

Public Document Pack



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

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

Dear Sir/Madam,

You are summoned to attend the Special 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, 17th January, 2018** at **7.00 pm**.

B U S I N E S S

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 MINUTES

(Pages 5 - 10)

To consider the minutes of the previous meeting(s)

4 MAYOR'S ANNOUNCEMENTS

5 APPOINTMENT OF ACTING CHIEF EXECUTIVE/HEAD OF PAID SERVICE **(Pages 11 - 12)**

6 APPOINTMENT OF EMPLOYMENT COMMITTEE **(Pages 13 - 16)**

7 STATEMENT OF THE LEADER OF THE COUNCIL **(Pages 17 - 18)**

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

8 CHANGES TO COMMITTEES **(Pages 19 - 20)**

9 MOTIONS OF MEMBERS

A notice of motion, under Appendix 7 – paragraph 12 other than those listed in Appendix 7 – paragraph 10 of the Constitution must reach the Chief Executive at least ten clear days before the relevant Meeting of the Council.

10 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

11 RECEIPT OF PETITIONS

To receive from Members any petitions which they wish to present to the Council.

12 STANDING ORDER 18 - URGENT BUSINESS

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

Yours faithfully

A handwritten signature in blue ink, appearing to be 'DAA' followed by a long horizontal flourish.

Head of Paid Services

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

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

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

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

2. Attendance Record

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

3. Mobile Phones

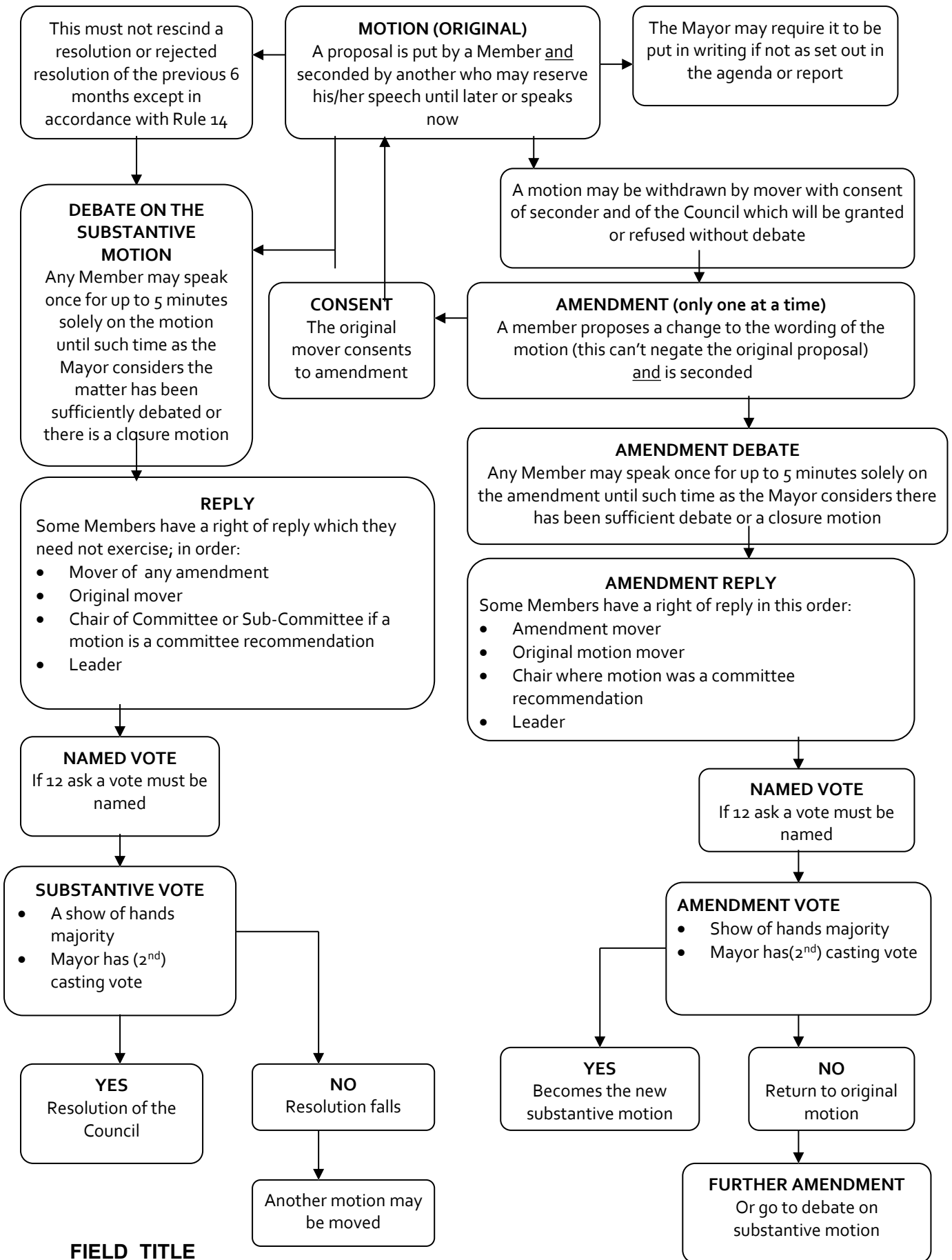
Please switch off all mobile phones before entering the Council Chamber.

4. Tea/Coffee

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

5. Notice of Motion

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



FIELD_TITLE

COUNCIL

Tuesday, 5th December, 2017
Time of Commencement: 7.00 pm

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

Councillors:

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

Officers

Interim Head of Paid Service- David Adams,
Jayne Briscoe - Scrutiny Officer,
Executive Director (Regeneration and Development) - Neale Clifton,
Geoff Durham - Member Training and Development Officer,
Phil Jones - Head of Communications
John Tradewell - Director of Strategy, Governance and Change at
Staffordshire County Council and
Executive Director (Resources and Support Services) - Kelvin Turner

1. **APOLOGIES**

Apologies were received from Councillors' Astle, Proctor and Snell

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. LETTER OF RESIGNATION FROM THE LEADER OF THE COUNCIL

The Mayor read out a letter which he had received from the Leader, Councillor Elizabeth Shenton tendering her resignation as Leader of the Council.

In addition, Members were advised that Councillor Terry Turner had also stepped down as Deputy Leader of the Council.

4. APPOINTMENT OF LEADER OF THE COUNCIL

As a consequence of the previous item, it was necessary to seek nominations for Leader and the following Members were nominated:

Councillor Elizabeth Shenton, nominated by Councillor Turner and seconded by Councillor Hambleton.

Councillor Simon Tagg, nominated by Councillor Fear and seconded by Councillor Sweeney.

A named vote was requested for the two nominees:

Councillor Shenton:

ALLPORT	YES	HEESOM	NO	SHENTON	YES
ASTLE	ABSENT	HOLLAND	NO	SIMPSON	YES
BAILEY	NO	HUCKFIELD	NO	SNELL	ABSENT
BEECH	YES	JOHNSON	NO	SPENCE	YES
BLOOR	NOT PRESENT	JONES	YES	STUBBS	YES
		KEARON	YES	SWEENEY	NO
BURGESS	YES	LOADES	NO	JOHN TAGG	NO
COOPER	NO	MANCEY	NO	SIMON TAGG	NO
MISS COOPER	NO	MATTHEWS	NO	TURNER	YES
DILLON	YES	NAYLON	NO	WALKLATE	ABSTAIN
DYMOND	YES	NORTHCOTT	NO	WARING	NO
EAGLES	YES	OLSZEWSKI	YES	G WHITE	NO
FEAR	NO	OWEN	NO	S WHITE	NO

FRANKISH	NO	PANTER	NO	I WILKES	NO
GARDNER	YES	PARKER	NO	G WILLIAMS	YES
MRS HAILSTONES	NO	PICKUP	YES	J WILLIAMS	YES
MR HAILSTONES	NO	PROCTOR	ABSENT	WINFIELD	YES
HAMBLETON	YES	REDDISH	NO	WING	NO
		ROBINSON	YES	WOOLLEY	NO
HARPER	NO	ROUT	YES	WRIGHT	YES

In Favour - 23

Against - 30

Abstain - 1

Councillor Simon Tagg:

ALLPORT	NO	HEESOM	YES	SHENTON	NO
ASTLE	ABSENT	HOLLAND	YES	SIMPSON	NO
BAILEY	YES	HUCKFIELD	YES	SNELL	ABSENT
BEECH	NO	JOHNSON	YES	SPENCE	NO
BLOOR	NOT PRESENT	JONES	NO	STUBBS	NO
		KEARON	NO	SWEENEY	YES
BURGESS	NO	LOADES	YES	JOHN TAGG	YES
COOPER	YES	MANCEY	YES	SIMON TAGG	YES
MISS COOPER	YES	MATTHEWS	YES	TURNER	NO
DILLON	NO	NAYLON	YES	WALKLATE	ABSTAIN
DYMOND	NO	NORTHCOTT	YES	WARING	YES
EAGLES	NO	OLSZEWSKI	NO	G WHITE	YES
FEAR	YES	OWEN	YES	S WHITE	YES

FRANKISH	YES	PANTER	YES	I WILKES	YES
GARDNER	NO	PARKER	YES	G WILLIAMS	NO
MRS HAILSTONES	YES	PICKUP	NO	J WILLIAMS	NO
MR HAILSTONES	YES	PROCTOR	ABSENT	WINFIELD	NO
HAMBLETON	NO	REDDISH	YES	WING	YES
		ROBINSON	NO	WOOLLEY	YES
HARPER	YES	ROUT	NO	WRIGHT	NO

In Favour - 30

Against - 23

Abstain - 1

Resolved: That Councillor Simon Tagg be appointed as Leader of the Council.

5. APPOINTMENT OF CABINET

The Leader, Councillor Simon Tagg informed Members of his Cabinet appointments:

The Leader's Portfolio would be Corporate and Service Improvement, Partnerships and People.

Councillor Stephen Sweeney – Deputy Leader and Portfolio Holder for Finance and Resources.

Councillor Paul Northcott – Portfolio Holder for Planning and Regeneration.

Councillor Mark Holland – Portfolio Holder for Sport and Leisure.

Councillor Trevor Johnson – Portfolio Holder for Environment and Recycling.

Vacant - Portfolio Holder for Community Safety (this would be done by Councillor Sweeney in the short term).

The Leader wished Councillor Elizabeth Shenton well and Councillor Shenton then made a statement giving the reasons for her resignation.

6. INDEPENDENT REPORT INTO ISSUES FACED BY VOTERS IN NEWCASTLE-UNDER-LYME AT 8 JUNE, 2017 GENERAL ELECTION

The Leader introduced a report informing Members that the independent review into the issues at the General Election in June, 2017 had been completed.

A copy of the Scallan report was attached to the agenda and a consequential appendix seeking interim appointments of Electoral Registration Officer and returning Officer, Interim Head of Paid Service and Monitoring Officer was tabled at the meeting.

The Leader stated that there had been a number of failings and that the Council needed to be stabilised. There are by-elections on 14 December and May, 2018 would see the Council moving to 'all-out' elections. They needed to be resourced effectively.

The disciplinary hearings of the two suspended officers needed to be completed and interim officers appointed.

Members debated the contents of the report stating that the Council had been 'caused damage'. There was now a need to find a solution and move forward. It was important to ensure that people have confidence in future elections.

- Resolved:**
- (i) That the sixteen recommendations, as set out in the Scallan report be agreed and to take any action required.
 - (ii) That the Borough council appoints David Sidaway – Stoke-on-Trent City Council's City Director to act as the Borough's Electoral Registration Officer and Returning Officer until further notice for all elections.
 - (iii) That the Borough Council appoints Dave Adams (the current Executive Director – Operational Services) as interim Head of Paid Service and Paul Washington (the Council's Legal and Democratic Services Manager and Deputy Monitoring Officer) as interim Monitoring Officer.

7. STANDING ORDER 18 - URGENT BUSINESS

There was no urgent business.

THE MAYOR COUNCILLOR SIMON WHITE
Chair

Meeting concluded at 8.05 pm

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Newcastle-Under-Lyme Borough Council

Leader's report to Full Council

Date 17th January 2018

<u>REPORT TITLE</u>	Appointment of Acting Chief Executive/Head of Paid Service
<u>Submitted by:</u>	Council Leader
<u>Portfolio</u>	Corporate and service improvement, people and partnerships
<u>Ward(s) affected</u>	All

Purpose of the report

To seek the agreement of the Council to appoint an acting Chief Executive/Head of Paid Service.

Recommendation

That John Tradewell be appointed as acting Chief Executive/Head of Paid Service until such time as the Council decides that this is no longer necessary.

1. Background

- 1.1 As members will be aware, the current Chief Executive and Head of Paid Service is suspended and it is necessary for the Council to appoint someone to undertake these roles while this remains the case.
- 1.2 There are essentially two options for dealing with this issue:
 - Asking one of the Directors to take on this role;
 - Bringing in some interim support from outside the authority.
- 1.3 In the short term we were fortunate that Dave Adams, the Council's Executive Director for Operational Services, was willing to step into the role at short notice, and I would like to thank Dave for the work he has carried out in the role. But this was only ever intended to be a short-term appointment as we need to bolster leadership capacity rather than spread existing resources more thinly. We need Dave and the other Executive Directors to be able to focus on their own roles and that is why I concluded that we needed to bring in additional capacity.
- 1.4 For this reason I approached the Leader of Staffordshire County Council and asked if he would agree to John Tradewell, the County Council's Director of

Strategy, Governance and Change, joining us on a part-time basis. The Leader of the County Council agreed to my request.

- 1.5 John has experience of working with the Council and already has some knowledge of us, particularly the challenges around the elections and what needs to be done to address this in time for the elections in May. He is a very experienced senior local government officer and has undertaken a similar interim role at the County Council whilst they were recruiting their current Chief Executive. I believe that he has the skills and experience to be able to provide the leadership capacity needed by the Council at this point in time and I am therefore happy to recommend his appointment to the Council.

2 Legal and Statutory Implications

The Council is required by law to have a Head of Paid Service.

3 Financial Implications

A cost recovery arrangement has been agreed where this Council will pay the portion of John Tradewell's wage relating to his time at Newcastle.

4 Major Risks

None

Newcastle-Under-Lyme Borough Council

Date 17th January 2018

<u>REPORT TITLE</u>	Governance arrangements in respect of employment matters
<u>Submitted by:</u>	John Tradewell, Interim Chief Executive
<u>Portfolio</u>	Corporate and Service Improvement, People and Partnerships
<u>Ward(s) affected</u>	All

Purpose of the report

1. When the Council established the new Employment Committee and associated arrangements in September it didn't resolve the membership for that Committee. The purpose of this report is to ask the Council to rectify this and to deal with some associated matters.

Recommendations:-

1. That the terms of reference for the Employment Committee be amended by the addition of the following provision in relation to membership:

The Employment Committee will consist of the seven members nominated by Group Leaders in accordance with the "Rules to ensure political balance" set out in Annex 1 to Appendix 7 of Part 4 of the Council's constitution.

2. That the fourth bullet point of the terms of reference for the Employment Committee is amended to read as follows:

*To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members (and such relevant independent persons as may be required by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015), to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer**

3. That the action taken to call an Employment Committee to take place after full Council be endorsed.

4. Where any staffing matters have been started, and have been following, the procedures in place prior to the Council's decision to establish the Employment Committee and new arrangements, those matters will now continue under the new procedures, and the Employment Committee and/or the IDP will have full authority to determine how those matters are brought within the new procedures.

2. **Background**

2.1 At its meeting on 6th September, Council agreed to establish an Employment Committee with the Terms of Reference below:

- To establish and appoint members to an Appointments sub-committee to act as an appointment panel for Executive Directors and Heads of Service ;
- Subject to any statutory requirements, to advise Council on the appointment of Statutory Officers and to make arrangements to establish and appoint members to an Appointments sub-committee to act as an interview panel for Statutory Officer appointment;
- To oversee matters of discipline or competence in respect of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer (the Statutory Officers)*;
- To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members, to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer *
- To establish and appoint members to a sub-Committee as an Appeals Panel, comprising three members, to hear an appeal by a Statutory Officer against a decision of the IDP falling short of a recommendation to dismiss, in accordance with relevant HR procedures;
- Other than those matters delegated to the Section 151 Officer, to discharge the Council's responsibilities in relation to local government pensions matters;
- To review organisational structure where the changes involve compulsory redundancies that do not have the agreement of existing staff and/or where any such changes require additional budget, which require approval of Cabinet and/or full Council;
- To determine appeals (excluding any Statutory Officers) in relation to:
 - Dismissals whether arising by virtue of misconduct or otherwise
 - Disciplinary action
 - Grievances
 - Selection for redundancy
 - Grading

*Note: When discharging the functions marked * above, the Committee must include a member of The Cabinet.*

- 2.2 The Council did not then appoint members to the Employment Committee or to provide a mechanism for their appointment. The Council is therefore asked to address this by approving the following addition to the Terms of Reference:

The Employment Committee will consist of the seven members nominated by Group Leaders in accordance with the "Rules to ensure political balance" set out in Annex 1 to Appendix 7 of Part 4 of the Council's constitution.

- 2.3 In addition, it is necessary to amend the Terms of Reference slightly in relation to the appointment of a sub-committee as an Investigation and Disciplinary Panel. For certain matters, relating to statutory chief officers, it is necessary that the Panel also consists of relevant independent persons so as to comply with the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The Council is therefore asked to address this by amending the fourth paragraph of the Terms of Reference above to read as follows:

*To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members (**and such relevant independent persons as may be required by The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015**), to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer **

- 2.4 An Employment Committee is currently required for certain staffing matters and has been called for immediately after this full Council meeting. The Council is asked to endorse the action taken in calling this meeting.
- 2.5 There are some staffing matters currently underway in the authority. If, and to the extent, that these matters were started under the procedures in place prior to the Council's decision to establish the Employment Committee and new arrangements, those matters will now continue under the new procedures and the Employment Committee and/or the IDP will have full authority to determine how those matters are brought within the new procedures.

3. Legal and Statutory Implications

As set out in the report.

4. Financial Implications

None.

5. Major Risks

None.

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STATEMENT OF THE LEADER OF THE COUNCIL TO FULL COUNCIL – 17TH JANUARY 2018

Submitted by: Councillor Simon Tagg

Portfolio: All

Wards affected: All

Purpose of the Report

To provide an update to Members on the activities and decisions of 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 Leader & Cabinet and to allow questions and comments to be made on the Statement.

1. Cabinet Meetings

Cabinet met on the 4th January 2018 and is due to meet again on the afternoon of the 17th January 2018. Decisions are detailed under Items 4 and 5 of this report.

2. By-Elections

The two by-elections in Bradwell and Newchapel took place on 14th December 2017. I am pleased to say that there were no reports of any issues or problems and the whole process went according to the detailed plans which were put in place. We can now start to rebuild public confidence in the elections system in the Borough. I congratulate the 2 newly elected Councillors and welcome them to the Council.

3. Election Apology

The new administration is working to implement the recommendations of the Independent report into issues faced by voters in Newcastle-under-Lyme at the 8th June General Election. Part of that was a pledge to issue an apology to those affected. This was done during the week before Christmas using information available from a number of sources including the Council's records, the local MP and other candidates who stood in the General Election.

4. Cabinet Meeting of the 4th January 2018

1. Joint Local Plan Preferred Options

Cabinet agreed to publish the Preferred Options Consultation Document with the results of the public consultation being brought back to Cabinet later in the year.

2. Economic Development Strategy

The Draft Economic Development Strategy is to be put out to consultation with partner organisations, local businesses and wider community.

3. Safeguarding Children and Adults at Risk of Abuse or Neglect – Policy and Procedure

The updated Safeguarding Policy and accompanying procedure for delivery in the Borough was approved.

4. General Fund and Capital Programme Budget Monitoring 2017/18

The Portfolio Holder submitted a Budget Monitoring Report that showed an overspend of £102,000 for Period 8 as at 30 November 2017.

As a result of the problems we have inherited from the previous administration it is anticipated that these could result in an overspend of up to £300,000 by the end of the financial year.

5. Waste and Recycling

Cabinet has agreed to set up a task and finish group to review the Council's recycling and waste service.

This follows the well-publicised long-running problems that escalated during December and into January as a result of bad weather conditions and increased volumes of recycling.

6. Two other reports agreed by Cabinet were:

Procurement for Elections Printing Service and Potential Disposal of Blackfriars Car Park.

5. Cabinet Meeting of the 17th January 2018

To follow.

6. Forward Plan

The Forward Plan covering the period from January to April 2018 can be found at:

<https://moderngov.newcastle-staffs.gov.uk/mgListPlans.aspx?RPId=118&RD=0>

**Councillor Simon Tagg
Leader of the Council**

PUBLISHED 16 JANUARY, 2018

Newcastle-Under-Lyme Borough Council

Report to Full Council

Date 17th January 2018

<u>REPORT TITLE</u>	Changes to Committees and Appointment of Chairs
<u>Submitted by:</u>	Acting Chief Executive/Head of Paid Service
<u>Portfolio</u>	Corporate and service improvement, people and partnerships
<u>Ward(s) affected</u>	All

Purpose of the report

For Members to note the following changes to committee membership and appointment of Chair to the Employment Committee and to appoint a Vice Chair to the Health and Wellbeing Scrutiny Committee.

Recommendation

- (i) That the changes to the Committees, as outlined in paragraph 1.2 be noted.
- (ii) That a Vice Chair be appointed to the Health and Wellbeing Scrutiny Committee.
- (iii) That the Chair to the Employment Committee be noted.

1. COMMITTEE PLACES

1.1 Due to changes in the political balance and administration of the Council, the following changes are required:

1.2 The following Members will take seats on the undermentioned Committees:

- **Councillor Paul Waring - Public Protection Committee.** This reflects a change in the proportionality of allocated seats.
- **Councillors' Andrew Fear and Chloe Mancey** become substitutes on the **Active and Cohesive Communities Scrutiny Committee.** Replacing two Members who are now on the Cabinet.
- **Councillor John Cooper - Cleaner, Greener and Safer Communities Scrutiny Committee . Councillors' Paul Waring and Andrew Parker** become substitutes. This is to replace current Members who are now on the Cabinet.

- **Councillor Andrew Fear - Economic Development Scrutiny Committee.** Councillors' **Barry Panter and Gill Heesom** become substitutes. This is to replace current Members who are now on the Cabinet.
- **Councillor Dave Woolley - Finance, Resources and Partnerships Scrutiny Committee.** Councillors' **Gill Heesom and Lucinda Wing** become substitutes. This is to replace current Members who are now on the Cabinet.
- **Councillor Julie Cooper - Health and Wellbeing Scrutiny Committee.** Councillors **Andrew Parker and John Cooper** become substitutes. This is to replace current Members who are now on the Cabinet.

2. APPOINTMENT OF CHAIR AND VICE-CHAIR

2.1 A Vice Chair is required for the **Health Scrutiny Committee**. This is to replace the current Member who is now on the Cabinet –

- Conservative Group nomination – **Councillor David Loades**

2.2 A Chair is required for the **Employment Committee**. This position will be filled by the **Portfolio Holder for Corporate and Service Improvement, People and Partnerships. Councillor Simon Tagg.**