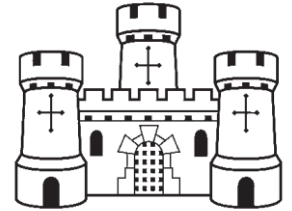


# Public Document Pack

**Date of meeting** Wednesday, 6th November, 2019  
**Time** 2.00 pm  
**Venue** Lancaster Buildings - Lancaster Buildings, Newcastle, Staffs  
**Contact** Geoff Durham



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

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

## Cabinet

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**  
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES OF A PREVIOUS MEETING** (Pages 5 - 12)
- 4 PROGRESS ON PREVENTING UNAUTHORISED ENCAMPMENTS** (Pages 13 - 44)
- 5 ASPIRE HOUSING AND NEWCASTLE-UNDER-LYME BOROUGH COUNCIL - PROSPECTUS FOR JOINT WORKING** (Pages 45 - 52)
- 6 KIDSGROVE SPORTS CENTRE UPDATE**  
A verbal update will be given.
- 7 FINANCIAL AND PERFORMANCE REVIEW REPORT - SECOND QUARTER (JULY - SEPTEMBER) 2019-20.** (Pages 53 - 74)
- 8 FORWARD PLAN** (Pages 75 - 80)
- 9 URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 10 DISCLOSURE OF EXEMPT INFORMATION**  
To resolve that the public be excluded from the meeting during consideration of the following reports, because it is likely that there will be disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

## 11 ATTENDANCE AT CABINET MEETINGS

### **Councillor attendance at Cabinet meetings:**

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

### **Public attendance at Cabinet meetings:**

- (1) If a member of the public wishes to ask a question(s) at a meeting of Cabinet, they should serve two clear days' notice in writing of any such question(s) to the appropriate committee officer.
- (2) The Council Leader as Chair of Cabinet is given the discretion to waive the above deadline and assess the permissibility 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), S. Sweeney (Vice-Chair), M. Holland, T. Johnson, P. Northcott and J Waring

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

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



This page is intentionally left blank

## CABINET

Wednesday, 16th October, 2019  
Time of Commencement: 2.00 pm

|                  |  |
|------------------|--|
| <b>Present:-</b> | Councillor Simon Tagg – Chair  |
| Councillors      | S. Sweeney, M. Holland, P. Northcott and J Waring  |
| Officers         | David Adams, Caroline Elwood, Martin Hamilton, Jan Willis, Geoff Durham and Sarah Wilkes |
| Apologies        | Councillor(s) T. Johnson   |

### 1. **APOLOGIES**

Apologies were received from Councillor T Johnson.

The Leader and Cabinet members sent their best wishes to Councillor Johnson and wished for a speedy recovery.

### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 3. **MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the Minutes of the meeting held on 4 September, 2019 be agreed as a correct record.

The Leader, Councillor Simon Tagg raised the issue of how a Cabinet member was treated at a recent meeting of an outside body. He commented that even though meetings were often politically charged events, Councillors must show respect for each other at all times.

### 4. **DRAFT MEDIUM TERM FINANCIAL STRATEGY 2020/21 - 2024/25**

A report was submitted to Cabinet seeking endorsement of the draft Medium Term Financial Strategy for the period 2020/21 to 2024/25.

The Portfolio Holder for Finance and Efficiency, Councillor Stephen Sweeney advised that this was a rolling programme and was the framework for the annual budget process and gave an insight into how the Council works.

One of the key features was the Borough Growth Fund which would now be in the budget every year.

The Leader, Councillor Simon Tagg stated that this was the second year of the Efficiency Board process which involved a good look at the finances of the Council and also showed where efficiencies could be made.

The draft Strategy would be referred to the Finance, Resources and Partnerships Scrutiny Committee for review.

- Resolved:**
- (i) That the draft Medium Term Financial Strategy 2020/21 – 2024/25 be endorsed as a basis for consultation.
  - (ii) That the draft Strategy be referred to the Finance, Resources and Partnerships Scrutiny Committee for review and comments.

## **5. COMMERCIAL STRATEGY 2019/24**

A report was submitted to Cabinet seeking approval of the Commercial Strategy.

This was a new Strategy for the Council which provides a framework for the Council's commercial activity. A copy of the Strategy was appended to the report.

The Strategy would be reviewed by the Finance, Assets and Performance Scrutiny Committee in December.

Members were advised that a new Director of Regeneration and Commercialisation had been appointed and would be starting in early 2020.

Members welcomed the report stating that it was a change of impetus for the Council – going in a new direction. It would also help in the delivery of the Medium Term Financial Strategy.

- Resolved:**
- (i) That the draft Commercial Strategy be approved.
  - (ii) That the Constitution Working Group be requested to consider any changes that may be required to the Council's Constitution in light of the strategy, including schemes of delegation and finance procedure rules, for approval by full Council.
  - (iii) That the Finance, Assets and Performance Scrutiny Committee review and comment on the strategy at its December meeting;
  - (iv) That commercial investment advisers be appointed to undertake a review of the Council's commercial property portfolio and make recommendations for investment or disinvestment (this contract is currently out to tender with an expected award by the end of October 2019);
  - (v) That officers to work up investment proposals for further consideration by Cabinet.

## **6. KIDSGROVE SPORTS CENTRE UPDATE**

A report was submitted to Cabinet updating Members on the re-opening of Kidsgrove Sports Centre.

The Leader welcomed Mr Dave Rigby from the Kidsgrove Sports Centre Community Group.

The building would need to be made safe and watertight and the services reconnecting.

Members' attention was drawn to paragraph 3 of the report which outlined the alternative options with Option A at paragraph 3.2 being the preferred solution.

The transferring of ownership of the building from Staffordshire County Council to Newcastle Borough Council was currently ongoing. The County Council would also pay a sum of money equal to the demolition costs.

The Leader stated that an all –party Cabinet Panel would be convened which could comprise of all of the Kidsgrove Ward Councillors, the Leader, plus representatives from the Liberal Democratic Group and the Borough Independent Group.

The first phase would be to reopen the Centre's dry side followed by the swimming pool.

Members all agreed that this was excellent news and partnership working at its best.

The Leader thanked officers, the Community Group and Members for the work that would be done on this which would become a facility that Kidsgrove could be proud of.

The Leader advised that a community engagement event would be taking place on the morning of 19 October at Tesco in Kidsgrove where the plans could be examined and people could share their views.

- Resolved:**
- (i) That the Council's commitment to sports & swimming provision in Kidsgrove be reaffirmed.
  - (ii) That the re-opening of the sports centre as the vehicle for delivery of this commitment be agreed.
  - (iii) That it be agreed in principle to support option A for the reasons set out at paragraph 3.2 subject to:
    - a) Validation and confirmation of full cost estimates for refurbishment of the sports centre;
    - b) Satisfactory assurances that following refurbishment the building will have a life expectancy that justifies the required level of investment from the perspective of both affordability and value for money;
    - c) Submission and validation of an updated business plan that includes full lifecycle costs and confirms the level of annual subsidy required;
    - d) Resolution of the outstanding legal issues detailed at paragraph 2.1;
    - e) The CIO strengthening its capacity and governance to enable the project to be delivered and associated

public funds safeguarded

- (iv) That an all-party Cabinet panel be convened to consider the revised cost estimates and business plan with a view to Cabinet making a recommendation to Council on reopening the existing Kidsgrove Sport Centre.

## **7. CAR PARKING STRATEGY**

A report was submitted to Cabinet outlining the draft Car Parking Strategy.

The Portfolio Holder for Finance and Efficiency thanked officers for the work that had been put into this ten year strategy.

A copy of the Strategy was appended to the report. The Strategy had been considered by the Economy, Environment and Place Scrutiny Committee in September, 2019

Members' attention was drawn to paragraph 2.2 of the report which highlighted the key objectives. Councillor Sweeney referred to Objectives 1 to 3 and reference was made to the provision of charging points for electric cars which currently is only offered locally at Keele Services.

The Leader stated that the Council now had a plan for car parking to take forward.

Members welcomed the Strategy and agreed that marketing the changes was important to let the people know.

The Leader stated that the BID had yet to make a decision on the proposal for the Goose Street car park to be a dedicated "Shoppers Carpark" but the general feeling was that the BID and businesses were in favour.

- Resolved:**
- (i) That the Car Parking Strategy be endorsed, taking into account the issues highlighted by the Economy, Environment and Place Scrutiny Committee.
  - (ii) That officers commence consultation on the draft Car Parking Strategy with the Town Centre Board and Business Improvement District.
  - (iii) That the Executive Director (Resources and Support Services) in conjunction with the Portfolio Holder for Finance and Efficiency be authorised to adopt the final strategy following amendments taking into account consultation comments.
  - (iv) That officers be authorised to introduce the £1 after 1pm in time for the Christmas Light Switch on with a review of the effectiveness after 8 months of operation.

## **8. AIR QUALITY LOCAL PLAN CONTRACTS**



A report was submitted to Cabinet seeking approval of the extension to an award of contract for the Air Quality Local Plan Technical Consultant work and to approve the award of contract for the air quality project manager.

The Leader introduced the report on behalf of the Portfolio Holder for Environment and Recycling. The contracts were necessary as specialist knowledge was required in order to identify a preferred option.

The Portfolio Holder for Finance and Efficiency, Councillor Sweeney advised that the top of Basford bank was an issue but it could be controlled to an extent by cutting back the leaves on trees and by altering the traffic light sequence.

- Resolved:**
- (i) That the Chief Executive be authorised (and inform the Cabinet Member for Environment and Recycling) to extend the existing contract for the technical consultancy support for the air quality local plan and the contract for the provision of the joint air quality project manager to meet Ministerial Direction relating to Air Quality.
  - (ii) That delegated authority be granted to the Chief Executive (in consultation with the Cabinet Member for Environment and Recycling) for any further extension to the existing contracts for the technical consultancy support or project manager in order to meet the requirements of the Ministerial Direction in relation to Air Quality.

## **9. BEDDING PLANT CONTRACT**

A report was submitted to Cabinet seeking approval for the future procurement of spring and summer bedding plans, hanging baskets and troughs for the Council's floral displays.

The Leader introduced the report on behalf of the Portfolio Holder for Environment and Recycling, Councillor Trevor Johnson.

The Executive Director for Operations, Dave Adams pointed out a typing error in the report under 'Reasons' which read March 2020. The date in the 'Recommendation', March 2023 was correct.

Councillor Holland referred to the award winning displays in the town and that last week, Newcastle had celebrated the Blue Band Award.

Members asked Dave Adams to pass on thanks to everyone involved with the displays.

- Resolved:** That the Head of Operations be authorised to undertake an open procurement exercise for the provision of bedding plants on a three year contract extendable by single one year extension up to March 2023 commencing November 2019 and following consultation with the Portfolio Holder, accept the most economically advantageous tender within the existing approved budget provision.

## **10. DIGITAL STRATEGY - FINAL OUTLINE BUSINESS CASE**

A report was submitted to Cabinet providing an overview of the final Outline Business Case that underpins the digital strategy that was considered by Cabinet on 4 September, 2019.

The Outline Business Case had been considered by the Finance, Assets and Performance Scrutiny Committee on 19 September, 2019 and their views are reflected in the document appended to the report.

Members were pleased with the document and stated that it also captured those who were not up to date with digital delivery.

**Resolved:** That the final Outline Business Case be approved.

#### **11. ROUGH SLEEPERS INITIATIVE**

A report was submitted to Cabinet seeking support for the re-provision and recommissioning of a joint Rough Sleeper's Outreach Service with Stoke on Trent City Council from April 2020.

The Portfolio Holder for Community Safety and Wellbeing, Councillor Jill Waring stated that the Service had been the main force of keeping the number of rough sleepers at low levels on the streets of Newcastle.

Members endorsed the report stating that it was an important service to provide.

The Leader added that the Police also fully supported the service which was helping vulnerable members of society.

- Resolved:**
- (i) That it be agreed to support the joint commissioning of a future rough sleeping outreach service with Stoke on Trent City Council that combines both Councils' resources and develop a service which meets the needs of both authority areas whilst maximising efficiencies.
  - (ii) That the Council's annual budget contribution to the service be set at £20,000, enabling potential service providers to tender for an appropriate service.
  - (iii) That the Executive Director (Resources and Support Services) in consultation with the Portfolio Holder for Community Safety and Wellbeing be authorised in partnership with Stoke City Council's procurement function to finalise the specification/service outline, undertake the tendering process, complete any post tender negotiations (if required) and award the contract to the successful contractor.

#### **12. ARMED FORCES COVENANT - SPORT AND LEISURE CARD**

A report was submitted to Cabinet to consider the introduction of a discount card for the armed forces to use at Jubilee2.

The Portfolio Holder for Leisure, Culture and Heritage, Councillor Mark Holland Stated that it was this was a sensible and useful charge to introduce at Jubilee2 and was mindful of the obligations of the Armed Forces Covenant.

The Leader advised that this would not be giving participants 'special treatment' but would be one of several concessions which are offered to various users of the facilities.

**Resolved:** That the armed forces discount card scheme be agreed.

**13. FUTURE HIGH STREETS FUND**

A report was submitted to Cabinet which outlined the Council's success in progressing the Future High Streets Fund to Business Case Development Phase and to agree the procurement of external support to complete this business case.

The Leader stated that the bid for Newcastle Town Centre had been submitted based on increasing void rates for empty commercial units and the opportunity presented by the Ryecroft site.

In order to progress, a top class Business Case was required and therefore consultancy support was required as there were no 'in-house' experienced staff for this project.

Members were pleased that Newcastle had made it through to the next stage.

The Leader made reference to the Call-in waiver on this item stating that this was urgent as there was a strict time scale to adhere to in order to progress.

- Resolved:**
- (i) That the Executive Director (Resources and Support Services) in conjunction with the Portfolio Holder for Finance and Efficiency be authorised to procure consultancy support for the development of the Business Case for the next stage of the Future High Streets Fund project.
  - (ii) That Cabinet consider a report on the Business Case before submission on 30th April 2020.
  - (iii) That the call in procedure shall not apply as the decision being taken by cabinet is urgent and the delay caused by the call in process would seriously prejudice the Council's or public's interests. (A signed copy of the waiver notice is held on file and an unsigned copy is appended to the report).

**14. EXPERIENCE NEWCASTLE-NEWCASTLE TOWN CENTRE GROWTH PLAN**

A report was submitted to Cabinet presenting, for adoption the prospectus for economic growth in Newcastle town centre.

The Leader stated that the document which was attached to the report, outlined projects and schemes that were underway and pulled together various activities. The document was a 'good news' story for the town centre.

The Leader added that this was a two town Borough and the council needed to look at ways of taking this forward in Kidsgrove as well as Newcastle's town centre.

Members felt that the prospectus would go some way in persuading people to visit.

- Resolved:**
- (i) That the prospectus attached at Appendix 1 of the report be approved.
  - (ii) That the approved prospectus be used as a tool to engage stakeholders in, and promote, the town centre growth agenda.

15. **FORWARD PLAN**

**Resolved:** That the Forward Plan be received.

16. **URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR SIMON TAGG**  
**Chair**

Meeting concluded at 3.15 pm

## **NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

### **EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET**

**6<sup>th</sup> November 2019**

**Report Title:** Progress on Preventing Unauthorised Encampments

**Submitted by:** Head of Operations – Roger Tait

**Portfolios:** Environment and Recycling

**Ward(s) affected:** All

#### **Purpose of the Report**

This report provides an update in relation to management and enforcement activity regarding unauthorised encampments across the Borough of Newcastle-under-Lyme.

#### **Recommendation**

- a) That Cabinet note the successful progress achieved in protecting the Boroughs public spaces from unauthorised encampments.
- b) That the County-wide protocol proposed by Staffordshire Police is endorsed.

#### **Reasons**

To continue the Council's successful work in relation to deterring unauthorised encampments on its land, and implementing efficient and effective enforcement action in partnership with the police and other agencies.

### **1. Background**

In April 2014, the Council, working with partner agencies including Staffordshire Police and Staffordshire County Council, introduced a working protocol for dealing with unauthorised gypsy and traveller encampments throughout the Borough. This protocol aimed to improve partnership working between statutory agencies to ensure that a streamlined and co-ordinated service was provided in respect of all unauthorised encampments. The protocol significantly improved joint working in respect of encampments and enabled a successful process for eviction to be established. The timescale for the process was however, dependent on factors outside of the Council's control, such as availability of court dates in the County Court to obtain authority to evict travellers and partner resources to support the process.

The protocol was reviewed and updated in January 2015, and again in October 2017, with partners reaffirming their support on both occasions.

The 2017 review identified an alternative legal process to the previously established County Court route which allowed for the landowner to seek authority from the Magistrates Court to evict travellers under Section 77/78 of the Criminal Justice and Public Order Act 1994. This route potentially reduced the timescale for the eviction process, subject to obtaining a hearing date, and has been the favoured process since 2017.

In January 2019, Staffordshire Police circulated a draft County-wide protocol to all Staffordshire district Councils for consultation. The protocol is very much based on the successful approach adopted in Newcastle-under-Lyme over recent years and is designed to provide a consistent method of partnership working with all Staffordshire authorities. It is therefore recommended that the Borough Council endorses the proposed protocol and signs up to its implementation. A copy of the protocol is attached to this report at Appendix 1.

Over the past three years the number of encampments in the Borough has actually dropped (potentially due to the improved partnership working and preventative measures which have been implemented). However, the impact on the local settled community continues to increase as there has been a noticeable increase in the number of vehicles/caravans per encampment in certain cases.

| Year  | Total number of encampments | Number of encampments on Borough Council land |
|-------|-----------------------------|---|
| 2016  | 29                          | 14  |
| 2017  | 23                          | 7   |
| 2018  | 18                          | 10  |
| 2019* | 11                          | 8   |

\*NB – in 2019, 11 encampments were by the same local family who were staying in the area due to a matter they were involved in. The encampments comprised only two vehicles and due to their small size, targeted areas of land which had not been subjected to encampments previously. Therefore, the encampments by this family have been counted as 1 in the table above.

Furthermore, 3 encampments were on the highway, where preventative measures such as bollards or barriers cannot be installed, and 1 was on a car park, where again it is impractical to deter unauthorised access due to the need to maintain legitimate access.

## 2. **Preventative Measures**

In accordance with the protocol, a review is undertaken on each site where there has been an unauthorised encampment, once the site is clear to do so. Encampments occur on a variety of different sites including highway land, car parks, football pitches, public open space, private land etc. The review must consider options to protect the site whilst also allowing the areas to remain accessible by members of the public where appropriate, and for maintenance purposes.

The following sites have been reviewed and measures implemented or planned as follows:

### Summary of Preventative Measures and Costs

| Site              | Deterrent Measure                                   | Cost    | No of encampments in 2019 | No of encampment after deterrent measures implemented | Completed   |
|-------------------|---|---------|---------------------------|---|-------------|
| Wye Road          | Reinforced lock to gate, gantry and wooden bollards | £3295   | 0                         | 0   | Summer 2019 |
| Westcliffe Avenue | Boulder (in situ) replaced with wooden bollards     | £25     | 0                         | 0   | Summer 2019 |
| Station Walks     | Wooden bollards                                     | £247.50 | 0                         | 0   | Summer 2019 |

|                            |                 |          |   |                            |             |
|----------------------------|-----------------|----------|---|----------------------------|-------------|
| Wilson Street              | Wooden bollards | £1495    | 1 | 0                          | Summer 2019 |
| Earls Drive                | Wooden bollards | £4800    | 0 | 0                          | Early 2019  |
| Brick Kiln Lane            | Boulders        | £1200    | 0 | 0                          | Early 2019  |
| Wolstanton Marsh           | Wooden bollards | £14,409  | 0 | 1                          | Summer 2019 |
| Kingsbridge Avenue         | Wooden bollards | £4456.50 | 1 | 0                          | Summer 2019 |
| The Butts, Paris Avenue    | Wooden bollards | £1381    | 1 | 0                          | Autumn 2019 |
| Norwich Place              | Wooden bollards | £1600    | 1 | Work in progress           | Autumn 2019 |
| Rydal Way                  | Wooden bollards | £1814    | 1 | Work in progress           | Autumn 2019 |
| Crackley Recreation Ground | Wooden bollards | £1768    | 1 | Work in progress           | Autumn 2019 |
| Lyme Valley Parkway        | Wooden bollards | £690     | 1 | Work in progress           | Autumn 2019 |
| Howard Place               | Wooden bollards | £4896    | 2 | Funding bid being prepared | Early 2020  |
| Total cost                 |                 | £42,077  |   |                            |             |

At the meeting of full Council on 20<sup>th</sup> February 2019, the capital programme for 2019/20 was approved, including a sum of £10,000 for deterrent measures at sites vulnerable to unauthorised encroachment. A sum of £50,000 was also approved for repairs to railings and structures. These sums have been sufficient to implement all of the measures detailed above.

### 3. **Further Improvements to Protocol**

Whilst preventative measures continue to be explored and considered as an integral part of the protocol, the legal process and joint working elements have been closely scrutinised to identify if any further improvements can be made to streamline and reduce the timescale by any significant amount. In particular, a comparison has been undertaken with the process the City of Stoke on Trent Council use and meetings were held with legal representatives from the City Council (who provide support and advice to the Council under an existing arrangement), Staffordshire Police, and the Police and Crime Commissioner.

The meetings resulted in a 10 point plan being agreed and implemented, with periodic reviews and updates being undertaken.

In summary, it was found that the Council's current process was the same as the one used by the City of Stoke on Trent Council and therefore there was limited scope to do anything differently.

However, as a minor improvement, officers within the Council's Operational Services team have been authorised to prepare legal papers and act as representatives in progressing court proceedings. This means that the risk of a potential delay in processing the court applications with the legal team (due to availability/capacity) has been mitigated and this has reduced the timescale for evictions further, dependent on the availability of court hearing dates.

In 2019, out of the 17 encampments in which the Borough Council was the landowner, 9 were successfully evicted within 3 days or less of arrival. The maximum time for eviction was 5 days, where this included a weekend when the courts do not operate.

#### 4. **Other Options**

As part of the legal review process described above, the option of seeking an injunction against travellers for sites in the Borough was explored, as it was reported that Wolverhampton City Council had recently successfully obtained one.

A meeting was held with officers from the Council and Wolverhampton City Council to discuss their recent success in obtaining an injunction against PERSONS UNKNOWN for unauthorised encampments in Wolverhampton.

The injunction was granted and is due to be reviewed after 12 months (December 2019). Conditions were attached to the injunction, in particular: In this time Wolverhampton City Council needs to be able to demonstrate its success in establishing a transit site for unauthorised encampments or at least making positive steps towards this goal.

The cost of this injunction was approximately £12,000 – this covers barrister costs over a period of 2 years. In addition to this there were significant officer time costs and an additional £6,000 - £8,000 for signs to be installed across the 60 sites.

It is also noted that whilst Wolverhampton City Council has been successful in obtaining the injunction, there have since been encampments on areas that have not been covered in it, leading to the need to default to the established legal process for obtaining court authority to secure evictions. Therefore, it appears that a blanket injunction is not, in itself, a total solution to the problem.

#### 5. **Officer Comment and Conclusion**

The Council's current Protocol for Dealing with Unauthorised Gypsy and Traveller Encampments (October 2017) has proved to be an effective tool in improving partnership working and facilitating the removal of encampments in the most expedient method available under existing legislation. This will be further strengthened by the introduction of a consistent, County-wide protocol as proposed by Staffordshire Police.

Partners, including the Police and the County Council, remain engaged in the protocol and supportive of its implementation. The protocol is regularly reviewed and updated, and any potential refinements are discussed and agreed within the partnership framework which exists.

Whilst partners continue to streamline legal and enforcement procedures wherever possible, there is a continuing need to deter and prevent access to vulnerable locations throughout the Borough. This will continue to be explored where the need arises.

There also appears to be an increasing demand to identify a potential transit location in the Borough that would allow partners from Staffordshire Police to utilise further powers and direct traveller encampments to immediately move on from unauthorised sites. This is being considered via the Joint Local Plan process and further updates will be available as this work progresses.

The injunction route does not appear, at this stage, to be a viable option for the Council. It is not considered that the evidence required to support a successful injunction, (in particular the evidence of violent and intimidating behaviour towards Council officers, the police and the public), exists or could be gathered, even with the resource intensive approach adopted in Wolverhampton. This evidence is critical in securing the power of arrest for the police and therefore enabling them to take the lead role in enforcement of the injunction. Without this, the enforcement responsibility would rest with the Council and specialist support for physical removal of people and vehicles would need to be bought in.



6. **Appendices**

1 – A Joint Protocol for Managing Unauthorised Encampments within the Staffordshire County Council and City of Stoke-on-Trent Council Boundaries

This page is intentionally left blank



# **A Joint Protocol For Managing Unauthorised Encampments within the Staffordshire County Council and City of Stoke on Trent Council boundaries**

Issuing Date: September 2018  
Effective Date: September 2018  
Review Date: September 2020  
Approved By: Staffordshire and Stoke-on-Trent Council

# **Managing Unauthorised Encampments**

## **A Joint Protocol between Staffordshire Police and Stoke-on-Trent City, Staffordshire County and Local Councils**

The protocol sets out the procedures to be adopted by all agencies. The aim is to ensure that the protocol remains current, and reflects relevant changes in legislation and national policy thereby ensuring that Staffordshire Police, Staffordshire County Council, Cannock Chase District Council, East Staffs Borough Council, Lichfield District Council, Newcastle Borough Council, South Staffs District Council, Stafford Borough Council, Staffordshire Moorlands District Council, Tamworth Borough District Council and City of Stoke on Trent Council provide a fair, balanced and proportionate response. Each subsequent edition is numbered and carries the month and year of publication.

The joint protocol was created to ensure that where people are camped on unauthorised sites as trespassers and cause nuisance, or indulge in anti-social or criminal behaviour, they are dealt with under the law in the same way as those who behave in that manner from the settled community. Staffordshire County Council, Cannock Chase District Council, East Staffs Borough Council, Lichfield District Council, Newcastle Borough Council, South Staffs District Council, Stafford Borough Council, Staffordshire Moorlands District Council, Tamworth Borough District Council and City of Stoke on Trent Council and Staffordshire Police recognise their respective roles and will comply with the good practice guide, *'Managing Unauthorised Camping'* (and subsequent amendments, including *'Dealing with illegal and unauthorised encampments'*, March 2015), published by the Department for Communities and Local Government (DCLG). This is also supported by the National Police Chiefs' Council *'Operational Advice on Unauthorised Encampments'*, 2018.

Proportionate enforcement of the law involves a significant degree of discretion. The law provides a wide range of powers to remove people who are unlawfully on land. Each encampment must be individually considered on its merits, before a decision in relation to use of police powers is made. The starting point for a police response to any issue should be to:

Protect life; prevent and detect crime; and maintain the Queen's peace. In making these decisions Guidance in this document should be considered.

A consideration should be whether an encampment is interfering with the lawful rights of others balanced against rights of the campers and any specific welfare needs. All breaches of the criminal law should be investigated by the police in an appropriate manner. Similarly persons encamped are entitled to a life free from the fear of crime, harassment and intimidation and all reports of incidents against those people will be proactively investigated.

Staffordshire Police, Staffordshire County Council, Cannock Chase District Council, East Staffs Borough Council, Lichfield District Council, Newcastle Borough Council, South Staffs District Council, Stafford Borough Council, Staffordshire Moorlands District Council, Tamworth Borough District Council and City of Stoke on Trent Council are committed to ensuring that unauthorised encampments are dealt with in the most professional manner, taking into account the needs of all individuals concerned, and ensuring wherever practicable that their actions are reasonable and proportionate.

**Jennifer Sims**

**Contents**

| Section   | Page |
|---|------|
| Foreword  |      |
| 1. Introduction   | 4    |
| 2. Safeguarding considerations and contacts                       | 5    |
| 3. Equality and discrimination                                    | 6    |
| 4. Initial actions on report of an unauthorised encampment        | 7    |
| 5. Role of Staffs Police on notification of an illegal encampment | 8    |
| 6. Illegal Encampments on land owned by the council               | 10   |
| 7. if the decision is not to evict immediately                    | 12   |
| 8. Illegal encampments on privately owned land in Staffordshire   | 13   |
| 9. Police Powers; Criminal Justice and Public Order Act 1994      | 15   |

**Appendices**

1. Code of Conduct
2. Unauthorised Encampment Assessment Form
3. Unauthorised Encampment Decision Record
4. Unauthorised Encampment Vehicle Log
5. Notice to Vacate Land

## 1. Introduction

- 1.1 The issue of illegal encampments is emotive and highly politicised. In the event of an encampment being established, local residents, politicians and landowners may seek to influence the actions of the Police and the Local Authority. As of January 2015, there were 20,123 traveller caravans in England, 13% of which were on unauthorised land (either owned by travellers without planning permission or unauthorised encampments on land not owned by travellers). *[Count of Traveller Caravans, January 2015 England - Department for Communities and Local Government]*
- 1.2 Following consultation between Staffordshire Police, Staffordshire County Council, Local Councils and City of Stoke on Trent Council, this joint protocol was agreed which contains guidance for dealing with illegal encampments and which incorporates guidance from both the DCLG and the National Police Chiefs' Council.
- 1.3 A multi-agency approach can be very effective particularly in areas where encampments are a regular occurrence. This protocol is to be applied consistently across Staffordshire and Stoke on Trent to ensure a rationalised multi-agency response and appropriate management of unauthorised encampments.
- 1.4 Staffordshire County Council, the City of Stoke on Trent Council and Staffordshire Police recognise the importance of effective communication when managing what are potentially very sensitive issues. Effective communication is vital with those individuals and their families who are required to move, as well as local residents and other interested parties. Effective communication and liaison should be maintained between the Council Enforcement officer (CEO) and the Neighbourhood Policing Team (NPT).
- 1.5 Increasing trust and confidence in the police amongst minority ethnic groups is a priority to all police forces. The Equality Act 2010 makes it unlawful for public bodies such as Local Authorities and police forces to discriminate on the grounds of protected characteristics including race. Case law has held that because of their shared history, geographical origin, distinct customs and language Romany Gypsies and Irish Travellers are distinct ethnic groups. This means that treating people less favourably, solely because they come from a Traveller community is unlawful and it is important that all of the measures explained in this protocol are considered on an individual case-by case manner.
- 1.6 To facilitate effective communication this Protocol will be available on Staffordshire Police and Staffordshire County Council, Cannock Chase District Council, East Staffs Borough Council, Lichfield District Council, Newcastle Borough Council, South Staffs District Council, Stafford Borough Council, Staffordshire Moorlands District Council, Tamworth Borough District Council and City of Stoke on Trent Council Internet web sites.

## 2. Safeguarding considerations and contacts

As with any encounter where young people and children are likely to be present or involved officers must be aware of potential safeguarding issues. A child is anyone under the age of 18. It is very important that action is taken straight away if it appears that a child may be abused or neglected.

2.1 A vulnerable adult is someone over the age of 18 'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation.' It is very important that action is taken straight away if it appears that a vulnerable adult may be abused or neglected.

**If there are concerns that a child or vulnerable adult is at immediate risk the Police should be alerted on 999.  
The non-emergency number is 101.**

If the risk is not immediate, concerns should be reported to:

|   |              |
|---|--------------|
| Staffordshire First Response Team<br>(Children)           | 0800 1313126 |
| Staffordshire Adults Team<br>(contact centre)             | 0845 6042719 |
| Stoke-on-Trent Safeguarding Referral<br>Team (Children)   | 01782 235100 |
| Stoke-on-Trent Adults Referrals<br>(contact centre)       | 0800 5610015 |
| Staffordshire Police MASH Team<br>(Professionals only)    | 01785 235350 |
| Staffordshire and Stoke-on-Trent NHS<br>Partnership Trust | 01785 895630 |

### **3. Equality and discrimination**

- 3.1 The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination, promote equality of opportunity, and foster good relations between those who share a protected characteristic and those who do not when carrying out their functions. This duty covers all racial groups, including Gypsies and Irish Travellers who are recognised ethnic groups.
- 3.2 This protocol is not a policy on Gypsies or Travellers; rather it is a protocol on the agreed response to reports of persons residing as trespassers on land. It is, however, recognised that many unauthorised encampments will be occupied by Gypsies or Travellers.
- 3.3 Local Authorities and Police must always be able to show that they have properly considered the equalities implications of their policies/protocols and actions in relation to unauthorised encampments. They must be able to demonstrate that their policies/protocols and actions are proportionate bearing in mind all the circumstances of the case.



#### **4. Initial actions on report of an unauthorised encampment**

- 4.1 In considering any unauthorised encampment a balance must be struck between the rights of those encamped, of landowners and those lawfully entitled to use the land, and the local community. Each encampment must be considered on its own merits with police officers and Local Authority staff acting objectively.
- 4.2 The initial agency will seek to undertake an initial visit and assessment by making contact with the people on site. The assessment should consider the impact of its location, as well as the behaviour displayed by the occupants. The occupants should be spoken to in order to establish their identities and location of last site, and to ascertain their views on desired duration of stay as well as any pressing welfare needs. Issues to be taken into consideration include;
- The welfare needs of the group;
  - The nature, suitability or obtrusiveness of the encampment;
  - The size of the group, their behaviour and level of any nuisance;
  - The number, validity and seriousness of any complaints;
  - The level of damage caused by the occupiers.
- 4.3 Attempts should be made to establish if the land is private or council owned, identify the landowner and make contact with them.
- 4.4 Any offences should be identified such as criminal damage caused to gain entry to land, obstruction of any footpaths or other highways, fly tipping, any other anti-social behaviour.
- 4.5 The information should be recorded and where appropriate shared between District, County, City Councils and the Neighbourhood Policing Team.
- 4.6 The initial agency attending should notify partners of its presence and activity being undertaken with a view to establishing a joint approach and to establish the lead agency in line with this protocol. They should share the information recorded.
- 4.7 Police points of contact will be the local Neighbourhood Policing Team Commander or Deputy, however, if emergency attendance is required calls should be reported via '999'.
- 4.8 Each Council area will have nominated points of contact 'Council Enforcement Officer'.

## **5. Role of Staffordshire Police on notification of an Illegal encampments**

5.1 Once Staffordshire Police officers become aware of an encampment they will notify the owner of the land and the Local Authority 'Council Enforcement Officer' (CEO).

5.2 A STORM incident log will be created in every instance and the Duty Officer will be informed. The incident log should include the following information:

- Date the occupiers arrived at the location;
- How the persons entered the land;
- Number of caravans and vehicles present and their registration numbers;
- The exact location of the encampment;
- Details of livestock (horses etc) and dogs present;
- What steps, if any, have been taken locally to request that the group leave;
- The identity of the land owner and whether they have been informed;
- What steps are being taken to secure the remainder of the property while the group is present;
- Whether there is anything especially valuable, sensitive or dangerous on the site (toxic waste, powers or gas installations etc);
- Information of any immediate health or welfare needs, especially that of children and elderly people;
- What steps will be taken to secure the premises once the group leaves;
- All calls from the public and/or complaints concerning the conduct of the persons (including incidents of verbal-abuse and anti-social behaviour) will be recorded on the incident log, in order to create a 'running' and complete record.

5.3 The police should seek to engage with the unauthorised campers and in doing so establish any welfare needs. Details of the persons present and any intentions for remaining at the site and the duration should be captured.

5.4 An assessment log should be commenced.

- This should take into account the impact of the location;
- The welfare needs of the group;
- The nature, suitability or obtrusiveness of the encampment;
- The size of the group, their behaviour and level of any nuisance;
- The number, validity and seriousness of any complaints;
- The level of damage caused by the occupiers.

5.5 The Police on attendance should seek to identify any criminal offences such as criminal damage to cause entry. An investigation should be commenced into any criminal damage caused and attempts made to identify the person (s) responsible. Should a person be identified then this should be dealt with in accordance with normal processes of managing offenders.

5.6 As part of the site visit it is necessary to understand and capture the impact of any damage or environmental issues. Officers should capture the condition of the site and where necessary record the site using body worn video (BWV).

5.7 The Police should issue to those present and remaining at the site the Code of

Conduct notice that sets out expectations in terms of behavior and support that will be provided.

5.8 The Police should as part of an assessment consider the previous presence or activity of the group in forming any decision as to the processes to be followed.

5.9 The information captured should be accurately recorded and shared with partners where it is appropriate to do so.

## **6 Illegal encampments on land owned by Staffordshire County Council, City of Stoke-on-Trent Council or Local Authority within Staffordshire.**

- 6.1 The Local Authority is empowered to initiate eviction proceedings in relation to illegal encampments on Council owned land, and will usually use Part 55 of the Civil Procedure Rules or Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 (CJPOA).
- 6.2 It is most likely that the Local Authority will be the lead agency where 'Unauthorised Encampments' are established on council owned land. However, this will be agreed jointly at the point of first notification.
- 6.3 Lead agency will coordinate information and gather appropriate evidence to provide a recommendation for further action.
- 6.4 The Local Authority will arrange for a visit to confirm the encampment. Should police assistance be required then this will be requested via the Neighbourhood Policing Team.
- 6.5 The lead agency will coordinate an appropriate welfare check supported by the relevant agency to identify the needs of the persons within the encampment. This should seek to identify;
  - Location
  - Date of Arrival
  - Number of Caravans
  - Family Names (where known) and Estimated Numbers
  - Dangerous Dogs
  - Livestock Present
  - Humanitarian Considerations

Where a special humanitarian or welfare issue is identified, the relevant department will be notified.

- 6.6 The unauthorised encampments should be issued with a copy of the Local Authorities 'code of conduct' by which the occupiers will be expected to regulate their behaviour whilst occupying the site. It may be necessary to explain these and provide details of helpful numbers (Doctors, schools, churches etc).
- 6.7 The unauthorised encampments should also be informed that the process for eviction will commence and ask them to leave. It may be necessary to issue a 'Notice to Vacate Land' initial notice requesting that the unauthorised encampments leave within 24 hours.
- 6.8 If possible the provision of emergency measures to minimize environmental waste should be taken and provision of bin bags considered along with and other options.
- 6.9 Evidence of impact should be gathered with details of numbers of persons and vehicles present. A sketch of the area along with photographs may be

obtained.

- 6.10 Following the visit where it is felt necessary to coordinate a partnership approach, the Local Authority will call a meeting of relevant partners to discuss the issues present and consider the next steps required. Attendance will be dependent upon the issues identified and may include, homelessness, Animal Welfare, RSPCA, Environment Agency amongst others.
- 6.11 If the CEO believes, because of previous experiences with the persons concerned or through accurate intelligence, that it is the intention of the unauthorised occupiers not to comply with the Notice to Vacate Land, he may make an application directly to the Court for a 'Possession Order' under part 55 of the Civil Procedure Rules. Also, considerations in respect of Section 77/78 of the Criminal Justice Public Order Act. The encamped persons may make legal representation through a Solicitor. The factors taken into consideration may include:
- Previous history or experience of the persons concerned;
  - The encamped persons refuse to leave the land peacefully;
  - Sites which are frequently used by the public e.g. Public Open Spaces;
  - Sites with a history of regular occupation by unauthorised encampments.
- 6.12 On application by the CEO, the Court may issue an order for possession of the land. This procedure can still take several days and during this time it is important that partners and the community are kept updated.
- 6.13 Where unauthorised encampments return to land that they have previously occupied in the last six years and they have been subject to Court action by Staffordshire County Council, District Council or the City of Stoke on Trent Council, then the Local Authority will apply to the Court for an 'Order of Restitution' to obtain repossession of the land. This procedure, while quicker, can still take several days to complete.
- 6.14 In all instances Staffordshire County Council, the City of Stoke on Trent Council, Local District Council and Staffordshire Police will support lead action taken by the other party.
- 6.15 Where certain aggravating factors are present including the conduct of the unauthorised encampments there may be a case for immediate eviction under Section 61 Criminal Justice and Public Order Act 1994. The procedure is outlined below.

## **7 If the decision is not to evict immediately**

7.1 Where Encampments do not give rise to complaints of nuisance, immediate action may not be considered necessary, however, a mutually acceptable date for leaving the site should be agreed. Some persons will indicate their unwillingness to enter into or honour agreements about their leaving date. It is important that these people understand that while there is no statutory obligation to provide information in order to make assessment, or to agree to a leaving date, it is in their interests to cooperate. Non-cooperation often stems from a mistrust of the motives of those involved, based on previous negative encounters and alone should not influence the decision to evict or not.

7.2 When the decision is not to evict immediately, the reason for this decision should be recorded and will be determined by the specific circumstances of the site and any specific needs of those camping, which may include:

- The educational needs of any children,
- The need for immediate medical treatment.

Where those camped indicate that it is their intention to stay in an area for a short period, and they are unlikely to cause disruption or damage during their stay, a departure date should be agreed with the stipulation that staying beyond the stated date may trigger proceedings for eviction.

7.3 Encampments are to be kept under review and should be subject to regular visits; complaints should be monitored and logged by the Local Authority and the Police. Changed or deteriorating circumstances and/or behaviour is likely to lead to the initiation of eviction proceedings. Examples of 'change' include:

- Increased levels of nuisance or environmental damage;
- Expansion of the initial encampment group by the arrival of further people and caravans/mobile homes;
- Anti-social or criminal activity.

7.4 Local planning authorities may also wish to consider that, by allowing camps to remain on an unauthorised site for a short period, public amenity or existing use of land or buildings may be unacceptably affected, meriting protection of the public interest. Depending on the circumstances however the effects of unauthorised use, for short periods may not be considered unacceptable. In this context the local authority should consider the length of time specified in Part 5 of Schedule 2 to the 1995 General Permitted Development Order (caravans staying on land without requiring specific planning permission).

7.5 Where it has been decided that, for the time being, an encampment is not to be evicted Local Authorities should ensure that other relevant bodies are informed either via telephone or email by the CEO. This will include:

- Elected members and relevant ward members;
- The public, especially complainants;
- Local education service and health and welfare agencies.

7.6 Where an encampment is to be allowed to stay, the Local Authority may

offer temporary services such as the provision of rubbish collection sacks.

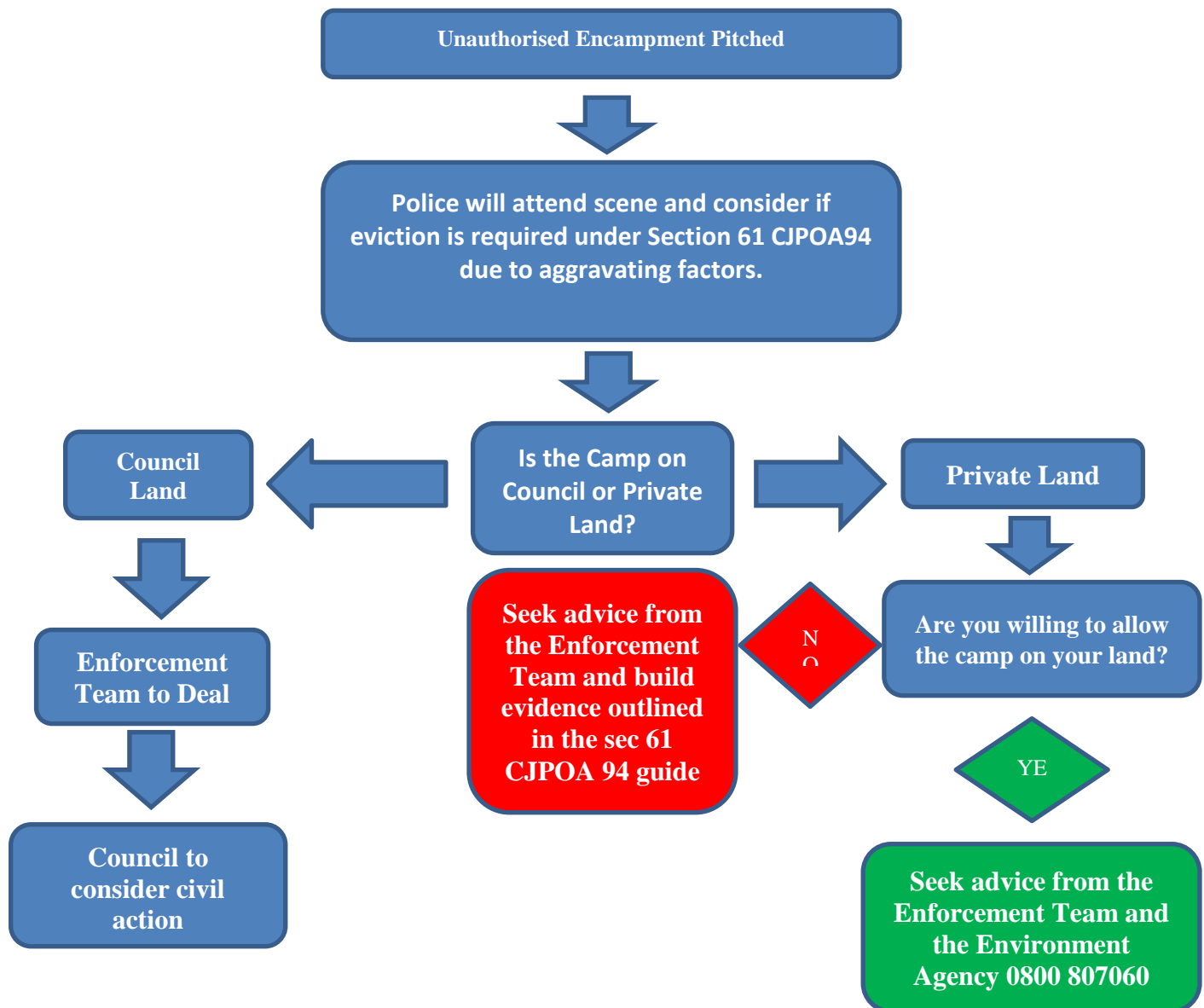
## **8. Illegal encampments on privately owned land in Staffordshire**

- 8.1 Where an illegal encampment occurs on private land it is for the landowner to take responsibility for dealing with the illegal trespass.
- 8.2 The Local authority will provide advice to the land owner in respect of identifying any welfare needs. The land owner will be responsible for ensuring the relevant agency is notified.
- 8.3 When aware of an unauthorised encampment, Staffordshire Police will notify the affected landowner and the Local Authority of its existence. Where a multi-agency response is required and the land owner does not call a local meeting of relevant partners, then this can be done through the relevant police lead.
- 8.4 In some circumstances it may be appropriate for the Police to exercise powers under section 61 Criminal Justice and Public Order Act 1994 (CJPOA).
- 8.5 If it is not appropriate for the Police to use their powers under Section 61 the owner of the land should be advised of the reasons. Such reasons may include:
  - The persons have no intention to take up residence;
  - Insufficient number of vehicles;
  - Humanitarian grounds;
  - No instances of damage, nuisance or apparent criminal activity.

The owner of the land can be advised to seek to issue Court proceedings to secure possession of the land or seek the services of a reputable firm of bailiffs.

- 8.6 The Local Authority will not remove persons or property from private land. The Police may be called upon to assist either the County Court Bailiffs or the High Court Sheriff (with regard to a potential breach of the peace) in the event of an order resulting from a private application.

## Unauthorised Encampment Flow Chart





## **9. Police powers: Criminal Justice and Public Order Act 1994**

- 9.1 Police powers to evict people from an unauthorised encampment are provided for by sections 61 and 62 of the CJPOA 1994. In all instances there will be early consultation/involvement with the Local Authority. Each Staffordshire NPT will be required to act in accordance with this protocol.
- 9.2 Should action be required then the matter will be overseen by a senior Police Officer which will be the NPT Commander or Response Inspector supported by the Neighbourhood Team.
- 9.3 The senior officer present should consider their powers under sections 61 and 62 of the Criminal Justice and Public Order Act 1994, taking all the circumstances into account with particular note of whether the following circumstances exist:
  - There is a threat to public order, or
  - There is obstruction of the highway, or
  - When crime is, or has been, committed which can be linked to the illegal encampment.
- 9.4 Having regard to the criteria above, the decision to invoke Police powers will be made by the senior Police officer present, who must be satisfied that
  - Reasonable steps have been taken by or on behalf of the person entitled to possession to ask trespassers to leave, and
  - That one or more persons has caused damage to the land or property on the land; OR
  - That one or more persons has used threatening, abusive or insulting words or behaviour towards the occupier or owner of the land, a member of his/her family or their employee or agent; or
  - There are six or more vehicles (including caravans) on the land.
- 9.5 On each occasion, prior to invoking Police powers consideration must be given to humanitarian and welfare issues. Depending on the urgency of the particular circumstances the Local Authority will carry out enquiries in this regard. Such considerations should not cause an obstructive delay. However, the Local Authority may make an evaluation where issues such as a critical illness or treatment at hospital are valid reasons for not moving the persons present. Factors such as children attending school will not, generally, be regarded as being sufficient grounds for a delay.
- 9.6 Consideration may be given to the use of powers contained in alternative legislation e.g. willful obstruction of the highway (Section 137 Highways Act 1980).
- 9.7 Should the Police not use powers under section 61 or 62 then this must be kept under review and periodically assessed to establish if circumstances have changed that will require an eviction to protect others.
- 9.8 The grounds for decisions must be fully recorded. The decisions maker should ensure that there is a clear audit trail of decision making which sets out the rationale for the decision made. An eviction rationale is attached.

## USE OF POLICE POWERS

1. The lead role in the management of unauthorised encampments will be with Local Authorities. Forces may need to become involved in bringing about the prompt and lawful removal of unauthorised encampments, including the use of police powers under Section 61 or 62 of the Criminal Justice & Public Order Act 1994 where:

**i) Local amenities are deprived to communities or significant impact on the environment.**

This could include, for example, forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken.

**ii) There is local disruption to the economy.**

Local disruption to the economy would include forming an encampment on a shopping centre car park, or in an industrial estate if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.

**iii) There is other significant disruption to the local community or environment.**

This might include where other behaviour, which is directly related to those present at an encampment, is so significant that a prompt eviction by police becomes necessary, rather than by other means.

**iv) There is a danger to life.**

An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

**v) There is a need to take preventative action.**

This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property.

2. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. This should be communicated to the public, landowners, local authorities, and other agencies. If a decision is made to use police powers to evict then the rationale for the decision should be clearly set out and recorded. As stated above, a suggested eviction rationale record is set out at Appendix C.
3. In all cases, as stated above, there is a need to strike a balance between the duty to protect the rights of travellers and the need to protect the rights of others and that it is necessary and proportionate to use the powers.
4. Section 61 Criminal Justice & Public Order Act 1994 relies upon reasonable steps being taken, by or on behalf of the landowner, to ask trespassers to leave in every case before police powers can be used. A flow chart setting out the police powers

to evict under section 61 of the Criminal Justice and Public Order Act 1994 is set out at Appendix D.

5. Section 62A of the Criminal Justice & Public Order Act 1994 creates a power for a senior police officer to direct a person to leave land and remove any vehicle or other property with him / her on that land if the senior police officer present at a scene reasonably believes that the conditions below are satisfied. The conditions are:-
  - that the person and one or more others (the trespassers) are trespassing on the land;
  - that the trespassers have between them at least one vehicle on the land;
  - that the trespassers are present on the land with the common purpose of residing there for any period;
  - if it appears to the officer that the person has one or more caravans in their possession or under their control on the land, that there is a **suitable pitch** on a **relevant caravan site** for that caravan or each of those caravans;
  - that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.
6. The conditions in this section are fewer than under Section 61 and concentrate more on the simple fact of trespassing for the purpose of residence. **The crucial condition here is that it appears to the officer that suitable alternative sites for caravans exist.**
7. The availability of suitable pitches at authorised sites or transit facilities will be an essential consideration before powers under Section 62 A-E can be used and liaison between police forces and their local authorities will be necessary to ascertain such availability or otherwise.
8. A flow chart setting out the police powers under section 62 of the Criminal Justice and Public Order Act 1994 is set out at Appendix E.
9. The six recommendations for the Police, published in 'Common Ground' by the then Commission for Racial Equality (now the Equality and Human Rights Commission) Inquiry, a summary of which is set out below, should be incorporated into all police actions concerning Gypsies, Irish Travellers and unauthorised encampments.

"Police forces should:

- Include Gypsies and Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations.
- Target individuals suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities, and work with people from these groups and local authorities to develop preventive measures.
- Treat Gypsies and Travellers, both when they are victims and suspects, as members of the local community, and in ways that strengthen their trust and confidence in the force.
- Provide training for all relevant officers on Gypsies' and Travellers' service needs, so that officers are able to do their jobs more effectively, and promote good relations between all groups in the community they serve.
- Review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations.

- Review the way guidance is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.”



## Staffordshire Police

Enc.1

**Unauthorised Encampments**  
**Code of Conduct**

To ensure those members of both the settled and travelling communities can live together in a peaceful and unprejudiced way we expect you to comply with this Code of Conduct. We expect you to treat the land you have occupied with respect, and that you respect the rights and freedoms of other people who also wish to use the area.

Behaviour that may result in your eviction from a site includes the following:

- **Camping upon any land designated as a public amenity**, such as parks, recreation areas, school fields and similar locations (not an exhaustive list).
- **Interfering with the rights and freedoms of other members of the public**, including interrupting the operation of legitimate businesses.
- **Forcing entry to land**, by causing damage to any fixtures, fittings or landscaping (including planted areas). This includes digging away of earthwork defences, which have been placed at landowner's expense to prevent trespass.
- **Causing any other damage to the land itself, or property on it**. Particular care should be taken not to cause damage to those features provided as public amenities.
- **Driving vehicles along any footpath, or other highway not specifically designed for road vehicles**. This practice is not only unlawful but is also highly dangerous.
- **Parking vehicles or caravans on any road, footpath or other highway that causes an obstruction to other people wanting to pass by**. This includes parking immediately next to footpaths.
- **Dumping or tipping rubbish, waste materials or trade waste such as tree cuttings, rubble, burning of cables etc**. It is your responsibility to keep the site clean and tidy. Council Traveller Liaison Officers can direct you to Civic Amenity Sites (Council tips) where you will be able to pay to dispose of trade waste.
- **Use of the area as a toilet**. You must not deposit or leave human waste openly in public areas.
- **Abuse, intimidation or harassment of any person who is lawfully using the area**.
- **Excessive noise or other forms of anti-social behaviour**.
- **Animals that are not kept under control or that attack persons lawfully on the land, or nearby**.
- **Interference with electrical, water or gas supplies**. Any person(s) found abstracting electricity, or wasting quantities of water may be subject of criminal proceedings.

These codes are the same standards of behaviour that are expected of the settled community. Staffordshire Police are committed to ensuring that all policing issues that affect you are balanced; however behaviour that is deemed unacceptable within society will not be tolerated.

|                               |              |
|-------------------------------|--------------|
| Officer Rank / Name / Number: | Time / Date: |
| Details of person receiving:  |              |

Copy to : Occupants of encampment, Intelligence Hub and NPT Commander

**NOT PROTECTIVELY MARKED**

v.2 - October 2011

APPENDIX 2 – Unauthorised Encampment Assessment Form  
**RESTRICTED**

ENC 2



**Staffordshire Police**

**UNAUTHORISED ENCAMPMENT ASSESSMENT FORM**

|  |  |              |
|--|--|--------------|
| <b>Date:</b>   |  | <b>Time:</b> |
| <b>STORM Ref:</b>  |  |              |
| <b>Location:</b>   |  |              |
| <b>Landowner (if known)</b>  |  |              |
| <b>ARE THERE ANY CONDUCT ISSUES AT THE SITE? (See Code of Conduct Form)</b>  |  |              |
| <b>IS THERE ANY IMPACT ON THE SETTLED COMMUNITY?</b>   |  |              |
| <b>DO YOU CONSIDER THERE IS A NEED TO START EVICTION PROCEEDINGS PROMPTLY?</b><br>(REMEMBER TO ASSESS AND TAKE INTO ACCOUNT 'COMMON HUMANITY' ISSUES.) | <b>Yes / No (Record reasons)</b>   |              |
| <b>SITE OCCUPANTS SPOKEN WITH?</b>   | <b>Yes / No (record comments made, including any welfare or other issues raised)</b> |              |
| <b>OFFICER RANK / NAME / NUMBER</b>  |  |              |

Copy to: NPT Commander and Intelligence Hub

**RESTRICTED**

v.2 - October 2011

**TO BE RETAINED FOR 7 YEARS AFTER DATE OF COMPLETION**

APPENDIX 3 – Unauthorised Encampment Decision Record  
**RESTRICTED**

ENC 3



**Staffordshire Police**

**UNAUTHORISED ENCAMPMENT DECISION RECORD**

|   |  |
|---|--|
| <b>Location of Encampment:</b>  |  |
| <b>Date first to Police notice:</b>   |  |
| <b>Landowner:</b>   |  |
| <b>STORM Reference:</b>   |  |
| <b>Summary / Landowner Actions</b><br>Include <ul style="list-style-type: none"><li>• what 'reasonable steps' to request the trespassers to leave have been taken by or on behalf of the landowner (in accordance with Section 61 CJPO Act 1994)</li><li>• Where/what/when/why/how the site was established</li><li>• What is previous history of the site and the occupying family</li></ul> |  |
|   |  |
| <b>Aggravating Factors relating to the encampment, including issues affecting the settled community</b><br>Record number of vehicles and caravans present, together with factors that have been taken into account regarding the need to evict, such as anti social behaviour and impact on other communities   |  |
|   |  |
| <b>Mitigating Factors relating to the encampment (including any welfare issues raised by the occupants)</b>   |  |
|   |  |

Copy to: NPT Commander and Intelligence Hub

**RESTRICTED**

v.2 - October 2011

**TO BE RETAINED FOR 7 YEARS AFTER DATE OF COMPLETION**



## Staffordshire Police

### UNAUTHORISED ENCAMPMENT DECISION RECORD

|  |   |                                |
|--|---|--------------------------------|
| <b>Eviction Decision</b>   | Not to Evict at this stage <input type="checkbox"/>   | Evict <input type="checkbox"/> |
| <b>Police powers used (if required)</b>  | <input type="checkbox"/> Section 61 CJPO Act 1994<br><input type="checkbox"/> Obstruction of the Highway<br><input type="checkbox"/> Criminal Damage<br><input type="checkbox"/> Threats etc<br><input type="checkbox"/> Six Vehicles or more<br><input type="checkbox"/> Other (Specify) |                                |
| <b>RATIONALE FOR DECISION:</b><br>A record of the grounds for the decision, including any action taken to resolve either aggravating factors or welfare issues that may have arisen. A summary of the impact on the human rights of all parties involved should be included, highlight the legitimacy, proportionality and necessity of eviction action. |   |                                |
|  |   |                                |
| <b>What date are notices to be served:</b>   |   |                                |
| <b>When should the trespassers leave by:</b> Time _____ Date _____   |   |                                |
| <b>Inspector</b> (Name and Collar number)  |   |                                |
| <b>Signed</b>  |   |                                |

Copy to: NPT Commander and Intelligence Hub

**RESTRICTED**

v.2 - October 2011

TO BE RETAINED FOR 7 YEARS AFTER DATE OF  
COMPLETION

Page 22 of 25



APPENDIX 4 – Unauthorised Encampment Vehicle Log  
**RESTRICTED**

ENC 4



**Staffordshire Police**

**UNAUTHORISED ENCAMPMENT VEHICLE LOG**

|   |  |
|---|--|
| <b>Time &amp; Date of visit:</b>                          |  |
| <b>Site Location:</b><br>(Be as specific as possible)     |  |
| <b>Total number of Vehicles / Caravans at encampment:</b> |  |

| No. | VRM | Car / Caravan etc. | Make / Model | Colour | Distinguishing Features, Sign Writing etc. |
|-----|-----|--------------------|--------------|--------|--|
| 1   |     |                    |              |        |  |
| 2   |     |                    |              |        |  |
| 3   |     |                    |              |        |  |
| 4   |     |                    |              |        |  |
| 5   |     |                    |              |        |  |
| 6   |     |                    |              |        |  |
| 7   |     |                    |              |        |  |
| 8   |     |                    |              |        |  |
| 9   |     |                    |              |        |  |
| 10  |     |                    |              |        |  |
| 11  |     |                    |              |        |  |
| 12  |     |                    |              |        |  |
| 13  |     |                    |              |        |  |
| 14  |     |                    |              |        |  |
| 15  |     |                    |              |        |  |
| 16  |     |                    |              |        |  |
| 17  |     |                    |              |        |  |
| 18  |     |                    |              |        |  |
| 19  |     |                    |              |        |  |
| 20  |     |                    |              |        |  |
| 21  |     |                    |              |        |  |
| 22  |     |                    |              |        |  |

|      |            |      |           |
|------|------------|------|-----------|
| Rank | Collar No. | Name | Signature |
|      |            |      |           |

Copy to: NPT Commander and Intelligence Hub

**RESTRICTED**

v.2 - October 2011

**TO BE RETAINED FOR 7 YEARS AFTER DATE OF COMPLETION**

**RESTRICTED**

ENC 5

**Staffordshire Police****SECTION 61 CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994**

In accordance with Section 61 of the CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994, I direct all those on this land to leave this land, and remove vehicles and other property, for the following reasons: -

I believe that two or more of you are present on the land as trespassers, that you have a common purpose of residing on the land, and that reasonable steps have been taken by or on behalf of the person entitled to possession of the land to ask you to leave.

Tick box(es) which apply

I believe that: -

- ☐ One or more of you has caused damage to the land or property on the land.
- ☐ One or more of you has used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent.
- ☐ You have between you six or more vehicles (including caravans) on the land.

|  |  |
|--|--|
| <b>Authorising Officer</b><br>(Rank/Number/Name) |  |
|--|--|

|                     |  |                     |  |
|---------------------|--|---------------------|--|
| <b>Time served:</b> |  | <b>Date Served:</b> |  |
|---------------------|--|---------------------|--|

|   |  |
|---|--|
| <b>Served By:</b><br>(Rank/Number/Name) |  |
|---|--|

|  |  |
|--|--|
| <b>Location of Encampment:</b><br>(Exact location and extent of land occupied) |  |
|--|--|

**Vehicle(s) served**

| Make | Model | Colour | Index / Serial No. |
|------|-------|--------|--------------------|
|      |       |        |                    |
|      |       |        |                    |
|      |       |        |                    |
|      |       |        |                    |

|  |  |
|--|--|
| <b>Name &amp; Date of Birth of person served notice (or circle if) vehicle is unattended</b> |  |
|--|--|

|  |  |
|--|--|
| <b>Detail any welfare issues raised by occupants and immediately bring to the attention of a supervisor:</b> |  |
|--|--|

|  |
|--|
| <b>YOU MUST LEAVE THIS SITE AS SOON AS REASONABLY PRACTICABLE, AND AT THE LATEST BY:</b> |
|--|

|              |  |              |  |
|--------------|--|--------------|--|
| <b>Time:</b> |  | <b>Date:</b> |  |
|--------------|--|--------------|--|

**IF YOU FAIL TO LEAVE THE LAND AS SOON AS PRACTICABLE (OR ENTER THE LAND AGAIN AS A TRESPASSER WITHIN THREE MONTHS) WITHOUT REASONABLE EXCUSE, YOU COMMIT AN OFFENCE AND RENDER YOURSELF LIABLE TO ARREST AND YOUR VEHICLE OR CARAVAN MAY BE REMOVED BY THE POLICE.**

Copy to: Occupants of Encampment,  
Intelligence Hub and NPT Commander

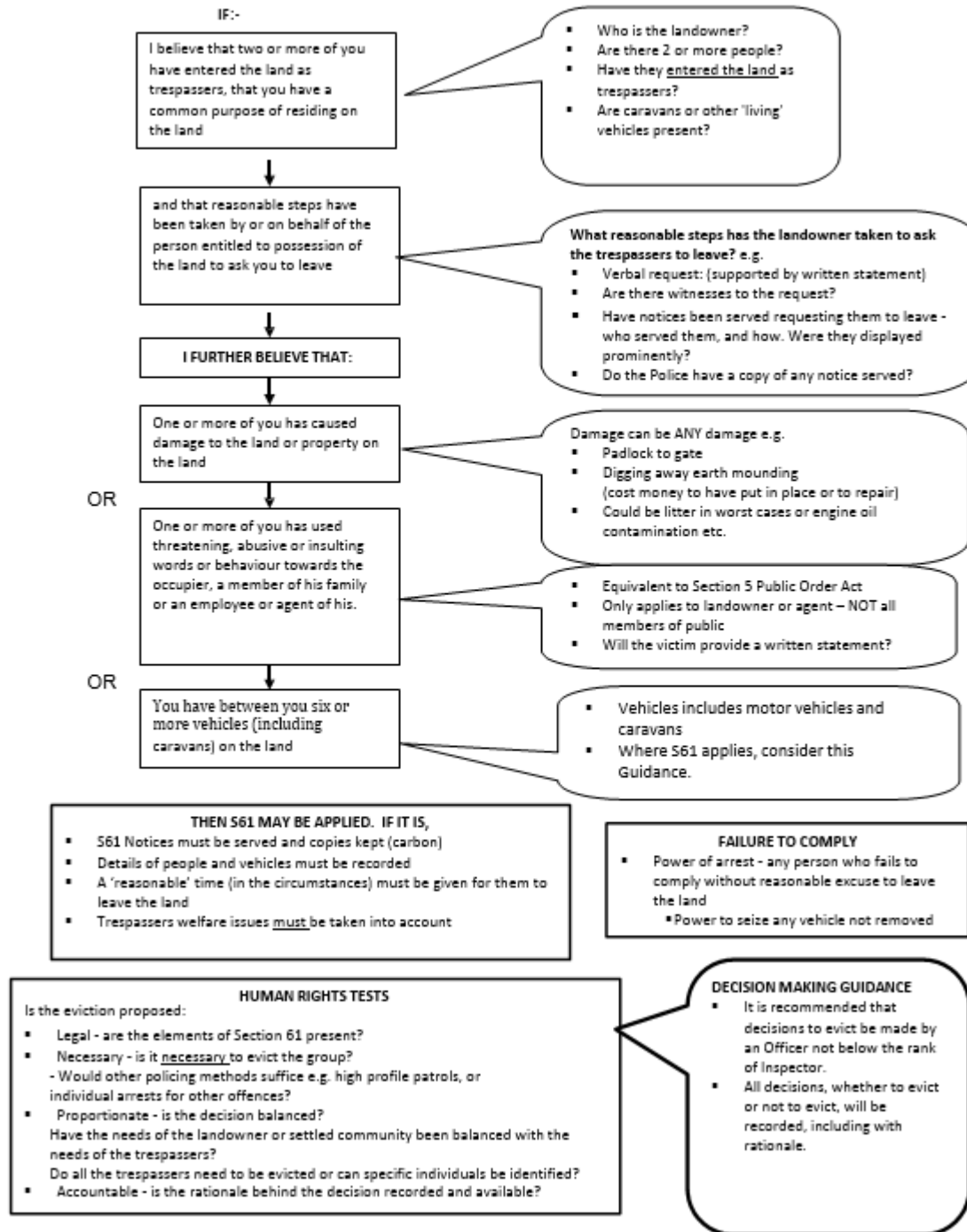
**NOT PROTECTIVELY MARKED**

v.2 - October 2011

**TO BE RETAINED FOR 7 YEARS AFTER DATE OF COMPLETION**

## POLICE EVICTION POWERS

### SECTION 61 CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 FLOW CHART AND GUIDANCE NOTES



This page is intentionally left blank

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

06 November 2019

**Report Title:** Aspire Housing & Newcastle under Lyme Borough Council – Prospectus for Joint Working

**Submitted by:** Chief Executive

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

**Ward(s) affected:** All

#### **Purpose of the Report**

To present for adoption a prospectus setting out agreed areas for collaboration between the Council and Aspire Housing.

#### **Recommendation**

- 1) That Cabinet approve the prospectus attached at Appendix 1 of this report
- 2) That a briefing be arranged for all members of the Council on the work of Aspire Housing and its associated companies, PM Training and Realise Foundation.

#### **Reasons**

The Cabinet Members have met with Aspire's senior team to explore areas where our ambitions and plans for the Borough most closely align. Through these discussions a number of key areas for more detailed collaborative working have been identified along with a commitment for the Cabinet, the Executive Management Team, and Aspire's management team to meet regularly to ensure strong alignment.

This report draws together the key issues from these reports into a single prospectus.

#### 1. **Background**

- 1.1 Aspire Housing and Newcastle under Lyme Borough Council have a long and successful history of partnership working. Since stock transfer in 2000, the two organisations have achieved a great deal together. Nineteen years after transfer, the opportunity exists to build on this track record of partnership working to deliver further benefits for the Borough.

#### 2. **Issues**

- 2.1 The opportunity exists for the Council and Aspire to work more closely on strategic priorities in order to deliver better results for the communities that we serve.

#### 3. **Proposal**

3.1 From discussion between Aspire and the Council, it is clear that there are numerous opportunities for joint working, or for co-ordinated effort. In order to best focus resources, five areas have been selected to form the basis of a prospectus, or statement of intent, between the two organisations. These are:

- **Development & Regeneration** – reflecting the two organisations land holding and intentions to bring forward housing schemes. Aspire has an ambitious development programme, building and buying new homes inside and outside the Borough, leading on major regeneration schemes in local communities, and investing heavily in new and existing homes for older people.
- **Housing Advice and Allocations** – currently each organisation maintains and manages its own waiting list and allocation system for homes. This represents duplication of effort, and is not in the best interests of the individuals and communities that we serve. As such, this is a priority for development.
- **Locality Working/LAPs** - Both organisations recognise the need to collaborate at a local level to deliver services across the Borough. This presents an opportunity to review the way both parties deliver services in the interests of our communities
- **PM Training** – A opportunity exists for both organisations to support young people in the borough through training and apprenticeships

In order to breathe life into these aspirations, the senior teams of the two organisations will regularly meet to shape projects and drive delivery. Further Cabinet reports will be prepared as and when particular initiatives require authority to proceed. It is proposed that the attached prospectus is approved by Cabinet

#### 4. **Reasons for Proposed Solution**

4.1 The attached prospectus provides a focus for joint work between the two organisations.

#### 5. **Options Considered**

5.1 An alternative approach is to progress work between the two organisations on an ad-hoc basis, however, a single prospectus which can guide resource deployment is preferable.

#### 6. **Legal and Statutory Implications**

None directly arising from this report

#### 7. **Equality Impact Assessment**

N/A

#### 8. **Financial and Resource Implications**

None directly arising from this report

9. **Major Risks**

None directly arising from this report

10. **Sustainability and Climate Change Implications**

None directly arising from this report

11. **Key Decision Information**

Not a Key Decision

12. **Earlier Cabinet/Committee Resolutions**

None

13. **List of Appendices**

Aspire Housing & Newcastle under Lyme Prospectus for Joint Working

14. **Background Papers**

Previous cabinet reports as listed above.

This page is intentionally left blank





### **Aspire Housing & Newcastle under Lyme Prospectus for Joint Working**

Aspire Housing and Newcastle under Lyme Borough Council have a long and successful history of partnership working. Since stock transfer in 2000, we have achieved a great deal together.

We now feel it is time to codify how we intend to work together for the future. Nineteen years after transfer, with a new Leadership at the council and a new Chair at Aspire, we believe much more is achievable by working better together. The areas that we wish to collaborate on or explore in partnership are below:

#### **1. Development and Regeneration**

Aspire and Newcastle Borough Council are both significant land owners in the Borough, and each have ambitious development plans:

- Aspire has an ambitious development programme, building and buying new homes inside and outside the Borough, leading on major regeneration schemes in local communities, and investing heavily in new and existing homes for older people. Aspire have recently established an outright sales vehicle 'Inacana' to develop over 100 homes for outright sale within the next 5 years.
- Newcastle Borough Council is keen to release land for development and to address the shortage of housing available to rent and buy. With the Housing Revenue Account caps lifted, NBC is empowered to establish its own sales company to claw back profits from sale and produce a much needed capital receipt for the Council.

Staffs County Council, NBC and Aspire are already collaborating on development and regeneration in the Borough. This needs to progress and momentum maintained in order to tackle blight, and capitalise on the opportunity all parties have to develop homes on sites in our ownership.

Savings could be made and profits shared through "Incana" to kick start schemes in the Borough, without expensive development vehicles needing to be established, as one

already exists. It would be possible to pilot an approach with NBC land and 'Incana' to road test an approach for joint venture collaboration.

## **2. Housing Advice and Allocations**

Currently each party maintains its own waiting list and system for allocating homes. This is a legacy of Aspire not bidding to manage the Homeless and Housing Advice service which was won by Midland Heart.

We are already working well together on this – both Aspire and NBC have endorsed a more joined up approach, including a joint allocations policy, single waiting list and simplified systems. We now need to share the plan more widely and update the group.

We aim to establish a relationship that delivers a mature partnership rather than simply contractual approach and we will aim to achieve this together.

## **3. Locality Working/LAPs**

Both organisations recognise the need to collaborate at a local level to deliver services across the Borough. Aspire are contributing to and supporting the LAP review, and are progressing its own service restructure at a locality level to better join up Aspire services.

This presents an opportunity to review the way both parties deliver services such as street scene and grounds maintenance. Currently, our standards and cutting schedules are unaligned and this mitigates against the creation of beautiful places where people are proud to live.

## **4. PM Training**

Aspire Housing's subsidiary, PM Training is a long standing successful training provider, training nearly 2,500 people each year. PM Training operate a contracting arm, Homeworks, which delivers grounds maintenance services for Stoke City Council, Aspire and others. These contracts also help support people into work through apprenticeship and pre-apprenticeship provision and operates as a social enterprise with all profits going to our Charity, Realise.

PM training delivers further apprenticeships through supply chains of anchor institutions, and in the past NBC have worked with their supply chain to establish hundreds of opportunities for apprenticeships.

There is a fantastic opportunity for us to achieve even more together, whether that is through Aspire's Homeworks delivery vehicle, or through further supply chain events and a commitment to support apprenticeships through PM.

## **5. Future Meetings**

In order to progress these actions and opportunities, we commit to meeting quarterly across Executive teams throughout the year and 6 monthly with cabinet. Cabinet and Chair of Aspire will meet again in January 2020 to review progress.

This page is intentionally left blank

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

06 November 2019

**Report Title:** Financial and Performance Review report – Second quarter (July – September) 2019-20.  
**Submitted by:** Executive Management Team  
**Portfolios:** Corporate & Service Improvement, People & Partnerships, Finance & Efficiency  
**Ward(s) affected:** All

#### **Purpose of the Report**

To provide Cabinet with the Financial and Performance Review report – second quarter 2019-20.

#### **Recommendation**

- (a) That Members note the contents of the attached report and continue to monitor and challenge the Council's performance alongside its financial performance for the same period.

#### **Reasons**

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

#### **1. Background**

- 1.1 This quarterly report provides Members with a detailed update on how the Council has performed during the second quarter 2019-20 by presenting performance data and progress summary set within a financial context.
- 1.2 This report provides broad financial information (Appendix A) and also details performance (Appendix B) for the second quarter of 2019/20.
- 1.3 A summary of the overall performance picture is presented in section 4 of this report and members will note that performance is generally progressing well.

#### **2. 2019-20 Revenue and Capital Budget Position**

- 2.1 The Council approved a General Fund Revenue Budget of £13,050,020 on 20 February 2019. Further financial information is provided in Appendix A.

#### **3. Development of the Financial and Performance Report**

- 3.1 The performance section –Appendix B was reviewed and updated for 2019-2020 and the indicators continue to reflect the priorities in the Council Plan.
- 3.2 In addition to eleven new indicators, the report includes a progress summary for each priority, detailing the progress with the delivery of planned activities.

- 3.3 Additional performance information is provided, not only to ensure the monitoring of the corporate activities of the council, but also to inform Members, businesses and residents of performance in their local economy.
- 3.4 The format and content of the report will continue to be reviewed and developed in order to reflect the progress of the planned aims of the Council Plan 2018-2022, with a final report in 2019-20 providing a detailed report including more annual results of our achievements and outturns.

#### **4 Performance**

- 4.1 The latest performance information for quarter two has been analysed and all indicators monitored for this period are listed in the table found in Appendix B.
- 4.2 Any indicators failing to meet the set targets include a comment explaining why the indicator has not performed well, and what steps are being taken to ensure improvement in the future.
- 4.3 The layout for Appendix B has undergone further development for 2019-2020.
- 4.4 For this report a total of 23 indicators were monitored, and the proportion of indicators which have met their target (where set) or are within tolerance levels during this period stands at 78%.
- 4.5 There are 5 indicators off target this quarter, and officers consider that the performance against these indicators does not give rise to serious cause for concern at present (see commentary provided at Appendix B). The management of each of the service areas concerned continue to monitor and take steps to deal with under achievement of targets where possible and/or appropriate.

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

- 4.6 Positive performance can be seen in a range of services and members will note that some services are affected by both seasonal and external factors. It should also be noted for consideration that some indicators have stretched targets set and local targets that are higher than the national ones.
- 4.7 Progress on delivery of planned activities is summarised for each priority and no concerns are highlighted.

#### **5. Legal and Statutory Implications**

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

#### **6. Equality Impact Assessment**

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

#### **7. Financial and Resource Implications**

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

8. **Major Risks**
- 8.1 The ongoing changing market conditions represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon income receivable in relation to services where customers may choose whether or not to use Council facilities or in the case of the waste/recycling service where the volume of recycled materials is liable to fluctuate. The situation will be monitored through the normal budget monitoring procedures.
- 8.2 The capital programme will require regular monitoring to identify any projects which are falling behind their planned completion dates. This will be carried out by the Capital Programme Review Group, which meets on a monthly basis together with quarterly reports to Cabinet.
- 8.3 The above represents a high level view of risk. There are detailed risk registers available if members wish to see them.
9. **Sustainability and Climate Change Implications**
- 9.1 N/A
10. **Key Decision Information**
- 10.1 Included on the Forward Plan
11. **Earlier Cabinet/Committee Resolutions**
- 11.1 N/A
12. **List of Appendices**
- 12.1 Financial information (Appendix A), and Performance (Appendix B).
13. **Background Papers**
- 13.1 Working papers held by officers responsible for calculating indicators.

This page is intentionally left blank



## **Financial Position Quarter Two 2019/20**

### **1. General Fund Revenue Budget**

- 1.1 The Council approved a General Fund Revenue Budget of £13,050,020 on 20 February 2019. The actual position compared to this budget is continuously monitored by managers, EMT and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget.

### **2. Capital Programme**

- 2.1 A Capital Programme totalling £5,606,298 was approved for 2019/20. Of this total £3,606,298 relates to the total cost of new schemes for 2019/20 together with £1,000,000 for schemes funded by external sources (Disabled Facilities Grants), £1,000,000 contingency. In addition £1,326,573 was brought forward from the 2018/19 Capital Programme, resulting in a total Capital Programme of £6,947,871 for 2019/20.

### **3. Revenue Budget Position**

- 3.1 At this point in the financial year, we would have expected to have spent approximately £10,272,945; we have actually spent £10,525,539. Therefore, as at the end of the second quarter, the general fund budget shows an adverse variance of £252,594.
- 3.2 The main reasons for the overall adverse variance to date are:
- a. Jubilee 2 is operating at a net overspend. This is predominately in relation to high levels of staff sickness which are required to be covered for and a shortfall in income received by the centre.
  - b. Income from car parking is below the budgeted amount, this is due to a drop in the sale of parking permits and off street parking.
  - c. Income from planning application fees is below the budgeted amount, this is due to the number of major planning applications received during the first quarter – this may fluctuate during future periods.
  - d. The provision of temporary cover for Senior Management posts.
- 3.3 An action plan to address the adverse variance incurred to date has been devised and will be implemented over the next six months. It is forecast that the actions identified reduce the adverse variance to a balanced year end outturn. These actions include:
- a. Use of additional forecast windfall from the Staffordshire and Stoke-on-Trent Business Rates Pilot.
  - b. Savings from restructures within the Resources and Support Services Directorate.
  - c. Appeals relating to the Rateable Value of disused or demolished Council Assets.

- d. The implementation of an action plan to reduce the Jubilee 2 operating deficit.
- e. Grants have been received for a number of areas including Brexit and Air Quality to which significant staff time spent in these areas can be allocated.
- f. A review of expenditure currently allocated to the Repairs and Renewals fund is being undertaken to identify items that can be capitalised.
- g. It should be noted that the Waste and Recycling service is forecast to outturn a balanced year end position.

#### **4. Capital Programme Position**

- 4.1 The Capital Programme approved by Council in February 2019 has been updated to take account of amounts brought forward from 2018/19 where planned expenditure did not occur. This has been added to the budget for 2019/20 (apart from cases where costs have been reduced or expenditure will no longer be incurred). The revised budget for capital projects in 2019/20 totals £6,947,871.
- 4.2 The Capital Funding required for the 2019/20 programme includes £3,508,298 of capital receipts. These receipts are still expected however it is anticipated that there will be a delay in one of the asset sales which amounts to around £1,000,000. This is due to the Property Team re-advertising the site and achieving a greater value than originally expected. In addition 'Right to Buy' sales have slowed down this year and it is expected that the target will not be reached for 2019/20 and continues to be monitored. A mid-year review has commenced which will look at the capital funding, projects commenced and expected slippage on projects not yet started. Further updates will be provided in the Quarter Three Report.
- 4.3 £1,125,300 of the revised budget was expected to be spent by 30 September; the actual amount spent was £1,197,718 resulting in an adverse variance at the end of the second quarter of £72,418. This overspend relates to mainly to two projects, which are the defects work on Castle House and some essential repair works on Knutton Lane Bridge. Funding of this shortfall will partly be covered by slippage of in year projects and it is assumed that £41,000 will be recovered from Kier which covers the consequential loss of use of the multi-function rooms in Castle House.

## 5. Borough Growth Fund

As part of the 2019/20 budget a 'Borough Growth' fund of £304,000 has been established, which will be used to enable investment in the Council's priorities via initiatives that are forecast to generate on-going revenue savings through reducing the costs of service delivery or through the generation of additional income. It is intended that the 'Borough Growth' fund will be invested in further as part of the 2020/21 budget setting process. Progress on the utilisation of the 'Borough Growth' fund is as follows:

| Project   | Description   | Funding Requirement (£) |               |               |
|---|---|-------------------------|---------------|---------------|
|   |   | 2019/20                 | 2020/21       | 2021/22       |
| A town centre for all - Car Parking Strategy          | 39 upgraded parking machines are required at £6,000 each. The capital programme allows for the replacement of 6 machines during 2019/20, it is proposed that 5 are also funded via the Borough Growth fund for each of the following 3 years. Work around income and potential changes to pricing structures is currently ongoing.  | 30,000                  | 30,000        | 30,000        |
| A town centre for all - CCTV                          | Contribution towards upgrading and the supply and installation of cameras in the Town Centres.  | 30,000                  |               |               |
| A town centre for all - Town Centre Officer           | Proportion of salary and on costs for 6 months net of restructure saving re. Economic Regeneration will be a further commitment from the fund in 2020/21. Post has been appointed to.   | 12,500                  | 25,000        | 25,000        |
| A town centre for all - Markets                       | Cabinet agreed to progress a programme of market improvement arising from the National Association of British Market Authorities review of the market, elements of this programme may be funded from the Borough Growth Fund including relocation of the stalls to reduce the market size/enhance trading locations (£5,000), purchase of gazebos for hire (£2,500) and the provision of electricity to the stalls (£10-15,000) | 20,000                  |               |               |
| <b>Total Requirement</b>                              |   | <b>92,500</b>           | <b>55,000</b> | <b>55,000</b> |
| <b>Funding Available</b>                              |   | <b>104,000</b>          |               |               |
| Council transformation - Digital Delivery Apprentices | 3 Apprentice posts agreed for 2 year period at a cost of £52,000 per annum split 1/3's between ICT, Human Resources and Borough Growth Fund. Assumed 6 months for 2019/20 with further commitment from the fund in 2020/21 and 2021/22 (final 6 months)   | 8,667                   | 17,333        | 8,667         |

|   |   |                |               |               |
|---|---|----------------|---------------|---------------|
| Council transformation - JADU                             | Potential costs re. completion of forms and interface that will communicate with CIVICA APP (Environmental Health software)   | 15,000         |               |               |
| Council transformation - Environmental Health Integration |   |                |               |               |
| Council transformation - Digital Business Manager         | Salary and on costs for 6 months following restructure of Resources and Support Services, will be a further commitment from the fund on an ongoing basis. Post has been appointed to. | 30,000         | 60,000        | 60,000        |
| Council transformation - Project Management Resources     | Work currently being undertaken on potential project management resources - it has not yet been finalised.  | 45,000         |               |               |
| <b>Total Requirement</b>                                  |   | <b>98,667</b>  | <b>77,333</b> | <b>68,667</b> |
| <b>Funding Available</b>                                  |   | <b>100,000</b> |               |               |
| Building for the future - Commercial investment advisors  | Tender for advisors produced by Property Section, estimate of £50,000 per annum plus potential commission on advice. Expression of interest received.                                 | 50,000         | 50,000        | 50,000        |
| <b>Total Requirement</b>                                  |   | <b>50,000</b>  | <b>50,000</b> | <b>50,000</b> |
| <b>Funding Available</b>                                  |   | <b>100,000</b> |               |               |

## How did we do in Quarter 2 2019 - 20



PLANNING  
APPLICATIONS  
(NON-MAJOR)

**ISSUED**  
**93.9%**

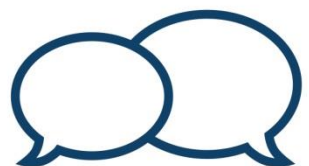


LEISURE USERS  
**146,029**



MUSEUM  
VISITORS  
**21,847**

NUMBER OF  
CONTACTS  
FACE TO  
**FACE**



TELEPHONE  
**4,525 39,916**



**DIGITAL**  
**ON-LINE**  
TRANSACTIONS  
**6,080**

**UNIQUE**  
**WEBSITE**  
**USERS**  
**93,982**



HOUSEHOLD  
COLLECTIONS  
GARDEN  
WASTE  
**122,900**

RECYCLING  
AND FOOD  
**740,124**  
REFUSE  
**370,062**



**INVOICES**  
PAID ON TIME  
**92.15%**

## Priority 1: Local Services that Work for Local People

### Progress Summary

Overall, our performance with a combination of monitoring and target driven indicators for this priority is positive in this quarter but work is underway to impact on the result. Seven new indicators which were added in Qtr 1 to track progress with our outcomes for the priority, continue to be monitored.

A summary of progress with planned activities for Priority One from the Council Plan 2018-2022 are as follows:-

- **Increase Access to Information**

- **Develop Council Social Media channels**

An expert in the field of social media from the Local Government Association followed up the commissioned audit of the Council's corporate social media channels with a full day of training. This was in the form of a half-day session for council staff involved in social media as part of their duties and a pre-meeting session for elected members before the Full Council meeting. The Communications Team carried out an internal audit on all of Council's social media channels, resulting in the closure of some that were under-utilised and a review of social media protocols.

- **Develop NewsNBC**

NewsNBC continues to be the 'go to' place for news about the Council's activities and services with the social media streams used to drive traffic to the page with 'teaser' posts. The use of NewsNBC has largely replaced the Council's reliance on local media – such as the Sentinel – to cover information about its issues, challenges, activities and services.

- **Improve content accuracy**

Following the Crystal Mark accreditation a new process of updating training for web authors has been planned. The training will cover plain English and the new technology available for authors to make their pages more accessible using Microsoft cv.OWord.

- **Improve Customer Satisfaction:**

- **Secure "Customer Service Excellence"**

The Customer Services Accreditation assessment form has now been completed and updated to incorporate all corporate front line functions.

Meetings are now being arranged with service area representatives to add service specific evidence. A quote has been requested from Assessment Services to carry out the assessment and a brief report will go to EMT once a response has been received. It is anticipated that this will happen before the end of November 2019 with a view for the assessment to be carried out in the New Year and accreditation to be achieved by April 2020.

- **Develop customer & citizen surveys**

Annual surveys continue to be undertaken with key services such as recycling and waste; customer services and Streetscene. The results are fed back to services for them to consider and take action where appropriate.

- **Digital Delivery**

Cabinet has agreed for the Council to adopt a Digital Strategy that will help to shape the future delivery of our services. A key theme within this strategy is "Our Digital Services", which focuses on delivering local services that work for local people. The strategy also considers "Our Digital Community", which amongst other things, looks at how the Council can make its digital services accessible to all and how we can ensure our wider community benefits from what digital can offer. An ICT and Digital Services Steering Group, chaired by the Leader of the Council is currently being established to set the direction of the Digital Team going forward and ensure its performance meets the Council's needs.

- **Complete migration from Lagan to JADU Customer Relationship Management System**

For over 5 years the Council has used a Customer Relationship Management system, called Lagan, to manage all of its interactions with citizens. This system ensured that customer requests received by our Customer Service teams were transferred to other Council services in a timely and consistent way. The Lagan system was closed down on September 27th 2019. We now use a Customer Portal provided by a company called Jadu, which gives

customers the ability to log their service requests on line. All Services that were using Lagan are now using Jadu.

#### Progress Summary continued

- **Deliver new Recycling and Waste Service:**

- **The new service is to go live phased from Spring 2020.**

Procurement exercises are on schedule for completion in the autumn. This includes bins, recycling bags, vehicles, and material reprocessing MRF. Work is nearing completion on route modelling and the new recycling collection service rounds are being developed. Options over the operation for the transfer station at Knutton Lane have been agreed and design work for the new reconfigured site is now complete, with a planning application to be submitted shortly. Work on draft communications for residents and the Council's internal staff is being finalised. During the next quarter the route modelling options in terms of four or five day working for the new service will be complete. Work will commence on building up the new budget for the service, and teaser communication will commence out to the public.

- **Ensure Workforce has the right skills, at the right time, in the right place:**

- **Deliver workforce plan**

In this quarter, HR has appointed two Executive Search and Selection Agencies to recruit to our Senior Management vacancies and it is expected that in the next quarter, candidates for 3 of the vacancies will commence in posts from November – January 2019/20 (dependent upon notice periods).

- **Develop organisational culture**

It is expected that an organisational development plan will be instigated following the recruitment of all vacant senior management roles. This will then enable the Chief Executive to work with his senior management team to outline the Council's expectations which will underpin the culture. In the meantime, the HR team are continuing to work with all departments to outline what is expected of them as managers and employees (the psychological contract) and providing positive challenge as and when required. HR are continuing to work with all managers to coach and mentor them through all the HR policies to embed good practice and develop their skills in managing staff successfully to enable a positive working culture.

- **Review, update and implement HR Policies**





During this period, the policies that have been approved and agreed through Trade Unions, JNCC and Cabinet are: Additional Holiday Pay. Ongoing discussions with the Trade Unions on Organisation Change and Redeployment have continued to take place. The Trade Unions have undertaken a ballot with their members on the proposed change of the redundancy multiplier.

- **Improve Employee relations**


Regular and ongoing discussions with the Trade Unions around policies, processes and ways of working have been achieved between the Council and its recognised Trade Unions and HR will continue in the next quarter to work positively with the Trade Unions on all employee related matters. HR have also engaged the Trade Union Representatives in the stakeholder panels for the Executive Recruitment that is currently taking place.





- **HR Shared Service Centre**

An agreement on the SLA for the Shared Service has been achieved and it is still envisaged that we can 'go live' with effect from November 2019. HR is working on transferring all of the Pensions responsibility from Payroll to HR and extensive training / one to one support has been provided to the team.

| Ref     | Service Area         | Portfolio Holder     | Indicator  | Good is | Result Qtr 2 2018-19                         | Result Qtr 1 2019-20                          | Result Qtr 2 2019-20                          | Target Qtr 2 2019-20                | How have we performed?   | Status  |
|---------|----------------------|----------------------|--|---------|--|---|---|-------------------------------------|--|---|
| 1.1     | Environmental Health | Cllr. Trevor Johnson | Percentage of food premises that have a zero or one national food hygiene rating                               | Low     | 1.54%<br>(17 out of 1107 published premises) | 1.24%<br>(14 out of 1,131 published premises) | 1.14%<br>(13 out of 1,136 published premises) | 5%                                  | The figure remains well within target this quarter.  |    |
| 1.2 New | Environmental Health | Cllr. Trevor Johnson | Percentage of category A and B food business inspections completed on time                                     | High    | 100%   | 100%  | 100%  | -                                   |  | -   |
| 1.3 New | Environmental Health | Cllr. Trevor Johnson | No. Accidents/Incidents reported (RIDDOR)  | Low     | -  | 2   | 1   | -                                   | There was one incident which was slip, trip, fall and no further action required. There is no target set as it would be inappropriate to set a target in this respect.                               | -   |
| 1.4a    | Recycling & Fleet    | Cllr. Trevor Johnson | Household collections from the kerbside (%):-<br><ul style="list-style-type: none"><li>Dry Recycling</li></ul> | High    | 19.53%                                       | 17.70%  | 17.50%*                                       | 20%                                 | Dry Recycling performance lower than expected. There is no particular reason apparent but will look at targeted communications, to try to increase tonnage into recycling and further reduce refuse. |  |
| 1.4b    |                      |                      | <ul style="list-style-type: none"><li>Food</li></ul>   | High    | 5.7%   | 5.52%   | 5%*   | 5%                                  |  |  |
| 1.4c    |                      |                      | <ul style="list-style-type: none"><li>Amount of residual Waste per household</li></ul>                         | Low     | 112.31 kgs                                   | 103.6 kgs                                     | 105.55 kgs*                                   | 107.5kgs (per household) cumulative |  |  |



| Ref      | Service Area        | Portfolio Holder      | Indicator  | Good is | Result Qtr. 2 2018-19              | Result Qtr. 1 2019-20 | Result Qtr. 2 2019-20            | Target Qtr. 2 2019-20        | How have we performed?  | Status  |
|----------|---------------------|-----------------------|--|---------|------------------------------------|-----------------------|----------------------------------|------------------------------|---|---|
| 1.4d New | Operations          | Cllr. Trevor Johnson  | Number of missed kerbside collections:- Total (per 100,000 collections)  | Low     | -                                  | 71                    | 67                               | 80 (per 100,000 collections) | In this quarter there were a total of 1,233,086 collections of residual, garden waste, recycling and food. There were missed collections of Residual -304, Garden Waste – 144 and Recycling -383. |    |
| 1.5      | Operations          | Cllr. Trevor Johnson  | Levels of street and environment cleanliness (LEQ survey) free / predominantly free of litter, detritus, graffiti and fly-posting) | High    | 88.17%<br>89.05%<br>99.83%<br>100% | -                     | 97.04%<br>96.86%<br>100%<br>100% | 91%<br>91%<br>97%<br>99%     | The results for the first survey undertaken for 2019-20 are detailed here, with further surveys in Qtr. 3 and 4.  |    |
| 1.6      | Customer & ICT      | Cllr. Simon Tagg      | Percentage of requests resolved at first point of contact  | High    | 99%                                | 99%                   | 99%                              | 97%                          | The result exceeds the target set for Qtr. 2.   |    |
| 1.7      | Customer & ICT      | Cllr. Simon Tagg      | % Unmet demand (number of calls not answered as a % of total call handling volume)   | Low     | 10.58%                             | 6.33%                 | 6.79%                            | 10%                          | The result exceeds target set in the second quarter.  |    |
| 1.8 New  | Digital Delivery    | Cllr. Simon Tagg      | Total number of digital on-line transactions (Jadu).   | High    | -                                  | 10,191                | 6,080                            | -                            | With the development of the Digital Strategy and future planning, the indicators are currently under review to measure planned progress and will be introduced for the next quarter.              | -   |
| 1.9 New  | Communication       | Cllr. Simon Tagg      | Total number of unique users to the website  | High    | -                                  | 101,097               | 93,982                           | 79,500                       | The result is well above the target set for this indicator.   |  |
| 1.10     | Revenues & Benefits | Cllr. Stephen Sweeney | Time taken to process Housing/Council Tax Benefit new claims and change events   | Low     | 5.87 days                          | 4.93days              | 4.91days                         | 10 days                      | The result exceeds the target set and above those achieved last year  |  |

| Ref      | Service Area        | Portfolio Holder      | Indicator  | Good is | Result Qtr. 2 2018-19 | Result Qtr. 1 2019-20 | Result Qtr. 2 2019-20 | Target Qtr. 2 2019-20         | How have we performed?  | Status  |
|----------|---------------------|-----------------------|--|---------|-----------------------|-----------------------|-----------------------|-------------------------------|---|---|
| 1.11     | Revenues & Benefits | Cllr. Stephen Sweeney | Percentage of Council Tax collected                  | High    | 52.9%                 | 27.30%                | 52.9%                 | 50.11%                        | The results are above the targets set and equal to or above those achieved last year  |  |
| 1.12     | Revenues & Benefits | Cllr. Stephen Sweeney | Percentage of National non-domestic rates collected  | High    | 57.6%                 | 29.50%                | 58.6%                 | 52.44%                        |   |  |
| 1.13     | Human Resources     | Cllr. Simon Tagg      | Average number of days per employee lost to sickness | Low     | 5.05days              | 2.45 days             | 4.9 days              | 4 days Qtr. 2 (8 days annual) | A new policy has been put in place for the management of sickness absence and training has been written by HR for all managers to attend and will be delivered in November 2019. The training is designed to ensure consistent and robust management of sickness absence in line with the new policy. |  |
| 1.14 New | Human Resources     | Cllr. Simon Tagg      | Staff turnover                                       | Low     | -                     | 9.09%                 | 8.80%                 | 10%                           | The figure is well within target.   |  |
| 1.15 New | Human Resources     | Cllr. Simon Tagg      | Staff vacancy rates                                  | Low     | -                     | 11.63%                | 11.15%                | -                             |   | -   |

## Priority 2: Growing our People and Places

### Progress Summary

For this section, we see the introduction of four new indicators for planning which measure the speed and quality of decisions. A summary of progress with planned activities for Priority 2 from the Council Plan 2018-2022 are as follows:-

- **Refresh of Economic Development Strategy**  
The new Strategy was adopted by Cabinet in September and now reflects our Council Plan priorities and those of the Growth Deal with the County Council.
- **Deliver Joint Local Plan**  
Progress continues to be made in preparing the draft joint local plan, although staff shortage continues to have an impact on delivery. Evidence is being finalised, policies are mainly drafted and site selection work is underway. There is a major task to identify additional housing supply in the Newcastle rural area to meet housing need which is proceeding. The intention is to submit the draft local plan to Cabinets at Newcastle and Stoke in February 2020 with a view to going out to public consultation in April/May 2020.
- **Progress University Growth Corridor**  
The University Growth Corridor (UGC) Programme meetings re-established, and are being progressed alongside the Local Plan.
- **Deliver appropriate housing to those in need:**
  - **Retender Housing Advice service –**  
Newcastle housing advice (NHA) service delivers the Council's homelessness, housing advice and housing register services in the Borough. Following Cabinet approval on 10th July a comprehensive service specification and tender documentation was produced and tenders are being sought. Over the next quarter tenders will be evaluated and the contract will be awarded.
  - **Joint allocation policy and procurement of a Choice Based Lettings system**  
Officers have commenced conversations with Aspire Housing to produce a Joint Allocation Policy. This joint policy will allow customers of the Borough to access social housing owned and managed by Aspire Housing and other Private Registered Providers to whom the Council has partnerships within the Borough. The Council and Aspire Housing will procure a Choice Based Letting (CBL) system that will deliver the platform for the administration function of the housing register. This will allow our customers to make one application for social housing. Officers have considered a range of IT providers through a procurement framework and believe that a good system can be procured. In order to develop a new IT system the IT provider will require the Allocations Policy. Over the next quarter officers will work with Aspire and other Registered Providers to develop this policy.
  - **One Public Estate**  
The Borough Council have received a sum of £50,000 from 'One Public Estate', (a body set up to encourage public agencies to work together to make better use of their property assets), to cover the cost of undertaking the masterplanning of Knutton Village. This will involve preparing proposals for the use or development of a number of cleared sites around the centre of Knutton in the ownership of the Borough and County Councils and Aspire Housing with the objective of bringing forward new housing development in the area and to assess the potential for investing in the improvement and consolidation of community facilities. Aspire Housing is also contributing to the resources of the Study with a view to it reviewing its role as a provider of affordable housing in the area, including that of housing for the elderly. A contract for this work has been let to White Young Green and over the forthcoming months officers will be working with them and our partners. As part of the commission it is expected that an exhibition and local consultation will be undertaken to assist in arriving at recommendations for action.

**Progress Summary continued**

- **Consideration of a property investment model**

Consideration is being given to the Borough Council taking a more active role in developing its sites (i.e. by way of forming a property development company or similar) either on its own or in a partnership arrangement. A commercial strategy has been prepared and progressed during Qtr 2 with the procurement of commercial investment advisors.






- **Masterplan of land at:- Chatterley Close area by Bradwell crematorium; off Liverpool Road, Birchenwood and Keele Golf Course**

Work has commenced on the development of the specifications for the masterplan of land in the Chatterley Close area, Bradwell. Tendering of the masterplan has been undertaken and is coming to a conclusion over the next few weeks to ensure a qualified and experienced consultant can undertake the work. Keele masterplan was approved in principle last year and is subject to consideration as part of the development of the Joint Local Plan. Following the Phase 1 environmental impact assessment for Birchenwood, a preliminary ground investigation survey is now being commissioned to inform the next steps.

- **Planning Consent – Sidmouth Ave**

In this quarter, work was undertaken to enable July Cabinet to authorise the Chief Executive, in consultation with the Portfolio Holder to secure Planning Consent for;

- (i) Demolition of the post 1950's building extensions, making good external walls on the existing (i.e. remaining) building;
- (ii) Change of use of the existing building to residential;
- (iii) Three substantial 4-5 bedroomed detached houses, each having integral garages – being on the area of cleared land arising from the demolition referred to at point (i) above. A planning application has been submitted with a view to securing consent in November 2019.

| Ref | Service Area           | Portfolio Holder     | Indicator   | Good is | Result Qtr. 2 2018-19 | Result Qtr. 1 2019-20 | Result Qtr. 2 2019-20 | Target Qtr. 2 2019-20 | How have we performed?   | Status  |
|-----|------------------------|----------------------|---|---------|-----------------------|-----------------------|-----------------------|-----------------------|--|---|
| 2.1 | Property               | Cllr. Paul Northcott | Percentage of investment portfolio vacant (NBC owned) | Low     | 11.4%                 | 7%                    | 8.3%                  | 12%                   | This indicator remains well within target.   |    |
| 2.2 | Planning & Development | Cllr. Paul Northcott | Speed of major development applications (P151a)       | High    | -                     | 72.4%                 | 74.6%                 | 60%                   | These are new indicators for this report and due to an issue with the national reporting system there is a delay in providing the results from the live tables but the figures are being correctly reported by the borough and calculated. |  |
| 2.3 |                        |                      | Quality of major development applications (P152a)     | Low     | -                     | 1.6%                  | 1.5%                  | 10%                   |  |  |
| 2.4 |                        |                      | Speed of non-major development applications (P153)    | High    | -                     | 80.5%                 | 82.9%                 | 70%                   |  |  |
| 2.5 |                        |                      | Quality of non-major development applications (P154)  | Low     | -                     | 0.8%                  | 1%                    | 10%                   |  |  |

## Priority 3: A Healthy, Active & Safe Borough

### Progress Summary

Overall the performance for this priority advises the progress within this area, and considering the impact of a problem with the J2 facility at the moment, there are many users with leisure and cultural activities.

A summary of progress with planned activities for Priority 3 from the Council Plan 2018-2022 are as follows:-

- **Secure J2 Remedial works**

The health suite closed in May 2019 and has been stripped out to confirm the source of the water leak. Customer consultation has been completed views fed into the redesign of the health suite. Discussions with the building contractor are on-going while alternatives for bringing the area back into use are also being developed.

- **Secure J2 commercialisation**

A contract has been awarded to Alliance Leisure for marketing support to drive up membership sales and improve retention. This contracted started in September 2019. Additional advertising income will also be generated at Jubilee2 through an agreement with Strategi Solutions Ltd, who have begun marketing the advertising screens and first revenues are due in October 2019.

- **Kidsgrove Sports Centre**

Designs for remodelling the sports centre have been completed by a Leek based architectural practice and the costs of such works are being assessed by Sport England Consultants. At the same time solicitors are working on the transfer of the sports centre to the Council in readiness for the redevelopment works.

- **Secure funds for Museum Extension**

Plans for improving the resilience of the museum by creating separate gallery and education spaces and expanding the retail and craft sales area are sufficiently advanced for planning permission submission. Expressions of interest have been submitted to The National Lottery Heritage Fund, Chlore Foundation and Red Industries. The project also has the support of the Civic Society and Friends of the Museum.

- **Open Space Strategy**

Heart of England in Bloom judging was completed and results announced in Qtr 2. The council secured its 18<sup>th</sup> Consecutive Gold Award in the competition. The Council was awarded 6 Green Flag Awards for: Brampton Park, Lyme Valley Parkway, Bathpool Park, Queens Gardens, Bradwell Crematorium and Keele Cemetery.

- **Streetscene Fleet procurement**

The procurement process for the purchase of 5 new tractors, a mini digger and trailer, and a tractor mounted chipper are pending. A contract for a Mobile Elevated Work Platform ( MEWP) to assist the tree team in carrying out the tree work programme, has been awarded .

- **Feasibility study for Crematorium extension**

An officer working group is being established to progress the feasibility study.

- **Affordable Funeral Scheme**

A project team has been established and is meeting regularly to progress this project. There is an expected delay due to capacity issues so the timeline is being reviewed. Recruitment is in progress for current vacancies in the Bereavement Service team.

**Progress Summary continued**

- **Deliver Capital Programme projects**

Previously reported projects have been completed or are in progress relating to play area refurbishments, traveller encroachment deterrent measures at identified sites, repairs to railings/gates/fences at a number of parks and open spaces. Additional capital expenditure has been identified with further projects being taken forward in relation to the aforementioned work areas.

- **Protect our communities by delivering priority community safety, food safety & licensing projects:**

- **Taxi Licensing Policy**

In the first quarter members of the Licensing and Public Protection Committee approved the content of the taxi policy. The policy document is a wide scale reform of the current policy, to ensure that the Council has a policy that is fit for purpose in respect of the legislative framework and administration of the service. Members of the Licensing and Public Protection Committee have approved the policy and agreed that the policy will be implemented on 1<sup>st</sup> November 2019 with the exception of equality training and completion of a new knowledge test which will be implemented in January 2020. Works are underway to update all documentation and applications to reflect the policy changes.

- **Commission new CCTV Service**

A review of the existing CCTV provision in Newcastle Town Centre has now been completed and agreement has been reached with the Business Improvement District (BID) regarding financial contributions to support the development of the project. A report was approved by Cabinet and called in but the original decision reconfirmed.

- **Town Centre ASB enforcement**

A range of Partnership activity continues to be co-ordinated, including; the CCTV review and recommissioning; working closely with partners to identify individuals in need of support, working with the rough sleepers team to ensure that appropriate support is provided, utilising the Council's civil enforcement powers such as Community Protection Notice Warnings (CPNWs), CPNs and Injunctions, introduction of PSPOs for the Town Centre and Queen Elizabeth Park, working with the Police to encourage use of Section 34/35 powers (criminal powers), and developing a range of community safety projects to improve the aesthetics of the town centre and contribute to improving perceptions of safety. The council has recently appointed a Rough Sleeper Co-ordinator to assist in galvanising partnership activity with some of our vulnerable residents.

- **Air Quality Local Development Plan**

Work is continuing with Stoke-on-Trent City Council and Staffordshire County Council to create the Air Quality Local Development Plan to bring about improvements in Nitrogen Dioxide (NO<sub>2</sub>) levels. The legal directions require plans to be drawn that will deliver compliance with the EU air quality limit values, in "the shortest possible time". If this cannot be achieved through the delivery of a business case which sets out a viable preferred option, the government will require the Local Authority to impose a charging "Clean Air Zone" (CAZ), which would require drivers of older vehicles, which don't meet modern emissions standards, to pay a charge when they are driven within defined areas that form the CAZ.

Specialist consultants have been appointed and are currently close to identifying the scale of the problem, in terms of exceedance locations. This work has involved extensive transport and air quality modelling, a review of the national data which identified the potential problem and the development of a project plan to progress the work to a full business case (FBC) submission to Government.

Work to complete the Initial Evidence Submission (IES) is well progressed and this will be submitted in October 2019. The IES will demonstrate the extent of the non-compliance. Works have commenced on appraising the long list of interventions and potential measures. Work is progressing on the development of draft sections of the business case, in particular the strategic, commercial and management cases.

Since the original contracts were awarded, further works in respect of modelling, communications and project management support have been identified, a further grant application has been made and approved and the extension of these contracts will be considered at October's Cabinet meeting.

The project plan is regularly updated and reviewed to reflect the reality of the work required to deliver an Outline Business Case (OBC) and FBC

across the three Councils. It is clear that, the deadline in the second legal direction will not be achieved.

| Ref     | Service Area     | Portfolio Holder   | Indicator  | Good is | Result Qtr. 2 2018-19                    | Result Qtr. 1 2019-20            | Result Qtr. 2 2019-20                    | Target Qtr. 2 2019-20                    | How have we performed?  | Status  |
|---------|------------------|--------------------|--|---------|--|----------------------------------|--|--|---|---|
| 3.1a    | Community Safety | Cllr. Jill Waring  | Anti-Social Behaviour (ASB) cases:-<br>-New cases received during the quarter                    | Low     | 103                                      | 117                              | 95                                       | -  | There are currently 6 cases discussed at the ASB, Youth Violence and Gangs Case conference.   | -   |
| 3.1b    |                  |                    | -Current open cases at the end of the quarter  | Low     | 17<br>(30/09/18)                         | 28                               | 17                                       | -  |   | -   |
| 3.1c    | Community Safety | Cllr. Jill Waring  | -Cases closed in the quarter   | High    | 113                                      | 97                               | 106                                      | -  |   | -   |
| 3.2 New | Community Safety | Cllr. Jill Waring  | Number of referrals made regarding vulnerability by participating organisations at the Daily Hub | High    | 76                                       | 40                               | 32                                       | -  | A total number of 32 referrals were made from Daily Hub meetings that have taken place over the period 1st June 2019 – 30th September 2019. | -   |
| 3.3     | Culture & Arts   | Cllr. Mark Holland | Number of people visiting the museum   | High    | 24,808<br>Qtr 2<br>(45,228 cumulative)   | 16,775<br>Qtr 1<br>(cumulative)  | 21,847<br>Qtr 2<br>(38,622 cumulative)   | 17,000<br>Qtr 2<br>(39,000 cumulative)   | Above target for Quarter 2. but lower than the same quarter in 2018/19 due to the poorer weather in Summer 2019/20.                         |  |
| 3.4     | Leisure          | Cllr. Mark Holland | Number of people accessing leisure and recreational facilities                                   | High    | 159,428<br>Qtr 2<br>(318,523 cumulative) | 141,579<br>Qtr 1<br>(cumulative) | 146,029<br>Qtr 2<br>(287,608 cumulative) | 150,000<br>Qtr 2<br>(300,000 cumulative) | The aqua sauna has been closed since 13th May 2019, resulting on an impact on usage in other areas.   |  |
| 3.5 New | Leisure          | Cllr. Mark Holland | Net growth in J2 Membership (Quarterly)  | High    | 2.6%<br>(2,903)                          | -1.01%<br>(3,026)                | -2.35%<br>(2955)                         | 3.2%<br>Qtr2<br>(3,153 members)<br>6.31% | The annual target is 3250 members and is being impacted on as detailed above.   |  |

|         |  |  |  |  |  |  |  |                              |  |  |
|---------|--|--|--|--|--|--|--|------------------------------|--|--|
| Page 72 |  |  |  |  |  |  |  | Annual<br>(3,250<br>members) |  |  |
|---------|--|--|--|--|--|--|--|------------------------------|--|--|



### **Progress Summary**

For this quarter, the results demonstrate a varying level of activity and further comments are detailed in this report.

A summary of progress with planned activities for this priority from the Council Plan 2018-2022 are as follows:-

- **Prepare a Town Centre Strategy**

In Qtr. 1 political support was given to the prioritisation of Newcastle Town Centre; a Town Centre Board has been established to bring together key elected members and partners to give direction to the future of the Newcastle town centre. In Qtr. 2 a town centre taskforce has had its first meeting and an action plan has been approved by the board. Work will continue influenced by the upcoming opportunities from the potential to bid for Future High Street Funds and the invitation to prepare a Town Deal.

- **Market**

The Service Improvement Plan for the market was presented at the June Cabinet and also for consideration at the Economic Development & Enterprise Scrutiny meeting where it was approved with recommendations noted and for delivery in 12 months. A new Town Centre Officer has been appointed and will commence work to deliver the improvement plan.

- **Business Support**

Work continues in signposting business queries to the Growth Hub and maintenance of Business support pages on website. The 2019 competition has been launched. Officers will also be working to deliver the Town Deal once further guidance is received from MHCLG.

- **Parking Policy**

A review and strategy has been produced, this was considered by the Environment, Economy and Place Scrutiny Committee in September. It is planned that the strategy will be considered by Cabinet in October.

- **Property diversification**

The Council has produced a specification for a commercial review of our stock which has been out to procurement; next quarter specialist consultants will be working to complete the review and give recommendations on future options appraisals for our commercial stock in the town centre.

- **Establish Town Centre Communications Group**


Agreement was reached with the Business Improvement District, HitMix Radio, Newcastle-based information platform BabaBaboon and Newcastle College to form an informal communications group to promote positive messages about the town centre. This group is now meeting regularly and taking a co-ordinated approach to promoting events in the town centre. Membership of the group is also being expanded to include the New Vic and College.

- **Ryecroft**

Determined efforts, by JV Partners NBC & SCC continue to be made in order to progress redevelopment of the site and in this regard dialogue with Henry Davidson Developments Ltd is on-going. The Council has been awarded the second round of the Future High Streets Fund, a report is planned for the October Cabinet to outline the approach to commissioning specialist consultants to deliver the Business Case in line with MHCLG requirements.

- **Develop a Kidsgrove Town Centre Plan**

The Council, County and Aspire are continuing to work together to refresh options for a Kidsgrove Town Centre plan. Following the announcement of the Town Deal officers will be seeking to ensure that this commission is able to meet the requirements of the Town Deal once further guidance is received from MHCLG.

| Ref     | Service Area                        | Portfolio Holder      | Indicator                                       | Good is | Result Qtr 2 2018-19 | Result Qtr1 2019-20 | Result Qtr 2 2019-20 | Target Qtr 2 2019-20 | How have we performed?  | Status  |
|---------|-------------------------------------|-----------------------|---|---------|----------------------|---------------------|----------------------|----------------------|---|---|
| 4.1 New | Regeneration & Economic Development | Cllr. Stephen Sweeney | Car parking usage:- Number of tickets purchased | High    | 124,685              | 114,874             | 119,779              | -                    | The figure has exceeded the last quarter result.  | -   |
| 4.2 New | Regeneration & Economic Development | Cllr. Simon Tagg      | Footfall  | High    | 869,551              | 809,546             | 822,302              | -                    | The footfall figure has increased this quarter.   | -   |
| 4.3     | Regeneration & Economic Development | Cllr. Stephen Sweeney | Average stall occupancy rate for markets        | High    | 52%                  | 44%                 | 42%                  | 60%                  | Recruitment of a Town Centre Officer to drive the market improvement plan and the introduction of a Saturday Antique Market are two factors that will improve the stall vacancy rate in Q3. |  |

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



Performance is not on target but direction of travel is positive



Performance is not on target where targets have been set



Performance is on or above target



## **Cabinet Forward Plan: Newcastle under Lyme Borough Council**

### **Notice of Key Decisions to be taken under the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 between 17 October 2019 and 22 April 2020**

This Plan gives 28 clear days' notice of key decisions which either the Cabinet or individual Cabinet Portfolio Holders expect to take over the next few months. An authority cannot take a key decision without giving 28 clear days' notice unless an urgent decision is required.

"Key decisions" are defined as those Executive/Cabinet decisions which are likely:

- a. to result in the Council incurring expenditure or making savings of an amount which is significant having regard to the Council's budget for the service or the function to which the decision relates. (NB: The financial threshold above which expenditure or savings become significant has been set by the Council at £50,000).
- b. to be significant in terms of its effects on communities living or working in an area comprising two or more wards of the Borough.

Although it is not a statutory requirement this Forward Plan also contains details of other major decisions likely to be taken by the Cabinet, or individual Portfolio Holders, during the same period.

Occasionally it is not possible to give 28 days' notice of a specific decision and so include the details in the forward plan. In those circumstances urgent key decisions may still be made under the urgency procedures set out in the Access to Information Procedure Rules within the Council's Constitution.

A decision notice for each key decision made is published within 6 days of it having been made.

Whilst the majority of decisions listed in this Plan will be taken at meetings which are open to the public to attend, there may be some decisions which are considered in private meetings because the reports for the meeting contain confidential or exempt information under Schedule 12A of the Local

Government Act 1972 (see below for relevant paragraphs) and the public interest in withholding the information outweighs the public interest in disclosing it.

If you object to a report being considered in private you can tell us why by emailing [DemocraticServices@newcastle-staffs.gov.uk](mailto:DemocraticServices@newcastle-staffs.gov.uk) or contacting the address below. Any representations received at least 8 working days before the meeting will be published with the agenda together with a statement of the Council's response. Any representations received after this time will be reported verbally to the meeting.

**The Cabinet is made up of the Leader, Deputy Leader and Cabinet Members with the following portfolios:**

|  |                            |
|--|----------------------------|
| Leader of the Council (Corporate & Service Improvement, People & Partnerships) | Councillor Simon Tagg      |
| Deputy Leader & Cabinet Portfolio Holder (Finance & Efficiency)                | Councillor Stephen Sweeney |
| Cabinet Portfolio Holder (Community Safety & Well Being)                       | Councillor Jill Waring     |
| Cabinet Portfolio Holder (Environment & Recycling)                             | Councillor Trevor Johnson  |
| Cabinet Portfolio Holder (Leisure, Culture & Heritage)                         | Councillor Mark Holland    |
| Cabinet Portfolio Holder (Planning & Growth)                                   | Councillor Paul Northcott  |

**Paragraphs under Schedule 12A of the Local Government Act 1972 – Exempt Information**

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals an authority proposes;
  - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime

Copies of the Council's Constitution and agendas and reports relevant to any key decision may be accessed on the Council's website [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk) or may be viewed during normal office hours and copies or extracts obtained on payment of a reasonable fee (unless the publication contains exempt information) at:

**The Chief Executive's Directorate, Castle House, Barracks Road  
Newcastle-under-Lyme, Staffordshire ST5 1BL**

**Telephone 01782 742222 Or Contact: [DemocraticServices@newcastle-staffs.gov.uk](mailto:DemocraticServices@newcastle-staffs.gov.uk)**

| Title of Report                             | Brief Description of Report   | Cabinet Portfolio holder / Officer contact  | Decision maker & earliest date decision may be made | Relevant Overview & Scrutiny Committee | Wards affected | Reason for exemption under Sched 12A (if in private session) |
|---|---|---|---|--|----------------|--|
| Quarter 2 Finance and Performance Report    | To consider agreed measures of performance and budget monitoring position for Q2 of 2019/20 financial year.                           | Cabinet Portfolio Holder - Corporate and Service Improvement, People and Partnerships | Cabinet 6 November 2019                             | Finance, Assets and Performance        | All Wards      | N/A  |
| Unauthorised Traveller Encroachment         | Update on progress with deterrent measures and County-wide protocol   | Cabinet Portfolio Holder - Environment and Recycling                                  | Cabinet 6 November 2019                             | Economy, Environment and Place         | All Wards      | N/A  |
| Electric Taxi Vehicle Intrastructure Scheme | Consideration of joint procurement with Stoke-on-Trent City and Stafford Borough Councils for Office for Low Emission Vehicles grant. | Cabinet Portfolio Holder - Environment and Recycling                                  | Cabinet 4 December 2019                             | Economy, Environment and Place         | All Wards      | N/A  |
| Replacement                                 | To review the options   | Councillor Simon  | Cabinet 4   | Finance, Assets                        | All Wards      | N/A  |

|  |   |   |                         |                                    |           |     |
|--|---|---|-------------------------|------------------------------------|-----------|-----|
| Mobile Telephony Contract  | available to the Council when renewing its mobile telephone contract and procuring replacement devices.   | Tagg  | December 2019           | and Performance                    |           |     |
| Renewal of Microsoft Enterprise Subscription Agreement           | The Council's current ESA with Microsoft will require renewal prior to May 2020. This report will outline the options available to the authority in renewing this agreement for a further period. | Cabinet Portfolio Holder - Finance and Efficiency                                     | Cabinet 4 December 2019 | Finance, Assets and Performance    | All Wards | N/A |
| Procurement of a Supplier for the Council's Out of Hours Service | Procurement of Out of Hours Service   | Cabinet Portfolio Holder - Community Safety and Wellbeing                             | Cabinet 4 December 2019 | Health, Wellbeing and Partnerships | All Wards | N/A |
| Establishment of Governance Boards for the Town Deals            | To review the requirements for the Newcastle and Kidsgrove Town Deals to establish a Board to govern the programme.   | Cabinet Portfolio Holder - Corporate and Service Improvement, People and Partnerships | Cabinet 4 December 2019 | Economy, Environment and Place     | All Wards | N/A |
| Cremator Replacement Project                                     | Authority to repair / replace cremators at Newcastle  | Cabinet Portfolio Holder - Environment and  | Cabinet 15 January 2020 |                                    | Bradwell  | N/A |

|   |   |   |                         |                                 |           |     |
|---|---|---|-------------------------|---------------------------------|-----------|-----|
|   | crematorium   | Recycling   |                         |                                 |           |     |
| Open Space Strategy Addendum  | An addendum to the existing Open Space Strategy is required to ensure that the strategy remains current through the life of the Joint Local Plan.                 | Cabinet Portfolio Holder - Environment and Recycling                                  | Cabinet 15 January 2020 | Economy, Environment and Place  | All Wards | N/A |
| Review of Housing Allocations Policy  | The Report seeks Cabinet approval to amend the Council's Housing Allocations Policy to accord with changes in government legislation and guidance.                | Cabinet Portfolio Holder - Community Safety and Wellbeing                             | Cabinet 15 January 2020 | Economy, Environment and Place  | All Wards | N/A |
| Organisation Change Policy  | To implement a new organisation change policy for the Council.  | Cabinet Portfolio Holder - Corporate and Service Improvement, People and Partnerships | Cabinet 15 January 2020 | Finance, Assets and Performance | All Wards | N/A |
| Newcastle - under-lyme Borough Council Homelessness and Rough Sleeping Strategy | The national rough sleeping strategy requires that all local authorities update their homelessness strategies and rebadge them as homelessness and rough sleeping | Cabinet Portfolio Holder - Community Safety and Wellbeing                             | Cabinet 15 January 2020 | Economy, Environment and Place  | All Wards | N/A |

|   |   |   |                         |                                  |           |     |
|---|---|---|-------------------------|----------------------------------|-----------|-----|
| 2020/2025   | strategies by winter 2019   |   |                         |                                  |           |     |
| Redeployment Policy   | To implement a redeployment policy for the Council.                 | Cabinet Portfolio Holder - Corporate and Service Improvement, People and Partnerships | Cabinet 15 January 2020 | Finance, Assets and Performance  | All Wards | N/A |
| Affordable Funerals   | To consider introducing affordable funerals.                        | Cabinet Portfolio Holder - Environment and Recycling                                  | Cabinet 18 March 2020   | Economy, Environment and Place   | All Wards | N/A |
| Future High Streets Fund (early first draft business case submission) | To review the early first draft business case submission.           | Cabinet Portfolio Holder - Corporate and Service Improvement, People and Partnerships | Cabinet 18 March 2020   | Economy, Environment and Place   | All Wards | N/A |
| Crematorium Grounds Extension   | Proposal to design an extension to the existing Crematorium Grounds | Cabinet Portfolio Holder - Environment and Recycling                                  | Cabinet 22 April 2020   | All Relevant Scrutiny Committees | Bradwell  | N/A |