be monitored by the LINK and follow up visits made. The reports would be available on the internet and bulletins would be sent to all LINK members.

The Chair stated that the objectives of the LINK still appeared unclear and that it was still vague as to what real difference the organisation would be able to make. Concern was also raised as to the number of different groups currently scrutinising health activities and that there appeared to be poor coordination amongst them. It was however also stated that even though the LINK had struggled in the beginning it had been re launched 12 months ago and that it was currently performing well with a successful recruitment campaign and 3 visits carried out to date.

Mr Carpenter did confirm that should the Health Sub Committee request the involvement of the LINK with any of the projects it planned to undertake then the LINK would certainly be on hand to help.

190. \* **CHAIRMAN'S VERBAL REPORT**

The Chair confirmed that the Health Sub Committee would not be disbanded as had been suggested in the Scrutiny Peer Review but would continue as the Health Scrutiny Committee.

The Chair stated that he had put a set of questions to North Staffs hospital and a document was circulated to the Committee detailing the answers given. The results of the clinical review were hoped to be made public within the week. With regards to the audit of all neurovascular procedures the Committee questioned whether should issues arise from the 80 or more cases investigated if the audit would be expanded. It was confirmed that this would be the case. In relation to the Review of Scans performed from Friday 27 to 30 August 2010, the Chair stated that all reports were hoped to be out by the end of August 2011.

The Chair also informed the Committee that he would be visiting the hospital along with the Chair and Vice Chair of the County Health Scrutiny Committee and Cllr Mrs Cornes. A presentation by Senior Managers and consultants from the hospital was due to be held at the next meeting of the County Health Scrutiny Committee in Stafford on Monday 5 September 2011 which any one could attend. The Committee did not consider it necessary to repeat the presentation at Newcastle and the suggestion was made that the County meeting could be recorded. The Chair also confirmed that a second public accountability meeting would be held at Newcastle Borough Civic Offices towards the end of September.

191. \* **CODE OF JOINT WORKING ARRANGEMENTS – HEALTH SCRUTINY**

The Committee received a report advising them of the Code of Joint Working for Health Scrutiny in Staffordshire.

The Code was looked at every year and highlighted how the work of this Committee and those of other District/Borough Health Committees fitted into the overarching work being carried out by the County Council Health Scrutiny Committee.



The Code stated that District/Borough Scrutiny Activity could deal with the following:

- Health bodies, consultations, commissioning and services which contributed towards health improvement within their area.
- Matters which had been agreed with the Staffordshire Health Scrutiny Committee.
- District/Borough services that interfered with planning for and providing health services – for example, but not exclusively, housing, leisure and environmental health.
- Relevant local partnerships.

The Committee expressed concerns regarding what would happen when the County Council entered into a trust and how issues such as Social Services would be dealt with such as whether the County would still have ultimate responsibility for this area. The Chair confirmed that he would investigate this issue further.

The comment was also made that an officer from Newcastle under Lyme Borough Council be appointed to attend the County wide health officer network meetings.

**Resolved:-** (a) That the Code of joint working for health scrutiny in Staffordshire be supported.

(b) That the Chair investigate the issues associated with the County Council entering a trust and where the responsibility for Social Services would then lie.

192. \* **PLANNING HEALTH AND SCRUTINY**

The Committee received a report suggesting actions to be taken in the course of developing a coordinated approach to planning a future work plan.

The following matters were agreed as part of the committees future work programme:

- Consultation on Mental Health Service Changes
- Review of Regional Major Trauma Services
- Accident and Emergency Department at UHNS
- Fit for the Future Programme – Move to the new hospital
- Health indicators in Newcastle – Smoking and infant mortality

The Committee considered that it would be useful to visit the current accident and emergency department at UHNS prior to the move to the new department, that it was crucial to gain an understanding of how the move would be made and that close scrutiny be maintained of the service following the move. The Committee agreed that an officer involved in the move be invited to attend its next meeting at which time a decision could be made as to when to arrange a site visit to the hospital. A request would also be made for statistics collected 6 months prior to the move, 6 months after and then at agreed intervals following this.

**Resolved:-** (a) That the agreed subjects form part of the work programme during the municipal year 2011-12.

(b) That an Officer from the UHNS be invited to attend the next meeting of the Committee to provide information regarding the planned move of the Accident and Emergency Department.

193. \* **HEALTH PROFILE FOR NEWCASTLE UNDER LYME**

The Committee received a report providing information that would assist it in developing a co-ordinated approach to planning future activities.

The report highlighted the fact that indicators for Newcastle under Lyme were in general significantly worse than the English average.

The Committee expressed concern regarding the poor indicators and requested that further detailed information be brought to future meetings in order that a way forward could be formulated to try and tackle the issues highlighted. Further information requested included facts such as where the infants had been registered at birth, corresponding statistics for Stoke on Trent and information as to how the statistics had been calculated. The Committee also agreed that the Director for Public Health be approached regarding the statistics for smokers and diabetes. A request was also made that where possible the statistics be dropped down to ward level to help ensure that resources were being used in the worst performing areas.

**Resolved:-** (a) That the report be received

(b) That further more detailed information be brought to subsequent meetings.

(c) That the Director for Public Health be approached regarding statistics relating to smoking and diabetes.

194. \* **NEWCASTLE UNDER LYME HEALTH AND WELL BEING STRATEGY – PROJECT INITIATION DOCUMENT**

The Committee received a report informing it of a project being undertaken to prepare a Health and Well Being Strategy for Newcastle under Lyme.

Members were asked to consider the report and feed back to Officers any comments or suggestions they may have regarding the project objectives, method of approach and desired outcomes. Areas for investigation could include ward by ward statistics highlighting inequalities within the Borough. It was stated that one objective of the project would be to help draw together many different Council services such as benefits, mental health, community safety and economic development.

Members requested that separate statistics for domestic violence be included in the report and a request was also made for statistics on child abuse and how this related to those of domestic violence.

A draft of the project would be produced in late autumn and brought to this Committee along with an action plan.

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

195. \* **CARERS CONSULTATION 2011-2016**

The Committee received a report requesting responses to a consultation exercise on the Carers Joint Commissioning Strategy 2011-2016. The strategy outlined how the County Council proposed to work closely with other services across Staffordshire to support both young and adult carers. The County Health Scrutiny Committee had already produced a formal response and Members were asked if they wished to add any further comments to this. Members requested that the following be fed back to the County:

- The Committee were concerned that some vulnerable people could loose out on care and stated that steps had to be taken to ensure that no one was allowed to fall through the net especially during the transitional period.
- The Committee were also concerned that not all carers were being identified and suggested that the Local Education Authority, GPs and any other key organisations that may be able to identify child carers be involved in the process.

**Resolved:-** That the above comments be fed back to the County Council for inclusion in the response to the consultation.

196. \* **UPDATE PREPARED BY TRACY SHEWAN ON CURRENT MATTERS FOR NHS STAFFORDSHIRE AND ITS PATIENT POPULATION.**

Members received a written briefing intended to help provide them with a general update on current matters for NHS North Staffordshire and its patient population.

Concerns were raised by Members regarding the development of a 'Payment by Results' approach for funding for mental health services as mentioned on page 4 of report. Issues relating to the transition of mental health care for individuals moving from child to adult services were also highlighted as extremely important and it was stated that any gaps in such a transition needed to be investigated.

**Resolved: -** That the report be received

197. \* **MINUTES OF STAFFORDSHIRE COUNTY COUNCILS HEALTH SCRUTINY COMMITTEE HELD ON 6 JUNE 2011**

**Resolved: -** That the minutes of the above meeting be received.

**D BECKET**  
Chair

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## **PLANNING (STRATEGIC) COMMITTEE**

**19 July 2011**

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

Councillors Boden, Cairns, Clarke D, Cooper, Matthews, Miss Reddish, Studd, Mrs Williams and Williams

Apologies for absence were received from Councillors Mrs Burke, Clarke M, Howells and Lawton

198. \* **COMMUNITY INFRASTRUCTURE LEVY**

Consideration was given to a detailed report advising Members about the Community Infrastructure Levy (CIL) process and seeking their views in respect of the Council taking the necessary steps to become a charging authority under the Community Infrastructure Levy Regulations 2010 (as amended) before a decision on whether or not to introduce a charging schedule was taken by the Cabinet.

It was explained that CIL gave powers to local planning authorities to set a local levy that would pay for a wide range of infrastructure when new development took place. Accordingly, the CIL had the potential to impact on the future level of development investment in the Borough and the level of revenue available to finance infrastructure projects. It was indicated that infrastructure investment was vital to support the planned growth identified in the Core Spatial Strategy 2009-2026 as a consequence of which both the establishment of a levy and the amount of funding raised would be critical to the regeneration prospects of both the Borough and the North Staffordshire sub-region as a whole.

The report explained how the CIL regulations gave Councils new powers to choose to set standard charge on most types of new buildings in their administrative area, following an assessment of local infrastructure needs and consultation with their local community.

It was indicated that all new buildings and extensions over 100sqm of gross internal floor space, all new dwellings would be liable for CIL, with the exception of affordable housing. This included changes of use where an increase of floor space above the threshold was involved and different types and sizes of development would potentially pay different amounts depending on local needs to help ensure that the new infrastructure needed to maintain sustainable growth was provided.

With this in mind the Committee agreed that careful consideration was required when setting the local levy so as not to deter small scale developers from building in the Borough and that the existing Developer Contributions Supplementary Planning Document would need to be revised to reflect the CIL regulations.

It was indicated that a Staffordshire CIL group had been established involving each local authority in the county with a view to sharing knowledge and

developing best practice processes, particularly in relation to assessing viability and cross boundary infrastructure matters. The City Council intended to work towards the setting of a levy and early on had acknowledged the need for close and effective partnership working across North Staffordshire to ensure that the introduction of a CIL charging regime in the one area was not to the detriment of an adjacent local authority.

The financial and resource implications regarding the preparation of the Charging Schedule was outlined in the officers' report together with an indicative programme for the implementation of the CIL by November 2013.

The officers' report concluded by summarising the issues surrounding the introduction of a CIL charging schedule as follows:-

- (i) CIL allowed variable tariffs for contributions to be placed on a much stronger legal footing and in particular would support the use of variable rates of charge and of collecting contributions from a wider range of developments to meet strategic infrastructure need that may be less directly related to the development in question. Furthermore CIL was designed to be a predictable charge, levied on all development, which would not (except in exceptional circumstances) be subject to negotiations and would have very limited exceptions. It was also designed to facilitate the collection of funds to address the cumulative and sub-regional infrastructure impacts of development.
- (ii) However, whilst the introduction of CIL gave some certainty about the funding available to finance an area's strategic infrastructure requirements over a plan period it did not provide guaranteed income for all the items of infrastructure identified during the rate setting process, because the Council's priorities could be subject to change. A new charging schedule could be adopted if the infrastructure requirements of the Borough changed significantly and/or to adapt to changing economic circumstances, although it would be necessary to repeat the CIL process, which would be very costly.
- (iii) The link between CIL and economic viability would almost certainly mean that in areas like Newcastle, with lower land values and/or inherently higher development costs, the rate of CIL would need to be set at the lower end of the scale to avoid stifling development altogether. Also any levy set would need to ensure that the Council did not place itself at a competition disadvantage with neighbouring authorities.

**Resolved:-** (a) That the Cabinet be recommended to agree to the Council taking the necessary steps to become a charging authority under the Community Structure Levy Register 2010, as amended, in accordance with the timetable set out in the officer's report.

(b) That a further report be submitted for approval once a preliminary draft charging schedule has been prepared for consultation.

199. \* **DRAFT REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - SPD CONSULTATION DRAFT (359/11)**

Reference was made to the above resolution and consideration given to a detailed report recommending that the draft Register of Locally Important Buildings and Structures in Newcastle-under-Lyme Supplementary Planning Document (SPD) be approved for consultation purposes between 1 August and 23 September 2011.

**Resolved:-** (a) That the submitted document be approved for consultation purposes.

(b) That subject to a valid nomination being received, the property known as The Villas, High Street, Silverdale be considered for inclusion in the Register.

(c) That all Councillors and LAP's be reminded of the procedures that need to be followed when nominating a building for inclusion on the Register of Locally Important Buildings and Structures in Newcastle.

**A FEAR  
Chair**

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## **THE CABINET**

**20 July 2011**

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

Councillors Bannister, Howells, Jones, Reddish and Studd.

200. \* **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the previous meeting of the Cabinet held on 15 June 2011 be approved as a correct record.

201. \* **SUSTAINABLE PROCUREMENT STRATEGY AND ACTION PLAN 2011-2013**

Consideration was given to a report seeking approval to a revised Procurement Strategy and Action Plan in line with the Council's current objectives and priorities and the continued aims and objectives of the National Procurement Strategy for Local Government, and to support the identification of ongoing savings.

**Resolved:-** (a) That the revised Procurement Strategy 2011-2013 be approved.

(b) That the Action Plan (Section 7) of the revised Procurement Strategy 2011-2013 be approved.

(c) That the 'Procurement Reviews and Identification of Ongoing Savings Plans be approved.

202. \* **NEWCASTLE TOWN CENTRE PUBLIC REALM SCHEME (299/11)**

Pursuant to the above resolution a report was submitted detailing the results of the public consultation exercise on the above scheme and requesting a response to the representations made.

The proposals would reinforce the performance of the street market in the town centre, address the concerns of daytime traffic in Hassell Street and ensure that replacement 'fit for purpose' market stalls were procured.

**Resolved:-** (a) That Members approve the scheme in full for implementation including:

- (i) Introduction of a taxi rank and disabled parking and associated works at lower High Street in line with the general layout specified on Staffordshire County Council drawing number CDT6487-LH-R00-05
- (ii) Introduction of a taxi rank, changes to the layout of the disabled parking spaces, loading restrictions and associated works in the Ironmarket in line with the general layout specified on Staffordshire County Council.
- (iii) Revised access arrangements for Friars Street to facilitate 24-hour access to the Friars Street delivery area in line with the general layout

specified on Staffordshire County Council drawing number CDT6487/FS/R00/01.

- (iv) Introduction of new 10ft wide and 15ft deep market stalls into the market area in High Street in the general layout specified in drawing NTCPR/JK1.
- (v) Introduction of new market pitches in that section of Hassell Street between its junction with Market Lane and High Street.

(b) That a decision on the potential merger of the Wednesday and Thursday market be referred back for consideration at a future meeting of Cabinet after a further assessment of the business case has been completed by officers.

(c) That Staffordshire County Council be requested to obtain a price for the implementation of the Friars Street works with a view to the Borough Council contribution to this being funded from the Capital Programme Contingency Reserve.

**203. \* COLLECTION OF HOUSEHOLD BULKY WASTE**

A report was submitted seeking approval to the contracting of the Council's bulky waste collection service to Furniture Mine by way of a contract let by Staffordshire Moorlands District Council in 2010.

The benefits of this proposal were submitted and included the opportunity for joint working and cost saving to the Borough Council.

**Resolved:-** (a) That the contract for the collection of household bulky waste for Newcastle-under-Lyme be awarded to Furniture Mine by way of the contract already let by Staffordshire Moorlands District Council.

(b) That Furniture Mine start operations from 1 October 2011.

**204. \* CEMETERIES MEMORIAL SAFETY PROGRAMME 2011-2015**

A report was submitted informing Members of the completion of the current cemeteries Memorial Safety Programme and seeking approval to a new five-year rolling programme together with the financial implications for the continued inspection and safety of all memorials within the Borough's cemeteries including the new facilities at Newcastle and Audley.

It was indicated that a sum of £70,000 had been included in the General Fund Capital Programme for the previous phase of the programme in 2005 of which £32,000 had been expended.

It was proposed that the underspending of £38,000 would be used to fund the new programme in years 1, 2, 3 and 4 (up to 2014/15) after which it was proposed to allocate a sum of £10,000 for the programme in year 5.

**Resolved:-** (a) That Cabinet review the completed Cemeteries Memorial Inspection and Safety Programme and consider a follow-on rolling programme to re-inspect all memorials over a five year period.

(b) That the underspend from the 2005-10 programme be rolled forward to meet the costs of year 1-4 of the new 5 year programme and

that provision of £10,000 be made in the General Fund Capital Programme for year 5 (2015/16).

(c) That long-term provision be made in the General Fund Revenue Programme to meet the cost of the inspection and safety programme from 2016/17 onwards.

**205. \* NEWCASTLE-UNDER-LYME EQUESTRIAN STRATEGY**

A report was submitted seeking approval to the above Strategy and Action Plan and providing an update on the work of the Newcastle-under-Lyme Equestrian Forum. This would provide a framework for the future development of equestrian activities within the Borough.

**Resolved:-** That the Newcastle-under-Lyme Equestrian Strategy and officer support to the Equestrian Forum be endorsed.

**206. \* LYME VALLEY (NORTH) CYCLE ROUTE LINKS TO SCHOOL BID**

A report was submitted on a proposed project, led by the County Council, to create a cycle route in the Lyme Brook corridor and seeking approval to the scheme where it is located on Borough Council owned land.

It was indicated that the project would encourage walking and cycling in the Borough and would provide links to 3 local schools and increase opportunities for pupils to cycle to school.

Details of the proposed route of the cycleway were considered.

**Resolved:-** That the proposed scheme be approved.

**207. \* JOINT HOUSING ALLOCATIONS REVIEW**

A report was submitted informing Members of a proposal within the Localism Bill to enable local authorities to review their housing allocations policies and outlining an approach to review the Borough's current policy.

It was indicated that the Localism Bill was not likely to gain Royal Assent until late 2011/early 2012 but as it would take more than a year to implement a review in line with the planned 12 month review following its implementation in June 2010.

**Resolved:-** That the consultation and review of the Joint Housing Allocations Policy be commenced in line with the 12 month review, taking into account emerging issues within the Localism Bill.

**208. \* AFFORDABLE RENT**

A report was submitted on proposals within the Affordable Housing HCA Framework to enable registered providers (developers who registered with the HCA) to either newly build or convert social housing re-lets into Affordable Rent and for Members to consider a proposed approach for consultation.

Details of the issues involved were submitted together with the Council's options in respect of affordable rents.

The preferred option was to allow registered providers to build new affordable rent homes and to enable partial conversions of existing social rented properties to affordable rents.

**Resolved:-** That consultation be commenced on the Council's preferred option as detailed above.

209. \* **STRATEGIC TENANCY STRATEGY**

Consideration was given to a report in respect of proposals within the Localism Bill to place a duty on all local authorities to publish a Strategic Tenancy Strategy.

This Strategy would set out broad objectives to be taken into consideration by all individual social landlords in the area regarding their own policies in the granting and re-issuing of tenancies. The Strategy must be published within 12 months of the enactment of the Bill.

**Resolved:-** That the development and consultation of the Strategic Tenancy Strategy be commenced.

210. \* **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Members were informed that the CIL regime gave powers to local planning authorities to set a local levy which would pay for a wide range of infrastructure works when new development took place.

A Staffordshire CIL group had been established involving all local authorities in the County with a view to sharing knowledge and developing best practice processes particularly in relation to assessing viability and cross boundary infrastructure.

The matter had been considered at a recent meeting of the Planning Committee (Strategic) where it was recommended that the Cabinet resolve to agree to the Council taking the necessary steps to become a charging authority under the CIL Regulations 2010, as amended.

**Resolved:-** (a) That Cabinet receives the resolutions made by the Council's Planning Committee at its meeting on 19 July 2011.

(b) That approval be given to the Council taking the necessary steps to become a charging authority under the Community Infrastructure Levy Regulations 2011 as amended in accordance with the timetable set out in this report.

(c) That a further report be submitted for approval once a preliminary draft charging schedule has been prepared for consultation.

211. \* **HIGH SPEED RAIL – CONSULTATION AND POTENTIAL RESPONSE**

A report was submitted on a consultation exercise being undertaken by the Department of Transport on the government's proposals for High Speed Rail 2 and on a response by the Cabinet which was required by 29 July.

It was not yet known whether the Borough was directly affected by the proposals but it was considered appropriate for a response to be made as there were potential sub regional transport and regeneration consequences.

Details of the responses made to date by other local authorities in Staffordshire were submitted.

It was suggested that the economic model that supported the proposal was flawed as the problems of large urban areas such as North Staffordshire were ignored and in addition the service between Stoke-on-Trent and London could be reduced.

It was considered that the views of the County Council should be supported in opposing the HS2 proposals on the grounds that it would potentially harm, the country's economy, the environment and did not have a sound business case.

**Resolved:-** That the Portfolio holder for Regeneration and Planning be authorised to approve the submission of the Borough Council's former response by the close of the consultation period on 29 July 2011.

212. \* **JUBILEE 2 - UPDATE**

A report was submitted updating Members on progress with the provision of the new health and wellbeing facilities.

It was indicated that the work was currently over 70% complete and arrangements would be made for all Members to view the works in progress.

**Resolved:-** That the progress in the delivery of Jubilee 2 be noted.

213. \* **RETENDERING OF UTILITIES CONTRACT**

It was reported that the present utilities contracts for the supply of both gas and electricity were scheduled to expire on 30 September 2011 following completion of the current 3-year contracts.

Details of proposals to procure and source the Council's future gas and electricity supplies were submitted.

**Resolved:-** That Cabinet agrees to:-

- (i) adopt central government's preferred route to market utilising compliant 'Purchasing Consortia' frameworks;
- (ii) establish and agree a contract period of three years for the Council's utility supply contracts;
- (iii) ratify the decision to appoint Buying Solutions (Government Procurement Service) as the Council's preferred framework provider, thereby authorising them to purchase energy on behalf of the Council as follows:-
  - a spot-purchase arrangement to be effective from the period September 2011 to March 2012 and;

- purchasing within a framework contract from April 2012 for a period of 3 years, subject to annual review and with provision for a further one year extension by agreement between the parties.
- (iv) authorise officers to examine the potential options to achieve further efficiency savings and report back to Members, as appropriate;
- (v) that a further report be submitted to a future meeting of the Cabinet on the effective management of the automatic meter readings (AMR).

**S J M SWEENEY**  
Chair

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## CONSERVATION ADVISORY WORKING PARTY

26 July 2011

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

Councillor Allport

Representing Outside Bodies:-

Mr L P Chatterton – Newcastle Civic Society

Mrs C Henshaw – Staffs Historic Building Trust

Councillor B Sinnott – Madeley Parish Council

Mr J Worgan – Newcastle Civic Society

Apologies were received from Councillors Becket, Mrs Burnett and Holland and Mr Manning

### 214. \* MINUTES OF PREVIOUS MEETINGS

**Resolved:-** That the minutes of the previous meeting held on 14 June 2011 be agreed as a correct record.

### 215. \* PLANNING APPLICATIONS

**Resolved:-** (a) That the decisions on applications previously considered by this Working Party be received.

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

<u>App No</u>	<u>Proposed development and name of applicant</u>	<u>Comments</u>
11/176/LBC	Removal of one 2-seater side pew. Newcastle Congregational Church, King Street, Newcastle. Mr J Tuner.	No objections.
11/303/FUL	Two storey side and rear extensions and first floor balconies. Grindley Cottage, Church Lane, Betley. Mr & Mrs Cox.	Object. Past extensions had not improved the property and this proposal would worsen the situation. The balconies, steps and gable extensions were inappropriate additions to the simple plan form of the building.

11/334/FUL & 11/335/ADV	Alterations to shop front and two new internally illuminated fascia signs and projecting sign. McDonalds, 84 High Street, Newcastle. McDonalds.	No objections. Members felt that the proposal would be an improvement.
11/347/FUL	Retention of security shutter to main entrance. Shalimar, 7 Church Street, Newcastle. Mr Parvais.	No objections.
11/348/ADV	Two non-illuminated signs. Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	No objections.
11/360/DEEM3	Advertisement sign. Jubilee 2, Brunswick Street, Newcastle. Newcastle-under-Lyme Borough Council.	No objections.
11/365/FUL & 11/367/LBC	Conversion of farm buildings to 3 residential units. Ravenshall Farm, Main Road, Betley. Mr R Blades.	The Conservation Advisory Working Party had some reservations with the proposed amendments and insisted that the changes should respect the architectural nature of the building's original function as an agricultural building.

216. \* **ANY OTHER BUSINESS**

(i) Heritage Issues and the Historic Environment

The Conservation Officer gave a presentation on heritage issues and the historic environment. Some members requested that the presentation be forwarded to them electronically in a word format.

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

(ii) Local Register Assessors Panel

**Resolved:-** The Conservation Advisory Working Party accepted the recommendation.

(iii) Poundstretcher

The Council's Conservation officer updated the group on the situation.



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

(iv) Maxims

The archaeological report is now available in the County Records Office. The cost of repairs to the building had been estimated at over £600,000.

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

(v) Madeley Conservation Area Review

The Conservation Officer informed the group that she was working with the Madeley Conservation Group on the Conservation Area review with completion towards the end of the year.

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

**MISS J M COOPER  
Chair**

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## **AUDIT AND RISK COMMITTEE**

**28 July 2011**

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

Councillors Blair, Boden, Snell and Waring

217. \* **DRAFT STATEMENT OF ACCOUNTS 2010/11**

The Committee received a report regarding the submission of the draft Statement of Accounts 2010/11 for scrutiny and approval by the Audit and Risk Committee and the approval of the financing of capital expenditure.

The report highlighted key issues that were contained in the accounts including a commentary on the General Fund outturn, the Collection Fund and the balance sheet and noted the position regarding the Council's reserves.

The Statement of Accounts was still in draft form and subject to external audit. As soon as this audit had been completed any comments would be incorporated and the Statement resubmitted to the Committee for approval.

The budget for the General Fund for 2010/11 had originally been set in February 2010 and amounted to a net total of £17,866,650. The eventual out-turn for the year showed an adverse variance of £87,019, the sum of which had been transferred from the Budget Support Fund to cover the adverse variance. The reasons for this position were considered.

Members were also reminded that of the £2.5m plus £9192 interest accrued from the money invested with the Heritable Bank some £1,514,577 had been received from the Administrator to date.

**Resolved:-** (a) That the draft Statement of Accounts for 2010/11 be noted.

(b) That the financing of capital expenditure incurred during 2010/11, as set out in Appendix B to the Executive Management Team's report be approved.

218. \* **ANNUAL GOVERNANCE STATEMENT**

Consideration was again given to the Annual Governance Statement which had been considered at the previous meeting of the Committee.

**Resolved:-** That the Annual Governance Statement for 2010/11 be approved.

**D J RICHARDS**  
Chair

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## **PUBLIC PROTECTION COMMITTEE**

**1 August 2011**

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

Councillors Bailey, Mrs Hailstones, Hailstones, Mrs Heesom, Miss Walklate, Welsh, Wemyss and Mrs Williams

Apologies were received from Councillors Barber, Kearon, Olszewski and Robinson.

219. \* **MINUTES OF PREVIOUS MEETING**

**Resolved:-** That the minutes of the meetings of this committee held on 7 June and 14 July 2011 be agreed as correct records.

220. \* **AIR QUALITY PROGRESS REPORT 2011**

Consideration was given to a report advising the committee of the findings of the latest Air Quality Progress Report as required by Part IV of the Environment Act 1995.

It was indicated that an assessment of compliance with all statutory air quality objectives for the 2010 calendar year had been undertaken and submitted to DEFRA for appraisal.

The diffusion tube monitoring had shown a general increase in nitrogen dioxide concentrations at all sites where monitoring had been carried out for a number of years. Similar increases had been recorded in neighbouring local authority areas and this was thought, in part, to be due exceptional weather conditions during the winter months which saw increased use of fossil fuels and slower vehicle speeds which affected the dispersion of pollutants.

Exceedences of the nitrogen dioxide annual mean objective had been identified at the following sites:-

- (i) Newcastle Town Centre (including Queen's Gardens)
- (ii) Kidsgrove
- (iii) Madeley
- (iv) Porthill

It was indicated that following approval by DEFRA of the Air Progress Quality Report, a detailed assessment for nitrogen dioxide for the above areas would be undertaken based on data collected for the 2010 Progress Report.

Exceedences of the air pollution objective levels had previously been identified in Newcastle Town Centre and Kidsgrove with the 2010 detailed assessment concluding that it was necessary to declare Air Quality Management Areas (AQMA) in those areas. DEFRA had recommended that the proposed boundaries of the AQMA's be clearly defined by robust methods in response to

which the Council was looking to employ consultants to carry out the necessary works to determine the minimum boundaries of the AQMA's before consultations about their geographical extent started.

- Resolved:-**
- (a) That the information be received.
  - (b) That reports be submitted to subsequent meetings of this committee on the:-
    - (i) Final assessment by DEFRA of the Borough Council's 2010 Progress Report.
    - (ii) Findings of the Detailed Assessments for areas within Newcastle Town Centre, Kidsgrove, Madeley and Porthill with recommendations for further action.

221. \* **ENVIRONMENTAL PROTECTION ACT 1990 SECTION 34 (2A) AS AMENDED BY THE WASTE (HOUSEHOLD WASTE DUTY OF CARE) (ENGLAND AND WALES) REGULATIONS 2005  
FLY TIPPING AT THE HULSTONE PUBLIC HOUSE, CHESTERTON**

Consideration was given to a report seeking authorisation for legal proceedings to be instituted in respect of fly tipping on land at The Hulstone Public House, Chesterton by Mr BJG.

**Resolved:-** That legal proceedings be instituted in respect of the above case of fly tipping.

222. \* **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 – FIXED PENALTY NOTICES FOR LITTERING**

Consideration was given to a report (and supplementary report) seeking authorisation to institute legal proceedings in respect of littering offences within the Borough.

**Resolved:-** That legal proceedings be instituted in respect of those case outlined in the officer's report to this committee.

223. \* **PROSECUTION OF MT PM OF RESTAURANT S, NEWCASTLE FOR NON-COMPLIANCE WITH THE FOOD SAFETY ACT 1990, FOOD HYGIENE (ENGLAND) REGULATIONS 2006 AND REGULATION (EC) 852/2004**

Consideration was given to a report seeking authorisation for legal proceedings to be instituted against Mr PM of Restaurant S following a routine food hygiene inspection of the premises that revealed a number of contraventions of food safety legislation.

**Resolved:-** That legal proceedings be instituted against Mr PM in respect of the contraventions of food safety legislation at Restaurant S as detailed in the officer's report.

224. \* **STONEBANK LANDFILL SITE INVESTIGATION**

The committee considered a report outlining the findings of an environmental site investigation carried out at Stonebank Tip, Kidsgrove during 2009 under Part 11A of the Environmental Protection Act 1990.

The site investigation work and subsequent assessments had identified contamination although the risk posed to human health from the contaminants across the site was low. No significant works were required to deal with the contamination and the situation was being adequately controlled and managed by the Council.

The work formed part of an ongoing programme of investigations that were taking place on former landfill sites within the Borough.

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

(b) That a formal scheme of works be put in place to maintain the vent trench located around the periphery of the Stonebank Landfill Site and that routine inspections be undertaken by Operational Services to ensure compliance.

225. \* **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting consideration of the following item by reason of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

226. \* **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**

(a) Mr CGP

**Resolved:-** That a formal written be issued regarding future conduct.

(b) Mr II

**Resolved:-** That a formal written warning be issued regarding future conduct.

**I MATTHEWS  
Chair**

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## PLANNING COMMITTEE

2 August 2011

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

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

An apology for absence was received from Councillor M Clarke.

227. \* **VARIATION OF CONDITION 5 OF PLANNING PERMISSION 06/01180/OUT SAINSBURYS, FORMER NEWCASTLE COLLEGE SITE, LIVERPOOL ROAD, NEWCASTLE SAINSBURYS SUPERMARKETS LTD. 11/00312/OUT**

**Resolved:-** (a) That subject to the applicant entering into a S106 Obligation by 2 September 2011 to preserve the Council's position in respect of obligations secured through the outline planning permission 06/01180/OUT permit the application in outline and vary condition 5 of planning permission 06/01180/OUT to read as follows:-

"The offices referred to in this permission shall be available for occupation within 4 years of the superstore hereby approved opening to paying customers (which was 3 November 2010)."

and subject to a condition requiring all other conditions of 06/01180/OUT to remain, as amended by application references 10/00105/OUT, 10/00259/OUT and 10/00552/OUT.

(b) That should the obligation not be secured within the above period, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without the obligation being secured, the development would fail to make an appropriate contribution to public open space contribution and thus would not accord with various development plan and other policies; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

228. \* **REMOVAL OF CONDITION 10 OF PLANNING PERMISSION 97/00733/FUL FREEPORT, JAMAGE ROAD, TALKE PITS TALKE (JERSEY) LTD PARTNERSHIP. 11/00317/FUL**

**Resolved:-** That permission be granted subject to the undermentioned conditions:-

- (i) Restriction of the overall net retail floor space to 16,212 sqm.
- (ii) All other conditions attached to permission 97/00733/FUL.

229. \* **FORMATION OF LANDSCAPED MOUNDING AT THE 9-HOLE GOLF COURSE  
KEELE GOLF CENTRE, KEELE ROAD, KEELE  
NICK WORRALL/KEELE GOLF CENTRE. 11/00259/FUL**

**Resolved:-** That consideration of this application be deferred for a site visit enabling Members to view the site from a number of locations.

230. \* **ERECTION OF 3 DWELLINGS AND FORMATION OF ACCESSSES  
VARIATION OF CONDITION 1 OF PLANNING PERMISSION 09/00718/REM  
AND REMOVAL OF CONDITION 2(d)  
70 APEDALE ROAD, CHESTERTON  
MISS N BROWN OF BROWN ESTATES. 11/00313/FUL**

**Resolved:-** That consideration of this application be deferred for a site visit to enable Members to view the site and better assess the impact of the dwellings built on plots 2 and 3 on properties in Apedale Road.

231. \* **CONVERSION OF DANCE SCHOOL AND PRE-SCHOOL DAY NURSERY TO  
5 RESIDENTIAL UNITS AND 1 BEAUTY SALON  
176-178 RAVENS LANE, BIGNALL END  
MR E MIDDLETON. 11/00332/FUL**

**Resolved:-** That permission be granted subject to the undermentioned conditions:-

- (i) Time limit.
- (ii) Approved plans.
- (iii) Details of external materials.
- (iv) Details of boundary treatments.
- (v) Details of recyclable materials and refuse storage.
- (vi) Details of screening along first floor eastern elevation.
- (vii) Use limited to beauty salon only.
- (viii) Opening hours of beauty salon to be restricted to 9.00am to 5.30pm

232. \* **DETACHED DWELLING  
58 HARRISEAHEAD LANE, HARRISEAHEAD  
MR STEVE GALLIMORE. 11/00331/FUL**

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

- (i) The proposal does not constitute a replacement dwelling and is inappropriate development in the Green Belt and would, if permitted, be contrary to the purpose of including land within the Green Belt and to its openness. There are no material considerations of sufficient weight existing as to clearly outweigh the harm that would be caused by the development and the required very special circumstances do not exist.
- (ii) The erection of a dwelling in this location is contrary to policies concerning new dwellings in the countryside and encouraging sustainable forms of development.
- (iii) The proposal would have a harmful impact to the visual appearance of the area and the wider landscape.

233. \* **EXTENSIONS/ALTERATIONS TO FORM SNOOKER ROOM, KITCHEN  
EXTENSION AND NEW GARAGE  
ACTON HOUSE, ACTON LANE, ACTON  
MR & MRS COCKER. 11/00282/FUL**

**Resolved:-** That permission be granted subject to the undermentioned conditions:-

- (i) Standard time limit.
- (ii) Approval plans with amended dimensions outlined in the officers' supplementary report to the Committee.
- (iii) Use of matching materials.
- (iv) Removal of domestic outbuilding permitted development rights for the property.

234. \* **SECTION 106 AGREEMENTS/OBLIGATIONS**

Consideration was given to a report updating Members on the progress made with the work on planning obligations contained within agreements and unilateral undertakings made under S106 of the Planning Act.

**Resolved:-** (a) That the improvements made to date be noted and that the proposed revised timetable indicated in the report for the resolution of the outstanding issues indicated below be agreed with a progress report being brought to this Planning Committee in November 2011.

(b) That the Head of Planning and Development continue to report on a quarterly basis on the exercise of his authority, where given by the Committee, to extend the period of time for an applicant to enter into the Section 106 obligations, and of any similar decisions made by the Chair and Vice-Chair.

235. \* **APPEAL DECISIONS**

<u>Ref</u>	<u>Proposed development and name(s) of appellant(s)</u>	<u>Decision</u>
10/00568/FUL	Erection of building to store classic cars. Wilkins Pleck, Whitmore. Mr & Mrs C Bissell	Appeal dismissed.
10/00328/OUT	Bungalow at rear of 49 Clayton Lane, Clayton. Mr G Fedtschyschak.	Appeal dismissed.

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

**A FEAR  
Chair**

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## CONSERVATION ADVISORY WORKING PARTY

16 August 2011

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

Councillors Allport, Becket, Mrs Burnett and Holland

Representing Outside Bodies:-

Mr L Chatterton – Newcastle Civic Society

Mrs C Henshaw – Staffs Historic Buildings Trust

Mr J Worgan – Newcastle Civic Society

Apologies were received from Mr R Manning.

### 236. \* MINUTES OF PREVIOUS MEETINGS

**Resolved:-** That the minutes of the previous meeting held on 26 July 2011 be agreed as a correct record.

### 237. \* PLANNING APPLICATIONS

**Resolved:-** (a) That the decisions on applications previously considered by this Working Party be received.

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

<u>App No</u>	<u>Proposed development and name of applicant</u>	<u>Comments</u>
11/272/FUL	Erection of new day nursery. Land to rear of Stephenson Building. Keele University Campus. University of Keele	No objections to the massing and orientation of the new nursery but the Conservation Advisory Working Party objected to the use of cladding.
11/375/FUL	Alterations to shop front. 11-15 High Street, Newcastle. Cornwells Chemist.	No objections to the proposed but Members suggested that a watching brief be considered in case evidence existed of a previous historic shop front.
11/378/FUL	Erection of 15m high floodlighting mast to the school sports field. Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme	No objections.

	School.	
11/393/FUL	Sun shade sails to playground areas. Newcastle-under-Lyme School. Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	Application not yet valid.
11/400/FUL	Conversion of existing two bedroom apartment to 2 one bed apartments. 36 High Street, Newcastle. Butters John Bee.	The Working Party had considered this proposal under 11/22/LBC.
11/402/FUL	Refurbishment of front façade including shop front. 61-63 High Street, Newcastle. Equality Partnerships (Osprey) Ltd.	No objections, the Conservation Advisory Working Party welcomed this proposal.
11/404/ADV	Illuminated fascia sign and one illuminated projecting sign. 57-68 Ironmarket, Newcastle. Britannia Building Society.	No objections.

238. \* **ANY OTHER BUSINESS**

(a) Local List SPD Consultation

Information was provided to Members for consideration at its next meeting.

**Resolved:** That the information be received

**MISS J M COOPER**  
**Chair**

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

**Submitted by :** Councillor Stephen Sweeney

**Portfolio:** All

**Wards affected:** All

### **Purpose of the Report**

To provide an update for Members on the activities and decisions of the Cabinet together with the Forward Plan.

### **Recommendation**

**That the statement of the Leader of the Council be received and noted.**

### **Reasons**

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

### **Background**

The papers for the full Council meeting on 27 July had already been finalised by the time the Cabinet met on 20 July. This report therefore updates on the decisions made by Cabinet at its July meeting.

### **Town Centre Public Realm**

The Cabinet approved a joint scheme to help reinvigorate Newcastle town centre. This will see a programme of works jointly funded by the Borough Council and County Council. The programme will deliver significant improvements for businesses and residents, particularly by enhancing access arrangements.

### **Collection of Household Bulky Waste**

The Cabinet approved the appointment of the Furniture Mine charity to provide collection of household bulky waste from residents. This will start on 1 October 2011. The charity currently operates a collection services across North Staffordshire and during the last year collected 5,194 items which are then supplied to people on benefits or low incomes.

### **Lyme Valley (North) Cycle Route**

This project, led and funded by Staffordshire County Council, will create a cycle route in the Lyme Brook corridor linking Clayton, the town centre and Silverdale. The route will be of benefit to local schools, residents and businesses. The Cabinet was pleased to facilitate this development by agreeing access across Borough Council land.

### **Jubilee 2 Update**

Cabinet has noted that the construction of Jubilee 2 is on target and within budget with over seventy percent of the build now completed. A grant from Sport England of £400,000 has also been secured to support the development.

### **Cemetery Memorial Safety Programme**

Cabinet has approved a further phase of the council's cemetery memorial safety programme for the period 2011-15.

### **Plans and Strategies**

The Cabinet has approved a revised Procurement and Action Plan. The strategy will enable the council to continue to secure best value through its purchasing. Cabinet has endorsed an equestrian strategy and action plan. The strategy has been developed with the Equestrian Society. Cabinet has commissioned work on a housing allocations policy, affordable housing framework and strategic tenancy strategy. These are the local response to changes in national policy. It has also commenced preparations for the new Community Infrastructure Levy. It has endorsed an initial position regarding the proposed high speed rail link (HS2). Cabinet has requested the Economic Development and Enterprise Overview and Scrutiny Committee to undertake detailed work on both Community Infrastructure Levy and HS2 to assist in formulating the borough council's policy position on these matters.

### **Forward Plan**

The Forward Plan covering the period 1 September to 31 December 2011 can be found at:

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

The next Cabinet meeting is to be held on 7 September. A report detailing the decisions made at this meeting will be made to the Council meeting on 19 October.

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



## OVERVIEW AND SCRUTINY CO-ORDINATING COMMITTEE RESPONSE TO THE PEER REVIEW OF SCRUTINY

**Submitted by:** Elections and Licensing Manager

**Portfolio:** Customer Service and Transformation

**Ward(s) affected:** All

### **Purpose of the Report**

To inform the Council of the Overview and Scrutiny Co-ordinating Committee's response to the Peer Review of Scrutiny carried out in April 2011.

### **Recommendations**

- (a) That the recommendations in the report be agreed.
- (b) That the suggested amendments be made to Section 6.1.

### **Reasons**

The Overview and Scrutiny Co-ordinating Committee discussed the findings of the Peer Review of Scrutiny at its meeting on 26 July 2011.

## 1. **Background**

1.1 In April 2011, the Chief Executive commissioned a team of member and officer peers to undertake a review of the Borough Councils scrutiny arrangements. The team which included elected members from Stroud District Council, Chester Council and Staffordshire County Council was asked to assess the Borough Council's scrutiny arrangements against the Centre for Public Scrutiny's four principles:

- That Scrutiny is owned and led by elected members
- That Scrutiny provides a 'critical friend' challenge to the council's decision making process
- That Scrutiny reflects the interests and concerns of the public
- That Scrutiny drives improvement

1.2 The detailed report of the findings is attached at **Appendix A** and was discussed by the Overview and Scrutiny Co-ordinating Committee at its meeting on 26 July 2011.

## 2. **Issues**

2.1 The Committee agreed with the recommendations in the report but considered that the wording in 6.1 should be strengthened to state that the Council would act on rather than just consider the appointment of at least one scrutiny officer as part of the restructure of Democratic Services.

## 3. **Options Considered**

3.1 That the recommendations be agreed and the proposed amendment made to 6.1.

4. **Proposal**

- 4.1 That the recommendations in the Scrutiny Peer Review be agreed with the exception of 6.1 which be amended to state:

***This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee will ask the Head of Central Services to act on this as part of the proposed review of the democratic services function.***

5. **Reasons for Preferred Solution**

- 5.1 As detailed in **Appendix A**.

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

- transforming our Council to achieve excellence

7. **Legal and Statutory Implications**

There are none.

8. **Equality Impact Assessment**

There will be no adverse impact.

9. **Financial and Resource Implications**

None have been identified at the present time.

10. **Major Risks**

None

11. **Sustainability and Climate Change Implications**

Not applicable.

14. **List of Appendices**

Appendix 'A' - draft Response to the Peer Review of Scrutiny Recommendations.

## DRAFT RESPONSES TO THE PEER REVIEW OF SCRUTINY RECOMMENDATIONS

**1. Committee Structure**

- 1.1 The Overview and Scrutiny Co-ordinating Committee should be disbanded and replaced with a smaller group to oversee and co-ordinate all scrutiny activities.

This “work planning group” should operate on an informal basis and should not be a formally constituted committee, thereby removing the support and administration that is associated with formal committee meetings. The remit of the group should be to oversee and co-ordinate the work programmes produced by each of the Overview and Scrutiny Committees and to commission Task and Finish Groups.

**Response:**

***This principle of this recommendation is accepted but to be implemented in a modified form. It is considered that the Overview and Scrutiny Co-ordinating committee should continue to exist to coordinate all scrutiny activity and that this group should be a formal committee comprised of the Chairs of the Scrutiny groups together under the chairmanship of the Chair of Overview and Scrutiny Co-ordinating Committee. This group would fulfil the role of the ‘work planning group’ recommended by the review. The role of Overview and Scrutiny Co-ordinating Committee will be defined in terms of reference which support the principle of this recommendation.***

- 1.2 Consideration should be given to reducing the number of Overview and Scrutiny Committees and to developing a greater focus on informal Task and Finish Group work.

This approach would enable small groups of members to investigate issues and report their findings and recommendations to a Committee. The current number of Overview and Scrutiny Committees limits the capacity of members and support services to manage Task and Finish Groups in addition to the Committees. It is widely recognised at a national level that the most effective Overview and Scrutiny outcomes are achieved through Task and Finish Group work. Ultimately, a balance needs to be struck between effective ‘overview’ through Committee structure and in-depth scrutiny through Task and Finish Group work.

**Response:**

***This recommendation is accepted in a qualified form. It is considered that it is helpful for the council to retain the thematic clusters, since these align with the priorities in the corporate plan. It is, however, accepted that each thematic cluster should formulate a work programme based upon a limited number of themes and that each area of scrutiny should be operated on a task and complete and time-limited basis. It is further considered that each thematic cluster should each year identify a set number of topics to scrutinise, to formulate these into a work programme which will be approved by the Overview and Scrutiny Co-ordinating Committee. It may be more effective if each task and complete topic is undertaken by a sub-set of the membership of the scrutiny committee which would fulfil the recommendation of the review.***

- 1.3 Regardless of the number of Overview and Scrutiny Committees that the Council deems appropriate, their remit should be refocused to reflect service delivery and council priorities.

The thematic remits of the current Committees leaves it open to interpretation where particular services and issues fall. Refocusing the Committees to mirror operational and service delivery structures will provide greater clarity and focus and reduce duplication across the Committees. It

will also enable Senior Officers to provide better support. Task and Finish Groups are an ideal way of addressing cross-cutting issues.

**Response:**

***This recommendation is accepted. It is considered that each thematic scrutiny area needs to develop its work programme following this principle and it shall be the duty of the Overview and Scrutiny Co-ordinating Committee to ensure this is the case when approving the work programme of the scrutiny area.***

- 1.4 The Health Scrutiny Sub-Committee should be disbanded and alternative mechanisms for members to be informed of changes in the health economy should be developed, including strengthening links with the County Council Health Scrutiny and providing informal briefings for members.

We recognise the value members place on the Health Scrutiny Sub-Committee, however we feel that given the changes in the health and the Council's limited resources, Overview and Scrutiny should focus on those areas where the biggest local impact can be achieved. Formal Health Scrutiny powers, as outlined in the Health and Social Care Act 2001, rest with the County Council, where there is a Joint Health Scrutiny Committee which includes a Newcastle-under-Lyme scrutiny member.

**Response:**

***This recommendation is not accepted. The Council considers that it can add considerable value to the health and wellbeing of the Borough by retaining its health scrutiny function. Further, it has been encouraged by the County Council and the health sector to retain an appropriate role in scrutinising local health services. In formulating its work programme, the health scrutiny committee will take account of the health scrutiny programme of the County Council and will complement this with appropriate scrutiny of local health services and outcomes. The findings of relevant health scrutiny studies will be forwarded to the County Council and other appropriate responsible bodies.***

- 1.5 The frequency of Overview and Scrutiny Committee meetings should reflect the nature of the business.

Committees should not necessarily be required to meet according to a fixed schedule. If a Committee has identified an issue of concern, there should be scope for the Committee to meet earlier than the next scheduled meeting in order to achieve timely scrutiny and improve the pace of impact.

**Response:**

***This recommendation is accepted and endorsed. It shall be the of the Overview and Scrutiny Co-ordinating Committee to ensure this principle is adhered to when review scrutiny work programmes.***

- 1.6 Consideration should be given to developing local-level scrutiny to complement the Council-wide scrutiny undertaken by the Overview and Scrutiny Committees and related Task and Finish Groups.

The Council's Local Area arrangements should be used to encourage members to identify issues specific to their local area that would benefit from a scrutiny exercise. In line with relevant legislation, Cabinet members should be excluded from this scrutiny activity, therefore Local Area Forums/Committees will need to establish a Task and Finish Group made up of Non-Executive Members that then reports into the relevant Overview and Scrutiny Committee, and then ultimately to Cabinet.

**Response:**

***This recommendation is accepted. The Council is currently reviewing its local areas working arrangements (ie the Local Action Partnerships). Once this review is completed, the Overview and Scrutiny Co-ordinating Committee will give consideration to the role which LAPs may play in supporting the council's scrutiny processes, particularly in relation to local issues.***

**2. Membership of Committees**

2.1 There should be a stronger and more pro-active role for Overview and Scrutiny Committee Chairmen. The role should focus not only on the effective management of meetings, but should also encompass greater activity outside of Committee meetings, including:

- Following up on issues raised during meetings,
- Following up on requests for information,
- Liaising with service officers and Portfolio Holder to identify issues to be included on the Committee's work programme' and
- Liaising with service officers and Portfolio Holder to ensure reports are provided to the Committee in timely manner and incorporate information required by the Committee.

Job Descriptions for Chairmen should be developed.

**Response:**

***This recommendation is accepted. The pro-active role of Overview and Scrutiny Committee chairmen will be implemented through the Overview and Scrutiny Co-ordinating Committee.***

2.2 The role of Vice-Chairmen should be reconsidered. Currently Vice-Chairmen appear to have limited involvement in preparing and managing Committee meetings. We are not opposed to the role of Vice Chairmen per se, but feel that the role in its current format does not add value. We recommend that consideration is given to replacing the role of Vice-Chairmen with 'Lead Member' roles. This would entail Lead Members from each political group nominated for each Committee to support the Chairmen in managing the Committee's work programme. This engages a small number of members in a more proactive role and has proven to work effectively in other Local Authorities.

**Response:**

***This recommendation is noted. The Overview and Scrutiny Co-ordinating Committee will give further consideration to the need for and role of Vice-Chairmen of scrutiny committees.***

2.3 The number of members on each Committee should be reduced from 15 to the minimum number required to achieve political proportionality.

The current size of the Committees proves challenging for Chairmen to ensure each member is able to contribute, whilst also ensuring that the Committee 'delves in deep' into the issue. Smaller Committees would aid greater engagement from those members involved.

Developing a focus on Task and Finish Groups, as outlined above, would ensure that all members have a role within Overview and Scrutiny and would mitigate against the concern that reducing the membership of the Committees would disengage a number of members. Task and Finish Group membership should be based on skills and interest and not political proportionality.

**Response:**

***The principle of this recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will ask each of the scrutiny committees to draw smaller groups of Members to participate in particular task and complete pieces of work, based on the expertise of Members to support particular scrutiny studies. The Overview and Scrutiny Co-ordinating Committee will monitor the implementation of this recommendation in order to ensure that the principles are realised.***

- 2.4 The Work Planning Group that we have recommended be established should consist of the Chairmen of the Overview and Scrutiny Committees and depending on the decision taken in relation to Vice-Chairmen, should also consist of Vice-Chairmen if they exist.

**Response:**

***The Overview and Scrutiny Co-ordinating Committee will perform the role of the Work Planning Group, it will consist of the chairs of the scrutiny committees and may include the Vice Chairmen as and when needed.***

**3. Scrutiny Studies**

- 3.1 We recommend that Members and Officers become more outward looking and take opportunities to visit other Local Authorities to learn from the experiences of others.

There are numerous resources available to guide Newcastle-under-Lyme in developing and supporting an effective Overview and Scrutiny function. The Centre for Public Scrutiny (CfPS) provides a wealth of guidance that is extremely beneficial. We recommend that these are explored and adapted for the local context, there is no need to reinvent the wheel. In addition to this, we have left some materials from our own authorities that might be useful.

We also suggest that Members and Officers participate in any local Overview and Scrutiny networks that exist, if such networks do not exist locally we recommend that consideration is given to developing one. Colleagues in surrounding local authorities will inevitably welcome the opportunity to share experiences and best practice. There are examples of effective outcomes from your Overview and Scrutiny work, which will be of interest to other local authorities.

**Response:**

***This recommendation is accepted and the Overview and Scrutiny Co-ordinating Committee will provide advice and guidance to ensure this becomes a regular part of the way in which the council conducts its scrutiny work.***

**4. Indicative Work Programme**

- 4.1 Scrutiny should develop a work programme for at least twelve months in advance. It should be developed through broad engagement with members, officers and partners.

We would suggest that members could attend a special forum event to discuss and evolve the programme.

In preparing the programme a number of factors need to be taken into account:

- scrutiny should consider items from a wide range of sources including the corporate plan, performance information, the council's major areas of expenditure, consultation, evidence of need etc.
- scrutiny of the corporate plan and the budget is essential
- pre-decision scrutiny of decisions to be made by Cabinet can be very useful. However, care is needed to make sure the work is complete in time for it to be of assistance to the Cabinet/Portfolio Holder but not so early as to be out of date when the decision is to be taken.
- the planning horizon should look ahead at least 12 months; longer if there is a medium-term priority set out in the corporate plan. It will require Cabinet to publish a Forward Plan with the same planning horizon to give advance notice of relevant issues. It is expected that the detail in both the forward plan and the work programme will be less specific later in the period.
- Cabinet should become more aware of scrutiny and the benefits available through close examination with the non-political, evidence-based approach of scrutiny.

The work programme will need to be able to be flexible, proactive and responsive to changing circumstances. A good scrutiny work programme will address the making of key decisions as well as being sufficiently fleet of foot in responding to issues of significance that arise during the period of the plan.

**Response:**

***This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will take the lead in ensuring this is implemented when reviewing the work programmes of scrutiny committees.***

### **5. Training and Support**

- 5.1 The council should invest in member training across the council, bringing in external experience and expertise to ensure that scrutiny is understood consistently with a common ambition and expectation.

External training would enable the exchange of best practice and improve the effectiveness of scrutiny work.

**Response:**

***This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will take the responsibility for ensuring this is implemented.***

- 5.2 The council should invest in specific training for all those appointed as chairmen or vice-chairmen

Chairing scrutiny committees and task and finish groups requires a different skill set to the chairing of other committees.

**Response:**

***This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will take the responsibility for ensuring this is implemented.***

- 5.3 The council should invest in officer training

Officers at different levels across the council should be involved in supporting the scrutiny committees relevant to their work/functions. To support scrutiny effectively officers need to understand the process and how they can provide effective support.

It is not necessary to incur large expenditure on training. Opportunities for training from recognised expert bodies (e.g. Centre for Public Scrutiny and University of Birmingham) or sharing experience with other councils can be explored.

**Response:**

***This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will ask the Chief Executive to ensure this is implemented.***

### 6. **Resourcing**

- 6.1 The council should appoint at least one dedicated scrutiny officer but to a more closely defined role than in the past.

The scrutiny officer(s) should support members to develop work programmes, to monitor progress, to support the chair, ensure that evidence from appropriate sources is available and facilitate effective scrutiny, developing an identity for scrutiny in Newcastle-under-Lyme.

**Response:**

***This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee will ask the Head of Central Services to consider this as part of the proposed review of the democratic services function.***

- 6.2 Support for scrutiny should be drawn from the whole officer structure.

The officers should give advice and evidence at an appropriate level. The ethos across the council should be one of being part of scrutiny – the “Critical Friend”.

**Response:**

***This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee has asked the Chief Executive to enable this to happen.***

- 6.3 A senior officer should be nominated to champion each scrutiny committee.

This will raise the awareness and profile of the scrutiny committees across the council. The council should consider whether this senior officer should be one which is scrutinised under the terms of reference of the committee or a ‘critical friend’ who solely acts as champion and advisor to the committee avoiding any apparent conflict between advising the committee and providing evidence to the scrutiny. Other relevant officers should advise and attend meetings when required by the agenda.

**Response:**

***This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee has asked the Chief Executive to enable this to happen.***



# Agenda Item 5

## **ANNUAL REPORT 2010/11**

**Submitted by:** Head of Performance and Transformation

**Portfolio:** Customer Service and Transformation

**Ward(s) affected:** All

***Members are requested to refer to the bound colour copies of the Annual Report circulated on 12 August 2011.***

### **Purpose of the Report**

To present to members the 2010/11 Annual Report, available on the Council's Internet, and raise awareness of its contents.

### **Recommendation**

**That the presentation of the Annual Report 2010/11 be received and debated.**

### **Reasons**

The Annual Report will provide information on the Council's performance, and resources used to deliver that, for the previous financial year in an easily digestible form.

#### **1. Background**

- 1.1 The production of an Annual Report reflects this Council's desire to promote external accountability. The report includes a summary of the accounts and explanation of key financial and performance information designed to be easily digestible to the reader.
- 1.2 The Annual Report is intended to give a reference which also allows citizens the opportunity to contact the Council for the information that sits behind it and to comment on the appropriateness of the report's design.
- 1.3 Previous consultation demonstrated a need for a summary of the financial statements. The version used is based on a mixture of graphical information.
- 1.4 This is our fifth Annual Report and covers the period from April 2010 to March 2011. It is an important document because it summarises the council's services and financial performance for the year in delivering our key priorities for the borough.
- 1.5 Previously more technical documents were used to present information to the Council: the Statement of Accounts and the Council's Performance Plan. The idea is to give a user friendly and readable summary of the key activities for activities in the year, with the four priorities as the main headings.
- 1.6 The report is being published mainly on our website with links to other published information. Copies have been printed for elected members and more are available on request.

#### **2. Issues**

- 2.1 The detailed report was sent to all members on 12 August as a bound hard copy.
- 2.2 These are some examples of positive aspects to 2010-11:-

- (i) The new Jubilee Centre, a superb new health and well-being centre with state of the art facilities, is largely completed.
- (ii) There is a generally good performance on crime and anti-social behaviour: we have reduced key crime statistics and have won 'White Ribbon Status' for tackling domestic violence.
- (iii) The new system of recycling and waste is continuing to run effectively while delivering the desired savings.
- (iv) We have invested £2 million in the refurbishment of Midway multi-storey car park.
- (v) We formed a town centre partnership development group and an events sub-group.
- (vi) We helped develop affordable housing schemes in Silverdale and Lower Milehouse.
- (vii) We have launched the NHA Options service to give people more choice over social rented homes and helped customers make more informed decisions over their housing options.
- (viii) The Council has again kept Council Tax low.
- (ix) While the following results are more about us as a council, they reflect our determination to perform highly but efficiently and economically for our citizens.
- (x) We have been recognised with 6 "Green Flag" national awards for parks and green spaces, more than any other Staffordshire Authority.
- (xi) We won the small city category in "Heart of England in Bloom" and achieved a gold standard yet again, plus a silver gilt medal at the Royal Horticultural Society Tatton Show.
- (xii) Our Customer Services staff have been recognised for their excellent service to residents.
- (xiii) We kept our Investors in People Gold Standard.
- (xiv) We reduced days off with sickness to an average of 7.33 days – a massive change compared with 12.16 in the year 2006-07.
- (xv) We won the West Midlands Leaders Board Member Development Charter.

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

- 3.1 The Annual Report identifies clearly with the Sustainable Community Strategy and Corporate Priorities in terms of performance achieved and planned for the following year.

### 4. **Legal and Statutory Implications**

- 4.1 There is no legal requirement to produce this plan, but it is generally regarded as best practice.

### 5. **Equality Impact Assessment**

There are no differential equality impacts identified within this report.

### 6. **Financial and Resource Implications**

- 6.1 The production of the document has been met from within existing resources and efforts to reduce printing costs continue.

### 7. **Major Risks**

- 7.1 The Annual Report includes unaudited financial data, it is unlikely that this will change significantly once audited, but there is a slight risk. This is mitigated by following appropriate accounting practices and legislation.

### 8. **Background Papers**

Statement of Accounts 2010/11  
Annual Report 2010/11