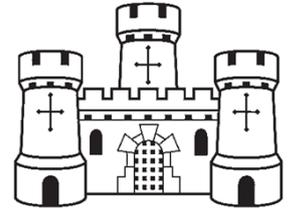


Public Document Pack

Date of meeting Wednesday, 18th July, 2018
Time 2.00 pm
Venue Castle House.Barracks Road, Newcastle, Staffs. ST5 1BL
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle
Staffs
ST5 1BL

Cabinet

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES** (Pages 5 - 8)
To consider the minutes of the previous meeting.
- 4 CONTRACT AWARDS FOR THE SUPPLY OF A JCB WASTEMASTER** (Pages 9 - 12)
- 5 CONTRACT AWARD FOR TRANSPORTATION OF SKIPS** (Pages 13 - 16)
- 6 BIODIVERSITY AND HABITAT RESTORATION** (Pages 17 - 22)
- 7 KIDSGROVE LEISURE CENTRE PROGRESS REPORT**
Report to follow.
- 8 PUBLIC SPACE PROTECTION ORDERS VARIATION** (Pages 23 - 28)
- 9 CHANGES TO MANDATORY HOUSE IN MULTIPLE OCCUPATION LICENSING FROM 01.10.2018** (Pages 29 - 34)
- 10 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 11 DISCLOSURE OF EXEMPT INFORMATION**

Working to be a co-operative council

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

12 ATTENDANCE AT CABINET MEETINGS

Councillor attendance at Cabinet meetings:

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

Public attendance at Cabinet meetings:

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

Members: Councillors S Tagg (Chair), Holland, Johnson, Northcott, Sweeney and J Waring

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

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

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

FIELD_TITLE

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR TODAY SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY FOLLOWING THE FIRE EXIT SIGNS.

CABINET

Wednesday, 6th June, 2018
Time of Commencement: 2.00 pm

Present:- Councillor Simon Tagg – in the Chair

Councillors Holland, Johnson, Northcott, Sweeney and J Waring

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

1. **APOLOGIES**

There were no apologies.

2. **MINUTES**

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

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **FINANCIAL AND PERFORMANCE MANAGEMENT REPORT TO END OF QUARTER FOUR (JANUARY - MARCH) 2017-18**

A report was submitted to Cabinet updating Members on the performance of individual Council services along with related financial information.

The Portfolio Holder for Finance and Efficiency thanked the Executive Director – Resources and Support Services and his team for the work that they had done.

Members' attention was drawn to Appendix A of the report.

Monthly monitoring reports would continue to be sent to all Members. The Chair requested that the next report contain background information to assist the new Members.

The Leader/Portfolio Holder for Corporate and Service Improvement, People and Partnerships drew members' attention to Appendix B.

Paragraph 2.1 – The Town Centre Vacancy Rate was higher than the previous year. This was a problem being faced by all town centres. Newcastle's town centre was being focussed on in a number of ways including the economy and tackling Anti-Social Behaviour.

Members were advised that work needed to be carried out on increasing the stall occupancy rate for markets and that the average number of days per employee lost to sickness needed to be monitored.

Resolved: That the contents of the attached report be noted that the recommendation that the Council continues to monitor performance alongside the latest financial information for the same period be agreed.

5. **KEELE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT**

A report was submitted to Cabinet seeking adoption, as a Supplementary Planning Document – the Keele Conservation Area Appraisal and Management Plan.

Following a consultation, the Planning Committee had recommended to Cabinet that the Plan be adopted.

Resolved: That the Supplementary Planning Document relating to Keele Conservation Area Appraisal and Management Plan be adopted.

6. **NEWCASTLE ECONOMIC DEVELOPMENT STRATEGY: YEAR ONE ACTION PLAN**

A report was submitted to Cabinet seeking approval of the Council's Economic Development Strategy 2018-2023 Draft Year One Action Plan.

Following consultation, amendments and inclusions have been added and members were advised that it was now a living document.

The key priorities for year one were listed at paragraph 1.6 of the report.

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

7. **DUTY TO COOPERATE STATEMENT OF COMMON GROUND BETWEEN NEWCASTLE-UNDER-LYME BOROUGH COUNCIL, STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL, STOKE ON TRENT CITY COUNCIL AND STAFFORD BOROUGH COUNCIL**

A report was submitted to Cabinet advising Members that a Statement of Common Ground had been agreed and signed, demonstrating a Duty to Cooperate.

Members were advised that this had been at the request of Staffordshire Moorlands District Council. Attention was drawn to paragraph 1.3 of the report.

Resolved: (i) That Cabinet note that the Executive Director for Regeneration and Development has taken urgent action to agree and sign a Statement of Common Ground, countersigned by the Portfolio Holder for Planning and Growth, with Staffordshire Moorlands District Council, Stoke on Trent City Council and Stafford Borough Council.

(ii) That Cabinet note that the Statement of Common Ground has

been submitted to SMDC for inclusion in their Duty to Cooperate Statement to form part of the evidence supporting the Submission version of the Staffordshire Moorlands Core Strategy Review at its Examination in Public.

8. ASB POLICY AND PROCEDURE

A report was submitted to Cabinet seeking approval of an Anti-Social Behaviour Policy for the Council.

Resolved: That the ASB Policy and accompanying procedure for delivery in the Borough be approved.

9. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR SIMON TAGG
Chair

Meeting concluded at 2.30 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET

Date 18th July 2018

1. **REPORT TITLE** **Contract Award for the supply of a JCB Wastemaster**
- Submitted by:** **Head of Recycling & Fleet - Andrew Bird**
- Portfolio:** **Environment and Recycling**
- Ward(s) affected:** **All**

Purpose of the Report

To inform Cabinet of the process and outcome of the procurement exercise undertaken for the supply of a replacement JCB Wastemaster for use on the Councils Recycling and Waste Transfer Station located at the Knutton Lane depot. As the cost exceeds £50,000 and in line with Council's Internal Governance Procedures there will be a requirement to provide a Signed Contact under Seal.

Recommendations

That the Council enter into contractual arrangements with Watling JCB for the supply and repair and maintenance contract of a JCB Wastemaster machine.

Reasons

The current JCB Wastemaster is scheduled in the Councils Capital programme for replacement this financial year. In addition the council hires an additional JCB Wastemaster at a cost of £27,300 per annum. The new machine will replace the hired machine, and the existing JCB Wastemaster will be kept as the second / backup machine, thus saving revenue costs for hiring an additional machine.

1. **Background**

- 1.1 The Council has been operating a transfer station at its Knutton Lane depot for well over twenty years. The site was heavily modified in 2016, to facilitate bringing the kerbside collection of recycling and food waste back in-house. The site is fully licenced as a Hazardous Waste transfer station by the Environment Agency, therefore providing the Council with flexibility and certainty in being able to handle a wide range of materials from its streetscene and recycling and waste operations.
- 1.2 The site generates around 2,000 tonnes of material annually, from its streetscene service, and now an additional 13,000 tonnes of dry recycling and food waste from kerbside collections.
- 1.3 To facilitate these operations the Council needs to operate a number of loading and bulking machines, specially designed for use in the recycling and waste industry. The JCB Wastemaster is a specialist machine which is able to deal with a large range of materials.

- 1.4 A replacement JCB Wastemaster is on the Councils Capital Programme for this financial year 2018/19.
- 1.5 Procurement was undertaken using a national framework TPPL – Lot 5
- 1.6 Soft market testing was undertaken with three suppliers, and direct award to Watling JCB through the TPPL framework provided the best value for the supply of the specified machine.

2. **Issues**

- 2.1 It is vitally important that the Council looks to obtain the best financial value for the services it provides, and maintains flexibility in the operation of the depot transfer station at Knutton lane.
- 2.2 To facilitate this, the Council need reliable and efficient machines, and a JCB Wastemaster is a vital part of this infrastructure. The Councils own JCB Wastemaster is now eleven years old, and cannot be relied on for use as the main frontline machine within the operation.

3. **Proposal**

- 3.1 Tenders received have been evaluated on price through the TPPL framework.
- 3.2 The best price was received from Watling JCB, for supply of the specified machine at a cost of £66,992; therefore they are the preferred supplier.

4. **Reasons for Preferred Solution**

- 4.1 The JCB Wastemaster is a specialist machine, designed for use within the recycling and waste industry. It provides efficient and flexible support for operations in the often challenging conditions found in operating a multi material transfer station.
- 4.2 The Council is currently hiring an additional JCB Wastemaster, which will not be required following the purchase of this machine.

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

- 5.1 The proposal is key to the effective delivery of the Integrated Municipal Waste Management Strategy for Newcastle under Lyme Borough Council, and will contribute to the following corporate priorities:
 - creating a cleaner, safer and sustainable Borough
 - creating a Borough of opportunity
 - transforming our Council to achieve excellence

6. **Legal and Statutory Implications**

- 6.1 The procurement process by way of a compliant framework was conducted in line with the requirements of the Public Contract Regulations 2015. It also meets the Councils requirements to secure Best Value.

- 6.2 As the supply cost of the machine is above £50,000, there is a requirement under the Councils Internal Governance Procedures, to provide a signed contract under Seal, which requires approval and authority to seal by Cabinet.

7. **Equality Impact Assessment**

- 7.1 The proposal supports the Equality Impact Assessment undertaken for the effective delivery of the Integrated Municipal Waste Management Strategy for Newcastle under Lyme Borough Council

8. **Financial and Resource Implications**

- 8.1 The proposal has positive financial implications for the Council.
- 8.2 The Council currently hires a JCB Wastemaster to support operations on the Councils transfer station at Knutton Lane. Hire costs equate to £27,300 a year in revenue costs, which will be saved following the purchase of this machine.

9. **Major Risks**

- 9.1 The Council requires reliable and efficient resources to operate its transfer station at Knutton Lane, which is permitted as a Hazardous Waste Transfer station. Failures in correct handling of materials and waste could result in a breach of permit conditions, resulting in the Environment Agency issuing improvement notices to the Council and potentially taking enforcement action.

10. **Key Decision Information**

- 10.1 The proposal and recommendation set out in this report is a key decision as defined in the Council's Constitution.
- 10.2 The proposal and recommendation is included in the Cabinet's Forward Plan for the period in which the meeting is to take place.

11. **Background Papers**

- 11.1 None

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET

Date 18th July 2018

1. **REPORT TITLE** **Contract Award for Transportation of skips**
- Submitted by:** **Head of Recycling & Fleet - Andrew Bird**
- Portfolio:** **Environment and Recycling**
- Ward(s) affected:** **All**

Purpose of the Report

To inform Cabinet of the process and outcome of the procurement exercise undertaken for companies to tender for the provision of skips where necessary, and the transportation of litter, bulky waste, fly-tipped materials, and green / grounds maintenance waste, all resulting from operations connected with Streetscene, and Recycling and waste Services, to designated treatment and disposal sites.

Recommendations

That the Council enter into contractual arrangements with Browns Recycling Limited for a period of two years, with the option to extend the contract by two, one year extensions.

Reasons

The current contract is at an end, following an extension period, and therefore the service required to be re-tendered. The Council also needs to obtain the best financial value,

1. **Background**

- 1.1 The Council has been operating a transfer station at its Knutton Lane depot for well over twenty years. The site is fully licenced as a Hazardous Waste transfer station by the Environment Agency, therefore providing the Council with flexibility and certainty in being able to handle a wide range of materials from its streetscene and recycling and waste operations.
- 1.2 The site generates around 2,000 tonnes of material annually, from its streetscene and recycling and waste services, which translates into an average of 12 skip movements a week. This is not enough to justify the Council operating a large skip vehicle and employing a driver, therefore it is more financially and operational practicable to contract out the transportation element in the operation of the site.
- 1.3 Current contract arrangements have been in place since July 2012, and are now at the end of the extension period applied in 2016. In assessing options for a new contract, consideration was made as to whether it would be financially beneficial for streetscene vehicles to deliver collected materials direct to treatment and disposal destinations. A feasibility study was undertaken by Streetscene Managers, and the loss in time and resource in sending many small vehicles to treatment and disposal points, rather than tipping in the depot transfer station, would impact significantly, in both productive time and therefore

financially, in comparison to operating the transfer station, and bulk loading and transporting materials in skips.

- 1.4 A decision was taken to go out to tender for the provision of skips and transportation of materials to treatment / disposal sites. Tenders were advertised through the Councils 'MyTenders' portal, and followed an open procurement procedure. Closing date for receipt of tenders was 4th May 2018.
- 1.5 Tenders were received from two companies including the incumbent contractor the Council uses for skip provision and transport.
- 1.6 The proposed contract will be for a period of two years, with a possible extension of up to two further years.

2. **Issues**

- 2.1 It is vitally important that the Council looks to obtain the best financial value for the services it provides, and maintains flexibility in the operation of the depot transfer station at Knutton lane.

3. **Proposal**

- 3.1 Tenders received have been evaluated on price and quality incorporating an assessment of the company to provide reliable and efficient transportation services.
- 3.2 Table 1 provides the outcome of the financial and quality evaluation undertaken as part of the procurement process.

Bidder	Total score	Score Weighted (40%) Quality	Cost	Bid Score 100x (lowest / this cost)	Adjusted price score (60%)	Total
A	3970	1588	39682	60	36	1624
B	2580	1032	42018	56.66	34	1066

- 3.3 The preferred tender to carry out the contract is Browns Recycling Limited (Bidder 'A').
- 3.4 It is proposed that the contract starts as soon as possible in July.

4. **Reasons for Preferred Solution**

- 4.1 Browns Recycling Limited is a local family owned company in the recycling and waste collection and reprocessing industry. They are the Councils current contractor, and have provided a high quality service over the last six years. Browns Recycling tender submission was very good with all the correct documentation and clear evidence of their commitment in terms of Health and Safety, quality of service, and positive environmental credentials.

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

- 5.1 The proposal is key to the effective delivery of the Integrated Municipal Waste Management Strategy for Newcastle under Lyme Borough Council, and will contribute to the following corporate priorities:

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity
- transforming our Council to achieve excellence

6. **Legal and Statutory Implications**

6.1 The procurement process is being conducted to meet the requirements of the Public Contract Regulations 2015. It also meets the Council's requirements to secure Best Value.

7. **Equality Impact Assessment**

7.1 The proposal supports the Equality Impact Assessment undertaken for the effective delivery of the Integrated Municipal Waste Management Strategy for Newcastle under Lyme Borough Council

8. **Financial and Resource Implications**

8.1 The proposal has positive financial implications for the Council.

8.2 Both tenders received had marginally cheaper transportation costs, to those which the council is currently paying. This will result in additional revenue saving of just over £3,840.00p based on predicted skip movements over a twelve month period.

8.3 There are resource implications in ensuring the Council continues to ensure efficient use is made in filling skips, to avoid unnecessary journeys to treatment / disposal locations. This will not however require any additional resources over those already employed to ensure high quality of material is maintained.

9. **Major Risks**

9.1 The permit conditions associated with the waste transfer station place strict limits on the time in which waste materials can be stored on site, prior to treatment or disposal. It is vital therefore to have reliable transport operations in place to ensure waste is moved in a timely manner.

9.2 Failure to achieve this could result in the Environment Agency issuing improvement notices to the Council and potentially taking enforcement action.

10. **Key Decision Information**

10.1 The proposal and recommendation set out in this report is a key decision as defined in the Council's Constitution.

10.2 The proposal and recommendation is included in the Cabinet's Forward Plan for the period in which the meeting is to take place.

11. **Background Papers**

11.1 None

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET COMMITTEE

Date July 2018

1. **REPORT TITLE** **Biodiversity and Habitat Restoration**
- Submitted by:** **Head of Operations – Roger Tait**
- Portfolio:** **Environment and Recycling**
- Ward(s) affected:** **Bradwell, Clayton, Thistleberry, Town and Westbury Park & Northwood Wards**

Purpose of the Report

To seek authority to accept the ERDF SUNRISE funding and to implement the project across the five sites working with Groundwork, Environment Agency, Stoke on Trent City Council and Staffordshire Trust, to improve the land and water habitats in the Trent Catchment.

Recommendations

To use the secured £46,675, S106 from two development sites, as match funding towards the project, to accept the ERDF funding and support the project delivery by partners to create environmental improvements to five sites across the borough.

Reasons

The proposal enables a greater output to be achieved with the available funding, which will benefit a far wider range of sites and environments and similar smaller projects working with the Environment Agency, Staffs Wildlife Trust and Groundwork have worked well over recent years.

1. **Background**

Portfolio Holder authority to support the ERDF SUNRISE grant bid was given in September 2017. The project is a joint project with the Environment Agency, Groundwork West Midlands, Staffordshire Wildlife Trust and Stoke on Trent City Council. Stoke on Trent City Council are the responsible authority for the purpose of the bid.

2. **Issues**

The aim of the project is to improve biodiversity on land and water on a range of sites across the Trent Catchment area and there are five sites proposed within the Borough, including Lyme Valley Parkway, Thistleberry Parkway, Bradwell Woods, and Pooldam Marshes.

The project aims are in line with the aims and objectives of both the Open Space and Green Infrastructure Strategies and will deliver a range of works including changes to mowing regimes, woodland improvements and improvements to watercourses. Details of the proposed works and sites are included as Appendix 1. The project will run for 5 years in total with works taking place during the first 3 years, there will be monitoring of the sites to ensure that the biodiversity objectives are achieved and maintained.

It has been proposed that to support the project the S106 monies secured for Pooldam Marshes be included in the bid as match funding to the borough's elements of the project. This totals £46,675, and the total amount of funding secured through the ERDF bid for the works to the five sites in the borough is £183,275. The works will be implemented by the Environment Agency, Groundwork West Midlands and Staffordshire Wildlife Trust, between July 2018 and September 2020, depending on the site and nature of the works. The site works will be supervised by Landscape officers.

The estimated cost of works at Pooldam is £56,675, which is considerably more than the secured £46,675. In total 15 sites over Stoke on Trent and Newcastle will benefit from the funding which in total for implementation phases is £3,329,069.

Site	2018				2019				2020				Cost
	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	
Bradwell Wood													£ 40,000
Pooldam Marsh													£ 56,675
Lyme Brook (Lyme Valley Parkway)													£ 30,800
Lyme Brook (Westomley Wood & Fields)													£ 45,300
Lyme Brook (Thistleberry Parkway)													£ 10,500

Table 1 - Project Timeframes and Site Cost

3. **Options Considered**

Option 1 – Do not support the project and spend the £46,675, S106 money on Pooldam Marshes only.

Option 2 – Support the project and gain benefit, in terms of financial input and environmental benefits for five sites including Pooldam Marshes.

4. **Proposal**

To use the £46,675, S106 as match funding, to accept the ERDF funding and support the project to deliver environmental improvements to five sites across the borough.

5. **Reasons for Preferred Solution**

The proposal enables a greater output to be achieved with the available funding, which will benefit a far wider range of sites and environments and similar smaller projects working with the Environment Agency, Staffs Wildlife Trust and Groundwork have worked well over recent years.

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

- Being a Co-operative Council delivering high quality services
- A clean, safe and sustainable borough

7. **Legal and Statutory Implications**

The conditions of the two S106 agreements states that the funding is for Pooldam Marshes, the cost estimates show that more than the sum provided will be spent of Pooldam Marshes and financial records can be obtained to ensure this.

8. **Equality Impact Assessment**

They are no adverse equality impacts relating to this report.

9. **Financial and Resource Implications**

The S106 contributions secured for Pooldam Marshes can be used as match funding for this bid. The project will bring a total of £183,275 in to improving five of the boroughs open spaces for biodiversity. The project will be managed by partners and supervised by landscape officers.

10. **Major Risks**

The major risks associated with this project are:

- Failure of partners to deliver the project – good history of delivering similar projects with the same partners has been maintained over recent years.
- Failure to continue to manage the sites as agreed – amended maintenance regime will be established during the course of the project.

11. **Sustainability and Climate Change Implications**

The changes to the sites will ensure that they have increased biodiversity and will be more sustainable over the coming years, which will benefit both users and the environment in the long term.

12. **Key Decision Information**

The decision is a key decision as it impacts on 2 or more wards and has been included on the forward plan.

13. **Earlier Cabinet/Committee Resolutions**

There are no earlier committee resolutions associated with this report.

14. **List of Appendices**

Appendix 1 – details of the proposals for each site and location plans.

15. **Background Papers**

There are no background papers associated with this report.

16. **Management Sign-Off**

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

	Signed	Dated
Financial Implications		

Discussed and Agreed <i>Lead Officer – Dave Roberts</i>		
Risk Implications Discussed and Agreed <i>Lead Officer –Annette Vacquier</i>		
Legal Implications Discussed and Agreed <i>Lead Officer –</i>		
Equalities Implications Discussed and Agreed <i>Lead Officer – Jane Sheldon</i>		
H.R. Implications Discussed and Agreed <i>Lead Officer – Nic Durose</i>		
ICT Implications Discussed and Agreed <i>Lead Officer – Jeanette Hilton</i>		
Sustainability and Climate Change Implications Discussed and Agreed <i>Lead Officer – Mike O’Connor</i>		
Report Agreed by: Executive Director/ Head of Service		

SUNRISE Project – Site Information

Bradwell Woods

- Thinning and/or coppicing of Silver Birch (*Betula pendula*) to provide more mature Pedunculate Oak (*Quercus robur*) with space to grow.
- Creation and management of rides and glades through selective thinning.
- Possibility of improving diversity in the woodland field layer by introducing native wildflower seed or plug plants from an appropriate sustainable source.
- Installation of woody debris into the watercourses to diversify flow patterns and attempt to trap some of the sediments before reaching the pools and the downstream parts of the Fowlea Brook.
- Rotational coppicing and/or thinning of trees along the brook corridor to diversify light/shade regime.
- Possible de-silting of the two large pools and some rotational coppicing of the surrounding trees to provide a better light/shade regime.

Pool Dam Marshes

- Re-route the brook into its old channel which should create flow diversity and morphological diversity.
- Restoration of ditches through vegetation clearance to hopefully re-wet sections of the site.
- Introduction of water control structures to prevent seasonal drying out of the site which should provide conditions suitable for a more diverse range of species.
- Restoration of waterbodies.
- Management of bankside trees which will include thinning and pollarding where appropriate.
- Scrub control, concentrating particularly on the large patches of throughout the centre of the site which should also promote re-wetting of the site.
- Invasive species control.
- Introduction of more regular management through grazing or cutting.

Lyme Brook (Lyme Valley Parkway)

- Beneficial woodland management throughout the areas of planted woodland on site.
- Diversify grasslands through green hay and seed sowing.
- Removal of weir/creation of rock ramp to tackle issues with sewage pipe spanning the brook and enabling better fish passage throughout the reach.
- Invasive species control.

Lyme Brook (Wye Road / Westomley Wood)

- Enhancement of grassland areas through green hay strewing and/or supplementary seed sowing where appropriate.
- Selective thinning of plantation woodlands to diversify the current woodland structure providing selected trees room to expand and allow more light to reach the woodland floor.

Possibility to create rides, glades and a more staggered woodland edge to provide refuge for a wider diversity of species.

- Control of invasive species.

Lyme Brook (Thistleberry Parkway)

- Grassland enhancement through green hay strewing and/or supplementary seeding.
- Thinning or coppicing in areas of plantation woodland to diversify age structure.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

July 2018 report for Cabinet

<u>Title:</u>	Public Space Protection Orders variation
<u>Submitted by:</u>	Trevor Smith, Partnerships Interventions Officer
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	All

Purpose of the Report

This report is to;

- Provide an update regarding a review undertaken on the Public Space Protection Order (PSPO) for Newcastle Town Centre.
- Provide recommendations to vary the conditions of the existing PSPO for Newcastle Town Centre and seek approval for the proposals.

Recommendations

That Cabinet notes the content of this report and approves the two proposed variations to the PSPO in Newcastle Town Centre.

Reasons

Following a Review of the existing PSPO it is recognised that the enforcement process could be more proactive in dealing with incidents of anti-social behaviour on Newcastle Town Centre.

1. Background

- 1.1 The Criminal Justice and Police Act 2001, which encompasses Designated Public Place Orders (DPPO's) also known as Alcohol Prohibition Zones (APZ's), has been replaced by the Anti-Social Crime and Policing Act 2014. The Act governs PSPO's and other powers such as Response to Complaints, issuing Fixed Penalty Notices and Closure of Premises.
- 1.2 The Anti-Social, Crime and Policing Act came into force on 20th October 2014. This Act contains the provisions for the Public Space Protection Orders (PSPO's), which were enacted by the Secretary of State. Under the Act there is provision for all Local Authorities to introduce measures to address anti-social behaviour in public spaces. The Act supersedes all previous powers, e.g. gating orders, dog control order, with one overarching power, the PSPO.
- 1.3 A PSPO is an order that identifies a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order

to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

- 1.4 Failure to comply with either a prohibition, or requirement stated within the order is an offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine up to £1,000. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. Subsequent breaches of the order can also be discharged by use of a Fixed Penalty Notice (FPN). The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act).
- 1.5 From October 2017 PSPO's fully replaced existing provisions such as Alcohol Prohibition Zones (APZ's), which are designed to stop the consumption of alcohol in public spaces and Dog Control Orders.
- 1.6 PSPO's offer more flexibility and can be applied to a broader array of issues, granting Local Authorities the autonomy to create their own prohibitions and requirements dependent on whether particular conditions are met. These conditions centre on the degree of impact caused by those issues in the community.
- 1.7 The issues in Newcastle-under-Lyme Town Centre are, but not limited to, street drinking, drug taking, begging, general anti-social behaviour, car cruising (specifically on the Midway car park) and rough sleeping.
- 1.8 The existing conditions for the Town Centre PSPO are:
 - Not to be in possession or utilise an aerosol and/or any item intended to cause defacement within the location.
 - Not to undertake repairs of vehicles within all local authority car parks other than for urgent breakdown repairs.
 - Not to use any local authority owned car parks as a place to congregate, cook or sleep and to only use the car park for parking.
 - Not to engage in behaviour likely to cause harassment, alarm or distress within designated areas.
 - Not to consume or be in possession of an open container of alcohol in the designated area excluding licensed premises or licensed events.
 - Not to ingest, inhale, inject, smoke or otherwise use intoxicating substances including Novel Psychoactive Substances (NPS) within the designated area.

1.8 The PSPO is in force in the Town Centre as highlighted on the map below:



2. PSPO process

2.1 Currently, if an individual breaches one of more of the aforementioned PSPO conditions he/she will receive a PSPO warning notice prior to receiving an FPN should a further breach occur, as detailed below.

2.2 **Stage 1:** Police identify & evidences a breach via body-cam and CCTV. 1st warning notice issued. Details recorded on Police and NBC databases



Stage 2: Should a further breach occur an FPN is issued, co-ordinated through the Partnership Team via the Councils Enforcement Policy.

2.3 The PSPO enables an authorised person (as outlined in the Councils Scheme of Delegation) to issue a warning to any persons which if ignored could result in that person being issued with a FPN. The original intention that the use of FPNs would only be used in cases where offences persistently occur and where other preventative measures have failed to address the problems. However, the use of warning notices has not been as successful as originally anticipated leading to the proposed change in process.

2.4 Subject to the FPN being paid in full within 14 days, the recipient is not liable to prosecution by the Council for the relevant offence. If the FPN remains unpaid after the 14 days, the offender will normally be prosecuted by the Council in line with the council's adopted Enforcement Policy.

2.5 The maximum penalty that can be imposed is £100 and this must be paid within 14 days of service of the FPN. However, it is possible to impose a lesser penalty for early payment and it for each authority to decide their penalty in the absence of statutory guidance.

2.6 The Fixed Penalty amounts are as follows:

- Payment of FPN within 10 days of issue £75
- Payment of FPN between 10 and 14 days of issue £100

3.0 **Anti-Social Behaviour (ASB)**

3.1 Over the last 12 months the issue of begging has become more frequent and persistent in Newcastle Town Centre. The reasons for this increase are believed to be;

- There is a displacement of beggars from the City of Stoke-on-Trent due to a sustained period of enforcement from the Police and Safer City Partnership. Beggars have crossed the border into Newcastle-under-Lyme as we have not employed such enforcement tactics.
- Beggars understand that it is difficult for the Police and other enforcement agencies to detect their activity. There is a misconception that all beggars are rough sleepers but often this is not the case. A number of those who beg portray themselves as being homeless but there is evidence that very few of the persistent beggars in the Town Centre are actually homeless. These individuals are often referred to as 'professional beggars' and are often already in receipt of benefits and have stable accommodation either in Newcastle-under-Lyme or in other areas.
- Residents of Newcastle-under-Lyme are considered to be extremely generous and will often put their hands in their pockets and give money directly to beggars whether they are asked to or not. Whilst their generosity is admirable, it may be misguided as they are unaware of how their money is spent and what on.
- Begging is an extremely emotive subject and how to deal with the issue of begging polarises opinion. Prior to the launch of the PSPO Newcastle Borough Council's stance was one of caution given that beggars are often classed as vulnerable individuals. There are a proportion of individuals whom beg who are not in receipt of benefits and do not have accommodation but these are believed to be in the minority. It could also be argued that those individuals who beg are vulnerable due to substance misuse and mental health issues. However, given the frequency of beggars on Newcastle Town Centre (the majority of which are known to services) it could be argued that effective enforcement is the key to tackle this issue. Varying the PSPO to include a condition not to beg in Newcastle Town Centre would be one such way of tackling this issue.

3.2 As previously stated support will be continue to be offered in the first instance with enforcement activity being employed as a last resort to those persistently and aggressively begging and causing ASB in the Town Centre.

4.0 **Options considered**

4.1 The options are as follows;

- a. To support the Partnerships Team in streamlining the enforcement process by removing the warning notice stage and proceeding directly to Fixed Penalty Notices (recommended).

- b. To support the Partnerships Team in the variation of the PSPO conditions to include begging and ASB (recommended).
- c. To look at other ways to address the issues of begging and ASB without looking at enforcement (not recommended).
- d. To continue with the existing process by issuing warning notices followed by Fixed Penalty Notices should further breaches occur (not recommended).

5.0 **Recommendations and reasons**

5.1 The recommendation is to give the Partnerships Team a mandate to streamline the PSPO enforcement process to remove the warning notice stage and to include begging as a PSPO condition.

5.2 The reasons for our recommendation are as follows:-

- a. Over the past 12 months warning notices have not been as effective as first anticipated with a number of individuals repeat offending. NBCs Legal Team has recommended a zero tolerance approach, dispensing with warning notices and issuing FPNs as soon as a breach occurs.
- b. Over the last 12 months Newcastle Town Centre has seen an increase in persistent begging and associated ASB, which has caused complaints from both residents and businesses.

5.3 The proposed enforcement process is as follows;

- Issue an FPN as soon as a breach of any of the PSPO conditions, including begging are witnessed.

6. **Outcomes Linked to Corporate Priorities**

6.1. The Council has a commitment to provide its residents with a clean, safe and sustainable Borough and so the introduction of these variations to the PSPO will contribute to ensuring positive outcomes.

6.2. Another key priority for the Council is to foster a healthy and active community. The appropriate use of the PSPO will lessen or prevent issues around anti-social behaviour.

7. **Legal and Statutory Implications**

7.1 There may be legal implications for NBC in its discharge of legal duty under the ASB and Crime Act of 2014 and resource implications in the event of legal challenge.

7.2 The anticipated number of FPNs and prosecutions is unknown as this is still a relatively new area of work for the Council and will depend on the number of offences committed under the PSPO.

8. **Equality Impact Assessment**

8.1 An Equality Risk Assessment has been completed detailing how PSPO's will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars.

9. Financial and Resource Implications

- 9.1 The administered PSPO will be managed under existing Council resources with assistance from partners such as the Police who will be identifying breaches of the PSPO, issuing FPNs and liaising with partners including the Council.
- 9.2 There may additional staffing resource required to support the management of FPN's, including income recording and links to the Legal team when non-payment occurs. This depends on how many FPNs are issued and how many occurrences there are of non-payments. Also, the level of resulting income cannot be accurately predicted but is not expected to be significant.

10. Key Decision Information

- 10.1 This report can be considered key because it requires the Borough Council to commit existing and additional resources for the function to which the decision relates.

11. Earlier Cabinet/Committee Resolutions

- 11.1 In September 2014 the report 'Update on the Anti-Social Behaviour, Crime and Disorder Act 2014' and 'Scheme of Delegation' were submitted to EMT.
- 11.2 In January 2016 the report 'Public Space Protection Orders' was submitted to EMT and Officers were given permission to undertake a formal public consultation
- 11.3 In November 2016 the report 'Public Space Protection Orders' was submitted to Cabinet and Officers were given permission to make a PSPO for Newcastle Town Centre.
- 11.4 In June 2018 the Anti-Social Behaviour Policy report was approved by Cabinet.

12. List of Appendices

- 12.1 Appendix 1: PSPO implementation plan
- 12.2 Appendix 2: Scheme of delegation
- 12.3 Appendix 3: Newcastle Town Centre PSPO Review Report (2018)

13. Background Papers

- 13.1 None

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

Date: 18th July 2018

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018

Submitted by: Executive Director (Regeneration and
Development)

Portfolio: Planning and Growth

Ward(s) affected: All

Purpose of the Report

To advise on the expansion of regulations relating to licensing of houses in multiple occupation and to agree proposed actions by the Council including a fee structure.

Recommendations

- a) That cabinet note the expansion of house in multiple occupation licensing.
- b) That the fees proposed to apply from 1st October 2018 as set out in the report be approved.

Reasons

A house in multiple occupation licence fee was included in the Fees and Charges 2018/19 Cabinet Report. However, approval is sought to add an incentive into the fee structure for the new expanded licensing scheme to encourage landlords to also become members of the North Staffs Landlord Accreditation Scheme.

1. Background

1.1 Licensing of certain Houses in Multiple Occupation (HMOs) was introduced by the Housing Act 2004 and became operative in April 2006. HMOs have to be licensed if they have three or more storeys, 5 or more unrelated occupiers and have some element of shared facilities i.e. a kitchen or bathroom. This recognises that these properties present the biggest risks to occupiers in terms of fire safety, disrepair and poor management.

1.2 In the Borough we have 58 licensed properties. Once granted, a licence lasts for five years. The fees for 2018/19 are set out below.

Licence application fee (for up to five bedrooms)	£586.50
Additional fee for each extra bedroom	£7.65
Renewal of existing licence (for up to five bedrooms)	£433.50
Additional fee for each extra bedroom	£7.65

1.3 Licensing has been successful in improving standards in HMOs and following a government review it is to be expanded from 1st October 2018 by removing the criteria relating to the number of storeys. This will bring significantly more properties into the licensing regime.

1.4 Within the Borough this is predicted to be an additional 132 properties. Many of these are student lettings and so we have taken this opportunity to consider how these proposals link with the North Staffs Landlord Accreditation Scheme.

1.5 North Staffs Landlord Accreditation Scheme

This self-funded scheme is run by the Borough Council and Stoke on Trent City Council working in partnership with Keele University. It is a well-regarded scheme designed to recognise and reward good landlords and has 455 members. Many members have properties let to students (as membership is a prerequisite for advertising accommodation via Keele University). Membership is dependent on meeting certain standards and costs £80 for landlords of 1 – 5 properties, £100 for landlords of 6 or more and lasts for two years. Members receive a regular newsletter and invitations to free training and networking events. All members must attend a training session on housing legislation and management.

1.6 Linking accreditation and licensing

The background papers show how the HMO licence fee is determined which includes various checks. When a landlord is accredited some of these checks have already been completed, paid for from their accreditation fee. It therefore seems appropriate to offer a reduction to accredited landlords for an HMO licence.

As accredited landlords attend training and receive regular newsletters and updates it also seems appropriate to incentivise them to becoming a member through the licensing fee structure. The alternative is to require attendance at training sessions as a licensing condition.

2. Options Considered

A	Offer a discount on an HMO licence to accredited landlords to incentivise membership of the scheme.	This allows the licensing regime and accreditation scheme to complement each other, develops good links with landlords, promotes accreditation and taps into existing processes for training and keeping landlords up to date.
B	Require training as part of a licence condition	This works on enforcement rather than encouragement and engagement and doesn't utilise existing processes.
C	No discount	This is expected to adversely affect membership of the accreditation scheme as landlords will opt to leave rather than pay twice for the same checks to be completed.

3. Proposal and Reasons for Preferred Solution

Option A is the preferred approach which would ensure landlords do not pay for the same service twice and are offered an incentive to join the North Staffs Landlord Accreditation Scheme completing training and ensuring ongoing development.

The proposed fees are below (the background paper shows how the fee is determined):

Licence application fee (for up to five bedrooms)	£586.50
Licence application fee for a member of the North Staffs Landlord Accreditation Scheme	£486.50
Additional fee for each extra bedroom (on both of above)	£7.65
Renewal of existing licence (for up to five bedrooms)	£433.50
Renewal of existing licence fee for a member of the North Staffs Landlord Accreditation Scheme	£333.50
Additional fee for each extra bedroom	£7.65
NB - If a licence applicant doesn't maintain their accreditation status but re-joins at the point of a licence renewal application the discount will not apply.	

Incentivising membership of this self-funding scheme also reduces the time spent by housing services staff checking documentation and carrying out inspections of good properties allowing resources to be targeted upon investigations and enforcement against non-complaint landlords.

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

The provision of safe housing within the Borough will contribute to the corporate priority of a healthy and active community.

5. **Legal and Statutory Implications**

Under The Scheme of Delegation 2018 officers are already authorised to issue HMO licences under part 2 of the Housing Act 2004.

6. **Equality Impact Assessment**

The expansion of HMO licensing does not create any specific equality impacts.

7. **Financial and Resource Implications**

There will be an income to the Council from the expansion of HMO licensing and this will arise over the period between now and the effective date of the new legislation coming into force (1 October 2018). It is important to note that most of the new income will arise during this financial year and then for any renewals, it will arise again in five years' time (because a licence lasts for five years).

Part of the income stream will need to be allocated to developing the licensing module of the IT database used for housing activities. This will allow the team to handle the expected workload and move to on-line applications with automatic population of the database. Initial discussions with the Council's IT software provider indicate this will be in the region of £13,000; the additional income will easily cover these costs.

8. **Major Risks**

There are no major risks associated with this report.

9. **Key Decision Information**

The expansion of HMO licensing will apply in all wards. Notice of this report was included in the Cabinet's Forward Plan for the period in which the meeting is to take place.

10. **Appendices**

Appendix 1 – further information to support fee incentivisation for “accredited” landlords.

11. **Background Document**

Fee determination spreadsheet

Appendix 1 - HMO Licensing Fees

Proposal for a discount on a House in Multiple Occupation Licence for members of the Landlord Accreditation Scheme recognising they have already paid for some of the activities and to incentivise and reward membership.

Supplementary information on both schemes

Mandatory Licensing	Accreditation
Mandatory - required by legislation	Voluntary – landlords join the scheme as they want to be able to demonstrate they are operating in accordance with good practice and to a good standard. Costs between £80 and £100 (depending on number of properties) every 2 years. This covers running costs and landlord checks.
Landlords don't have an input into the scheme.	Landlord representation on the steering group ensure the scheme is run with their participation
The licence conditions don't require training.	Accredited landlords attend training, receive regular updates and network with other landlords. They are motivated to keep their knowledge and skills up to date, they provide good, well managed accommodation.
Only legal minimum standards can be required, provides no incentive to go above and beyond that.	This often results in accommodation being well above the legal minimum standard.
Doesn't involve partnership working.	Demonstrates partnership working with Stoke on Trent City Council and Keele University who rely on the scheme to ensure their students have good standard and safe accommodation.
Fee can only cover cost recovery of licensing activity – paid every 5 years Licensing activity includes checks already carried out for accredited landlords so input is reduced on their applications.	Fees charged covers costs, publicity and training – paid every 2 years Time saved processing accredited landlord applications can be put to dealing with non-compliant landlords.
Checks carried out every five years	Checks carried out every 2 years

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