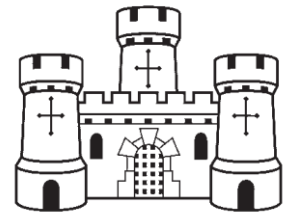


Date of meeting Thursday, 17th December, 2020

Time 7.00 pm

Venue Economy, Environment and Place Scrutiny Committee - Hybrid Meeting - Conference

Contact democraticservices@newcastle-staffs.gov.uk



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Economy, Environment & Place Scrutiny Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF A PREVIOUS MEETING** **(Pages 3 - 8)**
To consider the minutes of the last meeting of the Committee held on 12th November 2020.
- 4 UPDATE FROM CABINET**
Nothing to report
- 5 TOWN DEALS - KIDSGROVE AND NEWCASTLE**
To receive a presentation on the Town Deals for Kidsgrove and Newcastle
- 6 LITTER BINS - PROVISION AND SERVICING** **(Pages 9 - 14)**
- 7 PLANNING ENFORCEMENT UPDATE** **(Pages 15 - 20)**
- 8 OVERVIEW OF DATA AND POTENTIAL SAVINGS IN THE RELOCATION TO CASTLE HOUSE** **(Pages 21 - 26)**
- 9 WORK PROGRAMME** **(Pages 27 - 32)**
- 10 PUBLIC QUESTION TIME**
Any member of the public wishing to submit a question must serve two clear days' notice, in writing, of any such question to the Borough Council.
- 11 URGENT BUSINESS**

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

Members: Councillors Gary White (Chair), Gill Heesom (Vice-Chair), Mark Olszewski, Barry Panter, Marion Reddish, John Tagg, Amelia Rout, Dave Jones, Andrew Fear, Jennifer Cooper and David Grocott

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.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Andrew Parker	Simon White
	Paul Waring	Ian Wilkes
	Tony Kearon	June Walklate
	Gillian Burnett	

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING 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.

Thursday, 12th November, 2020
Time of Commencement: 8.05 pm

Also in attendance: Pete Price Air Quality Project Manager

The Portfolio Holder for Environment and Recycling, Councillor Trevor Johnson introduced the item stating that the Plan had been put together to tackle the air pollution caused by road traffic. Two years ago, councils were issued with a directive

to investigate where emissions were excessive and to formulate a plan to tackle the issues.

The Borough has one area within its area where emissions were excessive - at the junction of Basford Park Road and Victoria Street. There were two further areas which had been identified within the Stoke on Trent boundary. Newcastle Borough Council and Stoke City Council had been working together to find a solution to bring the emission levels down.

The Council's Head of Environmental Health Services, Nesta Barker gave a presentation to Members which outlined the main points and which covered the following:

- (i) The legislative and Government requirements on Stoke-on-Trent City, Newcastle-under-Lyme Borough and Staffordshire County Councils
- (ii) The study to date, including options identification, appraisal and emergence of preferred option, plus Covid sensitivity testing
- (iii) Key decision process to approve preferred option
- (iv) Full Business Case submission and funding bid to Government
- (v) Process for funding approval and implementation of preferred option
- (vi) Achievement of compliance with Ministerial Direction, monitoring, evaluation and decommissioning

The presentation outlined six options which were:

- 1. Benchmark Clean Air Zone D
- 2. Low impact traffic management scheme
- 3. High impact traffic management plus Victoria Road Mini Clean Air Zone
- 4. High impact traffic management scheme
- 5. Alternative Benchmark Clean Air Zone C
- 6. High impact traffic management scheme plus complementary measures.

Members' attention was drawn to pages 8 and 9 of Appendix A which gave further options.

The preferred option was set out in detail at Appendix B of the agenda report. In July, 2020, the Government asked local councils to look at the impact that Covid-19 had on traffic as more people were working from home and there were more people cycling and walking for exercise. There had also been a reduction in the use of public transport.

Members were advised of the decision process in approving the preferred option which was:

•Cabinet report recommendations:

- a) Cabinet considers the comments received in relation to the North Staffordshire Local Air Quality Plan from Economy, Environment & Place Scrutiny Committee held on 12 November 2020.
- b) Cabinet approve the Outline Business Case for the North Staffordshire Local Air Quality Plan for tackling roadside nitrogen dioxide exceedances, including technical addenda, as contained in Appendices C and D, for submission to Government, in line with the requirements of the Environment Act 1995 (Implementation of Measures for Nitrogen Dioxide Compliance) Air Quality Direction 2018 (the “2018 Direction”) and subsequent amendments by the Secretary of State for the Environment.
- c) Subject to approval of (a), that Cabinet request a further report from the Head of Environmental Health Services in June 2021, setting out the Full Business Case, including the detailed costs and proposed funding bid to Government
- d) Subject to approval of (a), that Cabinet delegates authority to the Director of Operational Services alongside Portfolio Holder for Environment & Recycling to enter into a legal agreement with Staffordshire County Council (SCC) and Stoke-on-Trent City Council (SOTCC) to jointly submit the Full Business Case and deliver the preferred option in line with the requirements of the Environment Act 1995 (Implementation of Measures for Nitrogen Dioxide Compliance) Air Quality Direction 2018 and subsequent amendments by the Secretary of State for the Environment.
- e) The Chief Executive is authorised to enter into a contract to complete the Full Business Case (and inform the Cabinet Member for Environment and Recycling), by direct award to the supplier for the delivery of the Outline Business Case for the North Staffordshire Local Air Quality Plan.
- f) Members note the progress made in relation to the delivery of the Ministerial Direction requiring a bus retrofit scheme for busses operating on the A53.

If approved, there would be a Full Business Case and funding bid to the government which would involve:

- Responding to Government feedback on the Outline Business Case
- A legal agreement drawn up for the delivery of the preferred option
- Finalising the Commercial and Management Cases
- Completion of impact assessments:
 - Health Impact Assessment (HIA)
 - Equalities Impact Assessment
 - Community Impact assessment (County Council)
- Detailed design and costings and finalising the Financial Case
- Full Business Case sent to Cabinet meetings in –June/July 2021
- Submission of the Full Business Case to Government by 31 July 2021.

Compliance would be achieved by 2023, following which there would be a period of monitoring and evaluation between 2023 and 2026. In 2026/2027, natural compliance would be achieved through natural fleet renewal which would result in the bus gates no longer being required to deliver compliance. This would then present the potential for decommissioning and removal of the gate which would be funded by the government.

Councillor Olszewski asked how residents on Etruria Road would access their properties. Also, how would bus emissions be measured and finally, where would traffic that would normally travel up Etruria Road go to?

Nesta Barker advised that an alternative route would have to be found by residents on Etruria Road, possibly going around and back down the A53. Alternative routes were being looked at in the modelling completed.

With regard to the bus emissions, First Buses had retrofitted some of their vehicles and it would be those vehicles operating on these routes.

Councillor Fear stated that he was pleased to hear that it would be one way and queried reference to the removal of vegetation stating that he thought that vegetation was a good thing.

Nesta Barker advised that the reference was to vegetation on the hill. To improve air quality, good dispersal was required. The vegetation currently created a canopy/tunnel so the emissions could not disperse.

Councillor Fear asked if this would mean the total removal or a trimming back. Nesta Barker advised that this had not yet been fully decided upon. All of the vegetation could not be removed as this would affect the stability of the slope.

Councillor Fear stated that he would like to see the plans for removal of vegetation as an oversight of this was needed. Nesta Barker advised that this could be taken up in terms of the Full Business case.

Councillor Panter asked what monitoring devices would be used to catch anyone using the bus route. Nesta Barker advised that the bus gate would have Automatic Number Plate Recognition to pick up on non-compliance. This would be regulated, monitored and enforced.

There were no fixed air quality monitoring stations. Diffusion tubes were used and located around the Borough

Pete Price advised Members that the figures that had been quoted in the presentation were based on a model which now needed to be backed up by real time monitoring.

Councillor Jenny Cooper asked what the traffic calming measures would be. The diverting of traffic had been mentioned. What would the impact on surrounding areas be?

Nesta Barker advised that the traffic calming measures related to Victoria Road, Stoke on Trent.

Pete Price advised that there would be two traffic changes. The traffic signals at Sandy Lane junction would include pedestrian plus the relocation of a bus stop was proposed – to move it opposite to the New Vic Theatre which would move it away from the exceedance location.

Councillor Olszewski asked if both junctions would have pelican crossings. Nesta Barker advised that adding a pedestrian phase into the signals would encourage walking and cycling.

Councillor Olszewski stated that the May Bank corridor had always been on the brink of exceeding the emissions level and asked if the relocation would push the levels over the top and also, what modelling had been done to ensure that the exceedance was not just being moved.

Nesta Barker advised that the Etruria Valley Link Road was included in the model. In terms of the annual status report to the government, the Council had complied in the May Bank area and therefore the Government were asking for that measure to be revoked.

The modelling that had been undertaken did not show an exceedance of $40\mu\text{gM}^{-3}$. Councillor Olszewski asked how close to forty the figures were. Nesta Barker would check on this and inform the Members.

Councillor Panter referred to paragraph 1.9 of Appendix A which related to ages of vehicles and asked if this was fixed or if it could be moved. Nesta Barker advised that this related to the dates of the European classifications and was the latest date for engine types. Provided that you have a vehicle registered on those dates it would meet the standard. This is applicable to clean air zone only.

Pete Price advised that if the Council went down the route of a Clean Air Zone everyone would need to know when their vehicle was registered and whether it complied.

Councillor Jenny Cooper asked if the areas currently being monitored in Porthill, Wolstanton and May Bank were part of the scheme. Nesta Barker confirmed that that was a separate scheme for local air quality management.

Councillor Olszewski asked for clarification of the bus gateway –if it would run from the roundabout to the former Queen's nightclub. Nesta Barker advised that it would run from the roundabout and would just be in that area – not going up to the Queens' as compliance was achieved further up the road.

Councillor Olszewski asked that Councillor Fear's concerns regarding the vegetation be taken into account.

Nesta Barker confirmed that the Full Business Case would take the details into account.

Councillor Reddish asked for clarification that, from the roundabout could all vehicles still go up there to Basford Park Road. Nesta Barker stated that the restriction on access would only allow buses, cycles and taxis to go through at the specified times.

Resolved: That Cabinet be advised that the Economy Environment and Place Scrutiny Committee support the preferred option and outline business

case and request that additional specific detail on the tree removal is provided at the Full Business Case stage

5. PUBLIC QUESTION TIME

There were no questions from the public.

6. URGENT BUSINESS

There was no urgent business.

CLLR GILL HEESOM
Chair

Meeting concluded at Time Not Specified

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO ECONOMY, ENVIRONMENT AND PLACE SCRUTINY COMMITTEE

17 December 2020

Report Title: Litter Bins – Provision and Servicing

Submitted by: Head of Operations – Roger Tait

Portfolios: Environment and Recycling

Ward(s) affected: All

Purpose of the Report

To respond to a request from the Chair of the Committee for information on the current approach to litter bin provision and servicing in the Borough

Recommendation

That the Committee receive the report and note the current operational approach to litter bin provision and servicing

Reasons

To ensure members are aware of the Council's current approach to litter bin provision and servicing.

1. **Background**

The Chair of the Economy, Environment and Place Scrutiny Committee has requested a report on litter bin provision and servicing in the Borough.

A meeting was held with the Chair on 17th November 2020 to agree the scope of the report. It was agreed that the report would provide information on the current approach to litter bin provision and servicing and consideration of any known additional current or future demand.

2. **Issues**

The Council is a Principal Litter Authority and has a statutory duty to keep specified land clear of litter and refuse under the Environmental Protection Act 1990. The Council carries out a range of activities in order to fulfil this duty, including:-

- Cleansing of streets, highways and footpaths to remove litter
- Promoting and educating the public not to drop litter
- Provision of litter bins in which the public are urged to deposit litter

The Council currently provides over 1000 litter and dog waste bins at a variety of locations in the Borough, including:

- Town/village centres and shopping areas.
- Adjacent to bus stops
- Adjacent to take-away food premises
- Areas around schools
- Rural villages
- Subways

- Highway lay-bys
- Parks and recreation/leisure areas and in car parks.

Litter bins are emptied on appropriate frequencies. The frequency is determined by practical experience and is adjusted to ensure that in normal usage the bins never become more than 90% full. Emptying frequencies range from daily in town centres, to weekly in areas of lower use such as highway laybys.

Dog faeces is statutorily defined as a category of “litter”. The value and role that the provision of dog waste bins can play in preventing dog fouling of footpaths, parks and open spaces is well recognised. There are currently 505 dog waste collections provided per week and individual locations are serviced at a frequency determined by normal usage. The Council has received around 15 requests for additional dog waste bins over the last 2 years (7.5 per year) but this is perhaps due to residents being unaware that bagged dog waste can be deposited in litter bins. If this was more widely known, it appears that there would be less demand for further separate dog waste bins.

Also, in common with other local authorities the Council has recently introduced a number of dual waste bins to suitable locations in parks and open spaces. This encourages residents to dispose of either litter or bagged dog waste at one location, rather than two separate receptacles. The Council has installed 20 dual waste bins to date which has reduced the pressure on emptying capacity by a small amount.

The Council receives sponsorship for bins and also charges businesses and parish councils where agreed for the servicing of bins on land not in the ownership of the council.

The emptying of litter, dog waste and dual waste bins is undertaken by 5 operatives. One operative services Newcastle town centre, 5 days per week, utilising an electric cart, emptying bins up to three times per day. There are approximately 90 bins within the town centre.

Four operatives are engaged full time on a Monday to Friday basis, each utilising a caged vehicle to service approximately 120 locations per day throughout the borough. A further bin run is accommodated on Saturdays including additional servicing to the A500 bin locations.

The current bin emptying schedule is at capacity with all 5 operatives fully engaged on this task, and there is no spare capacity at present to increase the number of bins or the emptying frequencies.

Operatives are required to provide regular feedback to supervisors, identifying bins which are regularly over-full or significantly underutilised, with this feedback being used to adjust collection rounds and collection frequencies. Current feedback from operatives suggests that there is generally adequate provision of bins and that the emptying frequencies, which are periodically reviewed and adjusted, appear to be meeting current demand.

This ongoing, operational review is continuing where resources allow, with a view to driving potential efficiencies in relation to the servicing regime and ensuring bin locations and sizes are appropriate to respond to need. Two pilot study areas have been completed as part of the review process, both of which have demonstrated a higher than Borough average provision of bins as set out in the table below.

The next logical step in this pilot would be to rationalise and consolidate the number of bins and emptying frequency to better align with actual demand, allowing some capacity for future increased use should new developments create higher demand. Officers will continue to work with planning colleagues to explore the possibility of developers providing additional “bininfrastructure” in appropriate locations should this be needed.

However, in reality the Council receives very few requests for additional litter bins. In the last 2 years, only 9 new litter bin requests have been made (4.5 per year).

Some requests are received to relocate bins to more appropriate or higher demand locations, and the Streetscene team work with local Members, residents and businesses to successfully resolve any localised issues.

Therefore, it appears that the current approach is largely successful in managing the provision and servicing of the Council's litter and dog waste bin stock, and has sufficient flexibility to respond to current demand and localised issues. It also appears that there is some capacity within the existing bin stock in certain areas where provision is higher than average, to accommodate higher levels of use which may be generated from new developments. However, should capacity become an issue in the future, and where it cannot be accommodated by realigning existing resources, members may wish to consider the possibility of increasing resources to both provide and service bins where higher demand can be demonstrated.

There is not sufficient capacity within the Streetscene team at present to undertake and complete a comprehensive and effective review of litter bin provision and servicing across the entire Borough, and there does not appear to be an urgent need to do so, based on the pilot study and current successful and flexible approach, and taking into account other service priorities.

To carry out a comprehensive review there would be a requirement for a dedicated staffing resource, software and hardware purchase for route optimisation and hardware installations to vehicles. It is anticipated that a review would take at least 6 months to complete, and further time to test and embed.

The associated costs are estimated to be:

<i>Project Officer:</i>	<i>£17,000</i>
<i>Bartec in cab units</i>	<i>£2,000</i>
<i>Bartec software</i>	<i>£4,000</i>
<i>Office monitoring system</i>	<i>£3,000</i>
<i>Total</i>	<i>£26,000</i>

There is no budget identified at present to fund such a review, and no business case which would suggest that there are anticipated efficiencies which would be generated to justify an investment of this amount.

There is no identified budget for the provision of additional litter bins should the need for such be identified following a review.

Bin Comparator Chart

	Newcastle Borough	Madeley	Audley
Population	129,441	3,989	5,927
Number of Streetside bins including dog waste	Litter 845 Dog Waste 310	Litter 38 Dog Waste 18	Litter 48 Dog waste 19
Average number of bins per	8.6	14.03	11.30

1,000 population			
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*Comparator Local Authority responses from:

Local Authority	Average number of bins per 1,000 population
Caerphilly	17.6
South Lanarkshire	10.0
Nottingham	8.3
Knowsley	5
Angus	7.8
South Gloucestershire	4.8
Swansea	5.9
North Warwick	9.7
Doncaster	20.0
St Albans	1.2
Calderdale	6.3

Average across participating authorities = 8.78 bins per 1000 population

3. **Proposal**

That the Committee receive the report, note the current operational approach to litter bin provision and servicing

4. **Reasons for Proposed Solution**

To ensure members are aware of the Councils current approach to litter bin provision and servicing.

5. **Options Considered**

Options for operational service provision are detailed in the report.

6. **Legal and Statutory Implications**

As a principal litter authority, the Council has a statutory duty to keep specified land clear of litter and refuse under the Environmental Protection Act 1990.

7. **Equality Impact Assessment**

No significant impact identified.

8. **Financial and Resource Implications**

There are no financial implications arising directly as a result of the recommendations of this report.

However, if a full service review was to be undertaken, the estimated cost of this would be approximately £26,000. There is no current identified budget for this work.

There is no identified budget for the provision of additional litter bins should the need for such be identified following a review.

9. **Major Risks**
None
10. **Sustainability and Climate Change Implications**
No significant impact identified.
11. **Key Decision Information**
No key decision is required.
12. **Earlier Cabinet/Committee Resolutions**
None
13. **List of Appendices**
None
14. **Background Papers**
None

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Economy Environment and Place Scrutiny Committee 17 December 2020

Report Title: Planning Enforcement Update

Submitted by: Head of Planning & Development

Portfolios: Planning & Development

Ward(s) affected: All

Purpose of the Report

To inform members of the current situation regarding the enforcement caseload.

Recommendation

That

1. That the report be received

Reasons

To ensure members are aware of the Councils current approach to planning enforcement

1. **Background**

1.1

Enforcement work is central to the operation of an efficient planning service. Without the risk of enforcement action being taken against unauthorised works, land owners and developers may feel at liberty to undertake whatever development they feel suits their needs the best without risk of recrimination wither in the form of notice to remove the unauthorised works or ultimately a prison sentence.

Whilst it is recognised that for some cases, the expenditure undertaken by the Council to pursue an enforcement case may exceed the value of the work undertaken and hence seem disproportionate in nature, it is considered that such cases represent the ability of the planning system to balance the needs of different parties and ensure the interests of the wider community including immediate neighbours can be taken into account and respected whilst allowing sustainable forms of development to proceed.

The enforcement service is though discretionary and there is no duty on the Council to undertake action against all breaches of planning control. Whilst the most egregious breaches often become subject to action, the Council may decide not to pursue action against more modest cases especially where the breach is technical in nature and no harm to policies, the environment and importantly neighbours has occurred. The archetypal example of such an incident is a garden fence remote from any dwelling that is constructed slightly in excess of permitted development rights.

As with planning applications, enforcement cases are treated on their own merits. Whilst some analogies can be drawn with similar development, the circumstances of one case may not dictate that all similar cases should be determined in the same manner and matters like the orientation of the sun path or the

slope of the land may mean a slight breach of one fence may be minor whilst in another instance, the same exceedance results in a degree of harm sufficient to warrant enforcement action being taken.

The Steps to Enforcement Action

Where a breach of planning control has been identified which normally occurs through non-compliance with a planning approval or where no planning permission has been granted at all, officers will in the first instance seek to undertake an expediency test to ascertain whether the development is of such a nature that it is causing harm. If harm which could be proven at a planning enforcement appeal exists, officers may offer the landowner the chance to regularise the development where possible.

This may require amendments to the scheme to ensure it matches approved drawings or meets the parameters of the permitted development legislation.

Where this cannot be achieved or the developer does not wish to comply then officers may invite an application for the development to be regularised in the form that it is constructed. Such an offer though is not a formality and officers will be mindful of the potential for the development to actually be approved taking into account national and local planning policies, the views of neighbours and other material considerations.

Should an application be submitted in a timely manner then any enforcement action is put into abeyance until the application is determined unless either the four or ten year exemption dates are likely to be reached after which the development would become liable for enforcement action.

It is important to note that the purpose of planning enforcement is not to punish someone for a breach of planning control but to ensure the interests of neighbours, the environment and planning policies are protected. To this end, officers will only seek to move to the issuing of notices if the development cannot be regularised and is causing an identifiable harm.

The principal tool is the enforcement notice which can require a landowner or a developer to remove unlawful work or cease operations for which no approval has been granted. They may also be used to direct someone to undertake remedial works as well for example returning land to its former use.

Other powers include Section 215 notices which can be used to instigate the tidying up of unsightly land, listed building notices, injunctions and stop notices. These powers though need to be used with care as their inappropriate application may expose the Council to counter claims for losses incurred by land owners.

Should the recipient of a notice from the Council not comply with the terms, then the Council can go to the Courts to pursue an order to secure compliance and if that in turn is not complied with then the penalties escalate as the matter becomes a formal offence due to failure to comply with an enforcement order. At this level, people still seeking to withstand the planning enforcement process are at ever increasing risk of conviction.

Only last month, a land owner at Llandrindod Wells was sentenced to 15 days in prison for undertaking authorised works on his land and failing to comply with the enforcement notice issued by Powys County Council.

Timeliness of Enforcement

Sadly, planning enforcement can be a very protracted process. Even in the most blatant of cases where someone has failed to comply with the appropriate legislation it may be some years before the case comes to a conclusion. In the case of the breach mentioned above in Powys, the Council served its first enforcement notice in December 2013.

It is not uncommon for people who have breached planning control to try and eek out every last hour they can of their development before they need to make changes or demolish the structure if required.

Although the Council may invite some people to submit an application to retain a development that would normally gain planning permission if they had applied first before building, anyone can apply for planning permission even if the advice is unfavourable and there is little to merit in the scheme.

Whilst there is a live application under consideration, the Council cannot pursue enforcement action as fully as it may like and whilst notices may be issued the day after an application is refused, land owners have the right to appeal a refusal notice for up to six months from the date of the decision.

Once an appeal is lodged, it then falls to the Planning Inspectorate to consider the merits of the case. At present depending on the type of appeal, cases are on average taking around eight months to determine (October 2020: MHCLG).

	Mean (weeks)	(Median (weeks)	Decisions (cases)
Written Reps	37	34	212
Hearings*	34*	34*	1*
Inquiries*	N/A*	N/A*	0*

* Data may be affected by low sample numbers.

The Planning Inspectorate have indicated though that some decisions made in the latest month were on cases submitted a years or more before and as such, while the data above is the most recent snapshot available, they should not be relied on to give a reliable indication of what will happen to a case submitted recently or in the future.

In some cases, people still seek not to comply with the appeal decision if it goes against them. In these cases the Council will need to go to Court to secure an order to seek compliance with the original notice. If the notice and court orders remain outstanding, the Council can ultimately seek authorisation for direct action. To resolve a persistent breach.

Direct action, is the process where by the Council can attend site with the appropriate machinery to enforce demolition of an unauthorised structure. Police may also be in attendance to ensure a breach of the peace offence doesn't escalate if the owner seeks to resist the works proceeding.

The works are funded by the Council in the first instance but a charge may then be placed on the land so that if it is sold, the Council can seek a return on the money expended on clearing the site.

I **Issues**

- 2.1 Whilst the enforcement service can ultimately secure compliance with adopted planning policies and protect residential amenity, the process is not instantaneous, nor for that matter is it particularly rapid in the eyes of the public to come to conclusion.
- 2.2 There are two key time lines that affect the final decision on many enforcement cases. The time the Council spends on the matter and the time taken by the Planning Inspectorate. Furthermore, the Councils time is broken down into two main sections, the initial processing and assessment and secondly, the assessment of the case and whether it is appropriate to take action.
- 2.3 Historically, cases have been dealt with on an individual basis and dealt with as time has allowed. More recently, officers have sought to focus on keeping neighbours engaged by prioritising response times to initial enquiries.

- 2.4 As the service though can be dependent on the appeals process and possibly court action, it is not possible for the authority to provide set targets for complete resolution of cases. The Council though has sought to introduce a target for responding to complainants and this indicator is the percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.
- 2.5 The local performance indicator for this is 75% but at present, the cumulative performance lies at just under 62%.
- 2.6 Whilst there are reasons behind this which are explained in the next paragraph, this performance is below target and needs to be redressed. Steps to meeting this target are set out in the Proposals section later.
- 2.7 It is understood one of the key reasons there is slippage is that during the recent Covid lock downs two events have combined to generate more interest in enforcement work. Firstly, home owners have been limited in their ability to leave the house and have instead sought to undertake home improvements and work in their gardens. Some of this activity has resulted in more minor breaches of control partly through over ambitious DIY projects. The second effect is that with more people at home for longer, people have become sensitised to protecting their personal space and the environment around them. As a result, when development occurs close to them, more questions are being raised to the council to see if work near their property is lawful or not.
- 2.8 Whereas normally we may have seen one or two neighbours enquire about a fence or a shed, now the volume of enquiries has risen. This is understood to be a national picture but hopefully one unique to the effects of the recent lockdown.

3. **Proposal**

- 3.1 Currently, the enforcement system makes some use of the Planning Services Uniform computer system which is used to case manage the planning applications being dealt with by the Council.
- 3.2 Looking forward, there is a significant amount of information that can be reported on and whilst there is a risk that the process becomes bogged down by the need to process statistics more than just doing the day job, there is a role for some finer monitoring of how cases are being processed to understand where any delays may be occurring.
- 3.3 One area which has been identified where work a change can be made is in the initial assessment of a case. Currently a narrative based report is prepared explaining the merits of the case and then a recommendation reached by the case officer. Whilst this is helpful, some parts of the planning legislation is prescriptive in nature and no matter what the surrounding issues may be, a garden fence only 2.0m high will often be found to be allowable development due to the criteria set out in Part 2 of Schedule 2 of the General Permitted Development Order 2015.
- 3.4 Therefore, rather than officers spend time on the wider detail, a more check boxed based approach will allow a more rapid appraisal to be undertaken of each case allowing a response to be provided to enquirers more rapidly. This approach also allows elements of the process to be shared by the Technical Support team who should be able to undertake some of the administrative processes e.g. sending out the response letters and completing the response dates thereby allowing greater capacity within the enforcement service to focus on the assessment of harm and any potential conflicts with policy that may arise.
- 2.9 In addition to the processing of live cases, officers have commenced work on setting new indicators and establishing comparative data to assess how well the Council is performing. At present, the following data is available.

Year	Cases on hand at 1 st January	New cases received	Planning applications received in response to enforcement action	Planning applications approved in response to enforcement action	Cases Closed*	Cases on hand at 31 st December	No. of cases still open	Unresolved where formal action has been taken	Notices (type and number) served in year
2017	278	270	33	31	271 (200)	279	21	1	1 Enforcement Notice <i>Land off Keele Road</i>
2018	279	261	33	30	260 (196)	280	29	8	4 Enforcement Notices Land at <i>Doddlespool</i> x3 <i>Boggs Cottages</i> x1 1 PCN <i>Boggs Cottages</i> 3 Stop Notices <i>Land at Doddlespool</i> x3
2019	280	255	39	28	267 (194)	265	37	0	Nil
2020	265	225	20	13	177 (146)		79	1	1 Enforcement Notice <i>Imperial Works</i> x1

(figure in brackets indicates the number of cases closed for that calendar year)

3.5 Unlike the national indicators on the determination timescales of planning applications against 8 and 13 week targets, there are no national indicators on the speed of processing enforcement items. There is data on the level of enforcement action taken by each authority in terms of the types of notice served and for the country as a whole (tables P127, P129 and P130 on MHCLG Live Table data).

3.6 Comparable Councils have been investigated to identify opportunities for contrasting data including Nuneaton and Bedworth, North East Derbyshire, Wyre Forest, Braintree, Carlisle, Erewash, Ashfield, Chorley, Amber Valley and Broxtowe Councils. Any records on planning enforcement performance though is very limited in nature and no reliable benchmarks have been identified.

3.7 To address this, officers will be seeking to find benchmarking authorities through the Councils Business Improvement Service and through the National Association of Planning Enforcement (NAPE).

3.8 Once comparative performance figures can be established, officers will seek to publish speed of enforcement data as part of the bi-annual performance data for the whole planning service.

4. **Reasons for Proposed Solution**

4.1 It is considered that the twin approach of improved benchmarking and process changes within the administration of the enforcement service will allow both positive change to occur and for that change to be monitored.

4.2 In turn, these changes will enable members of the public to gain an insight into the operation of the service and importantly help manage expectations around when cases may be registered, investigated and resolved.

4.3 The changes will also allow managers within the team to identify where any challenges may be occurring to allow targeted interventions to occur to ensure performance is kept at a high level.

5. **Options Considered**

5.1 It is considered that improvements in both benchmarking and process efficiency represent two key steps that can be readily implemented. Further intervention will be reviewed following an assessment of the efficiency of these changes.

6. **Legal and Statutory Implications**

6.1 Planning enforcement is regulated through a series of planning acts most notably the Town and Country Planning Act 1990. Although planning enforcement is discretionary, failure to use our powers effectively may open the Council to criticism from the Local Government Ombudsman with the associated reputational harm that would accompany a critical finding against the Council.

7. **Equality Impact Assessment**

7.1 No significant impact identified.

8. **Financial and Resource Implications**

8.1 Whilst there are some small costs associated with an increased focus on performance management, it is considered that these can be accommodated within the service. These costs though should help enhance the operation of the service and minimise the risk for any errors to occur and hence minimise the risk of costs awards against the Council.

8.2 Time spent on implementing performance improvements should also recoup benefits from enhanced efficiency.

9. **Major Risks**

9.1 None

10. **Sustainability and Climate Change Implications**

10.1 No significant impact identified.

11. **Key Decision Information**

11.1 No key decision is required.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 None

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Economy Environment and Place Scrutiny Committee 17 December 2020

Report Title: Overview of Data and Potential Savings in the relocation from NULBC N-u-L Premises to Castle House

Submitted by: Director for Commercial Development & Economic Growth

Portfolios: Commercial Development & Economic Growth; Environment; Finance & Resources

Ward(s) affected: All

Purpose of the Report

To summarise current known Data and Observations in relation to the move from the following Council Buildings and related facilities [Civic; St Georges Chambers 3-10 Merrial Street; Lancaster Buildings and Guildhall] to the co-location Castle House.

Recommendation

To consider current known Data and Observations and make any further ongoing recommendations for 5 Year interim cycles of Reporting [in order to coincide with Staffordshire County Council, as Landlord, Quinquennial Reviews for Castle House – the next Review being planned for 2022 by Staffordshire County Council].

Reasons

To initially Observe that the Financial and Business Case, as well as Sustainability and Environmental case for a co-location move with other Castle House Partners [the main Partners being: Staffordshire County Council, Newcastle-under-Lyme Borough Council and OPCC [Police sub-operational location] but with an Aspire Customer Business Centre as well] was sound and justifiable.

1 Background

- 1.1 In 2015, Staffordshire County Council wished to create a new Public Sector Hub in Newcastle-under-Lyme Town, to allow its own business model of rationalisation of outlying location facilities to be brought into the Town to be achieved. It sought the support and a site (a former School site that Newcastle-under-Lyme Borough Council had bought beside Queens Gardens) from NULBC. Construction commenced in 2016 and initial completion of the building was achieved in summer 2017. There were some issues with the initial new building construct, not least, the rear cladding panel installation, which resulted in final Practical completion in summer 2018. Decants from all outlying SCC, NULBC and OPCC facilities commenced soon after, with full occupancy by early Autumn 2018. Certain moves were “walking distance away” for some of the Castle House occupants, whilst others were as far away as Kidsgrove Town Hall (SCC provision) and Roe Lane on Westlands (SCC Seabridge Centre).

1.2 The Financial and Environmental, as well as Public Estate (co-location) model created in 2015 demonstrated substantial resources, as well as travel savings would result - not least, the central location being virtually adjacent to a major roadways interchange as well as Bus Station. The main “resources saving” would result from closing several buildings, re-purposing others, but more so, the economies of Facilities, Property Estate (including Business Rates and Water Rates/Water Use) and Energy managing one Public provision under one roof. Additional benefits include a shared common main entrance as well as front of house Public Services contact provision (featuring a relocated Public Library and Tourist Information Centre and combined NULBC Customer Services Contact Centre, but also with Neighbourhood Policing Unit public enquiries desk).

2 **Purpose**

2.1 To demonstrate the initial Observations and Data savings [but caveated pending the next official review by the Staffordshire County Council Landlord in 2022] for Newcastle-under-Lyme Borough Council in the main.

3 **Savings Achieved**

3.1 **Energy** (gas, electricity, other – including Standing Charges and Indirect Energy Taxations such as Climate Change Levy) – an approximate 33% saving has been achieved by the co-location relocation, across all Occupants (please remember that the Police/OPCC were present as a community Policing operational station within the basement of Civic and that there was some NHS, but predominantly SCC provision at ground and first floors of Civic). The main Environmental (and in part Economical) benefit of the move to Castle House, is that there is no use of fossil fuel based Natural Gas in the new building (and hence no Gas Fired Boilers), relying on Air Source Heat Pumps instead. Civic has 3 large commercial boilers, one of which there, was used for heating the Civic domestic hot water supply. The Castle House Heat Pumps as well as 50KW Solar PV array, but backed up by a daily cycle of pasteurisation of hot water calorifiers, creates the hot water provision for washbasins etc. in Castle House.

3.2 **Water *** – an approximate 30% environmental, as well as Water Business Rates rateable value / water usage has been achieved in the move to Castle House across NULBC provision in the main for metered potable water use, public sewers provision in surface and foul drainage [but * due to de-Regulation of the Water Supplies Industry in April 2018, the SCC Landlord is still assembling this Data from WaterPlus, so figures are based on lesser footprint of Castle House at approx. overall 3300 sq metres building footprint and lesser hardstand run-off, as compared to the equivalents at Civic, Guildhall, Lancaster Buildings and St George’s Chambers in the main, and with some acknowledgement of SCC locations such as The Seabridge Centre, which occupied a fairly large out of Town site]. We anticipate £4000.00 approximate billings from Waterplus for Castle House, as compared to £6021.08 in 2017-18 for Civic, £623.00 in 2017-18 for St Georges Chambers and £490.57 for Guildhall. There is a lesser storage of water in water tanks in Castle House as compared to the totality usage from all previous buildings, especially those that are no longer fully used (Guildhall in part, St George Chambers and Civic in the main, but equally Lancaster Buildings from 2018 to late 2019 [Lancaster used by NULBC and SCC whilst Castle House ground floor West Wing was being re-vamped from late Summer 2019 to end of March 2020).

3.3 **Other Key Benefits** – [measurable and non-measurable] The attached table demonstrates other savings realised by the co-location move to Castle House, including the lessening of Contractor movements / journeys to all those facilities that are mothballed or closed in respect of Statutory Legislative Framework / planned preventative maintenance, cyclical and response maintenance (such likely NULBC Contractor elements not fully shown in the table below):

	Castle House 2019/20	Civic Offices 2017/18	St Georges Chamber 2017/18	Guildhall 2017/18	Total Pre Castle House	Difference
Electricity	£ 54,168.62 (NULBC contribution to total electric billings for Castle House)	£ 32,001.77	£ 1,095.65	£ 7,954.80	£ 41,052.22	£13,116.40 likely more NULBC contribution provision at this stage - n.b. all is electric at Castle House as there is no gas)
Water *	£ - (Data still being collected via WaterPlus and other parties including SCC Landlord)	£ 6,021.08	£ 623.00	£ 490.57	£ 7,134.65	-£7,134.65 (current saving to NULBC at this stage)
Gas	£ - (there is no gas provision at Castle House)	£ 14,599.13	£ 819.74	£ 1,733.64	£ 17,152.51	-£17,152.51 (current saving to NULBC over the last Year or so, but St G Ch coming back into use as a Cold Nights provision as at December 2020)
Business Rates ^	£ 55,771.84	£ 95,680.74	£ 4,071.50	£ 9,774.86	£ 109,527.10	-£53,755.26 (^current saving to NULBC, but see 3.3 narrative)
Cleaning#	£ 39,007.70	£ 51,594.39	£ 6,628.72	£ 17,573.11	£ 75,796.22	-£36,788.52 (≠ current saving to NULBC, excepting covid emergency cleans, not yet fully apportioned, nor certain interim cleaning provision by SCC for NULBC during summer 2017 to summer 2018 at St G Ch, Civic, Lancaster and Guildhall).
Repairs	£ 12,327.37	£ 15,969.22	£ 423.60	£ 2,075.40	£ 18,468.22	-£6,140.85 (current lesser provision/commitment on NULBC's part, as the SCC Landlord bears the cost of most Castle House repairs and apportions such out amongst the 3 Castle House Partners on a % occupancy basis)
Network Circuits	£ 13,075.08	£ 9,391.27	£ -	£ 2,996.77	£ 12,388.04	£687.04
Document Storage	£ 14,362.25	£ -	£ -	£ -	£ -	£14,362.25 (see note below this table)
Waste Collection "	£ 18,349.65 (" (" SCC, as Landlord, carry the burden of Trade Waste collection	£ 8,165.82	£ -	£ -	£ 8,165.82	-£10,183.83 (" " NULBC saving provision approx., but requires double-checking in relation to new County Environmental Waste Collection Policy and

	charges for Castle House)					related Charges introduced in 2019 and 2020)
£98,985.97						

[net likely saving approx. to NULBC, since late 2018 at this stage, but also needing further Data checks and balances related to *, ^ ≠ and “]

6. **Legal and Statutory Implications**

6.1 None.

7. **Equality Impact Assessment**

7.1 Castle House is a fully Equality Act compliant facility, having also had a Design and Access Statement in place as part of its design and construction. Several of the existing NULBC Assets involved in the case to relocate to Castle House, do not have adequate Public-User Access arrangements in place (e.g. there is no lift to the 2 storey St Georges Chambers at 3-10 Merrial St., over the Merrial Street Shops). The fabric and environs of Castle House are equally constructed to modern day standards.

8. **Financial and Resource Implications**

8.1 The Data and initial Observations for this remain under review (especially given the impact of covid and 2 Lockdowns, as well as localised “Tier-ing”) and will be further assimilated and released toward the end of 2021.

9. **Major Risks**

9.1 All major risks have been reviewed within the original Castle House (new Public Sector Hub) Business Case in 2015 to 2016. There are some Residual Risks that are currently being balanced by Officers and Members within NULBC, including within the SCR Re-Review 2020.

10. **Sustainability and Climate Change Implications**

10.1 The Council's Carbon Monitoring Officer will be working with Consultants and County Council/Tyndall Centre, as well as Carbon Trust, to fully represent the nett Carbon tonnage savings resulting from the co-location move. This will place a marker in relation to Public Sector use of Assets and both the financial as well as Carbon Tonnage savings that can be achieved by working in a Partnership co-location manner. This also reflects CiPFA Property strategies and advocacies from 2016.

11. **Background Papers**

11.1 Please refer to NULBC Cabinet Papers circulated for 9 December 2020, especially in relation to the Sustainable Environment Strategy and background paper Action Plan.

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ECONOMY, ENVIRONMENT AND PLACE SCRUTINY COMMITTEE

Work Programme 2019/21

Chair: Councillor Gary White

Vice-Chair: Councillor G Heesom

Members: Jenny Cooper, Fear, Grocott, Jones, Olszewski, Panter, Reddish, J. Tagg and Rout

Portfolio Holders covering the Committee's remit:

Councillor S Tagg, Leader – Corporate and Service Improvement, People and Partnerships (for Economic Development Strategy)

Councillor Trevor Johnson - Cabinet Member – Environment and Recycling

Councillor Paul Northcott - Cabinet Member – Planning and Growth



The following services fall within the remit of this Scrutiny Committee:

Planning Policy and Development Control	Facilities Management
Building Control	Recycling and Waste Management
Land Charges	Streetscene and Litter Control
Housing Strategy (incl) Housing Advice and Homelessness) and Development	Crematorium and Cemeteries
Private Sector Housing	Climate Change, Sustainability and Energy Efficiency
Operational and Commercial Property Management	Environmental Enforcement
Strategic Transport	Environmental Health
Economic Development	Grounds Maintenance
Tourism	Community Open space
Taxi ranks	Parks and Gardens Maintenance
Bus Station	Flooding and Drainage
Markets	

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The core Work Programme is determined at the beginning of the municipal year. Issues can be added throughout the year with the Chair's approval or where a new priority area comes to the Committee's attention.

For more information on the Committee or its work Programme please contact Denise French on 01782 742211 or at

denise.french@newcastle-staffs.gov.uk

DATE OF MEETING	ITEM	BACKGROUND/OBJECTIVES
Wednesday 4 July 2018	Work Programme	To discuss the work programme and potential topics that Committee members would like to scrutinise over the forthcoming year
	Recycling Service - Update	Items listed at Chair's request. Relevant Officers and Cabinet members requested to attend.
	Grass Cutting Team – Performance	
	Arboriculture Department- Workload and Resource	
	Planning/Development Control – Performance and Staffing	
Wednesday 26 September 2018	Work Programme	To discuss the work programme and progress of scrutiny activity and to consider any amendment/additions to the Programme
	Chair to report on Executive response to Tree Management representations	
	Recycling Service – Update	Report deferred from last Committee
	Borough Market Update	Committee to receive an interim update on the management of the Borough Market – report requested by Member of the Committee
	SMART Motorway (use of the hard shoulder as 4 th land)	Report to include action taken to lobby for the scheme to include Junction 15 – requested by Member of the Committee

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	Representatives from the BID invited to attend the meeting	Request from Member of the Committee to look at how the Borough can support and help build a strategy to enhance the reputation of the Borough
Thursday 13 December 2018	Work Programme	To discuss the work programme and progress of scrutiny activity and to consider any amendment/additions to the Programme
	Representatives from appropriate bodies invited to attend the meeting to enable Members to consider the issues surrounding development of the SMART Motorway and HS2	To encourage economic prosperity and development of our area
	Scrutiny of the charging policy at the Borough Town Centre car parks	Request from Members of the Committee to encourage footfall in the town centre
	Clarification of the Business Rates Support Scheme	Request from the BID
	Update on the planning and modelling of the new recycling service including the communication plan, what contingencies were put in place to deal with inclement weather and high staff absences in the department	
	Update on the Borough Market	
Thursday 14 March 2019	Work Programme	To evaluate and review the work undertaken during 2018/19
	Update on Tree Management Operations Budget Allocation	
	Economic Development Year 1 Action Plan	

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	Homelessness Policy (deferred to June meeting)	
	Allocations Policy	
	Future Recycling Strategy	
	Single Use Plastics – following motion at Council	
	Management of the Borough Market	
Thursday 20 June 2019	Update of Planning and Enforcement Recruitment	Request from the Chair
	Allocations and Homelessness Policy	Deferred from last meeting
	Recycling Service Update	Committee decision
	Work Programme	To discuss the work programme and potential topics that Committee members would like to scrutinise over the forthcoming year
Wednesday 25 September 2019	Update from Cabinet including car parking strategy	
	Recycling Service Update	
	Review of Single Use Plastics Reduction Strategy	Request from Cabinet – 5 June 2019
	Climate Change Mitigation	Request from Council – 3 April 2019 – deferred for special meeting
	Update on the development of the Ryecroft Area	Consideration deferred to December Committee
Monday 25 November 2019	Climate Change Mitigation	
Tuesday 17 December 2019	Update on the development of the Ryecroft Area	
	Joint Allocations Policy	
	Benchmarking Exercise	Cabinet Report on benchmarking visits to town centres and markets.

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	Bradwell Crematorium	Report on Bradwell Crematorium to include expenditure and maintenance programme and the feasibility of setting up a Friends of Bradwell Crematorium Group. Request from Member of the Committee.
	Recycling Service Update	
Wednesday 5 February 2020	Air Quality update Draft Joint Local Plan	
Thursday 26 March 2020 (meeting cancelled)	Air Quality – presentation of Outline Business Case Recycling Service Update	Deferred
Thursday 18 June 2020	Coronavirus Pandemic Update	To provide the Committee with the opportunity to scrutinise actions undertaken to date and the proposals for the next phases of recovery
Thursday 30 September 2020	Recycling Service Update	Report on the implementation of the new Recycling and Waste service detailing any issues encountered and anything learned in moving forward.
	Development of the Ryecroft area	To provide the Committee with an update on how the two Town Centre Bids for Newcastle and Kidsgrove are progressing, the current position including anything conducive to the two bids.
	Environmental Enforcement	A review of the Environmental Health Department's additional workload as a result of the Covid outbreak and Government Requirements. To further review the resourcing levels in place to achieve these requirements and risk to any current services as a result. Are any further support mechanisms required either in the short or long term from Council.
Thursday 12 November 2020	Air Quality project	To give the Committee the opportunity to consider the Air Quality Report prior to consideration by Cabinet
Thursday 17 December, 2020	Town Deals Update	To provide the Committee with an update on how the two Town Centre Bids for Newcastle and Kidsgrove are progressing, the current position and which schemes were being worked up to.
	Review of Planning Enforcement	To provide the Committee with an overview of the processes undertaken by the team. The effect that Covid has had on the

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		number of reported enforcements and the potential to lobby MPs to discuss enforcement in Parliament.
	Review of litter bins in the Borough	To give the Committee the opportunity to consider what to include in the review of litter bins across the Borough
11 March, 2021	Update on Fly tipping Enforcement	Request from the Chair
<p>To keep under review:</p> <ul style="list-style-type: none"> • Recycling Service Update • Development of the Ryecroft area • Update report following review of the tree management contract in February 2020 • Bradwell Crematorium 		

November 2020

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