

Public Document Pack

Date of meeting Wednesday, 13th October, 2021

Time 2.00 pm

Venue Astley Room - Castle

Contact Denise French 742211



**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 - 10)
To consider the Minutes of the meeting held on 8 September 2021.
- 4 WALLEY'S QUARRY UPDATE** (Pages 11 - 16)
This item includes a supplementary report.
- 5 MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2026/27** (Pages 17 - 22)
- 6 APPOINTMENT OF A SUPPLIER TO REFURBISH THE HEALTH AND FITNESS OFFER AT JUBILEE 2** (Pages 23 - 30)
- 7 JUBILEE 2 STRUCTURAL SURVEY**
To consider a verbal update.
- 8 ENERGY EFFICIENCY PROGRAMMES FOR NEWCASTLE-UNDER-LYME** (Pages 31 - 42)
- 9 NORTHGATE REVENUES AND BENEFITS CLOUD MIGRATION** (Pages 43 - 48)
- 10 NORTHGATE ONE FRONT DOOR ADDITIONAL REVENUES AND BENEFITS MODULES** (Pages 49 - 54)
- 11 AIR QUALITY UPDATE** (Pages 55 - 64)
This item includes a supplementary report.
- 12 FORWARD PLAN** (Pages 65 - 68)

13 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

14 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.

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 Simon Tagg (Chair), Stephen Sweeney (Vice-Chair), Gill Heesom, Trevor Johnson, Paul Northcott and Jill 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.

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS AFTERNOON SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

CABINET

Wednesday, 8th September, 2021

Time of Commencement: 2.00 pm

Present:-	Councillor Simon Tagg – Chair
Councillors	Stephen Sweeney, Gill Heesom, Trevor Johnson and Paul Northcott
Officers	David Adams, Martin Hamilton, Simon McEneny, Daniel Dickinson, Denise French and Sarah Wilkes
Apologies	Councillor Jill Waring

146. **APOLOGIES**

An apology for absence was received from Councillor Jill Waring.

147. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

148. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 21 July be approved as a correct record.

149. **REVIEW OF COVID IMPACT**

Cabinet considered a report outlining the overall impact of the Covid 19 pandemic on the council; its services and the borough along with the priority actions being taken to ensure the borough was well placed to recover.

Cabinet had been kept updated throughout the pandemic with regular reports on how the council had responded and the recovery measures in place. There had been multi-agency work in which the Leader and Deputy Leader had been involved. The report outlined the economic impact on the borough and the impact on the community.

The pandemic had impacted council services to varying degrees as outlined in the report. There had been income loss due to closure of services such as J2 and lack of car park income, there had been increased costs due to a requirement to undertake additional activities to support communities; the council had secured over £5m funding from government to cover income losses and additional activities to mitigate the impact.

The council had resolved to grant the Freedom of the Borough to the Royal Stoke Hospital in recognition of the hard work of all hospital staff, that was still ongoing. There would also be work with partners to ensure a fitting memorial to those who had lost their lives to Covid.

Resolved: That:

- (a) The impact of the Covid19 Pandemic on the community of Newcastle under Lyme, and on Council services, be noted.
- (b) The Finance, Assets & Performance Scrutiny Committee be invited to review the impact of the pandemic on Council services

150. **WALLEYS QUARRY - ODOUR ISSUES**

Cabinet considered an update report on the latest position regarding problematic odours in the borough associated with Walley's Quarry.

The Chief Executive explained that an Abatement Notice had been served on 13 August on Walley's Quarry Ltd; the Notice had subsequently been appealed. Complaints had reduced slightly with current figures showing 2329 complaints to the Environment Agency and 833 to the council during August. In relation to Air Quality monitoring the site at Galingale View was consistently producing the highest readings. The council had procured two Jerome hand held monitoring devices to be deployed in selected residents' homes or businesses for extended periods of time.

The Chief Executive explained that the map showing the 'Nuisance designated zone' was part of the Abatement Notice which required that the council define the area within which the nuisance was required to be abated.

Resolved: that Cabinet notes that:

- (a) despite the further works that have taken place at Walleys Quarry landfill site, a significant level of complaints continue to be received from residents of the Borough and air monitoring data continues to show odour levels in exceedance of annoyance levels;
- (b) officers have served an Abatement Notice on Walleys Quarry Ltd in relation to the Statutory Nuisance caused by the site;
- (c) an appeal against the Abatement Notice has been lodged in the Magistrates' Court;
- (d) the ongoing work being taken to address the issues being experienced by residents and businesses.

151. **LOCAL PLAN ISSUES AND STRATEGIC OPTIONS**

Cabinet considered a report seeking approval for a period of not less than 6 weeks to undertake public consultation on the draft Local Plan Issues and Strategic Options Paper.

Following the decision to produce a Local Plan for Newcastle under Lyme work had progressed and the council was now ready to seek views on issues of concern to the plan area and how local and national development needs could be met. This was the first key stage in developing a Local Plan. The draft Issues and Strategic Options Paper was structured around the vision and 12 strategic objectives as set out in the report. This stage was not site specific; a later stage in the Plan process would include a call for sites.

Resolved: That:

- (a) Delegated power be granted to the Executive Director - Commercial Development & Economic Growth, in consultation with the Cabinet Member for Strategic Planning, to finalise the public consultation arrangements and associated documentation for the Issues and Strategic Options Paper.

- (b) A period of not less than six weeks public consultation be approved to conclude no later than Tuesday 14th December 2021 on the draft Issues and Strategic Options Paper and the publication of the accompanying Sustainability Appraisal Scoping Report.
- (c) A report be submitted to a future meeting summarising the findings of the consultation event.

152. DRAFT STATEMENT OF COMMUNITY INVOLVEMENT 2021

Cabinet considered a report setting out a proposed Statement of Community Involvement (SCI) 2021. The purpose of the statement was to set out how and when consultation would be undertaken by the planning department; this included consultation with local people as well as businesses, land owners and developers plus statutory agencies and local interest groups.

The SCI had been reviewed and updated in September 2020 to ensure it complied with current legislation and reflected the circumstances around the Covid pandemic. It had previously reflected the situation whereby a joint Local Plan was being produced with Stoke on Trent City Council. Since the council had decided to produce its own Local Plan the SCI had been amended to reflect that decision. The draft had been consulted on for 6 weeks closing on 31 May 2021.

Resolved: That the Newcastle-under-Lyme Statement of Community Involvement 2021 be approved and adopted.

153. CAR PARKING STRATEGY - 2019-2029 UPDATE

Cabinet considered an update on the council's Car Parking Strategy 2019 – 2029, setting out the plans and ambitions for car parks for the ten year period. The current strategy had been adopted in 2019 but it was considered appropriate to review and refresh it to ensure it supported both the users of car parks and town centre businesses while also ensuring operational costs were met. The council was working with partners including the Business Improvement District and was maximising the use of technology.

It was noted that new ticket machines had been installed to enable users to pay by card; there was also the option to pay by phone. It was proposed that free parking be offered at Midway in the run up to Christmas from 9.00am – 1.00pm and thereafter the charge would be £1; this was suggested to be in place from 1 October 2021 – 5 January 2022.

The council had written to the Secretary of State to request Business Rate Relief for car parks in the borough to promote the back to business following the impact of the pandemic but a response was still awaited.

Resolved: That:

- (a) The update to the Council's Car Parking Strategy 2019-2029 be noted.
- (b) The recommendation for Christmas Car Parking charges be approved and includes the Town Centre Covid Recovery free car parking on the Midway as noted within the report and authority be delegated to the Executive Director – Commercial Development & Economic Growth, in consultation with the Portfolio Holder for Finance, Town Centre's and Growth to implement these charges.

154. JUBILEE2 UPDATE

Cabinet considered a report on Jubilee2. The report outlined the governance arrangements for the project management of the build, the key supporting services and the procurement process which saw Morgan Sindall appointed as the main contractor. The building had been signed off in December 2011.

The report outlined the background to the various defects and issues that had arisen since 2012 and the measures to address these. The report also listed the lessons learned during that process.

Cabinet was informed that an intrusive building survey would take place between 16 – 18 September and the results would be available at the end of the month.

Resolved: That:

- (a) It is noted that since 2012 there have been a number of long standing and/or significant building defects that have had an adverse impact on the reputation of Jubilee2. It is further noted that since 2017 significant progress has been made to resolve some long standing building issues at Jubilee2
- (b) That Officers of the Borough Council alongside Morgan Sindall complete the intrusive Building survey to identify any other unknown building defects that may cause future failures of the fabric of the building or failure of fixed electrical and mechanical plant or equipment prior to their normal life expectancy.
- (c) Officers of the Borough Council alongside Morgan Sindall having completed the above survey establish and agree appropriate corrective actions where building defects are identified.

155. PROCUREMENT OF A CUSTOMER E-PAYMENT SYSTEM

Cabinet considered a report seeking approval to enter into a new partnership contract for a customer e-payment system. The system enabled customers to make payments online, over the phone or face to face. It was maintained by Capita and the council was in partnership with a number of other local councils to minimise costs.

Resolved: That delegated authority be granted to the Head of Finance (S151 Officer), in consultation with the Portfolio Holder, to enter into a new partnership contract for a Customer E-Payment System.

156. FINANCIAL AND PERFORMANCE REVIEW REPORT - FIRST QUARTER (APR-JUN) 2021-22.

Cabinet considered a report outlining the finance and performance review for the first quarter of 2021-22. Performance for the quarter showed a positive picture overall. The environmental health service was facing challenges due to the need to prioritise Covid activities. Separate food waste collections were increasing. The customer contact centre performance had improved from the previous quarter and the service had been busy with queries relating to various services including elections and grants. The average number of days per employee lost to sickness continued to be low despite Covid. Staff turnover rates were also low. There was increasing footfall in town centres and in Newcastle it was hoped that the specialist markets and the activities organised by the BID would see a continuing improvement.

Resolved: That the contents of the report and Appendices A and B be noted and Cabinet will continue to monitor and challenge the Council's performance alongside its financial performance for the same period.

157. **FORWARD PLAN**

Consideration was given to the Forward Plan listing upcoming key decisions to be made by Cabinet.

Resolved: That the Forward Plan be received.

158. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR SIMON TAGG
Chair

Meeting concluded at 3.50 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

13 October 2021

Report Title: Walleys Quarry – Odour Issues

Submitted by: Chief Executive

Portfolios: Environment & Recycling; One Council, People & Partnerships

Ward(s) affected: All

Purpose of the Report

To advise Cabinet on the latest position regarding the problematic odours in the Borough associated with Walleys Quarry.

RECOMMENDATIONS

Cabinet is recommended to note the contents of this update report.

Reasons

To ensure Cabinet are kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry.

1. Background

- 1.1 Previous reports have detailed how for a number of years, parts of the borough have suffered from problematic foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd, part of the RED Industries group of companies.
- 1.2 The Environment Agency is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.

2. Statutory Nuisance

- 2.1 Following extensive work, officers determined that the odours from the Walleys Quarry site amount to a Statutory Nuisance and, on 13th August 2021, serviced an Abatement Notice on Walleys Quarry Ltd.
- 2.2 As previously reported, the Abatement Notice gives Walleys Quarry Ltd a period of 5 months to abate the nuisance, with this timeframe being informed by discussion on the nature and extent of potential works required at the site with colleagues from the Environment Agency and with our own landfill expert.

2.2 On 2 September 2021, Walleys Quarry Ltd lodged an appeal against the Abatement Notice with the Magistrates Court. This has the effect of “stopping the clock” on the 5 month timeframe to abate the nuisance. The timeframe for abating the nuisance will now be set by the Court, assuming that the appeal is not upheld.

2.3 The next stage in the process will be for the court to arrange a case management conference to evaluate how long is likely to be required to hear the case, set a date for the hearing and then make an order dealing with things like disclosing and filing documents and witness statements, which must happen before any hearing can take place. The court offered a date of 28th September 2021 for a case management hearing to get the process underway, but unfortunately the legal team for Walleys Quarry Ltd were not available. The Court is now seeking a new date for a case management hearing.

3. Complaint Data

3.1 In the first 9 months of 2021, the Council has received a total of 20,756 complaints:

	Jan	Feb	March	April	May	June	July	Aug	Sep	Year to date
Council	921	3263	4799	3316	3466	1880	1648	833	630	20,756
EA	2050	4098	6347	6181	8482	4444	4245	2329	2328	40,504

3.2 Whilst complaint levels appear to have decreased, they continue at a level which indicates that the issue with odours escaping the site have not abated and continue to have a negative impact on residents. This incident remains, by some margin, the largest source of complaints received on any matter by the Council.

4. Air Quality Monitoring Stations

4.1 The Council, Staffordshire County Council, and the Environment Agency are jointly funding a campaign of air quality monitoring which has been extended to run until March 2022 utilising four static air monitoring stations. Data from these stations is reviewed to provide information in relation to two standards relating to Hydrogen Sulphide (H₂S) – the WHO Health threshold and the WHO annoyance threshold, with this analysis published by stakeholders.

4.2 Hydrogen sulphide concentrations were above the World Health Organization’s odour annoyance guideline level (7 µg/m³, 30-minute average) over the last 18 weeks for the following percentages of each week:

Location	19/4	26/4	3/5	10/5	17/5	24/5	31/5	7/6	14/6	21/6	28/6	5/7	12/7
	– 25/4	–2/5	– 9/5	– 16/5	5– 23/5	5– 30/5	5– 6/6	– 13/6	6– 20/6	– 27/6	– 4/7	– 11/7	– 18/7
	%	%	%	%	%	%	%	%	%	%	%	%	%
MMF1 - Silverdale Cemetery	18	4	6	15	1	7	30	1	11	2	1	5	0.4
MMF2 - Silverdale Road	8	10	21	20	9	15	1	10	7	1	8	18	2.4

MMF6 - NuL Fire Station	4	13	6	1	10	16	6	10	9	4	8	3	2.1
MMF9 - Galingale View	21	35	48	10	53	47	18	19	13	12	10	17	23

Location	19/7 - 26/7	27/7 -1/8	2/8- 8/8	9/8- 15/8	16/8 - 22/8	23/8 - 29/8	30/8 - 5/9	6/9 - 12/9	13/9 - 19/9	20/9 - 26/9	27/9 - 3/10
	%	%	%	%	%	%	%	%	%	%	%
MMF1 - Silverdale Cemetery	3.6	1.8	1	0.3	1	0	0	0	0	3	0
MMF2 - Silverdale Road	0	1.5	4	7	1	0	0	1	0.6	2	0
MMF6 - NuL Fire Station	3.6	11	5	3	4	1.5	0.3	13	7.3	6	0
MMF9 - Galingale View	16	26	10	6	6	17	2.1	18	11.7	11	0.3

- 4.3 From this data it appears that the frequency of incidences when the WHO annoyance threshold is exceeded appears to be reducing, albeit less so at the Galingale View monitoring site than at the others. This will not necessarily equate with the lived experience of residents who may well continue to smell the gas at levels below the WHO annoyance threshold.
- 4.4 The Environment Agency continue to work with the operator to improve the infrastructure on site with a view to reducing gas emissions and as a consequence, odours off site. The application of Posishell has now been largely completed and as a consequence approximately 70% of the surface area has been either temporarily or permanently capped. This should reduce fugitive emissions.
- 4.5 Additionally, work is ongoing to increase the number of gas wells on the site, in order to collect for destruction more of the gas generated within the site.

5. Jerome (Hydrogen Sulphide (H₂S) monitoring equipment)

- 5.1 In order to ensure that the Council and its partners have current information about the incidence of H₂S related odours inside their properties, the Council has procured two Jerome hand held monitoring devices. These are deployed in selected residents' homes or local businesses for extended periods of time as well as assisting Officers complaint investigations. The data will allow the Council and its partners to assess to any ongoing incidences of high gas levels, or, in the absence of such spikes, provide assurance to the community.

5.2 The Council is working to expand the base of properties where the Jerome monitors can be hosted, in order to build up an ever clearer picture of gas levels inside resident's properties.

6. **Proposal**

Cabinet is recommended to note the contents of this update report.

8. **Reasons for Proposed Solution**

8.1 To ensure Cabinet are kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry.

9. **Options Considered**

9.1 To provide regular updates to Cabinet

10. **Legal and Statutory Implications**

10.1 Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:-

- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
- The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health of a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether or not a statutory nuisance exists.
- Where a statutory nuisance is identified or considered likely to arise or recur, section 80 of the Act requires that an abatement notice is served on those responsible for the nuisance. The abatement notice can either prohibit or restrict the nuisance and may require works to be undertaken by a specified date(s).
- There is a right of appeal against any abatement notice issued on a number of grounds, one of which is that the site operator is using "best available techniques" to prevent the odours complained of. Compliance with the Environmental Permit issues by the Environment Agency, and any actions required by the Environment Agency will often be sufficient to demonstrate that an operator is using "best available techniques" and that can result in an abatement notice being quashed on appeal.
- The appeal process represents a significant resource commitment for the council in both time and expense, so it is important for the Council to be content that it stands a reasonable prospect of defending an appeal against any abatement notice that it issues.
- If the council succeeds in securing an abatement notice following any appeal process, it is then a criminal offence to breach the terms of the abatement notice. Because the site is regulated by the Environment Agency under an Environmental

Permit, the council would need to obtain the consent of the Secretary of State before it is able to prosecute any offence of breaching an abatement notice.

11. Equality Impact Assessment

11.1 The work of the Council in this regard recognises that the problematic odours in the area may impact on some groups more than others. The work is focussed on removing this impact.

12. Financial and Resource Implications

12.1 There are none directly arising from this report.

13. Major Risks

13.1 There are no risks beyond those explored in previous reports.

14. Unsustainable Development Goals (UNSDG)



15. Key Decision Information

15.1 As an update report, this is not a Key Decision.

16. Earlier Cabinet/Committee Resolutions

16.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21 April 2021, 9th June 2021, 7th July 2021, 21st July 2021 and 8th September 2021.

17. List of Appendices

1. None

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
13 October 2021

Report Title: Medium Term Financial Strategy 2022/23 to 2026/27

Submitted by: Head of Finance (Section 151 Officer)

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To present an update regarding the financial pressures facing the Council for the period 2022/23 to 2026/27.

Recommendation

- 1. The funding pressures of £1.596m in 2022/23 and £4.793m over the 5 year period covered by the Medium Term Financial Strategy (MTFS) be noted.**
- 2. Agree the approach regarding the development of savings and income generation proposals in the medium term.**
- 3. Note the continued uncertainty regarding the medium term impact of local government funding and COVID-19.**

Reasons

To ensure that the Council meets its statutory duty to set a balanced budget in February 2022.

1. Background

- 1.1 Full Council agreed a Medium Term Financial Strategy (MTFS) for the period 2021/22 to 2025/26 in February 2021 as part of the budget setting process. This report updates the assumptions regarding financial pressures facing the Council from that time and sets out the strategy for development of the 2022/23 budget and MTFS for 2022/23 to 2026/27.**

2. Issues

- 2.1 The MTFS provides an overarching framework for the allocation of resources to the Council's key priorities as set out in the Council Plan. A mid-term review of the Council Plan was undertaken during 2020/21 and confirmed that the priorities remain unchanged.**
- 2.2 After a ten year period of austerity the financial strategy will focus on the need for the Council to become self-sustaining through developing a strong and growing tax base, making best use of its resources, promoting an "everyone's responsibility" culture in which there is widespread ownership of the Council's financial position, a robust financial position and a fair funding settlement for Newcastle-under-Lyme.**

- 2.3 It is currently unclear when the Government will press ahead with plans for a business rates reset which would see the accumulated growth built up since 2013/14 being redistributed across the system. As a member of the Staffordshire Business Rates Pool the Council currently saves £0.590m per annum in levy payments which would be payable to the Treasury if the Council ceased to be part of a pooling arrangement. In addition to this, growth within the Borough has enabled a further £1.780m of business rates income to be retained by the Council (this has been recognised in previous savings) over and above the funding baseline set by Central Government. In the event that a business rates reset goes ahead strong lobbying will be required to ensure that appropriate transitional arrangements are in place to cushion the impact locally.
- 2.4 Depending on the funding system in place for the medium term, there will be a requirement for relevant up to date information to ensure its effectiveness. The Census will be key. Locally there was a 94% response in 2011 – whilst this matched the national average it was the lowest rate in Staffordshire; it is therefore important for the Council to promote the importance of the Census and ensure the maximum possible engagement across the Borough.
- 2.5 The Council has been successful in securing resources required to regenerate the Borough via Town Deals and Future High Street Fund funding. It is important that the Council continues to work closely with Staffordshire County Council and LEP to secure inward investment in the Borough to drive growth and employment opportunities for local people.
- 2.6 The COVID-19 pandemic has precipitated a worldwide recession which is the most severe in generations. This, together with demographic trends, may continue to have a significant impact on employment and demand for Council services over the next five years.
- 2.7 The current MTFs approved by Council as part of the budget setting process in February 2021 forecast a budget gap of £5.124m over the period 2021/22 to 2024/25 (including £1.501m for 2022/23). The MTFs is being rolled forward by a year and assumptions are constantly revisited. The current forecast around financial pressures facing the Council is for a gap in 2022/23 of £1.596m and over the 5 year period of the MTFs, £4.793m. Further details are shown in Appendix A.
- 2.8 The revised budget gap for 2022/23 includes provision for an increase in employers National Insurance contributions payable by the Council of 1.25% from April 2022, the planned increase amounts to a pressure of £0.153m and is to be used by Central Government to boost Health and Social Care funding levels.
- 2.9 The revised budget gap provides for a 2.5% pay award in relation to 2022/23. It also provides for a 1.75% pay award in relation to 2021/22 as per the latest employers offer, this was not budgeted for in 2021/22 in line with previous Central Government announcements regarding a public sector pay freeze (an allowance was made for employees earning below £24,000), this amounts to a further pressure of £0.172m.
- 2.10 A number of new pressures facing the Council in 2022/23 amounting to £0.350m have also been provided for, these include ICT maintenance and software licences (£0.110m), subsidy of the operation of Kidsgrove Sports Centre (£0.150m), card processing charges (£0.020m), occupational health contract (£0.021m) and other inflationary costs and pressures regarding service provision (£0.049m).
- 2.11 Work on the detail of the 2022/23 budget including investment and savings proposals is at an advanced stage and is being overseen by an Efficiency Board chaired by the Leader of the Council. Draft budget proposals will be presented to Finance, Assets and Performance Scrutiny Committee (FAPSC) in December.

- 2.12 Based on this work, key themes for further exploration are anticipated to include digital transformation, the One Council programme, commercial opportunities and asset management.
- 2.13 A full risk assessment is being carried out on the Council's reserves. A preliminary assessment suggests that a minimum General Fund reserve of £2.1m will be required to provide sufficient cover for potential risks.
- 2.14 The Council agreed a 10 year capital strategy in February 2021. The capital strategy sets out how the Council will invest capital resources to support service delivery and facilitate the achievement of key objectives. The strategy has been reviewed and updated including expected capital receipts from asset disposals.
- 2.15 The capital financing requirement is set to increase to £21.741m by 2030/31 and the revenue implications have been reflected in the revised MTFS. It is anticipated that the current revenue budget of £0.306m will be sufficient to provide for borrowing costs that may be incurred during 2022/23, this reflects adjusted timelines for a number of capital projects which in turn has resulted in borrowing pressures that were previously anticipated to be incurred in 2022/23 being moved on to 2023/24 (£0.427m).
- 2.16 The table below sets out the key dates of the events to take place before the budget for 2022/23 is finally approved:

Event	Committee	Date
Draft MTFS & draft savings proposals	Cabinet	1 December 2021
Budget consultation	Proposed to run during December	
Scrutiny of draft MTFS & draft savings proposals	FAPSC	13 December 2021
Approval of final MTFS & consideration of draft budget proposals	Cabinet	12 January 2022
Scrutiny of draft budget proposals	FAPSC	January - TBC
Final budget proposals recommended for approval by Full Council	Cabinet	2 February 2022
Full Council to approve budget	Full Council	23 February 2022

3. **Proposal**

- 3.1 That Cabinet note the funding gap of £1.596m in 2022/23 and £4.793m over the life of the MTFS.
- 3.2 That Cabinet agree the approach regarding the development of savings and income generation proposals in the medium term.
- 3.3 That Cabinet note the continued uncertainty regarding the medium term impact of local government funding and COVID-19.

4. **Reasons for Proposed Solution**

- 4.1 The Council has a statutory duty to set a balanced budget by February 2022. Best practice is for financial planning to take place over a 5 year period in the form of a Medium Term Financial Strategy that sets out how the Council plans to allocate resources to meet its objectives.

5. **Options Considered**

5.1 None.

6. **Legal and Statutory Implications**

6.1 The MTFS is not a statutory document but it is considered best practice.

7. **Equality Impact Assessment**

7.1 Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably due to protected characteristics. It is important to consider the potential impact on such groups and individuals when designing or delivering services and budgets. Budget proposals requiring changes or new services and policies will be subject to Equality Impact Assessments including consultation with affected people and organisations.

8. **Financial and Resource Implications**

8.1 These are addressed in the body of the report.

9. **Major Risks**

9.1 Section 25 of the Local Government Acts 2003 places a duty on the Section 151 officer to report on the robustness of the budget. The main risks to the budget include spending in excess of budget; income falling short of the budget (including capital receipts from disposal of assets); and unforeseen elements such as changes to Government funding. In the context of the COVID-19 pandemic and uncertainty regarding Government funding reforms there are significant budget risks that will need to be managed. It will be essential the Council has sufficient reserves to call on if required.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 In shaping detailed budget proposals consideration will be given to the need for investment in order to deliver the Council's Sustainable Environment Action Plan.

11. **Key Decision Information**

11.1 Final approval of the MTFS as part of the budget setting process will be a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Appendix A – MTFS 'Gaps'

14. **Background Papers**

14.1 None

Appendix A – 2022/23 to 2026/27 MTFS ‘Gaps’

Detail	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	Description
Employees:						
Increments	73	40	20	3	-	Employees due an increment
Pay awards	485	318	326	334	342	2.5% pay award assumed for all years plus 1.75% re. 2021/22
Superannuation increases	94	61	59	58	58	17.1% of increase in salaries
Superannuation lump sum increases	76	76	76	76	76	Contribution towards pension deficit
National Insurance	83	54	52	51	51	15.05% of increase in salaries
Health and Social Care Levy	153	-	-	-	-	1.25% increase in National Insurance contributions
Premises:						
Business Rates	14	15	15	16	16	Inflationary increase in business rates payable (per CPI)
Utilities	9	9	10	10	11	Inflationary increase in gas and electric (per CPI)
Transport:						
Fuel	8	8	8	9	9	Inflationary increase in fuel (per CPI)
Financing:						
Borrowing/leasing costs	-	453	600	18	18	Borrowing costs regarding the financing of capital expenditure
Elections reserve	-50	-	-	-	-	One off contribution made in 2021/22
Flexible use of capital receipts	200	-	-	-	-	Removal of the flexible use of capital receipts to fund revenue
New Pressures:						
ICT software and maintenance	110	20	20	20	20	ICT costs re. systems maintenance and software licences
Card processing charges	20	-	-	-	-	To reflect the increase in card payments received
Kidsgrove Sports Centre	150	-	-	-	-	Subsidy regarding the operation of Kidsgrove Sports Centre
Occupational health	21	-	-	-	-	Increase in contract costs
Waste Services	24	-	-	-	-	Including contract standardisation and inflationary increases
Licensing	15	-	-	-	-	Additional staffing resources
Audit fees	10	-	-	-	-	Potential increase in external audit fees
Income:						
Fees and charges	-158	-187	-192	-198	-204	3% increase in fees and charges
New Homes Bonus	158	192	5	-	-	Drop out of New Homes Bonus legacy payments
Government grant	12	12	12	12	12	Reduction in Housing Benefit /Council Tax Admin grant
Business Rates baseline funding level	-67	-69	-70	-71	-73	Inflationary increase in baseline funding level (per CPI)
Tax base – Council Tax support	-30	-30	-	-	-	Reduction in Council Tax support claimants
Income pressures	186	170	170	170	100	Green waste recycling credits and general income shortfalls
Collection Fund deficit re. 2020/21	1,056	1,056	-	-	-	Collection fund losses incurred re. COVID-19
Transfer from Business Rates reserve	-1,056	-1,056	-	-	-	Government funding set aside re. collection fund losses
TOTAL GAPS	1,596	1,142	1,111	508	436	

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
13 October 2021

Report Title: Appointment of a supplier to refurbish the health and fitness offer at Jubilee2.

Submitted by: Executive Director - Commercial Development & Economic Growth

Portfolios: Leisure, Culture and Heritage

Ward(s) affected: All

Purpose of the Report

To recommend the procurement approach for the design, refurbishment, and the supply of equipment for the improvement of the health and fitness offer at Jubilee2

Recommendation

That Cabinet:

1. Authorise the Executive Director - Commercial Development and Economic Growth, in consultation with the Portfolio Holder, Leisure Culture and Heritage, to take such actions and to enter such agreements as are reasonably necessary to complete the refurbishment of the gym etc. within the available budget of £360,000.

Reasons

- 1) The UK Leisure Framework agreement has been reviewed and is considered the most suitable framework to deliver the refurbishment of the Gym etc at Jubilee2. Whilst there are other framework agreements available to the Council, none offer the specialist industry knowledge, which combine both the design and refurbishment of the fitness facilities and the supply of equipment that the Council can benefit from. These alternative framework agreements have therefore been rejected.
- 2) The UK Leisure Framework is a fully compliant OJEU /FaTS (Find a Tender Service) framework which allows for the direct appointment of Alliance Leisure Services (ALS) as a development partner for the full project delivery including scoping the scheme, design services, refurbishment of the physical space, the provision of and selection of equipment.
- 3) Given the number of services and providers that would have to be appointed to deliver this project the UK Leisure Framework aim's to avoid the traditional more time consuming/costly procurement process for public organisations and provides a one stop shop for project delivery.
- 4) The existing equipment is now ten years old and has is reaching the end of its useful life. As a result the equipment breaks down more frequently and for a sustained period of time. Recently this has led to negative feedback from customers who have also identified that other operators offer a more diverse range of fitness equipment. It is therefore vital to

replace the fitness equipment at the earliest opportunity to attract and retain more customers, thus supporting the commercial operation of the Jubilee2.

1. **Background**

- 1.1 At Cabinet on the 7th June 2021 the refurbishment of the health and fitness offer at Jubilee2 was considered.
- 1.2 The decision taken by Cabinet was, that a further report be submitted to Cabinet once Alliance Leisure have given further consideration to the detailed requirements for an improved health and fitness at Jubilee2.

2. **Issues**

- 2.1 The existing fitness layout comprises of 100 pieces of equipment which is divided into 60% cardiovascular and 40% resistance equipment. The proposed layout will see the fitness offer split into four key areas, resistance, cardiovascular, functional training (including free weights and stretch) and toning. This will support a more diverse fitness offer including personal training, activities small group exercise classes and an enhanced health referral programme. These have not been offered previously and will support the continued commercial viability of Jubilee2. In addition to replacing the fitness equipment and spin bikes it is now an ideal time to improve the gym set up through:
 - Improving the ambience by redecorating, zoning of the equipment and potentially the relocation of the gym desk to allow for better supervision of the gym floor;
 - Minor electrical works to accommodate the new fitness equipment layout;
 - Installation of toning equipment in the former aqua sauna space;
 - Subject to budgetary constraints to enhance the flooring in the studios to accommodate a wider range of activities;
 - Installation of a digital solution in the three studios that monitors the customer's effort, heart rate/calories burned, and will provide an innovative solution to engage with customers and to support customer retention.
- 2.2 Given the high profile of the health and fitness refurbishment at Jubilee2, it is felt that the project should be delivered as a turn-key project under one contract. To deliver this type of project this would require the engagement of a range of specialist services, the appointment of a construction company and access to a range fitness equipment/wearable technology providers. IT would be very time consuming/costly for Officers to pull together the all of the documentation required to run the required number of compliant tender processes. This not considered to be an option due to, the existing equipment is reaching the end of its useful life, breaking down regularly and leading to negative customer feedback. This likely to affect the commercial operation of Jubilee2 and therefore the equipment needs to be replaced at the earliest opportunity.
- 2.3 Taking the above point on board, Officers (in conjunction with the Council's Business Improvement Manager) have taken the opportunity to explore a number of framework agreements to undertake a turn-key refurbishment of the health and fitness offer at Jubilee2. It has been identified that apart for the UK Leisure Framework, no other frameworks offer the special leisure industry knowledge, combined with the appointment of a design team, the engagement of a main contractor, and access to a range of premium fitness equipment providers. Officers have therefore concluded that, The UK Leisure

Framework agreement is considered the most suitable framework available to deliver the refurbishment of the health and fitness offer at Jubilee2.

- 2.4 The UK Leisure Framework agreement is a fully compliant OJEU framework which allows for the direct appointment of ALS, as a development partner for scoping, design, refurbishment and supply of equipment for leisure projects etc., and is available for use by public organisations such as the Council.
- 2.5 The UK Leisure Framework agreement was procured in accordance with EU procurement regulations by Denbighshire County Council (DCC) and runs from 2017 to 2022. This framework is owned by DCC but has appointed a management board comprising of DCC officers and ALS personnel.
- 2.6 Under the guidance of the UK Leisure Framework agreement the management board, ALS have partnered with specialist leisure, design consultants, contractors, and leading fitness equipment suppliers, which will bring a multi skilled team to this project. Working with these companies (who meet the requirements of the UK Leisure Framework agreement), aim to reduce costs and ensure competitive rates with their supply chain partners.
- 2.7 As requested by Cabinet on the 7th July 2021, at their risk ALS have given further consideration to the feasibility and cost of the refurbishment of the gym etc. at Jubilee2. In addition to ALS as a development partner, the following specialist subcontractors will be available to the Council under the UK Leisure Framework agreement to support the delivery of this project:

Project element/provider	Description
*Project Manager/Quantity Surveyor (potentially will be Savernake Property Consultants Ltd)	The Project Manager will support the Council throughout the project. They will provide the technical management of the project during preconstruction and construction phases. The Quantity Surveyor will keep a close eye on the project finances, the quality of workmanship, and agree any certificates for payment.
*Architect (Likely to be Bignall Shacklady & Ewing Ltd)	The Architect will create designs etc for the refurbishment elements of the gym. They will use their specialist knowledge to design the gym that is functional, safe, and aesthetically pleasing.
*Principle Designer (potentially will be Bignall Shacklady & Ewing Ltd))	The Principle Designer plans, manage, monitor and coordinate health and safety arrangements for the project.
*Principle Contractor (potentially will be Universal Piling and Construction)	The principal contractor will oversee the various elements of the gym refurbishment. They will plan, manage, monitor and coordinate the entire construction phase including the appointments of structural and M&E consultants where appropriate to do so.
**Fitness equipment provider (potentially will be Technogym, Precor or life Fitness	Provides advice on the design and layout of the gym floor and the supply of the

<p>with Origin fitness or Staffs Fitness also being considered for the supply of the functional fitness equipment.</p>	<p>equipment. The equipment mix will include a range of cardio vascular equipment, resistance equipment, plate loaded equipment, a functional training area and spin bikes. This range of equipment will enhance the overall customer journey at Jubilee2.</p>
<p>**Toning equipment potentially will be Shapemaster</p>	<p>Will provide a number of pieces of equipment in the former aqua sauna space following its refurbishment. This new offer will provide an accessible and enjoyable exercise opportunity specifically aimed at:</p> <ul style="list-style-type: none"> • The over 55's • Those individuals living with disabilities, poor mobility or long term health conditions such as long Covid. • Will enhance the opportunity to work with health partners through referral programmes.
<p>**Wearable technology in the studios potentially will be Myzone or Technogym</p>	<p>Will provide a new dimension to group exercise classes in the studios and or the functional training on the gym floor. The system allows customers to monitor their exercise habits in real time during classes as well as allowing them to develop a sense of community through participation in challenges. Both systems offer the Jubilee2 greater retail opportunities through the sale of heart rate monitors. However it should be noted if Myzone is the selected provider, they use a proprietary system and only their brand of belts can be used with their system. Therefore the Council will have to procure these belts from the supplier in the future.</p>

*Under the UK Leisure Framework agreement these project delivery partners (sub-contractors) have been identified as the most appropriate suppliers for the refurbishment of the gym etc. for a combination of the following reasons a) the size of project, b) their locality to the project, c) their ability to meet the preferred time frame, d) their schedule of rates demonstrating value of money and deliverability of the project within the available budget. However, the appointment of these providers will still be subject to the Council's approval during the pre-construction phase of the project.

** As part of the ALS feasibility study these fitness equipment providers have submitted their equipment costs as part of a soft market testing exercise to gain an understanding of the deliverability of the project within the allowable budget. However, the appointment of any of these providers will still be subject to validation of these costs during the next stage of the project.

- 2.8 Subject to the approval to use the UK Leisure Framework agreement, the Council will be asked to enter into an access agreement. This will allow ALS to act on the Councils behalf to provide preconstruction services. This will include the development of the design, the production off an outline structural survey, the production of an MEP survey, specialist fit out/ design integration, evaluation of risks to the project, preparation of a project plan and the production of a detailed fixed cost plan.
- 2.9 Subject to project cost certainty, the Council will then enter into a development agreement with ALS. This will become the overarching document between the Council and ALS for the delivery of the project, detailing the final project refurbishment and equipment costs.

3. **Proposal**

- 3.1 That Cabinet, authorise the Executive Director - Commercial Development and Economic Growth, in consultation with the Portfolio Holder, Leisure Culture and Heritage, to take such actions and enter such agreements as are reasonably necessary to complete the refurbishment of the gym etc. within the available budget of £360,000.

4. **Reasons for Proposed Solution**

- 4.1 The UK Leisure Framework agreement has been reviewed and is considered the most suitable framework to deliver the refurbishment of the Gym etc at Jubilee2. Whilst there are other framework agreements available to the Council, none offer the specialist industry knowledge, which combine both the design and refurbishment of the fitness facilities and the supply of equipment that the Council can benefit from. These alternative framework agreements have therefore been rejected.
- 4.2 The UK Leisure Framework is a fully compliant OJEU/FaTS (Find a Tender Service) framework which allows for the direct appointment of ALS as a development partner for the scoping, design, refurbishment, provision of equipment and the development of projects.
- 4.3 Given the number of services and providers that would have to be appointed to deliver this project the UK Leisure Framework aim's to avoid the traditional more time consuming/costly procurement process for public organisations.
- 4.4 The existing equipment is now ten years old and has is reaching the end of its useful life. As a result the equipment breaks down more frequently and for a sustained period of time. Recently this has led to negative feedback from customers who have also identified that other operators offer a more diverse range of fitness equipment. It is therefore vital to replace the fitness equipment at the earliest opportunity to attract and retain more customers, thus supporting the commercial operation of the Jubilee2.

5. **Options Considered**

- 5.1 Whilst there are a number of other frameworks available to the Council to use, none offer the specialist industry knowledge, which combine both the appointment of a design team, the engagement of a main contractor to refurbish the fitness areas at Jubilee2, and give access to a range of premium fitness equipment brands; as such these were therefore rejected.

6. Legal and Statutory Implications

6.1 Procurement officers are content that the direct award of the contract in the region of £360,000 to ALS through the U.K Leisure Framework is a compliant procurement option in line with the Public contract Regulations 2015 (PCR2015) and the Council's constitution. There will be need to ensure appropriate and timely legal input into the completion of any contract/agreements.

7. Equality Impact Assessment

7.1 The replacement of the fitness equipment will appeal to a broader range of the Borough's residents. In addition the new fitness layout will enable the delivery of smaller group exercise classes and personal training to ensure that Jubilee2 continues to attract a wider range of users including those with protected characteristics.

8. Financial and Resource Implications

The revised feasibility study provided by ALS has indicated that the project can be delivered within the £360,000 allocated in the 2021 / 2022 capital programme. The costs for each element of the project are shown below:

Element of Work	Indicative Capital Cost
Fitness Equipment, functional training equipment, spin bikes and toning equipment	£297,953
Construction Costs inclusive all professional fees	£50,000
Digital solution in the studios to support customer retention.	£6,720
Project development costs	£7,093
Project Manager/Quantity surveyor	£7,500
Framework Fees, payable to Denbighshire County Council.	£3,556
Project contingency	£5,000
Total Cost	£377,822
Existing equipment buy back fee	-£22,000
Total project cost (subject to cost certainty)	£355,822

8.2 Officers have benchmarked the fitness equipment costs against their fitness Equipment providers as well as another framework agreement. By doing this it has been identified that the UK leisure Framework agreement demonstrates value for money through:-

- a) a cheaper cost to buy the equipment
- b) reduced costs to service and maintain the equipment over a five year period.

8.3 Given that the initial timeframe to deliver the project is likely to take two to three weeks it is proposed to reduce membership fees in March 2022 by up to fifty percent to reflect the reduction in services available to members which is estimated to be to £20,000-£30,000 loss of income over this period of time.

9. **Major Risks**

9.1 It is proposed that all risks identified will be proactively managed through a small working group of officers from Sport and Active Lifestyles, ICT, and Facilities Management.

9.2 The same officer group will work collaboratively to ensure that the project is delivered on time and within budget.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 The improvements to the health and fitness offer at Jubilee2 contribute to the UNSG and Climate Change objectives in a number of ways. Principally, through partnership working, improving health and wellbeing and supporting, infrastructure and skills, the following UNSGs are supported.



11. **Key Decision Information**

11.1 This is a key decision and appears on the Council's forward plan.

12. **Earlier Cabinet/Committee Resolutions**

12.1 7th July 2021

13. **Confidential List of Appendices**

13.1 None.

14. **Background Papers**

- 14.1 ALS Feasibility Study.
- 14.2 Frame work agreement review.
- 14.3 Bench marking of fitness equipment costs.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
13 October 2021

Report Title: Energy Efficiency Programmes for Newcastle-under-Lyme
Submitted by: Executive Director - Commercial Development & Economic Growth
Portfolios: Community Safety and wellbeing
Ward(s) affected: All

Purpose of the Report

To update on the residential energy efficiency programmes being promoted in the borough and request permission for improvements to those activities.

Recommendation

That

1. The energy efficiency activities and funding are noted.
2. The statement of intent for the Energy Company Obligation is approved.
3. Agreement is given to fund Beat the Cold.

Reasons

Cold homes affect our health and lives in a multitude of ways. The Council is committed to supporting vulnerable household's access help; and works with a range of partners across Staffordshire to deliver energy efficiency schemes. The recommendations in the report seek to continue and enhance the Council's support to residents in maintaining a warm healthy home.

1. Background

- 1.1 The Council is committed to helping residents who are fuel poor, these being residents on low incomes living in homes that cannot be kept warm at a reasonable cost. The Council has worked in partnership with specialist organisations and neighbouring local authorities to ensure we are best placed to attract energy efficiency funding as and when it becomes available, thus ensuring help is available to residents that need it. The successful Staffordshire Warmer Homes partnership continues to secure energy efficiency funding to help approx. 12,000 vulnerable residents across Staffordshire.
- 1.2 The alleviation of fuel poverty is a central government aim. In February 2021, the Government published its Fuel Poverty Strategy; Sustainable Warmth Protecting Vulnerable Households in England. The national strategy sets out a number of objectives to help and support those who are experiencing fuel poverty:
 - Improving energy efficiency standards in fuel poor homes through schemes such as the Green Homes Grant - Local Authority Delivery Scheme (LADS), Energy Company Obligation (ECO) and Green Finance.

- Tackling the financial burden of energy bills for those on low incomes by providing financial support to specific households with particularly high energy bills or who are particularly vulnerable to the cold.
- Ensuring a fair and functioning energy market and encouraging households to switch suppliers to find the best deal and to choose the right supplier and tariff.

1.3 For a number of years, the Council has been involved in promoting, facilitating and funding energy efficiency measures in properties within the Borough. These programs achieve a number of objectives including improving housing conditions, alleviating fuel poverty, reducing associated ill health and excess seasonal deaths and reducing carbon emissions.

1.4 There are three key strands to our fuel poverty approach.

1. Energy Company Obligation
2. Staffordshire Warmer Homes
3. Beat the Cold

2. Issues

2.1 Energy Company Obligation

The Government's main approach for delivering energy efficiency measures has been through the Energy Company Obligation (ECO) scheme; where medium to large energy suppliers are obligated to fund energy measures for eligible householders. Eligibility is determined by OFGEM, who have specified that households on certain benefits and relevant income thresholds can apply. There is scope for local authorities to extend eligibility for households it considers to be living in, or at risk of fuel poverty and those households vulnerable to the effect of cold homes, by way of adopting a Statement of Intent.

The Council is actively engaged with ECO adopting and publishing a Statement of Intent which identifies who is eligible for help. The Council's current Statement of Intent was published in March 2020.

There has been a renewed focus by Central Government on energy efficiency programmes. This has been cited as a pathway to economic recovery post Covid19. In this regard, the Government has also made money available for energy efficiency measures via the Local Authority Delivery Scheme (LADS). The eligibility criteria for LADS is different to ECO, particularly the income thresholds. This has created a disconnect between the published government eligibility and the current published Statement of Intent.

Furthermore, we are part of Staffordshire Warmer Homes, a collaborative scheme managed by Staffordshire County Council with participation from all Staffordshire local authorities and Beat the Cold, a local charity. Currently, each local authority has a Statement of Intent that has a slightly different eligibility criteria. It is proposed that the eligibility criteria across the Staffordshire local authorities are made consistent.

The proposal is to update the Statement of Intent, to realign these differences, and to have a single and a consistent criterion that can be used across the Staffordshire area. An updated Statement of Intent is attached at Appendix A for approval.

2.2 Staffordshire Warmer Homes

We are a member of Staffordshire Warmer Homes a collaborative scheme managed by Staffordshire County Council with participation from all Staffordshire local authorities. At the inception of this scheme, in May 2019, funding of £ 3.7 million was secured for energy efficiency measures. Provided jointly by Affordable Warmth Solutions, through the award of Warm Homes Fund and EON. It has and continues to deliver fully funded gas connection central heating installations, insulation measures and air source heat pumps to both private and social sector residents as well as income maximisation and energy saving services for to up to 12,000 vulnerable residents.

Staffordshire Warmer Homes have also been instrumental in bidding for further schemes to be delivered in the county including LADS.

2.2.1 Local Authority Delivery Schemes (LADS)

LADS have been released in phases; phase 1A, phase 2 and phase 3. Funding for Phase 1A was a competitive bidding process whereby local authorities had to apply. The bid for phase 1A was a collaborative one by Staffordshire warmer Homes and was successful.

Under Phase 1A, an allocation of £1.04 million was been awarded; to improve the thermal efficiency of 110 homes within Staffordshire. This funding seeks to install a mix of measures; external wall insulation, loft insulation, air source heat pumps and solar PV.

For Phase 2, funding has been awarded with no requirement to competitively bid. An allocation has been made to each local authority, calculated on the number of F&G Energy Performance Certificate (EPC) rated properties within each local authority. For the Borough, an allocation of £535,000 has been made; of which £485,850 is capital funding.

This will look to increase the scale and the scope of the project parameters of phase 1A; to improve the thermal efficiency of 445 homes within Staffordshire by installing a range of measures; external wall insulation, loft insulation, air source heat pumps, solar PV, solar thermal projects.

It has been intimated that that further funding will be made available to local authorities, as Phase 3 Local Authority Delivery. This is to be managed by the regional energy hubs and it has been tentatively indicated that £781,000 may be allocated to the Borough for energy efficiency measures.

The approach taken by Newcastle under Lyme Council with LADS has been to work with the Staffordshire Warmer Homes. The County has led the scheme and since May 2019 has established and maintained the 'infrastructure' to attract funding, publicise the scheme to householders, assess eligibility and to successfully deliver the measures.

Officers of the local authority are in regular contact with the County and attend the Staffordshire Warmer Homes Partnership Meeting, which are held to discuss the progress of these schemes.

2.3 Beat the Cold

Beat the Cold are a local independent charity working to reduce the incidence of cold related illness and fuel poverty. For a number of years, Beat the Cold have been providing a telephone advice service and where appropriate have carried out support visits

They have helped households to access funding schemes to improve their homes, identify any appropriate financial help and to engage with the energy market to find the best

suppliers and tariffs. Unlike other Staffordshire authorities Newcastle-under-Lyme does not directly fund Beat the Cold.

2.4 Continuation of Beat the Cold

Beat the Cold are seeing unprecedented levels of demand for their services and are to focus their efforts and resources in the districts and boroughs that fund their work; Lichfield, Tamworth, South Staffordshire, Staffordshire Moorlands and Stafford Borough.

Officers have been in discussion with Beat the Cold, who have submitted a fee proposal. The Provision of Free Phone Advice Line will cost £4,000 per annum. There is a suite of additional services, which have been priced individually and can be subject to agreement when and if they are required.

3. Proposal

That

1. The energy efficiency activities and funding are noted.
2. The statement of intent for the Energy Company Obligation is approved.
3. Agreement is given to fund Beat the Cold.

4. Reasons for Proposed Solution

- 4.1 Cold homes affect our health and lives in a multitude of ways. The proposals are designed to support residents in maintaining a warm healthy home.

5. Options Considered

- 5.1 Options relating to the Statement of Intent are different eligibility criteria that would allow either fewer or more people access to the funding. The proposal aims to strike a balance between targeting those who will benefit the most from the available funding, consistency with other grant schemes and consistency throughout Staffordshire. For this reason no other options have been presented.
- 5.2 Options relating to the funding of Beat the Cold are essentially to either not fund the service or to identify funding. With 18.1% of residents identified as being in fuel poverty it is highly desirable to have a knowledgeable experienced agency to offer advice, support and signposting to funding. Through their dedicated function the agency can keep up to date with changes in funding streams and technologies in order to offer the best advice. As the only authority in Staffordshire not funding the service it is desirable to identify funding.
- 5.3 Consideration has been given to how this funding can be achieved. In Housing Services small incomes are generated from repayment of grants and loans, HMO licence fees and recharged costs from carrying out enforcement work. Fee incomes are used to offset the revenue budget for the service. All are uncontrollable and vary from year to year. It is proposed to use grant repayment money to cover the cost of the Beat the Cold basic telephone service and to then review the effectiveness of this. As the service is currently unfunded we have no usage figures provided. The original purpose of the grant money was investment in housing for health and well-being so it is fitting it is reinvested to further these aims.

6. Legal and Statutory Implications

6.1 Energy efficiency activities and funding are carried out in accordance with central government strategies and there are no legal implications arising from them.

7. Equality Impact Assessment

7.1 The proposals are intended to have a positive impact on residents who have a low income and a cold home by offering support to improve energy efficiency and reduce household bills.

7.2 No negative equality impacts have been identified.

8. Financial and Resource Implications

8.1 There is a proposal is to fund Beat the Cold an agency working in Staffordshire to offer detailed energy efficiency advice and facilitate access to funding. The cost of this is £4,000 per annum.

8.2 It is proposed to fund this through grant repayments to the borough. Currently some Disabled Facility Grants (DFG) and historically some repairs grants had repayment conditions attached if the property is sold within certain timescales. This was originally central government money for DFGs and capital funding for repairs grants. In both cases the money has been invested in homes in the borough for health and wellbeing. The proposal therefore seeks to reinvest some repayment money into supporting this invaluable scheme.

9. Major Risks

9.1 There are no major risks associated with approving the recommendations.

10. UN Sustainable Development Goals (UNSDG)

10.1 As the recommendations relate to improving housing conditions, alleviating fuel poverty, reducing associated ill health and excess seasonal deaths and reducing carbon emissions they will impact a number of UN Sustainable Development Goals (UNSDG). These are:-

- End poverty in all its forms everywhere
- Ensure healthy lives and promote well-being for all at all ages
- Ensure access to affordable, reliable, sustainable and modern energy for all
- Take urgent action to combat climate change and its impacts





11. **Key Decision Information**

11.1 These are not key decisions as the costs arising directly out of them will not exceed the Key Decision threshold.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Statement of Intent

14. **Background Papers**

14.1 None

Energy Company Obligation: Help to Heat

Local Authority: Eco Flexible Eligibility Statement of Intent

Local Authority: Newcastle-Under-Lyme Borough Council

Date of Publication: October 2021

(Version No 5)

<https://www.newcastle-staffs.gov.uk/all-services/housing/energy-efficiency-keeping-warm>



1. INTRODUCTION

Newcastle-under-Lyme Borough Council welcomes the introduction of ECO Flexible Eligibility and intends to utilise it for the purposes of reducing fuel poverty in the Borough.

ECO Flexible Eligibility fits with the Council's overall aim to reduce carbon emissions and address fuel poverty and supports a priority in the Housing Strategy 2016-21; "to promote independence and inclusion to our most vulnerable residents by tackling fuel poverty. This will be achieved by identifying vulnerable households and working with partners to promote energy saving and to fund energy efficiency improvements".

Whilst Newcastle-under-Lyme Borough Council wishes to utilise ECO Flexible Eligibility it should be noted, that the final decision on whether any individual household will benefit from energy saving improvements rests with obligated energy suppliers or their contractors. A Declaration of Eligibility issued by the Council to a supplier will not guarantee the installation of measures. The final decision will depend upon the;

- i) identification of measures eligible under Help to Heat,
- ii) the supplier's assessment of the cost-effectiveness of installing measures in relation to achieving its obligation, and
- iii) whether the supplier has achieved their targets or requires further measures to meet their Energy Company Obligation targets.

In identifying households as eligible under ECO Flexible Eligibility, Newcastle-under-Lyme Borough Council is seeking to enable residents to benefit from funding and will obtain the consent of households to include them in a Declaration. Newcastle-under-Lyme Borough Council expects any obligated energy supplier, or contractor working on their behalf to comply; with the Data Protection Act, fully follow OFGEM requirements for the Energy Company Obligation Help to Heat, and to act in accordance with industry best practice in relation to consumer care and quality standards of any works that may take place.

2. HOW NEWCASTLE-UNDER-LYME BOROUGH COUNCIL INTENDS TO IDENTIFY ELIGIBLE HOUSEHOLDS.

Households must be owner occupier/s or rent from a private sector landlord and will be eligible if they are:

- a) living in fuel poverty;

or

- b) living on a low income and vulnerable to the effects of living in a cold home;

or

- c) Require the installation of a gas central heating system for the first time

2 (a) Criteria for identifying households in fuel poverty

Households will be considered at risk of fuel poverty if they are determined to be on a specified income **and** are likely to live in a home with high energy costs.

To be eligible for assistance the household income after housing costs (rent or mortgage payments) must fall within threshold levels reflecting household composition indicated in Table 1 below.

Table 1

Household Composition	Gross Household Income.
1 Adult	£30,000
And 1 Child	£34,838
And 2 Child	£39,788
And 3 Child	£44,738
And 4+ Child	£49,668
2 Adults	£37,914
And 1 Child	£42,538
And 2 Child	£47,488
And 3 Child	£52,438
And 4+Child	£57,388

And

the dwelling in question is likely to have high energy costs; which is established by the one of the following methods;

i) the dwelling has an Energy Performance Certificate rating of E, F or G

or

ii) the dwelling has an assessed score to be greater than 25 points following evaluation of the responses to the questions in Table 2 below or

Table 2:

Descriptor	Score
At least one household member at home for most of the day	
Yes	1
No	0
Number of bedrooms	
1	0
2	6
3	12
4	21
5 or more	27
Property type	
Purpose-built flat	0
Converted flat	4
Non-residential building	4
Mid-terrace house	4
End-terrace house	10
Semi-detached house	10
Detached house	20
Year of construction	
Post 2002	0
1991-2002	3
1981-1990	4
1975-1980	7
1965-1974	12
1945-1964	13
1919-1944	18
1850-1918	24
Pre 1850	27
Main heating fuel type	
Gas	0
Electricity	20
Other	5
Central heating	
Yes - central heating working	0
Other	11

or

iii) a judgement by an assessor that the dwelling to be eligible for a heating or insulation measure as determined by OFGEM, in their list of approved measures.

2 (b) Criteria for Identifying Households on low income and vulnerability to the cold

i) the income of the household after housing costs (rent or mortgage payments) must fall within threshold levels reflecting household composition indicated in Table 1 above.

And

ii) one or more members of the household must have one of the following illnesses or vulnerabilities

- Cardiovascular disease (e.g. ischaemic heart disease, cerebrovascular disease)
- Respiratory conditions including childhood asthma
- Moderate to severe mental illness (e.g. schizophrenia, bipolar disorder)
- Substance misusers

- Dementia
- Cancer
- Limited mobility
- Aged 65 and over
- Child under the age of 5
- Is pregnant
- people who are terminally ill and people with suppressed immune systems (for example from cancer treatment or HIV).
- people who move in and out of homelessness
- people with addictions
- people who have attended hospital due to a fall
- recent immigrants, asylum seekers and refugees (if living in private tenure)

However, the council reserves the right to review individual cases, and provide a declaration of meeting the flex criteria, where to do otherwise would create unnecessary hardship.

2(c) Criteria for households who require the installation of a gas central heating system for the first time.

The Borough Council is part of the Staffordshire Warmer Homes initiative managed by Staffordshire County Council to deliver funded first time central heating systems across Staffordshire. The ‘eligibility’ criteria for this is contained within Appendix 1 which is attached.

Gas Mains Infrastructure

The Council has identified several streets in Newcastle-under-Lyme that they would like to extend the gas mains into. These streets have never had access to gas mains infrastructure before, and as such, the residents have never had the ability to upgrade their heating to a gas central heating system. As a result, many of these residents still heat their homes with old, inefficient electric storage heaters or electric plug in panel heaters which are expensive to run, and the quality of heat is poor. Therefore, households on these streets are more likely to be living in fuel poverty than elsewhere.

The following streets have been identified for infrastructure expansion.

- York Street
- Lockwood Street
- Broadmeadow Court
- Kent Grove
- Crofters Court
- The Mill, Enderley Street
- Knightley Madeley

Following infrastructure expansion, the Council will work with partners across Staffordshire Warmer Homes to identify the households on these streets that qualify for ECO support either through Affordable Warmth (HHCRO) or through the Councils Flexible Eligibility criteria which is set out above.

3. GOVERNANCE

The declaration for households who meet the Council’s ECO Flexible Eligibility criteria will be dealt with by the Housing Services Section of the Borough Council to be signed off by the Housing Manager.

The officer responsible for signing the declarations will ensure that any property declared will be eligible in accordance with the criteria listed above.

The governance process for the Staffordshire Warmer Homes initiative will be managed by the Staffordshire County Council

The contact details for further information are:

Newcastle under Lyme Borough Council
Housing Services, Castle House, Barracks Road,
Newcastle-under-Lyme Staffordshire ST5 1BL.

Telephone: 01782 717717

Email: housingmailbox@newcastle-staffs.gov.uk

4. REFERRALS, EVIDENCE, MONITORING AND REPORTING

We are working in partnership with local charity, Beat the Cold, who will assist in the application process. The contact details are: Beat the Cold, The Bridge Centre Stoke-on-Trent, ST2 8DD. Telephone: 01782 683813.

Householders will be asked to complete an application form to confirm that they meet qualification criteria and give permission for their data to be shared as needed with the council and contractors, in line with GDPR regulations.

Contract management procedures will be agreed with suppliers to provide information on the progress of declared cases monthly to the Council.

To reduce the risk of fraud checks will be made on eligibility. In addition the Council will give declarations directly to energy suppliers and will name the supplier or their intermediary on the declaration.

5. SIGNATURE

Martin Hamilton

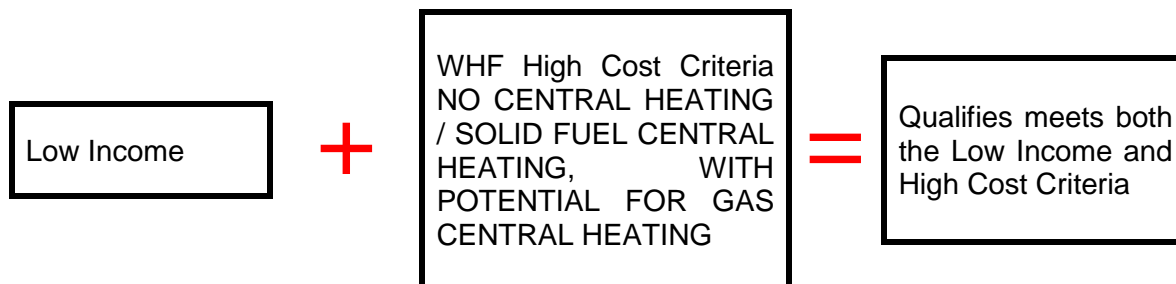
Chief Executive Newcastle –under-Lyme Borough Council

Appendix 1 – Qualification for Staffordshire Warm Homes Fund

Applicants qualifying for the Staffordshire Warm Home Fund (WHF) are subject to alternative qualification criteria, to ensure a consistent approach across the county. The Warm Home Fund is a project enabling householders to receive funding for full central heating and a gas connection, if needed.

Qualification criteria can be summarised as follows:

Fuel Poor (FP)



Low income qualifying criteria

Income is defined as annual gross income from all sources, including housing-related benefits, before tax. This should be determined based on the preceding annual tax year which runs from 6th April to 5th April of the following year.

Households will qualify if they have an income equal to or below those listed in the relevant category of the table, below.

Household Composition	Annual income limit
1 Adult	£17,063
And 1 Child	£22,385
And 2 Child	£27,830
And 3 Child	£33,275
And 4+ Child	£38,720
2 Adults	£25,768
And 1 Child	£30,855
And 2 Child	£36,300
And 3 Child	£41,745
And 4+Child	£47,190

In exceptional circumstances, the local authority may deem a household eligible without the need to meet the above criteria.

Referrals and applications for the Warm Home Fund can be made through Beat the Cold or directly through a Staffordshire Warm Home Fund delivery partner. Applicants will be assessed by E.ON, the main delivery partner of the scheme. Householders will be asked to confirm they meet qualification criteria and give permission for their data to be shared as needed with the council and contractors, in line with GDPR regulations.



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
13 October 2021

Report Title: Northgate - Revenues and Benefits Cloud Migration

Submitted by: Head of Customer and Digital Services

Portfolios: One Council, People and Partnerships

Ward(s) affected: All Wards

Purpose of the Report

The report seeks Cabinet approval to enter into a new contract with Northgate (NEC) for the provision of cloud hosted Revenues and Benefits services.

Recommendation

That cabinet approve this cloud migration proposal to safe guard continued service for our Revenues and Benefits applications serving the residents of the Borough.

Reasons

Whilst historically the Northgate Revenues and Benefits applications have been hosted on premise via our data centre located at Kidsgrove Town hall, the cost of providing On-Premise servers and cyber security for these key applications is increasing. Our current On-Premise data centre is coming to the end of life in February 2022 therefore it makes business sense to start the cloud migration of key applications at the earliest opportunity.

1. Background

- 1.1 The Northgate Revenues and Benefits applications have traditionally been hosted on premise using Council procured servers and storage maintained by ICT officers with the Applications support and Infrastructure teams.
- 1.2 The investment in our two data centres as part of the Civic Offices to Castle House migration was completed in 2017 where all new data centre equipment was purchased with a 5 year support and maintenance contract, this is coming to an end in February 2022 however we can extend for one more year. Therefore, as part of the sizing exercise for our data centre/s beyond February 2023 along with the review of Cyber security and business critical applications provided by the Borough Council it is deemed the most secure option to adopt a cloud first migration attitude.

2. Issues

- 2.1 Our data centres will need a hardware refresh after February 2022 which will require some investment however the prevailing security issues will remain the sole responsibility of ICT Officers and the associated costs.

- 2.2 With cyber-attacks and ransomware becoming a regular occurrence, Cloud providers such as Northgate can provide the reliance and expertise to protect our systems, rather than the Council's own internal security measures. Constant attacks and new ways of breaching physical systems against council's have increased over the last three years with Hackney being one of the highest profile councils to be a victim of this style of attack.
- 2.3 Since 2019, several Councils have been subject to cyber-attacks. Hull City Council has suffered at least ten serious cyber-attacks as well as thousands of attempted "phishing" attacks by cyber criminals wanting to steal login credentials, while Colchester Borough Council is understood to have been targeted in repeated unsuccessful phishing attacks in December 2020.
- 2.4 One of the most significant recent cyber-attacks was against Hackney Council, with estimates suggesting that it has cost up to £10m to rectify. Following four months of recovery they have now set aside £2m from future budgets to address this problem amid a budget shortfall of £58m. Hackney's IT systems were still being impacted after 6 months, including land searches and the processing of changes to existing benefit and council tax claims and payments.
- 2.5 Whilst Cloud migration is still classed as a more expensive option over traditional methods of on premise servers. The true cost of a successful attack is in its millions rather than thousands.
- 2.6 Business Continuity (BC) and Disaster Recovery (DR) for key Borough functions is essential, in our current BC / DR situation there would be a time delay in restoring our Revenues and Benefits systems, whilst ICT would work tirelessly to restore key systems as quick as possible, there would be delay of anything from hours to days without this key system being available
- 2.7 One of the biggest benefits of using managed cloud services from Northgate is that they will perform the security management for us automatically. The cloud service provided by Northgate will mitigate the risks we've had to deal with in the past. For example, patching, threat hunting, system hardening, and configuration management are all much easier to achieve.
- 2.8 It is becoming a market standard for key / critical services and applications to be migrated to the Cloud and operate under a Software as a Service (SaaS) model. This direction has already been adopted with the Council's email facility that is now hosted in the cloud. The benefits of this hosting environment is that it enables both Council employees and councillors to access their emails whilst not compromising on the internal security of the legacy system, something that we would not be able to achieve using the traditional method with on premise servers.
- 2.9 If we continue to utilise these legacy systems the Council will find it difficult to provide the same level of support and business continuity. Demand is high and increasing costs of physical servers and the ongoing maintenance cost such as patching, maintenance updates, security updates, physical checks, air conditioning, power management, back up management to name a few are all the hidden extra costs of keeping legacy systems up and running.

3. **Proposal**

- 3.1 That Cabinet approve this Cloud Migration proposal for the hosting of our Revenues and Benefits applications.

4. **Reasons for Proposed Solution**

- 4.1 As identified in items within section 2, our data centre hardware is becoming end of life by February 2022, this cloud migration along with other future Cloud Migration projects) will reduce the amount of hardware needed moving forward beyond February 2022. There is a strong possibility that we can reduce from two data centres to one data centre to add to the saving.
- 4.2 Additional security for the applications and the ability for Revenues and Benefits staff to access Northgate directly via the internet, which enhances the Council's Business Continuity and Disaster Recovery plans.
- 4.3 All data and applications would be backed up by NEC Cloud, enhancing the Council's Business Continuity and Disaster Recovery plans. All backup's will be off-site and the responsibility of NEC to ensure security and regularity of backups.
- 4.4 Currently the system has a finite of resources of Council ICT staff. This poses a considerable risk which we knowingly absorb. If we took this opportunity of moving to NEC Cloud then it would eliminate these risks as the responsibility to undertake any system upgrades or repair failed hardware would be within NEC's remit. NEC would provide multiple resources that would be available 24/7 to resolve and provide continuation of service. It is also expected that moving to NEC Cloud could potentially release approximately 0.5 FTE from the management, patching and the cost of running the physical infrastructure. This resource is then able to concentrate and focus on developing and enhancing the application and liaising with the users to develop a better service for the customer.
- 4.5 As cloud-based solutions are becoming the new standard NEC's development programme will be centred on a cloud-based platform with all future licencing models be in the form of cloud licences. A similar business model would be the Microsoft 365 platform and it is likely that we will be forced down NEC's cloud route in the future as the On-Premise applications are phased out.

5. **Options Considered**

- 5.1 Continue with the On-Premise Solution and replace necessary server hardware, back up devices as needed in February 2022, continuing with ICT officers supporting both the infrastructure and application software and security patching.
- 5.2 There is a very limited marketplace for Revenues and Benefits application providers, it would not be viable to move away from Northgate due to staff training, timescales involved and data integration from one vendor to another.
- 5.3 Continue with Northgate and adopt the market standard of Cloud migration and hosting for critical application.

6. **Legal and Statutory Implications**

- 6.1 The use of the CCS Data and Application Solutions (DAS) RM3821 framework offers a compliant procurement option in line with current legislation (Public Contract Regulations 2015 (PCR2015) and the Council's governance procedures and as such will minimise the risk to the Council of a procurement challenge.

7. Equality Impact Assessment

7.1 Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably due to protected characteristics. It is important to consider the potential impact on such groups and individuals when designing or delivering services.

8. Financial and Resource Implications

8.1 The overall project cost over 5 years will cumulate to £685,785 of which £355,864 is already accounted for within existing budgets.

8.2 As per the figures below, there will be no cost within this current year's budget, all works and expenditure will commence from financial years 2022/23 and an initial one off 'On Boarding' cost of £40,949 will be required. (Identified as 'Works')

8.3 The current licencing costs per annum are made up of £46,173 for Northgate Core Licences and £25,000 for Annual Licences (identified as Other – Licences – Core & Annual). The total 5-year cost amounts to £355,864.

8.4 The Cloud migration and Cloud Hosting will be an additional £73,057 in the financial year 2022/23, of which £40,949 will require capital budget. There is currently no revenue budget allocated to enable the Cloud migration and Hosting, and will therefore require a pressure of £32,108 in 2022/23's budget. From 2023/24 there will be an additional pressure of £32,108, in order to cover the full year costs of £64,216.

Costs	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	Total
	£	£	£	£	£	£	£
Works (capital)		40,949					40,949
Fees (revenue)		32,108	64,216	64,216	64,216	64,216	288,972
Other (licences, current existing expenditure)	Core	46,173	46,173	46,173	46,173	46,173	230,864
	Annual	25,000	25,000	25,000	25,000	25,000	125,000
Total		144,230	135,389	135,389	135,389	135,389	685,785

8.5 These prices have been sourced via the CCS Data and Application Solutions (DAS) RM3821 framework which allows the Council the opportunity to make a direct award of contract without a call for competition, the framework having been previously competitively tendered.

8.6 By moving the application into the cloud, the Council will no longer incur expenditure in relation to hardware. This reduction would be in relation to the renewal purchase price, support and maintenance costs. This is expected to be in the region of £59,000, and would potentially be due in January 2022. A reduction in the number of servers the Council requires would also lead to reducing the requirements for data centres. With the potential to run only one data centre at Kidsgrove Town Hall, savings on other services such as utility, air conditioning, alarm and generator maintenance costs. This would provide both financial and environmental efficiencies.

8.7 In addition, as per 4.4 above, ICT resource would no longer be required to check and update the existing infrastructure.

9. Major Risks

11.1 If we do not adopt the Cloud Migration / hosting solution the major risk is from Cyber and ransomware attacks and the associated down time for the Revenues and Benefits applications should the council fall victim.

11.2 Downtime due to failed hardware at our on-premise data centres with no resilience or backup available.

10. UN Sustainable Development Goals and Climate Change Implications

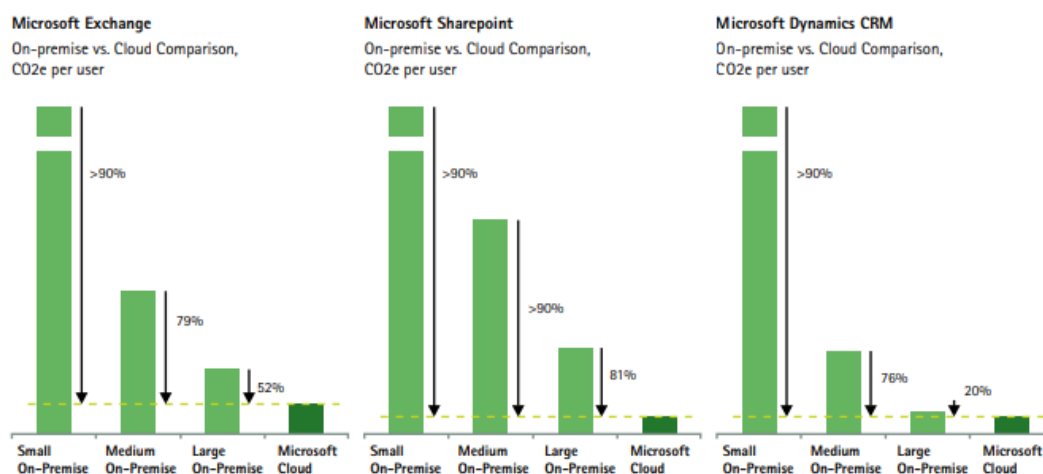


10.1 Further reasons to consider moving towards a cloud based infrastructure, is that as a sustainable and responsible council we need to look at our carbon footprint and mitigate where we can. In study from Microsoft the environmental impacts from ICT can be reduced by 60 - 80% in small to medium size company reducing our effects on the environment.

10.2 The results of analysis by Microsoft shows a significant decrease in CO2 emissions per user across the board for cloudbased versus on-premise delivery of the three applications studied (see Figure 1). The analysis suggests that, on average across the different applications, typical carbon emission reductions by deployment size are:

- More than 90 percent for small deployments of about 100 users;
- 60 to 90 percent for medium-sized deployments of about 1,000 users; and
- 30 to 60 percent for large deployments of about 10,000 users

Figure 1: Comparison of Carbon Emissions of Cloud-Based vs. On-Premise Delivery of Three Microsoft Applications



↓ = estimated decrease with Microsoft Cloud

10.3 Maintaining the council's current infrastructure is not just maintaining physical servers but the peripheral components such as Air Conditioning, Network Switches, UPS Power Management, Fire proofing and Diesel generators. All these components require a huge intake of power and our data centre's located at the Depot and Kidsgrove town hall all have to be maintained at a consistent ambient temperature of around 4 degrees to ensure the systems run at optimum performance.

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10.4 Higher temperatures will result in the components such as processor's overheating causing system wide failures. There are many reasons why cloud computing has become the new viable and sustainable future. Our commitment to our residents should not be solely based on staying put but more looking to the future on how we as a council can truly make a difference.

11. **Key Decision Information**

11.1 This is a key decision under part 2, 13.2 (a) and (b) of the Council Constitution

12. **Earlier Cabinet/Committee Resolutions**

12.1 Proposal discussed at the Commercial, Assets and Capital Investment Review Group on 2 August 2021 and again on 20 September 2021.

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 None



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
13 October 2021

Report Title: Northgate One Front Door Additional Revenues and Benefits Modules

Submitted by: Head of Customer and Digital Services

Portfolios: Finance, Town Centres Growth

Ward(s) affected: All Wards

Purpose of the Report

The report seeks Cabinet approval to procure additional modules to the Northgate Revenues and Benefits applications necessary to support the Council's One Front Door approach within the One Council Project.

Recommendation

That this request be approved on the grounds of staff efficiencies and providing a better service to the public.

Reasons

This is part of the One Council / One Front Door project to enhance public access to Council Services on a 24/7 basis.

1. **Background**

- 1.1 Traditionally Revenues and Benefits have been a phone or face to face contact service, over recent years this has moved to a more digital / on line service linked to the Council's website.
- 1.2 With the Council's investment in the One Council project and One Front Door process plus the investment and development of a new Council website this all leads to a more digital and online provision of Council Services. Revenues and Benefits applications are a critical public service provided by the Council which will benefit from a strong online presence.
- 1.3 The Council currently has Citizen Access – Rates (CA-R) which allows customers to manage their council tax account.

2. **Issues**

- 2.1 Currently our provision for self service is limited to just Council Tax. The public would need to apply for benefits either through phoning our customer services agents or physically calling into Castle House / Kidsgrove Town Hall. These two options both require time with our customer service agents, in a service area that is already stretched.
- 2.2 This requirement for a customer service agent to interact with the end user also limits the individual with regards to only being able to manage their claim during normal office working hours.

3. Proposal

- 3.1 Northgate currently provide the Council with the Citizen Access – Rates (CA-R) solution, which allows customers to manage their Council Tax account online.
- 3.2 The proposal within this report provide our customers with the ability to manage not only their council tax account, but also their benefit application in one simple solution. In order to facilitate this, two new modules of Citizens Access would need to be purchased. These include Citizens Access – Benefits (CA-B) and Citizens Access – Full Case Reviews (CA-FCR).
- 3.3 CA-B provides the public with online access to:
- make new benefits claims;
 - inform the Council of any changes in circumstances; and
 - increase the automation of applications / amendments.
- 3.4 CA-FCR combines an online form with enhanced functionality for the Revenues and Benefits service. This online form provides:
- the facility to easily and securely upload DWP's high risk files;
 - the ability to automatically send appropriate claimants a link to the review form as well as a unique reference key to facilitate authentication;
 - pre-populate each form, so claimants need only agree or amend each section;
 - take completed forms straight into NEC Revenues and Benefits for final checks and then re-calculation; and
 - issue reminders and suspend HB awards if no response is received to the initial communication.
- 3.5 Within the proposal there will be many benefits from the new modules including:
- Implementation of benefits self-service to reduce staff processing time;
 - Allowing a customer to complete a benefits full case review of their benefit case online;
 - Increased automation of routine tasks;
 - Reduced customer contact time and personal visits required to Castle House;
 - Service availability outside normal working hours; and
 - Direct integration with our Revenues and Benefits system from the website.
- 3.6 All the above tie in with the One Front Door principles and the Council's vision to promote self-service via a redesigned website with enhanced features that will allow our customers to be in control of their own account removing the dependency and limitations of contacting customer services.
- 3.7 The increase in self-service will lead to a reduction in calls and the physical presence within Castle House/ Kildsgrove Town Hall. The service is already under pressure and enabling our customers to self-serve will reduce this pressure on the service.
- 3.8 By facilitating our customers to utilise self-service this will enable them to use a 24/7 service as and when required.
- 3.9 Through enabling a self-service approach for customers, this will release staff resource to undertake less administrative tasks. It is estimated that currently there is the equivalent of 3 FTE's undertaking the processes that can be streamlined and automated through the addition of both the CA-B and CA-FCR solutions.

4. **Reasons for Proposed Solution**

- 4.1 One Front Door has been developed to enhance the customer interaction with the council. The demand for 24/7 access to complete routine transactions without interaction has become the new normal.
- 4.2 We currently have Citizen Access – Rates (CA-R) which allows our customers to manage their council tax and this proposal would provide our customers the ability to manage their benefits and council tax in one simple solution.
- 4.3 There are a number of benefits for the Council in utilising this solution:
- Staff efficiencies by not having to complete time intensive forms;
 - Ability to better deploy Revenues and Benefits staff on essential workloads;
 - Provide a quick and efficient service to the public; and
 - Ability for the public to submit claims and forms 24/7.

5. **Options Considered**

- 5.1 Keep the current work flow and working practices for Revenues and Benefits staff:
- No increase to staff efficiencies.
 - Customers will not be able to access the full range of online options.
 - Customers will still need to contact customer services for benefits claims.
 - Mismatched online options
- 5.2 Accept the proposal and progress with the One Front Door / digital website forms solution.

6. **Legal and Statutory Implications**

- 6.1 The use of the CCS Data and Application Solutions (DAS) RM3821 framework offers a compliant procurement option in line with current legislation (Public Contract Regulations 2015 (PCR2015) and the Council's governance procedures and as such will minimise the risk to the Council of a procurement challenge.

7. **Equality Impact Assessment**

- 7.1 Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably due to protected characteristics. It is important to consider the potential impact on such groups and individuals when designing or delivering services.

8. **Financial and Resource Implications**

- 8.1 The software costs for providing the solution to enhance the One Front Door approach and support the One Council Project will be as below.
- 8.2 A One off Capital cost of £8,000 for initial setting up and technical / consultative support from Northgate to integrate the new software with our existing applications (itemised as Works).
- 8.3 There will be an annual revenue cost of £24,190 fixed for 5 years totalling £120,950 for the 5 year period.
- 8.4 Currently there is no revenue budget allocated to this, and there will therefore be an additional £24,190 revenue pressure both in-year for 2021/22 and from 2022/23 onwards. This pressure

is in addition to the £64,216 annual pressure that has been identified in order to move the Northgate system to the Cloud.

8.5 The additional cost would need to be included within the mid-year capital programme review, however it does fall in line with the whole One Front Door ethos, by providing 24/7 access to the councils customers

Costs	2021/22 £	2022/23 £	2023/24 £	2025/26 £	2026/27 £	Total £
Works (capital)	8,000	-	-	-	-	8,000
Fees (revenue)	24,190	24,190	24,190	24,190	24,190	120,950
Total	32,190	24,190	24,190	24,190	24,190	128,950

8.6 These prices have been sourced via the CCS Data and Application Solutions (DAS) RM3821 framework which allows the Council the opportunity to make a direct award of contract without a call for competition, the framework having been previously competitively tendered.

8.7 The current package of CA-R currently has over 4,000 users enrolled. With the addition of CA-B and CA-FCR, and the impact of the One Front Door programme is expected to grow this user base to circa 10,000 users.

8.8 Currently on average it is estimated that transactions relating to council tax, business rates, benefit claims and full case reviews will be expected to save approximately £14.18 per average claim. For every 1,000 transactions that are undertaken where the end user provides the information digitally, this is estimated to save £14,180.

9. **Major Risks**

9.1 If we do not adopt these new modules, we will fail to provide the public with a more streamlined and more accessible access to the Council's Revenues and Benefits forms / applications.

9.2 Time delays in customer applications being processed due to none efficient back office systems and potential to be waiting on staffing resources, again delaying processing times.

10. **UN Sustainable Development Goals and Climate Change Implications**



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Presented to Capital, Assets and Commercial Investment Review Group on 2nd August and again on 20th September 2021.

13. **List of Appendices**

13.1 N/A

14. **Background Papers**

14.1 N/A

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

13th October 2021

Report Title: NORTH STAFFORDSHIRE LOCAL AIR QUALITY PLAN – UPDATE

Submitted by: Chief Executive

Portfolio: Environment & Recycling

Ward(s) affected: All

Purpose of the Report

To provide Cabinet with an update on work relating to the North Staffordshire Local Air Quality Plan (NSLAQP), and to clarify Cabinet's position regarding this work.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Supports the exemption of ultra-low emission vehicles and emergency service vehicles from the proposed A53 bus gate and to progress these exemptions as part of the FBC.
2. Direct officers to seek agreement from JAQU to fund screening and/or modelling of the exemption of Low Emission Vehicles (as defined in this report) from the proposed A53 bus gate and if such works supports the exemption of low emission vehicles for this to be progressed as part of the FBC.
3. Direct officers to review the current and future post covid vehicle patterns on A53
4. Encourage ongoing lobbying by local MPs for both the early removal of the A53 Bus gate restrictions and the funding of modelling for Low Emission Vehicle Exemptions (if not agreed by JAQU).
5. That the stakeholder and public engagement on the proposals be progressed via on-line engagement.

Reasons

In December 2020 Cabinet received a report on the air quality project and approved the Outline Business Case for the North Staffordshire Local Air Quality Plan for submission to Government. Since that time there has been considerable work undertaken in relation to the plan, and it is timely to provide an update to Cabinet on that work and on the next steps in relation to the project.

1. **Background**

1.1 In October 2018, Ministers Coffey and Norman for the Department for Environment, Food and Rural Affairs (DEFRA) and Department for Transport (DfT) respectively, served two ministerial directions on the Council; these were served under the provisions of The Environment Act 1995 (Feasibility study for nitrogen dioxide compliance) (No 2) and (Implementation of measures for nitrogen dioxide compliance) Air Quality Direction 2018. This work is being co-ordinated by the Governments Joint Air Quality Unit (JAQU).

1.2 The two directions and associated JAQU guidance require:

NULBC and SOTCC to jointly further investigate EU exceedances of nitrogen dioxide (NO₂) on roads within the Borough and identify measures that could bring forward compliance with NO₂ limits as soon as possible **or** review the implementation of a chargeable clean air zone (CAZ). (referred to as the NSLAQP);

and

NULBC to implement a bus engine retrofit programme to busses that operate on the A53 to be implemented as soon as possible in order to bring forward compliance of NO₂ levels.

1.3 Staffordshire County Council (as Highway Authority) is supporting the project although not included within any Ministerial Direction to date.

1.4 The project covers three areas where there exist exceedances of the air quality threshold:

- Bucknall New Road in Stoke on Trent
- A53 Etruria Road on the Stoke/Newcastle boundary
- Victoria Road, Stoke on Trent

1.5 Cabinet have received five previous reports in respect of this matter, and has been consistently of the view there is a highways/transport solution to help reduce the pollution levels and that any form of chargeable CAZ would be damaging to business and to our town centre. The Council's involvement with the project, and this report, is primarily in relation to the A53 Etruria Road exceedance.

2 **Issues**

2.1 The unapproved Outline Business Case (OBC) was submitted to central Government on 15 May 2020, in line with the requirements of the 2018 Direction and subsequent requirements of the Minister (approval had not been possible at this time due to the Covid restrictions). This OBC was subsequently approved by Cabinet in December 2020 with the caveat detailed under 2.7 of this report.

- 2.2 The OBC submission approved by all three Cabinets in December 2020, has been evaluated by the Joint Air Quality Unit and its independent review panels which confirmed that the proposals deliver against the primary aim - to deliver compliance with the statutory limit for NO₂ concentrations in the shortest possible time. This effectively commits the authorities to deliver the preferred options set out in the OBC which, for Etruria Road, includes introducing a bus gate to operate at peak times.
- 2.3 However, since the approval of the OBC, Stoke City Council have worked with the Government to evaluate the effectiveness of a CAZ C to address the Victoria Road exceedances, and following initial modelling have been given permission by the government to progress to developing an OBC followed by a Full Business Case on the basis of a CAZ C rather than the solution initially included in the OBC. A CAZ C is a chargeable clean air zone which would charge non-compliant (in terms of engine type) busses, coaches, taxis, private hire vehicles, heavy goods vehicles, vans and minibuses.
- 2.4 The Government now require that the proposals for reducing pollution and thereby improving health, at each of the three sites be developed to Full Business Case (FBC), with the requirement to progress the FBC for Etruria Road for submission to Government by summer 2022. Funding has been provided to the Council by the Joint Air Quality Unit (JAQU) for the preparation of this business case.
- 2.5 In addition, the Government has agreed to a phased approach to the delivery of the Joint Air Quality Plan, with three distinct but related phases, delivering compliance with the statutory limits for NO₂ concentrations:
- Phase 1 – bus retrofit for Bucknall New Road in the city – compliance achieved by 2023
 - Phase 2 – bus gate and associated measures on Etruria Road – compliance achieved by 2024
 - Phase 3 – City-based CAZ C covering Victoria Road, city centre and other areas – compliance achieved by 2025.

Etruria Road Bus Gate – Full Business Case Development

- 2.6 The FBC stage of the work does not usually enable the authorities to review whether they wish to change the preferred option significantly, as it was committed to by the submission of, and approval of, the OBC. The FBC effectively confirms the detailed design parameters, build costs and costs for monitoring and evaluation, plus subsequent removal. In essence, the FBC phase enables the scheme to be at a point of being ‘shovel ready’ for the implementation phase.
- 2.7 When Cabinet approved the Outline Business Case and agreed progression towards the completion of the Full Business Case for the delivery of the Etruria Road bus gate it expressed its grave concern about the disruptive impact that the Etruria Road bus gate traffic restrictions will create for motorists and local businesses, and accepted the bus gate as the “least worst” option. Cabinet have requested that the final implementation should seek to include two amendments:

- That the bus Gate should include an exemption to allow for low emission vehicles to drive through the bus gate
- That the period of disruption is minimised with the bus gate being removed as soon as it is possible to do so

Subsequent to the December 2020 Cabinet resolution, the Leader of the Council wrote to the Government Minister leading on Air Quality seeking agreement to the early removal of bus gate, and this position has been communicated to key partners.

Issues Influencing the Full Business Case

2.8 Since the development of the Outline Business Case there have been a number of issues which have the potential to impact on air quality on Etruria Road, and therefore on the Full Business Case. These are outlined below:

- **Covid Pandemic** - Further work has been completed on **assessing the impact of Covid** on traffic patterns and levels. The conclusion was that the traffic changes throughout the life of the bus-gate would be marginal and would not alter the need for the works. It may allow for early removal as mentioned above. In terms of a national reporting on this matter, this is showing that traffic is well on the way to returning to pre-pandemic levels. Locally this is also shown in the air quality monitoring which is also following similar patterns.

In July 2020 - Government asked the local authorities to look at the potential impacts of the coronavirus pandemic on traffic and hence vehicle emissions including:

- Higher prevalence of **home working**, including flexible working
- Lower use of **public transport**, either due to the requirements of social distancing and/or changes in the commercial bus network
- Higher use of **active transport**, in particular walking and cycling
- Fewer business trips due to **suppressed economic activity**, including the potential impacts linked to higher unemployment levels
- Delayed **vehicle fleet renewal** due to fewer new vehicle sales, resulting in more older (and more polluting) vehicles staying on the road for longer.

The conclusion in regard to Covid impacts is that the negative impact of Covid-19 on air quality is primarily attributable to fleet delay and is compensated for, due to a reduction in traffic due to home working, predicted slowing of economic growth and an additional year to achieve compliance. This work also confirmed that 'natural compliance' would not be reached before the bus gate could be installed and therefore concluded that works are still required.

- **Exemptions** - consideration has been given to exempting emergency services and 'Ultra Low Emission Vehicles' (ULEV) vehicles from the bus gate restrictions. Data from ANPR (automatic number plate recognition) surveys have been analysed to determine the number of these vehicles using the A53. Modelling concluded that exemptions for 'blue lights' and ULEV vehicles could be delivered while maintaining the air quality compliance.

Low Emission Vehicles

- 2.9 In their December 2020 consideration of the Air Quality project, Cabinet determined that they would wish to see Low Emissions Vehicles exempted from the restrictions of the bus gate in addition to Ultra Low Emissions Vehicles (ULEV) as discussed above.
- 2.10 Modelling indicates that the required compliance with NO₂ concentrations is only just achieved by the bus gate proposals, there is very little flexibility to enable exemptions beyond the ULEV and “blue light” exemptions above.
- 2.11 Low Emissions Vehicles are not a distinct category of vehicle is the way that ULEV vehicles are. For the purposes of CAZ, there are compliant vehicles which are based on the euro classification of the engine. On this basis, a “low emissions” vehicle could be taken as :
- **diesel vehicles with registrations plates 65 or newer (Euro 6 engines)**
 - **Petrol vehicles with registration plates of 06 or newer (Euro 4 engines)**
- 2.12 Further tests to determine the effects of exempting more categories of vehicles (the bus gate allows for all busses, taxis and bikes to pass through the gate at all times, regardless of engine type) will be required, if exemptions are to be extended to Low Emissions vehicles. JAQU funded the Council to undertake modelling of ULEV vehicles however the modelling has been achieved without the need to incur all of this expenditure which could, with JAQU’s agreement, be used to undertake the Low Emissions Vehicle modelling.
- 2.13 In terms of implementation, the Bus gate would be delivered by way of a traffic regulation order, which would be progressed by Staffordshire County Council as Highways Authority. Evaluation of the impact of exempting low emissions vehicles will require input from the County Council regarding the legal processes surrounding such exemptions.

E10 petrol

- 2.14 E10 petrol which has been introduced contains double the amount of bioethanol, C₂H₅OH, compared to the old E5 petrol which is being discontinued. The objective is primarily linked to reducing carbon emissions and supporting the climate change agenda, as opposed to reducing the emissions of NO₂ which is harmful to human health.
- 2.15 The impact of the E10 fuel on air quality exceedances has been taken into account in modelling and it has been established that the change to E10 will not have any significant impact on the overall assessments for any part of the study area and provides no assistance in delivering compliance with the statutory limit for NO₂ concentrations.

Early Removal of Bus Gate

- 2.16 Cabinet have previously indicated their expectation that the bus gate restrictions should be removed at the earliest opportunity, once compliance is reached and is shown to be sustainable. The ongoing renewal of vehicles means that, with the passage of time, more and more of the older higher polluting vehicles are being replaced by newer ones that emit less or no NO₂. Eventually, a point is reached where, even without the bus gate in place, NO₂ concentration levels would not exceed the statutory limit, meaning that the bus gate could be removed, without risk of breaching the requirements of the Ministerial Direction. This is known as “natural compliance”.
- 2.17 The assessment of NO₂ concentrations across the study area suggests that Victoria Road in the city is likely to take the longest to achieve natural compliance. The requirements of the Ministerial Direction are for all interventions to remain in place until the whole study area has delivered natural compliance, which would mean that the Etruria Road bus gate stays in place for longer than it is required.
- 2.18 The Leader has written to ministers, asking that the bus gate be removed as soon as natural compliance can be proven to have been achieved and is maintainable, without the bus gate. A response is anticipated shortly and it is expected to be favourable.

Stakeholder and public engagement

- 2.19 The FBC stage of the business case for Etruria Road requires a level of engagement with people likely to be affected by the proposals. It is proposed that this engagement be undertaken on line through the development of a specific web page relating to phase 2 A53 proposals.
- 2.20 Whilst the Etruria Road bus gate requires public engagement, the implementation of a CAZ C in Stoke on Trent will require a more expansive consultation exercise, and it is anticipated that this exercise will also raise awareness of the Etruria Road proposals.

3. Proposal

- 3.1 It is proposed that Cabinet:
- (a) Supports the exemption of ultra-low emission vehicles and emergency service vehicles from the proposed A53 bus gate and to progress these exemptions as part of the FBC.
 - (b) Direct officers to seek agreement from JAQU to fund screening and/or modelling of the exemption of Low Emission Vehicles (as defined in this report) from the proposed A53 bus gate and if such works supports the exemption of low emission vehicles for this to be progressed as part of the FBC.
 - (c) Direct officers to review the current and future post covid vehicle patterns on A53.
 - (d) Encourage ongoing lobbying by local MPs for both the early removal of the A53 Bus gate restrictions and the funding of modelling for Low Emission Vehicle Exemptions (if not agreed by JAQU).
 - (e) That the stakeholder and public engagement on the proposals be progressed via on-line engagement.

4. Reasons for Proposed Solution

- 4.1 The proposed solution enables the Council to progress its stated aims of improving the air quality and therefore health of residents where there is an exceedance of legal levels of NO₂ and at the same time minimising the negative impact of the A53 Bus gate on residents and businesses by seeking to secure both exemptions for low emissions vehicles and the early removal of restrictions once compliance is achieved.

5. **Options Considered**

- 5.1 The October 2018 Ministerial Direction places a statutory duty upon Stoke-on-Trent City and Newcastle-under-Lyme Borough Councils to undertake a feasibility study and identify a preferred option, which had to be assessed against a benchmark clean air zone.
- 5.2 A further Ministerial Direction will be issued after submission of the FBC, legally obliging the three local authorities to fully implement the preferred option.
- 5.3 At this stage in the study, the authority has the option to either progress to FBC with the solution described in the OBC, or to seek to determine the feasibility of the amends and improve that proposal in the interests of residents and businesses.

6. **Legal and Statutory Implications**

Ministerial Direction:

- 6.1 A Ministerial Direction - the “Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018” was issued to Stoke-on-Trent City and Newcastle-under-Lyme Borough Councils on 4 October 2018. This imposes a legal requirement on the two authorities to undertake a feasibility study in accordance with HM Treasury’s Green Book approach, to identify the option(s) which will deliver compliance with legal limits for NO₂ in the shortest time possible
- 6.2 Following Government approval of the Full Business Case in summer 2022, a further Ministerial Direction will be issued by Government, using the power conferred by section 85(5) of the Environment Act 1995, imposing a legal duty on the local authorities to implement the preferred option.
- 6.3 The Ministerial Direction served on the Council under the provision of The Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) (No. 2) Air Quality Direction 2018 is legally binding. Failure to comply with this Direction may result in judicial review proceedings being brought against the Council. Any such proceedings could result in adverse costs awards being made against the Council.

7. **Equality Impact Assessment**

- 7.1 A joint Equality, Environmental and Community Impact Assessment will be undertaken as part of the Full Business Case process and will be reported to Cabinet in due course.

8. **Financial and Resource Implications**

- 8.1 The costs associated with developing the Full Business Cases, and subsequent implementation, monitoring and evaluation of the preferred option, will be met through Central Government grants, administered by the Government's Joint Air Quality Unit (JAQU).
- 8.2 The preparation of the NSLAQP is being carried out in-house, working jointly with officers from Stoke-on-Trent City Council and Staffordshire County Councils, plus transport, air quality and project management consultancy support. Whilst the work places a significant additional burden on existing staff, all costs including staff time are being met through Central Government grants
- 8.3 The proposals in this report, and specifically the additional modelling sought for Low Emissions Vehicles, will need to be funded by JAQU, hence the recommendation that officers seek agreement to both the action and the funding.

9. **Major Risks**

- 9.1 A comprehensive risk assessment has been undertaken as part of the OBC development. In terms of the specific proposals in this report the key risk is that JAQU decline to fund further modelling as sought and direct the Council to progress to FBC with the scheme exempting only ULEV.

10. **UN Sustainable Development Goals (UNSDG)**

- 10.1 Any option that is implemented to tackle nitrogen dioxide exceedances may have indirect sustainability and climate change benefits or impacts.
- 10.2 The OBC (Appendix C) assesses climate change implications through the assessment of the carbon dioxide (CO₂) change throughout a 10 year operation period. This utilises data obtained through the TUBA assessment. The preferred option is calculated to have 13,324 tonne CO₂ Increase. The benchmark CAZ D is calculated to have a 194,854 tonne CO₂ decrease.
- 10.3 The increase for the preferred option reflects the increase in travel distance as some vehicles reroute to avoid the bus gates. The improvement under the CAZ scenario mostly reflects vehicle upgrades to avoid the CAZ charge.



11. **Key Decision Information**

11.1 This item is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 The following reports have been submitted:

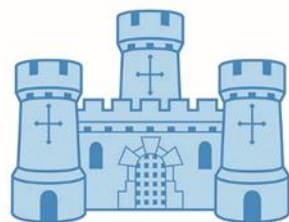
1. Air Quality Ministerial Direction - 6 February 2019.
2. Air Quality Ministerial Direction – Strategic Outline Case - 20 March 2019.
3. Award of Air Quality Local Development Plan - Technical Consultant Contract 24th April 2019.
4. Air Quality Ministerial Direction Update 10 July 2019.
5. Air Quality Local Plan Contracts 16 October 2019.
6. Air Quality Briefing – Economy, Environment & Place Scrutiny Committee – 5 February 2020.
7. NSLAQP – OBC – Economy, Environment & Place Scrutiny Committee – 12 November 2020.
8. NSLAQP – OBC – Cabinet December 2020

13. **List of Appendices**

None

14. **Background Papers**

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NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

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

This Plan gives 28 days' notice of Key Decisions which we are expecting to take over the next few months. Councils cannot take Key Decisions without first giving 28 days' notice, unless an urgent decision is required. Urgent Key Decisions may be taken under the urgency procedures set out in the Council's Constitution. A decision notice for each Key Decision made is published within 6 days of it having been made.

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

- a. to result in the Council incurring expenditure or making savings of £100,000 or more (in the case of Revenue) and £250,000 or more (in the case of Capital); and/or
- b. to be significant in terms of the effects on communities living or working in an area comprising two or more wards of the Borough.

This Forward Plan also contains details of other important Cabinet decisions that we are expecting to take even if they do not meet this definition.

Whilst the majority of these decisions taken at meetings held in public, some decisions may be taken in private meetings because they deal with confidential information as defined in Schedule 12A of the Local Government Act 1972, and the public interest in withholding the information outweighs the public interest in disclosing it. If we intend to take a decision in private, that will be noted below with reasons.

If you object to a decision being taken in private, you can tell us why by emailing 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 (One Council, People & Partnerships)	Councillor Simon Tagg
Deputy Leader & Cabinet Portfolio Holder (Finance, Town Centres & Growth)	Councillor Stephen Sweeney
Cabinet Portfolio Holder (Community Safety & Well Being)	Councillor Gill Heesom
Cabinet Portfolio Holder (Environment & Recycling)	Councillor Trevor Johnson
Cabinet Portfolio Holder (Leisure, Culture & Heritage)	Councillor Jill Waring
Cabinet Portfolio Holder (Strategic Planning)	Councillor Paul Northcott

Exempt Information Categories under Schedule 12A of the Local Government Act 1972

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

For all enquiries, please contact:-

**The Chief Executive's Directorate, Castle House, Barracks Road
Newcastle-under-Lyme, Staffordshire ST5 1BL
Telephone 01782 742222 Email: DemocraticServices@newcastle-staffs.gov.uk**

Title of Report	Brief Description of Report	Cabinet Portfolio	Intended Decision Date	Relevant Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if applicable)
Medium Term Financial Strategy 2022/23	To consider proposals for the Medium Term Financial Strategy for 2022/23	Finance, Town Centres & Growth	Cabinet 13 October 2021	Finance, Assets & Performance	All Wards	N/A
Procurement or a Revenue & Benefits System	To consider proposals to procure a cloud based Revenue & Benefits back office system	Finance, Town Centres & Growth	Cabinet 13 October 2021	Finance, Assets & Performance	All Wards	N/A
Energy Efficiency Programme	To consider proposals for an Energy Efficiency Programme	Environment & Recycling	Cabinet 13 October 2021	Finance, Assets & Performance	All Wards	N/A
One Council Programme - Northgate Citizen Access	To consider proposals to procure an additional module to the Northgate system to allow residents to manage their Council Tax and benefit applications online.	Finance, Town Centres & Growth	Cabinet 13 October 2021	Finance, Assets & Performance	All Wards	N/A
Appointment of a supplier to refurbish the health and fitness offer at Jubilee2	To recommend a preferred procurement strategy for the design, and refurbishment of the health and fitness offer, and the provision of fitness equipment to ensure that the health and fitness offer at Jubilee2 is fit for purpose	Leisure, Culture & Heritage	Cabinet 13 October 2021	Finance, Assets & Performance	All Wards	N/A

Air Quality Project - Update	To receive an update on the Air Quality Project	Environment & Recycling	Cabinet 13 October 2021	Economy, Environment & Place	All Wards	N/A
Q2 Finance & Performance Report	To receive the Q2 Finance & Performance Report	Finance, Town Centres & Growth	Cabinet 3 November 2021	Finance, Assets & Performance	All Wards	N/A
Draft Savings Proposals 2022/23	To consider draft savings proposals for the 2022/23 financial year	Finance, Town Centres & Growth	Cabinet 1 1 December 2021	Finance, Assets & Performance	All Wards	N/A
Improvements to Westlands Tennis Centre & Wolstanton Park Tennis Courts	In partnership with the Lawn tennis association secure the necessary funding to enhance the tennis courts at the West lands Tennis Centre and Wolstanton Park	Leisure, Culture & Heritage	Cabinet 1 1 December 2021	Health, Wellbeing & Partnerships	All Wards	N/A
Schedule of Fees and Charges 2022/23	To consider and approve the Fees and Charges for 2022/23	Finance, Town Centres & Growth	Cabinet 12 January 2022	Finance, Assets & Performance	All Wards	
Newcastle Town Centre Market update	To consider an update on the market	Finance, Town Centres & Growth	Cabinet 12 January 2022	Economy, Environment & Place	All Wards	
Draft Revenue & Capital Budget and Strategies 22/23	To consider the draft revenue and capital budget and strategies	Finance, Town Centres & Growth	Cabinet 12 January 2022	Finance, Assets & Performance	All Wards	