

# Public Document Pack

**Date of meeting** Wednesday, 2nd February, 2022  
**Time** 2.00 pm  
**Venue** Garden & Astley Rooms - 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 PREVIOUS MEETINGS** (Pages 5 - 10)  
To consider the Minutes of the previous meeting.
- 4 WALLEYS QUARRY ODOUR ISSUES** (Pages 11 - 16)
- 5 URBAN TREE PLANTING STRATEGY UPDATE AND DESIGNATION OF URBAN CARBON CAPTURE AREAS** (Pages 17 - 28)
- 6 REVENUE AND CAPITAL BUDGETS AND STRATEGIES 2022/23** (Pages 29 - 132)
- 7 APPOINTMENT OF EXTERNAL AUDITOR FOR THE FIVE YEAR PERIOD FROM 2023/24** (Pages 133 - 140)
- 8 FORMATION OF STAFFORDSHIRE LEADERS BOARD** (Pages 141 - 152)
- 9 ENVIRONMENTAL PROTECTION ACT 1990 PART 2A - CONTAMINATED LAND STRATEGY 2022** (Pages 153 - 218)
- 10 FORWARD PLAN** (Pages 219 - 222)
- 11 URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 12 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 of 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, 12th January, 2022  
Time of Commencement: 2.00 pm

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<b>Present:</b>	Councillor Simon Tagg (Chair)		
<b>Councillors:</b>	Stephen Sweeney Gill Heesom	Trevor Johnson Paul Northcott	Jill Waring
<b>Officers:</b>	David Adams  Martin Hamilton Simon McEneny  Daniel Dickinson  Denise French  Sarah Wilkes	Executive Director Operational Services Chief Executive Executive Director - Commercial Development & Economic Growth Head of Legal & Governance /Monitoring Officer Democratic Services Team Leader Head of Finance / S151 Officer	

### 16. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 17. **MINUTES FROM PREVIOUS MEETING**

**Resolved:** That the minutes of the meeting held on 1 December 2021 be approved as a correct record.

### 18. **WALLEYS QUARRY UPDATE**

Cabinet considered an update report on odour issues from Walley's Quarry. The report outlined the current position following the operator's appeal against the Abatement Notice served by the Council on 13 August 2021. Members were informed of the requirement for data sharing with the operator and the rules around this. There had been no agreement to undertake mediation at this stage. The complaint data was presented which showed recent increases in complaint levels; this issue had produced the largest source of complaints to the council. Air quality monitoring was being undertaken until March 2022 with static monitors at four stations; data from April 2021 was presented. The council had also procured two Jerome monitors which were deployed in selected residents homes or business premises; current data was outlined.

**Resolved:** that the report was noted.

[Click here to watch the debate](#)

**19. DRAFT REVENUE AND CAPITAL BUDGET AND STRATEGIES 2022/23**

Cabinet considered a report on progress with the draft Revenue and Capital Budget for 2022/23 along with the 5 year Medium Term Financial Strategy for 2022/23 to 2026/27.

Cabinet also considered draft strategies as follows - the Flexible Use of Capital Receipts Strategy (updated for 2022/23), the Capital Strategy for 2022/32, the Treasury Management Strategy for 2022/23 and the Investment Strategy for 2022/23 – all of which would be submitted to Council for approval in February.

**Resolved:** that:

- (a) the progress on the completion of the Revenue (Appendix 1) and Capital Budgets (Appendix 4) be noted.
- (b) The updated Medium Term Financial Strategy 2022/23 to 2026/27 (Appendix 2) be approved.
- (c) The strategy for ensuring a balanced revenue outturn position for 2021/22 be noted.
- (d) The mid-year estimate of capital expenditure be approved (Appendix 4).
- (e) The calculation of the Council Tax base and the Council Tax increase to be proposed for 2022/23 of 1.99% per Band D equivalent property be noted.
- (f) The risk assessment at Appendix 3 and S151 Officer's recommendation on the level of reserves and contingencies provisionally required to be maintained in 2022/23 be noted.
- (g) The draft Flexible Use of Capital Receipts Strategy (Appendix 6) for 2022/23 be noted.
- (h) The draft Capital Strategy (Appendix 7) for 2022/32 be noted.
- (i) The draft Treasury Management Strategy (Appendix 8) for 2022/23 be noted.
- (j) The draft Investment Strategy (Appendix 9) for 2022/23 be noted.
- (k) The draft Budget and Council Tax proposals be referred to Finance, Assets and Partnerships Scrutiny Committee for comment before the final proposals are considered at Cabinet on 2 February 2022.

[Click here to watch the debate](#)

**20. SCHEDULE OF FEES AND CHARGES 2022/23**

Cabinet considered the proposed schedule of fees and charges for the period 1 April 2022 to 31 March 2023.

**Resolved:** that the fees and charges proposed to apply from 1 April 2022, as set out in Appendix 1, be approved.

[Click here to watch the debate](#)

**21. MARKETS UPDATE**

Cabinet considered an update report on the Newcastle under Lyme town market following adoption of the Service Improvement Plan for Markets by Cabinet on 5 June 2019. The report outlined that a number of speciality markets now took place alongside the general weekly market and there were plans for a further range of market events. The report also listed current stall occupancy and compared this data to earlier Performance Indicators.

**Resolved:** that:

- (a) The report and progress to date be noted.
- (b) The town centre market performance and health be monitored
- (c) A new market management software system be in place to meet the future needs of the service.
- (d) The service improvement plan continue to be delivered.

[Click here to watch the debate](#)

**22. CHATTERLEY VALLEY**

Cabinet considered a report on progress with Chatterley Valley, a 100 acre (42 ha) site in private ownership located to the west of the Stoke-Manchester railway line, currently undeveloped. The Borough had successfully bid for Town Deal funding and the Kidsgrove Town Deal programme included a sum of £3.6 million to cover the costs of constructing a new site access into Chatterley Valley and diversion of a Severn Trent Water main.

**Resolved:** that:

- (a) Cabinet notes progress made to date on the development of the Chatterley Valley Industrial Park proposals with the landowner, Harworth, Staffordshire County Council and the Borough Council to get the project from an unviable situation to one where the scheme is ready to start on site.
- (b) The Executive Director – Commercial Development and Economic Growth, in consultation with the Portfolio Holder, Finance, Town Centres and Growth be authorised to take such actions and enter such agreements with Harworth and Staffordshire County Council and associated end users of the development to invest into the project, via retained business rate investment.

[Click here to watch the debate](#)

**23. COMMUNITY RENEWAL FUND**

Cabinet considered a report on the Council's success in securing funding from the UK Community Renewal Fund for a range of projects including LED lighting schemes and a feasibility study to assess the suitability of potential solar generation on land at Keele. The report sought approval to accept the grant funding.

**Resolved:** that:

- (a) The Community Renewal Funding be accepted for the projects outlined.
- (b) The Executive Director, Commercial Development and Economic Growth, be authorised to enter into the Grant Funding Agreement with the County Council.
- (c) The Executive Director, Commercial Development and Economic Growth, in consultation with the portfolio holder for Environment and Recycling be authorised to enter into contracts for the delivery of the projects; their evaluation and to submit the final evaluation.
- (d) That the outcome of the feasibility studies be shared with the relevant community centre management committees to enable them to plan for their future investment plans.
- (e) That the outcome of the feasibility studies be used to direct the future Council investment through the Sustainable Environment Strategy.

[Click here to watch the debate](#)

**24. PROCUREMENT OF TEMPORARY AGENCY PERSONNEL - OPERATIONAL SERVICES DIRECTORATE**

Cabinet considered a report seeking authority to enter into a contract for the delivery of a Neutral Vendor Managed Service option for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene for a period of two years plus possible two one year extensions

**Resolved:** that

- (a) The Neutral Vendor Managed Service option be approved for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene service areas;
- (b) The Executive Director of Operational Services be granted delegated authority for the award of contract on the completion of the supplier assessment currently being undertaken.

[Click here to watch the debate](#)

**25. 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.

[Click here to watch the debate](#)

**26. URGENT BUSINESS**

There was no Urgent Business.

**27. DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration of the following matters because it is likely that there will be disclosure of exempt information as defined in paragraph 3 in Part 1 of Schedule 12A of the Local Government Act, 1972.

**28. LEASING OF INDUSTRIAL SITE - PLOT E, APEDALE BUSINESS PARK, CHESTERTON**

Cabinet considered a report about the potential leasing of Plot E, Apedale Business Park, Chesterton.

**Resolved:** that the Executive Director – Commercial Development and Economic Growth, be authorised to take such actions and enter such agreements as are necessary to conclude the leasehold disposal of Plot E, Apedale Business Park at an initial rental of £90,000 per annum.

**29. SCALE OF FEES AND CHARGES 2022/23 - CONFIDENTIAL APPENDIX**

Cabinet considered the schedule of fees and charges in the confidential appendix.

**Resolved:** That the fees and charges proposed to apply from 1 April 2022, as set out in the confidential Appendix be approved.

**Councillor Simon Tagg  
Chair**

Meeting concluded at 3.13 pm

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

2 February 2022

**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 update 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 all members are kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry.**

## **1. Background**

- 1.1 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. 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.
- 1.2 In March 2021, Council held an extraordinary meeting to receive the report of the Economy, Environment and Place Scrutiny Committee review into the Walleys Quarry issues, and to debate a motion demanding the immediate suspension of operations and acceptance of waste at the Walleys Quarry Landfill site.
- 1.3 In July 2021 Council received a report by the Chief Executive updating on the issues pertaining to the question of Statutory Nuisance.
- 1.4 Cabinet has received monthly updates on the issues relating to the odours.

## **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 13<sup>th</sup> August 2021, served an Abatement Notice on Walleys Quarry Ltd.

- 2.2 The Abatement Notice afforded 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.
- 2.3 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.
- 2.4 On 3<sup>rd</sup> November, representatives for the Council and Walleys Quarry Ltd attended a case management hearing at Newcastle Magistrates Court. This hearing dealt with the administration of the appeal, setting out a timetable leading up to a trial of the issues in June 2022.

### 3. Complaint Data

In 2021, the Council received a total of **22,239** complaints. This figure represents two thirds of the overall complaints for all the various environmental services contacts for that year. i.e in 2021, there were 33,245 contacts in total, of which Walleys Quarry complaints were 22,239 and all other environmental contacts put together were 10,803. In the same period, the Environment Agency received **43,262** complaints about Walleys Quarry

2021	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
NuLBC	993	3372	4913	3421	3565	2049	1747	893	630	190	251	185
EA	2050	4098	6347	6181	8482	4444	4245	2329	2328	842	1046	870

- 3.1 Whilst complaint levels appear to have overall 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. In January 2022 complaints regarding odours increased alongside increases in H2S recorded at monitoring stations around the site, as shown below

2022	Dec 6-12	Dec 13-19	Dec 20-26	Dec 27-2	Jan 3-9	Jan 10-16	Jan 17-23	Jan 24- 30
Complaints to NuLBC	28	82	28	28	73	258	87	
Complaints to EA	94	400	166	147	352	1045		
% time above Annoyance Threshold MMF1 (Silverdale Cemetery)	0.6	0.9	0	0	1.2	14.9		
% time above Annoyance Threshold MMF2 (Silverdale Rd)	0	0	0	0	0	11.9		
% time above Annoyance Threshold MMF6 (Fire Station)	0.9	3	0	0	2.1	21.4		
% time above Annoyance Threshold MMF9 (Galingale)	2.4	18.5	3	2.4	16.2	53.3		

#### 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 (H<sub>2</sub>S) – 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/m<sup>3</sup>, 30-minute average) over the last 37 weeks of 2021 for the following percentages of each week:

Location	MMF1 - Silverdale Cemetery (%)	MMF2 - Silverdale Road (%)	MMF6 - NuL Fire Station (%)	MMF9 - Galingale View (%)
19/4 – 25/4	18	8	4	21
26/4 – 2/5	4	10	13	35
3/5 – 9/5	6	21	6	48
10/5 – 16/5	15	20	1	10
17/5 – 23/5	1	9	10	53
24/5 – 30/5	7	15	16	47
31/5 – 6/6	30	1	6	18
7/6 – 13/6	1	10	10	19
14/6 – 20/6	11	7	9	13
21/6 – 27/6	2	1	4	12
28/6 – 4/7	1	8	8	10
5/7 – 11/7	5	18	3	17
12/7 – 18/7	0.4	2.4	2.1	23
19/7 – 26/7	3.6	0	3.6	16
27/7 – 1/8	1.8	1.5	11	26
2/8 – 8/8	1	4	5	10
9/8 – 15/8	0.3	7	3	6
16/8 – 22/8	1	1	4	6
23/8 – 29/8	0	0	1.5	17
30/8-5/9	0	0	0.3	2.1
6/9 -12/9	0	1	13	18
13/9 – 19/9	0	0.6	7.3	11.7
20/9- 26/9	3	2	6	11
27/9-3/10	0	0	0	0.3
4/10 – 10/10	0	0	0.3	5
11/10 – 17/10	0	0.5	1.5	9
18/10-24/10	0	0	0	1.5
25/10-31/10	0	0	0	0
1/11 – 7/11	2.9	0	3.3	13.5
8/11 – 14/11	0	0	1	10

15/11 – 21/11	0	0	0	1.2
22/11-28/11	0	0	0	11
29/11-5/12	0.6	0.9	0	9
6/12 – 12/12	0.6	0	0.9	2.4
13/12-19/12	0.9	0	3	18.5
20/12-26/12	0	0	0	3
27/12-2/1/22	0	0	0	2.4
3/1-9/1	1.2	0	2.1	16.2
10/1-16/1	14.9	11.9	21.4	53.3
*17/1-23/1	*	*	*	*

\*To be updated at the meeting

- 4.3 The data shows that over 2021 the frequency of incidences when the WHO annoyance threshold is exceeded appears to have reduced, however, the more recent data indicates that the issue is by no means abated, and odours will recently have given rise to annoyance to residents – as reflected in the complaints data.

## 5. **Proposal**

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

## 6. **Reasons for Proposed Solution**

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

## 7. **Options Considered**

- 7.1 To provide regular updates to Council

## 8. **Legal and Statutory Implications**

- 8.1 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.

## 9. Equality Impact Assessment

9.1 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.

## 10. Financial and Resource Implications

10.1 There are none directly arising from this report.

## 11. Major Risks

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

## 12. Unsustainable Development Goals (UNSDG)



## 13. Key Decision Information

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

## 14. Earlier Cabinet/Committee Resolutions

14.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21 April 2021, 9<sup>th</sup> June 2021, 7<sup>th</sup> July 2021, 21<sup>st</sup> July 2021, 8<sup>th</sup> September 2021, 13<sup>th</sup> October 2021 and 3<sup>rd</sup> November 2021, 17<sup>th</sup> November.

15. **List of Appendices**

15.1 None

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet  
02 February 2022

**Report Title:** Urban Tree Planting Strategy Update and designation of Urban Carbon Capture Areas.

**Submitted by:** Executive Director – Operational Services

**Portfolios:** Environment and Recycling

**Ward(s) affected:** All

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

To seek the approval of the Cabinet to progress tree planting under the Urban Tree Planting Strategy, and to provide an update on progress with linked initiatives.

#### **Recommendation**

That

1. Cabinet notes the Phase 1 sites already planted to coincide with the national tree planting week initiative.
2. The phase 2 of tree planting through the Urban Tree Planting Strategy is approved for immediate implementation, subject to consultation responses, and the Executive Director – Operational Services is authorised to seek and accept quotations for the work.
3. That Cabinet notes progress with other linked initiatives.
4. That the list of future sites for tree planting is approved and work is progressed, with a view to implementation of further phases starting with planting sites for Phase 3 in the autumn/winter planting season of 2022/23.
5. That Cabinet remove the 2 ha. limit to allow larger sites to be considered.
6. That all Council owned site in phases 1, 2 and 3 and future phases outlined in appendix 1. are designated as Urban Carbon Capture Areas in the Open Space and Green Infrastructure Strategy and considered for an appropriate designation in the developing Local Plan.

#### **Reasons**

To contribute to the Council's Sustainable Environment Strategy, with particular focus on carbon sequestration and off-setting as part of its journey to net carbon zero

To contribute to the removal and sequestration of carbon from the atmosphere.

To contribute to the good management of the Borough Council's tree stock and appropriate decision making on tree planting proposals

To contribute to the Council's Nature Recovery plans.

To protect urban greenspaces for future generations.

## 1. **Background**

- 1.1 The Council adopted its Sustainable Environment Strategy in December 2020 which commits, under the "Offset" theme, to undertaking a feasibility study for a tree planting programme to facilitate carbon capture, and greening. The strategy also makes commitments in relation to tree planting in the priority outcomes for the Natural Environment theme.
- 1.2 On 7<sup>th</sup> July 2021 the Cabinet approved the Urban Tree Planting Strategy which set out its approach for the management and improvement of the urban forest of Newcastle-under-Lyme. It was resolved that:
  1. The proposed Urban Tree Planting Strategy be approved for immediate implementation and included in the Urban Forest Strategy when the review is completed.
  2. That Ward Members of urban wards in the Borough and local communities be asked to propose potential sites for tree planting in their wards.
  3. That opportunities to work together with local organisations and landowners be pursued.
  4. Investigations be made into opportunities to take part in the project to plant an Urban Tree Canopy as part of the celebrations for the Queen's Platinum Jubilee in 2022.
  5. An Urban Tree Planting Action Plan be prepared to guide tree-planting projects and link in to the Council's Sustainable Environment Strategy.
- 1.3 In November 2021 the Council was the first in Staffordshire to adopt a Nature Recovery motion in Full Council, in recognition that nature is in long term decline and action is needed to halt and reverse this urgently.
- 1.4 To address the nature crisis the Council acknowledged that more space should be given to wildlife, existing wildlife spaces should be expanded, existing wildlife spaces should be improved as well as improving the connectivity between wildlife spaces.
- 1.5 Since this time, officers have progressed a number of initiatives and plans are now in place to begin phased delivery of the Urban Tree Planting Strategy.

## 2. **Issues**

- 2.1 The following summary outlines progress made to date against each of the 5 resolutions made by Cabinet in July 2021:
  1. Recruitment is in progress to fill the vacant Arboricultural Officer post. When in post, the Arboricultural Officer will undertake the review of the Urban Forest Strategy, incorporating the Urban Tree Planting Strategy
  2. Ward members of urban wards in the Borough were asked in September 2021, to propose potential sites for tree planting. The responses, received in October 2021, were collated into a long list of sites that feed into an Action Plan.
  3. Local organisations and communities were also invited to consider planting trees in their gardens, allotments or green spaces as part of the Council's "Plant a Blooming Tree" initiative, which is the theme for Newcastle in Bloom for 2022.



4. In addition, the Council has set up a “treetotalizer” on its website, where residents and community groups can add a tree or trees they have planted, with a view to planting 850 trees to mark the 850<sup>th</sup> anniversary of the Borough in 2023.
  5. Engagement is in progress with all local primary schools to encourage participation in the “Plant a Tree for the Jubilee” initiative to celebrate the Queen’s Platinum Jubilee in 2022. Some schools are already signed up to the scheme and are accessing the tree packs provided by the Woodland Trust, the partner for the initiative.
  6. Other schools have expressed interest in working with the Council to plant trees either within their school grounds, or on a local green space owned by the Council. Planting will take place in two phases during 2022 – firstly in March 2022, and secondly in November/December 2022.
  7. An Urban Tree Planting Strategy Action Plan has been prepared as an appendix to this report, which identifies a long list of sites for tree planting projects in urban wards in the Borough, which will link to the Sustainable Environment Strategy. This Action Plan represents a commitment to undertake tree planting on urban greenspaces well into the future, which will in time form a lasting legacy for future generations.
  8. A shortlist of sites has been prepared, (see 2.7 below) with a view to implementing tree planting at these locations in March 2022, subject to consultation with local stakeholders.
- 2.2 The Action Plan and the linked initiatives, follow the principles of the Urban Tree Planting Strategy in that all of the trees in the Borough, whether individual specimens, groups or woodlands, together make up the concept of the urban forest as a single entity and need to be managed holistically in order to achieve maximum benefit.
- 2.3 They also acknowledge the importance of “the right tree in the right place”, involving the community in managing existing trees and new planting schemes, and the long term nature of urban forest management, reflecting the lifespan of trees and the timescales (20 – 30 years) involved for newly planted trees to grow to the age where they begin to absorb large amounts of carbon dioxide. Ultimately, they will assist in the Council’s aim of becoming carbon neutral through carbon sequestration and offsetting when the trees begin to mature.
- 2.4 National Tree Week
- 2.5 As a forerunner to the implementation of the next phase of tree planting, to mark the recent National Tree Week and the Borough’s 30<sup>th</sup> year of participation in Britain in Bloom, planting of 30 native broadleaf trees was undertaken at 2 sites in December 2021. 15 trees were planted at Newchapel Recreation Ground, and a further 15 at Sandy Lane.
- 2.6 Queens Green Canopy 2022 – ‘Plant a Tree for the Jubilee’
- 2.7 At the time of writing this report, 17 primary schools have indicated that they will be participating in the “Plant a Tree for the Jubilee” project, and intend to plant their trees by March 2022. Work is ongoing with other schools, with a view to the remainder of planting with interested schools taking place in November/December 2022.
- 2.8 Newcastle under Lyme Local Plan and Open Space and Green Infrastructure Strategy
- 2.9 Many of the Council’s formal parks and open spaces are already recognised in the Council’s emerging Open Space and Green Infrastructure Strategy (formerly Greenspace Strategy) as

being required to meet the open space needs of the community. Additional sites where tree planting is carried out will be included in the Strategy as urban carbon capture areas.

- 2.10 Further, sites where tree planting is carried out as part of the Urban Tree Planting Strategy will also be considered for designation in the Local Plan to reflect the role that they will perform in the creation of a mosaic of urban parks and greenspaces that will play a important long term role in reducing carbon dioxide in the atmosphere and providing important local wildlife habitats.
- 2.11 The Urban Tree Planting Strategy will focus on carrying out tree planting in the urban wards in the Borough, as this is where carbon capture or sequestration will be most needed to mitigate the carbon footprint generated in built-up areas.
- 2.12 Work is also ongoing to investigate and develop a system where the future benefits of carbon capture deriving from additional trees can be measured and monitored to demonstrate their contribution towards the Councils carbon zero goals.
- 2.13 The Action Plan proposes 3 initial phases of site selection for suitable areas of open space that have less than 2 ha of open area:

Site	Ward	Area (ha)
<b>Phase 1 – National Plant a Tree Week sites</b>		
Sandy Lane	May Bank	0.91
Newchapel Recreation Ground	Newchapel and Mow Cop	1.96
<b>Phase 2 – March 2022</b>		
Repton Drive	Westlands	0.11
Winchester Drive	Westlands	0.13
Westbury Road	Westbury Park and Northwood	0.48
Wilson Street	Town	0.44
Hanbridge Avenue	Bradwell	0.48
<b>Phase 3 – under consideration for Autumn/Winter 2022/23</b>		
Harriet Higgins/Poolfields LNR	Thistleberry	0.73
Leys Dr./Whitmore Road	Westlands	1.29
Former pitch and put Lyme Valley Parkway	Clayton	1.04
Rear of Homebase/Lyme Valley Parkway	Town	0.17
Moreton Parade	May Bank	0.04
St Edmunds Avenue	Wolstanton	0.25
Coalpit Hill	Talke and Butt Lane	1.74
Mount Road/Weir Grove	Kidsgrove and Ravenscliffe/Newchapel and Mow Cop	0.14
Silverdale crossroads	Silverdale	0.67
Parts of larger greenspaces as referred to in appendix 1.	various	

	Phases 1, 2 and 3 total area	10.58 ha./25.39 ac.
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- 2.14 Consultation with appropriate stakeholders is in progress regarding the first phase sites, and subject to responses received, it is proposed to plant a mix of native broadleaf and fruit trees as appropriate on these sites in March 2022.
- 2.15 A dedicated web page has been set up on the Councils website with information about the benefits of tree planting, details of the proposed phase 2 sites and inviting residents to let the Council know views on tree planting and any other suggestions for further nature recovery improvements.
- 2.16 Ward Members of the phase 2 sites have been provided with a pack including a consultation letter that can be delivered to residents and a plan of the particular site involved, with the intention that Ward Members can determine and undertake appropriate distribution.
- 2.17 The third phase will then look at further sites with less than 2 ha of open area, as well as parts of sites with larger than 2 ha of open areas and further consultation in relation to those areas will be undertaken at the appropriate time. It is from Phase 3 and onwards when there will be a significant ramping up of the number of sites where trees will be planted and in the number of trees planted overall. Further sites will be considered for addition to the Action Plan on an ongoing basis.
- 2.18 Although the main focus of the planting will be on land that is owned by the Borough Council, this does not preclude opportunities to work with other land owners, particularly where there is land in other ownerships that lies adjacent to Borough Council land.
- 2.19 The Urban Tree Planting Strategy Action Plan is attached to this report at Appendix 1 and is recommended for approval for consultation with appropriate stakeholders on a phased basis.

### 3. **Proposal**

1. Cabinet notes the Phase 1 sites already planted to coincide with the national tree planting week initiative.
2. The phase 2 of tree planting through the Urban Tree Planting Strategy is approved for immediate implementation, subject to consultation responses, and the Executive Director – Operational Services is authorised to seek and accept quotations for the work.
3. That Cabinet notes progress with other linked initiatives.
4. That the list of future sites for tree planting is approved and work is progressed, with a view to implementation of further phases starting with planting sites for Phase 3 in the autumn/winter planting season of 2022/23.
5. That Cabinet remove the 2 ha. limit to allow larger sites to be considered.
6. That all Council owned site in phases 1, 2 and 3 and future phases outlined in appendix 1. are designated as Urban Carbon Capture Areas in the Open Space and Green Infrastructure Strategy and considered for an appropriate designation in the developing Local Plan.

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

- 4.1 To contribute to the Council's Sustainable Environment Strategy, with particular focus on its journey to net carbon zero in terms of removing and sequestering carbon emissions from the atmosphere.
- 4.2 To contribute to the good management of the Borough Council's tree stock and appropriate decision making on tree planting proposals

## 5. **Options Considered**

- 5.1 The options considered are whether or not to approve tree planting through the Urban Tree Planting Strategy and to continue to progress the linked initiatives.
- 5.2 It is recommended that the proposed second phase of tree planting is implemented, subject to consultation responses, and that the linked initiatives detailed in this report are also progressed, in line with the Council's Sustainable Environment Strategy.
- 5.3 It is also recommended that work begins on developing future phases of tree planting, starting with phase 3 tree planting, including consultation with appropriate stakeholders.

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

- 6.1 The Council, as a landowner, has a statutory duty to ensure that its tree stock is managed safely. It also has a "biodiversity duty" under the Natural Environment and Rural Communities Act 2006, to which the provision and management of trees and woodlands contributes.

## 7. **Equality Impact Assessment**

- 7.1 There are no direct equality impacts associated with this report.

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

- 8.1 There are financial and resource implications arising from the proposed delivery of the Urban Tree Planting Strategy as follows.
- 8.2 There is a significant requirement for staff time to engage and consult with affected communities and other stakeholders, design schemes, seek tenders, appoint and manage contractors and arrange and manage community-planting events with schools and other groups.
- 8.3 This work, in relation to phases 2 and 3 of the tree planting, and the other linked initiatives detailed in the body of this report, has been reprioritised over other projects and work streams depending on the scale and timing of the proposals.
- 8.4 Cost estimates are being prepared initially for phase 2 of the tree planting, which will require capital funding. Provision has been included in the general fund capital programme for 2021/22 for progression of projects in the Sustainable Environment Strategy Action Plan, and that a portion of this is available for new planting schemes.
- 8.5 Full costings will be reported to the relevant Portfolio Holder for any planting proposals which are brought forward so that appropriate funding amounts can be agreed. Further provision will be required in the 2022/23 capital programme for phase 3, and for any future phases in 2023/24 onwards.
- 8.6 Opportunities to secure external funding for planting schemes are also being explored to supplement the Council's resources, and any successful bids will be reported.

## 9. **Major Risks**

- 9.1 The major risks associated with this report relate to the Council's duty to safely maintain its current tree stock, and its ambition to be carbon neutral across its operations and assets by 2030 through a combination of reducing carbon production and offsetting of any residual carbon emissions. Tree planting, particularly in the urban areas of the Borough, would ultimately assist in such offsetting.
- 9.2 There is also a risk of a lack of community support for proposed new tree planting, depending on location and scale. This risk will be managed through community engagement and consultation on planting proposals for any sites identified for this purpose.

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

- 10.1 The Urban Forest Strategy and Urban Tree Planting Strategy will support the realisation of the aims of UN SDG 3, 13 AND 15.

<https://sdgs.un.org/goals>



## 11. **Key Decision Information**

- 11.1 Approval of the strategy is considered to be a key decision as it impacts on all wards in the Borough and may require cumulative expenditure of over £100,000 should the action plan be progressed. It has been included in the Forward Plan.

## 12. **Earlier Cabinet/Committee Resolutions**

- 12.1 None

## 13. **List of Appendices**

- 13.1 Appendix 1 – Urban Tree Planting Strategy draft Action Plan

## 14. **Background Papers**

1. Urban Tree Planting Strategy
2. Sustainable Environment Strategy

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**Newcastle Borough Council**

**Urban Tree Planting Strategy/Urban Carbon Capture Areas - Action Plan**

The following list of Council owned sites have been suggested by Members as potential sites for tree planting.

All the sites listed are to be designated as Urban Carbon Capture Areas in the Open Spaces and Green Infrastructure Strategy and considered for an appropriate designation in the developing Local Plan.

**Phase 1 – December 2021 (completed to mark National Tree Week)**

- Sandy Lane – May Bank
- Newchapel Recreation Ground – Newchapel and Mow Cop

**Phase 2 – March/April 2022**

- Repton Drive – Westlands
- Winchester Drive – Westlands
- Westbury Road – Westbury Park and Northwood
- Wilson Street – Town
- Hanbridge Avenue – Bradwell

**Phase 3 and future phases– Autumn/winter 2022/23 – to be considered from the following:**

- Harriet Higgins/Poolfields LNR – Thistleberry
- Leys Dr./Whitmore Road – Westlands
- Former pitch and put Lyme Valley Parkway – Clayton
- Rear of Homebase/Lyme Valley Parkway – Town
- Moreton Parade – May Bank
- St Edmunds Avenue – Wolstanton
- Coalpit Hill - Talke and Butt Lane
- Mount Road/Weir Grove - Kidsgrove and Ravenscliffe/Newchapel and Mow Cop
- Silverdale crossroads – Silverdale
- Parts of larger greenspaces if funding allows - various

**Future Phases to be considered from the following.**

**Bradwell**

- Clayhanger Close
- Land by Arnold Grove/Bradwell Crematorium
- Bradwell Dingle

**Crackley and Red Street**

- Crackley Recreation Ground
- Waterhays open space

**Holditch and Chesterton**

- Chesterton Cemetery
- Land by Sheldon Grove – known as The Grumbles

**Keele**

- Keele Cemetery

**Kidsgrove/Talke/Newchapel Wards**

- Laurel Drive Play Area
- Dales Green Play Area

**Knutton & Silverdale Wards**

- Silverdale Cemetery
- Knutton Cemetery

**May Bank & Wolstanton Wards**

- Land by Grange Lane Community Centre
- Porthill Dingle

**Town Ward**

- Land by St. Paul's Church, Stubbs Walk
- Station Walk by King Street
- Land by Slaney Street/Occupation Street

**Westbury Park & Clayton Wards**

- Land off Betley Place, Clayton
- Land off Cambridge Drive
- Land off Severn Drive/Kennet Place
- Land off Wye Road/Bunny Hill

**Westlands & Thistleberry Wards**

- Land by Rydal Way Playground
- By Cambourne Crescent
- Land by Howard Place and Wedgewood Avenue
- Land by Paris Avenue opposite The Butts
- Land at Earls Drive – known as Clayton Field
- Land at Kingsbridge Avenue
- The Butts

**Formal Parks and Open Spaces.**

- Queen Elizabeth Park
- Bradwell Lodge
- Newcastle Crematorium
- Silverdale Park
- Birchenwood Countryside Park
- Bathpool Park
- Clough Hall Park
- Chesterton Park
- The Wammy
- Thistleberry Parkway



- Brampton Park
- Wolstanton Marsh

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet  
02 February 2022

**Report Title:** Revenue and Capital Budgets and Strategies 2022/23

**Submitted by:** Head of Finance (Section 151 Officer)

**Portfolios:** Finance, Town Centres and Growth

**Ward(s) affected:** All

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

To enable the Cabinet to recommend the 2022/23 General Fund Revenue Budget and the 2022/23 Capital Programme for approval to Full Council, at the meeting on 23 February 2022 following consideration by the Finance, Assets and Performance Scrutiny Committee on 20 January 2022.

To recommend the Flexible Use of Capital Receipts Strategy (updated for 2022/23), the Capital Strategy for 2022/32, the Treasury Management Strategy for 2022/23 and the Investment Strategy for 2022/23 for approval to Full Council, meeting on 23 February 2022.

#### **Recommendation**

1. That the Revenue and Capital Budgets as detailed in this report and in the report to Cabinet dated 12 January 2022 be recommended to Full Council for approval.
2. That the updated Medium Term Financial Strategy 2022/23 to 2026/27 (Appendix 2) be recommended to Full Council for approval.
3. That the strategy for ensuring a balanced revenue outturn position for 2021/22 be approved.
4. That the calculation of the Council Tax base and the Council Tax increase to be proposed for 2022/23 of 1.99% per Band D equivalent property be recommended to Full Council for approval.
5. That the risk assessment at Appendix 3 and the Section 151 Officer's recommendation on the level of reserves and contingencies provisionally required to be maintained in 2022/23 be recommended to Full Council for approval.
6. That the Flexible Use of Capital Receipts Strategy (Appendix 6) for 2022/23 be recommended to Full Council for approval.
7. That the Borough Growth Fund Priorities for 2022/23 be approved.
8. That the Capital Strategy (Appendix 7) for 2022/32 be recommended to Full Council for approval.
9. That the Treasury Management Strategy (Appendix 8) for 2022/23 be recommended to Full Council for approval.

**10. That the Investment Strategy (Appendix 9) for 2022/23 be recommended to Full Council for approval.**

**11. That the Local Council Tax Reduction Scheme (Appendix 10) for 2022/23 be recommended to Full Council for approval.**

### **Reasons**

To enable the Cabinet to recommend a robust and affordable budget for 2022/23 to the Council at its meeting on 23 February 2022.

The Council needs to have an approved Flexible Use of Capital Receipts Strategy for 2022/23, an approved Capital Strategy for 2022/23, an approved Treasury Management Strategy for 2022/23 and an approved Investment Strategy for 2022/23 in place before the start of the 2022/23 financial year.

### **1. Background**

- 1.1 The Council is committed to the delivery of high quality services. Integral to this ambition is effective targeting of financial resources in line with the vision of “a growing borough that is an attractive and welcoming place for all” and the Council’s stated aims and objectives, as set out in the Council Plan 2018/22, which was approved by Cabinet on 19 September 2018.
- 1.2 The Medium Term Financial Strategy (MTFS) sets out the Council’s financial position over the next 5 years. This is aligned to the Council Plan 2018/2022 and is the key vehicle for ensuring efficiency in service delivery and targeting resources to priority areas.
- 1.3 Despite the COVID-19 pandemic, and the challenges faced by the Council in its response, there has been good progress against Council Plan objectives in the current year, with high standards of service delivery being achieved overall. Key Council Achievements so far in 2021/22 are set out in Appendix 5.
- 1.4 The 2022/23 budget is based on the assumptions set out in the MTFS which was approved as a basis for consultation by the Cabinet at its meeting on 1 December 2021 and scrutinised by the Finance, Assets and Partnerships Scrutiny Committee at its meeting on 13 December 2021.
- 1.5 The proposals included in this report will inform the Revenue and Capital Budgets and Council Tax 2022/23 report to Full Council on 23 February 2022.
- 1.6 The Capital Strategy 2022/32 sets out how the Council proposes to deploy its capital resources in order to achieve its corporate and service objectives. It takes into account other relevant Council strategies, policies and plans and the views of partners and interested parties with whom the Council is involved. It also takes account of the resources which are likely to be available to the Council to fund capital investment and the effect of that investment on the Council’s revenue budget. It will serve as a useful point of reference when determining or reviewing the Council’s Capital Programme.
- 1.7 The Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice. This requires approval by Council concerning the Treasury Management Strategy to be followed in carrying out its treasury management activities in the forthcoming financial year, 2022/23.
- 1.8 The Investment Strategy 2022/23 is compiled according to the Ministry of Housing, Communities and Local Government’s Guidance on Local Government Investments (‘the Guidance’) and the 2017 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes (‘the CIPFA TM Code’) It sets out the Council’s policies for managing its investments and for giving priority to the security and liquidity of those investments.

## 2. Issues

### Budget 2021/22 – Provisional Outturn Forecast

#### Revenue

- 2.1 The Council approved a General Fund Revenue Budget for 2021/22 of £14.960m on 24 February 2021. The actual and forecast position compared to this budget is continuously monitored by managers, EMT and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget.
- 2.2 It is forecast that adverse variances incurred will again be offset in total by the emergency Coronavirus funding received from the Government and by the Government income compensation scheme and that this will enable a balanced outturn to be presented at the year end, any variance remaining will be paid into or from the general fund reserve. Close management of the financial position will continue and remains absolutely essential.
- 2.3 The Coronavirus pandemic continues to have an impact on the Council's financial position, primarily through lost income, although this is showing a marked improvement compared to the losses incurred during 2020/21. To date un-ringfenced Government funding of £0.915m has been secured (including £0.240m of new burdens funding to offset the costs of administering Coronavirus business support grants and test and trace payments) in relation to 2021/22, which has reduced the immediate pressure on additional spending on the Council finances.
- 2.4 Further specific Government funding to assist with the Council's response to the Coronavirus during 2021/22 has also been secured in relation to elections (£0.035m), outbreak control (£0.174m) and the Welcome Back fund (£0.115m).
- 2.5 The Council's revenue budget relies on service income from fees and charges of around £0.850m per month across a wide range of services, with a significant proportion coming from Jubilee 2 and car parking. Taking account of the current restrictions, it is forecast that income losses from fees and charges for the financial year will amount to £1.140m.
- 2.6 The Government announced that it will fund income losses, relating to irrecoverable fees and charges, above the first 5% at the rate of 75p in the pound for the quarter 1 of the current financial year, this will help to insulate the Council from income related financial risks for quarter 1 only. It is forecast that the Government's income compensation scheme will offset these income losses to the sum of £0.360m.
- 2.7 Additional expenditure pressures continue to be incurred as a result of the Coronavirus pandemic, albeit at a vastly reduced rate when compared to 2020/21 (excluding the provision of services/activity for which specific funding has been received).
- 2.8 Expenditure continues to be reduced wherever possible throughout the Council to ensure that only absolutely necessary spending is being incurred, this helps to reduce the adverse variance on a service by service basis. It has been forecast that this situation continues throughout the remainder of the financial year.
- 2.9 Further consequences of the Coronavirus on the Council's financial position will depend significantly on any future lockdown or restrictions being imposed, the recovery of income from fees and changes and on any further Government financial support that may be received.
- 2.10 Careful monitoring of the financial position will be required over coming weeks and months leading to prompt corrective action where necessary to ensure the Council remains in a position of being able to deliver a balanced budget position.

## Capital

2.11 A Capital Programme totalling £12.923m was approved for 2021/22. Of this total £10.923m relates to the total cost of new schemes for 2021/22 together with £1.000m for schemes funded by external sources (Disabled Facilities Grants) and £1.000m contingency. In addition £2.256m has been brought forward from the 2020/21 Capital Programme, resulting in a total Capital Programme of £15.179m for 2021/22.

2.12 At the close of quarter 2 the profiled capital budget amounts to £5.447m, actual spend for this period totals £5.451m. There are no significant variances in expected spend at this point.

2.13 A mid-year review of the capital programme has been undertaken as part of the Efficiency Board and budget setting process for 2022/23 in order to identify any projects that may need to be re-profiled from 2021/22 into future years. The revised capital programme also includes projects for which funding has been obtained relating to 2021/22 via the Town Deals Fund (£3.246m) and the Future High Streets Fund (£5.341m). The revised capital programme for 2021/22 totalling £19.552m can be seen at Appendix 4.

## Medium Term Financial Strategy

2.14 The MTFs was approved as a basis for consultation by Cabinet on 1 December 2021.

2.15 A number of savings and funding strategies have been identified as being both feasible and sustainable, via a vigorous Financial Recovery Board process including challenge sessions for each of the Portfolios involving Cabinet Members, the Executive Management Team, Heads of Service and the Finance Manager. The proposed savings identified to date for the period of the MTFs, have enabled a balanced financial position to be proposed for 2022/23.

Detail	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000
<i>Income</i>	58	10	-	-	-
<i>One Council</i>	601	126	-	-	-
<i>Staffing Related</i>	79	18	-	-	-
<i>Good Housekeeping</i>	120	-	-	-	-
<i>Tax Base</i>	148	210	212	215	218
<i>Council Tax Increase</i>	154	190	192	194	196
<i>Health and Social Care Levy</i>	153	-	-	-	-
<b>TOTAL SAVINGS</b>	<b>1,313</b>	<b>554</b>	<b>404</b>	<b>409</b>	<b>414</b>
<b>UPDATED MTFs GAPS</b>	<b>1,313</b>	<b>1,277</b>	<b>928</b>	<b>459</b>	<b>389</b>
<b>REMAINING GAP</b>	<b>-</b>	<b>723</b>	<b>524</b>	<b>50</b>	<b>(25)</b>

## Revenue Budget 2022/23

2.16 The MTFs provides for a gap in 2022/23 of £1.313m and over the 5 year period of the MTFs of £4.366m.

2.17 The table below shows the factors which give rise to the £1.313m gap for 2022/23:

<b>Additional Income</b>	<b>£'000</b>
Fees and Charges	(158)
Business Rates Retention	(116)
<b>Total Additional Income</b>	<b>(274)</b>
<b>Loss of Income</b>	
Government Grant (New Homes Bonus, Housing Benefits Admin)	170
Reduction in income from under achieved budgets	116
Reduction in recycling credits scheme	70
<b>Total Loss of Income</b>	<b>356</b>
<b>Additional Expenditure</b>	
Employees (pay awards, increments, national insurance, pension)	1,007
Premises (business rates and utilities)	38
Transport (fuel)	13
Borrowing	(141)
Reduction in flexible use of capital receipts	100
Other pressures (inc. software licences, Kidsgrove Sports Centre, contracts)	214
<b>Total Additional Expenditure</b>	<b>1,231</b>
<b>Net Increase in Base Budget</b>	<b>1,313</b>

2.18 A number of savings and funding strategies have been identified as being both feasible and sustainable, via a vigorous Efficiency Board process including challenge sessions for each of the Portfolios involving Cabinet Members, the Executive Management Team, Heads of Service and the Finance Manager. The proposed savings identified for 2022/23 are summarised below, with further detail in Appendix 1. These savings and strategies enable a balanced financial position to be proposed for 2022/23.

Category	Amount £'000	Comments
Income	58	Additional sources of income generation and an increased demand for services that the Council charges for
One Council	601	Efficiencies to be generated from the introduction of a new Council operating model and the continued prioritisation of digital delivery
Staffing Related Efficiencies	79	No redundancies are anticipated to arise from these proposals
Good Housekeeping/More Efficient Processes	120	Various savings arising from more efficient use of budgets
Tax Base Increase	148	Increased in Council Tax and Business Rates tax base
Council Tax Increase	154	An assumed 1.99% per Band D equivalent increase in Council Tax
Government Reimbursement	153	Reimbursement of Health and Social Care levy
<b>Total</b>	<b>1,313</b>	

2.19 As in previous years, the first draft of the savings plan set out at Appendix 1 was made available to the Finance, Assets and Partnerships Scrutiny Committee for scrutiny at its meeting on 13 December 2021. The Committee also scrutinised the recommendations of the Cabinet report of 12 January 2022 at its meeting on 20 January 2022.

2.20 The One Council Programme was launched in February 2021 following Full Council approval of the budget in order to meet the changing needs of our residents by increasing our ability

to provide flexible, efficient and customer driven services. The programme is designed to respond to the key lessons from the Covid-19 pandemic, how this impacted on how customers accessed Council services, and how services flexed in order to remain resilient. The programme focusses on reviewing customer need alongside modernising internal processes whilst developing our internal cultural transformation and ensuring we address financial demands.

- 2.21 The One Council programme facilitates a fundamental change in Newcastle-Under-Lyme Borough Council's operating model and how we address our challenges. Significantly, it sets out to enable the Council to make better use of the resources available to it, ensuring both efficient and effective service delivery.
- 2.22 Given the broad remit of the programme, overall aims have been considered by integrated work streams aligned to core principles of delivery and achievement and the initial work has been supported by the delivery partner Ignite Consulting who have enabled the team to develop skills in management change and service redesign. Whilst a significant aspect of the programme is to facilitate a move to customer self service via an enhanced website, traditional face to face and telephone access will remain available to those who need it.
- 2.23 One Council is a "spend to save" programme with an agreed investment of £1.2m. Recurrent benefits of circa £1m will be achieved moving forward. The savings are set to be staggered over the life of the 3 year programme (£0.196m has been achieved in 2021/22, £0.601m will be achieved in 2022/23 with a further £0.126m in 2023/24).

### **Borough Growth Fund**

- 2.24 The Borough Growth Fund was established in 2020 for the purpose of enabling investment in corporate priorities. The Borough Growth Fund is required to be used to invest in initiatives that are forecast to generate on-going revenue savings through reducing the costs of service delivery or through the generation of additional income.
- 2.25 Since the establishment of the Borough Growth Fund, investments have been made in the following areas:-

<b>Investment Area</b>	<b>£'000</b>	<b>Details</b>
Council Modernisation	130	Embedding digitalisation across services and developing the skills of staff.
One Council Programme	100	Contribution to drive the digital programme which will transform public access to council services and drive efficiency savings.
Environmental Sustainability	100	Tree planting/carbon reduction
Walley's Quarry	70	Addressing community concerns regarding the quarry's unpleasant odour omissions.
Town Centre Support	50	Used to support the Town Deal bids for Newcastle and Kidsgrove and the rejuvenation of the Markets.
Car Parking Machines	30	Purchase of car parking machines with cashless payment options
Commercial Property Review	20	Review to develop income generation ideas as part of the Commercial Strategy.



- 2.26 The savings and funding strategies identified in the table above and in Appendix 1 will enable continued investment of £0.250m in the Council’s priorities as per the Council Plan 2018/2022 via the Borough Growth Fund. The ‘Borough Growth’ fund will continue to be used to provide pump priming investment in initiatives, including Digital Delivery, that are forecast to generate on-going revenue savings through reducing the costs of service delivery or through the generation of additional income. The Council’s Section 151 Officer will determine whether any proposed use of the fund complies with this guidance on a case by case basis.
- 2.27 The 2022/23 Borough Growth Fund investment will be used in the following areas;-

<b>Investment Area</b>	<b>£'000</b>
Environmental Sustainability	100
One Council Programme	100
Economic Development	50
<b>Total</b>	<b>250</b>

- 2.28 In order to boost environmental sustainability within the Borough, £0.100m per annum over the life of the MTFS continues be ring-fenced from the Borough Growth Fund to enable such projects to be fully funded.
- 2.29 As approved at the Full Council meeting on 24 February 2021, £0.100m of the 2022/23 Borough Growth Fund will be allocated to the One Council Programme in order to drive the digital programme which will transform public access to Council services and drive efficiency savings.
- 2.30 The remaining £50k will be used within economic development on initiatives for boosting footfall within the town centre.

### **Council Tax and Collection Fund**

- 2.31 The savings and funding strategy assumes a 1.99% per Band D equivalent property Council Tax increase, producing £0.154m of additional income. This increase in Council Tax would equate to the following monetary increases for residents:

<b>Property Band</b>	<b>Annual Increase £ p</b>	<b>Weekly Increase £ p</b>
A	2.73	0.05
B	3.19	0.06
C	3.65	0.07
D	4.10	0.08
E	5.01	0.10
F	5.93	0.11
G	6.84	0.13
H	8.20	0.16

- 2.32 Taking into account the reduced level of Council Tax Support claimants when compared to the height of the COVID-19 pandemic and other changes to the Council Tax base (i.e. new properties, discounts and exemptions), the Council Tax base has increased by 581 band D equivalent properties from 37,087 in 2021/22 to 37,668 in 2022/23.
- 2.33 The Council is required to declare its estimated surplus or deficit on the Collection Fund (for both Business Rates and Council Tax) ahead of the financial year end for 2021/22. This surplus or deficit is then shared between the relevant preceptors in 2022/23 (a surplus if paid out to preceptors, including the Council, and a deficit is repaid to the collection fund from preceptors, including the Council).

- 2.34 In response to the continued impact of the Coronavirus pandemic on retail business, the government has continued its retail discount business rates relief scheme, for 2021/22. For the first quarter of 2021/22 eligible businesses were awarded a 100% reduction in the business rates liability, for the remainder of 2021/22 they have been awarded a 66% reduction (up to a total value of £2m per business).
- 2.35 This has the impact of a reduction in income that was expected to be received by the Council from business rates payers during 2021/22 which will generate a forecasted deficit on the collection fund of £7.479m of which the Council's share is £2.992m. However, the government will award Section 31 grant to the Council to offset the losses incurred by this, this will be paid into the general fund and will be set aside to offset the deficit that will be incurred on the collection fund.
- 2.36 The Council Tax Collection Fund is estimated to be in a surplus position as at 31 March 2022, primarily due to a reduced number of Council Tax Support claimants when compared to the height of the COVID-19 pandemic. This surplus is estimated to amount to £0.705m, of which the Council's share is £0.077m.
- 2.37 The Local Government Finance Settlement for 2022/23 was received on 16 December 2021. The business rates retention element of the settlement differs with the assumptions that had previously been made via the MTFS due to the decision to not increase the business rates multiplier (as part of the Government's protection of businesses), the MTFS assumed an inflationary increase of £0.116m..
- 2.38 The Government have again allocated the Council a Lower Tier Services Grant, this grant is un-ringfenced and is specific to lower tier authorities only. The Council will receive £0.168m from this funding source in 2022/23, it is proposed that this funding be used to offset the reduced business rates retention element of the settlement (£0.116m) and that the remainder (£0.052m) be paid into the General Fund Reserve in order to boost the Council's financial resilience during the forthcoming financial year.
- 2.39 In addition to the Lower Tier Services Grant, the Council will also receive a Services Grant of £0.257m, which will be a one off un-ringfenced grant. It is proposed that this funding be paid into the General Fund Reserve in order to boost the Council's financial resilience during the forthcoming financial year as a result of the continuing impact of the Covid-19 pandemic.
- 2.40 Finally the Local Government Settlement for 2022/23 announced that the New Homes Bonus (NHB) Scheme will continue for a further year, the allocation amount for the Council is £0.331m due to the increase in properties within the borough in the last year.

### **Budget Consultation**

2.41 Public consultation has been undertaken on the budget (Appendix 11), the consultation ran between 2 December 2021 and 4 January 2022. The consultation clearly determined that residents felt that the following services were the most important to them:

- Town Centre regeneration
- Parks, playgrounds and open spaces
- Street cleaning
- Refuse collection

It also showed that residents feel that services should be protected as far as possible, even if that required an increase in Council Tax.

## **Capital Programme 2022/23 to 2024/25 and Capital Strategy 2022/32**

- 2.42 The Capital Programme for 2022/23 to 2024/25 (Appendix 4) is based on new schemes which are vital to ensure continued service delivery and in assisting the Council to achieve its corporate and service objectives as set out in the Council Plan 2018/22. These schemes total £65.373m, of which £32.308m relates to 2022/23. These schemes include those arising from major investment into the Borough via external funding in terms of the Future High Streets Fund and the Town Deals Fund for both Newcastle and Kidsgrove.
- 2.43 The Capital Strategy for 2022/32 (Appendix 7) meets the requirements of statutory guidance issued by the Government in January 2018. The Council's capital investment is carried out within the statutory framework laid down by the Local Government Act 2003 and regulations under that Act. Accordingly, only expenditure which fits the definition of capital expenditure contained in the Act or Regulations pursuant to it will be capitalised.
- 2.44 The Capital Programme is produced in line with the Capital Strategy for 2022/32 (Appendix 7). In addition to the Council's corporate and service objectives, as set out in the Council Plan 2018/22, the Capital Programme is also influenced by a number of external parties and factors:
- Central government and its agencies;
  - Legislation requiring capital works;
  - Partner organisations;
  - Businesses and Developers; and,
  - The needs and views of other interested parties, particularly those of Borough residents.
- 2.45 Delivering the Capital Programme for 2022/23 will require prudential borrowing to be undertaken. The impact of borrowing is included in the MTFS pressures for 2022/23 and future years.
- 2.46 Advice will be sought from the Council's Treasury Management advisors, Arlingclose, as to the most beneficial timing of prudential borrowing. Their current advice remains to borrow on a short term basis (up to 4 years) from other local authorities whilst interest rates remain low.
- 2.47 In summary, investment in the Capital Programme for 2022/23 to 2024/25 totalling £65.373m will be funded by:
- £41.080m External Funding including Disabled Facilities Grant and s106;
  - £9.000m Capital Receipts; and,
  - £15.293m Prudential Borrowing

## **Treasury Management Strategy 2022/23 and Investment Strategy 2022/23**

- 2.48 The Treasury Management Strategy for 2022/23 is attached at Appendix 8. The Minimum Revenue Provision Policy for 2022/23 is contained in Annex C to the strategy.
- 2.49 The Treasury Management Strategy for 2022/23 allows for borrowing. Although not utilised in recent years, the Council has previously considered the option of long-term borrowing from the Public Works Loans Board (PWLB). After the utilisation of capital receipts and internal borrowing, the Council will now look to borrow short term from other local authorities in the first instance and will then review any other sources of funding if required.
- 2.50 The Investment Strategy for 2022/23 is attached at Appendix 9. This investment strategy meets the requirements of statutory guidance issued by the government in January 2018 and is based on guidance provided by Arlingclose, the Council's treasury management advisors. Quantitative investment indicators are included within the Strategy to allow elected members

and the public to assess the Council's total risk exposure as a result of its investment decisions.

### **Balances and Reserves**

- 2.51 A review of the Council's Balances and Reserves together with a financial resilience risk assessment informing the levels of these has been undertaken by the Council's Section 151 Officer. Details of the risk factors considered and the weightings applied to each are set out at Appendix 3.
- 2.52 The Council currently holds a minimum balance of £0.100m as an Income Reserve in order to provide increased flexibility to manage year-to-year fluctuations in income. If the Income Reserve is used in year it is proposed that this be replenished to a balance of £0.100m during the budget setting process for the following financial year.
- 2.53 It is recommended that a minimum level of unallocated reserves and contingencies of £2.160m be held in 2022/23 to reflect the levels of revenue risk shown in the draft budget for 2022/23. Therefore, the Council's Balances and Reserves Strategy for 2022/23 is that there should be a minimum General Fund balance of £2.160m and an Income Reserve of £0.100m.
- 2.54 The minimum level of unallocated reserves and contingencies recommended to be held enables the transfer of £0.840m to the approved Walley's Quarry reserve. This together with a transfer to the Walley's Quarry reserve of the 2021/22 Lower Tier Services grant of £0.160m totals the approved amount of £1.000m budget allocation.

### **3. Proposals**

- 13.1 That the Revenue and Capital Budgets as detailed in this report and in the report to Cabinet dated 12 January 2022 be recommended to Full Council for approval.
- 13.2 That the updated Medium Term Financial Strategy 2022/23 to 2026/27 (Appendix 2) be recommended to Full Council for approval.
- 13.3 That the strategy for ensuring a balanced revenue outturn position for 2021/22 be approved.
- 13.4 That the calculation of the Council Tax base and the Council Tax increase to be proposed for 2022/23 of 1.99% per Band D equivalent property be recommended to Full Council for approval.
- 13.5 That the risk assessment at Appendix 3 and the Section 151 Officer's recommendation on the level of reserves and contingencies provisionally required to be maintained in 2022/23 be recommended to Full Council for approval.
- 13.6 That the Flexible Use of Capital Receipts Strategy (Appendix 6) for 2022/23 be recommended to Full Council for approval.
- 13.7 That the Borough Growth Fund Priorities for 2022/23 be approved.
- 13.8 That the Capital Strategy (Appendix 7) for 2022/32 be recommended to Full Council for approval.
- 13.9 That the Treasury Management Strategy (Appendix 8) for 2022/23 be recommended to Full Council for approval.
- 13.10 That the Investment Strategy (Appendix 9) for 2022/23 be recommended to Full Council for approval.

13.11 That the Local Council Tax Reduction Scheme (Appendix 10) for 2022/23 be recommended to Full Council for approval.

4. **Reasons for Proposed Solution**

4.1 The Council has a statutory duty to set a balanced budget before 11 March in the financial year preceding the one in respect of which the budget is set, per Section 30(6) of the Local Government Finance Act 1992. Best practice is for financial planning to take place over a 5 year period in the form of a MTFS 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 Council is required to set its Council Tax for 2022/23 by 11 March 2022, per Section 30(6) of the Local Government Finance Act 1992. It is planned to approve the final budget and Council Tax rates on 23 February 2022.

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.

9.2 Such risks require regular and robust monitoring and it is essential that the Council has sufficient useable reserves to call on if required (see Section 6 above). The review and risk assessment indicates that overall unallocated reserves and contingencies are required to be held at a minimum level of £2.160m to reflect the levels of revenue risk shown in the draft budget for 2022/23. In addition an earmarked reserve of £1m is required to provide flexibility to manage risks relating to delivery of the capital programme.

9.3 The assessment of the Section 151 Officer is that the proposals included in this report are robust and will ensure an adequate level of reserves.

9.4 Treasury management is a major area of risk for the Council in that large amounts of money are dealt with on a daily basis and there are a number of limits and indicators, which must be complied with.

9.5 The overriding consideration in determining where to place the Council's surplus funds is to safeguard the Council's capital. Within this constraint the aim is to maximise the return on capital. Operational procedures, coupled with monitoring arrangements, are in place to minimise the risk of departures from the approved strategy.

## 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 budget setting process will be a key decision.

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 Revenue and Capital Budgets 2022/23 – First Draft Savings Plans (Cabinet 1 December 2021)

12.2 Revenue and Capital Budgets and Strategies 2022/23 (Cabinet 12 January 2022)

## 13. **List of Appendices**

13.1 Appendix 1 – 2022/23 MTFS Funding Strategy

13.2 Appendix 2 – 2022/23 to 2026/27 MTFS 'Gaps'

13.3 Appendix 3 – Risk Assessment on Required Balances/Contingency Reserve

13.4 Appendix 4 – 2022/23 to 2024/25 Capital Programme and 2021/22 Mid-Year Estimate

13.5 Appendix 5 – Key Council Achievements in 2021/22 and Plans for 2022/23

13.6 Appendix 6 – Flexible Use of Capital Receipts Strategy 2022/23

13.7 Appendix 7 – Capital Strategy 2022 to 2032

13.8 Appendix 8 – Treasury Management Strategy 2022/23

13.9 Appendix 9 – Investment Strategy 2022/23

13.10 Appendix 10 – Local Council Tax Reduction Scheme for 2022/23

13.11 Appendix 11 – 2022/23 Budget Consultation Summary

## 14. **Background Papers**

CIPFA Treasury Management Code of Practice (revised December 2017)

Council's Treasury Management Policy Statement

Local Government Act

Local Authorities (Capital Finance and Accounting) (England) Regulations

Department of Levelling up and Housing Communities Guidance on Local Government

Investments Statutory Guidance on the Flexible Use of Capital Receipts

### Appendix 1 – 2022/23 MTFS Funding Strategy

Ref	Service Area	Description	£000's	Detail
<b>Income</b>				
I1	Recycling and Fleet	Supply of recycling/waste bins	29	Implementation of charge to developers for the provision of recycling/waste bins
I2	Leisure and Cultural	School swimming	29	School swimming lessons are now being offered directly to schools generating additional income
			<b>58</b>	
<b>Income</b>				
O1	Corporate	One Council	601	Efficiencies to be generated from the introduction of a new Council operating model and the continued prioritisation of digital delivery
			<b>601</b>	
<b>Staffing Related Efficiencies</b>				
S1	Corporate	Terms and conditions	10	Standardisation of contracts under the One Council programme, including a review of enhancements
S2	Leisure and Cultural	Life-saving detection system	50	Introduction of a life-saving detection system leading to a reduced number of life guards being required
S3	Leisure and Cultural	Jubilee 2 reception	14	Increases use of automated kiosks and digital booking
S4	Leisure and Cultural	Virtual fitness instructors	5	Increased staffing of fitness classes using a virtual class licence
			<b>79</b>	
<b>Good Housekeeping/More Efficient Processes</b>				
G1	ICT Services	Flexi time software	4	Removal of software costs of current system
G2	ICT Services	Network circuits	10	Contract savings from current provider
G3	Recycling and Fleet	Green waste permits	24	Saving in postage costs from provider of permit stickers
G4	Leisure and Cultural	Music licence fees	10	Move to royalty free provision of music at Jubilee 2
G5	Leisure and Cultural	New Victoria Theatre	22	Reduction in grant awarded
G6	Finance	VAT (Value Added Tax)	50	Recovery of VAT on leisure facility income
			<b>120</b>	
<b>Alternative Sources of Finance/Other</b>				
A1	Corporate	Tax base – Council Tax	87	Increase in tax base based on market housing supply requirement (431 properties per year)
A2	Corporate	Tax base – Business Rates	61	Assumed increase in tax base of 1%
A3	Corporate	Health and Social Care levy	153	Reimbursement by Government of increased national insurance costs
A4	Corporate	Council Tax increase	154	Assumed increase of 1.99% per Band D property
			<b>455</b>	
<b>Grand Total</b>			<b>1,313</b>	

**Appendix 2 – 2022/23 to 2026/27 MTFs ‘Gaps’**

Detail	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000	Description
<b>Employees:</b>						
Increments	73	40	20	3	-	Employees due an increment
Pay awards	517	318	326	335	343	2.5% pay award assumed for all years plus 2% re. 2021/22
Superannuation increases	100	61	59	58	59	17.1% of increase in salaries
Superannuation lump sum increases	76	76	76	76	76	Contribution towards pension deficit
National Insurance	88	54	52	51	52	15.05% of increase in salaries
Health and Social Care Levy	153	-	-	-	-	1.25% increase in National Insurance contributions
<b>Premises:</b>						
Business Rates	23	16	16	16	17	Inflationary increase in business rates payable (per CPI)
Utilities	15	11	10	11	11	Inflationary increase in gas and electric (per CPI)
<b>Transport:</b>						
Fuel	13	9	9	9	9	Inflationary increase in fuel (per CPI)
<b>Financing:</b>						
Borrowing	(141)	533	466	19	19	Borrowing costs regarding the financing of capital expenditure
Elections reserve	(50)	-	-	-	-	One off contribution made in 2021/22
Flexible use of capital receipts	100	100	-	-	-	Removal of the flexible use of capital receipts to fund revenue
<b>New Pressures:</b>						
ICT software and maintenance	134	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	100	-	-	-	-	Subsidy regarding the operation of Kidsgrove Sports Centre
Occupational health	21	-	-	-	-	Increase in contract costs
Waste Services	4	-	-	-	-	Including contract standardisation and inflationary increases
Licensing	15	-	-	-	-	Additional staffing resources
<b>Income:</b>						
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	(116)	(118)	(121)	(123)	(125)	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
<b>TOTAL GAPS</b>	<b>1,313</b>	<b>1,277</b>	<b>928</b>	<b>459</b>	<b>389</b>	



**Appendix 3 – Risk Assessment on Required Reserve Balances (i) and Actual/Forecast Reserve Balances at 31 March 2021 to 2023 (ii)**

**(i) Risk Assessment on Required Reserves Balances (£2.160m)**

Item	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Balance Needed (£)
1	Increase in fees and charges does not result in higher income levels	Shortfall in income leading to overspends	3 x 4	High	Included in calculation of minimum balances	3 x 3	High	Regular monitoring of income levels	EMT	120,000
2	Reduced Income due to non-availability of service (e.g. COVID-19 related or similar)	Shortfall in income leading to overspends	3 x 3	High	Included in calculation of minimum balances	3 x 3	High	Regular monitoring of income levels	EMT	180,000
3	Income, including collection fund income, falls short of budget because of changes in market conditions, e.g. demand fluctuations COVID-19 related or failure to fully recover	Shortfall in income leading to overspends	3 x 5	High	Included in calculation of minimum balances	3 x 3	High	Regular monitoring of income levels	EMT	620,000
4	Bad debts reduce the Council's income	Shortfall in income leading to overspends and need to top up provision	3 x 4	High	A contribution to the bad debts provision is budgeted for	3 x 3	High	Increase monitoring of collection rates	EMT	90,000
5	Employee budgets – the budget is discounted on the assumption there will be vacancies	Vacancies do not occur leading to additional costs	3 x 3	High	The budget assumes a vacancy factor of 2%, this is realistic compared with previous years	3 x 3	High	Regular monitoring of vacancy levels	EMT	55,000
6	Employee budgets - the 2022/23 employee pay settlement results in an increase higher than included in the budget	Additional unbudgeted costs	2 x 3	Moderate	Balances sufficient to deal with any additional costs, plus reduced job security in economy	2 x 3	Moderate	None	EMT	40,000
7	Problems with staff recruitment/retention	Additional unbudgeted costs	3 x 3	High	Subject to ongoing review	3 x 3	High	None	EMT	20,000

Item	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Balance Needed (£)
	resulting in the payment of market supplements at extra cost									
8	Problems with staff sickness/suspensions resulting in the needs to use agency/interim staff at extra cost	Additional unbudgeted costs	3 x 3	High	Absence management procedures in place	2 x 3	Moderate	Monitoring of sickness levels	EMT	50,000
9	Council becomes liable to pay compensation or legal fees or another unforeseen commitment arises	Additional unbudgeted costs	3 x 3	High	Included in calculation of minimum balances	3 x 3	High	None	EMT	120,000
10	Inflation relating to supplies and services exceeds the allowance in the budget	Additional unbudgeted costs	3 x 3	High	Included in calculation of minimum balances. Regular review of inflation levels	3 x 3	High	None	EMT	45,000
11	Existing commitment(s) missed out of budget	Additional unbudgeted costs	3 x 2	Moderate	Budgets subject to checking at several levels. Preparation of standstill budget for comparison	3 x 2	Moderate	None	EMT	50,000
12	Fall in interest rates reduces income to the Council	Investment income targets not met	1 x 1	Low	Rates are very low now. A decrease would make no difference investment wise but would reduce costs	1 x 2	Low	None	EMT	-
13	Capital receipts expected are not realised	Additional unbudgeted borrowing costs	3 x 3	High	Capital Budgets and receipt expectations have been realistically set. Allowance provided for in calculation of minimum balances	3 x 3	High	None	EMT	110,000

Item	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Balance Needed (£)
14	Fuel costs increase by more than allowed for in budget	Additional unbudgeted costs	3 x 3	High	Realistic increases included in base budget	3 x 3	High	None	EMT	10,000
15	Energy costs increase by more than allowed for in budget	Additional unbudgeted costs	3 x 3	High	Realistic increases included in base budget	3 x 3	High	None	EMT	10,000
16	Unforeseen major repairs needed to Council properties	Additional unbudgeted costs	4 x 3	High	Planned maintenance programme in place and stock condition survey.	2 x 2	Low	None	EMT	25,000
17	Insurances – unexpected increases in premiums	Additional unbudgeted costs	3 x 3	High	Included in calculation of minimum balances	3 x 3	High	None	EMT	20,000
18	Insurances - high level of excesses to be met by Council or uninsured losses	Additional unbudgeted costs	3 x 3	High	Included in calculation of minimum balances. Insurance Provision established	3 x 3	High	Monitor level of Insurance Provision	EMT	55,000
19	Government further increase NI rates during 2022/23. An increase of 1% adds about £120,000 to the Council's costs	Additional unbudgeted costs	3 x 3	High	Included in calculation of minimum balances. Increased rate built into budget	1 x 2	Low	None	EMT	15,000
20	Loss of VAT Exempt Status	Additional unbudgeted costs	2 x 3	Moderate	None	2 x 3	Moderate	Continue to monitor position regularly	EMT	25,000
21	Savings built into Budget are not realised	Additional unbudgeted costs	3 x 3	High	Regular Budget Monitoring	2 x 1	Low	None	EMT	150,000
22	New Legislation imposes extra costs but provides insufficient resources	Additional unbudgeted costs	3 x 3	High	Contingency Reserve available. Included in calculation of minimum balances	3 x 3	High	None	EMT	40,000
23	Partnerships - expenses falling on	Additional unbudgeted costs	2 x 3	Moderate	Monitor partnership activities and ensure	2 x 1	Low	None	EMT	5,000

Item	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Balance Needed (£)
	Council as accountable body				carried out according to agreements					
24	Civil Emergency	Additional unbudgeted costs	5 x 2	High	Bellwin Scheme will meet 100% of eligible expenditure within 1 month of an emergency	4 x 2	Moderate	None	EMT	50,000
25	Investment Counterparty fails to meet its financial commitments	Loss of interest due	2 x 3	Moderate	Use of credit rating agencies. Extensive use of DMO. No investment income budgeted for	1 x 1	Low	Frequent reviews of investment strategy	EMT	-
26	Municipal Mutual Insurance (MMI) Clawback	Additional unbudgeted costs	4 x 4	Extreme	MMI Provision	4 x 3	High	Consider increasing amount of provision if necessary	EMT	40,000
27	Data Protection breach resulting in fine	Additional unbudgeted costs	3 x 3	High	Data Protection Policy Reminders to staff. All staff complete mandatory Data Protection e-learning module	3 x 3	High	None	EMT	75,000
28	Members act against officer advice resulting in cost to the Council	Additional unbudgeted costs	3 x 3	High	Agenda pre-meetings. Liaison with members. Monitoring Officer	3 x 3	High	None	EMT	75,000
29	Volatility in respect of Brexit	Additional unbudgeted costs re supplies and services and utilities	3 x 3	High	Include in calculation of minimum balances	3 x 3	High	Monitor	EMT	65,000

<b>Impact (I)</b>	<b>Likelihood (L)</b>	<b>Score</b>	<b>Risk rating</b>
1 - Negligible <£25,000	1 - Extremely Unlikely	1-2	Low Risk
2 - Marginal <£50,000	2 - Remote Chance	3-8	Moderate Risk
3 - Serious <£250,000	3 - Possible	9-15	High Risk
4 - Critical <£1m	4 - Probable	16-25	Extreme Risk
5 - Catastrophic >£1m	5 - Frequent / very likely		

(ii) Actual/Forecast Reserve Balances at 31 March 2021 to 2023

Reserve	Actual Balance at 31/3/21 (£000's)	Estimated Change in 2021/22 (£000's)	Estimated Balance at 31/3/22 (£000's)	Estimated Change in 2022/23 (£000's)	Estimated Balance at 31/3/23 (£000's)	Purpose
General Fund Balance	3,000	(840)	2,160	640	2,800	Working balance to cover unforeseen adverse events affecting the budget. Approved minimum balance of £2.160m
Walley's Quarry Reserve	-	840	840	(840)	-	
Income Reserve	100	-	100	-	100	To increased flexibility to manage year-to-year fluctuations in income. Approved minimum balance of £0.100m
Equipment Replacement Fund	48	(15)	33	9	42	To pay for the replacement of items of plant and equipment
Budget Support Fund	348	113	461	(461)	-	To support the General Fund revenue budget or to meet costs approved by Council
Budget Support Fund (Local Plan)	375	(125)	250	(250)	-	To fund the Borough Local Plan in addition to a base budget allocation and transfer of vacant post funding
Budget Support Fund (Homelessness)	81	(81)	-	-	-	To hold homelessness grants to be utilised in future periods
Borough Growth Fund	70	(70)	-	-	-	To fund investment in corporate priorities
Conservation & Heritage Fund	26	9	35	-	35	To provide repair grants to owners of historic buildings
Mayor's Charity Reserve	4	(4)	-	-	-	To hold funds on behalf of the Mayor's Charity
Museum Purchases Fund	178	(103)	75	-	75	To purchase, conserve and enhance exhibits
Business Reserve	9,131	(5,510)	3,621	(1,056)	2,565	To hold surpluses of business rates received per the revenue account and to pay subsequent deficits on the collection fund. Balances held pending repayments of deficits and Section 31 grants to preceptors and Central Government
Keele Master Plan Reserve	8	(8)	-	-	-	To meet the costs of the Keele master planning exercise
Elections Reserve	50	100	150	(150)	-	To provide budget on a 4 year cycle for Borough Elections
Clayton Community Centre	9	5	14	5	19	Sinking fund held on behalf of Committee (contributions made by Committee)
<b>Totals</b>	<b>13,428</b>	<b>(5,689)</b>	<b>7,739</b>	<b>(2,103)</b>	<b>5,636</b>	

**Appendix 4 – 2022/23 to 2024/25 Capital Programme and 2021/22 Mid-Year Estimate**

2021/22 (Mid-Year)	CAPITAL PROGRAMME	2022/23	2023/24	2024/25	TOTAL
£		£	£	£	£
	<b>PRIORITY - Local Services that work for Local People</b>				
490,630	Service Area - Council Modernisation	609,820	655,000	287,000	1,551,820
<b>490,630</b>	<b>Total</b>	<b>609,820</b>	<b>655,000</b>	<b>287,000</b>	<b>1,551,820</b>
	<b>PRIORITY - Growing our People and Places</b>				
1,363,806	Service Area - Housing Improvements	1,340,000	1,290,000	1,290,000	3,920,000
1,785,178	Service Area - Managing Property & Assets	1,885,576	1,374,991	1,084,639	4,345,206
<b>3,148,984</b>	<b>Total</b>	<b>3,225,576</b>	<b>2,664,991</b>	<b>2,374,639</b>	<b>8,265,206</b>
	<b>PRIORITY - A Healthy, Active and Safe Borough</b>				
19,000	Service Area - Environmental Health	60,000	60,000	-	120,000
420,365	Service Area - Streetscene and Bereavement Services	1,160,000	950,000	1,465,000	3,575,000
369,000	Service Area - Recycling and Fleet	922,500	2,899,500	565,500	4,387,500
4,996,028	Service Area – Leisure and Cultural	848,000	90,000	16,000	954,000
521,160	Service Area - Engineering	590,000	1,070,000	85,000	1,745,000
<b>6,325,553</b>	<b>Total</b>	<b>3,580,500</b>	<b>5,069,500</b>	<b>2,131,500</b>	<b>10,781,500</b>
	<b>PRIORITY - A Town Centre for All</b>				
0	Service Area - Managing Property & Assets	1,750,000	3,500,000	750,000	6,000,000
5,341,178	Future High Streets Fund	3,635,916	1,691,166	-	5,327,082
2,124,000	Town Deals – Newcastle	12,092,000	4,706,000	2,251,000	19,049,000
1,122,000	Town Deals - Kidsgrove	6,415,000	4,190,000	2,794,000	13,399,000
<b>8,587,178</b>	<b>Total</b>	<b>23,892,916</b>	<b>14,087,166</b>	<b>5,795,000</b>	<b>43,775,082</b>
1,000,000	<b>CONTINGENCY</b>	1,000,000	-	-	<b>1,000,000</b>
<b>19,552,345</b>	<b>TOTAL</b>	<b>32,308,812</b>	<b>22,476,657</b>	<b>10,588,139</b>	<b>65,373,608</b>
	<b>FUNDING</b>				
4,320,000	Capital Receipts	500,000	500,000	8,000,000	<b>9,000,000</b>
10,361,521	External Contributions	23,377,916	11,622,166	6,080,000	<b>41,080,082</b>
4,870,824	Borrowing	8,430,896	10,354,491	(3,491,861)	<b>15,293,425</b>
<b>19,552,345</b>	<b>TOTAL</b>	<b>32,308,812</b>	<b>22,476,657</b>	<b>10,588,139</b>	<b>65,373,608</b>

## **Appendix 5 – Key Council Achievements in 2021/22 and Plans for 2022/23**

### **Key Council Achievements in 2021/22**

#### **Delivery of a New Recycling and Waste Service**

Recycling collection tonnage remains up by 22% over the previous service, and participation rates are up at well over 90%, with significant increase in the north of the borough. We relaunched the separate food waste service in the spring and have seen increased tonnage of food waste, again up over 20% on the previous service. Increased processing of food waste via anaerobic digestion reduces CO2 emissions over energy from waste, if food is disposed of through the refuse bin.

High resident satisfaction levels are supported by increased tonnage and participation!

We are providing high quality materials, as good as if not better than previous service, into the re-processing industry. This is recognised in very low contamination rates of under 3% (10%+ is the norm) , and as a result we are getting very good income levels for our materials, particularly paper and card and plastics. All our materials are now re-processed in the UK, plastics in particular, and we have detailed end destination reports to substantiate where our collected material goes.

The benefits in its simplicity of use, and greater reliability and efficiency in operation have been recognised by the majority of collection authorities across Staffordshire, with all the southern districts in Staffordshire are now adopting the same recycling collection methodology, we along with Stafford Borough were the leaders in this.

#### **Britain in Bloom**

The regional and local Bloom campaigns were run digitally in 2021 because of pandemic restrictions. The Borough celebrated its 30<sup>th</sup> year of participating in the campaign by winning a 19<sup>th</sup> consecutive gold award and achieving five judges' discretionary awards. The 30-year anniversary was celebrated at a special community event at the New Vic Theatre, where local competition awards were also presented. Business sponsorship continued and achieved cash income of over £50,000. Phase 7 of the Public Art programme, a "family of deer" sculpture, was commissioned and will be installed at Parkhouse Roundabout, and Nelson Place Fountains were refurbished. A total of 7 of the Borough's strategic parks and cemeteries achieved Green Flag status this year.

#### **Bereavement Services**

The Council's Bereavement Services achieved Gold Standard again in the Charter for the Bereaved and continued to deliver high quality services to families in a Covid-secure manner. Live streaming of services at the crematorium continued and the cremators were relined to extend their operational life by a further 10 years. A low cost Resident Funeral offer was launched in partnership with a local funeral director, including a direct cremation option. Local charities were supported with donations from the metal recycling scheme which the crematorium participates in. Drainage improvements were carried out at Silverdale Cemetery to mitigate longstanding waterlogging issues. The Bereavement Service was a finalist in the APSE Performance Networks Most Improved Performer 2021 for cemeteries and crematoria, placing it in the top 8 most improved performers in the UK (results announced on 2<sup>nd</sup> December 2021).

#### **Environmental Action**

The Council delivered an increased programme of environmental education and enforcement activities, following relaxation of Covid restrictions, and facilitated the resumption of community volunteering activity in local parks, open spaces and neighbourhoods. Successful enforcement action has been delivered in relation to abandoned vehicles and unauthorised traveller encampments and community litter picking activity has increased. Capital programme improvement and equipment replacement projects have been successfully delivered in relation to the Council's playground stock, and a programme of footpath resurfacing and railings/fencing/gate repairs has been completed to identify high risk areas. Advance Town Deal Funding has delivered major improvements in Clough Hall Park and a state of the art pump track at Newchapel Recreation Ground, as well as a comprehensive refurbishment of the Grosvenor sunken roundabout incorporating new tiling featuring artwork based on a Britain in Bloom theme, CCTV to all barrels, new landscaping and murals to all entrances and exits.



## **Garden Waste Service**

Garden waste service subscriptions have increased slightly again this year, and the tonnage collected has remained high, along with the quality of material processed into compost.

## **Streetscene**

As well as delivering the daily Borough-wide street cleansing and grounds maintenance work, the Streetscene team continued to support the Recycling and Waste collection teams throughout the pandemic to ensure that this vital service to residents continued. The annual town centres floral displays were delivered to support economic recovery and street furniture was refurbished alongside an enhanced cleansing programme using Welcome Back Fund monies from government. Banners were also installed in Newcastle and Kidsgrove to promote support for local businesses and keeping town centres tidy. Strategic parks and open spaces were maintained to an enhanced level to ensure residents had access to high quality green space for exercise and relaxation, and the contract has been re-let to progress the large volume of tree work which has been identified as part of the Council's ongoing tree inspection programme.

## **Deliver Borough Local Plan**

It has been decided that it is better for the Borough's growth aspirations that a Borough Local Plan be developed and the work on a Joint Local Plan was ceased with Stoke City Council. The now Borough Joint Statement of Community Involvement has been updated accordingly and consultation has begun on the Borough's own Issue and Strategic Options paper through events across the Borough and online until late January 2022.

## **Development Management Service**

The Government have set up performance criteria for the determination of planning applications by Councils. For major developments (sites of 10 or more houses or commercial development over 1000 m<sup>2</sup>), the target is 60% or more decisions in 13 weeks and for non-majors 70% of decisions within 8 weeks. For 2020/21, the team has far exceeded these targets and delivered figures of 100% in both categories. This is a reflection not only of the new processes and approach to decision making that the team has adopted but also the hard work put in to keeping the service operating effectively especially during the pandemic.

## **Supporting Retailers and Local Businesses**

Although queries have slowed significantly with the reduction in the availability of local business support grants, work has continued in signposting businesses to appropriate support. Well over 100 queries have been dealt with and requests continue to come in. 4 e-newsletters have been sent out to over 120 businesses who have requested these regular updates of support on offer from the council and partners. The business pages have been regularly updated to include relevant information and advice. Business pages have been transferred to the new website to ensure continuity for businesses.

Further tranches of Additional Restrictions Grants have been administered by the council. Some of this funding was used to ensure specific support for Newcastle businesses from the County Council Staffordshire Means Back to Business grants; Small Business to Thrive Financial Support, Staffordshire 500 Apprentices Wage Support programme, Free Training Top-up Project and Staffordshire Start-up 0% interest loan scheme. In addition, funding was also used to provide 27 free memberships to the Federation of Small Businesses, all of which have been taken up by a wide variety of Borough businesses.

Officers have continued to support the Newcastle BID and the Kidsgrove town team in helping the recovery of businesses in the two town centres. The Welcome Back fund has provided a number of initiatives to make shoppers feel safe returning to the high streets.

## **Regeneration of the Newcastle and Kidsgrove Town Centres**

The Council successfully bid to the Future High Streets Fund for Newcastle Town Centre and received a grant award of £11 million. This funding will enable delivery of exciting new plans for the redevelopment of the Ryecroft area with demolition of the former Civic Offices building well under way. And the appointment of a contractor to design and build a new multi storey car park on land at Ryecroft. Further work is under way with partners to deliver the remaining elements of the Future High Street Fund proposals which will see transformative change in Newcastle town centre.

Town Deal Investments Plans were submitted and approved for both Newcastle and Kidsgrove town centres. Kidsgrove town Investment Plan received an offer of £16.9 million for a range of transformational projects in Kidsgrove Town Centre around the themes of enhanced enterprise infrastructure, a connected and accessible town centre and health and wellbeing.

In Newcastle, the Town Investment Plan received an award of £23.6 million. The projects are designed to complement and add to those in the Future High Street Fund bid. The investment plan has projects around the themes of enhanced physical and digital connectivity, diversify and enhance the town centre experience by encouraging new uses and the regeneration of local communities.

The Council has also awarded Accelerated Town Fund monies for projects in Newcastle and Kidsgrove. We delivered on a range of projects in the two town centres that were in line with the aims of the Town Deal programme.

### **Business Support**

Work has continued in signposting businesses to appropriate support, having fielded well over 100 queries have been dealt with and requests continue to come in. 4 e-newsletters have been sent out to over 120 businesses who have requested these regular updates of support on offer from the council and partners. The business pages have been regularly updated to include relevant information and advice. Business pages have been transferred to the new site to ensure continuity for businesses.

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The Welcome Back fund has provided support to the annual Business Boost awards, which this year have focussed on business recovery from the pandemic. The funding will enable survive and thrive stories of these businesses to be shared to a wider audience to encourage confidence amongst local businesses moving forward.

### **Knutton Village Masterplan One Public Estate**

The Knutton Village Masterplan set out proposals for the use or development of a number of sites around the centre of Knutton in the ownership of the Borough and County Council and Aspire Housing. The objective is to bring forward new housing development in the area and to assess the potential for investing in the improvement and consolidation of community facilities. Following consultation with the local community, which had to take place virtually due to Covid restrictions, the proposals were refined and considered by Cabinet in June 2021. Elements of the Knutton masterplan are included in Newcastle Town Deal Town Investment Plan and partners continue to develop plans for delivery of proposals within the masterplan. Accelerated Town Deal monies have been used to clear the site of the former community centre and neighbouring buildings in preparation for its future development for housing.

### **Environmental Health & Licensing**

An ongoing responsibility for the authority this year is for the team to ensure the Covid 19 restrictions were applied and in place as directed by Government. Also the new pavement licensing regime has been implemented and extended until summer 2022, this is a temporary licence which allows premises to apply for a licence for tables & chairs and other furniture on the pavement outside of their premises. In addition, the service is continuing to supporting the County Council in the Covid outbreak controls for high risk premises and is continuing with advising business, responding to complaints and undertaking enforcement for non-compliance with Covid controls. It is unknown at present how long these responsibilities will remain in place.

### **North Staffs Local Air Quality Plan**

Work is continuing with Stoke-on-Trent City Council and Staffordshire County Council to create the North Staffordshire Local Air Quality Plan to bring about improvements in Nitrogen Dioxide (NO<sub>2</sub>) levels. This year has seen the proposed works be split into three phases, one of these for the Borough is the proposed part-time bus gate for the A53. Funding has been awarded by Government to develop the Full Business Case in 2022.

Work on the retrofitting of busses operating on the A53 has been completed this year and the operation of these now cleaner busses has started the works to improve air quality along the A53 corridor. Works to provide branding for these busses, has now commenced.

### **Walleys Quarry Landfill Odour Complaints**

Since December 2020 the Council has received an unprecedented number of complaints arising from foul and offensive odours arising from Walleys Quarry Landfill site. The Council has been working with the

principal regulator the Environment Agency and other partners including the UK Health Security Agency and the County Council to bring about improvements in the odour, provide air quality and health advice for residents.

An investigation in relation to the odour has also been undertaken by the environmental health service, which has included undertaking odour tours, visits during the day and night time period and taking measurements of hydrogen sulphide. This investigation resulted in an abatement notice being served on Walleys Quarry Ltd on 13<sup>th</sup> August 2021. An appeal against this notice has been made to the Magistrates Court and a directions hearing in November 2021 set a trial date for 6<sup>th</sup> June 2022. Alongside this the Council will enter into mediation in order to bring about the fastest resolution to the odour issues that the local community are experiencing.

### **Our New Website**

Recently, our new website was launched and supports developments within the One Front Door programme. Initial feedback was requested and will continue, to ensure the content develops in line with the changes to service delivery and to ensure it satisfies the need to remain user friendly to everyone accessing the site for information.

### **Transformation of Customer Services to the One Front Door.**

The One Council's vision to deliver a One Front Door transactional service has commenced by merging the Revenues and Benefits service with Customer Services. Other Services will be merged in future phases.

Following a full organisational structure and a number of internal promotions to develop staff, training has commenced to upskill staff in their new roles with the ambition to be able to deliver a first point of contact resolution for our customers with these types of enquiries. A central customer reception service is being embedded, to provide a consistent customer experience for all our customers attending Castle House, Jubilee 2, Brampton Museum, Knutton Depot and Kidsgrove Customer Service Centre.

Customer Relations staff have relocated to Legal Services too, as part of the planned service changes.

Most services are now accessible on the new website via online digital forms, enabling the customers to do business with the council 24/7, 7 days a week.

A full review is in place to look at ways of improving how we deliver an optimum service to our customers, where these are identified, new processes will be developed.

### **Accessibility Audit**

As part of the IAG project, the council's website was redesigned and reimaged to provide all residents of the borough with a nice clean, easy to use site that was accessible to all. We had previously been audited by the Accessibility Monitoring Team which is a government agency and we had failed in certain areas. This formed one of our main aims for the project to ensure that all residents are included.

Following on from the design and further communications with the Accessibility Monitoring Team we passed the further audit and our compliance of accessibility statement is now compliant.

### **Cultural Developments**

The new temporary exhibition gallery, the activity and events space and café/shop areas are now complete. External works will begin in January 2022 to create a decked area over the pond. Work has started on the redisplay of the ground floor local history galleries, reinterpreting the collections to tell new stories to engage visitors. An externally funded Activities and Events Officer is now in post for three years. The purpose of the post is to broaden the improve engagement, museum's audience and to raise visitor numbers through a full activity programme.

### **Developing our Workforce**

Due to Covid our teams have continued with hybrid working and office based staff have gradually returned to the workplace, allowing face to face development sessions and meeting to take place. We have continued to develop workforce plans which support our future vision and whilst recruitment in some areas have been paused due to the One Council work, we continue to try to improve our recruitment processes. The development of the online recruitment portal on the new website has supported this in recent months, and videos have been created to showcase to potential recruits what we have to offer as an employer.

This year has seen a significant amount of work undertaken on culture and change, the new values and behaviours have been launched and work is underway to ensure they are embedded in all that we do, a Cultural survey undertaken in the summer provided a base line and highlighted our priorities in terms of cultural development. We celebrated Inclusion week for the first time in September and hope to build upon this work going forward to create a truly inclusive and diverse workplace.

As work continues on the detailed design of the One Council transformation, the People Team will continue the focus on alignment of vision and people processes, supporting the organisation to identify people processes which could be managed more efficiently or in different ways.

With a change to both our occupational health provider, and our learning portal, we are continually developing the digital offer for simple “self-service” functions where possible. Work is ongoing to develop a robust learning and development package for all staff, and it has recently been signed off that all staff will be given access to our online systems, including those in front line roles around the Borough who did not previously have this.

### **Working to ensure staff wellbeing**

The Mental Health Working group has gone from strength to strength and has had some real impact over the past year, a video has recently been compiled celebrating the achievements of the group. The group has also supported some wider events such as a wellbeing coffee morning at the Depot which it is hoped will be a regular event. An annual day for teams to volunteer with good causes within the Borough has been agreed and will be rolled out shortly, with the HR team spending time at a local foodbank creating Christmas boxes to be distributed in the community.

### **Development of Key People Policies**

A number of policies have been reviewed in partnership with the Trade Unions and some new policies drafted in order to provide clear guidance and transparency on people processes. Regular working groups have been set up for the Trade Unions and HR to review people policies in partnership.

### **Democratic Services**

We continued to support democratic decision making throughout the challenges presented by the pandemic working, with colleagues in ICT, to deliver remote committee meetings with full public engagement and live-streaming. We responded quickly when the legislation changed to move back to Covid-Secure face to face meetings, hosting annual council and mayor making, along with Freedom of the Borough celebrations alongside our usual programme of meetings. We supported a detailed and challenging scrutiny process of the odour issues at Walleys Quarry and undertook a review of the Member’s allowance scheme. We also organised a programme of Mayoral events following the relaxation of Covid requirements which meant in person events became possible once again. We supported colleagues with the protocols that applied following the sad death of HRH Prince Phillip.

### **Information Governance**

The land-charges team re-joined the Governance Service during the year to bring together information requests made to the Council in one place. As well as managing the busy land charges work-load we began a process of migrating land charges data and responsibility for searched to the Land Registry as part of a national project. The Information Governance Officer undertook a wide ranging review of our processes and set out a plan for the improvements necessary, making significant progress on how we manage information and reduce data breaches, with improvements being noted through an external audit process.

### **Legal Services**

We continued to support all colleagues deliver the services the council is responsible for, responding to ever changing Covid legislation. Significantly, we completed on the build contract and lease agreement for a new sports centre in Kidsgrove, and helped colleagues with the legal work needed to advance our ambitious Town Deals and Future High Streets projects. We have also provided close support to Environmental Health colleagues dealing with the odour problems at Walleys Quarry. We’ve also started a review of our constitution and our contracting processes to make the council more efficient.

## **COVID Response and Vulnerability work in our Communities**

The Council have continued to work closely with our partners at the Realise Foundation and Support Staffordshire during the last 12 months, in supporting our communities and in particular those most vulnerable in need of support. Some of these residents may not have care and support needs but may have been self-isolating or struggling for a variety of reasons as a result of the pandemic and have needed assistance or signposting. Assistance such as help getting shopping, walking the dog or even being put in touch with local community groups or someone to talk to was made available. In addition, the Council have continued to assist more complex cases and other vulnerable households with partners through the work of the Vulnerability Hub, Multi Agency Risk Assessment Conference (MARAC) and the Newcastle Housing Advice Service – this area of work has seen referrals triple over the last 12 months which demonstrates the effect that the pandemic has had on the Borough's most vulnerable households and also highlights the success of the evolving partnership arrangements in place to assist those in need.

## **Return of the Newcastle Housing Advice Service**

The Council transferred the Newcastle Housing Advice (NHA) service back in house, which had previously been outsourced and delivered by Midland Heart. NHA is the Borough's provision for statutory homelessness, housing advice and housing register services. The service is managed within the Housing and Partnerships Team and has a strategic fit with the Council's existing work around vulnerability, including rough sleeping, domestic abuse, community safety and wellbeing. The Council also procured new ICT systems for the NHA service, branded as NHA Options and also launched a new website – [www.NHAoptions.co.uk](http://www.NHAoptions.co.uk) to host the new Joint Housing Register, which included the re-registration of some 1500 applicants and the new Joint Housing Allocation Policy created with Aspire Housing to ensure a more efficient service can be delivered for home seekers in the Borough.

## **Development of homelessness projects and temporary accommodation options for the Borough**

The Council approved a Temporary Accommodation Policy and later secured additional DLUCH (formerly MHCLG) homelessness and homelessness prevention funding to commission a number of projects including a shared Rough Sleepers Co-ordinator with SOTCC, a Rough Sleepers Navigator post, development of a Homelessness Healthcare Worker, four furnished temporary accommodation units and development of further furnished and supported temporary accommodation units. The Council working with partners at Aspire Housing has also secured considerable match funding to purchase six housing led supported accommodation units with support for rough sleepers with complex needs, this project will be mobilised late 21/22 / early 22/23.

## **Town Centre Community Safety activity**

The Council have been working with our partners, including the Local Policing Team and BID, to continue to co-ordinate a range of partnership activity in the area and have invested considerable time and resources, in order to offer reassurance to town centre users and deter anti-social behaviour where possible. A weekly Partnership Forum has been created and seeks to task on leading the disruption activity in and around the town centre. More specifically this year it has been working to coordinate the Police and the BID patrols, to ensure that resources can be tasked to hotspot locations – in response to and dependent on the reports of incidents received; encouraging ongoing consultation and dialogue with the market traders to share intelligence and to provide reassurance of ongoing activities; delivery of further target hardening enhancements / deterrents with assistance from the Crime Prevention Team at Staffordshire Police. Work has also been undertaken to simplify and improve methods of ASB reporting for town centre users, using QR codes on contact cards with the BID and promoting the Staffordshire Police Facebook page for reporting via private messages.

The Council has also secured funding to enhance the new town centre CCTV system so that it can be used to its full potential, linking to Police patrols and flagging up incidents in real time. Additional CCTV installations have been made to the sunken roundabout subways. The Council have also mobilised the introduction of a Street Marshalls pilot project initially for 6 months, which will provide an additional visible presence to challenge and disrupt hotspots/incidents and offer extra reassurance to the public, using Town Deal funding.

## **Future Plans 2022/23**

### **Development of the Recycling Service**

We await the outcome of the government's consultation on the implementation of the Resources and Waste Strategy for England, which will help in us being able to collect an even greater range of materials for recycling. We are also planning to focus on increasing participation in the separate food waste service, including trials of collections from flats.

### **Development of the Environmental Service**

The service will continue working with Staffordshire County Council and partner organisations in relation to Covid-19 controls, outbreak investigations and enforcement as necessary. This work has been a priority, resulting in the need to develop of new work plans to recover some routine regulatory activities and ensure our regulatory responsibilities are delivered.

The Council is working with Stoke-on-Trent City Council and Stafford Borough Council to implement a grant for the installation of rapid chargers for taxis and members of the public to use throughout the area.

Work will continue on the North Staffordshire Local Air Quality Plan to develop the full business case, in addition for local air quality management work will commence on preparations for the revocation of two local air quality management areas in respect of Nitrogen dioxide, as monitoring has shown that levels of the air pollutant have reduced to below the statutory level, resulting in cleaner air for our residents.

With the progression of HS2, the service will continue review and regulate the environmental implications which arise from the development.

### **Keele University Growth Corridor**

Work continues on this initiative but it is linked to the Borough Local Plan and release of Green Belt for the potential housing scheme. The Borough Local Plan is just beginning its development and consultation phases and we will need to wait to see the outcome before work can commence in any detail.

### **Regeneration of the Newcastle and Kidsgrove Town Centres**

The Council will continue to work with Town Deal Boards in Newcastle and Kidsgrove to develop business cases for projects to be delivered in the respective Town Investment Plans around the key objectives. Delivery of the Future High Street Fund in Newcastle town centre will continue with development of a new Multi Storey car park at Ryecroft and further work to bring forward proposals for the town centre.

### **Cultural Offer**

There will be a full year of new heritage activities for the public and for targeted communities based around the history of the borough, using the new activity spaces. As the final part of the reconfiguration of the museum will be the creation of a research and volunteer room and improved collection stores. There will be a volunteer recruitment drive to increase the number of volunteers and diversify the roles they fulfil. New education sessions for schools will be rolled out. To improve the visitor experience the museum entrance and toilet facilities will be updated.

### **Development of the Planning-Enforcement Service**

The Planning service is working on pursuing more enforcement case work in 2022.

### **Business Support**

To continue to signpost businesses to sources of information and support via the Council's website. To deliver Business Boost 2022.

### **Re-opening of the Kidsgrove Sports Centre**

The Council is working to improve access to sports and leisure facilities for residents in Kidsgrove and surrounding areas as part of a community led initiative to refurbish and re-open the Kidsgrove Sport Centre. The Council has now procured Willmott Dixon to undertake the refurbishment of the centre which is progressing well with completion on track for late spring 2022. The Building has been successfully transferred to the Council from Staffordshire County Council and the community group, Kidsgrove Sports Centre Community Group, have signed a 25 year lease on the building and are actively marketing and recruiting to the Centre in anticipation of opening.

## **Britain in Bloom**

Newcastle-under-Lyme will be participating in the regional Heart of England in Bloom campaign, with a return to “live” judging. A programme of projects and events will be launched in spring 2022 and phase 8 of the public art programme will be developed, as well as many other community projects making a welcome return after the enforced lay off during the pandemic. 7 of the Borough’s strategic parks and cemeteries will apply for Green Flag status in 2022.

## **Bereavement Services**

The Council’s Bereavement Services will seek to achieve Gold Standard again in the Charter for the Bereaved and resume the annual stakeholder meeting with local Funeral Directors, Memorial Masons and Clergy to discuss future service improvements. The Council will continue to offer an affordable “Resident Funeral” in partnership with a local Funeral Director and explore the potential for a greater choice of memorialisation options in the grounds of Bradwell Crematorium and Keele Cemetery. The memorial safety testing programme will continue and targeted improvements to grounds maintenance and furniture will be implemented.

## **Environmental Action**

The Council will deliver a programme of environmental education and enforcement activities, engage with schools, and facilitate community volunteering activity in local parks, open spaces and neighbourhoods. Successful enforcement action will be delivered in relation to unauthorised traveller encampments and abandoned vehicles. The number of vacant allotment plots will be further reduced through proactive letting. Capital programme improvement and equipment replacement projects will be successfully delivered in relation to the Council’s playground stock, and Section 106 agreement funding will be used to improve a range of facilities in line with the aims of the Open Space Strategy. The first tranche of native broadleaf tree planting will be implemented as part of the Council’s Urban Tree Planting Strategy to commence the creation of carbon capture parks to mitigate the effects of climate change and to contribute to the Queens Green Canopy initiative for the platinum jubilee.

## **Streetscene**

As well as delivering the daily Borough-wide street cleansing and grounds maintenance work, the Streetscene team hope to resume work in partnership with the Probation Service Community Payback team to deliver a programme of litter and graffiti clearance, painting of railings, play equipment and planters, and vegetation management at various sites across the Borough. The Council’s footpath and railing stock will be repaired at key sites and a new mini wheels facility will be delivered in Silverdale Park. A contract to progress the large volume of tree work which has been identified as part of the Council’s ongoing tree inspection programme will continue, and monthly clearances of identified “grotspot” areas will take place. Work will continue as part of the One Council Programme to embed Streetscene into the new Customer Hub and the new Mobile Multi-functional Team concept will be developed to tackle a range of environmental and enforcement issues.

## **Housing and Partnerships**

For the year ahead the following is planned by the service:-

- Creation of a Supported Exempt Accommodation Policy and Standards and further development of housing options in the Borough.
- Working with partners at Aspire Housing to mobilise six housing led supported accommodation units with support for rough sleepers with complex needs.
- Further development of housing options for temporary accommodation and supported accommodation for homeless households.
- Embedding pilot projects created to address rough sleeping and the most complex homeless cases.
- Commissioning a range of partnership services to deliver shared objectives supporting our most vulnerable residents.
- Reviving the Council’s Safeguarding Action plan and work of the Safeguarding Champions, including review and further development of safeguarding training.
- Review the work of the Vulnerability Hub and MARAC.
- Continue to deliver a multi-agency response for the challenges from the town centre and further develop a communication plan, to sensitively raise the profile of the issues in the town with the public and to seek to encourage promotion of an alternative giving scheme, which had been previously delayed due to the pandemic.

## **ICT Delivery**

The ICT team will continue to play a crucial role in supporting the Council's Digital ambitions from both the external customer perspective and for internal users. The technology and solutions that ICT deliver over the next 12 months will support how services are delivered; allowing staff to be more productive and deliver better outcomes for the residents, visitors and businesses within Newcastle under Lyme. Some of these whilst supporting these outcomes will deliver cost savings too such as migration to Microsoft InTune and Always On VPN and the re contract of all Council data circuits. The next year will see the full implementation of Microsoft O365 licences, integration of Mitel Telephony with TEAMS and development of Service Desk Support. Cloud technology has been invested in so that we are more resilient to Cyber Attack and have 24/7 access from any location. The beginning of the journey for cloud will be Northgate Revenues and Benefits and Civica Financials. This will mean we will have secured our income stream and budgetary systems.

## **Digital Developments**

The advent of COVID-19 has created some new challenges for the Council and has highlighted the importance of having well designed services that are structured to work via a multitude of channels. This presents a significant opportunity for the authority to fundamentally alter how it works in the future. Key priorities for the years ahead will include:

- Continuing to redesign Customer facing services to ensure they focus on customer need and deliver consistent, reliable outcomes. Improving the IAG to support the OFD.
- Invest in the use of automation of and AI technologies to improve our service offering and ensure that we are able to meet public expectations.
- Develop our internal processes, focusing on what is possible with modern technology to remove inefficiency and waste.
- Ensuring that the wider Newcastle communities are digitally enabled and individually capable, working with partners to ensure that no one is left behind
- Encouraging investment in the Newcastle area to ensure our infrastructure is capable of supporting our digital future – for both residents and businesses

## **Developing our Workforce**

Work will continue in terms of focusing on culture change, embedding our desired behaviours and ensuring all our people practices are values based. We aim to have a values based model for recruitment, appraisals and all our key policies during 2022/23.

The people team will continue to review policies, procedures and materials in order to make them accessible to all, whilst also developing our learning and development offer and ensuring all employees have access to meaningful development. We aim to launch a core statutory and mandatory cycle in April 2022 and spend the year ensuring all staff are confident to access this.

The One Council work will continue in terms of transformational change, and we will aim to learn lessons and improve our people practises as we move through this process.

## **Democratic Services**

We will continue to build on the technological advancements made during the Covid pandemic to embed digital engagement with the democratic decision making process, and to make the most of the technology available to us. We will complete a review of the constitution and member code of conduct to bring our processes up to date, and ensure that we have a constitution that is easy to understand and empower the council to get things done. We will continue to support the Council's civic function, in particular Jubilee preparations and the borough's 850 year celebrations.

## **Information Governance**

We will continue with the land charges migration project and strengthen resources in the team to continue improving how the council manages the information that it holds. We will bring together into one team responsibility for information management and requests, as well as priority correspondence including Stage 2 Customer Complaints and Ombudsman Complaints. That way we can be sure that we are dealing with customer feedback in the most efficient way and helping the council on a constant journey of improvement.

## **Legal Services**

We will continue to provide support to colleagues in service delivery and in delivering the ambitions Town Deal and Future High Street Fund projects. In particular, we are exploring how to achieve the right



combination of external and in-house support to ensure that all of our client services are able to achieve their objectives in a safe and efficient way.



# Flexible Use of Capital Receipts

2022/23



In the Spending Review 2015, the Chancellor of the Exchequer announced that to support local authorities to deliver more efficient and sustainable services, the government will allow local authorities to spend up to 100% of their fixed asset receipts (excluding Right to Buy receipts) on the revenue costs of reform projects.

In February 2021, DLUHC announced a 3 year extension to the flexibility to use capital receipts from 2022/23 onwards.

## Power under which the guidance is issued

1. The Local Government Act 2003 ('the Act'), section 15(1) requires a local authority '... to have regard (a) to such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify ...'.
2. Two codes of practice issued by the *Chartered Institute of Public Finance and Accountancy (CIPFA)* contain guidance on capital receipts and local authority accounting that complement the DCLG guidance. These publications are:
  - *The Prudential Code for Capital Finance in Local Authorities*
  - *The Code of Practice on Local Authority Accounting*
3. Local authorities are required to have regard to the current edition of *Treasury Management in Public Services: Code of Practice and Sectoral Guidance Notes* by regulation 2 of the *Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 [SI 3146]* and to the *Local Authority Accounting Code* as proper practices for preparing accounts under section 21(2) of the Act.

## Application

4. This guidance applies with effect from 1 April 2016 to 31 March 2023 – i.e. to the financial year 2016-17 and for each subsequent financial year to which the flexible use of capital receipts direction applies.
5. The Council cannot borrow to finance the revenue costs of service reform and can only use capital receipts from the sale of property, plant and equipment received in the years in which this flexibility is offered.

The Council may not use its existing stock of capital receipts to finance the revenue costs of reform.

## Qualifying expenditure

6. The key criteria to use when deciding whether expenditure can be funded by the capital receipts flexibility is that it is forecast to generate ongoing savings to the authority.
7. A list of types of project that would qualify for the flexible use of capital receipts is shown below. This list is not meant to be prescriptive or exhaustive and individual authorities who have projects that will generate ongoing savings that are not included in the list provided in the guidance can apply the flexibility to fund those projects.

## Accountability and transparency

8. The Council is required to prepare a strategy that includes separate disclosure of the individual projects that will be funded or part funded through capital receipts flexibility and that the strategy is approved by full Council or the equivalent. This strategy can be included as part of the annual budget documentation and approved by full Council or the equivalent at the same time as the annual budget.

## Qualifying expenditure

### Types of qualifying expenditure

9. Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs or to improve the quality of service delivery in future years.
10. Set up and implementation costs of any new processes or arrangements can be counted as qualifying expenditure. The ongoing revenue costs of the new processes or arrangements cannot be classified as qualifying expenditure.

### Examples of qualifying expenditure

11. There are a wide range of projects that could generate qualifying expenditure and the list below is not prescriptive. Examples of projects include:
  - Sharing back-office and administrative services with one or more other council or public sector bodies
  - Investment in service reform feasibility work, e.g. setting up pilot schemes
  - Collaboration between local authorities and central government departments to free up land for economic use
  - Funding the cost of service reconfiguration, restructuring or rationalisation (staff or non-staff), where this leads to ongoing efficiency savings or service transformation
  - Sharing Chief-Executives, management teams or staffing structures
  - Driving a digital approach to the delivery of more efficient public services and how the public interacts with constituent authorities where possible
  - Aggregating procurement on common goods and services where possible, either as part of local arrangements or using Crown Commercial Services or regional procurement hubs or Professional Buying Organisations
  - Improving systems and processes to tackle fraud and corruption in line with the Local Government Fraud and Corruption Strategy – this could include an element of staff training
  - Setting up commercial or alternative delivery models to deliver services more efficiently and bring in revenue (for example, through selling services to others)
  - Integrating public facing services across two or more public sector bodies (for example children's social care, trading standards) to generate savings or to transform service delivery.

## Accountability and transparency

### Preparation

12. For each financial year, the Council should ensure it prepares a Flexible Use of Capital Receipts Strategy ("the Strategy")

## Content

13. As a minimum, the Strategy should list each project that plans to make use of the capital receipts flexibility, that it details the split of up front funding for each project between capital receipts and other sources, and that on a project by project basis, a cost benefit analysis is included to highlight the expected savings. The Strategy should report the impact on the Councils Prudential Indicators for the forthcoming year and subsequent years.
14. The Strategy should contain details on projects approved in previous years, including a commentary on whether the planned savings or service transformation have been/are being realised in line with the initial cost/benefit analysis.
15. The Strategy may also include any other matters considered to be relevant.

## Approval

16. The Strategy should be approved by the full council.

## Timing

17. For any financial year the Strategy should be prepared and approved before the start of the year.

## 2022/23 Strategy

The Council intends to use capital receipts received in 2022/23 to finance qualifying expenditure up to £300,000 in accordance with the Guidance, this includes the final £200,000 of the £1.030m agreed by Council on 24 February 2021 as a contribution to the One Council programme. The projects which will be financed in this way are shown in the table below.

<b>Project</b>	<b>Expenditure</b>	<b>Expected Savings</b>
	<b>£'000</b>	<b>£'000</b>
One Council Project (per Council approval)	200	126
Financial Sustainability	100	100
<b>Total</b>	<b>300</b>	<b>126</b>

The individual projects selected within these categories will be financed entirely from in year capital receipts

## 2021/22 and Previous Years' Flexible use of Capital Receipts

The Council financed qualifying expenditure in 2017/18, 2018/19, 2019/20 and 2020/21 in accordance with the Guidance, and further intends to finance such expenditure in 2021/22, as shown in the table below.

Project	Allocation of Flexible Use of Capital Receipts £'000	Actual Spend £'000	Estimated Savings £'000	Actual One off Savings £'000	Actual Ongoing Saving £'000	Notes
<b>2017/18</b>						
Castle House Project - Redundancy Costs	80	80	80		80	
<b>2018/19</b>						
Digital Delivery Project	66	66	100		96	Flexible retirements and vacant posts
Chargeable Garden Waste Preparatory Costs	233	233	371		200	CGW income
Waste Recycling Service	142	142	150	150		
Building Efficiency Works Expenditure	59	59	50		50	
<b>2019/20</b>						
Digital Delivery Project	128	128	150		145	Payroll Staffordshire Connects
New Recycling Service - Preparatory Costs	134	134	100		100	Ongoing project, expect to save circa £100k per annum
Chargeable Garden Waste Preparatory Costs	38	38	40		500	CGW income
Building for the Future	200	200	217		300	Revenues & Benefits, Customer Services and ICT restructure
<b>2020/21</b>						
One Council Project	100	103	195		195	One Council Project
Digital Delivery Project	250	250	258		258	Staffordshire Connects, Staffing Related Efficiencies, Revenues & Benefits, Customer Services and ICT restructure
New Recycling Service - Preparatory Costs	150	151				Ongoing project, expect to save circa £100k per annum as above
<b>2021/22</b>						
One Council Project	750	TBC	601		TBC	One Council Project
Digital Delivery Project	200	TBC				Support to One Council project and website/intranet as above
<b>Total</b>	<b>2,530</b>	<b>1,584</b>	<b>2,312</b>	<b>150</b>	<b>1,924</b>	

A number of these projects are in the process of being completed. The total savings for these projects cannot be totally quantified until their completion, monitoring of these will continue to be provided to Cabinet on a quarterly basis.

**Appendix 10 – Local Council Tax Reduction Scheme for 2022/22**

<b>Claim Type</b>	<b>Council Tax Support Scheme</b>
<b>Pensioner Claimants</b>	
No scope for changes within LCTS	Up to 100% of Council Tax Bill
<b>Working Age Claimants</b>	
Claims will be based on a max of 80% Council Tax Liability (unless in a protected group)	Up to 80% of Council Tax Bill
Properties in bands higher than Band D will be based on 80% Band D Council Tax	Up to 80% of band D rate
Second Adult Rebate will not be retained in the Local Scheme	Nil
Capital Cut off at £6K (non-passported)	No Council Tax Support if capital exceeds £6k
Earnings Disregards	Flat rate of £25 if claimant working
<b>Claimants who are eligible to Severe Disability Premium (SDP)</b>	
May allow up to 100% LCTS as protected group	Up to 100% of Council Tax Bill
<b>Claimants who are eligible to receive War Disablement Pensions, War Widow's Pensions and Armed Forces Compensation Scheme Payments</b>	
May allow up to 100% LCTS as protected group	Up to 100% of Council Tax Bill

**Discretionary Payments**

The Council has discretion to award Council Tax Support, in excess of the accounts determined by this framework, where it is satisfied that exceptional circumstances exist.



**2022/23 Budget Consultation report**



## Headline findings

- 335 responses – though not everyone answered every question – a significant increase from 93 responses last year and almost as high as the 366 the previous year
  - 86 per cent were residents of the borough (and the main body of this report is concerned with their responses – everything received from outside of Newcastle-under-Lyme is summarised at the end.)
- Four council services by far seen as most important
  - Parks, playgrounds and open spaces
  - Town centre regeneration
  - Street cleaning
  - Refuse collection
- Non-statutory services that respondents want to be protected:
  - Town centre regeneration **by far** the most important, followed by:
  - Arts development
  - New Vic Theatre
  - Outdoor leisure facilities
- Leisure facilities and arts development seen as the areas to generate additional income from
- 64 per cent want to protect services even if it means an increase in Council Tax
- Two-thirds of respondents were aged 51+
- Responses from all wards
  - Relatively high response rate from Westlands, May Bank and Audley
  - Very few responses from the north of the borough
- Comments are summarised.

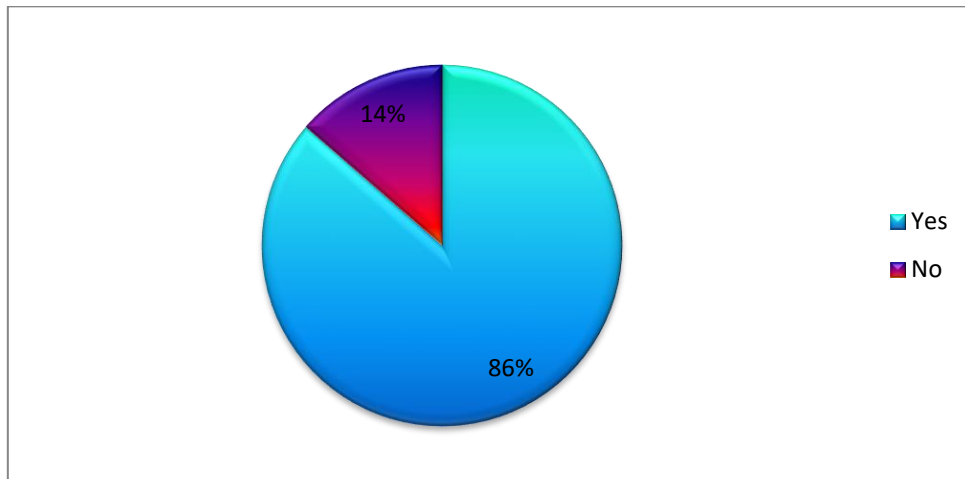
## Background

This survey was available online from 8 December to 4 January via an online form on the Council's Have Your Say web page, and was publicised by the Communications Team via the e-panel, Facebook and Twitter. There were 335 responses – a significant increase on the 93 received last year, and only slightly fewer than the 366 submissions from the previous year.

At three different places on the survey, respondents were made aware of the services that were not the responsibility of the Borough Council, but some respondents still recommended that we protected such services from funding cuts.

## Analysis of data

### Q1) Are you a resident of the borough of Newcastle-under-Lyme?



Note that the following analysis is for responses received from the 286 respondents who said that they were residents of the borough – those from outside the borough are examined at the end of this report.

### Q2) What is the single most important thing the Council could do differently to improve the quality of life for your local community?

This was a purely open question – an open text box was provided for respondents to answer, purely unprompted, with no suggested answers to choose from. The answers are summarised below.

- 4 responses re. Car Parking charges and on street parking
- 8 responses re. Community Safety
- 9 responses re. facilities and services for children and young adults
- 2 responses re. unfinished building at Nelson Place
- 2 responses re. prioritising spend against objectives
- 2 responses re. art and development funding
- 1 response re. better utilisation of outdoor spaces
- 6 responses re. air pollution and environmental sustainability
- 6 responses re. street cleansing and streetscene maintenance
- 2 responses re. accessibility and communication
- 2 responses re. refuse collection
- 2 responses re. job opportunities
- 3 responses re. improved public transport
- 2 responses re. improvements to pavements
- 1 response re. improvements to roads (pot holes)
- 11 responses re. keeping green spaces
- 2 responses re. drain maintenance
- 1 response re. entertainment for local people.
- 7 responses re. Stop the stink from Walley's quarry.



**If you ticked 'other' then please say which service(s) you think are the most important in the box below, remembering that the Council is not responsible for policing, hospitals, the NHS, social care, roads/highways or schools/academies.**

- 1 response re. Active travel e.g. attractive and suitable walkways, cycle-ways etc.
- 1 response re. All the above are essential, government funding
- 1 response re. building Council houses
- 2 responses re. job and volunteering opportunities
- 1 response re. Charging points for electric vehicles
- 2 responses re. anti-social behaviour
- 1 response re. Facilities for young people to socialise
- 2 responses re. Grass cutting, weed control.
- 1 response re. Maintenance of Audley Cemetery
- 1 response re. Mental health services
- 2 responses re. public transport systems
- 2 responses re. town centre regeneration
- 1 response re. Potholes and road infrastructure
- 1 response re. spaces for exercising dogs
- 2 responses re. environmental sustainability
- 1 response re. buy local
- 1 response re. promotion of the arts
- 1 response re. raising the profile of the market town
- 1 response re. tackling Red Industries
- 1 response re. alternatives to flowers beds
- 1 responses re. parking congestion
- 1 response re. Dog warden patrols

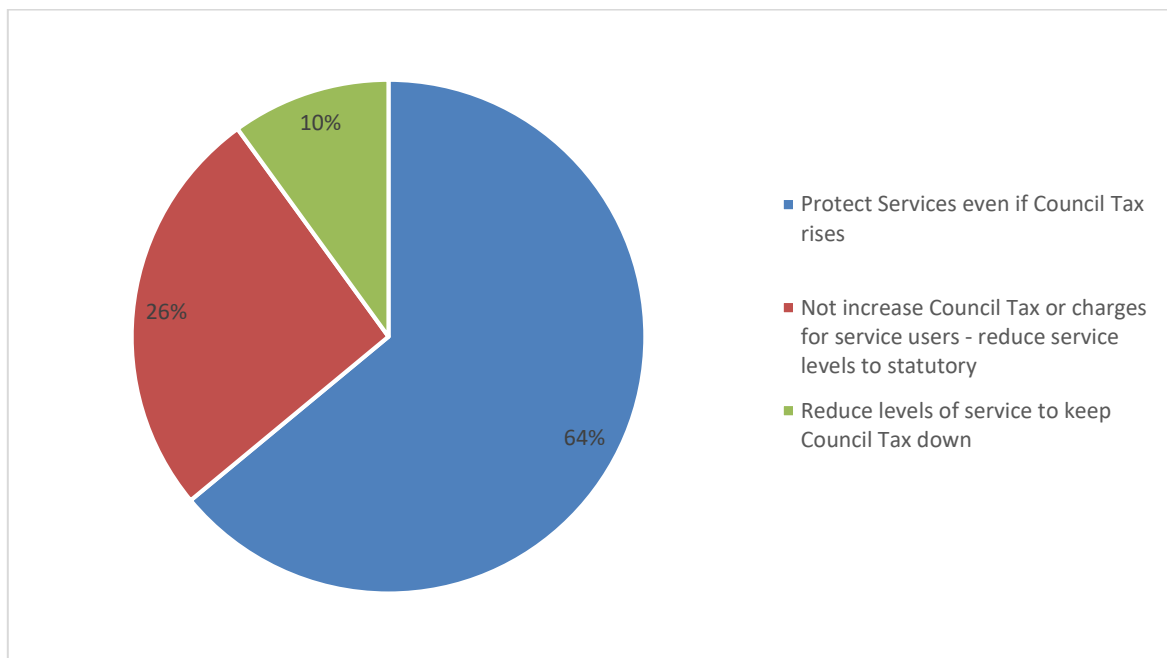


## Q5) When making decisions about spending plans for next year and beyond, should we...

Respondents were asked to choose from a set list of three options, and they were chosen as follows:

- *Protect services, even if this means we will need to increase Council Tax and charges to service users because of central funding reductions.* This was by far the most popular option, chosen by nearly two-thirds (64 per cent) of all respondents.
- *To not increase Council Tax or charges for service users, but instead look to reduce service levels towards a core statutory offer - that is, excluding those listed in question 3,* was the second most popular option, chosen by one-quarter (26 per cent).
- *Reduce levels of service to make sure that Council Tax rises and fee increases for service users are kept to a minimum* was the least popular choice by some way. Only ten per cent of respondents chose this option.

Figure 3: When making decisions about spending plans for next year and beyond, should we...?



## Q6) Are there any particular service areas where you feel Newcastle-under-Lyme Borough Council should not reduce its funding?

This was an open text box, and the responses are summarised in order to help to see the key themes that were mentioned. Arts, in particular the New Vic, town centre regeneration and refuse collection were mentioned by several respondents.

- 26 responses re. Arts (included arts and culture and art development)
- 2 responses re. Community events and community centres
- 6 responses re. facilities and services for children and young adults
- 7 responses re. street cleansing and streetscene maintenance
- 1 response re. improvements to pavements
- 3 responses re. community safety (including CCTV)
- 5 responses re. open spaces
- 1 response re. Building Control
- 3 responses re. parking and enforcement
- 3 responses re. leisure facilities
- 1 response re. museum
- 1 response re. Hospitals
- 1 response re. no reductions

- 20 responses re. New Vic Theatre
- 9 responses re. Refuse collection and recycling
- 1 response re. Social care
- 3 responses re. Street cleaning
- 13 responses re. Town centre regeneration

Figure 4: Q6) Are there any particular service areas where you feel Newcastle-under-Lyme Borough Council should not reduce its funding?

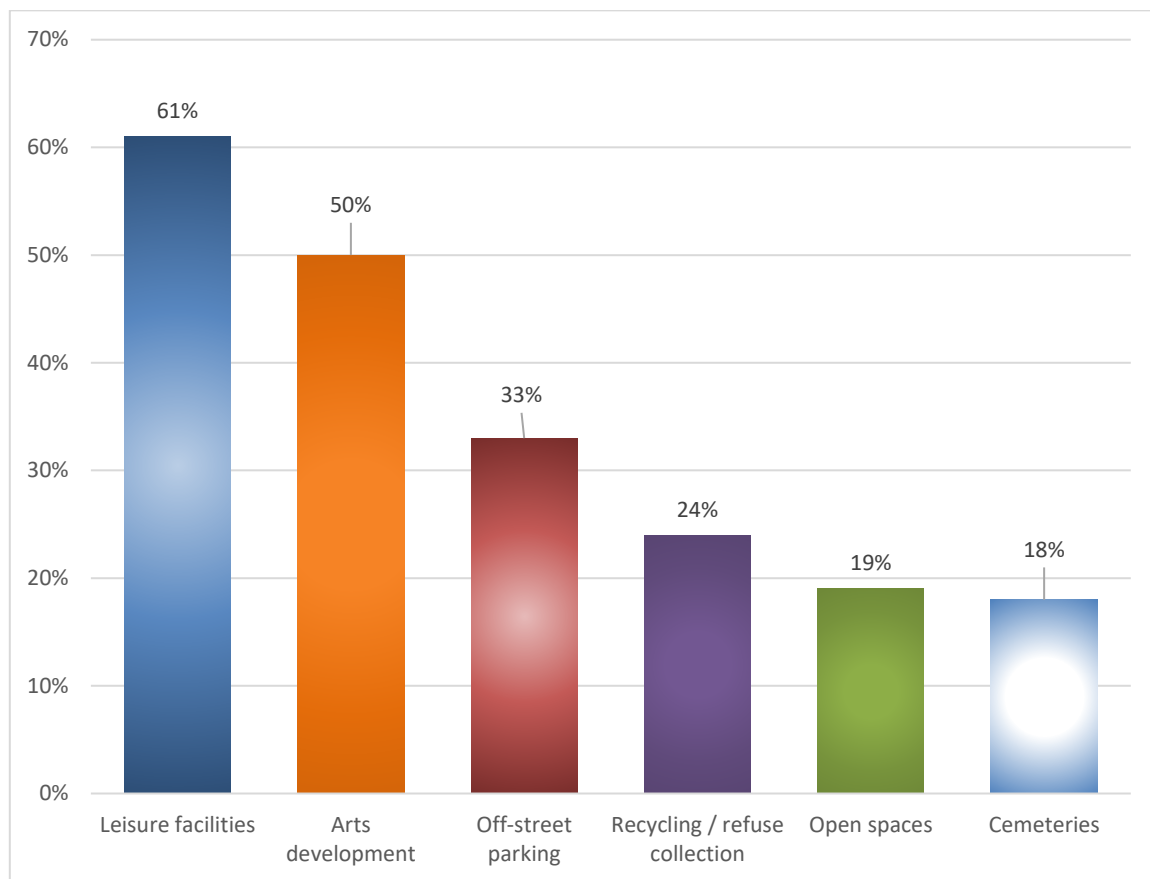


**Q7) Which service areas should the Council seek to generate additional income from service users in order to help balance the budget? Please tick as many as you feel are appropriate.**

Respondents were asked to choose from a list of six options, and could select as many of these six as they wanted to – explaining why percentages add up to considerably more than 100 per cent.

Like in the last three years, leisure facilities (61 per cent) and arts development (50 per cent) were chosen significantly ahead of the others as the following chart demonstrates.

Figure 5: Out of the following services which the Council is not required by law to provide would you most like to see protected?



**Q8) Is there anything else you think the Council should consider a priority when setting the budget?**

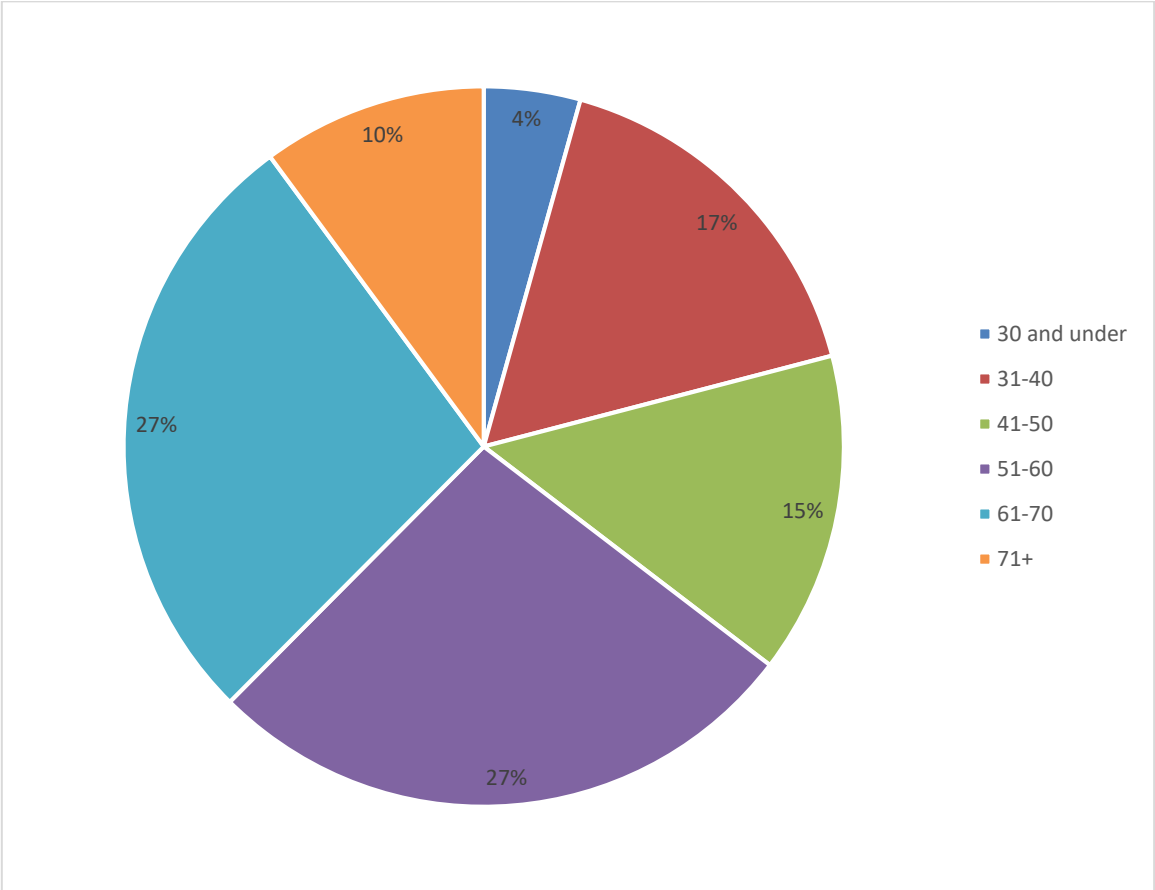
Another open comments box invited respondents to make unprompted suggestions, which are again summarised to identify key themes:

- 3 responses re. Car Parking charges and on street parking
- 6 responses re. Community Safety and anti social behaviour
- 3 responses re. facilities and services for children and young adults
- 2 responses re. facilities and services for the elderly
- 1 response re. unfinished building at Nelson Place
- 5 responses re. prioritising spend against objectives
- 4 responses re. art and development funding
- 2 responses re. better utilisation of outdoor spaces
- 4 responses re. air pollution and environmental sustainability
- 13 responses re. street cleansing and streetscene maintenance
- 1 response re. pay to Senior Staff
- 1 response re. review of Council Tax
- 1 response re. job opportunities
- 2 response re. improved public transport
- 2 responses re. improvements to pavements
- 1 response re. reducing Britain in Bloom expenditure
- 6 responses re. keeping green spaces
- 1 response re. drain maintenance
- 2 response re. wellbeing of residents
- 2 responses re. Stop the stink from Walley's quarry
- 3 responses re. government funding, investment and external funding
- 23 responses re. Town centre regeneration
- 1 response re. litter enforcement





Figure 7: Age profile of 277 respondents



## Location of respondents

Unfortunately, not all respondents did provide valid postcodes, but there were 226 that did and so could be matched to wards. There were submissions from all of the borough's wards, but those in the north of the borough tended to provide relatively few responses. The northern wards of Talke and Butt Lane, Kidsgrove and Ravenscliffe and Newchapel and Mow Cop were the wards with the fewest responses. They are particularly under-represented as Talke and Butt Lane and Kidsgrove and Ravenscliffe are the two wards with the largest population. By contrast, there were fairly large numbers of responses from residents of Westlands, May Bank and Audley.

Table 2: Respondents by ward. 264 respondents

Ward	Respondents
Audley	22
Bradwell	9
Clayton	6
Crackley and Red Street	11
Cross Heath	6
Holditch and Chesterton	5
Keele	5
Kidsgrove and Ravenscliffe	3
Knutton	4
Loggerheads	5
Madeley and Betley	12
Maer and Whitmore	6
May Bank	26
Newchapel and Mow Cop	3
Silverdale	9
Talke and Butt Lane	4
Thistleberry	16
Town	12
Westbury Park and Northwood	15
Westlands	32
Wolstanton	15
ST5 (incomplete postcode)	31
ST7 (incomplete postcode)	7

## Respondents from outside the borough

There were also some submissions from respondents who lived out of the area – mostly, but not entirely, from Staffordshire/Stoke-on-Trent. It is likely that many of these were visitors to the New Vic Theatre.

Location	Respondents
Burton-on-Trent	1
Cannock	1
Congleton	1
Crewe	3
Knutsford	1
Sandbach	1
Shropshire	1
Stafford	2
Staffordshire Moorlands	4
Stone	3
Stoke-on-Trent	16
Warwick	1
Wiltshire	1
Wolverhampton	1

45 respondents said that they were not residents of the borough, by answering 'no' to Q1 (not all submitted their postcode), and their answers are summarised here.

### Which of these Council services are the most important to you? Please tick up to five boxes.

Three options were chosen by more than 30 per cent of respondents:

- Arts development (64 per cent)
- Town centre regeneration (51 per cent)
- Parks, playgrounds and open spaces (31 per cent)

Five options were selected by more than ten per cent:

- Outdoor markets (18 per cent)
- Recycling facilities (18 per cent)
- Promotion of tourism (16 per cent)
- Street cleaning (16 per cent)
- Food safety (13 per cent)

The remaining options were all chosen by fewer than ten per cent.

### Out of the following services which the Council is not required by law to provide, which would you most like to see protected? Please tick up to five boxes.

Four options were far and away the most popular:

- Arts development (including New Vic Theatre 93 per cent)
- Town centre regeneration (55 per cent)
- Outdoor markets (39 per cent)
- Outdoor leisure facilities (36 per cent)

No more than one-quarter of respondents chose any of the other options.

### When making decisions about spending plans for next year and beyond, should we...

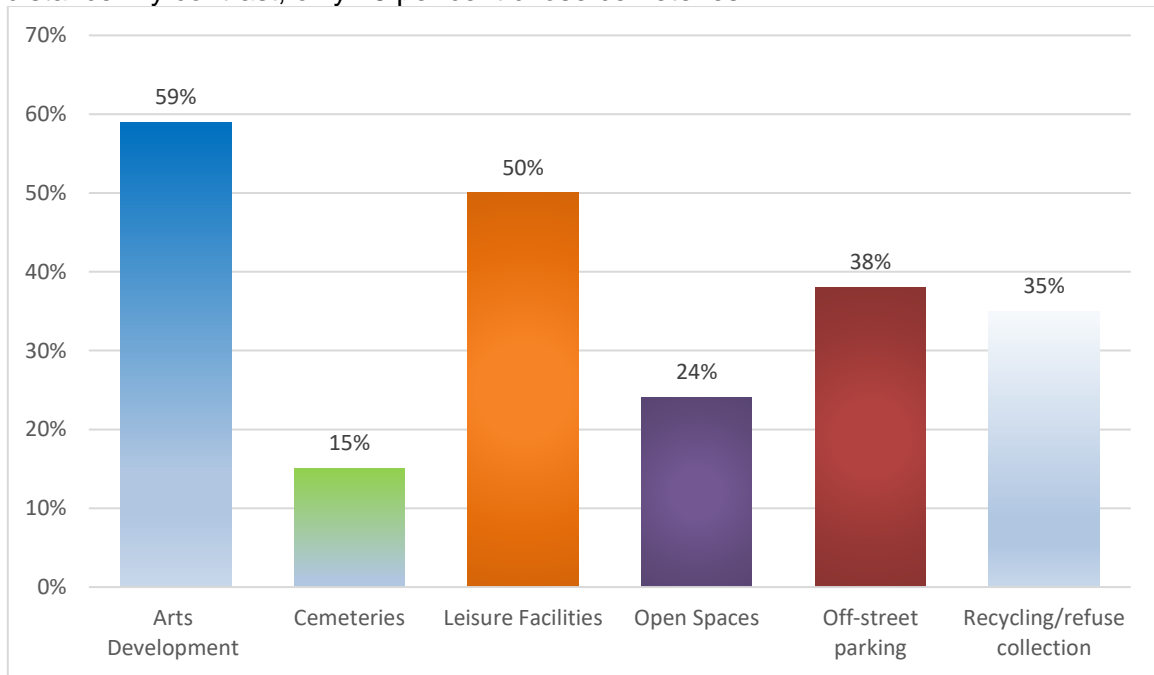
Respondents were asked to choose from a set list of three options, and they were chosen as follows:

- *Protect services, even if this means we will need to increase Council Tax and charges to service users because of central funding reductions.* This was by far the most popular option, chosen by 92 per cent) of all respondents.

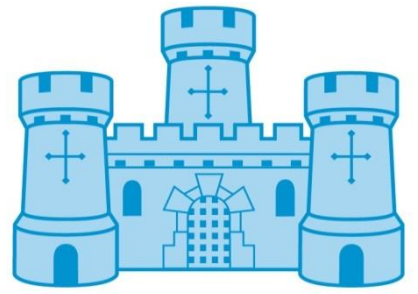
- To not increase Council Tax or charges for service users, but instead look to reduce service levels towards a core statutory offer - that is, excluding those listed in question 3, was the second most popular option, but still only chosen by eight per cent.
- Reduce levels of service to make sure that Council Tax rises and fee increases for service users are kept to a minimum was the least popular choice. No respondent chose this option.

**Which service areas should the Council seek to generate additional income from service users in order to help balance the budget? Please tick as many as you feel are appropriate.**

Arts development (59 per cent of respondents) and leisure facilities (50 per cent) were the two top choices by some distance. By contrast, only 15 per cent chose cemeteries.



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**NEWCASTLE  
UNDER LYME**  
BOROUGH COUNCIL

# Capital Strategy 2022 to 2032



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## Introduction

The purpose of the Capital Strategy is to set out how the Council proposes to deploy its capital resources in order to assist it to achieve its corporate and service objectives. It takes into account other relevant Council strategies, policies and plans and the views of partners and interested parties with whom the Council is involved. It also takes account of the resources which are likely to be available to the Council to fund capital investment and the effect of that investment on the Council's revenue budget. It will serve as a useful point of reference when determining or reviewing the Council's Capital Programme.

The Council's current detailed capital investment plan is contained in its approved Capital Programme. A Capital Programme totalling £12.923m was approved for 2021/22. Of this total £10.923m relates to the total cost of new schemes for 2021/22 together with £1.000m for schemes funded by external sources (Disabled Facilities Grants) and £1,000,000 contingency. In addition £2.256m slippage was incurred in 2020/21, resulting in a total Capital Programme of £15.179m for 2021/22.

Due to the COVID-19 pandemic and the financial impact this has placed on the Council, a review of the 2021/22 Capital Programme has been completed with the assistance of Budget Holders and members of the Capital, Assets and Commercial Investment Review Group. The rationale behind this review was to establish which of the capital projects approved in the programme were essential or health and safety related, were unable to be commenced due to the pandemic, could be deferred to the following year due to resources and services available during the crisis or were no longer required.

The review also took into account the successful Town Deals and Future High Streets Fund bids, this funding has resulting in £8.587m of external funding being invested into the Borough via the revised Capital Programme during 2021/22.

The revised 2021/22 Capital Programme now totals £19.552m which includes £9.871m for schemes funded by external sources (£3.246m re. Town Deals, £5.341m re. Future High Streets and £1.284m re. Disabled Facilities Grants) and £1.000m contingency and is summarised below, showing the constituent categories of projects:

<b>Project Categories</b>	<b>Planned Expenditure £m</b>
Improving Housing in the Borough	1.364
Investing in Community Facilities	5.417
Investing for the Future	2.307
Vehicles, Plant and Equipment	0.877
Capital Contingency	1.000
Town Deals	3.246
Future High Streets	5.341
<b>Total</b>	<b>19.552</b>

Full Council will consider a capital programme to continue investment beyond 2021/22 on 23 February 2022.

The Strategy has been prepared against a background of continuing reductions in funding provided to local authorities by central government and its agencies, arising from the need to restrain public expenditure owing to the ongoing economic conditions and to rebalance public finances. At the same time, the Council's own resources available to finance capital projects have reduced to a low level and will need replenishing before any substantial further capital investments can be made. As a result the Council is considering and consulting upon a programme of asset disposals to address this situation. In addition the Council has also produced a Commercial Strategy with the aim to generate income through commercial activities which can then be reinvested in local priorities.

## Key Objectives and Priorities

The Council's Priorities contained in the Council Plan are:

Local Services that work for Local People
Growing our People and Places
A Healthy, Active and Safe Borough
A Town Centre for All

Capital investment projects will be included in the Council's Capital Programme on the basis that they address issues arising from one or more of these Priority Areas. An indication is shown against each project in the Programme of the area or areas it addresses.

New proposals for capital investment will be assessed against the corporate priorities to ensure that they will contribute towards achieving the aims expressed. This assessment will be carried out as part of the appraisal process for new projects.

The Council will also endeavour, through its programme of capital investment, to maintain its assets to a standard such that they remain fit for purpose, enabling continuity of service delivery. In particular, it will carry out regular surveys of its stock of buildings and structures to ascertain their state of repair and any remedial works which may be necessary. Repair or improvement works arising from such surveys will be carried out subject to the availability of resources and consideration of the role the building plays in service delivery and the need to continue the relevant service in order to contribute to meeting corporate priorities. If a building is no longer required for service delivery, it will either be considered for alternative use by the Council or its partners or disposed of and the proceeds made available for future capital investment in priority areas. All property assets are held to either (i) provide Council services, (ii) provide an investment return or (iii) to further regeneration projects.

A Capital Assets and Commercial Investment Review Group is in place and chaired by the Cabinet Portfolio Holder for Finance, Town Centres and Growth. This Group keeps the Council's capital investment strategy under continuous review, including the prioritisation of projects for inclusion in future capital investment programmes over the medium term. Regular reviews of the property portfolio will be

carried out by the group to identify properties or land which could potentially be disposed of, following a consultation process in the case of significant proposals, and a capital receipt obtained from the sale.

Where suitable “Invest to Save” projects can be identified the Council will actively pursue such projects as it recognises the benefits, in the form of reduced costs falling on the General Fund Revenue Account, that can result from such investment.

The Council will seek, where practicable and economically justifiable, to develop its investment projects having regard to principles of sustainability, for example in relation to materials used and environmentally friendly modes of operation once in use, following construction or purchase.

## Factors Influencing the Capital Programme

Projects for inclusion in the capital programme arise from a variety of sources, some of them internally generated and some arising from external factors. The more significant of these can be summarised diagrammatically as follows:

<u>INTERNAL</u>	<u>EXTERNAL</u>
Corporate Priorities, as set out in the Council Plan	Government sponsored programmes, e.g. Disabled Facilities Grants
Investment identified in Strategies, Policies and Plans	Unforeseen Emergency Works
Work needed to maintain Property Assets	Works required to comply with legislation, e.g. re disabled access, health and safety
Vehicles, Plant and Equipment replacement needs	Projects resulting from Partnership Activity
ICT Investment and Replacement	Availability of External Funding
Invest to Save Projects	Public expectation that works should be carried out

These are discussed in greater detail in sections below:

## Links with Other Strategies, Policies and Plans

As well as the Council's Plan and the Capital Programme the Capital Strategy has clear links to many other strategies, policies and plans, the most significant of which are shown in the following table:

<b>Key Strategies:</b>
Economic Development Strategy
Health and Wellbeing Strategy
Stronger and Safer Communities Strategy

<b>Other Strategies:</b>
Asset Management Strategy
Investment Strategy
Medium Term Financial Strategy
Flexible Use of Capital Receipts Strategy
Service and Financial Plans
Procurement Strategy
North Staffs Green Spaces Strategy
Private Sector Housing Renewal Strategy
Housing Strategy
Arts and Cultural Strategy
Customer Access Strategy
Energy Efficiency and Climate Change Strategy and Carbon Reduction Plan
Treasury Management Strategy
Sustainable Community Strategy
Sustainable Environment Strategy

An important link is to the Asset Management Strategy (AMS) in that many capital investment projects are related to the Council's fixed assets, such as its stock of buildings. Needs and priorities identified in the AMS will require consideration for inclusion in the Council's Capital Programme and have wider financial consequences. Equally important is the opportunity to generate capital receipts from the disposal of land/property where there is no current or likely future operational need.

The Investment Strategy sets out the Council's policies and practices in relation to commercial investments, for example investments in property and will include information about any such proposals, including funding the expenditure and the effect upon the revenue budget. Expenditure relating to commercial investments will be capital and will be included in the capital programme.

The Medium Term Financial Strategy will take account of the revenue effect of capital investment.

The Flexible Use of Capital Receipts Strategy sets out the conditions and arrangements in place to flexibly use Capital Receipts for qualifying expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs or to improve the quality of service delivery in future years.

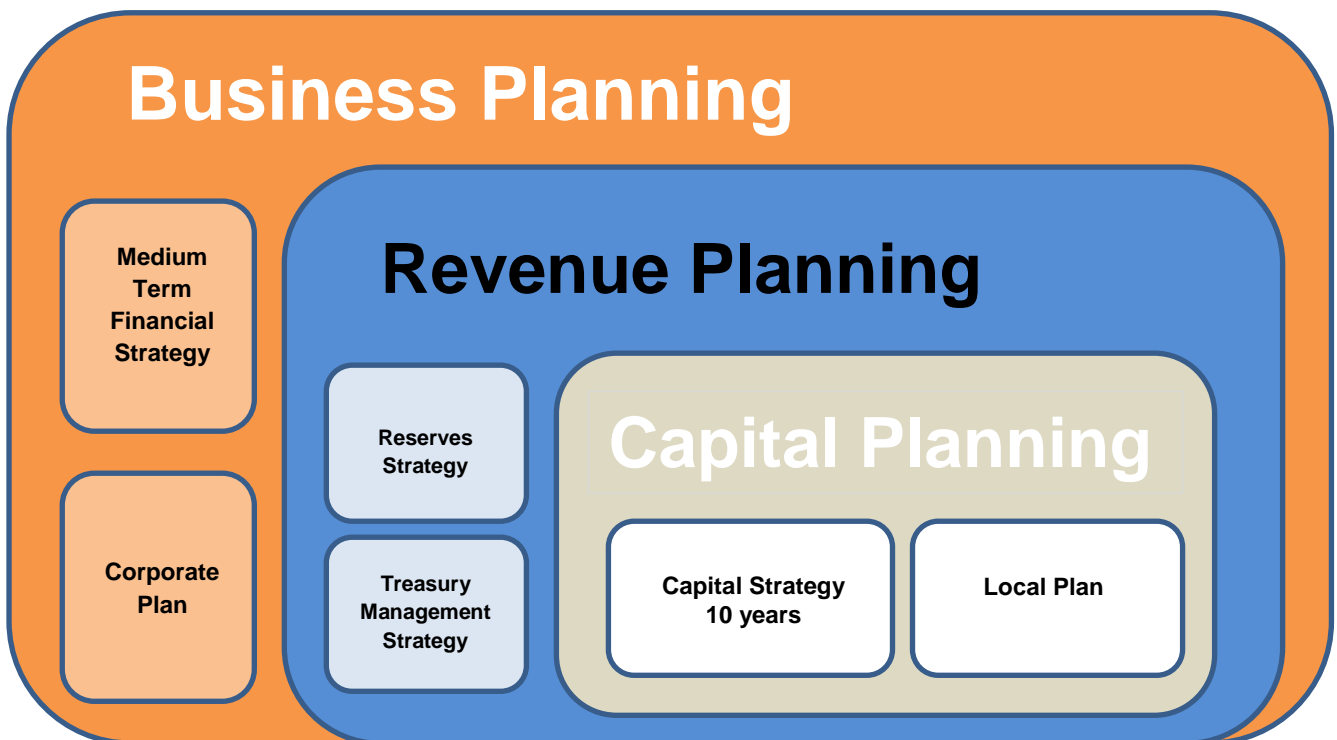
Appraisal, procurement and management of capital projects needs to be carried out with regard to the objectives, methodologies the principles and practices set out in the Procurement Strategy.

The various service based strategies will inform the Council's capital investment process through their identification of areas for action and of priorities within individual service areas.

The Treasury Management Strategy needs to reflect planned capital spend, particularly with regard to setting limits for tying up money over the longer term and the limits relating to the amount of permitted borrowing.

In addition the Capital Strategy will be influenced by the results of any Service Reviews which have been carried out by the Council, either as part of the budget preparation process or as one-off exercises. Where these reviews identify areas of service which are to be discontinued, this may give rise to assets which will be available for disposal and possibly generate a capital receipt which will be available for funding further capital investment. Alternatively reviews may identify areas for investment, including potential "invest to save" projects, some of which may be capital investment.

## Simple Business Planning Model



## External Influences, Partners and Consultation with Other Interested Parties

The Council's capital investment plans are influenced by a number of external parties and factors: central government and its agencies, legislation requiring capital works, partner organisations, businesses, developers and by the needs and views of other interested parties, particularly those of Borough residents

Government sponsored initiatives and programmes will influence the projects which the Council will include in its capital investment plans. In particular, its Housing Investment Programme in which the Council participates with regard to Disabled Facilities Grants, this is a major area of investment where funding is provided by Government to meet a proportion of the costs of some of these activities. This funding currently consists mainly of grant payments to partially meet the cost of disabled facilities grants payable to eligible applicants.

Where required by legislation to carry out works of a capital nature, such as to comply with the Disablement Disability Act or Health and Safety requirements, or anti-pollution regulations, the Council will consider the most effective way to discharge its obligations and appropriate provision will be made in its Capital Programme once it has determined that it shall carry out the necessary work and that this should be capitalised.

The Council works with a wide range of partners from the public, private, voluntary and community sectors, all of which have an influence over its spending priorities. Relationships with partners, including those concerning capital matters, will be governed by the Council's Partnerships Code of Practice. Wherever possible the Council will seek to work in partnership with others to deliver its capital investment programme in order to provide facilities which meet its own and partners' needs. When working with the private sector, the objective will be to maximise the benefits to the Council and the community from any projects, both in terms of outputs and in relation to obtaining funding for the project.

The Council is a participant in the Local Strategic Partnership (LSP) and will have regard to the content of its Sustainable Community Strategy together with any other elements of the partnership which relate to capital investment and may be able to use the capital programme as a means of fulfilling some of its obligations to the LSP.

Projects for consideration for inclusion in the Capital Programme may arise from the Council's participation in the Staffordshire and Stoke on Trent Local Enterprise Partnership (LEP) or similar sub-regional partnerships which seek to stimulate economic growth.

The Council has established a Town Centre Partnership, together with relevant parties such as representatives of retailers and businesses in the town centres of Newcastle and Kidsgrove. The partnership may identify proposals for town centre improvements which could place demands upon future capital programmes where such works align with the Council's economic development objectives. It may also present an opportunity for costs to be shared between the parties likely to benefit from their implementation.

The availability of external funding (particularly in relation to the successful Town Deals and Future High Street Fund bids) will also influence the projects which the Council will include in its capital investment plans. This is referred to in the following section of the Strategy.

Regard will be given to the Council’s obligations under Disabled Access requirements in putting forward proposals for capital investment and in the design of any facilities which are proposed.

Wherever possible the principles of financial and environmental sustainability will be incorporated into any capital projects.

## Resources Available to Finance Capital Investment

The following diagram shows the main sources of funding which are available to the Council to finance its capital investment. Individual projects may be financed solely by one of these or by a combination of a number of them.

<u>INTERNAL</u>	<u>EXTERNAL</u>
Capital Receipts in Hand	Government Grants
Reserves	Other Grants, e.g. Heritage Lottery Fund
New Capital Receipts from Asset Sales	Contributions from Partners
Revenue Contributions	Other Contributions
	Borrowing

More details of these funding sources are given in the following paragraphs:

Capital Receipts have been the major source of funding for the Capital Programme in recent years. Capital receipts, alongside borrowing and external contributions, are committed to finance the currently approved Capital Programme. Additional capital projects may be financed from capital receipts obtained by asset sales or other new capital streams.

A previously significant source of capital receipts has been the Council’s continuing right to a share of receipts arising from tenants of Aspire Housing under the Right to Buy legislation. However, Right to Buy sales have diminished from historically high levels, both because of the present depressed property market and there being fewer potential purchasers as time goes by. Future sales income is projected to be in the range of £0.5m per annum.

Capital receipts from sales of land and property (including covenant release payments) have been relatively modest in recent times.

The Asset Management Strategy sets out expected sales over the next ten years. It is anticipated that receipts from sales will increase in the medium term, enabling some increase in financing of capital

investment from this source. The Capital, Assets and Commercial Investment Review Group meets on a bi-monthly basis and is responsible for the formulation of strategies in respect of income generation relating to asset disposals.

The use of capital receipts and reserves to finance new capital projects has an effect upon investment income receipts and hence the General Fund Revenue Account. At an investment interest rate of around 0.5%, every £100,000 of such capital receipts or reserve balances used will cost £500 to the revenue account on an ongoing basis. The use of capital receipts and reserves to finance the Capital Programme is taken account of in the Medium Term Financial Strategy. Any receipts generated from the sale of assets will be invested until they are required to finance capital expenditure.

Wherever Government grants are available to meet all or part of the cost of capital projects the Council will ensure that these are applied for and used to maximise the amount of investment which can be made and the benefit which will result from that investment.

Funding will be sought towards the cost of capital projects from external parties wherever possible and appropriate. The prime examples of these being the Town Deals (£34.5m between 2022/23 and 2025/26), Future High Streets Fund (£5.3m between 2022/23 and 2023/24) and Disabled Facilities Grants. These may include property developers, central government and government agencies, funding bodies such as the National Lottery or the Football Foundation and partner organisations that may join with the Council to bring forward particular projects of mutual benefit.

The Council is presently debt free, having no long term loans outstanding. The capital investment programme set out in Annex B will require a significant amount of borrowing if it is to be carried out in its entirety. The use of borrowing has an effect on the General Fund Revenue account in terms of interest payable and the requirement to allocate a Minimum Revenue Provision, for a typical asset with a useful life of 20 years borrowing costs currently amount to around £6,000 for every £100,000 borrowed.

There is no intention to charge any capital investment directly to the General Fund Revenue Account.

The Council does not presently intend to consider the use of Private Finance Initiative type arrangements or tax increment financing to meet the cost of capital investment.

The Head of Finance (Section 151 Officer) will prepare estimates of the resources which are presently in hand plus those likely to be available in future to finance capital investment. She will keep these estimates up to date and periodically report upon them to Cabinet and Council, particularly when the Capital Programme is being considered. The Council will decide on the appropriate form of financing for projects included in the Capital Programme based on advice from the Head of Finance (Section 151 Officer) as to availability and the consequences and costs of use of the various options.

The need to have available liquid funds to be used to pay for capital projects will be considered when drawing up the Council's Treasury Management Strategy. An appropriate limit will be placed on long term investments based on predictions of the capital spending profile over the period covered by the Strategy so that there are likely to be enough readily available easily cashable investments to meet requirements.



## Revenue Implications

The impact upon the General Fund Revenue Account arising from capital investment proposals will be calculated and considered at the time projects are placed before Cabinet or Full Council for inclusion in the Approved Capital Programme or for specific approval. Such impact may be in the form of reduced interest receipts, where projects are to be financed from capital receipts or reserves, borrowing costs, if loan finance is to be employed, or additional running costs arising from the provision of a new or altered facility. Offset against these costs will be any savings which might accrue, for example from “invest to save” projects.

The Council will always have regard to the affordability of its proposed capital investments, in terms of the revenue implications arising.

The revenue implications of the capital programme will be taken account of in the Council's Medium Term Financial Strategy.

## Appraisal and Prioritisation of Investment Proposals

In accordance with the Council's Financial Regulations proposals for new capital investment estimated to cost more than £20,000 will be subject to an appraisal process, whereby a business case will be made out for the proposal, considering its contribution towards meeting corporate objectives and service priorities, its outputs and milestones, its cost and sources of and its effect, if any, upon the revenue budget in future years. Less significant projects costing below £20,000 will be subject to a simplified process. All new capital investment proposals must be considered by the Capital, Assets and Commercial Investment Review Group prior to specific Cabinet approval being requested. Before any project may be commenced Specific Cabinet approval must be obtained and the project will only be included in the approved Capital Programme, after considering its priority relative to other proposed projects and the overall level of resources available to fund the Capital Programme as a whole.

Work is being undertaken to develop the project prioritisation process further during 2021/22 in order to provide a robust, transparent and impartial basis for determining the relative merits of individual projects proposed for inclusion in the capital programme. No projects should be considered in isolation. They must be required to be measured against all other competing projects to determine which should go forward. This process should also apply to any projects which are proposed subsequent to the approval of the programme, to ensure that only those projects with a high priority are proceeded with and funds are not diverted to projects of a lesser priority.

A Risk Assessment, in the approved corporate format, will be completed for capital projects over £20,000.

## Monitoring Arrangements and Project Management

Progress in relation to individual projects will be monitored through the Council's arrangements for the monitoring of capital projects, which entail quarterly monitoring reports to be received by the Cabinet. The Capital Assets and Commercial Investment Review Group will also review project progress and corrective action will be initiated where projects fall behind schedule, appear likely to overspend or otherwise give cause for concern. Individual Project Forms will be maintained in respect of each project by the Head of Finance (S151 Officer) which will track the progress of projects and be available to officers and members with an interest in reviewing progress of those projects.

All projects will be assigned to a named officer who will be responsible for overseeing the project, including project monitoring and control and implementing exception reports and, where appropriate, corrective action if the project deviates from its planned progress or cost. Where complex major projects are to be carried out, consideration will be given to employing the Prince2 project management methodology.

All capital projects will be subject to Internal Audit review to ensure correct procedures have been followed and sums have been paid out in accordance with Financial Regulations and Standing Orders as they relate to contracts. Where projects have received funding from government or quasi-governmental sources, the expenditure will also be subject in many cases to external audit. European Union funded projects may also be subject to audit by auditors on behalf of that body. Where monitoring returns or claims for reimbursement of expenditure are required to be sent to funding bodies, these will be completed and forwarded promptly to the relevant body in compliance with any deadlines laid down by them. All capital investment proposals and project progress and management are subject to the Council's scrutiny arrangements.

## Statutory Framework

The Council's capital investment is carried out within the statutory framework laid down by the Local Government Act 2003 and regulations under that Act. Accordingly, only expenditure which fits the definition of capital expenditure contained in the Act or Regulations pursuant to it will be capitalised.

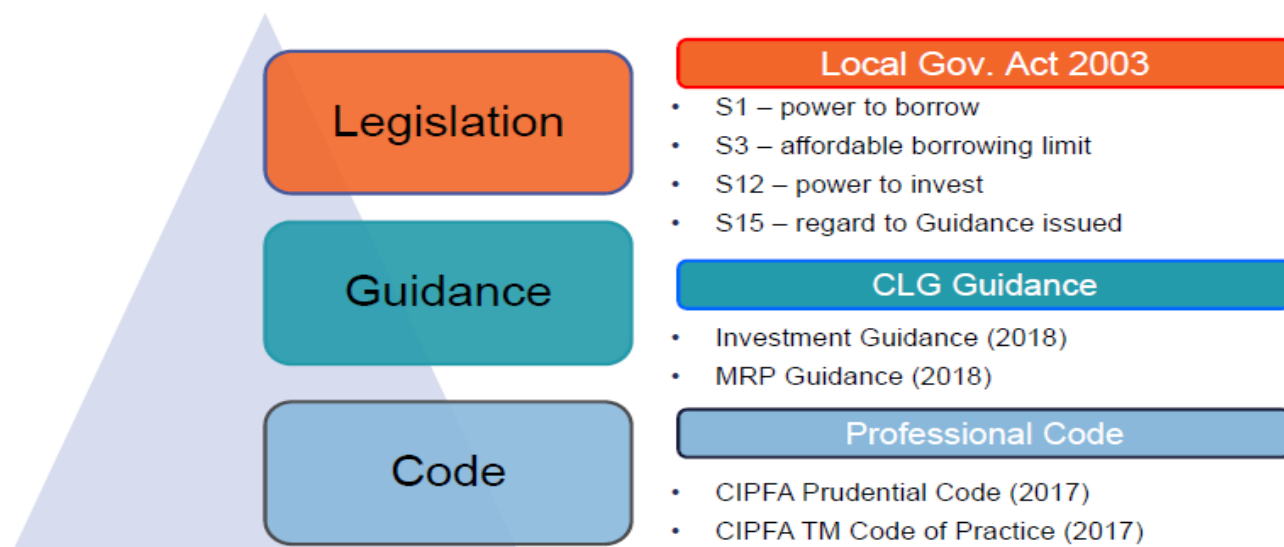
Capital expenditure is defined by the 2003 Act as that which falls to be capitalised in accordance with proper practices, which means in accordance with the Code of Practice on Local Authority Accounting, published by the Chartered Institute of Public Finance and Accountancy (CIPFA), applicable to all local authorities. Annex A sets out a summarised version of the definition provided by the Code. In addition there are a number of other types of expenditure that have been defined by Regulations as being treatable as capital in nature. Generally these do not apply to this Council.

It should be noted that the Act and Regulations are framed in a permissive way, allowing local authorities to capitalise expenditure which fits the definition but not forcing them to capitalise such expenditure. The Council will decide, therefore, whether to include a project meeting the capital definition in its capital programme or to meet its cost from a revenue account.

The Council does not set a minimum amount for the capitalisation of expenditure (*de minimis* level). Accordingly, any expenditure complying with the above definition may be capitalised.

Capital Finance Regulations

# Legal and Regulatory Requirements



## Prudential Indicators

The Council shall ensure that all of its capital expenditure, investments and borrowing decisions are prudent and sustainable. In doing so it will take into account its arrangements for the repayment of debt and consideration of risk and the impact, and potential impact, on the Council's overall fiscal sustainability. The Council's prudential indicators (shown in Annex C) are as follows:-

- Estimates of capital expenditure

The Council will make reasonable estimates of the total of capital expenditure that it plans to incur during the forthcoming financial year and at least the following two financial years.

- Actual capital expenditure

After the year end, the actual capital expenditure incurred during the financial year will be recorded.

- Estimates of capital financing requirement

The Council will make reasonable estimates of the total capital financing requirement at the end of the forthcoming financial year and the following two years.

- Actual capital financing requirement

After the year end, the actual capital financing requirement will be calculated directly from the Council's balance sheet.

- Ratio of financing costs to net revenue streams

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs.

- Authorised limit on external borrowing

The Authorised Limit sets the maximum level of external borrowing on a gross basis (i.e. excluding investments) for the Council. This Prudential Indicator separately identifies borrowing from other long term liabilities such as finance leases. It is consistent with the Council's existing commitments, its proposals for capital expenditure and financing and its approved treasury management policy statement and practices.

- Operational boundary for external debt

This indicator refers to the means by which the authority manages its external debt to ensure it remains within the statutory authorised limit. It differs from the authorised limit in as far as it is based on the most likely scenario, in terms of capital spend and financing during the year.

- Gross debt and capital financing requirement

This is a key indicator of prudence. In order to ensure that over the medium term debt will only be for a capital purpose, the local authority should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years.

Where the gross debt is greater than the capital financing requirement the reasons for this should be clearly stated in the annual treasury management strategy.

## Procurement

Regard will be given to the contents of the Council's Procurement Strategy when considering the delivery of capital projects.

Where estimated project contract costs exceed the relevant statutory threshold, the appropriate EU or other tendering procedures will be followed.

Standing Orders relating to contracts will apply to all contracts proposed to be let in relation to capital projects, together with Financial Regulations and the provisions of the Council's scheme of Delegation.

The achievement of Value for Money will be a guiding principle in the procurement of capital works and services and in managing contracts.

## Future Capital Programme

Capital investment needs have been assessed over a ten year period (2022/23 to 2031/32) and are set out in Annex B.

During this period, there will be a need for some items of capital investment to be made in order to ensure continued service delivery or to comply with statutory requirements or to ensure health and safety of staff and public. Examples of these include: operational building repairs and maintenance; replacement of vehicles, plant and equipment required to deliver services; disabled facilities grants.

It may be possible to extend the lives of some of the vehicles, if they are in a fit condition when their replacement date is reached. Similarly some of the maintenance/improvement works to the Council's operational properties may be capable of being deferred; periodic stock condition surveys will inform any decisions in this regard. Additionally, some properties may be deemed surplus to operational requirements and eligible for disposal in their current condition.

In addition to the essential works outlined above, there are significant amounts of expenditure which need to be incurred:

- In respect of the Town Deals and Future High Streets Fund funding successfully bid for, these projects will have a significant impact upon the regeneration and recovery of both Newcastle and Kidsgrove Town centres
- In respect of the commercial portfolio in order to keep properties in a state of repair such as to continue to obtain a reasonable rental income
- To maintain various engineering structures such as walls, bridges, drains, and reservoirs to ensure safety to the public
- To enable agreed actions in relation to approved policies and strategies to be progressed and to meet other Council commitments.

Over the period 2022/23 to 2031/32 it is estimated that this expenditure will total £100.096m.

Funding will depend on capital receipts from asset sales. There will be insufficient capital receipts arising from these planned sales to meet all of the costs of the investment programme. Accordingly, it is estimated that around £14.718m of net expenditure will have to be funded from borrowing over the ten year period if the programme is to be delivered in its entirety.

There will be a consequent cost to the revenue budget which will have to be included in the MTFS projections. Based on the expenditure shown in Annex B and forecasts of the amount and timing of receipts and current capital financing costs, the additional costs to the revenue budget will be around £11.518m over 10 years, with the costs in each year 2022/23 to 2031/32 being as shown below:

<b>Year</b>	<b>Total £m</b>
2022/23	0.166
2023/24	0.710
2024/25	1.170
2025/26	1.188
2026/27	1.207
2027/28	1.376
2028/29	1.395
2029/30	1.415
2030/31	1.435
2031/32	1.456
<b>Total</b>	<b>11.518</b>

A capital programme for 2022/23 to 2024/25 totalling £65.373m will be recommended to Full Council on 23 February 2022, consistent with the detail shown in Annex B. The prudential indicators that will apply for this 3 year period are set out at Annex C.

Funding for 2022/23 expenditure is likely to be available from the following sources:

- Further capital receipts from asset sales
- Right to Buy capital receipts
- Government grants
- Other external contributions
- Borrowing

All of the above funding sources are likely to be limited so the programme only includes affordable projects.

As described earlier, current estimates of the amount required to be invested in projects to ensure continued service delivery and meet commitments compared with forecasts of likely receipts from asset sales and other available resources indicate that there will be insufficient resources available to fund all of these requirements. If forecast receipts from sales of assets cannot be achieved within this timeframe, the Council may have to review its stance with regard to borrowing, if this proves to be the only practical means of funding necessary investment, particularly if a major unforeseen item of capital expenditure were to materialise, for example major repairs to enable an operational building to continue to be used or new legislation requiring capital spending.

### **DEFINITION OF CAPITAL EXPENDITURE INCLUDED IN THE CODE OF PRACTICE ON LOCAL AUTHORITY ACCOUNTING IN THE UNITED KINGDOM**

All expenditure that can be directly attributed to the acquisition, creation or enhancement of items of property, plant and equipment or the acquisition of rights over certain longer-term intangible benefits is accounted for on an accruals basis and capitalised as a non-current asset. It must be probable that the future economic benefits or service potential associated with the item will flow to the Council - the Council does not have to own the item but it must be more than likely that it has gained the right to use the item in the provision of services or to generate cash from it. In addition it must be possible to measure the cost of the item reliably.

Expenditure that should be capitalised will include expenditure on the:

- Acquisition, reclamation or laying out of land
- Acquisition, construction, preparation, enhancement or replacement of roads, buildings and other structures
- Acquisition, installation or replacement of movable or immovable plant, machinery, apparatus, vehicles and vessels

In this context, the definition of enhancement contained in the previous Code of Practice (SORP) is still applicable and means the carrying out of works which are intended to:

- Lengthen substantially the useful life of the asset, or
- Increase substantially the market value of the asset, or
- Increase substantially the extent to which the asset can or will be used for the purpose or in conjunction with the functions of the local authority concerned.

Under this definition, improvement works and structural repairs should be capitalised, whereas expenditure to ensure that the fixed asset maintains its previously assessed standard of performance should be recognised in the revenue account as it is incurred. Expenditure on existing fixed assets should be capitalised in three circumstances:

- Enhancement - see above
- Where a component of the fixed asset that has been treated separately for depreciation purposes and depreciated over its individual useful life is replaced or restored
- Where the subsequent expenditure relates to a major inspection or overhaul of a fixed asset that restores the benefits of the asset that have been consumed by the authority and have already been reflected in depreciation

Assets acquired on terms meeting the definition of a finance lease should be capitalised and included together with a liability to pay future rentals.

Where an asset is acquired for other than cash consideration or where payment is deferred the asset should be recognised and included in the balance sheet at fair value.

**2022/23 to 2031/32 Capital Programme**

**Annex B**

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CAPITAL PROGRAMME	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	TOTAL
	£	£	£	£	£	£	£	£	£	£	£
<b>PRIORITY - Local Services that work for Local People</b>											
Service Area - Council Modernisation	609,820	55,000	287,000	485,500	80,000	4,000	65,000	80,000	45,000	145,000	3,646,320
<b>Total</b>	<b>609,820</b>	<b>655,000</b>	<b>287,000</b>	<b>485,500</b>	<b>380,000</b>	<b>94,000</b>	<b>365,000</b>	<b>480,000</b>	<b>145,000</b>	<b>145,000</b>	<b>3,646,320</b>
<b>PRIORITY - Growing our People and Places</b>											
Service Area - Housing Improvements	1,340,000	1,290,000	1,290,000	1,340,000	1,290,000	1,290,000	1,290,000	1,290,000	1,290,000	1,290,000	13,000,000
Service Area - Managing Property & Assets	1,885,576	1,374,991	1,084,639	1,634,201	865,622	727,875	519,919	405,400	1,243,371	1,243,371	10,984,965
<b>Total</b>	<b>3,225,576</b>	<b>2,664,991</b>	<b>2,374,639</b>	<b>2,974,201</b>	<b>2,155,622</b>	<b>2,017,875</b>	<b>1,809,919</b>	<b>1,695,400</b>	<b>2,533,371</b>	<b>2,533,371</b>	<b>23,984,965</b>
<b>PRIORITY - A Healthy, Active and Safe Borough</b>											
Service Area - Environmental Health	60,000	60,000	-	2,000	-	-	-	12,000	-	-	144,000
Service Area - Streetscene & Bereavement Services	1,160,000	950,000	1,465,000	415,000	300,000	205,000	165,000	180,000	1,205,000	1,205,000	7,250,000
Service Area - Recycling & Fleet	922,500	2,899,500	565,500	1,026,500	3,431,000	1,395,000	303,000	3,109,000	600,000	600,000	14,852,000
Service Area - Leisure and Cultural	848,000	90,000	16,000	150,000	-	10,000	-	-	-	-	1,114,000
Service Area - Engineering	590,000	1,070,000	85,000	272,000	20,000	-	-	-	125,000	125,000	2,287,000
<b>Total</b>	<b>3,580,500</b>	<b>5,069,500</b>	<b>2,131,500</b>	<b>1,875,500</b>	<b>3,751,000</b>	<b>1,610,000</b>	<b>468,000</b>	<b>3,301,000</b>	<b>1,930,000</b>	<b>1,930,000</b>	<b>25,647,000</b>
<b>PRIORITY - A Town Centre for All</b>											
Service Area - Managing Property & Assets	1,750,000	3,500,000	750,000	-	-	-	-	-	-	-	6,000,000
Future High Streets Fund	3,635,916	1,691,166	-	-	-	-	-	-	-	-	5,327,082
Town Deals - Newcastle	12,092,000	4,706,000	2,251,000	807,000	-	-	-	-	-	-	19,856,000
Town Deals - Kidsgrove	6,415,000	4,190,000	2,794,000	1,236,000	-	-	-	-	-	-	14,635,000
<b>Total</b>	<b>23,892,916</b>	<b>14,087,166</b>	<b>5,795,000</b>	<b>2,043,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>45,818,082</b>
<b>CONTINGENCY</b>	1,000,000	-	-	-	-	-	-	-	-	-	1,000,000
<b>TOTAL</b>	<b>32,308,812</b>	<b>22,476,657</b>	<b>10,588,139</b>	<b>7,378,201</b>	<b>6,286,622</b>	<b>3,721,875</b>	<b>2,642,919</b>	<b>5,476,400</b>	<b>4,608,371</b>	<b>4,608,371</b>	<b>100,096,367</b>

<b>FUNDING</b>											
Capital Receipts	500,000	500,000	8,000,000	8,000,000	8,000,000	8,000,000	500,000	500,000	500,000	500,000	<b>35,000,000</b>
External Contributions	23,377,916	11,622,166	6,080,000	3,088,000	1,035,000	1,035,000	1,035,000	1,035,000	1,035,000	1,035,000	<b>50,378,082</b>
Borrowing	8,430,896	10,354,491	(3,491,861)	(3,709,799)	(2,748,378)	(5,313,125)	1,107,919	3,941,400	3,073,371	3,073,371	<b>14,718,285</b>
<b>TOTAL</b>	<b>32,308,812</b>	<b>22,476,657</b>	<b>10,588,139</b>	<b>7,378,201</b>	<b>6,286,622</b>	<b>3,721,875</b>	<b>2,642,919</b>	<b>5,476,400</b>	<b>4,608,371</b>	<b>4,608,371</b>	<b>100,096,367</b>



## Annex C – Prudential Indicators

### Capital Prudential Indicators

#### *Actual and Estimate of Capital Expenditure*

<b>31/03/21 Actual (£000's)</b>	<b>31/03/22 Estimate (£000's)</b>	<b>31/03/23 Estimate (£000's)</b>	<b>31/03/24 Estimate (£000's)</b>	<b>31/03/25 Estimate (£000's)</b>
7,521	19,522	32,308	22,477	10,588

#### *The Capital Financing Requirement (The Councils Borrowing Need)*

The second prudential indicator is the Council's Capital Financing Requirement (CFR). The CFR is simply the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's underlying borrowing need. Any capital expenditure above, which has not immediately been paid for, will increase the CFR.

The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the borrowing need in line with each assets life.

The CFR projections are below:

<b>31/03/21 Actual (£000's)</b>	<b>31/03/22 Estimate (£000's)</b>	<b>31/03/23 Estimate (£000's)</b>	<b>31/03/24 Estimate (£000's)</b>	<b>31/03/25 Estimate (£000's)</b>
5,395	10,266	18,569	28,922	26,430

The amounts shown above from 2021/22 onwards allow the Council to borrow during those years to finance capital expenditure which cannot be funded from other revenue or capital resources. However, the likelihood of individual schemes, the timings and the amounts involved cannot be assessed with certainty at this point.

The sale of Council assets for capital receipts will have a significant impact upon the CFR, if sales are made the Council's borrowing requirement will be reduced, if not the Council's borrowing requirement will be greater.

### Affordability Prudential Indicators

#### *Actual and Estimates of the Ratio of Financing Costs to Net Revenue Stream*

This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

Financing Costs comprise the aggregate of: interest payable, interest receivable and investment income; the amount charged as MRP; depreciation and impairment charges that have not been reversed out of the revenue account.

Net Revenue Stream is defined as the 'amount to be met from government grants and local taxpayers'. This is the Council's 'budgetary requirements' figure shown in the General Fund Revenue Budget, being the net expenditure for the year before deducting government grants (Revenue Support and Business Rates Retention) and adjusting for the Collection Fund surplus/deficit. The relevant figures for this Council are set out in the table below:

	<b>2020/21 Actual (£000's)</b>	<b>2021/22 Estimate (£000's)</b>	<b>2022/23 Estimate (£000's)</b>	<b>2023/24 Estimate (£000's)</b>	<b>2024/25 Estimate (£000's)</b>
<b>Net Revenue Stream</b>	15,685	14,960	14,960	14,960	14,960
<b>Financing Costs</b>	(3)	115	166	710	1,170
<b>Ratio</b>	(0.02%)	0.77%	1.10%	4.75%	7.82%

## Treasury Indicators

### *Limits to Borrowing Activity*

The Local Government Act 2003 requires each local authority to determine and keep under review how much money it can afford to borrow. This is to be determined by the calculation of an affordable borrowing limit which Regulations to the Act specify should be calculated with regard to the CIPFA Prudential Code.

Previously borrowing has not been used to fund the capital programme because the Council has had sufficient reserves and useable capital receipts to finance capital expenditure from these sources.

### *The Operational Boundary*

This is the limit beyond which external debt is not normally expected to exceed.

<b>Operational boundary</b>	<b>2021/22 Estimate (£000's)</b>	<b>2022/23 Estimate (£000's)</b>	<b>2023/24 Estimate (£000's)</b>	<b>2024/25 Estimate (£000's)</b>
<b>Borrowing</b>	75,000	75,000	75,000	75,000
<b>Other long term liabilities</b>	0	0	0	0

### *The Authorised Limit for External Borrowing*

A further key prudential indicator represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by the full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

The Council is asked to approve the following authorised limit:

<b>Authorised limit</b>	<b>2021/22 Estimate (£000's)</b>	<b>2022/23 Estimate (£000's)</b>	<b>2023/24 Estimate (£000's)</b>	<b>2024/25 Estimate (£000's)</b>
<b>Debt</b>	85,000	85,000	85,000	85,000
<b>Other Long Term Liabilities</b>	0	0	0	0

***Limits on Interest Rate Exposures (fixed and variable interest rates)***

The following limits will apply in relation to the Council's interest rate exposure. They relate to interest on both borrowings and investments. These limits are intended to reduce the risk of the Council suffering unduly from significant adverse fluctuations in interest rates.

***Limit on Fixed Interest Rate Exposures (as a percentage of total borrowings / investments)***

	<b>Borrowing</b>		<b>Investments</b>	
	<b>Upper</b>	<b>Lower</b>	<b>Upper</b>	<b>Lower</b>
<b>2021/22</b>	100%	0%	100%	0%
<b>2022/23</b>	100%	0%	100%	0%
<b>2023/24</b>	100%	0%	100%	0%
<b>2024/25</b>	100%	0%	100%	0%

***Limit on Variable Interest Rate Exposures (as a percentage of total borrowings/ investments)***

	<b>Borrowing</b>		<b>Investments</b>	
	<b>Upper</b>	<b>Lower</b>	<b>Upper</b>	<b>Lower</b>
<b>2021/22</b>	100%	0%	100%	0%
<b>2022/23</b>	100%	0%	100%	0%
<b>2023/24</b>	100%	0%	100%	0%
<b>2024/25</b>	100%	0%	100%	0%

In relation to both borrowing and investing fixed rate investments and loans may be anything between 0% and 100% of the total, with the same proportions being permitted for variable rate loans – in effect there is no limit on each type. This enables maximum flexibility to be afforded to take advantage of prevailing interest trends to obtain the best deal for the Council.

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# Treasury Management Strategy 2022/23



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## Introduction

Treasury management is the management of the Council's cash flows, borrowing and investments, and the associated risks. The Council may invest or borrow substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk are therefore central to the Council's prudent financial management.

Treasury risk management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2017 Edition* (the CIPFA Code) which requires the Council to approve a treasury management strategy before the start of each financial year. This report fulfils the Council's legal obligation under the *Local Government Act 2003* to have regard to the CIPFA Code.

Investments held for service purposes or for commercial profit are considered in a different report, the Investment Strategy.

## Economic Situation

### Highlights of the report supplied by Arlingclose Ltd.

#### External Context

*Economic background:* The ongoing impact on the UK from coronavirus, together with higher inflation, the likelihood of higher interest rates, and the country's trade position post-Brexit, will be major influences on the Authority's treasury management strategy for 2022/23.

The Bank of England (BoE) held Bank Rate at 0.10% in November 2021 and maintained its Quantitative Easing programme at £895 billion. The Monetary Policy Committee (MPC) voted 7-2 to keep rates on hold and 6-3 to maintain the asset purchase programme. Within the announcement the MPC suggested interest rates would be increased soon, but not to the 1% level expected by financial markets. Within the November 2021 Monetary Policy Report, the Bank expected consumer price index (CPI) inflation to peak at around 5% in April 2022 before falling back as the impact from higher energy prices fade and demand slows.

UK CPI for September 2021 registered 3.1% year on year, slightly down from 3.2% in the previous month. Core inflation, which excludes the more volatile components, fell to 2.9% y/y from 3.1%. The most recent labour market data for the three months to August 2021 showed the unemployment rate fell to 4.5% while the employment rate rose to 75.3%. Both measures were helped by the extension of the government's furlough scheme, but this ended in September 2021 and while this may put some pressure on the jobs market, it is not expected to be material, with the BoE forecasting unemployment will only increase modestly in Q4 2021 according to its November 2021 Monetary Policy Report but remain low overall.

In August 2021, the headline 3-month average annual growth rate for wages were 7.2% for total pay and 6.0% for regular pay. In real terms, after adjusting for inflation, total pay growth was up 4.7% while regular pay was up 3.4%. These figures should be interpreted with caution, however, as pay growth is now being impacted by base effects compared to 12 months ago when earnings were first affected by the coronavirus pandemic. Moreover, there has also been a fall in the number and proportion of lower paid jobs, helping to push up the average earnings figure.

Gross domestic product (GDP) grew by 5.5% in the second calendar quarter of 2021, compared to a fall of -1.6% q/q in the previous three months, with the annual rate jumping to 23.6% from -6.1%. Here too, base effects from 2020 have resulted in the high Q2 2021 data. Monthly GDP estimates have shown the economy is recovering, with the economy now just 0.8% below its pre-pandemic level. Looking ahead, the BoE's November 2021 Monetary Policy Report forecasts economic growth will rise by 1.5% in Q3 2021, 1.0% in Q4 2021 with the economy expected to get back to its pre-pandemic

level in Q1 2022. GDP growth is now expected to be around 5% in 2022 (revised down from 6%), before slowing to 1.5% in 2023 and 1% in 2024.

*Credit outlook:* Since the start of 2021, relatively benign credit conditions have led to credit default swap (CDS) prices for the larger UK banks to remain low and have steadily edged down throughout the year to almost pre-pandemic levels. The improved economic outlook during 2021 helped bank profitability and reduced the level of impairments many had made as provisions for bad loans. However, the relatively recent removal of coronavirus-related business support measures by the government means the full impact on bank balance sheets may not be known for some time.

The improved economic picture during 2021 led the credit rating agencies to reflect this in their assessment of the outlook for the UK sovereign as well as several financial institutions, revising them from negative to stable.

Looking ahead, while there is still the chance of bank losses from bad loans as government and central bank support is removed, the institutions on the Authority's counterparty list are well-capitalised and general credit conditions across the sector are expected to remain benign. Duration limits for counterparties on the Authority's lending list are under regular review and will continue to reflect economic conditions and the credit outlook.

*Interest rate forecast:* The Authority's treasury management adviser Arlingclose is forecasting that Bank Rate will rise in calendar Q2 2022 to subdue inflationary pressures and the perceived desire by the BoE to move away from emergency levels of interest rates.

Investors continue to price in multiple rises in Bank Rate over the next forecast horizon, and Arlingclose believes that although interest rates will rise, the increases will not be to the extent predicted by financial markets. In the near-term, the risks around Arlingclose's central case are to the upside while over the medium-term the risks shift towards the downside.

Gilt yields had increased sharply on the back of higher inflation and anticipated central bank action, however in its November MPC meeting, the committee noted that market expectations for rates were excessive, and yields have since fallen back. Yields are expected to remain broadly at current levels over the medium-term, with the 5, 10 and 20 year gilt yields expected to average around 0.60%, 1.0%, and 1.35% respectively. The risks around the gilt yield forecast are judged to be broadly balanced in the near-term and to the downside over the remainder of the forecast horizon. As ever, there will almost certainly be short-term volatility due to economic and political uncertainty and events.

A more detailed economic and interest rate forecast provided by Arlingclose is attached at Appendix A.



## Local Context

On 30<sup>th</sup> November 2021, the Council held no borrowing and £16.8million of treasury investments, largely due to grant monies temporarily held. This is set out in further detail at Annex B. Forecast changes in these sums are shown in the balance sheet analysis in table below:

Balance Sheet Summary and Forecast	31/03/2021 Actual £m	31/03/2022 Forecast £m	31/03/2023 Forecast £m	31/03/2024 Forecast £m	31/03/2025 Forecast £m
General Fund CFR	5.4	10.3	18.6	28.9	26.4
Less: Existing external borrowing	0.0	0.0	(4.9)	(13.3)	(23.5)
<b>Capital borrowing level</b>	<b>5.4</b>	<b>10.3</b>	<b>13.7</b>	<b>15.6</b>	<b>2.9</b>
Less: Usable reserves	(13.4)	(7.4)	(5.0)	(3.9)	(4.0)
Less: Working capital	3.4	2.0	(0.3)	(1.5)	(1.4)
<b>(New Investments or Cash)/ New external borrowing</b>	<b>(4.6)</b>	<b>4.9</b>	<b>8.4</b>	<b>10.2</b>	<b>(2.5)</b>

The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. The Council's current strategy is to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing. Where borrowing is required this will be in line with Arlingclose's current advice of doing so from other local authorities on a short term basis. This will be undertaken until it becomes advantageous to switch to long term debt, with the lowest cost option being considered, include such options as municipal bonds

The Council has an increasing CFR due to the capital programme, but minimal investments and may therefore be required to borrow over the forecast period. More details in relation to the Council's CFR are included within the Capital Strategy.

CIPFA's Prudential Code for Capital Finance in Local Authorities recommends that the Council's total debt should be lower than its highest forecast CFR over the next three years. The table above shows that the Council expects to comply with this recommendation during 2022/23.

*Liability benchmark:* To compare the Council's actual borrowing against an alternative strategy, a liability benchmark has been calculated showing the lowest risk level of borrowing. This assumes the same forecasts as above, but that cash and investment balances are kept to a minimum level of £1m at each year-end to maintain sufficient liquidity but minimise credit risk.

Liability Benchmark	31/03/2021 Actual £m	31/03/2022 Forecast £m	31/03/2023 Forecast £m	31/03/2024 Forecast £m	31/03/2025 Forecast £m
General Fund CFR	5.4	10.3	18.6	28.9	26.4
Less: Balance sheet resources	(10.0)	(5.4)	(10.2)	(17.4)	(27.7)
<b>Net loans requirement</b>	<b>(4.6)</b>	<b>4.9</b>	<b>8.4</b>	<b>11.5</b>	<b>(1.3)</b>
Plus: Liquidity Allowance	-	1.0	1.0	1.0	1.0
<b>Liquidity benchmark</b>	<b>(4.6)</b>	<b>5.9</b>	<b>9.4</b>	<b>12.5</b>	<b>(0.3)</b>

## Borrowing Strategy

The Council does not currently hold any loans, as per the previous year, as part of its strategy for funding previous years' capital programmes.

The balance sheet forecast, in the table above, shows that the Authority expects to borrow by the end of 2021/22. The Authority may also borrow additional sums to pre-fund future years' requirements, providing this does not exceed the authorised limit for borrowing.

The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans should the Council's long-term plans change is a secondary objective.

Given the significant cuts to public expenditure and in particular to local government funding, the Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, or to borrow short-term loans instead. These short term loans will be via local to local borrowing where possible, until a time where it becomes advantageous to switch to longer term debt, including municipal bonds on either a project by project, or overall global basis.

By doing so, the Council is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal or short-term borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to rise modestly. Arlingclose will assist the Council with this 'cost of carry' and breakeven analysis. Its output may determine whether the Council borrows additional sums at long-term fixed rates in 2022/23 with a view to keeping future interest costs low, even if this causes additional cost in the short-term.

Although not utilised in recent years, the Council has previously considered the option of long-term borrowing from the Public Works Loans Board (PWLB). However consideration will now be given to long-term loans from other sources including banks, pensions and local authorities, and the Council will investigate the possibility of issuing bonds and similar instruments, in order to lower interest costs and reduce over-reliance on one source of funding in line with the CIPFA Code. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield; the Council intends to avoid this activity in order to retain its access to PWLB loans.

Alternatively, the Authority may arrange forward starting loans, where the interest rate is fixed in advance, but the cash is received in later years. This would enable certainty of cost to be achieved without suffering a cost of carry in the intervening period.

In addition, the Council may borrow short-term loans to cover unplanned cash flow shortages.

### Sources of borrowing:

The approved sources of long-term and short-term borrowing are:

- HM Treasury's PWLB lending facility (formerly the Public Works Loan Board);
- any institution approved for investments (see below);
- any other bank or building society authorised to operate in the UK;
- any other UK public sector body;
- UK public and private sector pension funds;
- capital market bond investors; and
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues.

*Other sources of debt finance:* In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- leasing;
- hire purchase; and
- sale and leaseback.

*Municipal Bonds Agency:* UK Municipal Bonds Agency plc was established in 2014 by the Local Government Association as an alternative to the PWLB. It issues bonds on the capital markets and lends the proceeds to local authorities. This is a more complicated source of finance than the PWLB for two reasons: borrowing authorities will be required to provide bond investors with a guarantee to refund their investment in the event that the agency is unable to for any reason; and there will be a lead time of several months between committing to borrow and knowing the interest rate payable. Any decision to borrow from the Agency will therefore be the subject of a separate report to Council.

*Short-term and variable rate loans:* These loans leave the Council exposed to the risk of short-term interest rate rises.

*Debt rescheduling:* The PWLB allows authorities to repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. Other lenders may also be prepared to negotiate premature redemption terms. The Council may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving or a reduction in risk.

## Treasury Investment Strategy

The Council can hold significant invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past 12 months, the Council's treasury investment balance has ranged between £2 million and £25 million. The highest figure of £25 million was invested at the beginning of the financial year, when the Council received monies in relation to grants that were to be distributed to local businesses in relation to Covid-19.

The CIPFA Code requires the Council to invest its treasury funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Where balances are expected to be invested for more than one year, the Council will aim to achieve a total return that is equal or higher than the prevailing rate of inflation, in order to maintain the spending power of the sum invested.

The Covid-19 pandemic has increased the risk that the Bank of England will set its Bank Rate at or below zero, which is likely to feed through to negative interest rates on all low risk, short-term investment options. Since investments cannot pay negative income, negative rates will be applied by reducing the value of investments. In this event, security will be measured as receiving the contractually agreed amount at maturity, even though this may be less than the amount originally invested.

Given the increasing risk and very low returns from short-term unsecured bank investments, the Council aims to diversify into more secure and higher yielding asset classes during 2022/23.

Under the new IFRS 9 standard, the accounting for certain investments depends on the Council's "business model" for managing them. The Council aims to achieve value from its internally managed treasury investments by a business model of collecting the contractual cash flows and therefore, where other criteria are also met, these investments will continue to be accounted for at amortised cost.

The Council may invest its surplus funds with any of the counterparty types in the table below, subject to the cash limits (per counterparty) and the time limits shown.

*Approved investment counterparties and limits*

Sector	Time limit	Counterparty limit	Sector limit
The UK Government	50 years	Unlimited	n/a
Local authorities & other government entities	25 years	£7m	unlimited
Secured investments*	25 years	£7m	unlimited
Banks (unsecured)*	13 months	£7m	unlimited
Building societies (unsecured)*	13 months	£7m	£7m
Registered providers (unsecured)*	10 years	£10m	£10m
Money market funds*	n/a	£7m	unlimited
Real estate investment trusts	n/a	£2m	£2m
Other investments	5 years	£7m	£7m

\* Treasury investments in the sectors marked with an asterisk will only be made with entities whose lowest published long-term credit rating is no lower than A-. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

For entities without published credit ratings, investments may be made either where external advice indicates the entity to be of similar credit quality.

**Government:** Loans to, and bonds and bills issued or guaranteed by, national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Government are deemed to be zero credit risk due to its ability to create additional currency and therefore may be made in unlimited amounts for up to 50 years.

**Secured investments:** Investments secured on the borrower's assets, which limits the potential losses in the event of insolvency. The amount and quality of the security will be a key factor in the investment decision. Covered bonds and reverse repurchase agreements with banks and building societies are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the higher of the collateral credit rating and the

counterparty credit rating will be used. The combined secured and unsecured investments with any one counterparty will not exceed the cash limit for secured investments.

*Banks and building societies (unsecured):* Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. See below for arrangements relating to operational bank accounts.

*Registered providers (unsecured):* Loans to, and bonds issued or guaranteed by, registered providers of social housing or registered social landlords, formerly known as housing associations. These bodies are regulated by the Regulator of Social Housing (in England), the Scottish Housing Regulator, the Welsh Government and the Department for Communities (in Northern Ireland). As providers of public services, they retain the likelihood of receiving government support if needed.

*Money market funds:* Pooled funds that offer same-day or short notice liquidity and very low or no price volatility by investing in short-term money markets. They have the advantage over bank accounts of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a small fee. Although no sector limit applies to money market funds, the Authority will take care to diversify its liquid investments over a variety of providers to ensure access to cash at all times.

*Strategic pooled funds:* Bond, equity and property funds that offer enhanced returns over the longer term but are more volatile in the short term. These allow the Authority to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's investment objectives will be monitored regularly.

*Real estate investment trusts:* Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile especially as the share price reflects changing demand for the shares as well as changes in the value of the underlying properties.

*Other investments:* This category covers treasury investments not listed above, for example unsecured corporate bonds and company loans. Non-bank companies cannot be bailed-in but can become insolvent placing the Authority's investment at risk.

*Operational bank accounts:* The Council may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25 billion. These are not classed as investments, but are still subject to the risk of a bank bail-in, and balances will therefore be kept below £7,000,000 per bank. The Bank of England has stated that in the event of failure, banks with assets greater than £25 billion are more likely to be bailed-in than made insolvent, increasing the chance of the Council maintaining operational continuity.

*Risk assessment and credit ratings:* Credit ratings are obtained and monitored by the Council's treasury advisers, who will notify changes in ratings as they occur. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:

- no new investments will be made,
- any existing investments that can be recalled or sold at no cost will be, and
- full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.

Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as "negative watch") so that it may fall below the approved rating criteria, then only investments that can be withdrawn will be made with that organisation until the outcome of the review is

announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

The Council understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council’s treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.

When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2020, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Authority will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Authority’s cash balances, then the surplus will be deposited with the UK Government, or with other local authorities. This will cause investment returns to fall but will protect the principal sum invested.

*Investment limits:* In order that the Council will not be put at risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government and Registered Providers) will be £7 million. A group of entities under the same ownership will be treated as a single organisation for limit purposes.

Limits are also be placed on fund managers, investments in brokers’ nominee accounts, foreign countries and industry sectors as below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country, since the risk is diversified over many countries.

*Additional Investment limits*

	<b>Cash limit</b>
Any group of pooled funds under the same management	£7m per manager
Negotiable instruments held in a broker’s nominee account	£7m per broker
Foreign countries	£7m per country

*Liquidity management:* The Council uses cash flow forecasting to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-term investments are set by reference to the Council’s medium-term financial plan and cash flow forecast.

Non-treasury investments are covered by the Council’s Investment Strategy.

## Treasury Management Indicators

The Council measures and manages its exposures to treasury management risks using the following indicators.

### Security

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Credit risk indicator	Target
Portfolio average credit rating	A

### Liquidity

The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling [three] month period, without additional borrowing.

Liquidity risk indicator	Target
Total cash available within 3 months	£1m

### Interest rate exposures

This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interest rates will be:

Interest rate indicator	Limit
Upper limit on one-year revenue impact of a 1% rise in interest rates	(£121,000)
Upper limit on one-year revenue impact of a 1% fall in interest rates	£121,000

The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at new market rates.

### Maturity structure of borrowing

This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Refinancing rate risk indicator	Upper limit	Lower limit
Under 12 months	100%	0%
12 months and within 24 months	100%	0%
24 months and within 5 years	100%	0%
5 years and within 10 years	100%	0%

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

## Principal sums invested for periods longer than a year

The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

Price risk indicator	2021/22	2022/23	2023/24
Limit on principal invested beyond year end	£25m	£25m	£25m

## Related Matters

The CIPFA Code requires the Council to include the following in its treasury management strategy.

**Financial Derivatives:** Local authorities have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk. The general power of competence in Section 1 of the *Localism Act 2011* removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).

The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Council is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives, including those present in pooled funds and forward starting transactions, will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy.

Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria, assessed using the appropriate credit rating for derivative exposures. An allowance for credit risk calculated using the methodology in the Treasury Management Practices document will count against the counterparty credit limit and the relevant foreign country limit.

In line with the CIPFA Code, the Council will seek external advice and will consider that advice before entering into financial derivatives to ensure that it fully understands the implications.

**Markets in Financial Instruments Directive (MiFID II):** The Council has retained retail client status with its providers of financial services, including advisers and banks, allowing it access to a smaller range of services but with the greater regulatory protections afforded to individuals and small companies. This is believed to be the most appropriate status given the size and range of the Council's treasury management activities. The Council may upgrade their client status to professional if the requirements to do so are met during the year. This will allow a greater range of services but without the same level of regulatory protections provided by retail client status.

## Financial Implications

Due to the current rate of return on investments, the budget for investment income in 2022/23 is nil. If actual levels of investments and borrowing, or actual interest rates, differ from those forecast, performance against budget will be correspondingly different.



## Other Options Considered

The CIPFA Code does not prescribe any particular treasury management strategy for local authorities to adopt. It is believed that the above strategy represents an appropriate balance between risk management and cost effectiveness. Some alternative strategies, with their financial and risk management implications, are listed below.

Alternative	Impact on income and expenditure	Impact on risk management
Invest in a narrower range of counterparties and/or for shorter times	Interest income will be lower	Lower chance of losses from credit related defaults, but any such losses may be greater
Invest in a wider range of counterparties and/or for longer times	Interest income will be higher	Increased risk of losses from credit related defaults, but any such losses may be smaller
Borrow additional sums at long-term fixed interest rates	Debt interest costs will rise; this is unlikely to be offset by higher investment income	Higher investment balance leading to a higher impact in the event of a default; however long-term interest costs may be more certain
Borrow short-term or variable loans instead of long-term fixed rates	Debt interest costs will initially be lower	Increases in debt interest costs will be broadly offset by rising investment income in the medium term, but long-term costs may be less certain
Reduce level of borrowing	Saving on debt interest is likely to exceed lost investment income	Reduced investment balance leading to a lower impact in the event of a default; however long-term interest costs may be less certain

## Annex A – Arlingclose Economic & Interest Rate Forecast November 2020

### *Underlying assumptions:*

- The global economy continues to recover from the pandemic but has entered a more challenging phase. The resurgence of demand has led to the expected rise in inflationary pressure, but disrupted factors of supply are amplifying the effects, increasing the likelihood of lower growth rates ahead. This is particularly apparent in the UK due to the impact of Brexit.
- While Q2 UK GDP expanded more quickly than initially thought, the 'pingdemic' and more latterly supply disruption will leave Q3 GDP broadly stagnant. The outlook also appears weaker. Household spending, the driver of the recovery to date, is under pressure from a combination of retail energy price rises, the end of government support programmes and soon, tax rises. Government spending, the other driver of recovery, will slow considerably as the economy is taken off life support.
- Inflation rose to 3.2% in August. A combination of factors will drive this to over 4% in the near term. While the transitory factors affecting inflation, including the low base effect of 2020, are expected to unwind over time, the MPC has recently communicated fears that these transitory factors will feed longer-term inflation expectations that require tighter monetary policy to control. This has driven interest rate expectations substantially higher.
- The supply imbalances are apparent in the labour market. While wage growth is currently elevated due to compositional and base factors, stories abound of higher wages for certain sectors, driving inflation expectations. It is uncertain whether a broad-based increased in wages is possible given the pressures on businesses.
- Government bond yields increased sharply following the September FOMC and MPC minutes, in which both central banks communicated a lower tolerance for higher inflation than previously thought. The MPC in particular has doubled-down on these signals in spite of softer economic data. Bond investors expect higher near-term interest rates but are also clearly uncertain about central bank policy.
- The MPC appears to be playing both sides, but has made clear its intentions to tighten policy, possibly driven by a desire to move away from emergency levels. While the economic outlook will be challenging, the signals from policymakers suggest Bank Rate will rise unless data indicates a more severe slowdown.

### *Forecast:*

- Arlingclose expects Bank Rate to rise in Q2 2022. We believe this is driven as much by the Bank's desire to move from emergency levels as by fears of inflationary pressure.
- Investors have priced in multiple rises in Bank Rate to 1% by 2024. While we believe Bank Rate will rise, it is by a lesser extent than expected by markets.

- Gilt yields have risen sharply as investors factor in higher interest rate and inflation expectations. From here, we believe that gilt yields will be broadly steady, before falling as inflation decreases and market expectations fall into line with our forecast.
- The risk around our forecasts for Bank Rate is to the upside over the next few months, shifting to the downside in the medium term. The risks around the gilt yield forecasts are initially broadly balanced, shifting to the downside later.

	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24
<b>Official Bank Rate</b>													
<i>Upside risk</i>	0.15	0.15	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Case	0.10	0.10	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
<i>Downside risk</i>	0.00	0.00	-0.15	-0.15	-0.15	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40
<b>3-mth money market rate</b>													
<i>Upside risk</i>	0.10	0.15	0.20	0.20	0.30	0.30	0.30	0.30	0.35	0.35	0.35	0.35	0.35
Arlingclose Central Case	0.10	0.15	0.35	0.40	0.45	0.60	0.65	0.65	0.60	0.60	0.60	0.60	0.60
<i>Downside risk</i>	0.00	-0.05	-0.25	-0.25	-0.30	-0.45	-0.50	-0.50	-0.45	-0.45	-0.45	-0.45	-0.45
<b>5-yr gilt yield</b>													
<i>Upside risk</i>	0.25	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.30
Arlingclose Central Case	0.65	0.65	0.65	0.65	0.65	0.60	0.60	0.60	0.60	0.60	0.60	0.60	0.60
<i>Downside risk</i>	-0.25	-0.25	-0.35	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40	-0.40
<b>10-yr gilt yield</b>													
<i>Upside risk</i>	0.30	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35
Arlingclose Central Case	1.05	1.05	1.05	1.05	1.05	1.05	1.00	0.95	0.95	0.95	0.90	0.90	0.90
<i>Downside risk</i>	-0.25	-0.35	-0.40	-0.40	-0.40	-0.40	-0.45	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50
<b>20-yr gilt yield</b>													
<i>Upside risk</i>	0.30	0.35	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40
Arlingclose Central Case	1.40	1.40	1.40	1.40	1.35	1.35	1.30	1.30	1.30	1.30	1.30	1.30	1.30
<i>Downside risk</i>	-0.35	-0.40	-0.45	-0.45	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
<b>50-yr gilt yield</b>													
<i>Upside risk</i>	0.35	0.35	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40
Arlingclose Central Case	1.30	1.30	1.30	1.30	1.25	1.25	1.20	1.20	1.20	1.20	1.20	1.20	1.20
<i>Downside risk</i>	-0.35	-0.35	-0.35	-0.40	-0.40	-0.45	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50

PWLB Certainty Rate (Maturity Loans) = Gilt yield + 0.80%

## Annex B – Existing Investment & Debt Portfolio Position

	30/11/2021 Actual Portfolio £m	30/11/2021 Average Rate %
<i>Treasury investments:</i>		
Banks & building societies (unsecured)	3.8	0.00
Government (incl. local authorities)	11.0	0.00
Money Market Funds	2.0	0.05
<b>Total treasury investments</b>	<b>16.8</b>	
<b>Total external borrowing</b>	<b>0.0</b>	
<b>Net investments</b>	<b>16.8</b>	

# Annex C – Minimum Revenue Provision Policy

## Background

In instances whereby Local Authorities have a positive Capital Financing Requirement (CFR), Department of Levelling Up and Housing Communities (DLUHC) Guidance requires them to adopt a prudent approach in order to fund the repayment of debt. This may be achieved by setting aside a minimum amount from revenue, known as the Minimum Revenue Provision (MRP). This means that the Council would be required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (the MRP).

DLUHC Regulations and Guidance have been issued which require the Full Council to approve an **MRP Statement** in advance of each year. Four options for prudent provision of the MRP are provided to councils, these being:

### Option 1 – Regulatory Method

For debt which is supported by the Government through the Revenue Support Grant system, authorities may continue to use the formulae in the current regulations, since the Revenue Support Grant is calculated on that basis. Although the existing regulation 28 is revoked by regulation 4(1) of the 2008 Regulations, authorities will be able to calculate MRP as if it were still in force. Solely as a transitional measure, this option will also be available for all capital expenditure incurred prior to 1 April 2008.

### Option 2 – Capital Financing Requirement Method

This is a technically much simpler alternative to Option 1 which may be used in relation to supported debt. While still based on the concept of the CFR, which is easily derived from the balance sheet, it avoids the complexities of the formulae in the old regulation 28 (though for most authorities it will probably result in a higher level of provision than Option 1).

### Option 3 – Asset Life Method

For new borrowing under the Prudential system for which no Government support is being given and is therefore self-financed, there are two options included in the guidance.

Option 3 is to make provision over the estimated life of the asset for which the borrowing is undertaken. This is a possibly simpler alternative to the use of depreciation accounting (Option 4), though it has some similarities to that approach.

Within option 3, two methods are identified. The first of these, the equal instalment method, will normally generate a series of equal annual amounts over the estimated life of the asset. The original amount of expenditure (“A” in the formula) remains constant.

The cumulative total of the MRP made to date (“B” in the formula) will increase each year. The outstanding period of the estimated life of the asset (“C” in the formula) reduces by 1 each year.

For example, if the life of the asset is originally estimated at 25 years, then in the initial year when MRP is made, C will be equal to 25. In the second year, C will be equal to 24, and so on. The original estimate of the life is determined at the outset and should not be varied thereafter, even if in reality the condition of the asset has changed significantly

The formula allows an authority to make voluntary extra provision in any year. This will be reflected by an increase in amount B and will automatically ensure that in future years the amount of provision determined by the formula is reduced.

The alternative is the annuity method, which has the advantage of linking MRP to the flow of benefits from an asset where the benefits are expected to increase in later years. It may be particularly attractive in connection with projects promoting regeneration or administrative efficiencies or schemes where revenues will increase over time.

## **Option 4 – Depreciation Method**

Alternatively, for new borrowing under the Prudential system for which no Government support is being given, Option 4 may be used.

This means making the MRP in accordance with the standard rules for depreciation accounting. A step in this direction was made in the last set of amendments to the MRP rules [SI 2007/573]. However, the move to reliance on guidance rather than regulations will make this approach more viable in future.

Authorities will normally need to follow the standard procedures for calculating depreciation provision. But the guidance identifies some necessary exceptions:

The MRP continues until the total provision made is equal to the original amount of the debt and may then cease.

If only part of the expenditure on the asset was financed by debt, the depreciation provision is proportionately reduced.

## **MRP Policy in respect of Finance Leases**

The introduction of International Financial Reporting Standards in 2011/12 resulted in some leases being reclassified as finance leases instead of operating leases. This resulted in a positive CFR and as such the need to set aside a MRP.

In accordance with the revised DLUHC Guidance this Council will set aside an annual MRP equal to the amount of the lease that has been taken to the Balance Sheet to reduce the finance lease liability i.e. the principal amount of the finance lease. This approach will produce an MRP charge which is the same as Option 3 in the guidance (Asset Life Method – annuity method). The revised guidance aims to ensure that authorities are in the same position as if the change in accounting standards had not occurred.

## **MRP Policy – Other Capital Expenditure**

### **Capital Financing Requirement (CFR)**

The Council's CFR is currently positive. This means that there is a requirement to set aside a MRP for the redemption of debt. The Prudential Indicator for the CFR, shown at Table 1 in the Treasury Management Strategy, indicates that the CFR will become positive within the period covered by the Strategy. This is based on the assumption that there will be a general overall increase in expected capital expenditure, which cannot be funded from revenue or capital resources. Accordingly, the Council needs to determine the option it will employ to make the necessary MRP in respect of the amount borrowed, when this occurs.

### **Option for making MRP**

The most appropriate of the four options permitted by the Regulations is Option 3, the Asset Life Method, within which there are two further options, an equal instalment method and an annuity method (as detailed in 1.1 – option 3). The Council is permitted to apply either of these two further options to projects on a scheme by scheme basis. However preference will be the annuity method.

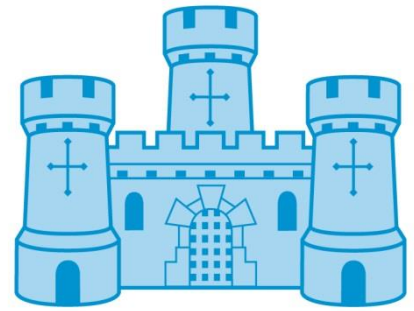
It should be noted that MRP does not commence until the year following that in which the asset concerned became operational; however, voluntary MRP can be made at any given time if considered prudent.

## Annex D – Treasury Management Glossary of Terms

- *Basis Points* – there are 100 basis points to 1%.
- *Credit Default Swap* – an additional assessment of credit worthiness by providing a risk analysis of changes in credit quality as perceived by the market.
- *CFR* – the Capital Financing Requirement is the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources.
- *CIPFA* – the Chartered Institute of Public Finance and Accountancy, is the professional body for accountants working in Local Government and other public sector organisations.
- *Counterparty* – an institution with whom a borrowing or investment transaction is made.
- *CPI* – a measure that examines the weighted average of prices of a basket of consumer goods and services. The Consumer Price Index is calculated by taking price changes for each item in the predetermined basket of goods/services and averaging them; the goods are weighted according to their importance. Changes in CPI are used to assess price changes associated with the cost of living.
- *Credit Rating* – is an opinion on the credit-worthiness of an institution, based on judgements about the future status of that institution. The main rating agencies are Fitch, Standard and Poor's and Moody's.
- *Depreciation* – the measure of the cost or revalued amount of the benefits of the fixed asset that have been consumed during the period. Consumption includes wearing out, using up or other reduction in the useful life of a fixed asset whether arising from use, time or obsolescence through either changes in technology or demand for the goods and services produced by the asset.
- *DMADF and DMO* – the DMADF is the 'Debt Management Account Deposit Facility' which is a highly secure fixed term deposit account with the Debt Management Office, part of Her Majesty's Treasury.
- *Forward Commitments* - agreeing in advance to place an investment with a borrower at a future specified date at an agreed interest rate.
- *GDP* – Gross Domestic Product is the market value of all officially recognised final goods and services produced within a country in a given period of time.
- *GILTS* – the name given to bonds issued by the UK Government. Gilts are issued bearing interest at a specified rate, however, they are traded on the markets like shares and their value rises or falls accordingly. The 'yield' on a gilt is the interest paid divided by the market value of that gilt.
- *IFRS (International Financial Reporting Standards)* – International accounting standards that govern the treatment and reporting of income and expenditure in an organisation's accounts, which came fully into effect from 1 April 2010.
- *Leasing* - a lease is a contractual arrangement calling for the lessee (user) to pay the lessor (owner) for use of an asset.
- *Liquidity* – relates to the amount of readily available or short term investment money which can be used for either day to day or unforeseen expenses. For example Call Accounts allow instant daily access to invested funds.
- *DLUHC* – Department of Levelling Up and Housing Communities (formerly the Ministry of Housing, Communities, and Local Government ).

- *Money Market Funds (MMF)* – Money Market Funds are investment funds that are invested by a Fund Manager in a wide range of money market instruments. MMF's are monitored by the official ratings agencies and due to many requirements that need to be fulfilled; the funds usually receive the highest quality rating (AAA) so provide minimal risk. They are very flexible and can be withdrawn in the same way as any other call deposit.
- *MPC* – interest rates are set by the Bank of England's Monetary Policy Committee. The MPC sets an interest rate it judges will enable the inflation target to be met
- *MRP* – the Minimum Revenue Provision represents the revenue charge for the repayment of debt.
- *PWLB* – the Public Works Loan Board is a statutory board that is run within the UK Debt Management Office (DMO), its function is to lend money to Local Authorities and other prescribed bodies.





**NEWCASTLE  
UNDER LYME**  
BOROUGH COUNCIL

# Investment Strategy 2022/23



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## Introduction

This strategy is compiled according to the Department of Levelling Up and Housing Communities Guidance on Local Government Investments (“the Guidance”) and the 2017 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes (“the CIPFA TM Code”) It sets out the Council’s policies for managing its investments and for giving priority to the security and liquidity of those investments.

The Guidance distinguishes between Treasury Management Investments and Other Investments. Treasury Management Investments are those which arise from the Council’s cash flows and debt management activity and ultimately represent balances which need to be invested until the cash is required for use in the course of business. Other Investments are all those falling outside of normal treasury management activity, as defined above. They may be made with the express purpose of making a financial surplus for the Council, usually as a means towards balancing the revenue budget. They may be funded from borrowing where appropriate. The prime example referred to in the Guidance is direct investment in property assets. Loans, for example to voluntary organisations, local enterprises or joint ventures are also classified as Other Investments.

The Council invests its money for three broad purposes:

- because it has surplus cash as a result of its day-to-day activities, for example when income is received in advance of expenditure (known as [treasury management investments](#)),
- to support local public services by lending to or buying shares in other organisations ([service investments](#)), and
- to earn investment income (known as [commercial investments](#) where this is the main purpose).

This investment strategy meets the requirements of statutory guidance issued by the government in January 2018, and focuses on the second and third of these categories.

## Possible Revisions to the Strategy

The initial strategy may be replaced with a revised strategy at any time during the year in cases where any treasury management issues (including investment issues) need to be brought to the attention of Full Council.

## Treasury Management Investments

The Council typically receives its income in cash (e.g. from taxes and grants) before it pays for its expenditure in cash (e.g. through payroll and invoices). It also holds reserves for future expenditure and collects local taxes on behalf of other local authorities and central government. These activities, plus the timing of borrowing decisions, lead to a cash surplus which is invested in accordance with guidance from the Chartered Institute of Public Finance and Accountancy. The balance of treasury management investments is expected to fluctuate between £0m and £15m during the 2022/23 financial year.

*Contribution:* The contribution that these investments make to the objectives of the Council is to support effective treasury management activities.

*Further details:* Full details of the Council’s policies and its plan for 2022/23 for treasury management investments are covered in a separate document, the treasury management strategy.

## Service Investments: Loans

**Contribution:** During 2020/21 the Council has not lent money to local charities, housing associations or any other bodies, and none has been lent to date during 2021/22. However the Council would consider applications from such bodies individually, in order to support local public services and stimulate local economic growth.

**Security:** The main risk when making service loans is that the borrower will be unable to repay the principal lent and/or the interest due. In order to limit this risk, and ensure that total exposure to service loans remains proportionate to the size of the Council, upper limits on the outstanding loans to each category of borrower have been set as follows:

*Loans for service purposes in £ thousands*

Category of borrower	31/03/2021 Actual			2022/23
	Balance owing £'000	Loss allowance £'000	Net figure in accounts £'000	Approved Limit £'000
Local charities	0	0	0	500
Housing associations	0	0	0	10,000
Other bodies	0	0	0	500
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,000</b>

Accounting standards require the Council to set aside loss allowance for loans, reflecting the likelihood of non-payment. The figures for loans in the Council's statement of accounts are shown net of this loss allowance. However, the Council makes every reasonable effort to collect the full sum lent and has appropriate credit control arrangements in place to recover overdue repayments.

**Risk assessment:** The Council assesses the risk of loss before entering into and whilst holding service loans on an individual basis for each proposal. The risks inherent in the proposal will be reported to members when it is placed before them for consideration together with an assessment of the likelihood of any of them materialising, their impact on the revenue budget and the mitigating controls that will be put in place. Risk factors to be assessed include:

- barriers to entry into and exit out of the market concerned;
- the nature and level of competition;
- how the market and customer needs will evolve over time;
- ongoing need for further investment to be made; and
- whether there is sufficient internal capacity to assess the business case and risks relating to the proposal.

An initial review of each proposal will be carried out by Council officers, intended to determine whether there are any risks apparent at that stage which indicate that the proposal should not be proceeded with. Provided this is not the case and it has also been determined that there is a worthwhile business case for further consideration, a more detailed risk assessment will be carried out. Where necessary, owing to lack of internal expertise, external advisors may be used to assist with the assessment of appropriate risks.

Any other appropriate sources of information may be used to assess and monitor risk, including credit ratings, if these are relevant. Data used to monitor ongoing risk will be reviewed regularly and appropriate action will be taken if there are any indications of increasing risk or risks materialising.

The Council will consider the following points:

- the degree to which the loan complies with corporate policies and furthers corporate objectives;
- the overall desirability of the activity which the loan is intended to fund;
- affordability in terms of the use of capital or other resources and impact on the revenue budget;
- the likelihood that the loan will be repaid in accordance with agreed terms; and
- the total amount of loans already made to ensure that as a whole the Council is not over-exposed to the risk of default.

All proposed loans will be subject to approval by members, normally via Full Council, following consideration of a report setting out all relevant matters, including compliance with the above criteria.

All loans will be subject to credit control arrangements to recover overdue repayments. Credit risk will be determined by reference to the “expected credit loss” model for loans and receivables as set out in International Reporting Standard (IFRS) 9 Financial Instruments.

## Service Investments: Shares

*Contribution:* The Council currently does not invest in the shares of suppliers and local businesses in order to support local public services and stimulate local economic growth. This is due to the nature of the risks associated with investing in shares i.e. they are volatile and may fall in value meaning that the initial outlay may not be recovered. If the Council was to consider investing in shares, then in order to limit the risk, upper limits on the sum invested in each category of shares would need to be set.

*Shares held for service purposes in £ thousands*

Category of company	31/03/2021 actual			2022/23
	Amounts invested £'000	Gains or losses £'000	Value in accounts £'000	Approved Limit £'000
Suppliers	0	0	0	250
Local businesses	0	0	0	250
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500</b>

*Non-specified Investments:* Shares are the only investment type that the Council has identified that meets the definition of a non-specified investment in the government guidance. The limits above on share investments are therefore also the Council's upper limits on non-specified investments. The Council has not adopted any procedures for determining further categories of non-specified investment since none are likely to meet the definition.

If the Council were to consider placing funds in any other type of investment which would be categorised as Non-Specified, the security of the capital sum would be the paramount

concern. The same requirements as to credit ratings relating to Specified Investments will apply, and in appropriate cases the advice of the Council's treasury management advisors will be sought.

## Commercial Investments: Property

*Contribution:* The Council invests in local commercial property with the intention of making a profit that will be spent on local public services. These are held primarily to earn income to be used to support the revenue budget although in some cases there may also be a contribution towards the economic wellbeing of the Borough.

*Security:* In accordance with government guidance, the Council considers a property investment to be secure if its accounting valuation is at or higher than its purchase cost including taxes and transaction costs.

A fair value assessment of the Council's investment property portfolio has been made within the past twelve months, and the underlying assets provide security for capital investment.

The majority of the investment property portfolio was acquired some time ago and there is no debt associated with any of the properties and the initial investment costs have been recouped many years ago. Investment properties are valued at fair value. The values of the properties will fluctuate according to market conditions prevailing from time to time, however these fluctuations do not constitute losses of capital invested. The value of investment properties included in the Council's balance sheet as at 31 March 2021 is £14.749m.

If there are any new commercial investments funded from borrowing, their value will be monitored to determine whether it is sufficient to act as security for the capital invested and outstanding borrowing. If there is a significant fall in value then this will be reported to members.

*Risk assessment:* There are risks associated with making and holding commercial investments which require assessment and management.

With regard to the Council's current portfolio of commercial investments, comprising investment properties, the main risk is of not achieving the budgeted amount of income or of expenditure exceeding budgeted amounts. These risks are assessed and provided for via the assessment of the appropriate amount to hold in reserve in General Fund Balances. If the result of the assessment shows that current levels are inadequate, the necessary additional contribution will be made via inclusion in the Medium Term Financial Strategy.

With regard to consideration of proposed new commercial investment there will be additional risks to be assessed and taken account of. The degree of control which the Council has over the materialisation of these risks and its ability to mitigate them should they arise will be important considerations. In most, if not all, cases the Council will be operating in a competitive environment and possibly one which it is not experienced in operating within, all of which increases the level of risk.

A comprehensive risk assessment, taking account of all appropriate factors, will be carried out on an individual basis for each investment proposal. The risks inherent in the proposal will be reported to members when it is placed before them for consideration together with an assessment of the likelihood of any of them materialising, their impact on the revenue budget and otherwise and available mitigation measures. Risk factors to be assessed include:

- barriers to entry into and exit out of the market concerned;
- the nature and level of competition;
- how the market and customer needs will evolve over time;

- ongoing need for further investment to be made, for example to adapt investment property or repair defects or carry out cyclical maintenance; and
- whether there is sufficient internal capacity to assess the business case and risks relating to the proposal.

An initial review of each proposed investment will be carried out by Council officers, intended to determine whether there are any risks apparent at that stage which indicate that the proposal should not be proceeded with. Provided this is not the case and it has also been determined that there is a worthwhile business case for further consideration of the investment, a more detailed risk assessment will be carried out. Where necessary, owing to lack of internal expertise, external advisors may be used to assist with the assessment of appropriate risks. Any other appropriate sources of information may be used to assess and monitor risk, including credit ratings, if these are relevant. Data used to monitor ongoing risk will be reviewed regularly and appropriate action will be taken if there are any indications of increasing risk or risks materialising.

*Liquidity:* Compared with other investment types, property is relatively difficult to sell and convert to cash at short notice, and can take a considerable period to sell in certain market conditions. There is no outstanding borrowing in relation to the current portfolio so any sales proceeds would be available in full to support capital investment.

In the case of any future commercial property investments, the likely degree of liquidity will be a consideration in deciding whether to make the investment.

## Loan Commitments and Financial Guarantees

Although not strictly counted as investments, since no money has exchanged hands yet, loan commitments and financial guarantees carry similar risks to the Council and are included here for completeness. To date, the Council is not contractually committed to make any loans.

## Proportionality

The Council is dependent on profit generating investment activity to achieve a balanced revenue budget.

Net investment property income is subject to fluctuation according to market conditions and other factors such as bad debts and unforeseen expenditure. Accordingly the possibility of shortfalls in contribution towards the revenue budget from this source is one of the factors specifically taken into consideration in calculating the level of General Fund balance to be held as a contingency against adverse budget variances. A total of £2.160m is held in balances at 31<sup>st</sup> March 2021 to cover this and other risks and can be drawn upon in the event of risks materialising.

It is not planned to vary the amount of investment property held in the short term. However, in accordance with the Asset Management Strategy, all such property will be kept under review to determine whether the return obtained justifies retention and there may be instances where it is decided to dispose of property to obtain a capital receipt. The net contribution made towards balancing the revenue budget and the options for replacing any significant loss of income will be one of the factors taken into account when determining whether or not to dispose of a property.

## **Borrowing in Advance of Need**

The Prudential Code for Capital Finance in Local Authorities (2017) issued by CIPFA states that local authorities should not borrow more than or in advance of their needs purely to profit from the investment of the extra sums borrowed. This is repeated in the Statutory Investment Guidance issued by the Department of Levelling Up and Housing Communities.

The reasons for making an investment are unlikely to be purely in order to make a profit since investments may also be made with the intention of furthering corporate aims or service objectives, such as economic regeneration.

Accordingly, borrowing will be permitted in respect of Other Investments. The Council will consider each proposal to borrow on its merits. As well as the corporate or service benefits due regard will be given to the financial impact upon the revenue budget in terms of capital financing costs.

All borrowing will be subject to approval by members, normally via Full Council, following consideration of a report setting out all relevant matters, including those referred to above.

## **Capacity, Skills and Culture**

Council members and staff involved in dealing with Other Investments will have regard to the provisions of the CIPFA Prudential Code and the regulatory regime within which local authorities operate when carrying out these functions.

Investment in commercial property is a specialist area and the Council will therefore commission external advice in order to effectively appraise investment proposals, negotiate with third parties or manage certain types of investment on an ongoing basis. The external advice will be commissioned on a case by case basis and where asset management is required external managers may need to be employed, particularly if investment is made in residential property.

Decisions to make "Other Investments" and the means of financing them will be subject to member approval. This will normally be by Full Council (but may be by Cabinet where permitted by the Council's Constitution). Members will consider a report setting out all matters relevant to the making of an investment before making a decision. The normal scrutiny and call-in arrangements will apply.



## Investment Indicators

The Council has set the following quantitative indicators to allow elected members and the public to assess the Council's total risk exposure as a result of its investment decisions.

### Gross and Net Income - Historic and Current Year

	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/22 Estimate*
	£'000	£'000	£'000	£'000
<b>Commercial Properties</b>				
Gross Income	907	806	925	959
Gross Expenditure - Excluding Capital Charges	(649)	(519)	(964)	(916)
<b>Net Income / (Expenditure)</b>	<b>258</b>	<b>287</b>	<b>(40)</b>	<b>43</b>
Net Service Expenditure (Whole Council)	(7,011)	(7,487)	(7,515)	(7,645)
<b>Ratio of Net Income to Net Service Expenditure</b>	<b>3.68%</b>	<b>3.83%</b>	<b>-0.53%</b>	<b>0.56%</b>

### Gross and Net Income - Over Period of Approved Medium Term Financial Strategy 2022/23 to 2026/27 – Based on 2% increase on 2021/22\*

	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	£'000	£'000	£'000	£'000	£'000
Gross Income	959	978	997	1,017	1,038
Gross Expenditure	-916	-935	-953	-972	-992
<b>Net Income</b>	<b>43</b>	<b>43</b>	<b>44</b>	<b>45</b>	<b>46</b>

\* Change in recharge process, property staffing costs now directly charged to commercial properties

### Vacancy Levels

	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/22 Actual at Q2
	%	%	%	%
	10.1	8.3	5.7	6.4

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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet**  
**02 February 2022**

**Report Title:** Appointment of External Auditor for the five year period from 2023/24

**Submitted by:** Head of Finance (S151 Officer)

**Portfolios:** Finance, Town Centres and Growth

**Ward(s) affected:** All

**Purpose of the Report**

This report sets out proposals for appointing the external auditor to the Council for the Statement of Accounts for the five-year period from 2023/24.

**Recommendation**

**That the Cabinet recommends to Full Council that the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.**

**Reasons**

The national offer provides the appointment of an independent auditor with limited administrative cost to the Council. By joining the scheme, the Council would be acting with other Councils to optimise the opportunity to influence the market that a national procurement provides.

1. **Background**

1.1 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.

1.2 The PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. Authorities have the option to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or to join and take advantage of the national collective scheme administered by PSAA.

2. **Issues**

2.1 Under the Local Government Audit & Accountability Act 2014 ("the Act"), the Council is required to appoint an auditor to audit its accounts for each financial year. The Council has three options;

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.

- To act jointly with other authorities to procure an auditor following the procedures in the Act.
- To opt in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).

2.2 In order to opt in to the national scheme, a council must make a decision at a meeting of the Full Council.

### **The Appointed Auditor**

2.3 The auditor appointed at the end of the procurement process will undertake the statutory audit of the Statement of Accounts and Value for Money assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

2.4 The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.

2.5 The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) employ authorised Key Audit Partners to oversee the work. As the report below sets out there is a currently a shortage of registered firms and Key Audit Partners.

2.6 Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.

2.7 Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

### **Appointment by the Council itself or jointly with other authorities**

2.8 The Council may elect to appoint its own external auditor under the Act, which would require the Council to;

- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council external audit.
- Manage the contract for its duration, overseen by the Auditor Panel.

2.9 Alternatively, the Act enables the Council to join with other authorities to establish a joint procurement and auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Initial discussions have taken place amongst the Staffordshire Chief Finance Officers and there was no appetite expressed for such an arrangement.

## **The National Auditor Appointment Scheme**

2.10 PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
- consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk;
- ongoing contract and performance management of the contracts once these have been let.

## **Pressures in the current local audit market and delays in issuing opinions**

2.11 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

2.12 During 2018 a series of financial crises and failures in the private sector led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

2.13 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.

2.14 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.

### **The invitation**

2.15 PSAA is now inviting the Council to opt in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.

## **3. Proposal**

3.1 The sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:

- collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
- if the Council does not use the national appointment arrangements, the Council would be required to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;
- it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and
- supporting the sector-led body offers the best way to ensuring there is a continuing and sustainable public audit market into the medium and long term.

3.2 If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at Full Council. The opt-in period started on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Council needs to formally make that decision and return the completed opt-in documents to PSAA by 11 March 2022.

3.3 The Audit and Standards Committee will consider this report on 7 February 2022 where it is anticipated to recommend to Council that the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

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

4.1 The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:

- seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
- continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);
- continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5million to relevant bodies and in 2021 a further £5.6million was returned, with the Council's share being £5,120k and £8,350k respectively.

4.2 PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.

4.3 The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office), the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.

4.4 There are currently only nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

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

5.1 If the Council did not opt in there would be a need to establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees,

excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council/Authority's external audit.

- 5.2 Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. However there has been no appetite for such an arrangement locally.
- 5.3 These would be more resource-intensive processes to implement for the Council, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the Council's ability to affect quality. The Council and its auditor panel would need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit.
- 5.4 The national offer provides the appointment of an independent auditor with limited administrative cost to the Council. By joining the scheme, the Council would be acting with other Councils to optimise the opportunity to influence the market that a national procurement provides.

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

- 6.1 Section 7 of the Local Audit and Accountability Act 2014 requires the Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.
- 6.2 Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor (when not opting into the national arrangements). Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.
- 6.3 Section 12 makes provision for the failure to appoint a local auditor. The Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.
- 6.4 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector led body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

## 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. There are no differential equality issues arising directly from this report.

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

- 8.1 There are no direct financial implications arising from the recommendation within this report, however there is a risk that current external audit fee levels could increase when the current contract ends. It is clear that the scope of audit has increased since the previous procurement



exercise, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.

8.2 Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large scale collective procurement arrangement.

8.3 It should be noted that if the national scheme is not used some additional resource would be needed to establish an auditor panel and conduct a local procurement, however until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required or the potential increase in External Auditor fees by not procuring collectively.

## 9. **Major Risks**

9.1 Failure to appoint an auditor due to a lack of market appetite.

9.2 By Opting into the national sector led scheme places the Council in the best position to secure the appointment of an auditor within the specified timescales and requirements and achievement of the overall value for money.

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

10.1 Opting into the national scheme provides partnership working whilst seeking to encourage market sustainability in its procurement.



## 11. **Key Decision Information**

11.1 This is a key decision as the 5-year contract for the provision of External Auditors will be circa £300,000.

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 None

## 13. **List of Appendices**

13.1 None

## 14. **Background Papers**

14.1 PSAA Opt-in invitation.

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

2<sup>nd</sup> February 2022

**Report Title:** Formation of Staffordshire Leaders Board

**Submitted by:** Chief Executive

**Portfolios:** One Council, People & Partnerships

**Ward(s) affected:** All

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

To enable Cabinet to agree to the formation of a Staffordshire Leaders Board.

#### **RECOMMENDATIONS**

##### **Cabinet is recommended to:**

1. Agree to the establishment of, and Newcastle under Lyme Borough Council's participation in, the Staffordshire Leaders Board on the basis of the Terms of Reference set out in Appendix 1 to the report.
2. Appoint the Leader as the Council's representative on the Leaders Board.
3. Appoint a named Cabinet Member as the substitute for the Leader on the Leaders Board.

#### **Reasons**

**To enable the Council to work ever more closely with the County Council and other Staffordshire Borough and District Councils, positioning the Council to better exploit opportunities from the Government's Levelling Up agenda, including the development of a County Deal.**

#### **1. Background**

- 1.1 At a meeting of the Leaders and Chief Executives of the County, District and Borough Councils in Staffordshire on the 2<sup>nd</sup> December 2021 the Leaders discussed the strength of the relationship between the nine local authorities and the joint working that was already taking place. The meeting also considered the opportunities that existed to take this work forward by further joint working, and how this might be further enhanced with the support of a devolution deal ("County Deal") from Government providing additional powers and funding.
- 1.2 The Leaders identified a range of areas where further joint working might be explored in 2022 including:
  - a) Climate Change – bringing together strategies, skills and expertise for reaching Net Zero.
  - b) Waste – strengthening the waste partnership, exploring greater collaboration on waste collection, and improve recycling.
  - c) Economy – continuing to create the right conditions for economic growth, and the creation of more, better-paid jobs and opportunities for the people of Staffordshire.

- d) Improving Public Services – Making it as simple and easy for the people of Staffordshire to interact and engage with local public services.
- e) Health Inequalities – In support of the establishment of the Integrated Care System and the Health and Wellbeing Board, there is an opportunity for local government partners in Staffordshire to work better, together to tackle many issues that have a significant impact on health, such as housing, parks and open spaces, leisure centres and employment.

1.3 The Leaders also considered how a County Deal might support joint working within Staffordshire. It was felt that a County Deal should not be seen as a one-off bid, but the start of a new, ongoing dialogue with central government, that builds on Staffordshire’s strengths, and addresses national challenges at a local level. A County Deal will accelerate delivery of the local authorities’ ambitious programmes, improve public services, deliver on the Levelling Up agenda, and produce excellent returns for both the people of Staffordshire and the UK. Initially, the Leaders propose to focus on the following priorities:

- a. Climate Change – To place Staffordshire as a leading location for the green economy.
- b. Social Care – To address recruitment pressures in care, ease the pressure on the NHS, and develop innovative solutions that allow Staffordshire people to stay independent, healthy and living at home, for as long as possible.
- c. Logistics – To support the Logistics sector to be innovative, cleaner, greener and higher value.

1.4 To allow Staffordshire to achieve the above, a full range of additional powers and funding would be required from Government. In exchange for these powers Staffordshire would deliver significant benefits for the people of Staffordshire and beyond, making a significant contribution to the Levelling Up agenda. This would include a significant increase in the number of local green economy jobs, a carbon neutral Staffordshire, and transformed logistics and social care sectors,

1.5 In order to drive this agenda forward the Leaders recognised that the existing informal networking arrangements needed to be put on a more formal footing. They decided that a Joint Committee would provide them with a vehicle that has the status and authority to speak to Government on behalf of the nine authorities, and that has the ability to make decisions itself to drive the existing joint working forward.

1.6 The Leaders therefore decided to take back a proposal to each of their respective Cabinets proposing that their existing informal meetings are formalised as an Executive Joint Committee to be called the Staffordshire Leaders Board. The remit of the Leaders Board will be:

- a. To lead and oversee the development of a county devolution deal for Staffordshire with HM Government.
- b. To lead and oversee the alignment of relevant local authority action on Climate Change, Waste and Sustainability.
- c. To lead and oversee the alignment of relevant local authority plans for Enterprise and Government Funding and Investment streams.
- d. To lead and oversee the alignment of local authority interaction with the Health sector in Staffordshire.
- e. To lead and oversee the alignment of relevant local authority plans for future Infrastructure.
- f. To lead and oversee the alignment of relevant local authority plans in relation to Housing and Homelessness.
- g. To initiate, lead and oversee Staffordshire-wide joint initiatives to enhance local government efficiency and effectiveness.
- h. To act as a local public sector decision-making body for strategic economic growth.
- i. To act as a conduit to other sub-regional and regional bodies such as the Local Enterprise Partnerships and the Midlands Engine.
- j. Where appropriate, to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds and the Shared Prosperity Fund.
- k. To monitor and evaluate projects and programmes of activity commissioned directly by the Committee.

- l. To communicate and, where unanimously agreed, to align activity across Staffordshire on a range of other key public priorities that affect citizens.
- m. To prioritise and make decisions on the use of the funding that the Committee may influence or control.

- 1.7 The Leaders Board will consist of the Leader from each of the nine local authorities and will operate on the basis of one member, one vote.
- 1.8 Scrutiny will be undertaken by each of the constituent authorities' own scrutiny arrangements.
- 1.9 The arrangements make provision for the Board to admit Stoke-on-Trent City Council to its membership as an equal member in the future.
- 1.10 The full Terms of Reference proposed for the Staffordshire Leaders Board are attached as Appendix 1.

## **2. Proposal**

### 2.1 Cabinet is recommended to

- 1. Agree to the establishment of, and Newcastle under Lyme Borough Council's participation in, the Staffordshire Leaders Board on the basis of the Terms of Reference set out in Appendix 1 to the report.
- 2. Appoint the Leader as the Council's representative on the Leaders Board.
- 3. Appoint a named Cabinet Member as the substitute for the Leader on the Leaders Board.

## **7. Reasons for Proposed Solution**

- 7.1 To enable the Council to work ever more closely with the County Council and other Staffordshire Borough and District Councils, positioning the Council to better exploit opportunities from the Government's Levelling Up agenda, including the development of a County Deal.

## **8. Options Considered**

- 8.1 Consideration was given to alternative structures before settling on the Joint Committee model.

## **9. Legal and Statutory Implications**

- 9.1 The Joint Committee will act as a Joint Committee under Section 9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

## **10. Equality Impact Assessment**

- 10.1 There are no equalities implications arising from this report.

## **11. Financial and Resource Implications**

- 11.1 There are no immediate and significant financial implications arising from the establishment of the Leaders Board in itself. It is intended that it will derive

its support from its constituent members. As and when individual projects are commissioned the board will give consideration to the resource requirements necessary to deliver those projects.

## 12. Major Risks

12.1 None identified at this stage

## 13. Unsustainable Development Goals (UNSDG)



## 14. Key Decision Information

14.1 This is not a Key Decision.

## 15. Earlier Cabinet/Committee Resolutions

15.1 This matter has not previously been the subject of a report to Cabinet or other Committee.

## 16. List of Appendices

Terms of Reference for the Staffordshire Leaders Board

## **APPENDIX 1**

### **The Staffordshire Leaders Board Constitution for the Joint Committee**

#### **1. Purpose**

- 1.1 To establish a Joint Committee of the local authorities in Staffordshire to explore opportunities for improved joint working and to develop and implement plans for devolution from Government through a County Deal.

#### **2. Governance**

- 2.1 The Joint Committee will act as a Joint Committee under Section 9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The Joint Committee will be known as the Staffordshire Leaders Board (“the Leaders Board”).
- 2.3 The Leaders Board will comprise the local authorities within the Staffordshire area: Cannock Chase District Council, East Staffordshire Borough Council, Lichfield District Council, Newcastle-under-Lyme Borough Council, South Staffordshire District Council, Stafford Borough Council, Staffordshire County Council, Staffordshire Moorlands District Council, and Tamworth Borough Council (“the constituent authorities”).
- 2.4 The Leaders Board may admit Stoke-on-Trent City Council to membership at a later date and therefrom they will become a constituent authority with all the same rights and obligations as the other constituent authorities.
- 2.5 Political Proportionality rules will not apply to the Leaders Board as constituted.
- 2.6 The Leaders Board will be a legally constituted body with powers delegated to it by the constituent authorities in the following areas:
- a) to prioritise and make decisions on the use of the funding that the Leaders Board may influence or control.
  - b) to review future governance requirements and delivery arrangements and how these can be best achieved in Staffordshire.
  - c) to have direct oversight of the projects and initiatives which the Leaders Board has initiated or over which it has influence or control of the funding.
  - d) to have strategic oversight of other key projects and initiatives within its remit as set out herein.
- 2.7 The Leaders Board will not hold funds or monies on behalf of the constituent authorities.
- 2.8 Should the Leaders Board work plan necessitate a change in the delegated powers and terms of reference of the Leaders Board any such change would require the approval of all the constituent authorities.
- 2.9 These terms of reference will be reviewed on a biennial basis or sooner if necessary.

#### **3. Remit**

- 3.1 The remit of the Leaders Board will be:

- i. To lead and oversee the development of a county devolution deal for Staffordshire with HM Government.
- ii. To lead and oversee the alignment of relevant local authority action on Climate Change, Waste and Sustainability.
- iii. To lead and oversee the alignment of relevant local authority plans for Enterprise and Government Funding and Investment streams.
- iv. To lead and oversee the alignment of local authority interaction with the Health sector in Staffordshire.
- v. To lead and oversee the alignment of relevant local authority plans for future Infrastructure.
- vi. To lead and oversee the alignment of relevant local authority plans in relation to Housing and Homelessness.
- vii. To initiate, lead and oversee Staffordshire-wide joint initiatives to enhance local government efficiency and effectiveness.
- viii. To act as a local public sector decision-making body for strategic economic growth.
- ix. To act as a conduit to other sub-regional and regional bodies such as the Local Enterprise Partnerships and the Midlands Engine.
- x. Where appropriate, to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds and the Shared Prosperity Fund.
- xi. To monitor and evaluate projects and programmes of activity commissioned directly by the Committee.
- xii. To communicate and, where unanimously agreed, to align activity across Staffordshire on a range of other key public priorities that affect citizens.
- xiii. To prioritise and make decisions on the use of the funding that the Committee may influence or control.

#### **4. Membership**

- 4.1 One member from each constituent authority (such member to be the Leader from each constituent authority) and for the purposes of these terms of reference this member will be known as the principal member.
- 4.2 Each constituent authority to have a named substitute member who must be an executive member.
- 4.3 Where both the principal member and the substitute member attend a meeting of the Leaders Board the principal member shall be deemed as representing their authority by the Chair or Vice Chair.
- 4.4 In the event of any voting member of the Leaders Board ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.5 Where a member of the Leaders Board ceases to be a Leader of the constituent authority which appointed him/her or ceases to be a member of the Executive of the constituent authority which appointed him/her, he/she shall also cease to be a member of the Leaders Board and the



relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.

- 4.6 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution, and by providing twenty-four hours' notice to the Chair or the Secretary.
- 4.7 The Leaders Board may from time to time, following a unanimous vote of those present and voting, co-opt additional non-voting members ("co-opted members") at its discretion but such co-opted members will not be members or officers of the constituent authorities.
- 4.8 Each constituent authority may individually terminate its membership of the Leaders Board by giving twelve months written notice of its intent to leave the Leaders Board to the Chair or the Secretary. At the end of these twelve months, but not before, the authority will be deemed to no longer be a member of the Leaders Board.
- 4.9 Where an authority has previously terminated its membership of the Leaders Board it may rejoin the Leaders Board with immediate effect on the same terms as existed prior to its departure.

## **5. Quorum**

- 5.1 The quorum shall be 5 members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

## **6. Chair and Vice Chair**

- 6.1 The Chair of the Leaders Board will be the principal member of Staffordshire County Council (subject to para 6.2 below)
- 6.2 The Leaders Board will vote annually at its first meeting after all the constituent authorities' annual meetings as to whether the Chair should continue to be the principal member of the County Council or should be the principal member of one of the other constituent authorities.
- 6.3 The position of Vice Chair shall be filled by the principal member of one of the other constituent authorities of the Leaders Board and this role will rotate annually between those other constituent authorities.
- 6.4 The Chair or in their absence the Vice Chair or in their absence the member of the Leaders Board elected for this purpose, shall preside at any meeting of the Leaders Board.
- 6.5 Appointments will be made in May of each year.
- 6.6 Where, at any meeting or part of a meeting of the Leaders Board both the Chair and Vice Chair are either absent or unable to act as Chair or Vice Chair, the Leaders Board shall elect one of the members of the Leaders Board present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chair and Vice Chair vests in the principal member concerned and in their absence the role of Chair or Vice Chair will not automatically fall to the relevant constituent authority's substitute member.

## **7. Voting**

- 7.1 One member, one vote for each constituent authority.
- 7.2 All questions shall be decided by a majority of the votes of the members present, the Chair having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.
- 7.3 On the requisition of any two Members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each Member voted and there shall also be recorded the name of any Member present who abstained from voting.

## **8. Sub-Committees and Advisory Groups**

- 8.1 The Leaders Board may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.
- 8.2 The Leaders Board may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers or members of the constituent authorities or such third parties as the Leaders Board considers appropriate.

## **9. Hosting and Administration**

- 9.1 The Leaders Board will at their first meeting decide which of the constituent authorities will be the host authority, and the Head of Democratic Services (or equivalent post) from that authority shall be Secretary to the Committee (“the Secretary”).
- 9.2 The Leaders Board will at their first meeting decide which of the constituent authorities will provide the s151 Officer role
- 9.3 The Leaders Board will at their first meeting decide which of the constituent authorities will provide the Monitoring Officer & Legal Adviser to the Leaders Board.
- 9.4 The administrative costs of supporting the committee will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members.
- 9.5 The functions of the Secretary shall be:
  - a) to maintain a record of membership of the Leaders Board and any sub-committees or advisory groups appointed
  - b) to publish and notify the proper officers of each constituent authority of any anticipated “key decisions” to be taken by the Leaders Board to enable the requirements as to formal notice of key decisions as given under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be met;
  - c) to carry out such notification to and consultation with members of any appointing constituent authority as may be necessary to enable the Leaders Board to take urgent “key decisions” in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
  - d) to summon meetings of the Leaders Board or any sub-committees or advisory groups;

- e) to prepare and send out the agenda for meetings of the Leaders Board or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);
- f) to keep a record of the proceedings of the Leaders Board or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;
- g) to take such administrative action as may be necessary to give effect to decisions of the Leaders Board or any sub-committees or advisory groups;
- h) to perform such other functions as may be determined by the Leaders Board from time to time

## 10. Meetings

- 10.1 The Leaders Board will meet no less than quarterly and meetings will be aligned where necessary with deadlines for decisions on resources and investment plans.
- 10.2 Meetings will be held at such times, dates and places as may be notified to the members of the Leaders Board by the Secretary, being such time, place and location as the Leaders Board shall from time to time resolve.
- 10.3 Meeting papers will be circulated five clear working days in advance of any meeting. The Chair may choose to accept or reject urgent items that are tabled at any meeting.
- 10.4 Additional ad hoc meetings may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the Leaders Board, addressed to the Secretary:
  - (a) from and signed by two members of the Leaders Board, or
  - (b) from the Chief Executive of any of the constituent authorities.
- 10.5 The Secretary shall settle the agenda for any meeting of the Leaders Board after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by:
  - (a) the Chief Executive of any of the constituent authorities;
  - (b) the Chief Finance Officer to any of the constituent authorities;
  - (c) the Monitoring Officer to any of the constituent authorities; or
  - (d) any two Members of the Leaders Board.
- 10.6 The Leaders Board shall, unless the person presiding at the meeting or the Leaders Board determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out in paragraph 13 below.

## 11. Access to Information

- 11.1 Meetings of the Leaders Board will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.
- 11.2 These rules do not affect any more specific rights to information contained elsewhere under the law.

- 11.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 11.4 Any Freedom of Information or Subject Access Requests received by the Leaders Board should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

## **12. Attendance at meetings**

- 12.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the Leaders Board.
- 12.2 Third parties may be invited to attend the Leaders Board on a standing basis following a unanimous vote of those present and voting.
- 12.3 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in Leaders Board meetings will be subject to the discretion of the Chair.

## **13. Procedure Rules**

### **13.1 Attendance**

- 13.1.1 At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

### **13.2 Order of Business**

- 13.2.1 Subject to paragraph 13.2.2, the order of business at each meeting of the Leaders Board will be:
- i. Apologies for absence
  - ii. Declarations of interests
  - iii. Approve as a correct record and sign the minutes of the last meeting
  - iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not
  - v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public
- 13.2.2 The person presiding at the meeting may vary the order of business at the meeting.

### **13.3 Disclosable Pecuniary Interests**

- 13.3.1 If a Member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, the Member must withdraw from the room where the meeting considering the business is being held:
- (a) in the case where paragraph 13.3.2 below applies, immediately after making representations, answering questions or giving evidence;
  - (b) in any other case, wherever it becomes apparent that the business is being considered at that meeting;

(c) unless the Member has obtained a dispensation from their own authority's Standards Committee or Monitoring Officer. Such dispensation to be notified to the Secretary prior to the commencement of the meeting.

- 13.3.2 Where a member has a disclosable pecuniary interest in any business of the Leaders Board, the Member may attend the meeting (or a sub-committee or advisory group of the committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

#### **13.4 Minutes**

- 13.4.1 There will be no discussion or motion made in respect of the minutes other than except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

#### **13.5 Rules of Debate**

- 13.5.1 A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 13.5.2 A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:
- i. To amend the motion
  - ii. To adjourn the meeting
  - iii. To adjourn the debate or consideration of the item
  - iv. To proceed to the next business
  - v. That the question now be put
  - vi. That a member be not further heard or do leave the meeting
  - vii. To exclude the press and public under Section 100A of the Local Government Act 1972

#### **13.6 Conduct of Members**

- 13.6.1 Members of the Leaders Board will be subject to their own authority's Code of Conduct.

#### **14. Application to Sub-Committees**

- 14.1 The procedure rules and also the Access to Information provisions set out at paragraph 11 shall apply to meetings of any sub-committees of the Leaders Board.

#### **15. Scrutiny of decisions**

- 15.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the Leaders Board in accordance with that constituent authority's overview and scrutiny arrangements.

#### **16. Winding up of the Leaders Board**

16.1 The Leaders Board may be wound up immediately by a unanimous vote of all constituent authorities.

## **17. Amendment of this Constitution**

17.1 This Constitution can only be amended by resolution of each of the constituent authorities.

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

02 February 2022

**Report Title:** Environmental Protection Act 1990 Part 2A – Contaminated Land Strategy 2022

**Submitted by:** Head of Environmental Health Services

**Portfolios:** Environment & Recycling

**Ward(s) affected:** All

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

To seek approval and formal adoption of the Contaminated Land Strategy 2022-27.

#### **Recommendation**

**That the Contaminated Land Strategy for 2022-2027 is approved and adopted.**

#### **Reasons**

To accord with the requirements of Part 2A of the Environmental Protection Act 1990 and the requirements of the Statutory Guidance issued under section 78YA of the Act.

It is considered that the revised strategy complies with the latest statutory guidance and forms a sound basis for this Authority to undertake its statutory duties for the period 2022 to 2027.

### **1. Background**

- 1.1 England and Wales have a considerable legacy of historical land contamination, with a very wide range of substances involved. Nearly all soils contain some small presence of substances that could be called “contaminants” (e.g. as a result of underlying geology or diffuse pollution). However, the sites most likely to pose an unacceptable risk almost always result from site specific industrial pollution and waste disposal activities.
- 1.2 It is not possible to know how much contaminated land there is because risks tend to be highly site specific and each site needs to be investigated and assessed separately. It has been estimated that there may be around 300,000 hectares of land in England and Wales where past activities could have led to contamination (about the size of Greater London and Birmingham combined), but only a very small proportion of this land would be “contaminated land” in the legal sense<sup>1</sup>.
- 1.3 Within the Borough it is estimated that there are circa 948 “potentially contaminated sites” which may require investigation. These sites have been identified from various information sources held by the council.
- 1.4 In April 2000, Part 2A of the Environmental Protection Act 1990 came into force, introducing a new regime for the regulation of contaminated land in England. Its main purpose is to provide an improved system for the identification of land that poses unacceptable risks to health or the environment, and for securing remediation where such risks cannot be controlled by other means. Part 2A requires that local authorities

<sup>1</sup> Land is only considered to be “contaminated land” in the legal sense if it poses a sufficiently high risk to justify action. On the large majority of potential sites there may be some contamination but the risks will be low.

inspect their areas with a view to identifying contaminated land, and, that they to do this in accordance with published Statutory Guidance.

- 1.5 The council formally adopted the current contaminated land strategy in 2014, which took into account the 2012 Statutory Guidance. Statutory Guidance (other than for radioactively contaminated land) has not changed since. The Statutory Guidance recognises that there are two broad types of “inspection” likely to be carried out by local authorities:
- a) strategic inspection, for example collecting information to make a broad assessment of land within an authority’s area and then identifying, and prioritising, land requiring more detailed consideration;
  - b) carrying out the detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under Part 2A relevant to that land.

## 2. **Issues**

- 2.1 The statutory guidance requires that each local authority take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered and efficient, and it should reflect local circumstances. Strategic approaches may vary between local authorities.
- 2.2 The local authority should set out its approach as a written strategy, which it should formally adopt and publish to a timescale to be set by the authority. The local authority should include in its strategy:
- a) Its aims, objectives and priorities, taking into account the characteristics of its area.
  - b) A description of relevant aspects of its area.
  - c) Its approach to strategic inspection of its area or parts of it.
  - d) Its approach to the prioritisation of detailed inspection and remediation activity.
  - e) How its approach under Part 2A fits with its broader approach to dealing with land contamination. For example, its broader approach may include using the planning system to ensure land is made suitable for use when it is redeveloped; and/or encouraging polluters/ owners of land affected by contamination to deal with problems without the need for Part 2A to be used directly; and/or encouraging problematic land to be dealt with as part of wider regeneration work.
  - f) Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals; for example by encouraging voluntary action to deal with land contamination issues insofar as it considers reasonable and practicable.
- 2.3 The local authority must keep its written strategy under periodic review to ensure it remains up to date. It is for the authority to decide when its strategy should be reviewed, although as good practice it should aim to review its strategy at least every five years.

## 3. **Proposal**

- 3.1 Your officers submit for your consideration an updated Contaminated Land Strategy.



- 3.2 There are no proposed changes to the method of investigating potentially contaminated land in the Borough, which was approved in the 2014 Strategy.

The proposed 2022 Strategy, as attached in full at Appendix A, has been amended as follows:

- Update to document formatting.
- Update to legislative background.
- Update to government policy (local, county and national).
- Revision to Borough description.
- Revision of miscellaneous provisions.

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

- 4.1 To comply with the requirement of the Statutory Guidance - that local authorities periodically review their contaminated land strategies (see 2.3). The current Contaminated Land Strategy was approved on 10 September 2014.

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

- 5.1 The alternative to adopting a revised strategy is to continue to use the 2014 Contaminated Land Strategy. However, as the Statutory Guidance requires the council to periodically review its strategy (albeit at the council's discretion), it is considered appropriate to update the current strategy to reflect current legislation, policy and guidance.

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

- 6.1 It is a requirement of the Statutory Guidance that every local authority has an adopted and published contaminated land strategy which accords with the requirements of the Guidance and that this is periodically reviewed; the Statutory Guidance recommends this be undertaken every five years.
- 6.2 The Strategy is not considered to affect any individual's human rights in that it is primarily concerned with land rather than individuals.

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

- 7.1 Any action required of the council as a result of identifying contaminated land will be taken in accordance with the provisions of Part 2A of the Environmental Protection Act 1990 and the associated Statutory Guidance.
- 7.2 As such there is not envisaged to be any adverse impact arising out of the implementation of the strategy on any of the protected groups as defined in the Equality Act 2010.

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

- 8.1 The costs associated with the strategic inspection of the Borough for the identification and prioritisation of sites for further detailed inspection will be met from existing budgets and resources as part of the core functions of the council.
- 8.2 For the majority of sites, the cost of any intrusive investigation will be carried by the council. Support may be available from the Environment Agency, although their resources for this are limited.

8.3 Should a site be determined as 'contaminated land', remediation costs are apportioned by the regulator to relevant stakeholders – this process is set out in the Statutory Guidance.

8.4 The council may wish to assist with some, or all, of the costs of remediation where this would cause hardship (for example, where costs fall to householders) – this decision would be made at the discretion of the council.

## 9. **Major Risks**

9.1 The council is required to adopt a Contaminated Land Strategy and to keep it under periodic review. It is for the council to determine the priority it gives to the strategic inspection of contaminated land within its area. However, the council must be able to demonstrate that it is complying with its statutory duty under section 78(B)(1) to undertake a periodic inspection of its area and that it is acting in accordance with any statutory guidance issued under section 78(B)2.

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

10.1 The Contaminated Land Strategy seeks to enable actions that are directly relevant to the following UNSDG:



## 11. **Key Decision Information**

11.1 Approving the 2021 Contaminated Land Strategy is a key decision as potentially contaminated land is distributed across the borough.

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 Cabinet meeting 10 September 2014 – item 21.

## 13. **List of Appendices**

13.1 A. Draft Contaminated Land Strategy 2022

## 14. **Background Papers**

14.1 Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance

# ENVIRONMENTAL PROTECTION ACT 1990 CONTAMINATED LAND STRATEGY 2022



ISSUED BY:

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL  
CASTLE HOUSE  
BARRACKS ROAD  
NEWCASTLE-UNDER-LYME  
STAFFORDSHIRE  
ST5 1BL

DATE: 2022

<b>Prepared by</b>	<b>Hal Sambrooke</b>	
<b>Reviewed by</b>	<b>Rob Thomas</b>	<b>22.11.2021</b>

**Formally adopted at the Newcastle-under-Lyme Borough Council Cabinet Committee meeting of 2<sup>nd</sup> February 2022**

<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
<b>2002</b>	<b>First Edition</b>	
<b>2007</b>	<b>Second Edition</b>	<b>Bo Simkin</b>
<b>2014</b>	<b>Third Edition</b>	<b>Hal Sambrooke</b>
<b>2022</b>	<b>Fourth Edition</b>	<b>Hal Sambrooke</b>

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# 1 INTRODUCTION

## 1.1 BACKGROUND

The UK has a significant industrial heritage, giving birth to the Industrial Revolution in the late 18<sup>th</sup> century to become, until the late 19<sup>th</sup> century, the world's leading economic and industrial power. However, the revolution progressed with little regard for the environment; air, water and land pollution were barely considered in the drive to increase industrial output from new industries based on coal and iron.

Modern industry is regulated much more stringently with a greater awareness of environmental issues such as pollution and climate change. Despite this, an unwelcome legacy from past industrial activity remain - abandoned factories, landfills and other sites, with their environmental impacts are still to be addressed.

Land contamination has significant societal costs, in so far as:

- Exposure to contamination can cause adverse health impacts.
- Contamination can migrate to water bodies, where it can cause adverse impacts on wildlife and drinking water.
- Contamination (especially sulphates) can cause damage to concrete and structures.

Whilst the first laws concerning pollution came into force with the Alkali Act of 1863, the limited understanding of the environment resulted in unintended consequences. This was to be a hallmark of environmental legislation, until the first modern environmental legislation came into force – the Control of Pollution Act 1974.

The first legislation to address contaminated land was contained in Section 57 of the Environment Act 1995; this inserted 'Part 2A' (contaminated land) into the Environmental Protection Act 1990. Section 57 was brought into force by the Contaminated Land Regulations 2001.

The intention of the Environmental Protection Act 1990 Part 2A is to require local authorities to proactively find and treat land contamination that poses a significant risk to public health and the environment.

This document has been prepared in line with current Statutory Guidance, which requires each local authority to adopt a strategic approach to its duties in a formal written strategy.

## 1.2 TERMINOLOGY

Most of the specific terms used in this document are defined within the text. Definitions of some of the terms and abbreviations are provided below:

- 'Part 2A' means Part 2A of the Environmental Protection Act 1990 (as amended).
- 'NuLBC' means Newcastle-under-Lyme Borough Council.
- 'Borough' means land within the administrative area of Newcastle-under-Lyme Borough Council.
- 'DEFRA' means the Department for Environment, Farming and Rural Affairs.
- 'EA' means the Environment Agency.
- 'Statutory Guidance' means any guidance on contaminated land published for this purpose in accordance with Section 78YA of the Environmental Protection Act 1990.

At the time of writing, statutory guidance is contained within the following publications:

- DEFRA, 'Contaminated Land Statutory Guidance', April 2012.
- Department for Business, Energy & Industrial Strategy 'Radioactive Contaminated Land Statutory Guidance', June 2018.



## 2 LEGISLATION

### 2.1 ENVIRONMENTAL PROTECTION ACT 1990

The Environment Act 1995 amended the Environmental Protection Act 1990 to insert new provisions (Part 2A of the 1990 Act) relating to contaminated land.

Part 2A places a range of obligations onto local authorities, the overall aim of which is to proactively find and treat land contamination that poses a significant risk to public health and the environment.

Broadly speaking, the duties and responsibilities placed on NuLBC under Part 2A include:

- Preparing and implementing a strategy to identify land that may be contaminated land.
- Investigating land to confirm whether or not it is contaminated land.
- Identifying the parties who caused the contamination and attributing liability for its treatment.
- Identifying appropriate ways of treating the contamination.
- Ensuring that the contamination is treated to an appropriate standard.
- Maintaining records of actions that have been carried out.

NuLBC must give consideration to Statutory Guidance when performing its duties.

### 2.2 TOWN AND COUNTRY PLANNING ACT 1990

The most common method of addressing land contamination is through the planning system. Land contamination is not addressed through the primary legislation, but through the National Planning Policy Framework (NPPF), which sets out government planning policy and how it is to be applied.

When making a planning application, the developer has to demonstrate that they understand and can manage any risks associated with land contamination. Planning applications can be conditioned to ensure that the developer discharges their responsibilities to an appropriate standard.

The standards imposed under the planning system are higher than those under Part 2A, as the development has to be demonstrably safe (rather than not presenting an unacceptable risk), although the general principles for assessing and managing land contamination remain the same.

The Building Regulations 2010 (and associated guidance<sup>1</sup>) also requires risks from land contamination to be addressed to maintain high standards in the provision of housing.

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<sup>1</sup> HM Government, Approved Document C: Site Preparation and Resistance to Contaminants and Moisture, 2013.

## 2.3 THE ENVIRONMENTAL DAMAGE (PREVENTION AND REMEDIATION) (ENGLAND) REGULATIONS 2015

When there is an imminent threat of 'environmental damage' or actual 'environmental damage' those responsible (operators of economic activities) are required to take immediate steps to prevent that damage, or further damage, and to notify the relevant authority.

'Environmental damage' under the Environmental Damage Regulations 2015 (EDR) is damage to one or more of:

- Protected species and natural habitats
- Surface water or groundwater
- Land

NuLBC has responsibility for damage to land under the EDR (damage to waters is regulated by the Environment Agency, whilst damage to protected species and natural habitats is regulated by Natural England).

Damage to land is defined as:

- Contamination of land by substances, preparations, organisms or micro-organisms that results in a significant risk of adverse effects on human health.

Once NuLBC is aware of a potential case of 'environmental damage', it must determine whether that 'environmental damage' exists.

NuLBC is responsible for deciding what remedial measures need to be implemented, taking account of any measures proposed by the operator, and will consult certain specified people before serving a remediation notice; operators are responsible for carrying out remediation measures.

The EDR only apply to operators of economic activities.

## 2.4 ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016

Under the Environmental Permitting Regulations 2016, some environmental permit holders who wish to surrender their permit are obligated to take steps to:

- To avoid any pollution risk resulting from the operation of the installation.
- To return the site of the regulated site to a satisfactory state, having regard to the state of the site before the installation was put into operation.

In short, when a permit is surrendered, the site should be returned to the condition that it was in before the permit was granted.

## 2.5 WATER RESOURCES ACT 1991

The EA, under Section 161 of the Water Resources Act 1991, can serve a works notice to address situations where pollution has occurred, (or is likely to occur) and where it poses a risk to groundwater.

## 3 POLICIES

### 3.1 CENTRAL GOVERNMENT POLICY

#### 3.1.1 CONTAMINATED LAND STATUTORY GUIDANCE

The current government policy on contaminated land is detailed in the Part 2A Statutory Guidance<sup>2,3</sup>.

The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

- (a) To identify and remove unacceptable risks to human health and the environment.
- (b) To seek to ensure that contaminated land is made suitable for its current use.
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

The Government's view is that enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists.

The Part 2A regime is one of several ways in which land contamination can be addressed; alternative mechanisms for dealing with land contamination include:

- (a) Requiring potential land contamination issues to be addressed in the course of development under planning regulations.
- (b) The use of alternative legislation, such as the EDR.

Under Part 2A, the enforcing authority may need to decide, and how, to act in situations where such decisions are not straightforward and where there may be unavoidable uncertainty underlying some of the facts of each case. In so doing, the authority should use its judgement to strike a reasonable balance between:

- (a) Dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and
- (b) The potential impacts of regulatory intervention including financial costs to whoever will pay for remediation (including the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people.

The authority should take a precautionary approach to the risks raised by contamination, whilst avoiding a disproportionate approach given the circumstances of each case. The aim should be to balance the various costs and benefits of taking action, with a view to ensuring that the regime produces net benefits, taking account of local circumstances.

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<sup>2</sup> DEFRA, 'Contaminated Land Statutory Guidance', April 2012

<sup>3</sup> Department for Business, Energy & Industrial Strategy 'Radioactive Contaminated Land Statutory Guidance', June 2018.

### 3.1.2 NATIONAL PLANNING POLICY

The National Planning Policy Framework<sup>4</sup> seeks to encourage the remediation of land contamination as a function of development, as reflected in the following excerpts:

- Section 11: Making effective use of land:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Planning policies and decisions should:

- give substantial weight to the value of using suitable brownfield land... and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

- Section 15: Conserving and enhancing the natural environment:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Planning policies and decisions should ensure that:

- a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is available to inform these assessments.

#### Brownfield Registers

In 2017, regulations<sup>5</sup> were introduced which require local planning authorities to prepare, maintain and publish registers of previously developed (brownfield) land which meet certain criteria and are suitable for residential development.

Some sites may be entered onto the register with planning permission in principle; development constraints presented by land contamination will still need to be satisfactorily addressed, as per any other development.

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<sup>4</sup> Ministry of Housing, Communities & Local Government, 'National Planning Policy Framework', 2021.

<sup>5</sup> Town and Country Planning (Brownfield Land Register) Regulations 2017.

## 3.2 ENVIRONMENT AGENCY POLICY

### 3.2.1 RIVER BASIN MANAGEMENT PLANS

The Borough lies in three River Basin Management Plan areas (Figure 1):

- Humber River Basin District<sup>6</sup>.
- North West River Basin District<sup>7</sup>.
- Severn River Basin District<sup>8</sup>.

The plans have been developed under the Water Framework Directive, which requires EU member states to manage the water environment to a consistent standard.

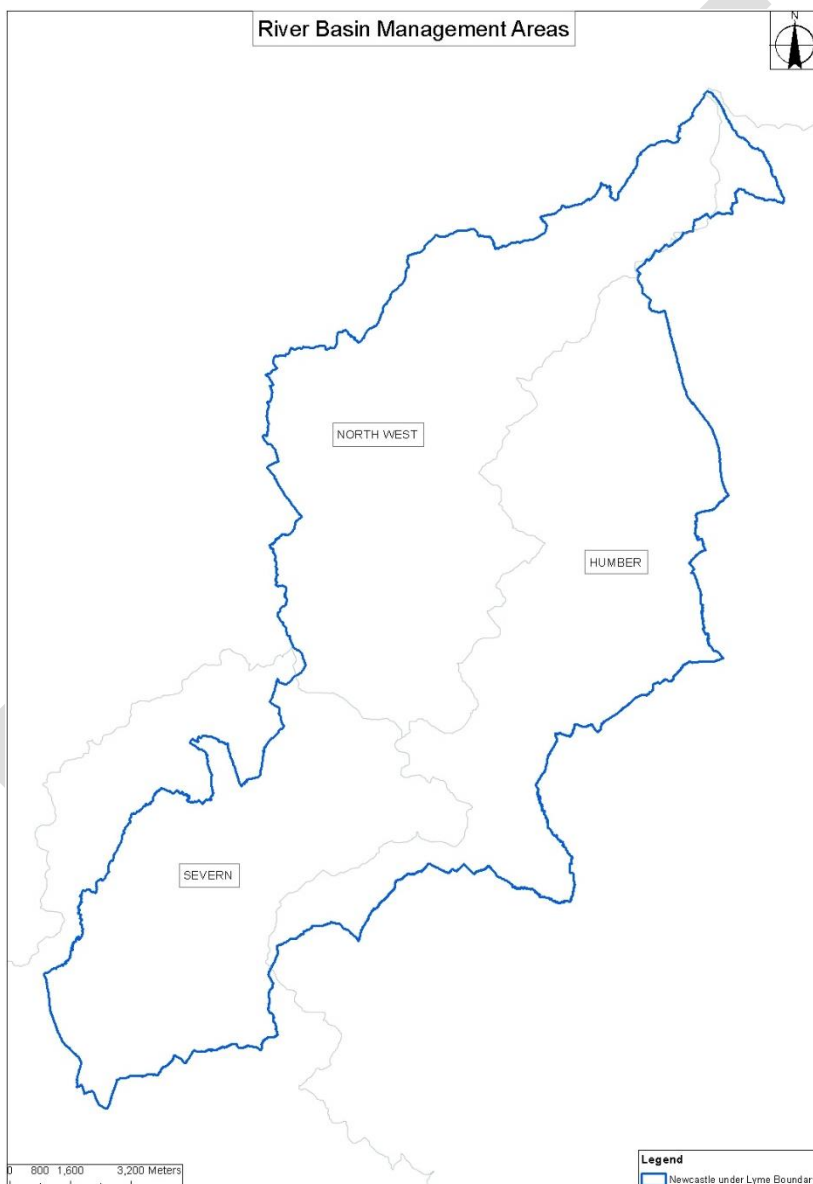


Figure 1 – River Basin Management Areas in Newcastle Borough.

<sup>6</sup> DEFRA and the EA, 'River Basin Management Plan Humber River Basin District', December 2015

<sup>7</sup> DEFRA and the EA, 'River Basin Management Plan North West River Basin District', December 2015

<sup>8</sup> DEFRA and the EA, 'River Basin Management Plan Severn River Basin District', December 2015

River Basin Management Plans focus on the protection, improvement and sustainable management of water. Many organisations and individuals help to protect and improve the water environment for the benefit of people and wildlife.

The duties of each member state under the Water Framework Directive which are of particular relevance to this Strategy are:

- Prevent deterioration in the status of aquatic ecosystems, protect them and improve the ecological condition of waters.
- Aim to achieve at least good status for all water bodies by 2021. Where this is not possible and subject to the criteria set out in the Directive, aim to achieve good status by 2027.
- Meet the requirements of Water Framework Directive Protected Areas.
- Conserve habitats and species that depend directly on water.
- Progressively reduce or phase out the release of individual pollutants or groups of pollutants that present a significant threat to the aquatic environment.
- Progressively reduce the pollution of groundwater and prevent or limit the entry of pollutants.

### 3.3 STAFFORDSHIRE COUNTY COUNCIL POLICY

#### 3.3.1 THE MINERALS LOCAL PLAN FOR STAFFORDSHIRE 2015 - 2030

The Staffordshire Minerals Local Plan, which details Staffordshire County Council policy when determining planning applications (for mineral development) has a number of strategic objectives:

- To provide minerals to support sustainable economic development.
- To locate mineral sites in acceptable locations.
- To ensure that mineral sites operate to high environmental standards.
- To ensure that mineral sites are restored and managed in a way that enhances local amenity and the environment.

Of specific relevance is Policy 4 (minimising the impact of mineral development), which is paraphrased:

*In assessing the impact of proposals for mineral development on people, local communities and the environment, where relevant [land contamination] will be taken in to account.*

## 3.4 NEWCASTLE-UNDER-LYME BOROUGH COUNCIL POLICY

### 3.4.1 NEWCASTLE-UNDER-LYME BOROUGH COUNCIL PLAN 2018-2022

The NuLBC Plan<sup>9</sup> defines its overall vision within four priorities:

- Local services that work for local people.
- Growing our people and places.
- A healthy, active and safe borough
- A town centre for all.

To this end, NuLBC has set a specific performance indicator for contaminated land:

- The amount of contaminated land that has been remediated and is now in use (1.1.3).

### 3.4.2 NEWCASTLE-UNDER-LYME LOCAL PLAN 2011

The Local Plan<sup>10</sup> outlines NuLBC policy when determining planning applications; a number of these relate to contaminated land:

- Policy S1: Sustainable Development
  - In determining planning applications for any type of development, the council will have regard to the likely effect of the development on the general aim of moving towards increased sustainability. To the extent that such matters are material to the consideration of a planning application, both direct and indirect effects will be taken into account, including transport implications, the use of water and non-renewable resources and the management of waste.
- Policy S4: Development and Brownfield, Derelict or Potentially Contaminated Land
  - Preference will be given to the development of brownfield land rather than greenfield land and to development schemes that allow the remediation of derelict or potentially contaminated land. Where permission can be given for the use of land suspected of being contaminated (either from substances present on the site or from those migrating from elsewhere), or unstable, there will be a requirement to carry out appropriate site investigations and remediation measures prior to development.

NuLBC is currently progressing a Local Development Scheme<sup>11</sup>, which sets out the anticipated key milestones for the adoption of the next version of the Local Plan. At the time of writing, it is anticipated that the next local plan will be adopted in 2024.

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<sup>9</sup> Newcastle-under-Lyme Borough Council Plan 2018-2022.

<sup>10</sup> Newcastle-under-Lyme Borough Council 'Newcastle-under-Lyme Local Plan', 2011.

<sup>11</sup> Newcastle-under-Lyme Borough Council 'Local Development Scheme' 2021-2024

## 4 STRATEGY OUTLINE

### 4.1 ROLES AND RESPONSIBILITIES

#### 4.1.1 NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

The primary regulator for Part 2A is NuLBC.

NuLBC will carry out its responsibilities under Part 2A in line with Statutory Guidance and any other relevant policies that may apply (including the NuLBC Enforcement Policy).

Within NuLBC, this responsibility falls to Operational Services (Environmental Health).

#### 4.1.2 THE ENVIRONMENT AGENCY

If NuLBC identifies land which it considers would be likely to meet one or more of the descriptions of a special site set out in the Contaminated Land (England) Regulations 2006, it will consult the EA and, subject to agreement, authorise them to carry out an intrusive inspection of the land (Section 7.2.3).

If the EA is to carry out an intrusive inspection, NuLBC may authorise appropriate persons to exercise the powers of entry conferred by section 108 of the Environment Act 1995.

NuLBC regulatory functions under section 78B and 78C of Part 2A (including the inspection duty and the decision as to whether land is contaminated land) remain the sole responsibility of NuLBC.

In any other case, where NuLBC determines land to be contaminated land, it will consult with the EA.

#### 4.1.3 OTHER AGENCIES

Other relevant organisations will be consulted on contaminated land issues as specific circumstances demand, as outlined in Table 1.



Issue	Organisation
Potential impact on controlled waters; investigation of a potential 'special site'	 <b>Environment Agency</b>
Potential impact on features of historic significance	 <b>Historic England</b>
Potential impact on features of ecological significance	 <b>NATURAL ENGLAND</b>
Staffordshire County Council owned land	 <b>Staffordshire County Council</b>
Impact on or from land adjacent to the Borough of Newcastle-under-Lyme	 <b>STAFFORDSHIRE moorlands DISTRICT COUNCIL</b> ACHIEVING · EXCELLENCE
	 <b>City of Stoke-on-Trent</b>
	 <b>Stafford BOROUGH COUNCIL</b>
	 <b>Shropshire Council</b>
	 <b>Cheshire East Council</b>

Table 1 – Possible consultees on contaminated land issues.

## 4.2 AIMS AND OBJECTIVES

Part 2A (Section 78B) requires that local authorities cause their areas to be inspected with a view to identifying contaminated land. Relevant sections of the Act include:

- Every local authority shall cause its area to be inspected from time to time for the purpose –
  - a. of identifying contaminated land; and
  - b. of enabling the authority to decide whether any such land is land which is required to be designated as a special site.
- A local authority shall act in accordance with any guidance issued for the purpose by the Secretary of State.

In line with the Statutory Guidance and government policy, the aims of NuLBC with respect to Part 2A are:

1. To identify and remove unacceptable risks to human health and the environment.
2. To ensure that contaminated land is made suitable for its current, or proposed, use.
3. To ensure that the burdens faced by individuals, companies and society are proportionate, manageable and compatible with the principles of sustainable development.

## 4.3 PRIORITIES

The Statutory Guidance suggests that NuLBC should take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered and efficient and it should reflect local circumstances.

The overall aim of the strategic inspection is to identify land that is potentially contaminated within the Borough.

NuLBC has finite resources, which will be directed to sites that appear to present the greatest risk. This is in accordance with Statutory Guidance, which states:

*When the local authority is carrying out detailed inspection of land in accordance with Part 2A, it should seek to give priority to particular areas of land that it considers most likely to pose the greatest risk to human health or the environment.*

The methodology for prioritising sites for detailed inspection is outlined in Section 6.

## 4.4 ADDRESSING CONTAMINATION

The Statutory Guidance states:

*Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. The Part 2A regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations.*

NuLBC will enforce Part 2A only where it is unavoidable. The preference of NuLBC when addressing contamination is:

1. To encourage voluntary remediation (which may include supporting site development).
2. Where voluntary remediation cannot be negotiated, to use alternative legislation to secure remediation.
3. To secure remediation through Part 2A.

The above policy conforms to NuLBC's Enforcement Policy and the Regulators Code<sup>12</sup>

NuLBC's work under Part 2A will be carried out in tandem with other relevant policies in order to identify the optimum means of addressing potential contamination.

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<sup>12</sup> Department for Business Innovation & Skills, 'Regulators' Code', April 2014

## 5 THE BOROUGH OF NEWCASTLE-UNDER-LYME

### 5.1 GENERAL CHARACTERISTICS

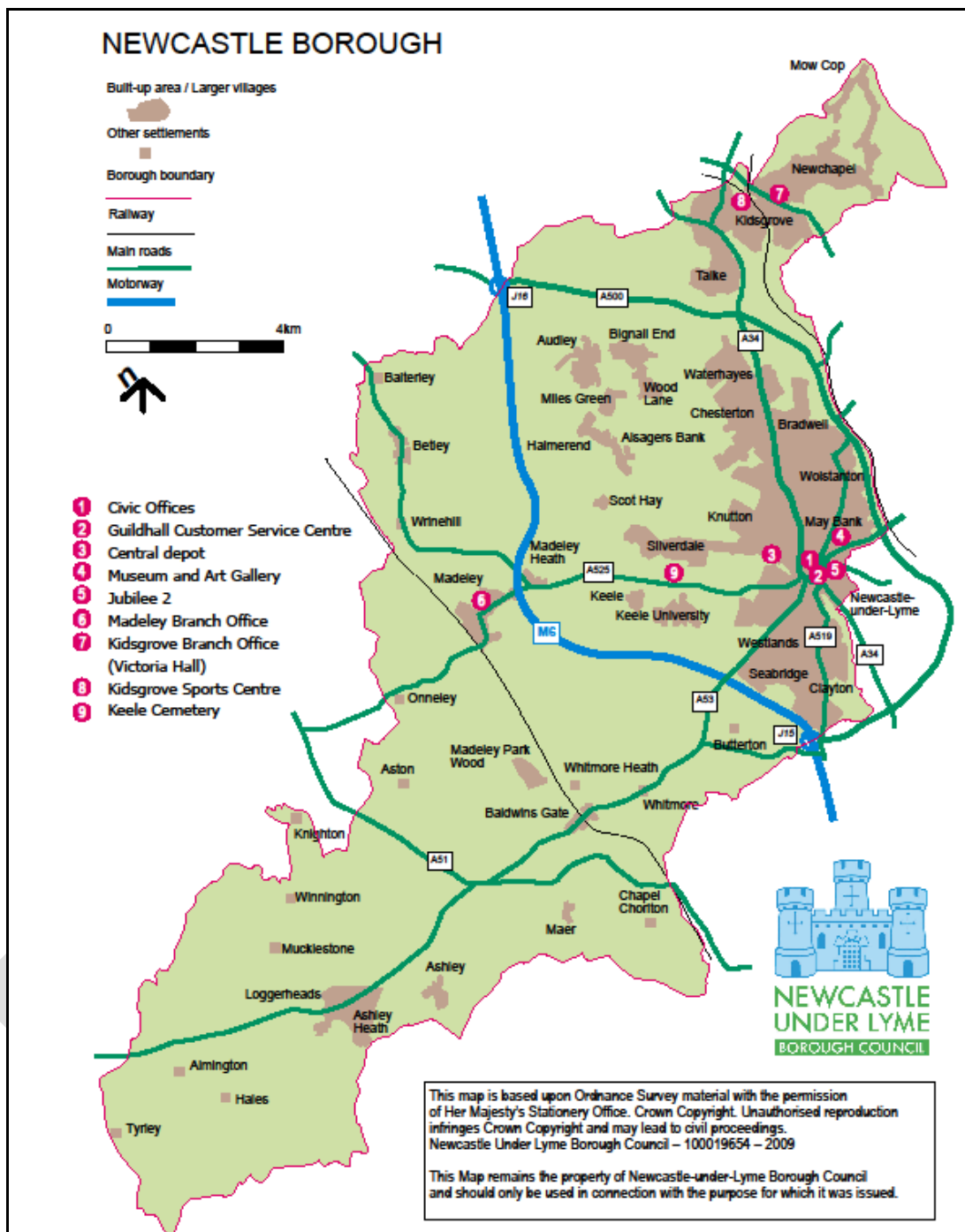


Figure 2 – Map of the Borough.

The Borough of Newcastle under Lyme is located in North Staffordshire, midway between Birmingham and Manchester (Figure 2). It shares borders with the City of Stoke-on-Trent to the east, Cheshire to the north and Shropshire to the west and is served by a well-developed road system, which includes the M6 and A500. The Borough has a population of around 130,000 (as of June 2019), an area of 211 km<sup>2</sup> and can broadly be split into two areas, each with distinct characteristics.

The northern and eastern (predominantly urban) areas are centred on the towns of Newcastle-under-Lyme and Kidsgrove, and includes Wolstanton, Silverdale, Chesterton, Talke and Butt Lane. These areas are generally contiguous with the City of Stoke-on-Trent, which forms the eastern boundary of NuLBC.

The western and southern areas of the Borough are predominantly rural.

## 5.2 HISTORY AND INDUSTRIAL LEGACY

Newcastle is named after a 'new castle' that was built in the area in the twelfth century. The 'lyme' part of the name derives either from the Lyme Brook that flows through the town or from the lime forest that covered a large part of land in the medieval period.

In prehistoric times, the area was very sparsely populated. The Cornovii tribe populated the area during the Iron Age and there was a hill fort settlement at this time at Berth Hill, near Maer.

In the first century, the Romans established a fort at Chesterton, a settlement at Holditch and a villa at Hales.

There is evidence of Saxon settlement in the Borough during the 6<sup>th</sup> to 9<sup>th</sup> centuries.

Madeley was granted a royal charter in 975 by King Edgar and the area was also mentioned in the Domesday Book of 1086. Bradwell, Wolstanton, Clayton, Knutton, Hill and Chapel Churlton and Maer also appear in the book, although Newcastle itself does not.

The town of Newcastle was planned and established by Henry II and its first charter was granted in 1173.

There is a wide range of historic industrial activity within the Borough, which is broadly outlined in Jenkins<sup>13</sup> and adapted below.

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<sup>13</sup> Jenkins, J.G., 'A History of the County of Stafford: Volume 8', 1963.

### 5.2.1 MINING AND MINERALS

There is a legacy of mining in the Borough, in areas including Silverdale, Apedale, Talke and Kidsgrove. An example is shown in Photo 1.

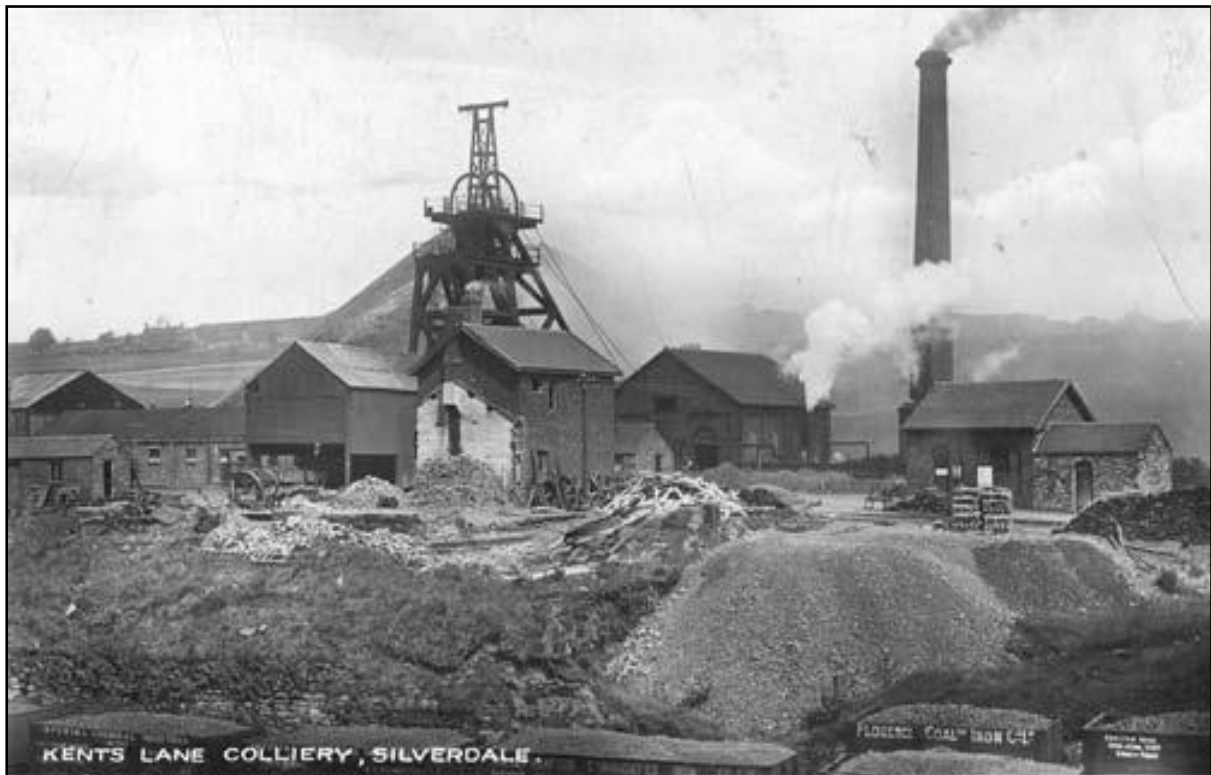


Photo 1 – Kents Lane Colliery, Silverdale, circa 1930-1939 © NuLBC

Minerals won in the Borough include:

- Coal; ironstone was often co-worked with coal where this was economic. Coal was won by deep or opencast mining.
- Clay; clay is still worked at Keele and Knutton.
- Sand and gravel (typically towards the south west of the Borough)
- Millstone Grit; Mow Cop was a local centre for the quarrying and cutting of millstones and querns.

### 5.2.2 METAL WORKING

The iron industry also goes back to Roman times although it was not really until the fifteenth century that Newcastle had forged a reputation as a centre for the manufacture and marketing of iron. Many villages in the west of the Borough were built up around iron works where a local supply of ironstone was readily available. Examples are shown in Photo 2 and Photo 3.



Photo 2 – Apedale Furnaces © NuLBC

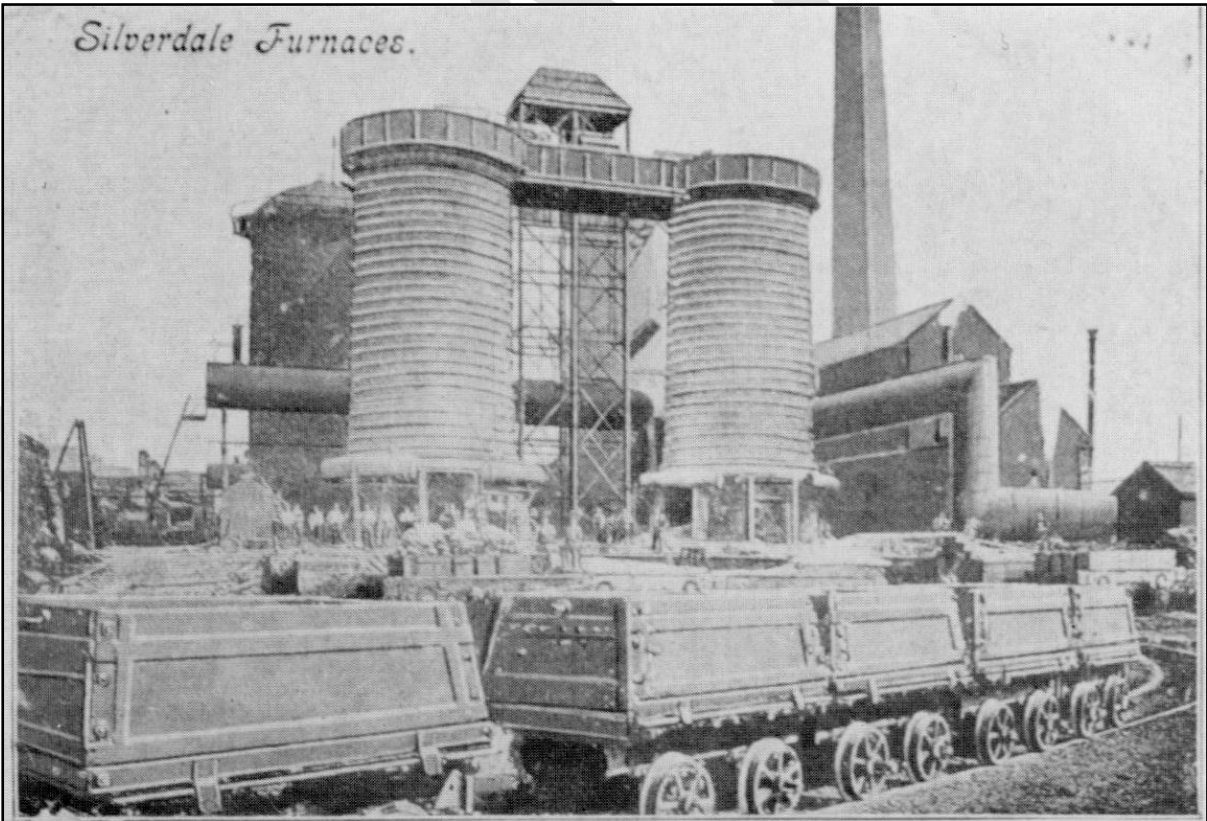


Photo 3 – Silverdale Furnaces © NuLBC

A number of significant metal works and foundries, primarily iron, were historically operated within the Borough; such works were often associated with the larger collieries. Some foundries also worked brass and other metals.

### 5.2.3 CHEMICALS

Coal was used to manufacture a range of organic (hydrocarbon based) chemicals throughout the Borough.

Coal, when heated in the absence of air, produces town gas (as well as coke and other by-products) for street lighting and domestic use. Municipal gas works were established in Newcastle-under-Lyme, Chesterton, Kidsgrove (Photo 4) and Audley, and operated from the mid-to-late-19<sup>th</sup> century until the mid-20<sup>th</sup> century (when it was replaced by natural gas).

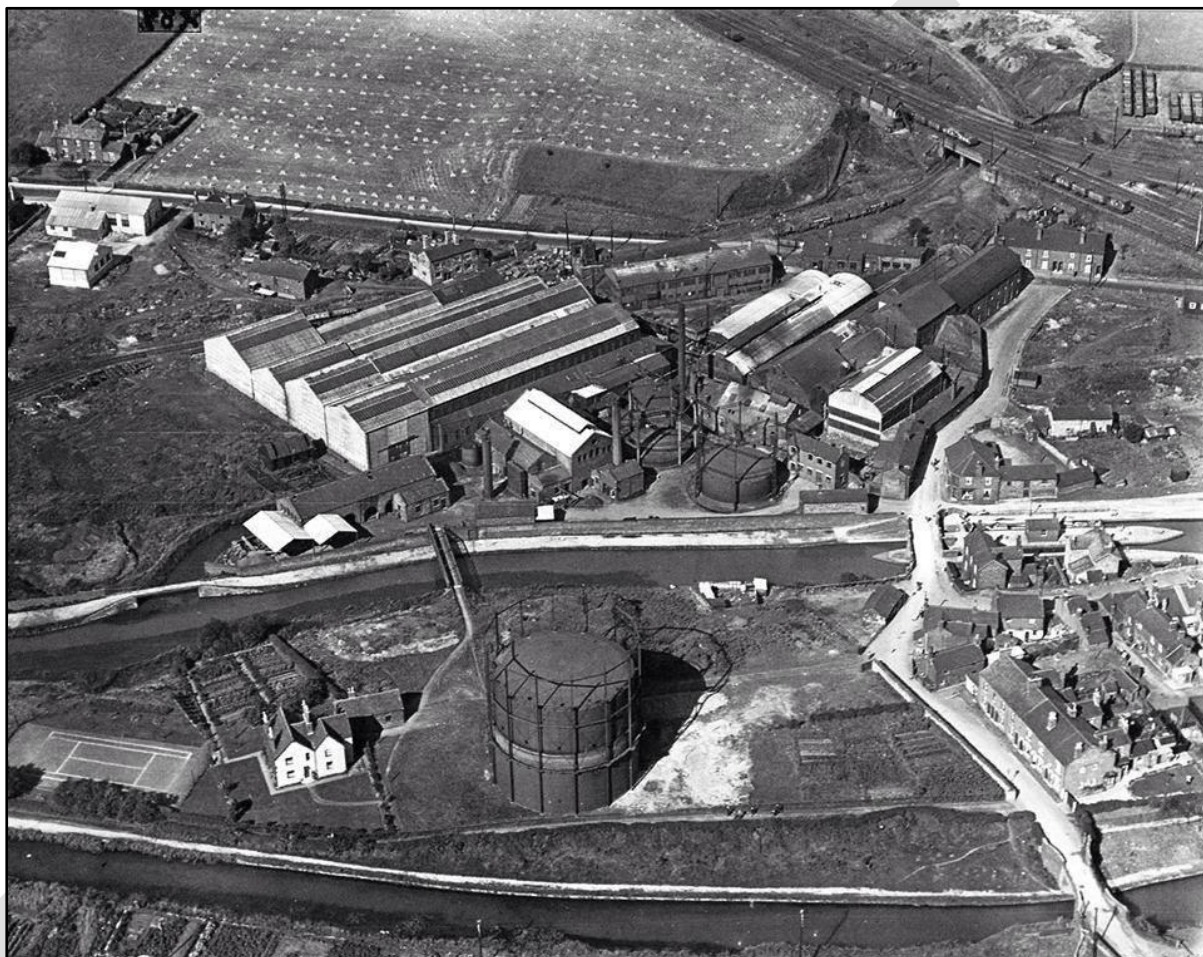


Photo 4 – Kidsgrove Gas Works (foreground) and the Albion Works (background) circa 1930

Very small private gas works were established at Betley Hall and Keele Hall.

Coal and/or shale was also used to manufacture coke, oil, tar and other organic chemicals for industrial use; large coke works were associated with collieries at Apedale, Bignall Hill and Talke. Birchenwood (Photo 5) was the last major coke works in the Borough and closed in 1973; in 1913, when visited by King George V, it was reckoned to produce 1,500,000 gallons of crude benzol and 5,000 tons of ammonium per year.

Other coke works existed in Bradwell and Chatterley, whilst Major & Company operated a tar works at Chesterton.

The North Staffordshire Oil Co. Ltd probably used shale to manufacture paraffin and lubricating oils at their site on the aptly named 'Chemical Lane' at Longport.



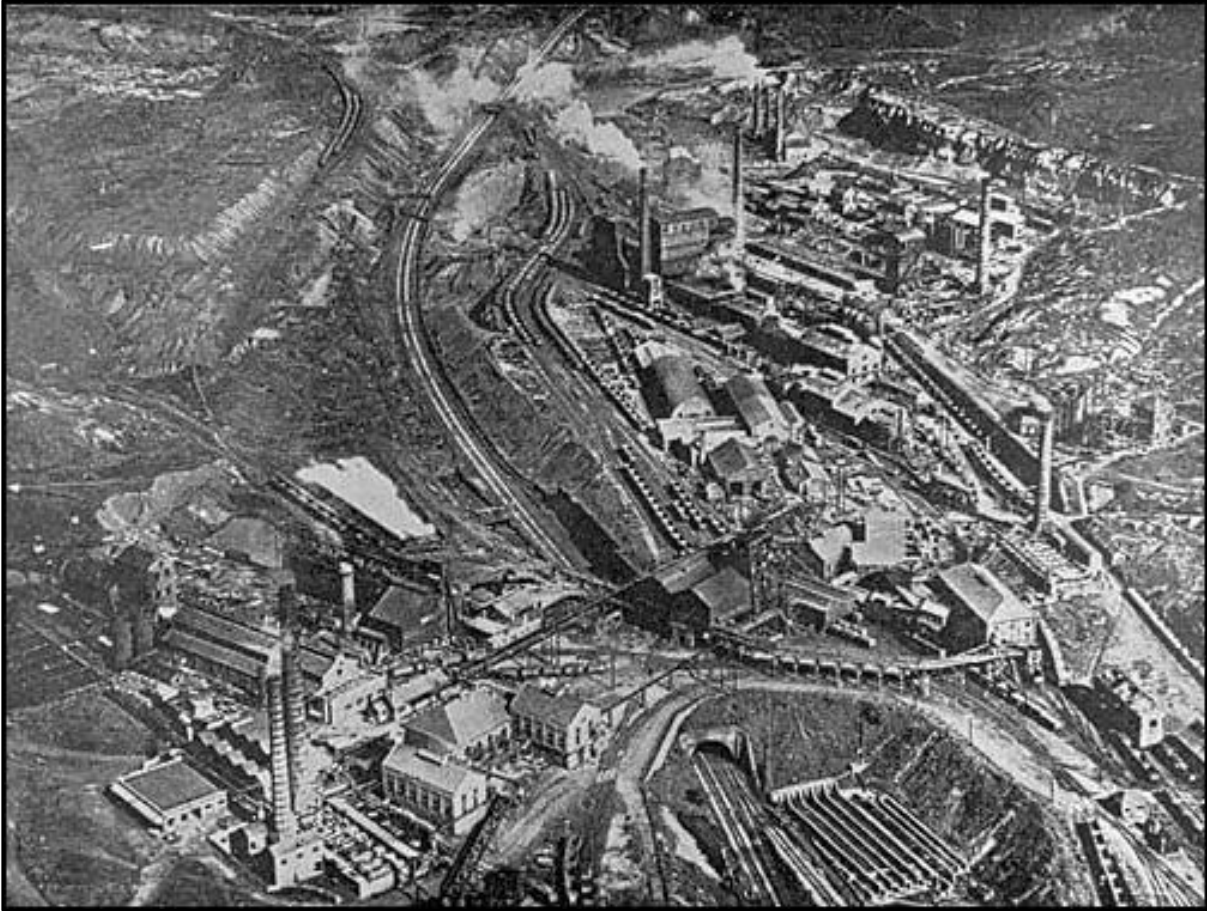


Photo 5 – Birchenwood By-Products and Gas Works circa 1925 © NuLBC

The Albion Works (Photo 4) in Kidsgrove is associated with the manufacture of cadmium-based pigments and currently operates under an IPPC permit.

#### 5.2.4 CERAMICS

Brick and tile manufacturing, made possible by the local abundance of Etruria and Keele clay, is traditionally one of Newcastle's most important local industries, with three works still in operation at Chesterton and Keele.

A pottery manufacturer (long since demolished) was located at the White Hall Works (adjacent to the boundary with the City of Stoke-on-Trent). Whilst brick and tile manufacturers operated in the Borough, pottery was (almost) exclusively manufactured in Stoke-on-Trent.



Photo 6 – Chesterton Brickworks © NuLBC

### 5.2.5 TEXTILES

From the 17<sup>th</sup> to the 19<sup>th</sup> centuries, Newcastle-under-Lyme had a flourishing felt hat manufacturing industry, which was probably at its peak in the 1820s when a third of the town's population were involved in the industry in over 20 factories; by 1892 only one manufacturer remained in the town.

In 1833 there were three silk mills, but by 1851 this was reduced to two (one in Friarswood Road, the other in Hempstalls Lane); a silk mill existed in Silverdale. A nylon mill was established in Butt Lane around the 1950's.

One of the older industries of the town was that of tanning; in the later 18<sup>th</sup> century there were three tanners in the town, varying between one and three tanners in the 19<sup>th</sup> century.

The manufacture of uniforms was carried out at the Enderley Mills in Liverpool Road, which was built in 1881.

### 5.2.6 OTHER INDUSTRIES

Other historic industries in the Borough included:

- The manufacture of paper at Holborn Paper Mill.
- The manufacture of glue and fertiliser at the Waterloo Works.
- The manufacture of silica in Sutton Street and at Rose Vale, Chesterton.
- The manufacture of tyres in Talke Road.

### 5.2.7 WORLD WAR 2

During the Second World War two large munitions factories were established in the Cross Heath area and after the war continued in industrial use.

One became the largest manufacturer of motor-car harnesses in the country and the largest producer of telephone and microphone cords, and was also engaged in the manufacture of fluorescent lighting equipment.

The other manufactured fractional h.p. motors, loom motors for the cotton industry, and electric lamps.

The Borough was the victim of (albeit limited) German air raids during World War 2.

### 5.2.8 TRANSPORT

Historic transport links which were developed in the Borough included a canal network (two main canals were constructed in the Borough and have since largely been infilled) and a well-developed railway network (including the Stoke to Market Drayton Line, constructed in 1850 and decommissioned in 1964).

Many rail lines and tramways were associated with historic industry in the Borough (specific lines on which raw materials and finished products were transported).

Petrol filling stations, many of which have closed, are associated with fuel storage tanks which may present an on-going source of contamination.

### 5.2.9 REDEVELOPMENT HISTORY

In recent years NuLBC has instigated a number of reclamation schemes for derelict land generally associated with waste disposal, mining and quarrying activities; examples include the reclamation and landscaping of the Apedale Country Park and Birchenwood.

A number of large residential estates have been developed on former opencast mine sites, including those at White Hill and Crackley.

## 5.3 GEOLOGY

### 5.3.1 SOLID GEOLOGY

#### Rock Types and Stratigraphy

The geology of Newcastle-under-Lyme Borough can be broadly split into two:

To the east, the solid geology is dominated by interbedded layers of mudstone, siltstone and sandstone of the Coal Measures and Etruria Formations. Found in and between these layers of bedrock (with the general exception of the Etruria Formation), particularly in the north and west of the Borough, are seams of coal and ironstone.

To the west and, particularly, the south, the geology is dominated by sandstones and conglomerates of the Cheshire Basin, which includes the Sherwood Sandstone Group.

#### Geological Structures

The rocks of the North Staffordshire coalfield are highly folded and faulted.

There are two major geological folds in the Borough:

- The Western Anticline – this runs north-south along the western part of the Borough and has pushed older layers of rock to the surface.
- The Main Syncline – This is where the older rocks have ‘bowed’ and are found at greater depth.

Local faulting is also of significance, particularly in Newcastle and Kidsgrove, where fault density is relatively high.

Subsidence associated with coal mining induced ‘fault reactivation’ has, in the past, necessitated the demolition of unsafe properties, particularly in Knutton and Chesterton.

Notable faults include:

- The Western Boundary Fault, which runs parallel to the west of the Western Anticline.
- The Apedale Fault, which runs to the east of the Main Syncline.
- The Newcastle Fault, which runs to the east of the Apedale Fault.

An overview of the physical geology of Newcastle-under-Lyme is presented as Figure 3.

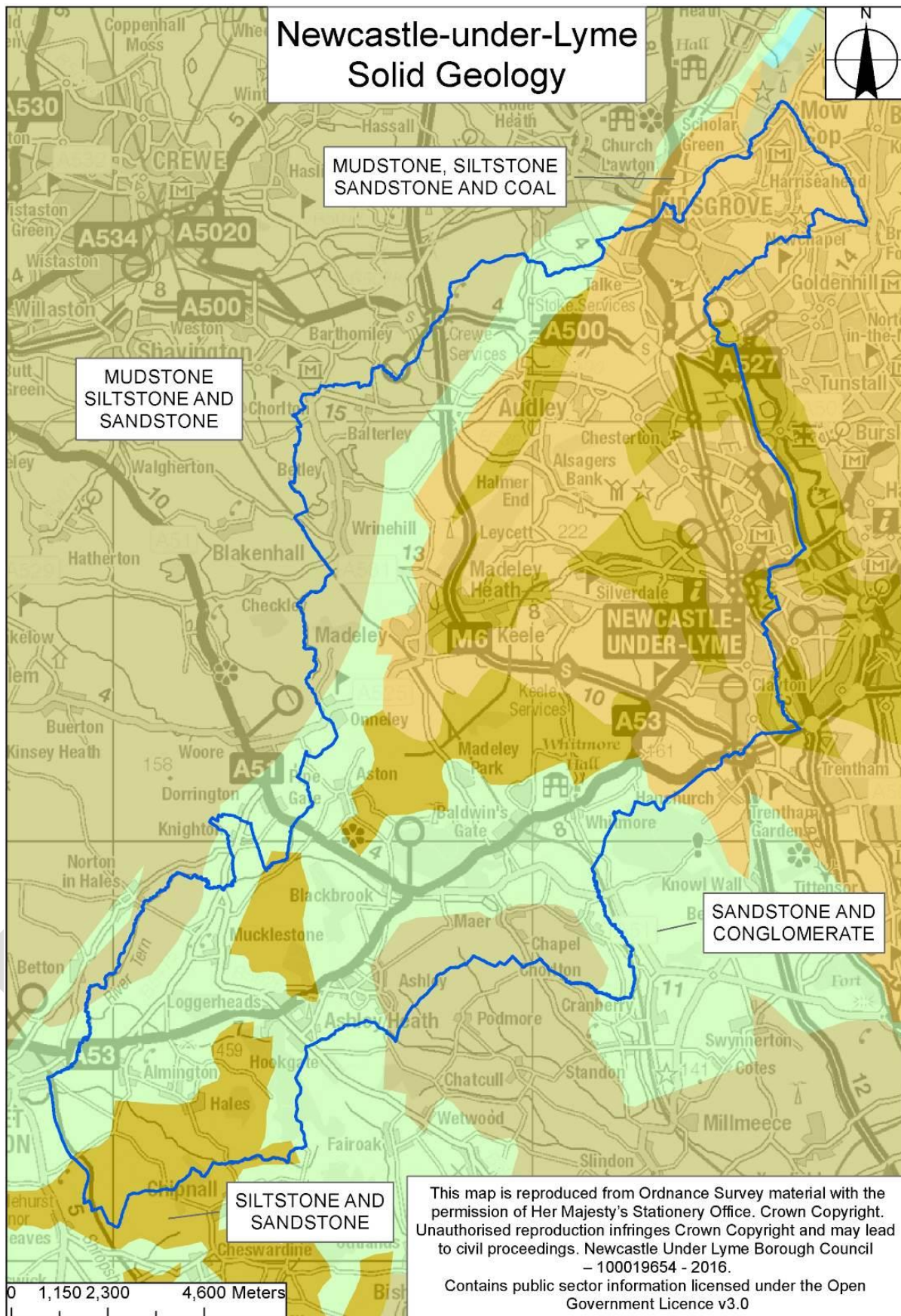


Figure 3 – Schematic Representation of the Physical Geology of North Staffordshire.

### 5.3.2 SUPERFICIAL GEOLOGY

NuLBC is partially covered by a variety of superficial deposits (these include unconsolidated deposits which have yet to be cemented into bedrock, and soil), which were largely formed by the actions of glaciers during the last ice age.

The area of the Coal Measures tends to be covered by deposits of diamicton – mainly clay, with some gravel of coal and other rocks.

Deposits of fluvioglacial sand and gravel are also evident within the Borough.

Where watercourses are present, superficial deposits tend to be formed of alluvium (river deposits), which consist of a range of clay, silt, sand and gravel.

### 5.3.3 MADE GROUND

Made ground (i.e. reworked natural and artificial deposits) is found throughout the district, from a diverse range of sources including:

- Colliery spoils.
- Filled mineral excavation pits (i.e. clay, sand and/or gravel pits).
- Relict foundations.
- Filled canals and railway cuttings.

Common made ground constituents include ceramic fragments, wood, glass, concrete/cement, plastic and metal (including slag).

Abandoned mineral workings, railway cuttings and other excavations were often used to landfill wastes such as:

- Colliery spoil.
- Domestic/municipal waste.
- Industrial wastes (generally from local industries).

## 5.4 WATER RESOURCES

### 5.4.1 HYDROGEOLOGY

#### Groundwater Distribution

Groundwater is present throughout the Borough, although it is not distributed evenly. Most of the relatively accessible groundwater is found in the sandstones associated with the Cheshire Basin, in the south and west of the Borough.

Whilst groundwater is found in the Coal Measures and Etruria Formations, it is not transmitted so easily though the mudstone dominated bedrock.

#### Groundwater Abstractions

Groundwater is utilised as a resource by two different groups: public water undertakers (Severn Trent Water) and private water supply owners.

Severn Trent Water obtain approximately one third of their water supply from groundwater. Seven of their boreholes draw on groundwater held within the Borough and it is important that the groundwater they draw on is protected from contamination.

There are also residents and businesses who draw drinking water directly from a private source, such as a borehole, well or spring; these water sources also require protection from contamination. Private water supplies are generally found in the south of the Borough.

#### Groundwater Sensitivity

The sandstones of the Cheshire Basin are classified by the EA as 'principal aquifers'. These are layers of rock that have high intergranular and/or fracture permeability - meaning they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale.

The interbedded mudstones and sandstones of the Coal Measures and Etruria Formations are of lesser importance and are classified by the EA as 'secondary aquifers' – meaning that they support water supplies at a local scale.

#### Groundwater Quality

Groundwater quality varies throughout the Borough, as a function of regional variations in contamination sources and groundwater vulnerability (how likely contamination is to reach groundwater).

Groundwater in the Coal Measures and Etruria Formations is locally at risk from acid rock drainage, and from land contamination associated with historic industries (particularly historic chemical works).

Acid rock drainage is a legacy of coal mining and is evident in several areas of the Borough, most notably in the Trent and Mersey Canal at Kidsgrove and at Parrots Drumble in Talke where surface waters are stained orange (Photo 7).

Whilst historic industry is largely absent in the Cheshire Basin, some local risks exist, for instance from closed landfills or from fuel storage tanks.



Photo 7 – The effects of acid rock drainage shown in a stream that flows through Parrots Drumble, a Staffordshire Wildlife Trust nature reserve.

#### 5.4.2 HYDROLOGY

There are no major rivers within the Borough, although there are a number of streams and brooks.



## 5.5 ECOLOGY

### 5.5.1 SITES OF SPECIAL SCIENTIFIC INTEREST

Four (non-geological) sites of special scientific interest (SSSI) are found within the Borough:

- Maer Pool SSSI
- Bentley Mere SSSI
- Black Firs & Cranberry Bog SSSI

The Meres & Mosses of the North West Midlands form a nationally important series of open water and peatland sites. These have developed in natural depressions in the glacial drift left by the ice sheets which covered the Cheshire-Shropshire plain some 15,000 years ago. The majority lie in Cheshire and north Shropshire, with a small number of outlying sites in adjacent parts of Staffordshire and Clwyd.

Black Firs & Cranberry Bog is also designated as a Wetland of International Importance (Ramsar).

- Burnt Wood SSSI

An area of semi-natural woodland, situated near Loggerheads, has been designated a SSSI as it represents the least-modified remnants of a formerly extensive tract of ancient broadleaved woodland. It contains representative examples of three types of oakwood on acidic soils derived from rocks of the Upper Coal Measures (Carboniferous) and Bunter Sandstone (Triassic). Such stands were formerly widespread in North Staffordshire but have been significantly reduced in area by reforestation and clearance. The site supports an outstanding terrestrial and freshwater fauna, with butterflies and moths *Lepidoptera* and caddis flies *Trichoptera* especially well represented.

### 5.5.2 LOCAL NATURE RESERVES

There are four local nature reserves in NuLBC, those areas are:

- Pool Dam Marshes.
- Bateswood.
- Bradwell Wood.
- Bathpool Park.

## 6 STRATEGIC INSPECTION

### 6.1 STATUTORY GUIDANCE

The Statutory Guidance directs NuLBC to take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered and efficient and it should reflect local circumstances.

The method for carrying out a strategic inspection of potentially contaminated land can be summarised thus:

1. Data collection.
2. Data processing (initial prioritisation).
3. Desk studies.
4. Secondary prioritisation.

These steps are described below and a flowchart outlining this approach is included as Appendix 1.

NuLBC will start with the assumption that land is not contaminated land unless there is reason to consider otherwise.

### 6.2 DATA COLLECTION

In order to carry out a strategic inspection of the Borough, it is necessary to obtain as much information on each potentially contaminated site as possible.

In order for land to be contaminated the following must be present:

- A source (of contamination).
- A receptor (something affected by contamination).
- A pathway (a way for the source to affect the receptor).

Relevant receptors are summarised in Table 2.

Type of Receptor	Definition
Humans	Human health
Ecological System	Site of Special Scientific Interest (under section 28 of the Wildlife and Countryside Act 1981)
	National Nature Reserve (under section 35 of the 1981 Act)
	Marine Nature Reserve (under section 36 of the 1981 Act)
	Area of Special Protection for Birds (under section 3 of the 1981 Act)
	'European Site' within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010
	Any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949
Property	Any habitat or site accorded protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar Sites)
	Crops (including timber)
	Produce grown domestically or on allotments for consumption
	Livestock
	Owned or domesticated animals
	Wild animals which are subject to shooting or fishing rights
Controlled Waters	Buildings (any structure or erection and any part of a building including any part below ground level – does not include buried services such as sewers, water pipes or electricity cables)
	Part 3 of the Water Resources Act, except 'ground waters' does not include waters contained in underground strata but above the saturation zone

Table 2 – Relevant Receptors under Part 2A

NuLBC uses a geographical information system (GIS) to carry out the initial prioritisation and as a tool when preparing desk studies. A GIS is a computer programme that can analyse data that has a spatial element to it (for example, an area of land that was a factory). As with any GIS, if robust conclusions are to be reached, the capture of high quality data is essential.

Some of the information that the council requires has been acquired from third parties, which includes (but is not limited to) historic mapping, geological mapping and aquifer classifications. The council has created other data for use in a GIS as necessary, such as petrol filling stations and potential sources of contamination.

Some of the data that the council has collected is used in the initial prioritisation, whilst some is considered when preparing desk studies. The data that the council has collated in GIS is summarised as Table 3.

Data Source	Source	Pathway	Receptor
Ordnance Survey mapping	✓	✓	✓
Aerial photography	✓	✓	✓
Current land use	✓	✓	✓
Geology	✓	✓	✓
Potential contaminant sources	✓		
Landfills	✓		
Environmental permits	✓		
Hazardous substances & COMAH sites	✓		
Petrol filling stations	✓		
Groundwater vulnerability		✓	
Groundwater source protection zones		✓	✓
Private water supplies			✓
Aquifers			✓
Ecologically sensitive sites			✓
Scheduled Ancient Monuments			✓

Table 3 – Sources of Information

### 6.3 DATA PROCESSING – INITIAL PRIORITISATION

Once sufficient data has been obtained, it can be processed in order to screen the Borough for potentially contaminated sites.

The screening process involves identifying overlaps between areas with potential sources and areas with potential receptors, to obtain a list of potentially contaminated sites.

Further data processing is required in order to refine this list and obtain an initial prioritisation list. Data processing takes into account:

- The potential contamination source.
  - How likely contaminants are to have been used at the site.
  - How likely contaminants are to have escaped or migrated from containment or storage on the site.
  - How toxic or hazardous those contaminants might be.
- The receptor sensitivity.
  - Inherently, some receptors are considered to be more sensitive than others.

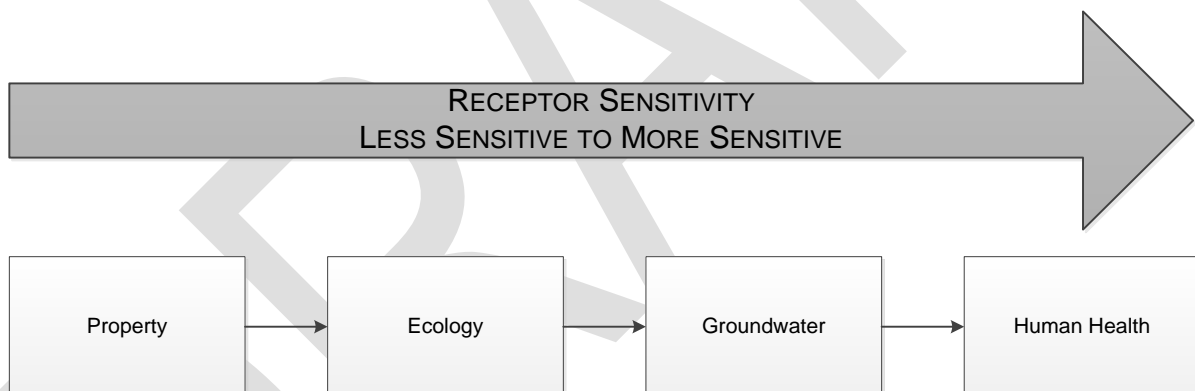


Figure 4 – Receptor Sensitivity for Prioritisation

Following the data processing, a prioritised list of potentially contaminated sites will be developed.

### 6.4 DESK STUDIES

Following initial prioritisation, a desk study report will be prepared for a manageable number of sites at which land contamination potentially poses a risk; sites where those risks are greatest will be prioritised.

The desk study is the first step when carrying out detailed consideration of whether land is contaminated or not and follows from good practice outlined by the Environment Agency<sup>14</sup> and BS10175<sup>15</sup>.

<sup>14</sup> Environment Agency, Land Contamination: Risk Management <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

<sup>15</sup> BSi, 'BS10175 Investigation of Potentially Contaminated Sites – Code of Practice', December 2017.

The first step in the preparation of a desk study is to collate all available information on the site. Such information will typically include:

- Historical mapping.
- Aerial photographs.
- Planning records.
- Archive information (such as that held within the Borough Museum, or by Staffordshire County Council).
- Geological information.
- Previous site investigations (if available).
- Coal Authority records (when appropriate).
- Groundwater and environmental designations.

A site walkover survey will usually be carried out to inspect the site for any visual evidence of contamination and to confirm the current (or likely) use of the site. However, this may not always be appropriate and therefore the need for a walkover survey will be considered on a case by case basis.

The landowner, or other relevant parties, may be approached in order to obtain any relevant information that they might hold on the site (where this is considered appropriate). However, such enquiries will be considered on a case by case basis, bearing in mind the desire of NuLBC to minimise public alarm and issues of possible property blight.

Once all the information has been gathered, a conceptual site model can be developed. The conceptual site model considers:

- What contamination may be present and where it may be found.
- What receptors are present (e.g. people living on the site).
- How the contaminants might impact the receptors (e.g. by people eating contaminated home grown produce).

The preliminary risk assessment follows the conceptual site model, by examining the likelihood the identified risks will come to pass.

It may be that the preliminary risk assessment does not consider there to be a significant risk from land contamination. In such instances, further investigation of that site will not be necessary.

## 6.5 OBTAINING FURTHER INFORMATION FROM RELEVANT PARTIES

It is reasonably possible that the information held by NuLBC on a site may be incomplete – for instance, where records have been lost, or were never submitted to NuLBC.

Such records may include site investigation reports, or details of remediation that was previously undertaken. Sometimes, copies of missing records may be held by third parties, such as the consultants who originally prepared the work, or building control agents (such as the National House Building Council).

During the preparation of a desk study, NuLBC will identify and contact relevant persons (if possible and appropriate) to request information that they may hold on the site. If necessary, enforcement powers will be used (as outlined in section 4.1.2).

## 6.6 POWERS OF ENTRY

Under Section 108 of the Environment Act 1995, NuLBC, or an authorised agent of NuLBC (such as an EA officer or appointed consultant), may exercise the following powers of entry when undertaking an investigation:

- a. Entry of premises;
- b. Entry with other authorised persons and with equipment or materials;
- c. Examination and Investigation;
- d. Direction that premises be left undisturbed;
- e. Taking measurements, photographs and recordings;
- f. Taking samples of air, water and land;
- g. Subjecting articles or substances suspected of being polluting to tests;
- h. Taking possession of and detaining such articles;
- i. Requiring persons to answer questions;
- j. Requiring production of records or the furnishing of extracts from computerised records;
- k. Requiring necessary facilities or assistance to be afforded; and
- l. Any other power conferred by the Regulations.

## 6.7 SECONDARY PRIORITISATION

At this stage, a number of desk studies will have been generated, each detailing the risks posed by land contamination.

The risks will be higher for some sites than others (e.g. where a previous site investigation identifies the presence of contamination). Sites with a higher risk will be prioritised for further investigation.

The secondary prioritisation relies on professional judgement and will inherently be subjective. Therefore, the decision-making process will periodically be documented (as a list) and justified.

The secondary prioritisation list will be reviewed periodically, as additional desk studies are completed.

## 7 DETAILED INSPECTION

### 7.1 OBTAINING FURTHER INFORMATION

Following the secondary prioritisation, NuLBC must determine whether there is a reasonable possibility that a significant contaminant linkage exists.

The process for obtaining additional information will continue until there is sufficient evidence for NuLBC to determine whether the land is contaminated or not.

If, at any stage, NuLBC considers that there is no longer a reasonable possibility that a significant contaminant linkage exists, NuLBC will not carry out any further inspection in relation to that linkage.

### 7.2 INTRUSIVE SITE INVESTIGATIONS

#### 7.2.1 GENERAL APPROACH

Where evaluation of all available data suggests that there is a reasonable possibility that a significant contaminant linkage exists, it may be necessary to visit the site and carry out some form of on-site testing, or collect samples for analysis. In every case this will be carried out by a 'suitable person' who is qualified to undertake the work. Inspections will be conducted as quickly and with as little disruption as reasonably possible.

NuLBC will make reasonable efforts to consult the landowner before inspecting their land, unless there is a particular reason why this is not possible.

Should the owner refuse access, or cannot be found, NuLBC will consider using powers of entry as outlined in Section 6.6.

#### 7.2.2 VOLUNTARY PROVISION OF INFORMATION

If a reasonable possibility of a contaminant linkage exists on a site, then NuLBC will consider undertaking an intrusive site inspection of the land in order to obtain sufficient information to determine whether it is contaminated land or not.

However, if a relevant person were to offer to provide such information within a reasonable and specified time, and does so, then NuLBC would not proceed with its own investigation.

#### 7.2.3 POTENTIAL SPECIAL SITES

In the case of potential special sites (as set out in the Contaminated Land (England) Regulations 2006), NuLBC will liaise with the EA and, subject to their advice and agreement, authorise the EA to carry out an intrusive site inspection.

The definition of a special site is reproduced in Appendix 2.

Where the EA carries out an inspection on behalf of NuLBC, regulatory functions under section 78B and 78C of the 1990 Act (including the inspection duty and the decision as to whether land is contaminated land) remain the sole responsibility of NuLBC.

#### 7.2.4 COUNCIL INSPECTIONS OF LAND

Intrusive investigations will be carried out by NuLBC in accordance with current standards of good practice.

Where appropriate, NuLBC may appoint third parties (such as a drilling contractor, consultant, or legal expert) to assist in the performance of its duties.

NuLBC will ensure, as far as possible, that third parties who undertake work on its behalf will be able to demonstrate an appropriate level of competency. The National Planning Policy Framework<sup>4</sup> defines a competent person (to assess land contamination) as:

*A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.*



## 8 RISK ASSESSMENT

### 8.1 GROUNDS FOR DETERMINATION

There are six possible grounds for determining land to be contaminated:

- Significant harm is being caused.
- There is a significant possibility of significant harm being caused.
- Significant pollution of controlled waters is being caused.
- There is a significant possibility of significant pollution of controlled waters.

With respect to harm from radioactivity (which applies only to human health):

- Harm is being caused.
- There is a significant possibility of harm being caused.

In making any determination NuLBC will take all relevant information into account, carry out appropriate scientific assessments, and act in accordance with Statutory Guidance. The determination will identify all three elements of the contaminant linkage and explain their significance.

### 8.2 EVALUATION OF RISK

#### 8.2.1 CURRENT USE

Under Part 2A, risks are evaluated in the context of the current use of the land. In this case, the current use is determined as:

- The current use of the land.
- Reasonably likely future use of the land which would not require planning permission.
- Any temporary use to which the land is put, or likely to be put, within the bounds of any current planning permission.
- Likely informal use of the land, whether authorised by the owners or occupiers, or not.

#### 8.2.2 CONTAMINANT LINKAGE

For there to be a risk, an appropriate contaminant linkage must exist (as outlined in

- A 'contaminant' is a substance which is in, on, or under the land and which has a potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.
- A 'receptor' is something that could be adversely affected by a contaminant – namely, a person, ecology, property, or controlled waters (as defined in Table 2).
- A 'pathway' defines how a receptor is or might be exposed to a contaminant.

A contaminant linkage is the relationship between a contaminant, a pathway and a receptor. All three elements of a contaminant linkage must exist in relation to a particular site before it can be considered to be contaminated land under Part 2A, including evidence of the actual presence of contaminants.

NuLBC may encounter sites with multiple contaminant linkages, from a number of different contaminants, pathways and receptors. In such cases, NuLBC may treat contaminants with

similar properties as a single contaminant source, provided that there is a scientifically robust reason for doing so; NuLBC will document the reasons for adopting this approach where appropriate.

### 8.2.3 RISK ASSESSMENT

The process of risk assessment involves understanding the risks posed by land and the likelihood of those risks being realised.

As more information is obtained on a site, the understanding of the risks will increase and the uncertainties will decrease.

The collection of information continues until it is possible for NuLBC to decide whether or not the site is, or is likely to be, contaminated land.

In order to justify the collection of more information on a site, NuLBC must be satisfied that an unacceptable risk could reasonably exist.

### 8.2.4 EXTERNAL EXPERTISE

Contaminated land is a complex subject and requires skills in a number of different disciplines. It is possible that, if a site is particularly complex, NuLBC may not have the appropriate in-house expertise to be able to undertake a risk assessment.

Where appropriate, NuLBC may seek the assistance of external experts; such expertise may come from partner organisations or be privately contracted.

### 8.2.5 NORMAL PRESENCE OF CONTAMINANTS

In some circumstances, substances might be present in what would otherwise be considered 'elevated' concentrations naturally, for instance:

- The natural presence of contaminants that might reasonably be considered typical of an area and have not been shown to pose an unacceptable risk to health or the environment.
- The presence of contaminants from low level diffuse pollution and common human activity (for example, from historic use of leaded petrol and the spreading of ash from domestic coal fires in gardens and allotments that might have been considered typical).

NuLBC will not usually consider such land to be contaminated, unless there is a particular reason to consider that those contaminants might pose a significant risk.

### 8.2.6 RISK ASSESSMENT METHODOLOGY

There are a range of methodologies for assessing risks from different contaminants to different receptors.

Current methodologies which would typically be used by NuLBC are outlined below, although such use would depend on their specific relevance to the site being investigated. The use of alternative risk assessment methodologies will be considered if there are justifiable reasons for doing so.

- Human Health – Soil Contamination

The Contaminated Land Exposure Assessment (CLEA) model<sup>16</sup> would usually be used to assess the risks from land contamination to human health.

NuLBC may also consider:

- Category 4 Screening Values (C4SL)
- Soil Guideline Values (SGV)

C4SL and SGV are both published by the EA and were developed using the CLEA model and are used to identify land that clearly does not pose a 'significant risk of significant harm' to human health. Where a C4SL or SGV is not available, generic assessment criteria (GAC) may be used instead, such as the 'Suitable for Use Levels'<sup>17</sup>

The use of screening values will only be considered where the assumptions used to generate those values are appropriate.

- Human Health – Ground Gas

When assessing risks from ground gas, NuLBC would consider guidance offered in BS8485<sup>18</sup> and CIRIA C665<sup>19</sup>.

- Human Health - Radioactivity

The risk assessment of potential radioactive contaminated land will be undertaken using the methodology outlined in the Radioactive Contaminated Land Exposure Assessment Model<sup>20</sup> (RCLEA).

- Groundwater

Risk assessments for groundwater will be undertaken using the EA Remedial Targets Methodology<sup>21</sup> where appropriate.

- Ecology

When considering risks to ecological systems, NuLBC would seek to follow the Ecological Risk Assessment<sup>22</sup> (ERA) methodology set out by the EA.

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<sup>16</sup> EA, Updated Technical Background to the CLEA model – Science Report SC050021/SR3, 2009

<sup>17</sup> Land Quality Press, The LQM/CIEH S4ULs for Human Health Risk Assessment, 2014

<sup>18</sup> BSi, BS8485 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, 2019

<sup>19</sup> CIRIA, CIRIA C665 Assessing Risks Posed by Hazardous Ground Gases to Buildings, 2007

<sup>20</sup> EA, Using RCLEA – the Radioactively Contaminated Land Exposure Assessment Methodology, 2011

<sup>21</sup> EA, Remedial Targets Methodology – Hydrogeological Risk Assessment for Land Contamination, 2006

<sup>22</sup> EA, An Ecological Risk Assessment Framework for Contaminants in Soil, 2008

## 8.2.7 CATEGORISATION OF RISK

Following each phase of risk assessment, land can be placed into one of four categories for human health or controlled water, as outlined in Table 4.

Category	Human Health	Controlled Water
1	A significant possibility of significant harm exists in any case where NuLBC considers there is an unacceptably high probability, supported by robust science based evidence that significant harm would occur if no action is taken to stop it.	There is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists.
2	There is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm; on the basis of the available evidence, including expert opinion, there is a strong case for taking action under Part 2A on a precautionary basis.	The strength of evidence to put the land into Category 1 does not exist; but nonetheless, on the basis of the available scientific evidence and expert opinion, considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis.
3	The strong case described above does not exist, and therefore the legal test for significant possibility of significant harm is not met.	The risks are such that the tests set out above are not met, and therefore regulatory intervention under Part 2A is not warranted.
4	There is no risk or the level of risk posed is low.	There is no risk, or the level of risk posed is low.

Table 4 – Risk Categorisation for Human Health and Controlled Water

In the case of radioactive land contamination, harm is being caused where lasting exposure gives rise to a dose that exceeds at least one of the following:

- a. An effective dose of 3 millisieverts per annum.
- b. An equivalent dose to the lens of the eye of 15 millisieverts per annum.
- c. An equivalent dose to the skin of 50 millisieverts per annum (over any area of at least 1cm<sup>2</sup>).

Risk assessments for ecological systems and property are not categorised in the same way as above, but instead are considered as outlined in Table 5 and Table 6.

Significant Harm	Significant Possibility of Significant Harm
Harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location.	Significant harm of that description is more likely than not to result from the contaminant linkage in question.
Harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location.	There is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration.
In the case of European sites, harm which endangers the favourable conservation status of natural habitats at such locations or species typically found there.	

Table 5 – Risk Categorisation for Ecological Systems

	Significant Harm	Significant Possibility of Significant Harm
Crops, Produce, Livestock, Domestic Animals and Game	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage.</p> <p>Significant harm would be considered when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose.</p> <p>Food will be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990.</p> <p>Where a diminution in yield or loss in value is caused by a contaminant linkage, a diminution or loss of over 20% will be regarded a substantial diminution or loss.</p> <p>For domestic pets, death, serious disease or serious physical damage.</p> <p>For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where NuLBC considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
Buildings	<p>Structural failure, substantial damage or substantial interference with any right of occupation.</p> <p>Substantial damage or substantial interference as occurs when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage will also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where NuLBC considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.</p>

Table 6 – Risk Categorisation for Property

## 9 DETERMINATION OF CONTAMINATED LAND

### 9.1 PRE-DETERMINATION

#### 9.1.1 NOTIFICATION OF DECISIONS

Where NuLBC inspects land and determines that it is not contaminated land, NuLBC will prepare a written statement confirming that it does not consider the land to be contaminated land.

NuLBC will maintain records of its decisions, including the reasons for deciding that land is not contaminated land.

NuLBC will also provide a copy of the written statement to the owners of the land; NuLBC will consider providing the same to other interested parties as appropriate and with due regard to its legal obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Where NuLBC considers that land meets the definition of contaminated land, it will inform the owners and occupiers of the land, as well as any other liable persons, of its intention to determine the land as contaminated land, unless there is an overriding reason not to do so.

NuLBC may consider representations from interested parties before making a formal determination.

#### 9.1.2 RISK SUMMARY

In accordance with the Statutory Guidance, NuLBC will produce a risk summary for any land where it considers it likely that the land may be determined as contaminated.

The risk summary will explain how NuLBC understands the risks and other factors which are relevant in a way that is understandable to non-experts; this will be prepared before a determination is made.

The risk summary will include:

- A summary of NuLBC's understanding of risk, including a description of:
  - The contaminants involved.
  - The identified contaminant linkages or a summary of the linkages.
  - The potential impacts.
  - The estimated possibility that impacts may occur.
  - The timescale over which risks may become manifest.
- A description of how NuLBC understands the uncertainties behind the risk.
- A description of the risks put in context.

- Initial views on possible remediation. This will include:
  - What remediation might entail.
  - How long remediation might take.
  - The likely effects of remediation work on local people and businesses.
  - How much difference it might be expected to make to the risks posed by the contaminated land.
  - An assessment of whether remediation would be likely to produce a net benefit.

### 9.1.3 PHYSICAL EXTENT OF LAND TO BE DETERMINED

NuLBC will identify the area of land that it is considering determining as contaminated land, based on the available information regarding historic land use boundaries and information from site investigations.

Large areas of contaminated land may be sub-divided into smaller plots, with separate determinations for each area, where appropriate. For instance, divisions may be based on the nature of the contaminant linkages which have been identified, historic and current land ownership, liability and the nature of any remediation which may be required.

### 9.1.4 VOLUNTARY REMEDIATION

NuLBC may decide not to determine the land, if there were an offer to deal with the contamination on a voluntary basis, although such a decision would be taken on a case by case basis, and would involve consideration of a number of factors including (but not limited to):

- Timescales.
- Technical acceptability.
- Proposed remediation standards.

## 9.2 DETERMINATION

If, following pre-determination consultation, there are no valid reasons to delay determination, NuLBC will formally determine land as contaminated land.

### 9.2.1 PUBLIC REGISTER

NuLBC maintains a public register of contaminated land, as prescribed by Section 78R of Part 2A (reproduced as Appendix 3).

Information on the public register may also be published on the NuLBC website.

### 9.2.2 SPECIAL SITES

Where a site is determined to be a special site (Appendix 2), the EA will formally assume the responsibilities of NuLBC with regards to the enforcement of Part 2A.

## 10 REMEDIATION

### 10.1 OUTLINE

Once land has been determined as contaminated land, NuLBC must consider how it should be remediated and, where appropriate, it must issue a remediation notice.

Remediation works by breaking the contaminant linkage, thus ensuring that the site no longer poses an unacceptable risk to any receptors; remediation may also involve taking reasonable steps to remedy harm or pollution that has been caused by a contaminant linkage.

### 10.2 REMEDIATION WORKS

#### 10.2.1 REMEDIATION AIMS

The aim of remediation is to demonstrably address contaminant linkages. Such works may involve the following:

- Reducing or treating the contaminant part of the linkage (e.g. by physically removing contaminants or contaminated soil or water, or by altering the chemical or physical form of the contaminants).
- Breaking, removing or disrupting the pathway parts of the linkage (e.g. a pathway could be disrupted by removing or reducing the chance that receptors might be exposed to contaminants, for example by installing gas membranes in a property, or by sealing land with a material such as clay or concrete).
- Protecting or removing the receptor (e.g. by changing the land use or restricting access to land it may be possible to reduce risks to a more acceptable level).

Remediation may be completed in one operation, or split across several phases.

As well as carrying out remediation, further site investigation may be required in order to provide evidence that the remediation has been carried out to a satisfactory standard (known as verification), or to determine where further works may be required. Further investigations may involve site monitoring, especially where groundwater or ground gas are involved, over a prolonged period in order to obtain sufficient information on which to make a robust decision.



### 10.2.2 REMEDIATION STANDARDS AND REASONABLENESS

The overall aim of remediation works is to break the contaminant linkage that has been identified on a site. However, NuLBC will consider the reasonableness of the remediation requirements, taking into account the cost of remediation works and the seriousness of any harm that might be caused.

Where NuLBC considers that it is not practicable or reasonable to remediate land to a degree where it stops being contaminated land, it will consider instead whether it would be reasonable to require remediation to a lesser standard.

When considering what is reasonable, NuLBC will take into account:

- The practicability, effectiveness and durability of remediation.
- The health and environmental impacts of the chosen remedial options.
- The financial cost which is likely to be involved.
- The benefits of remediation with regard to the seriousness of the harm or pollution of controlled waters in question.

## 11 LIABILITY AND COSTS

Under Part 2A, NuLBC is responsible for identifying liable persons and apportioning liability amongst those groups; NuLBC may also recover its costs where it has had to carry out remediation. This section outlines the process that NuLBC will follow when doing so.

### 11.1 IDENTIFICATION OF LIABLE PERSONS

For each identified significant contaminant linkage, NuLBC will make reasonable enquiries to identify persons who caused or knowingly permitted that linkage. Those persons are classified as follows:

- Class A persons – Generally the polluters and those who knowingly permit contamination; this includes developers who leave contamination on a site.
- Class B persons – The current owners or occupiers of the land.

If no Class A persons can be identified for a given contaminant linkage, then liability may fall to Class B persons (with the exception of contaminant linkages that fall solely to controlled waters).

Once all of the liable persons have been identified, they are placed in a liability group, based on their class (i.e. a 'Class A liability group' or a 'Class B liability group').

If no liable persons can be established, that contaminant linkage becomes an orphan linkage; NuLBC has the power to carry out remediation of orphan linkages, at its own cost.

### 11.2 REMEDIATION

Following identification of the liable persons for each contaminant linkage, NuLBC will identify the remediation that is necessary for each contaminant linkage.

Where there is only one contaminant linkage on the contaminated land, all remediation actions will refer to that contaminant linkage. However, if there are two or more contaminant linkages, NuLBC will establish if that remediation action relates to a single contaminant linkage (a single linkage action) or multiple contaminant linkages (a shared action).

Where remediation is a shared action, NuLBC will establish whether the shared action is:

- A common action – that which addresses contaminant linkages to which it is referable, and would have been part of the remediation works if each contaminant linkage had been addressed separately.
- A collective action – that which addresses contaminant linkages to which it is referable, but would not have been part of the remediation for one or more of those contaminant linkages if they had been addressed separately.

This distinction may be important when considering how costs may be split between liable persons.

## 11.3 ATTRIBUTING LIABILITY

Where a liability group has been established for a contaminant linkage, that group will be responsible for carrying the cost of remediation.

NuLBC will determine specific liabilities (in terms of exemptions and or the apportionment of costs) in accordance with the requirements of Part 2A and Statutory Guidance.

## 11.4 RECOVERY OF COSTS

Under Part 2A, if NuLBC carries out remediation it is entitled to recover its reasonable costs for doing so.

### 11.4.1 COST RECOVERY DECISIONS

When deciding on whether to pursue recovery of costs, NuLBC will have regards to the following principles:

- That the recovery of costs should be as fair and equitable as possible to all stakeholders, including the taxpayer.
- That the 'polluter pays principle' should apply.

NuLBC will seek to recover all of its reasonable costs for remediation; however, NuLBC may waive or reduce the recovery of its costs where it considers this appropriate and reasonable – for instance, in circumstances where:

- The recovery of costs would cause undue hardship to the appropriate person.
- There is a threat of business insolvency or closure.
- There could be adverse impacts on the activities of charities.
- There could be adverse impacts on registered social landlords.
- In the case of Class B persons (and where the presence of contamination was not known about or reasonably foreseeable), where recovering full costs appears to be unreasonable.

NuLBC may be willing to consider deferring the recovery of costs and instead secure them by a charge on the land in question.

When making decisions on the recovery of costs, NuLBC will require relevant information on that person's financial status; when making such requests, NuLBC will consider:

- Accessibility of the information.
- The cost of obtaining the information
- The likely significance of the information.

Any personal financial information obtained by NuLBC will be held in accordance with the requirements of the Data Protection Act 2018.

NuLBC will inform relevant persons of the outcome of cost recovery decisions, and the reasons for making those decisions.

## 12 MISCELLANEOUS PROVISIONS

### 12.1 FUNDING FOR CONTAMINATED LAND STRATEGY

NuLBC will seek to advance the Contaminated Land Strategy in line with its statutory duties, as budgetary constraints allow.

Where possible, NuLBC will seek funding for the investigation of potentially contaminated land from central government and the EA.

### 12.2 PROGRESS ON STRATEGY

Progress on addressing contaminated land will be reported on as a performance indicator, as required under the NuLBC Plan (Section 3.4). Progress will also be incorporated into an annual review.

The performance indicator will take into account remediation of potentially contaminated sites through the actions of the planning process, as well as through other means (such as Part 2A or the Environmental Damage Regulations 2015).

### 12.3 COUNCIL OWNED LAND

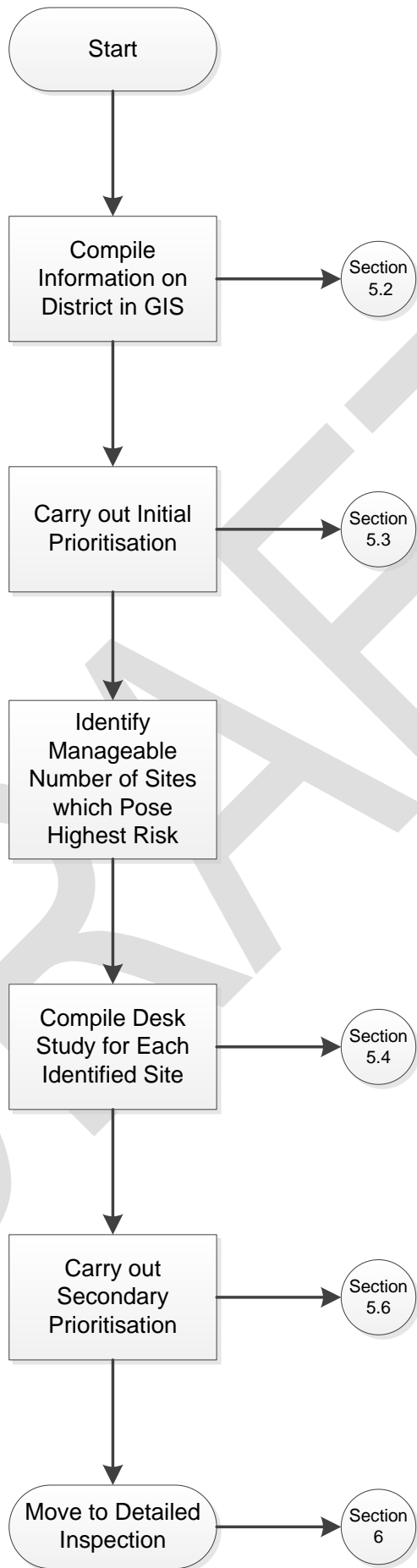
It may be the case that NuLBC may have some liability or other interest in land identified as potentially contaminated under this Strategy. This could occur for a number of reasons, including:

- Land identified as potentially contaminated is owned by NuLBC
- NuLBC has been identified as a potentially liable person (see Section 11).

NuLBC will treat its land on the same basis as privately owned land.

## APPENDIX 1 - PRIORITISATION FLOW CHART

DRAFT



**APPENDIX 2 - LEGAL DEFINITION OF SPECIAL SITE**

DRAFT

The following is an extract from the Contaminated Land (England) Regulations 2006.

### Land required to be designated as a special site

2.—

- (1) Contaminated land of the following descriptions is prescribed for the purposes of section 78C(8) as land required to be designated as a special site—
  - (a) land affecting controlled waters in the circumstances specified in regulation 3;
  - (b) land which is contaminated land by reason of waste acid tars in, on or under the land;
  - (c) land on which any of the following activities have been carried on at any time—
    - (i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal; or
    - (ii) the manufacture or processing of explosives;
  - (d) land on which a prescribed process designated for central control has been or is being carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation;
  - (e) land on which an activity has been or is being carried on in a Part A(1) installation or by means of Part A(1) mobile plant under a permit, where the activity does not solely consist of things being done which are required by way of remediation;
  - (f) land within a nuclear site;
  - (g) land owned or occupied by or on behalf of—
    - (i) the Secretary of State for Defence;
    - (ii) the Defence Council,
    - (iii) an international headquarters or defence organisation, or
    - (iv) the service authority of a visiting force, being land used for naval, military or air force purposes;
  - (h) land on which the manufacture, production or disposal of—
    - (i) chemical weapons,
    - (ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974(1) (restriction on development of biological agents and toxins), or



- (iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons), has been carried on at any time;
  - (i) land comprising premises which are or were designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991(2) (arrangements for development etc of nuclear devices);
  - (j) land to which section 30 of the Armed Forces Act 1996(3) (land held for the benefit of Greenwich Hospital) applies;
  - (k) land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and
  - (l) land which—
    - (i) is adjoining or adjacent to land of a description specified in any of sub-paragraphs (b) to (k); and
    - (ii) is contaminated land by virtue of substances which appear to have escaped from land of such a description.
- (2) For the purposes of paragraph (1)(b), 'waste acid tars' are tars which—
  - (a) contain sulphuric acid;
  - (b) were produced as a result of the refining of benzole, used lubricants or petroleum; and
  - (c) are or were stored on land used as a retention basin for the disposal of such tars.
- (3) In paragraph (1)(d), 'authorisation' and 'prescribed process' have the same meanings as in Part 1 of the 1990 Act (integrated pollution control and air pollution control by local authorities) and the reference to designation for central control is a reference to designation under section 2(4) (which provides for processes to be designated for central or local control).
- (4) In paragraph (1)(e), 'Part A(1) installation', 'Part A(1) mobile plant' and 'permit' have the same meanings as in the Pollution Prevention and Control (England and Wales) Regulations 2000(4).
- (5) In paragraph (1)(f), 'nuclear site' means—
  - (a) any site in respect of which, or part of which, a nuclear site licence is for the time being in force; or
  - (b) any site in respect of which, or part of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not come to an end.
- (6) In paragraph (5), 'nuclear site licence', 'licensee' and 'period of responsibility' have the meanings given by the Nuclear Installations Act 1965(5).

(7) For the purposes of paragraph (1)(g), land used for residential purposes or by the Navy, Army and Air Force Institutes must be treated as land used for naval, military or air force purposes only if the land forms part of a base occupied for naval, military or air force purposes.

(8) In paragraph (1)(g)—

‘international headquarters’ and ‘defence organisation’ mean, respectively, any international headquarters, and any defence organisation, designated for the purposes of the International Headquarters and Defence Organisations Act 1964(6);

‘service authority’ and ‘visiting force’ have the same meanings as in Part 1 of the Visiting Forces Act 1952(7).

(9) In paragraph (1)(h), ‘chemical weapon’ has the same meaning as in subsection (1) of section 1 of the Chemical Weapons Act 1996(8), disregarding subsection (2) of that section.

### **Pollution of controlled waters**

3. The circumstances to which regulation 2(1)(a) refers are where—

(a) controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land and, as a result, require a treatment process or a change in such a process to be applied to those waters before use, so as to be regarded as wholesome within the meaning of Part 3 of the Water Industry Act 1991(1) (water supply);

(b) controlled waters are being affected by the land and, as a result, those waters do not meet or are not likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under section 82 of the Water Resources Act 1991(2) (classification of quality of waters); or

(c) controlled waters are being affected by the land and—

(i) any of the substances by reason of which the pollution of the waters is being or is likely to be caused falls within any of the families or groups of substances listed in paragraph 1 of Schedule 1 to these Regulations; and

(ii) the waters, or any part of the waters, are contained within underground strata which comprise wholly or partly any of the formations of rocks listed in paragraph 2 of Schedule 1 to these Regulations.

## SCHEDULE 1

### SPECIAL SITES

1. The families and groups of substances relevant for the purposes of regulation 3(c)(i) are—

organohalogen compounds and substances which may form such compounds in the aquatic environment;

organophosphorus compounds;

organotin compounds;

substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment;

mercury and its compounds;

cadmium and its compounds;

mineral oil and other hydrocarbons;

cyanides.

2. The formations of rocks relevant for the purposes of regulation 3(c)(ii) are—

Pleistocene Norwich Crag;

Upper Cretaceous Chalk;

Lower Cretaceous Sandstones;

Upper Jurassic Corallian;

Middle Jurassic Limestones;

Lower Jurassic Cotteswold Sands;

Permo–Triassic Sherwood Sandstone Group **[this geological unit is found within the Borough];**

Upper Permian Magnesian Limestone;

Lower Permian Penrith Sandstone;

Lower Permian Collyhurst Sandstone;

Lower Permian Basal Breccias, Conglomerates and Sandstones;

Lower Carboniferous Limestones.

**APPENDIX 3 - PUBLIC REGISTER OF INFORMATION**

DRAFT

The following is an extract from the Environmental Protection Act 1990 Part 2A.

### 78R Registers.

- (1) Every enforcing authority shall maintain a register containing prescribed particulars of or relating to—
  - (a) remediation notices served by that authority;
  - (b) appeals against any such remediation notices;
  - (c) remediation statements or remediation declarations prepared and published under section 78H above;
  - (d) in relation to an enforcing authority in England and Wales, appeals against charging notices served by that authority;
  - (e) notices under subsection (1)(b) or (5)(a) of section 78C above which have effect by virtue of subsection (7) of that section as the designation of any land as a special site;
  - (f) notices under subsection (4)(b) of section 78D above which have effect by virtue of subsection (6) of that section as the designation of any land as a special site;
  - (g) notices given by or to the enforcing authority under section 78Q(4) above terminating the designation of any land as a special site;
  - (h) notifications given to that authority by persons—
    - (i) on whom a remediation notice has been served, or
    - (ii) who are or were required by virtue of section 78H(8)(a) above to prepare and publish a remediation statement, of what they claim has been done by them by way of remediation;
  - (j) notifications given to that authority by owners or occupiers of land—
    - (i) in respect of which a remediation notice has been served, or
    - (ii) in respect of which a remediation statement has been prepared and published, of what they claim has been done on the land in question by way of remediation;
  - (k) convictions for such offences under section 78M above as may be prescribed;
  - (l) such other matters relating to contaminated land as may be prescribed; but that duty is subject to sections 78S and 78T below.
- (2) The form of, and the descriptions of information to be contained in, notifications for the purposes of subsection (1)(h) or (j) above may be prescribed by the Secretary of State.

- (3) No entry made in a register by virtue of subsection (1)(h) or (j) above constitutes a representation by the body maintaining the register or, in a case where the entry is made by virtue of subsection (6) below, the authority which sent the copy of the particulars in question pursuant to subsection (4) or (5) below—
  - (a) that what is stated in the entry to have been done has in fact been done; or
  - (b) as to the manner in which it has been done.
- (4) Where any particulars are entered on a register maintained under this section by the appropriate Agency, the appropriate Agency shall send a copy of those particulars to the local authority in whose area is situated the land to which the particulars relate.
- (5) In any case where—
  - (a) any land is treated by virtue of section 78X(2) below as situated in the area of a local authority other than the local authority in whose area it is in fact situated, and
  - (b) any particulars relating to that land are entered on the register maintained under this section by the local authority in whose area the land is so treated as situated, that authority shall send a copy of those particulars to the local authority in whose area the land is in fact situated.
- (6) Where a local authority receives a copy of any particulars sent to it pursuant to subsection (4) or (5) above, it shall enter those particulars on the register maintained by it under this section.
- (7) Where information of any description is excluded by virtue of section 78T below from any register maintained under this section, a statement shall be entered in the register indicating the existence of information of that description.
- (8) It shall be the duty of each enforcing authority—
  - (a) to secure that the registers maintained by it under this section are available, at all reasonable times, for inspection by the public free of charge; and
  - (b) to afford to members of the public facilities for obtaining copies of entries, on payment of reasonable charges; and, for the purposes of this subsection, places may be prescribed by the Secretary of State at which any such registers or facilities as are mentioned in paragraph (a) or (b) above are to be available or afforded to the public in pursuance of the paragraph in question.
- (9) Registers under this section may be kept in any form.

**78S Exclusion from registers of information affecting national security.**

- (1) No information shall be included in a register maintained under section 78R above if and so long as, in the opinion of the Secretary of State, the inclusion in the register of that information, or information of that description, would be contrary to the interests of national security.

- (2) The Secretary of State may, for the purpose of securing the exclusion from registers of information to which subsection (1) above applies, give to enforcing authorities directions—
- (a) specifying information, or descriptions of information, to be excluded from their registers; or
  - (b) specifying descriptions of information to be referred to the Secretary of State for his determination; and no information referred to the Secretary of State in pursuance of paragraph (b) above shall be included in any such register until the Secretary of State determines that it should be so included.
- (3) The enforcing authority shall notify the Secretary of State of any information which it excludes from the register in pursuance of directions under subsection (2) above.
- (4) A person may, as respects any information which appears to him to be information to which subsection (1) above may apply, give a notice to the Secretary of State specifying the information and indicating its apparent nature; and, if he does so—
- (a) he shall notify the enforcing authority that he has done so; and
  - (b) no information so notified to the Secretary of State shall be included in any such register until the Secretary of State has determined that it should be so included.

**78T Exclusion from registers of certain confidential information.**

- (1) No information relating to the affairs of any individual or business shall be included in a register maintained under section 78R above, without the consent of that individual or the person for the time being carrying on that business, if and so long as the information—
- (a) is, in relation to him, commercially confidential; and
  - (b) is not required to be included in the register in pursuance of directions under subsection (7) below; but information is not commercially confidential for the purposes of this section unless it is determined under this section to be so by the enforcing authority or, on appeal, by the Secretary of State.
- (2) Where it appears to an enforcing authority that any information which has been obtained by the authority under or by virtue of any provision of this Part might be commercially confidential, the authority shall—
- (a) give to the person to whom or whose business it relates notice that that information is required to be included in the register unless excluded under this section; and
  - (b) give him a reasonable opportunity—
    - (i) of objecting to the inclusion of the information on the ground that it is commercially confidential; and

- (ii) of making representations to the authority for the purpose of justifying any such objection; and, if any representations are made, the enforcing authority shall, having taken the representations into account, determine whether the information is or is not commercially confidential.
- (3) Where, under subsection (2) above, an authority determines that information is not commercially confidential—
  - (a) the information shall not be entered in the register until the end of the period of twenty-one days beginning with the date on which the determination is notified to the person concerned;
  - (b) that person may appeal to the Secretary of State against the decision; and, where an appeal is brought in respect of any information, the information shall not be entered in the register until the end of the period of seven days following the day on which the appeal is finally determined or withdrawn.
- (4) An appeal under subsection (3) above shall, if either party to the appeal so requests or the Secretary of State so decides, take or continue in the form of a hearing (which must be held in private).
- (5) Subsection (10) of section 15 above shall apply in relation to an appeal under subsection (3) above as it applies in relation to an appeal under that section.
- (6) Subsection (3) above is subject to section 114 of the Environment Act 1995 (delegation or reference of appeals etc).
- (7) The Secretary of State may give to the enforcing authorities directions as to specified information, or descriptions of information, which the public interest requires to be included in registers maintained under section 78R above notwithstanding that the information may be commercially confidential.
- (8) Information excluded from a register shall be treated as ceasing to be commercially confidential for the purposes of this section at the expiry of the period of four years beginning with the date of the determination by virtue of which it was excluded; but the person who furnished it may apply to the authority for the information to remain excluded from the register on the ground that it is still commercially confidential and the authority shall determine whether or not that is the case.
- (9) Subsections (3) to (6) above shall apply in relation to a determination under subsection (8) above as they apply in relation to a determination under subsection (2) above.
- (10) Information is, for the purposes of any determination under this section, commercially confidential, in relation to any individual or person, if its being contained in the register would prejudice to an unreasonable degree the commercial interests of that individual or person.
- (11) For the purposes of subsection (10) above, there shall be disregarded any prejudice to the commercial interests of any individual or person so far as relating only to the value of the contaminated land in question or otherwise to the ownership or occupation of that land.



## **Cabinet Forward Plan**

This plan gives notice of decisions that [Cabinet](#) is expecting to take over the next few months. It also gives, except in cases of urgency, at least 28 days notice of all “Key Decisions” that will be taken. “Key Decisions” are decisions about “executive” functions that will:-

- A) result in the Council incurring expenditure or making savings of £100,000 or more (revenue), and/or £250,000 or more (capital); and/or
- B) be significant in terms of the effects on communities living or working in an area comprising two or more wards of the Borough.

We have to take some Cabinet decisions in private because they deal with confidential or “exempt” information. That is information described in one or more of the following categories set out in 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

If we intend to take a decision in private, we will tell you why in the plan below. If you disagree with our reasons, you can tell us why using the contact details below. We will respond to you directly and will publish our response in the meeting agenda. If we have published the meeting agenda before we can respond, we will respond verbally at the meeting and record the response in the minutes.

You can find more information about Cabinet, Cabinet Members and their portfolios, agendas, reports and minutes [here](#).

More information on Cabinet procedures, executive functions, Key Decisions, urgent decisions and access to information is available in our [Constitution](#).

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if applicable)	Key Decision Yes/No
Revenue & Capital Budget & Strategies 2022-23	To consider the budget and strategies for the forthcoming financial year	Finance, Town Centres & Growth	Cabinet 2 February 2022	Finance, Assets and Performance	All Wards	N/A	Y
Appointment of External Auditor	To consider the appointment of the External Auditor	Finance, Town Centres & Growth	Cabinet 2 February 2022	Finance, Assets and Performance	All Wards	N/A	Y
Contaminated Land Strategy refresh	To consider the refresh of the strategy	Environment and Recycling	Cabinet 2 February 2022	Economy, Environment & Place	All Wards	N/A	N
Urban Tree Strategy Update	To consider an update	Environment and Recycling	Cabinet 2 February 2022	Economy, Environment & Place	All Wards	N/A	N
Establishment of a Staffordshire Leaders Board	To consider the establishment of a Board	One Council, People & Partnerships	Cabinet 2 February 2022	Finance, Assets and Performance	All Wards	N/A	N
Walley's Quarry update	To consider an update	Environment and Recycling	Cabinet 2 February 2022	Economy, Environment & Place	All Wards		N
Irrecoverable Items	To consider a report on irrecoverable items  A confidential appendix will be considered alongside this report. It will be	Finance, Town Centres & Growth	Cabinet 23 March 2022	Finance, Town Centres & Growth	All Wards	Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A (as amended) of the Local	Y

	considered under Part 2 of the agenda by virtue of paragraphs 1, 2 and 3 of Part 1 of Schedule 12A (as amended) of the Local Government Act, 1972					Government Act 1972 – Para 1 - Information relating to any individual ; Para 2 - Information which is likely to reveal the identity of an individual; Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
Future High Streets Fund – York Place	To consider a report on appointing a contractor to develop the design and build contract for York Place  A confidential appendix will be considered alongside this report. It will be considered under Part 2 of the agenda by virtue of paragraph 3 of Part 1 of Schedule 12A (as	Finance, Town Centres & Growth	Cabinet 23 March 2022	Economy, Environment & Place	All Wards	Paragraph 3 of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 - Information relating to the financial or business affairs of any	Y

	amended) of the Local Government Act, 1972					particular person (including the authority holding that information)	
Quarter 3 Budget & Performance report	To receive the Q3 Finance & Performance Report	Finance, Town Centres & Growth	Cabinet 23 March 2022	Finance, Assets & Performance	All Wards		Y
Town Deal – next steps	To consider the next steps in the Town Deal fund	Finance, Town Centres & Growth	Cabinet 23 March 2022	Finance, Assets & Performance	All Wards		Y
Walley's Quarry update	To consider an update	Environment and Recycling	Cabinet 23 March 2022	Economy, Environment and Place	All Wards	N/A	N
Sustainable Environment Strategy Update	To consider an update	Environment and Recycling	Cabinet 23 March 2022	Economy, Environment and Place	All Wards		N