

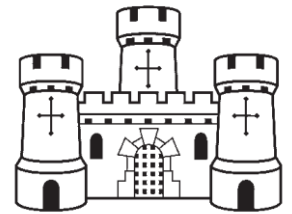
Public Document Pack

Date of meeting Wednesday, 23rd March, 2022

Time 2.00 pm

Venue Astley Room - Castle

Contact Denise French 742211



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Cabinet

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 **MINUTES OF PREVIOUS MEETINGS** (Pages 5 - 8)
To consider the Minutes of the previous meeting held on 2 February 2022.
- 4 **WALLEY'S QUARRY UPDATE** (Pages 9 - 16)
- 5 **RYECROFT NEXT STEPS** (Pages 17 - 24)
- 6 **FUTURE HIGH STREETS FUND - PURCHASE OF YORK PLACE
- APPOINTMENT OF A CONTRACTOR** (Pages 25 - 28)
This item includes a supplementary report.
- 7 **NEWCASTLE UNDER LYME SUSTAINABLE ENVIRONMENT
STRATEGY - ANNUAL REPORT** (Pages 29 - 42)
- 8 **COVID 19 ADDITIONAL RELIEF FUND DISCRETIONARY NON-
DOMESTIC RATE RELIEF POLICY** (Pages 43 - 66)
- 9 **SUPPORT FOR ENERGY BILLS - THE COUNCIL TAX REBATE
AND DISCRETIONARY FUND 2022 - 23 POLICY** (Pages 67 - 74)
- 10 **ROUGH SLEEPING INITIATIVE FUNDING 2022 - 25** (Pages 75 - 78)
- 11 **FINANCIAL AND PERFORMANCE REVIEW REPORT - THIRD
QUARTER (OCTOBER TO DECEMBER) 2021 - 2022** (Pages 79 - 104)
- 12 **IRRECOVERABLE ITEMS** (Pages 105 - 108)
- 13 **FORWARD PLAN** (Pages 109 - 114)

14 URGENT BUSINESS

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

15 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.

16 RYECROFT NEXT STEPS - CONFIDENTIAL APPENDIX (Pages 115 - 184)

**17 FUTURE HIGH STREETS FUND - PURCHASE OF YORK PLACE (Pages 185 - 190)
- APPOINTMENT OF CONTRACTOR - CONFIDENTIAL APPENDIX**

This item includes a supplementary report.

**18 IRRECOVERABLE ITEMS - CONFIDENTIAL APPENDIX (Pages 191 - 192)
ATTENDANCE AT CABINET MEETINGS**

Councillor attendance at Cabinet meetings:

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

Public attendance at Cabinet meetings:

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

Members: Councillors Simon Tagg (Chair), Stephen Sweeney (Vice-Chair), Gill Heesom, Trevor Johnson, Paul Northcott and Jill Waring

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

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

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

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

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

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CABINET

Wednesday, 2nd February, 2022
Time of Commencement: 2.00 pm

[View the agenda here](#)

[View the meeting here](#)

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

30. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

31. **MINUTES OF PREVIOUS MEETINGS**

Resolved: that the minutes of the meeting held on 12 January 2022 be approved as a correct record.

32. **WALLEYS QUARRY ODOUR ISSUES**

Cabinet considered an update report on odour issues from Walley's Quarry. Cabinet was informed that during 2021 the Council had received over 22,000 complaints and the Environment Agency had received in excess of 43,000 complaints. Although complaint levels had decreased towards the latter part of 2021, in January 2022 complaints regarding odours had increased alongside increases in H2S levels recorded at monitoring stations.

The Health Improvement Agency had undertaken assessments of the impact on health including due to long term exposure.

Cabinet discussed next steps including involving the County Council, the Department for Environment, Food and Rural Affairs and making a formal complaint.

Resolved: that:

- (a) The report be noted;
- (b) A formal complaint be made to the Environment Agency (EA) expressing the Council's dissatisfaction with the way in which they are regulating Walley's Quarry in view of the recent increase in odours and corresponding complaints to the Council; if there is no satisfactory outcome, then the assistance of Aaron Bell, MP be sought to refer the matter to the relevant Health and Parliamentary Ombudsman; and
- (c) A meeting be sought with representatives from the Department for Environment, Food and Rural Affairs (DEFRA) to involve the County Council in their public health role and other relevant health partners and in conjunction with Aaron Bell MP regarding the EA regulation of Walley's Quarry and the ongoing detrimental impact on residents' health.

[Click here to watch the debate](#)

33. URBAN TREE PLANTING STRATEGY UPDATE AND DESIGNATION OF URBAN CARBON CAPTURE AREAS

Cabinet considered a report updating progress on the Urban Tree Planting Strategy which had been approved at Cabinet on 7 July 2021.

Resolved: that:

- (a) Cabinet notes the Phase 1 sites already planted to coincide with the national tree planting week initiative.
- (b) 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.
- (c) Cabinet notes progress with other linked initiatives.
- (d) 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.
- (e) Cabinet remove the 2 ha. limit to allow larger sites to be considered.
- (f) All Council owned sites 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; and
- (g) The Council be recommended to endorse the creation of Urban Carbon Capture Areas as outlined in (f) above and their protection in the developing Local Plan and all relevant policies.

[Click here to watch the debate](#)

34. REVENUE AND CAPITAL BUDGETS AND STRATEGIES 2022/23

Cabinet considered the 2022/23 General Fund Revenue Budget and the 2022/23 Capital Programme following consideration by the Finance, Assets and Performance Scrutiny Committee on 20 January 2022. Cabinet also considered 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. The Budget, Capital Programme and all Strategies would be submitted to Full Council on 23 February 2022 for approval.

Resolved: that:

- (a) 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.
- (b) The updated Medium Term Financial Strategy 2022/23 to 2026/27 (Appendix 2) be recommended to Full Council for approval.
- (c) The strategy for ensuring a balanced revenue outturn position for 2021/22 be approved.
- (d) 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.
- (e) 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.
- (f) The Flexible Use of Capital Receipts Strategy (Appendix 6) for 2022/23 be recommended to Full Council for approval.
- (g) The Borough Growth Fund Priorities for 2022/23 be approved.
- (h) The Capital Strategy (Appendix 7) for 2022/32 be recommended to Full Council for approval.
- (i) The Treasury Management Strategy (Appendix 8) for 2022/23 be recommended to Full Council for approval.
- (j) The Investment Strategy (Appendix 9) for 2022/23 be recommended to Full Council for approval.
- (k) The Local Council Tax Reduction Scheme (Appendix 10) for 2022/23 be recommended to Full Council for approval; and
- (l) The designation of the Carbon Capture Areas as discussed in minute 33 above be endorsed.

[Click here to watch the debate](#)

35. APPOINTMENT OF EXTERNAL AUDITOR FOR THE FIVE YEAR PERIOD FROM 2023/24

Cabinet considered a report on the appointment of an External Auditor for the five year period from 2023. The current auditor appointment arrangements covered the period up to and including the audit of the 2022/23 accounts. Authorities could arrange their own procurement and make an appointment themselves or in conjunction with other bodies, or join and take advantage of the national collective scheme administered by Public Sector Audit Appointments.

Resolved: that 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.

[Click here to watch the debate](#)

36. FORMATION OF STAFFORDSHIRE LEADERS BOARD

Cabinet considered a report on the formation of a Staffordshire Leaders' Board which would enable the Borough Council to work ever more closely with the County Council and other Borough and District Councils in Staffordshire.

Resolved: that:

Cabinet - 02/02/22

- (a) The establishment of, and Newcastle under Lyme Borough Council's participation in, the Staffordshire Leaders Board be agreed on the basis of the Terms of Reference set out in Appendix 1 to the report.
- (b) The Leader be appointed as the Council's representative on the Leaders' Board.
- (c) The Deputy Leader be appointed as the named substitute for the Leader on the Leaders' Board.

[Click here to watch the debate](#)

37. ENVIRONMENTAL PROTECTION ACT 1990 PART 2A - CONTAMINATED LAND STRATEGY 2022

Cabinet considered a report on a review of the council's Contaminated Land Strategy. It was a requirement of Statutory Guidance that local authorities periodically reviewed their strategies, the council's current Strategy had been approved in 2014.

Resolved: that the Contaminated Land Strategy for 2022-2027 be approved and adopted.

[Click here to watch the debate](#)

38. 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](#)

39. URGENT BUSINESS

There was no Urgent Business.

**Councillor Simon Tagg
Chair**

Meeting concluded at 2.48 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

23 March 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:

- 1. Note the contents of this update report.**
- 2. Note that the Council's complaint about the effectiveness of the regulatory response to Walleys Quarry is being escalated to the Parliamentary and Health Service Ombudsman.**

Reasons

To ensure Cabinet is 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** Cabinet has received monthly updates on the issues relating to the odours, and Council has also been regularly updated.

2. Statutory Nuisance

- 2.1** Following extensive work, officers determined that the odours from the Walleys Quarry site amount to a Statutory Nuisance and, on 13th August 2021, 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 3rd 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.
- 2.5 A key element of the legal process is the disclosure process, through which each party provide the other with documents upon which they intend to rely during the legal proceedings. In early February the first part of this process was completed but each party are also seeking from the other additional documents and court time will now be required to determine which documents will need to be released. This has the effect of extending the timetable and it is now anticipated that the trial of the issues will take place in the autumn of 2022.
- 2.6 No agreement has been reached with Walleys Quarry Ltd to seek to resolve this matter through mediation.

3. Complaint Data

- 3.1 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.
- 3.2 Whilst complaint levels appear to have decreased, they continue at a level which indicates that the issue with odours escaping the site have not abated and continue to have a negative impact on residents. This incident remains, by some margin, the largest source of complaints received on any matter by the Council. In January and February 2022 complaints regarding odours increased alongside increases in H2S recorded at monitoring stations around the site, as shown below

2022	Jan 3-9	Jan 10-16	Jan 17- 23	Jan 24- 30	Feb 31/1 – 6-2	Feb 7-13	Feb 14- 20	Feb 21- 27	Feb 28- 6/3	March 7-13
Complaints to NuLBC	73	258	134	25	16	31	49	40	118	
Complaints to EA	352	1045	651	139	64	120	166	264	571	
% time above Annoyance Threshold MMF1 (Silverdale Cemetery)	1.2	14.9	6	0	0	0	0	0	2.4	

% time above Annoyance Threshold MMF2 (Silverdale Rd)	0	11.9	7	0	0	0	3.6	4.8	0	
% time above Annoyance Threshold MMF6 (Fire Station)	2.1	21.4	10	0	0	0.9	0.3	0.6	0.3	
% time above Annoyance Threshold MMF9 (Galingale)	16.2	53.3	41	5.1	0	2.4	2.4	8.0	15	

4. Air Quality Monitoring Stations

- 4.1 The Council, Staffordshire County Council, and the Environment Agency are jointly funding a campaign of air quality monitoring which has been extended to run until March 2022 utilising four static air monitoring stations. Data from these stations is reviewed to provide information in relation to two standards relating to Hydrogen Sulphide (H₂S) – the WHO Health threshold and the WHO annoyance threshold, with this analysis published by stakeholders.
- 4.2 Hydrogen sulphide concentrations were above the World Health Organization’s odour annoyance guideline level (7 µg/m³, 30-minute average) 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	6	7	10	41
24/1 – 30/1	0	0	0	5.1
31/1-6/2	0	0	0	0
7/2 – 13/2	0	0	0.9	2.4
14/2 – 20/2	0	3.6	0.3	2.4
21/2 – 27/2	0	4.8	0.6	8.0
28/2 – 6/3	2.4	0	0.3	15

- 4.3 The data shows that over 2021 and into 2022 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.
- 4.4 During January 2022 there were two weeks when the H₂S concentrations recorded at the 4 monitoring stations were significantly elevated – with odours exceeding the WHO annoyance threshold for over half of the week at the Galingale site from 10th to 16th January. This was the highest recorded H₂S concentration since May 2021.
- 4.5 In light of the elevated H₂S levels and associated complaints, Environment Agency officers inspected Walleys Quarry landfill site on 14 January 2022 . Officers detected an odour of landfill gas at a level likely to cause pollution outside the site boundary. Officers also carried out a review of landfill gas management data. They identified that gas collection infrastructure was repeatedly blocked between 7 January and 13 January due to poor drainage and surface water flooding. This led to a significant loss of gas capture, which in

turn was likely to have resulted in increased risk of gas emissions and nuisance odours. Remedial works connected to drainage completed by Walleys Quarry Ltd by 20 January 2022.

- 4.6 The EA have stated that another factor which contributed to the temporary increase in H₂S levels was the weather. The EA have reiterated that meteorological conditions, particularly in winter, can cause increases in landfill gas emissions. They have found that increases in H₂S levels, correlate to lower air temperatures and pressure, along with still air conditions.

Health Risk Assessment

- 4.7 The UKHSA has published its latest health risk assessment and has reported that:
- 4.8 Data, provided to UKHSA by the Environment Agency up to the end of January 2022, have been compared to appropriate health-based air quality guidelines and standards or assessment levels for hydrogen sulphide, particulate matter, nitrogen dioxide, sulphur dioxide, methane and volatile organic compounds (VOCs comprising benzene, toluene, ethylbenzene and xylene (BTEX)). In addition, for hydrogen sulphide and toluene the concentrations have been compared to the odour annoyance guideline and odour detection thresholds respectively. Air concentrations of particulate matter, nitrogen dioxide, sulphur dioxide, methane and VOCs a All reference to Public Health England has now been changed to UKHSA in this report⁵ 2 are lower than appropriate health-based and odour standards, guidelines or assessment levels, and therefore, the risk to health from these substances is minimal.
- 4.9 The short-term 24-hour average guideline value for hydrogen sulphide was exceeded at MMF9 on two days at the beginning of the monitoring period: 7 and 8 March 2021. Exposure to concentrations of hydrogen sulphide above this guideline does not necessarily mean eye irritation or other health effects will occur, but it reduces the margin of safety that is considered desirable to protect health.
- 4.10 The hydrogen sulphide data up to the end of January 2022 shows continuing exposure to the population around the site. For two of the monitoring sites (MMF1 and MMF2) concentrations are below the long-term (lifetime) health-based guidance value, as they have been since June/July 2021. The third site (MMF6) monthly average concentrations have been below the long-term (lifetime) health-based guidance value since July 2021, with the exception of January 2022, which showed a slight exceedance. The cumulative averages for MMF1, MMF2 and MMF6 are below the longterm (lifetime) health-based guidance value. At the fourth site (MMF9), concentrations in January 2022 remain above the long-term (lifetime) health-based guidance value. The monthly average values had plateaued from September to December 2021 but were significantly higher in January 2022 (Figure 3).
- 4.11 Currently any risk to long-term (lifetime) physical health is likely to be small, however, we cannot exclude a risk to health from pollutants in the area, where exposure continues above the long-term health-based guidance value. Short-term health effects may be experienced such as irritation to the eyes, nose and throat. People who have health conditions that affect breathing, such as asthma, may experience increased frequency and/or severity of symptoms. With continuing exposure, these effects may be prolonged but are not anticipated to continue long-term, once exposure has decreased to acceptable levels.
- 4.12 Hydrogen sulphide is an odorous chemical and the human nose is very sensitive to odours. While substances that are perceived as odorous are commonly present at levels below which there is a direct physical health effect of the substance itself, odours can cause nuisance and temporary symptoms. Such effects include headache, nausea, dizziness, watery eyes, stuffy nose, irritated throat, cough or wheeze, sleep problems and stress. The

concentrations of hydrogen sulphide continue to be above the WHO odour annoyance guideline value for a considerable percentage of the time at one of the monitoring sites, which is undesirable due to the effects on people's wellbeing and the symptoms they are experiencing. Even at hydrogen sulphide concentrations below the WHO odour annoyance guideline value odour may still be present, however as concentrations fall to even lower levels it is anticipated that the strength of any odour should also reduce.

- 4.13 In January 2022, the percentage of time with concentrations above the WHO odour annoyance guideline value was similar to that seen from March to May 2021. This is likely to have an increased impact on people's health and wellbeing above that experienced between June and December 2021. Therefore, UKHSA continues to strongly recommend that all appropriate measures are taken to reduce the off-site odours from the landfill site.

Council Complaint

- 4.14 Coming as it did almost one year since the exceptionally bad weekend for odour pollution in February 2021, the spike in H₂S in January 2022 was particularly concerning. The approach of managing landfill gas through a strategy of "contain, capture, destroy" remains in place, but the iterative, operator led, approach being followed to deliver this leaves the community with no visibility on a credible plan to direct remediation of the problem. This in turn leaves no clarity on the issue of when the odours will cease to be a problem for local residents.
- 4.15 Following discussion at its February meeting Cabinet tasked the Chief Executive with writing a formal letter of complaint to the Chief Executive of the Environment Agency regarding the effectiveness of their regulatory response to the problems at Walleys Quarry. The response to that complaint is attached at Appendix 1.
- 4.16 The response points to the complexity of the problems associated with Walleys Quarry, and notes that the Environment Agency is deploying more resource to this site than any other of the 1000-plus waste sites that the organisation regulates. However, the response rejects the Council's complaint and concludes that the regulatory work of the Environment Agency is "progressively making a difference for the better". It is not clear from the letter whether there has been any critical evaluation of the regulatory approach to test whether it is in fact being exercised in an optimal way.
- 4.17 In light of the response received, the Council has sought the support of the Newcastle under Lyme MP, Mr Arron Bell, to raise a complaint with the Parliamentary and Health Service Ombudsman.
- 4.18 Also in response to the January spike, and the duration of this problem, the Leader of Staffordshire County Council has written to the Secretary of State, Mr George Eustace, seeking a meeting with both the County and Borough Councils. At the time of writing, a response has not been received.

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 is 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, 9th June 2021, 7th July 2021, 21st July 2021, 8th September 2021, 13th October 2021, 3rd November 2021, 17th November, 1st December 2021, 12th January 2022, 2nd February 2022 and 23rd February

15. List of Appendices

15.1 None

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Cabinet
23 March 2022**

Report Title: Ryecroft Update

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: One Council, People & Partnerships
Finance, Town Centres and Growth

Ward(s) affected: Town

Purpose of the Report

To update Cabinet on the progress to date with the development of a Blueprint for the Ryecroft site and to seek authority to negotiate (subject to contract) the sale of two acres of the site to Aspire Housing for its new Head Quarters Building and a 90 unit over 55s residential block.

Recommendation

That Cabinet

- 1. Note the progress made on the development of the Ryecroft site and endorse the Blueprint attached at Appendix 1.**
- 2. Authorise the Executive Director – Commercial Development and Economic Growth to negotiate (subject to contract) the sale of approximately two acres of the site to Aspire Housing for its new Head Quarters Building and a 90 unit over 55s residential block.**
- 3. Note that in the event of a successful negotiation, it will receive a further report seeking authorisation to enter into a contract for sale with Aspire.**

Reasons

The Council has secured £11m from MHCLG from the Future High Street Fund for the redevelopment of the Council owned Ryecroft site and further improvements to the Town Centre. This report enables Cabinet to take the next crucial steps in the delivery of the redevelopment unlocked by this funding

1. Background

- 1.1 In November 2018 cabinet received a report which confirmed the acceptance by developers HDD not to proceed with a retail-led scheme on the Ryecroft site as it was economically unviable given the market conditions. In addition to the changes in the retail sector there was also the major concern regarding the costs and timescales in respect of the demolition of the Civic Offices.
- 1.2 Given the market failure of the site the Council submitted a Future High Street funding (FHSF) bid in March 2019 to bring forward this site for redevelopment. The FHSF report stated that

“funding will unlock a flagship mixed-use scheme by Aspire Housing”. This will include Aspire’s new flagship headquarters along with senior living units and some social/café space.

- 1.3 In December 2020 MHCLG (now DLUHC) confirmed to the Council that its Future High Street Fund business case submission had been successful and that £11,048,260.00 was approved for Newcastle town centre. In January 2021 the Council submitted confirmation of its acceptance of the grant and detailed that the funding would be used to secure the demolition of the former Civic Offices as enabling site clearance works for the Aspire proposal, design and build a new multi storey car park, procure York Place and undertake public realm works.
- 1.4 In April 2021 the Council agreed to accept the grant offer and subsequently funding agreements have been signed and the first tranche of the grants have been released in accordance with the submitted cash flow for the programme of works.
- 1.5 Aspire housing has approached the Council to purchase a plot for the delivery of a new corporate headquarters office and housing scheme on land owned by the council at Ryecroft. The Council is content that this would be an appropriate use of the site, bringing a number of benefits to the town-centre whilst meeting an identified specific housing need and securing the retention of an important employer in the town. As such, the Council has been working with Aspire on the feasibility of such a scheme whilst ensuring proper governance considerations are addressed, including the duty under Section 123 of the Local Government Act 1972 to obtain the best consideration for the land that can reasonably be obtained.

2 Update

- 2.1 The Future High Street Fund funded works at Ryecroft are underway with the works below all contributing to the development and delivery of the Blueprint set out in Appendix 1:-
 - demolition of the old Civic Office building well progressed and due for completion in May 2022,
 - appointment of a contractor to work with the Council on design and build of a new multi storey car park
 - master planning work with Aspire Housing for their new HQ and residential development
 - high level feasibility and investigatory work for the development of a mid range hotel on the site next to the new multi storey car park. Several operators have approached the Council about the possibility of such a hotel offering and we are in the early stages of assessing how this might be delivered.

3 Site Valuation

- 3.1 In light of the interest expressed by Aspire, and the requirements of S123 of the 1972 Act, work has been undertaken to assess the value of the site for a wide range of typical town centre uses. The District Valuer was commissioned to produce a valuation report for the site. The details of this valuation are contained in confidential Appendix 2 to this report. The valuation has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, commonly known together as the Red Book.
- 3.2 Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS). The District Valuer provides a robust, objective assessment of the value of the site.
- 3.3 Aspire Housing have submitted an offer, based on a price per acre, for the area of the site that they would require for their development. The precise area required by Aspire will be finalised as their design for the development crystallises, but is estimated to be approximately two acres of the site. As is usual at this stage of a development, the Aspire bid is conditional upon a number

of assumptions made about the site, build costs and the outcome of the planning process. Typically, these assumptions crystallise as the scheme progresses through design and planning, enabling a prospective purchaser to arrive at a firm offer price. The details of the offer from Aspire Housing, as it currently stands, are contained in Confidential Appendix 3 of this report.

- 3.4 The conditional offer received from Aspire is, on the face of it and in light of the report of the District Valuer, an appropriate and commercial basis upon which to enter into advanced negotiations in respect of the sale of part of the site to Aspire. Once the negotiation process is complete, and the Council is content that a reasonable set of commercial terms, including price, have been negotiated with Aspire, a further report will be prepared for Cabinet to agree to enter into a contract for the sale of land to Aspire.

4 **Proposal**

- 4.1 Note the progress made on the development of the Ryecroft site and endorse the Blueprint attached at Appendix 1.
- 4.2 Authorise the Executive Director – Commercial Development and Economic Growth to negotiate (subject to contract) the sale of approximately two acres of the site to Aspire Housing for its new Head Quarters Building and a 90 unit over 55s residential block.
- 4.3 Note that in the event of a successful negotiation, it will receive a further report seeking authorisation to enter into a contract for sale with Aspire.

5 **Reasons for Proposed Solution**

- 5.1 The Council has secured £11m from MHCLG from the Future High Street Fund for the redevelopment of the Council owned Ryecroft site and further improvements to the Town Centre. This report enables Cabinet to take the next crucial steps in the delivery of the redevelopment unlocked by this funding
- 5.2 The decision to will enable the project to progress as per the programme agreed with Government and the Future High Street Fund awards and commitments.
- 5.3 To use this Government funding opportunity to support delivery of Council Plan objectives.
- 5.4 To uplift the status of Newcastle town centre as the heart of economic, social and community life in the Borough.

6 **Options Considered**

- 6.1 In 2018 a previous scheme for the Ryecroft area led by HDD failed as changing economic and development environment resulted in a significant negative impact on the viability of development at the Ryecroft site. This led to the Ryecroft site being the focus of a phase 1 Future High Street Fund submission in March 2019 due to the market failure of the site. See above in Section 1.
- 6.2 It was recognised that as the Ryecroft site comprises some 10% of the town centre area within the ring road it is the single most significant development opportunity within the town centre for a significant time so achieving the right mix and density of development is critical to the overall health of the town centre. It was clear that the site would only become viable to develop if Government funding was attracted to overcome barriers to its viability. An early stage expression

of interest from Aspire supported the Phase 1 Future High Street Fund submission which was accepted by MHCLG (Now DLUHC) for further development.

6.4 A further option would be to market the site as a whole. This isn't considered to be the best option due to the significant potential costs, delays, and uncertainty with an open market exercise. Previous experiences with this site, and in the wider experience of Council officers indicate that such an approach is unlikely to yield a purchaser that can deliver the same benefits that the Aspire scheme would deliver (as set out above). The Council is confident, in light of the Aspire offer and the valuations to date that a deal can be reached with Aspire that will deliver these joint benefits and achieve a "best consideration" disposal. Further work is being done on that and that will be confirmed in the event that a further report is brought to cabinet recommending terms for the disposal of the land.

7 **Legal and Statutory Implications**

7.1 The Council has a wide range of powers to promote economic development which have been set out in previous reports in this matter.

7.2 For the current purposes, the Council needs to be aware of its duty to achieve best consideration in the disposal of the site, as referred to it above. This will include a consideration of the extent to which public funds have been utilised to make the site a viable development prospect, through the demolition of the buildings currently on site.

7.3 All appropriate due diligence is being undertaken and a robust evaluation of these considerations can only properly be undertaken once the precise terms of the proposed sale have been agreed.

8 **Equality Impact Assessment**

8.1 The nature of the project is intended to seek benefits for all people who use the town centre and to support the economic and social health of Newcastle town centre as a destination.

9 **Financial and Resource Implications**

9.1 Cushman and Wakefield have been appointed to advise on the suitability of an offer from Aspire Housing for the site, the District Valuers report on the value of the site and the steps needed – in conjunction with legal services to arrive at a compliant offer for the site.

9.2 The District Valuers valuation report provided an opinion of value of The Rycroft on the basis of two assumptions:-

- assuming that "the site has been cleared of all buildings / structures and that planning permission has been obtained for redevelopment with appropriate Town Centre uses" and
- on the assumption that "the site has been cleared of all buildings / structures but no actual planning permission has been obtained but may be obtained for redevelopment with appropriate Town Centre uses".

9.4 Aspire Housing have made a formal offer to NuLBC for the land at The Rycroft, on the basis of developing a collaboration Hub HQ building and housing for older people.

9.6 The valuation received from Aspire Housing, a gross figure based upon a price per acre does not appear unreasonable. However, in order to achieve best consideration under S.123, we believe a fair negotiation process will be the most appropriate route to achieve best consideration coupled with additional due diligence. This can be done as the scheme design / detail evolves. Through negotiation, we believe a greater tightening of S.106, affordable housing

provisions and planning conditions can be achieved, which is currently wide ranging and non-specific, albeit not unreasonable at this early stage.

9.7 Cushman and Wakefield believe that the offer as a starting point for negotiation is reasonable and with detailed due diligence and by engaging in negotiations, and further believe it will be possible to attain a compliant position.

9.8 A further Cabinet report will be produced when the design is fully developed and the financial consequences of this process, S106 contributions, social housing provision and site abnormalities are clarified

10 **Major Risks**

10.1 Should the Ryecroft site not be successfully be re-developed it will have significant and lasting negative impact on the health and viability of the town centre.

11 **UN Sustainable Development Goals (UNSDG)**

11.1 Newcastle town centre is a highly accessible location, encouraging greater use of its land and assets enhances its role as a centre for services, leisure, retail and living and its connection to local residents. Further this project is intended to enable the redevelopment of a underused retail complex that is in a poor state of repair and currently blocks good connectivity between the Ryecroft site and Ironmarket / High Street, bringing with it sustainability improvements, regeneration and economic benefits as well as In that respect, the project supports the realisation of the following UNSDG objectives:-



12 **Key Decision Information**

12.1 This is not a Key Decision

13 **Earlier Cabinet/Committee Resolutions**

- 13.1 November 2018 Cabinet, concerning the failure of the HDD scheme at Ryecroft and the commissioning of an expert commercial assessment to reflect the present economic and development climate.
- 13.2 October 2019, Cabinet concerning development of the second stage FHSF bid and procurement of consultancy support.
- 13.3 December 2019, Economy Environment & Place Overview and Scrutiny Committee Town Centre Funding Update (information item)
- 13.4 July 2020, Cabinet concerning approval for submission of bid into MHCLG (now DLUHC)
- 13.5 April 2021 Cabinet accepting FHSF Grant monies and grant conditions
- 13.6 December 2021 Cabinet purchase of York place Newcastle under Lyme.
- 13.7 March 2022 Cabinet regarding the redevelopment of York Place

14 **List of Appendices**

- 14.1 Ryecroft Site Blueprint
- 14.2 District Valuers Report (Part 2 Confidential)
- 14.3 Aspire Offer for site (Part 2 Confidential)
- 14.4 Cushman and Wakefield note on offer and value (Part 2 Confidential)

15 **Background Papers**

15.1 Future High Street Fund Submission July 2020.

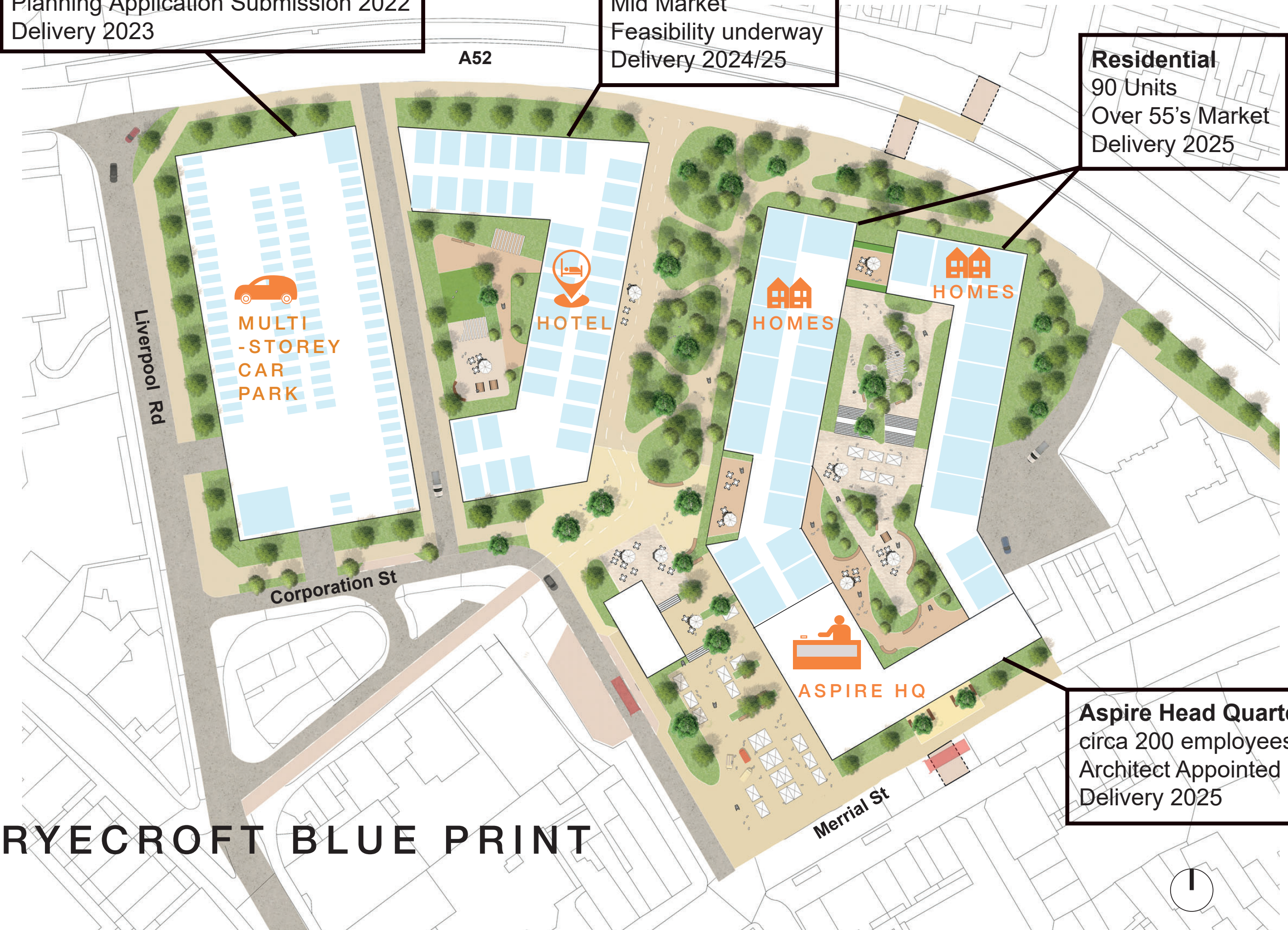
450 Space Car Park
Funding Confirmed
Planning Application Submission 2022
Delivery 2023

Potential Hotel
100 Bed
Mid Market
Feasibility underway
Delivery 2024/25

Residential
90 Units
Over 55's Market
Delivery 2025

Aspire Head Quarters
circa 200 employees
Architect Appointed
Delivery 2025

RYECROFT BLUE PRINT



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Cabinet
23 March 2022**

Report Title: York Place – Contract Award

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town

Purpose of the Report

To award a contract to the successful bidder (bidder 'C') following a competitive tendering exercise with the Pagabo procurement framework, for support to review options, submit any necessary statutory applications and work with the Council on the future of York Place. .

Recommendation

That Cabinet

1. **Notes the progress made on the York Place project, made through the Future High Street Fund grant monies.**
2. **Authorises the Executive Director – Commercial Development and Economic Growth, in consultation with the Portfolio Holder, Finance, Town Centres and Growth to take such actions and enter such agreements with the successful bidder for support to review redevelopment options, submit any necessary statutory planning applications and work with the Council on the future of a redeveloped York Place.**
3. **Authorises the Executive Director – Commercial Development and Economic Growth, in consultation with the Portfolio Holder, Finance, Town Centres and Growth to take such actions and enter such agreements for the appointment of consultants to assist in the development of the final designs and business cases for the development.**

Reasons

The Council has secured £11m from DLUHC (Department of Levelling up and Housing Communities) from the Future High Street Fund for the redevelopment of the Council owned Ryecroft site and further improvements to the Town Centre, including York Place.

The Council has recently acquired York Place and it is appropriate to review redevelopment options and plan for the next stage of investment in this project.

This project will be another step in the key Town Centre developments that are planned through the Future High Street Fund and Town Deal grant monies.

1. **Background**

- 1.1 In December 2020 MHCLG (now DLUHC) confirmed to the Council that its Future High Street Fund business case submission had been successful and that £11,048,260.00 was approved for Newcastle town centre. In January 2021 the Council submitted confirmation of its acceptance of the grant and detailed that the funding would be used to secure the demolition of the former Civic Offices, design and build a new multi storey car park, procure York Place and undertake public realm works.
- 1.2 In April 2021 the Council agreed to accept the grant offer and subsequently funding agreements have been signed and the first tranche of the grants have been released in accordance with the submitted cash flow for the programme of works.
- 1.3 The first phase of the Future High Street Fund funded works at Ryecroft are underway, with demolition of the old Civic Office building, due for completion in May 2022; and appointment of a contractor to work with the Council on design and build of a new multi storey car park.

2. **Update**

- 2.1 Since the April 2021 Cabinet there has been significant progress on the programme of works, as listed below:
 - Dedicated project management resources have joined the Council to manage the projects in the programme with a view to delivering the schemes to time and cost.
 - In July 2021, a demolition contract was awarded to Willmott Dixon, through the Procurement Hub framework, to undertake the asbestos removal and demolition of the former Civic Centre on the Ryecroft site, to establish a building platform for subsequent developments.
 - Discussions have continued with Staffordshire County Council with a view to release their ownership of the former Sainsbury's site to the Council, giving total control of the site to the Council.
 - Discussions have progressed with a third party (Aspire) partner with a view to new headquarter building and an adjacent residential development on the site.
 - In December 2021, a contract was awarded to Morgan Sindall for design and development of a new multi storey car park at Ryecroft.
 - In December 2021, Cabinet resolved that necessary actions should be undertaken to purchase York Place / Astley Walk shopping centre.

3. **Proposal**

- 3.1 It is proposed that Council enter into an Project Services Agreement with the successful bidder, through a competitive tendering exercise with the Pagabo procurement framework, to:
 - review redevelopment options for York Place, including the preparation of appraisals and business cases
 - prepare & submit any necessary statutory planning applications
 - Provide advice and support to the Council on developing a commercially viable plan for York Place consistent with the FHSF Bid.
 - Appoint consultancy team to produce final design and business cases
 - Complete this work within an estimated eighteen-month period.

4. **Reasons for Proposed Solution**

4.1 Following an initial request and receipt of three expressions of interest from providers listed on the Pagabo framework a further competition was undertaken and the outcome of submissions scored and moderated resulting in the following scoring:

	Bidder 'A'	Bidder 'B'	Bidder 'C'
Moderated Quality Score:	72.60	69.60	79.00
Commercial (Cost) Score:	19.71	19.65	20.00
Total:	92.31	89.25	99.00

4.2 The decision to will enable the project to progress as per the programme agreed with Government and the Future High Street Fund awards and commitments.

4.3 To use this Government funding opportunity to support delivery of Council Plan objectives.

4.4 To uplift the status of Newcastle town centre as the heart of economic, social and community life in the Borough.

5. **Options Considered**

5.1 Due to time constraints with funding it was decided to pursue a procurement option that allowed for a range of specialist services to be provided through one framework. The Pagabo Framework was chosen as the preferred framework for this procurement exercise as it offered a combination of the lowest overhead and profit percentage fees as well as a very good list of potential contractors with good and recent relevant experience with regeneration projects in town centre settings.

5.2 York Place was chosen for inclusion in the Future High Street Fund programme as it occupies a strategically important location between the Ryecroft site and the wider town centre and it presented challenges in terms of its overall appearance, level of occupancy and state of repair.

6. **Legal and Statutory Implications**

6.1 Section 2(1) of the Local Government Act 2000 permits local authorities to do anything they consider likely to promote or improve the economic, social and environmental well-being of their area. That would include actions to deliver the Future High Street Fund programme for Newcastle town centre.

7. **Equality Impact Assessment**

7.1 The nature of the project is intended to seek benefits for all people who use the town centre and to support the economic and social health of Newcastle town centre as a destination.

8. **Financial and Resource Implications**

8.1 The indicative pre-construction contract value (based on a day rate tender sum + Fee %) is within the allocated budget funded through the Future High Street Fund funding.

8.2 In addition to the above, subject to the delegated authority above, fees will need to be spent for design consultancy services. These will also be funded through the Future High Street Fund funding as above.

9. **Major Risks**

9.1 By competitively procuring a contractor through a recognised Framework the Council seeks to minimise some of the risks associated with the procurement.

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

10.1 Newcastle town centre is a highly accessible location, encouraging greater use of its land and assets enhances its role as a centre for services, leisure, retail and living and its connection to local residents. Further this project is intended to enable the redevelopment of a underused retail complex that is in a poor state of repair and currently blocks good connectivity between the Ryecroft site and Ironmarket / High Street, bringing with it sustainability improvements, regeneration and economic benefits as well as In that respect, the project supports the realisation of the following UNSDG objectives:-



11. **Key Decision Information**

11.1 This is not a Key Decision

12. **Earlier Cabinet/Committee Resolutions**

12.1 October 2019, Cabinet concerning development of the second stage FHSF bid and procurement of consultancy support.

12.2 December 2019, Economy Environment & Place Overview and Scrutiny Committee Town Centre Funding Update (information item).

12.3 July 2020, Cabinet concerning approval for submission of bid into MHCLG (now DLUHC).

12.4 April 2021 Cabinet accepting FHSF Grant monies and grant conditions.

12.5 December 2021 Cabinet purchase of York place Newcastle under Lyme.

13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 Future High Street Fund Submission July 2020.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
23 March 2022

Report Title: Newcastle under Lyme Sustainable Environment Strategy – Annual Report.

Submitted by: Executive Director – Sustainable Environment and Operational Services

Portfolio/s: Environment and Recycling

Ward(s) affected: All

Purpose of the Report

To provide Cabinet with a progress update towards achieving the aims of the Council's Sustainable Environment Strategy and linked initiatives and plans.

Recommendation

That:

1. Cabinet notes the progress made in the various facets of the Council's Sustainable Environmental Strategy and other linked initiatives.
2. That Cabinet refers the progress update and 2022/2023 Action Plan to the Economy, Environment and Place Scrutiny Committee for scrutiny and comments.

Reasons

To review progress and plans towards the aims of the Council's Sustainable Environment Strategy and linked initiatives including the Council's Nature Recovery plans, Urban Tree Planting Strategy, UN Sustainable Development Goals and Climate Emergency Plans.

1. Background

- 1.1 The Council adopted its Sustainable Environment Strategy in December 2020. The Strategy is a landmark document that sets out the Council's commitment to the sustainable environmental future of the Borough and is an over-arching strategy, under which a range of other linked and related plans and initiatives sit.
- 1.2 There are 4 Priority Outcomes associated with the Strategy as follows:
 - ❖ Reduce the reliance on the use of fossil fuels.
 - ❖ Reduce carbon and other damaging emissions.
 - ❖ Minimise waste and increase recycling.
 - ❖ Offset residual carbon emissions.

2. Issues

- 2.1 The Sustainable Environment Strategy (SES) is being delivered through an action plan, which identifies a range of actions, which covers an initial 5 years period.

There are also a number of linked plans and initiatives that have been agreed and adopted by the Council as follows:

- ❖ UN Sustainable Development Goals
- ❖ Climate Emergency declaration
- ❖ Nature Recovery declaration
- ❖ Urban Tree Planting Strategy

- 2.2 An Annual Report, detailing progress, has been prepared that encompasses the above and is attached to this report as an appendix. An updated Action Plan for 2022/2023 is also appended to this report.

3. Proposal

- 3.1 Cabinet notes the progress made in the various facets of the Council's Sustainable Environmental Strategy and other linked initiatives.

- 3.2 That Cabinet refers the progress update to the Economy, Environment and Place Scrutiny Committee for scrutiny and comments.

4. Reasons for Proposed Solution

- 4.1 The Sustainable Environment Strategy sets out the Council's ambition to be an exemplar local authority in both caring for, and enhancing our environment. Adapting to and mitigating the effects of climate change means changing the way we do things for the long-term benefit of the Borough.

- 4.2 To contribute to the Council's Sustainable Environment Strategy, linked plans and initiative with particular focus on its journey to net carbon zero.

5. Options Considered

- 5.1 The options considered are whether, or not, to note the report and refer the progress report to the relevant scrutiny committee for scrutiny and comment.

6. Legal and Statutory Implications

- 6.1 The Climate Change Act 2008 has the following provisions:

- ❖ Carbon targets and carbon budgeting - The Act places the government under a legal duty to reduce greenhouse gas emissions by 80% below 1990 levels by 2050
- ❖ The Committee on Climate Change - The Act also establishes the Committee on Climate Change, an independent, expert body to advise government on the appropriate level for the targets, budgets, and on matters relating to mitigation and adaptation. The Committee will submit annual reports to parliament on progress towards the targets and the government must respond to this report.

- 6.2** Councils Duty to reduce carbon emissions - There are currently no statutory requirements for local authorities to set or negotiate targets to reduce their own or area wide emissions.
- 6.3** In 2020/2021, the Council reduced carbon emissions associated with its operations by 21.5% or 593 tons. It will be noted that this reduction will in part have been achieved during the Covid pandemic. Through the One Council programme, the Council is working to ensure that some of the working practices utilised during the pandemic are built into the Councils core business model.
- 6.4** All Local Authorities also have a “biodiversity duty” under the Natural Environment and Rural Communities Act 2006

7. Equality Impact Assessment

- 7.1** There are no adverse equality impact identified as a consequence of this report. Specific actions contained within the proposed Action Plan will need to consider any equality impacts on a project by project basis.

8. Financial and Resource Implications

- 8.1** There are no financial and resource implications arising directly from this report.
- 8.2** However, the Council has formally recognised a climate emergency and in doing so it acknowledges that there is a real need to act now and plan ahead in how to tackle the environmental threats posed by climate change. This need to act will require a balance to be found between the prioritisation of funding for projects and the duty to be accountable for the way in which public funds are used.
- 8.3** The Council recognises that it will need to make bold decisions where there is a good business case to deliver the right outcomes for our residents and businesses that consider both financial and environmental returns for that investment.
- 8.4** To make further progress on this agenda, the 2022/2023 approved Council budget includes the provision of £100,000 within the Budget Growth Fund to enable tree planting within urban greenspaces, preparation of a roadmap to achieving a net zero Council and progress schemes and initiatives contained in the SES Action Plan.
- 8.5** External funding will play an important part in allowing projects to come forward and the work detailed earlier in this report in respect of the Community Renewal Fund is an example which needs to be followed more widely.

9. Major Risks

- 9.1** There are overarching risks of inaction in respect of the Council’s response to the environmental threats caused by rising carbon emissions, habitat loss, plastic pollution and poor use of dwindling natural resources.
- 9.2** As a result, Councils around the UK and Governments around the world are responding to these threats and public calls for a robust and rapid reduction and mitigation measures and have declared Climate Emergencies as well as reigniting environmental strategies with the aim of accelerating action to achieve carbon neutrality, consider how to mitigate the effects of climate change and change how resources are used.
- 9.3** There are growing expectations that Councils take a leading and decisive role in this respect and there are reputational risks to the Council in not acting positively.

- 9.4 Any risks associated with specific projects contained within the proposed Action Plan will be assessed and considered on a project-by-project basis.

10. UN Sustainable Development Goals (UNSDG)

- 10.1 The Sustainable Environment Strategy and linked initiatives will support the realisation of the aims of UN SDG 3, 4, 7, 11, 12, 13, 14 & 15.



11. Key Decision Information

- 11.1 Approval of the report is considered a key decision as it impacts on all wards in the Borough. It has been included in the Forward Plan.

12. Earlier Cabinet/Committee Resolutions

- 12.1 There are several previous Council, Cabinet and Scrutiny Committee reports.

13. List of Appendices

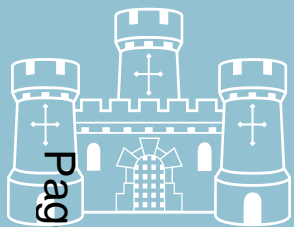
- 13.1 Appendix 1 – Sustainable Environment Strategy Progress Report

14. Background Papers

1. Urban Tree Planting Strategy
2. Sustainable Environment Strategy
3. Climate Emergency Motion
4. Natures Recovery Motion
5. UN Sustainable Development Goals

SUSTAINABLE ENVIRONMENT STRATEGY

ANNUAL
REPORT
MARCH 2022



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NEWCASTLE
UNDER LYME
BOROUGH COUNCIL



Introduction by Councillor Trevor Johnson

Portfolio Holder for Environment and Recycling

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The Council adopted its Sustainable Environment Strategy in December 2020. The Strategy is a landmark document that sets out the Council's commitment to the sustainable environmental future of the borough.

A strategy was needed to protect the local environment and achieve wider sustainability goals for the Borough. The release of greenhouse gases into the atmosphere from human activity is changing the world's climate and the planet is warming up. Rising global temperatures in the long-term will create more extreme and unpredictable weather changes, rising sea levels, severe flooding and reduced water availability, all of which pose significant risk to human health, wildlife and ecosystems.

The stated ambition for the Council is to become an exemplar authority, known for both preserving and protecting the local environment for the present and future and for enhancing the quality of life of residents.

The Strategy recognises that being more sustainable and mitigating the effects of climate change will require changing the way we do things, looking at our own services and ways of working and taking direct action wherever possible, as well as encouraging, supporting and enabling others to do the same.

The Strategy also recognises that the pace of change related to climate change and policy direction is fast as well as the development of technology and best techniques to support these changes and become more sustainable as a Borough. It will be necessary to keep the Council's plans and targets as well as progress made under review in the context of this fast developing agenda.

There are 4 Priority Outcomes associated with the Strategy as follows:

- ❖ Reduce the reliance on the use of fossil fuels.
- ❖ Reduce carbon and other damaging emissions.
- ❖ Minimise waste and increase recycling.
- ❖ Offset residual carbon emissions.

Since the Council adopted the SES a significant event in the global sustainability agenda has been the UK hosting the 26th Climate Change Conference of Parties (COP26) event in Glasgow last autumn. The COP26 summit brought parties together to accelerate action towards the goals of the Paris Agreement and the UN Framework Convention on Climate Change.

At the conclusion of the conference, achievements were made under the following themes:

Mitigation: secured near-global net zero commitments including commitments to move away from coal power, halt and reverse deforestation, reduce methane emissions and speed up the switch to electric vehicles.

Adaptation & Loss and Damage: Record amounts of adaptation finance have been pledged, including committing to doubling 2019 levels of adaptation finance by 2025

Finance: Reaching the climate finance goal by 2023 at the latest, stopping international support for the unabated fossil fuel energy, private financial institutions and central banks moving to realign trillions towards global net zero and developed countries committed significantly increased funding to vital funds such as the Least Developed Countries Fund

Collaboration: accelerate collaboration between governments, businesses and civil society to deliver on climate goals faster.

Sustainable Environment Strategy progress

The Sustainable Environment Strategy (SES) is being delivered through an action plan which identifies a range of actions which covers an initial 5 years period. The main focus is on actions which relate to the Councils own activities and estate. In addition there are a number of actions which benefit the wider Newcastle under Lyme Borough.

The Action Plan and ongoing progress is regularly monitored through an SES Steering Group, Chaired by the Portfolio Holder for Environment and Recycling.

A summary of SES achievements secured to date includes:

- ✓ A range of sustainability policy principles prepared and being fed into the Newcastle Local Plan, including green energy production, electric vehicle charging points, low carbon developments and consideration of a carbon offset fund.
- ✓ Council's procurement process modified to include consideration of suppliers carbon reduction plans as a quality measure.
- ✓ Introduced a whole service change for the Councils Recycling and Waste service including separate food waste recycling and increased recycling rates and participation in the process
- ✓ Refresh of the Sustainability pages on the Councils web-site
- ✓ Green transport pilot for town centre scooters completed
- ✓ Changed to an all-electric heating solution for Clough Hall Park pavilion
- ✓ Promoted staff green travel options including travel cards, cycle loans and car sharing.

- ✓ Progressed consortium low emission taxi and public electric charger infrastructure bid for NBC owned car parks.
- ✓ Invested in route optimisation technology for the Councils recycling and waste fleet to maximise fuel efficiency.
- ✓ Invested in 3 fully electric vans for the Councils pest control and dog warden services.
- ✓ Installed energy usage data loggers in 6 council buildings to ensure energy costs are minimised.
- ✓ Completed a review of energy efficiency opportunities for Jubilee 2.
- ✓ Secured a bid to Community Renewal Fund including feasibility study for solar generation at keele, smart LED street lighting and replacement fossil fuel heating systems support.
- ✓ Developed a tree planting strategy and plans agreed for first phase of planting (see further details below)
- ✓ Switched to green tariff for electricity and plans in place to switch to green gas tariff in 2022 for all Council owned buildings.
- ✓ Completed first phase of solar thermal PV panels at Knutton Lane Depot and progressing with a further phase.
- ✓ In 2020/21 the Councils carbon emissions reduced by 21.5% (593 tons) on the previous year.

UN Sustainable Development Goals and Climate Emergency Declaration

On the 16 December 2020, the Council, passed a motion adopting the UN Sustainable Development/Global Goals. The 17 Sustainable Development Goals (SDGs) are the world's call to action on the most pressing challenges and opportunities facing humanity and the natural world.

Progress has been made in terms of embedding these goals, and the contribution the Council makes and can make towards their achievement as follows:

- ✓ Every report brought to Council and Cabinet now highlights how each report dovetails with the UN Sustainable Goals and each report now includes the symbol(s) of the goals that it looks to achieve and makes a contribution to.
- ✓ Work has also began in the mapping of which of the 17 SDG's are most relevant to the Borough, (using the LGA and UKSSD Sustainable Development Guide) and where the Council currently contributes to those goals with the intention of being able in the future to consider where the Council focuses its resources and influence to achieve a greater contribution.

Climate Emergency declaration

In April 2019, the Borough Council passed a motion declaring a climate emergency. The motion contained a number of elements and the following positive progress has been made against these and in particular in strategic development:

- ✓ At the last Cabinet meeting the formation and participation in a new Staffordshire Leaders Board was agreed and the Leader of the Council was appointed as the Borough Councils representative.
- ✓ The purpose of the new Board is to ensure all Staffordshire councils work ever more closely with each other This positions the Council to better exploit a wide range of opportunities from the Governments Levelling Up

agenda and the development of a County Deal, with both climate change and waste/recycling being two explicit areas drawn out for joint working during 2022.

- ✓ A County wide Climate Matters Staffordshire Forum has been formed which the Council which is attended and supported by the Portfolio Holder and senior officers. All Staffordshire Councils take part and the Chair is an independent local person. The purpose of the Forum is to encourage and collaborate with a range of partners to drive towards a carbon neutral county.
- ✓ A Staffordshire Climate Leaders Group has been formed, consisting of partners from a range of public, private, educational and wildlife sectors. The Leader of the Council takes the leadership role on this group on behalf of the Council.
- ✓ A Staffordshire Joint Sustainability Board has been established. Chaired by the Leader of the Council in his Staffordshire County Council Cabinet Member role, and attended by the Councils Portfolio Holder for Environment and Recycling, this Board is set up to produce a Staffordshire Joint Environmental Sustainability Strategy
- ✓ With input from all Staffordshire councils and a particular focus on large countywide sustainability projects that could not be achieved without this level of buy-in and collaboration.
- ✓ Achieving carbon neutrality was a central element of the motion and this was subsequently considered and scrutinised by the Economy, Environment and Place Scrutiny Committee, which made a series of recommendations in this respect.

Nature Recovery Declaration

In November 2021 the Council was the first in Staffordshire to adopt a Borough Nature Recovery Declaration in Full Council, acknowledging that we are experiencing a nature crisis with 41 per cent of wild species in decline nationally and 15 per cent facing extinction.

The Declaration also recognised that:

- Nature is in long term decline
- Nature provides us with vital support systems
- A thriving natural environment underpins a healthy, happy and prosperous society.
- The impact of climate change are driving natures decline
- Many areas of the boroughs work have an impact on nature and we have responsibilities to make decisions to protect and enhance nature.

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.

A number of actions were agreed to support this work and progress has already been made with several of these as follows:

- ✓ Discussions are taking place with Staffordshire Wildlife Trust in respect of creating a Local Nature Recovery Action Plan that will sit under the umbrella of the Councils Sustainable Environment Strategy.
- ✓ The development of a Local Habitat Map that identifies existing habitats sites, priority areas for protection, improvement and expansion is being worked on as part of the emerging Borough Local Plan.

- ✓ Appointed the Portfolio Holder for Environment and Recycling as the designated Cabinet Lead for tackling the nature crisis and the Executive Director of Operational Services as the lead officer for co-ordinating the Councils operations in relation to local nature recovery.
- ✓ Started to integrate the targets, objectives and outcomes of the declaration with the Sustainable Environment Strategy to make sure measures to tackle climate change compliment the principles of nature recovery.
- ✓ Investing in nature-based solutions has already started with the Urban Tree Planting Strategy, (see below) with large areas of urban Council owned land being designated as urban carbon capture areas and sites for native tree planting.
- ✓ A suitable on-line sustainability-training package has been identified that includes not only nature and biodiversity but also climate change and carbon reduction elements and will be rolled out to all Council staff and Elected Members.
- ✓ Through the network of local and Countywide sustainability groups and forums, nature recovery is already being recognised as a priority for both local and regional action.

Urban Tree Planting Strategy

On 7th 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:

- ✓ The proposed Urban Tree Planting Strategy be approved for immediate implementation and included in the Urban Forest Strategy when the review is completed.
- ✓ That Ward Members of urban wards in the Borough and local communities be asked to propose potential sites for tree planting in their wards.
- ✓ That opportunities to work together with local organisations and landowners be pursued.
- ✓ 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.
- ✓ An Urban Tree Planting Action Plan be prepared to guide tree-planting projects and link in to the Council's Sustainable Environment Strategy.
- ✓ The 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.
- ✓ A dedicated web page has been set up on the Council's 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.
- ✓ Tree Planting has been carried out in phase one of the Action Plan at Newchapel Recreation Ground and Sandy Lane, to coincide with National Tree week.
- ✓ A new dedicated web-site has been set-up to provide information on the planting proposals, emphasise the environmental benefits of trees in the community and allow residents to submit views on proposed tree planting sites.
- ✓ A consultation exercise has been completed for the 5 further tree planting sites included in phase 2 of the Action Plan and plans are well underway to complete this planting work.
- ✓ A further list of sites for consideration in the autumn/winter period this year has been agreed
- ✓ Cabinet have removed the 2 ha. limit to allow larger sites to be considered.
- ✓ A commitment has been made that the planting site in phases 1, 2 and 3 and future phases 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.
- ✓ At the time of writing this report, 17 primary schools have indicated that they will be participating in the Queens Green Canopy 2022 "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.

Sustainable Environment Strategy Action Plan 2022/2023

Themes	Action	By when?
Overarching	1. The Staffordshire Climate Change Adaptation & Mitigation Report has been finalised and key policy recommendations will inform policies in the Local Plan to ensure that new development will seek to mitigate the impact on climate change.	At the adoption of the Local Plan
	2. The following policy principles are likely to be taken forward in the emerging Local Plan:-	
	3- Presumption in favour of wind energy development on unconstrained areas (which will be identified on the Policies Map), subject to specific criteria on design, siting, amenity impact etc.	At the adoption of the Local Plan
	4- Electric vehicle charging points should be included in all developments' parking proposals. Where use of existing parking facilities are being utilised, contributions towards electric vehicle infrastructure is likely to be required;	At the adoption of the Local Plan
	5- Requirement that all development should be adaptable to climate change and help reduce carbon emissions by including, wherever appropriate, decentralised and renewable and low carbon sources.	At the adoption of the Local Plan
	6- Requirement on proposals for major developments to submit a sustainability statement demonstrating consideration of energy efficiency measures and low carbon technologies;	At the adoption of the Local Plan
	7- Requirement for all development and energy proposals that would generate significant surplus or waste heat should take all practicable measures to utilise that heat to meet local energy needs;	At the adoption of the Local Plan
	8- Requirement to connect into the heat network or be designed to do so where this is planned or exists, unless it can be demonstrated that there are more effective alternatives for minimising carbon emissions or such connection is impracticable;	At the adoption of the Local Plan
	9- The Report also recommends consideration of a carbon offset fund. Should the Council choose to adopt this, the level of charge set would need to be tested in a Viability Report and additional resources may be required to manage this fund.	At the adoption of the Local Plan
	10. Continuin to engage with Keele University (possible Staffordshire University) to explore what they are doing in relation to reducing carbon / becoming carbon neutral and to examine if the Council can learn anything from the work being undertaken.	2022/2023
	11. To explore if there is any national best practice examples and/or guidance to support the delivery of such work.	2022/2023
	12. Commission a base line study and roadmap plan to reach carbon neutrality for the Councils operations by 2030	2022/23
	13. Create dedicated Environmental Sustainability Officer post for intial 12 month period.	2022/2023

Reduce our reliance on Fossil Fuels	14. An Air Quality Final Business case will be considered by Cabinet for submitting to which will include a package of measures to be implemented with respect to Air Quality improvements.	2022/2023
	15. Staffordshire County Council's Local Cycling and Walking Infrastructure Plan (LCWIP) 2020-2030 establishes a programme of improvements for pedestrians and cyclists to include better access and improved cycle routes for the residents of the Borough.	2020-2030
	16. Promote the Council's agile working policy and Green Travel Plan, encouraging Car Sharing, Cycle Loans, and Annual Bus Travel Card for its employees to reduce CO2 from travel to work.	Ongoing
	17. A consortium bid, funded by Low Emission Taxi Infrastructure Scheme, has approved eight rapid electric vehicle charging points to be installed within the Borough. To complete the installation of electrical vehicle charging points in car parks managed by the Borough for customer usage.	2022
	18. Staffordshire County Council have developed an EV strategy for the County. The Council will use this as a basis for its borough-wide strategy. Continue to investigate further opportunities for on street parking charging points.	2022/2023
	19. To consider future amendments of policy and further consultation and adoption to the Taxi / PHV policy	2025
	20. To assess the suitability and applicability of financial support schemes from the Office of Low Emissions Vehicles grants for new vehicles / grant for second hand (loan schemes to support purchase of New and Used vehicles)	2025
	21. To assess schemes established by Local Authorities such as Birmingham / Coventry / Nottingham with respect to electrical vehicles and its associated infrastructure improvement and to incorporate learning for the Council.	2025
Reduce Emissions	22. Build on vehicle route optimisation work in recycling, waste and fleet service and extend it to other parts of the Council's operations to reduce vehicle mileage and emissions.	Ongoing
	23. To continue to provide driver CPC training and offer ECO driving aimed at Driver behaviour and well-being.	Ongoing
	24. Based on the data captured by Wi Bees Data Loggers, for utilities consumption, the Council will seek to effect behaviour changes and optimise energy usage.	2023
	25. Monitor and utilise the data from the new "e-telligent" packages of building management systems.	2022/2023

	26. To appoint an energy specialist in- house or to engage an external specialist Consultant with the remit of reducing carbon emissions across the Council's portfolio.	2022/2023
	27. To Council has appointed external consultants to assess the feasibility of deploying low carbon technologies, across the Councils landholdings and buildings.	ongoing
	28. Continue to work collaboratively with Keele University to explore new energy efficient schemes such as district network heating.	2022/2023
	29. The Council has made preliminary assessment of the type of street lighting for which the Council is responsible for, 382 lights of which only 4 are currently LED. To develop a proposal/business case to install LED to Council's owned street lighting.	2022/2023
Minimise Waste, Recycle More	30. To review what neighbouring authorities are delivering as part of their carbon reduction/carbon neutrality programme, examine if there might be benefits from a combined public sector L.A. approach.	2022/2023
	31. To engage with the Staffordshire Chamber of Commerce to understand the messages/guidance they are providing to the business sector on CO2 neutral energy tariffs.	2022/2023
	32. To explore what local medium to large size private sector organisations are doing in relation to reducing carbon / becoming carbon neutral (examine any learning from the work being undertaken).	2022/2023
Offset	33. Continue the planting of trees on Council owned land as part of the Urban Tree Planting Strategy and declare planted sites Urban Carbon Capture Areas.	2022/2023
	34. Explore the feasibility of installing a 30kw array of solar thermal-PV hybrid at south facing roofs of NULBC central Depot. Battery Solutions for the Depot. To store excess energy from the solar panels.	2022/23 2023
	35. Implement Community Renewal Fund (CRF) Bid projects for sustainable energy solutions. Including LED street lighting, community building energy efficiency and feasibility of Keele solar green energy generation.	2022/23
	36. Social Housing & Decarbonisation Fund	2022
	37. Prepare a Nature Recovery Action Plan in conjunction with Staffordshire Wildlife Trust	2022/23
	38. J2 Tree Planting Scheme - to plant a tree for every new Member signed up at J2.	2022/23
	39. Progress Carbon Literacy Project	2022/2023
	40. Explore Long Life/Long Term Energy Storage opportunities	Ongoing

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
23 March 2022

Report Title: COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief Policy

Submitted by: Head of Finance (S151 Officer)

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To outline the COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief Policy.

Recommendations

- 1. To approve the COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief Policy.**

Reasons

Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.

1. Background

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.

2. Issues

- 2.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive

the allocated funding, it must:

- not award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
- not award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government's advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
- direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

3. **Proposal**

3.1 To approve the COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief Policy.

4. **Reasons for Proposed Solution**

4.1 The Council is expected to assist the eligible businesses by pass-porting the financial support as soon as possible.

5. **Options Considered**

5.1 Not applicable.

6. **Legal and Statutory Implications**

6.1 In line with section 47(8) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or major precepting authorities.

6.2 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.

6.3 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.

7. **Equality Impact Assessment**

7.1 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.

8. **Financial and Resource Implications**

8.1 The Councils Central Government COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief allocation is £2,409,249.

8.2 Central government will fully reimburse local authorities for discretionary relief awards which comply with the guidance up to the maximum level of the allocations. Because billing authorities have completed their NNDR1s for 2021/22 already, payments to major precepting authorities will

be unaffected by the award of the relief. Therefore, within the year billing authorities only will be provided with “on account” section 31 payments covering the full amount of relief awarded to ensure that their cashflow is not affected.

8.3 After the end of the year, billing authorities will be asked to provide outturn data on the actual total cost of providing the relief via the NNDR3 forms for 2021/22. The loss of income resulting from the relief for each billing authority and major precepting authority will be reconciled against the on-account payments made over the course of the year and any difference will be paid or recovered.

9. **Major Risks**

9.1 The key risk is that the Council receives a high request for the discretionary fund and as a result exceeds its funding allocation.

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

10.1 As the proposals relate to supporting businesses following the COVID-19 pandemic they will impact a number of UN Sustainable Development Goals (UNSDG). These are:-



11. **Key Decision Information**

11.1 The discretionary funding allocation is £2,409,249 and the policy requires Members approval.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief Policy.

14. **Background Papers**

14.1 Central Government Guidance published in December 2021.

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COVID-19 Additional Relief Fund
Discretionary Non-Domestic Rate Relief
Policy

March 2022

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 1.6 This document outlines the following areas:
 - Details of the criteria for receiving Discretionary Reliefs under the COVID-19 Additional Relief Fund (CARF) scheme;
 - The Council's policy for granting the relief;
 - General guidance on granting and administering the reliefs and awards;
 - Subsidy Controls applicable; and
 - The Council's Scheme of Delegation.
- 1.7 Where ratepayers apply for relief they will be granted (or not granted) relief under the COVID-19 Additional Relief Fund (CARF) scheme in line with the following policy.

2.0 Discretionary Relief - Legislative Background

Introduction

- 21 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 22 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 23 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 24 The Council will expect all businesses to provide such information and evidence as required in order to determine whether relief should be awarded.
- 25 There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 26 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

3.0 Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme

- 3.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive the allocated funding, it must:
- (a) **not** award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) **not** award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government's advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
 - (c) direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

- 32 In line with section 47(8) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or major precepting authorities.
- 33 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.
- 34 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.
- 35 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the relevant criteria are met irrespective of whether discretionary relief can be granted or not.

4.0 Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.

- 4.1 Over the past few years, a number of schemes (such as the COVID-19 Additional Relief Fund) have been led by Central Government but without specific legislative changes.
- 4.2 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.
- 4.3 In view of this, the Council has decided that where a ratepayer meets **all** of the relevant criteria, relief will be 20% of the 2021/22 liability **after** any other reliefs and reductions have been applied.
- 4.4 The criteria for the COVID-19 Additional Relief Fund are as follows:
- (a) the ratepayer is **not** eligible (or would be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) the ratepayer is not entitled to either Small Business Rate Relief or Rural Rate Relief granted at 100%;
 - (c) the ratepayer is **not** entitled to mandatory relief (80%) and discretionary (top up) of 20% which is funded through business rates retention;
 - (d) the hereditament is treated as occupied by the Council;
 - (e) the ratepayer confirms that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;

- (f) the ratepayer is **not** subject to Subsidy Control as defined within section 6; and
- (g) the hereditament is not excluded under the section 5 below

5.0 Excluded hereditaments

- 5.1 The Council has decided that the hereditaments / ratepayers within Appendix A will be excluded from relief under the Council's COVID-19 Additional Relief Fund (CARF) scheme.

6.0 Subsidy Control

- 6.1 The Council's COVID-19 Additional Relief Fund (CARF) scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries).
- 6.2 This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy.
- 6.3 Therefore, to be awarded CARF the ratepayer must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances.
- 6.4 Any COVID-19 business grants a ratepayer has received from local government generally and the 2019/20 Retail Relief should count towards this limit, but the ratepayer should not count any Extended Retail Discount they have received since 1 April 2020.
- 6.5 Further details of subsidy control can be found at:
<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>
- 6.6 The ratepayer will need to indicate to the Council:
 - if they have not to date received any subsidy which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances; or
 - if the ratepayer has received other such subsidies, they will be required to provide the name and total value of those subsidies.
- 6.7 A ratepayer must not apply for CARF if they have already exceeded the £2,243,000 allowance. However, the Council will still consider applications for support under the CARF scheme if they have reached this limit provided you can evidence that they:

- (a) Intend to use the support to fund uncovered fixed costs (costs not covered by profits for insurance etc) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and
 - (b) Have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.
- 6.8 The ratepayer may claim up to a further £10 million of additional allowance (on top of the £2,243,000) if they meet the above tests and they have not claimed any other support from the additional allowance up to an aggregate £10 million limit (such as from the COVID-19 business grants).
- 6.9 Government and the Council will not tolerate any business falsifying their records or providing false evidence to gain this relief including claiming support above these thresholds.
- 6.10 A ratepayer who falsely applies for any relief or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

7.0 Effect on the Council's Finances

- 7.1 As Central Government leads this initiative, funding will be provided through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.
- 7.2 In order to guarantee funding, the Council will ensure that the criteria in this policy are met in full

8.0 Administration of Discretionary Relief

- 8.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation¹

¹The Non-Domestic Rating (Discretionary Relief) Regulations 1989

Applications and Evidence

- 8.2 The Council will specify how (and if) applications are to be made and received. This may vary from time to time.
- 8.3 Where appropriate, ratepayers are required to provide such evidence necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect ratepayers claiming relief to facilitate this where necessary.
- 8.4 The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications will be accepted from ratepayers only.

Granting of relief

- 8.5 In all cases, the Council will notify the ratepayer of decisions made.
- 8.6 Where an application (if required) is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end.
 - The new chargeable amount;
 - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
 - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 8.7 Where relief is not granted, then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).
- 8.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision. Given the timing of this relief, awards will only be made for the 2021/22 financial year.

Variation of a decision

- 8.9 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge (excluding rateable value increases) or a change in the Council's decision which increases the award - this will apply from a date determined by the Council as appropriate;
 - Where the amount is to increase for any other reason, it will take effect at the expiry of a financial year unless it is granted for a fixed period;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;
- 8.10 A decision may be revoked at any time and a one-year period of notice will be given and the change will take effect at the expiry of a financial year. However, the Council will terminate the relief at any time the ratepayer fails to meet **any** of the relevant eligibility criteria.

9.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 9.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 9.2 The Council's scheme of delegation allows for the Head of Finance (S151 Officer) to award, revise or revoke any discretionary relief application.
- 9.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 94 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 95 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Head of Finance (S151 Officer). Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.

10.0 Reporting changes in circumstances

- 10.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 10.2 Where a change of circumstances is reported which would cease or revise eligibility, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

11.0 Fraud

- 11.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

Appendix A Ratepayers / hereditaments excluded from the scheme

Valuation Office Agency Scat code	Special category description	SIC code	SIC definition
	RETAIL SECTOR		
021	Banks/Insurance/Building Society Offices and Other A2Uses	K	Financial Services
	Retail - Shops Sub-sector		
008	Airport Let Outs	G	Wholesale and Retail
024	Betting Offices	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
086	Departmental and Walk Round Stores (Large)	G	Wholesale and Retail
097	Factory Shops	G	Wholesale and Retail
139	Hypermarkets/Superstores(over 2500m ²)	G	Wholesale and Retail
152	Large Food Stores (750 -2500m ²)	G	Wholesale and Retail
154	Large Shops (750 - 1850m ²)	G	Wholesale and Retail
155	Large Shops (Over 1850m ²)	G	Wholesale and Retail
425	Pharmacies Within/Adjacent to Surgery/Health Centre	Q	Health
429	Post Offices	G	Wholesale and Retail
738	Builders Merchant	G	Wholesale and Retail
	OTHER SECTOR		
	Assembly And Leisure Sub-sector		
004	Agricultural Showgrounds(National Scheme)	R	Arts, Entertainment and Recreation
022	Beach Huts	I	Hospitality
026	Bird Sanctuaries	R	Arts, Entertainment and Recreation
049	Casinos and Gambling Clubs	R	Arts, Entertainment and Recreation
225	Public Halls	R	Arts, Entertainment and Recreation
229	Racing Stables (National Scheme)	R	Arts, Entertainment and Recreation
264	Stables and Loose Boxes	R	Arts, Entertainment and Recreation
293	Village Halls Scout Huts Cadet Huts etc.	R	Arts, Entertainment and Recreation
	Education Sub-sector		
065	Colleges of Further Education(National Scheme)	P	Education
085	Day Nurseries/Play Schools	P	Education

159	Local Authority Schools(National Scheme)	P	Education
206	Oxbridge Colleges	P	Education
223	Public and Independent Schools(National Scheme)	P	Education
288	Universities (Excluding Oxbridge) (National Scheme)	P	Education
440	University Occupation Within Hospitals	P	Education
505	Nurseries/Creches Within/Part of Specialist Property	P	Education
995	Educational Miscellaneous	P	Education
	Health Sub-sector		
134	Hospitals and Clinics NHS(National Scheme)	Q	Health
135	Hospitals and Clinics (Private)(National Scheme)	Q	Health
436	Surgeries Clinics Health Centres (Contractors Valuation)	Q	Health
437	Surgeries Clinics Health Centres (Rental Valuation)	Q	Health
	Non Residential Institutions Sub-sector		
067	Community Day Centres	Q	Health
156	Libraries	O	Public administration
	Other - Offices Sub-sector		
057	Civic and Public Buildings (Local Authority Occupations)	O	Public administration
411	Coastguard Stations	O	Public administration
415	Courts (Rental Valuation)	O	Public administration
414	Courts (Contractors Valuation)	O	Public administration
215	Police Stations	O	Public administration
418	Information/Visitor Centres	N	Administrative Services
	Other - Other Sub-sector		
001	AA/RAC Service Centres and Boxes	Y	Transport
003	Advertising Right	J	Information and Communication
010	Ambulance Stations	O	Public administration
015	Army Hereditaments	O	Public administration
043	Car Spaces	Y	Transport
053	Cemeteries (National Scheme)	S	Other Services
058	Civic Amenity Sites	E	Water and Waste Management
076	Contractors Huts and Compounds	F	Construction
080	Crematoria (With and Without Cemeteries) (National Scheme)	S	Other Services
101	Fire Stations	O	Public administration
111	Funeral Parlours/Chapels of Rest	S	Other Services

123	Gypsy Camp Sites (Short Stay)	I	Hospitality
124	Hatcheries/Poultry Farms	A	Agriculture, Forestry and Fishing
141	Interactive Telephone Kiosks	J	Information and Communication
144	Laboratories	M	Professional Services
146	Land Used For Advertising	J	Information and Communication
147	Land Used For Car Boot Sales	G	Wholesale and Retail
150	Landfill Sites	E	Water and Waste Management
189	Moorings (Floating Hereditaments)	I	Hospitality
190	Mortuaries	O	Public administration
197	Navy Hereditaments	O	Public administration
202	Observatories	M	Professional Services
224	Public Conveniences (National Scheme)	O	Public administration
228	Public Telephone Kiosks (National Scheme)	J	Information and Communication
230	RAF Hereditaments	O	Public administration
232	Recording Studios	J	Information and Communication
269	Stud Farms	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
285	Training Centre (Non Residential)	Q	Health
292	Veterinary Clinics / Animal Clinics	M	Professional Services
294	Vineyards/Wineries	C	Manufacturing
298	Waste Recycling Plants	E	Water and Waste Management
302	Windmills	C	Manufacturing
420	Lifeboat Stations	O	Public administration
424	Pet Grooming Parlours	M	Professional Services
428	Police Training Colleges	P	Education
438	Telescope Sites	O	Public administration
439	University - Ancillary Land or Buildings	P	Education
501	Car Parking Within/Part of Specialist Property	Y	Transport
998	Crown Miscellaneous	O	Public administration
	Other - Retail Sub-sector		
018	ATMs	K	Financial Services
133	Hospital Let Outs	G	Wholesale and Retail
193	Motorway Service Area Let Outs	G	Wholesale and Retail
194	Motorway and Major Road Service Areas	G	Wholesale and Retail
250	Showhouses (National Scheme)	G	Wholesale and Retail
419	Land Used for Display	G	Wholesale and Retail
432	Sales Offices	L	Real Estate Activities
	Residential Institutions Sub-sector		
201	Nursing Homes (Inc. Old Peoples Homes)	Q	Health
220	Prison Service Hereditaments	O	Public administration

	Storage & Distribution Sub-sector		
119	Grain Silos	Z	Storage and Distribution
120	Granaries and InterventionStores	Z	Storage and Distribution
157	Liquid Bulk Storage (Incl Petroland Oil) (National Scheme)	Z	Storage and Distribution
404	Archives	O	Public administration
412	Cold Stores (ContractorsValuation)	Z	Storage and
	Distribution		
413	Cold Stores (Rental Valuation)	Z	Storage and Distribution
	Transport Sub-sector		
005	Air Ports (Minor) (NationalScheme)	Y	Transport
006	Air Strips (National Scheme)	Y	Transport
036	Bus Stations	Y	Transport
059	Civil Airports	Y	Transport
089	Docks and Harbours (Non-Statutory)	Y	Transport
126	Heliports	Y	Transport
161	Lony Parks	Y	Transport
231	Railways and Tramways (NonLeisure)	Y	Transport
282	Tolls (Ferries Roads andBridges)	Y	Transport
287	Truck Stops	G	Wholesale and Retail
712	Rail Freight Depots	Y	Transport 714 Rail
	Maintenance Depots	Y	Transport
737	Ferry Terminal	Y	Transport
	Utilities Sub-sector		
066	Communication Stations(National Scheme)	J	Information and Communication
088	District Heating Undertakingsand Networks	D	Energy
090	Domestic Fuel Installations	O	Public administration
094	Electricity Undertakings (Non-Statutory)	D	Energy
115	Gas Processing Plants	D	Energy
149	Landfill Gas Generator Sites	D	Energy
219	Power Generators	D	Energy
246	Sewage Works (NationalScheme)	E	Water and Waste Management
275	Telecommunications Cable Networks (National Scheme)	J	Information and Communication
276	Telecommunications SwitchingCentres	J	Information and Communication
300	Water Undertakings (Non-Statutory)	E	Water and Waste Management
726	Telecommunications LargeBroadcast Sites	J	Information and Communication

729	Renewable Generators - Mixed Technologies	D	Energy
733	Battery Storage	D	Energy
741	Independent Gas Transporter	D	Energy
742	Independent Distribution Network Operator	D	Energy
743	Renewable Power Generator - Photovoltaic	D	Energy
744	Renewable Power Generator -Wind	D	Energy
745	Renewable Power Generator -Other	D	Energy
746	Renewable Power Generator -Hydro	D	Energy
747	Fossil Fuel Power Station	D	Energy
748	Nuclear Power Station	D	Energy
	INDUSTRY SECTOR		
	General Industrial Sub-sector		
105	Food Processing Centres	C	Manufacturing
110	Foundries	C	Manufacturing
289	Vehicle Repair Workshops and Garages	G	Wholesale and Retail
096	Factories Workshops and Warehouses (Incl Bakeries and Dairies)	C	Manufacturing
153	Large Industrials (Over 20000m ²)	C	Manufacturing
192	Motor Vehicle Works	C	Manufacturing
198	Newspaper Printing Works (National Scheme)	C	Manufacturing
207	Paper Mills	C	Manufacturing
	Industry - Storage & Distribution Sub-sector		
034	Bullion/Money Stores (National Scheme)	Z	Storage and Distribution
129	High Tech Warehouses	Z	Storage and Distribution
148	Land Used For Storage	Z	Storage and Distribution
151	Large Distribution Warehouses	Z	Storage and Distribution
217	Post Office Sorting Centres	Z	Storage and Distribution
267	Storage Depots	Z	Storage and Distribution
268	Stores	Z	Storage and Distribution
301	Wholesale Warehouses	G	Wholesale and Retail
510	Stores Within/Part of Specialist Property	Z	Storage and
511	Warehouses Within/Part of Specialist Property	Z	Storage and Distribution
721	Self Storage Facility	Z	Storage and Distribution
068	Industry Other Sub-sector Computer Centres (Non-Purpose Built)	N	Administrative Services

069	Computer Centres (PurposeBuilt)	N	Administrative Services
007	Aircraft Works With Airfields	C	Manufacturing
009	Aluminium Smelting Works	C	Manufacturing
016	Artificial Fibre Works	C	Manufacturing
017	Asphalt Plants	C	Manufacturing
020	Baling Plant	C	Manufacturing
023	Beet Sugar Factories	C	Manufacturing
027	Boat Yards	C	Manufacturing
031	Breweries (National Scheme)	C	Manufacturing
032	Brickworks (Traditional) ClayTile/Pipe Works	C	Manufacturing
033	Bulk Cement Storage Depots	C	Manufacturing
037	Cable Head End Buildings	J	Information and Communication
050	Cattle Breeding Centres	A	Agriculture, Forestry and Fishing
051	Cement Tile Works	C	Manufacturing
052	Cement Works	C	Manufacturing
055	Chemical Works	C	Manufacturing
063	Coking and Carbonising Plants	C	Manufacturing
071	Concrete Batching Plants	C	Manufacturing
072	Concrete Block Works	C	Manufacturing
073	Concrete Product Works	C	Manufacturing
079	Creameries	C	Manufacturing
087	Distilleries	C	Manufacturing
093	Effluent Minewater TreatmentPlant and Premises	E	Water and Waste Management
095	Exhaust and Tyre Centres	G	Wholesale and Retail
103	Flour Mills (National Scheme)	C	Manufacturing
113	Garages (Transport and Commercial)	Y	Transport
127	Hereditis Used For Primary Treatment/Processing Of Minerals	B	Mining and Quarrying
142	Iron and/or Steel Works	C	Manufacturing
158	Livestock Markets (NationalScheme)	C	Manufacturing
162	Maltings - Non Trad	C	Manufacturing
163	Maltings - Trad	C	Manufacturing
166	Mechanised Handling Depots	Z	Storage and Distribution
167	Mineral Producing Hereditament - Blockstone	B	Mining and Quarrying
168	Mineral Producing Hereditament - Brine	B	Mining and Quarrying
169	Mineral Producing Hereditament - Chalk	B	Mining and Quarrying
170	Mineral Producing Hereditament - China Clay	B	Mining and Quarrying

171	Mineral Producing Hereditament - Clay	B	Mining and Quarrying
172	Mineral Producing Hereditament - Coal	B	Mining and Quarrying
173	Mineral Producing Hereditament - Fluorspar	B	Mining and Quarrying
174	Mineral Producing Hereditament - Gas	B	Mining and Quarrying
175	Mineral Producing Hereditament - Hardrock	B	Mining and Quarrying
176	Mineral Producing Hereditament - Inert	E	Water and Waste Management
177	Mineral Producing Hereditament - Oil	B	Mining and Quarrying
178	Mineral Producing Hereditament - Other Mineral Category	B	Mining and Quarrying
179	Mineral Producing Hereditament - Putrescible	E	Water and Waste Management
180	Mineral Producing Hereditament - Sand and Gravel	B	Mining and Quarrying
181	Mineral Producing Hereditament - Shale Burnt	B	Mining and Quarrying
182	Mineral Producing Hereditament - Shale Unburnt	B	Mining and Quarrying
183	Mineral Producing Hereditament - Slate	B	Mining and Quarrying
184	Mineral Producing Hereditament With Batching Plant	B	Mining and Quarrying
186	Mineral Producing Hereditament With Tunnel Kiln	B	Mining and Quarrying
187	MOD Hereditaments	O	Public administration
200	Nuclear Establishments	E	Water and Waste Management
205	Oil Refineries	C	Manufacturing
212	Pipelines	Y	Transport
218	Potteries	C	Manufacturing
221	Properties Involving Extraction of Materials For Profit	B	Mining and Quarrying
222	Provender Mills (National Scheme)	C	Manufacturing
233	Refuse Destructor Plants/Disposal Sites	E	Water and Waste Management
244	Scrap Metal/Breakers Yard	E	Water and Waste Management
245	Sea Dredged Aggregate Processing Plants and Depots	B	Mining and Quarrying
247	Ship Building Yards	C	Manufacturing
248	Ship Repair Yards	C	Manufacturing
255	Spoil Heap Workings	B	Mining and Quarrying
274	Tanneries	C	Manufacturing

290	Vehicle Testing Centres (With Test Tracks)	C	Manufacturing
291	Vehicle Testing Centres (Without Test Tracks)	O	Public administration
295	Wafer Fabrications (National Scheme)	C	Manufacturing
297	Waste Incinerator Plants	E	Water and Waste Management
299	Waste Transfer Stations	E	Water and Waste Management
400	Abattoirs and Slaughter Houses (Contractors Valuation)	C	Manufacturing
401	Abattoirs and Slaughter Houses (Rental Valuation)	C	Manufacturing
402	Agricultural Research Centres	M	Professional Services
406	Bus Garages (Contractors Valuation)	Y	Transport
407	Bus Garages (Rental Valuation)	Y	Transport
422	Pack Houses	A	Agriculture, Forestry and Fishing
423	Peat Fields	B	Mining and Quarrying
430	Pumping Mines	B	Mining and Quarrying
433	Statutory Docks and Harbours (Formula)	Y	Transport
434	Statutory Docks and Harbours (Non-Formula Prescribed)	Y	Transport
435	Statutory Docks and Harbours (Other)	Y	Transport
441	Weighbridges	Y	Transport
502	Garages Within/Part of Specialist Property	Y	Transport
994	Industrial Miscellaneous	C	Manufacturing
997	Minerals Miscellaneous	B	Mining and Quarrying

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
23 March 2022

Report Title: Support for Energy Bills – The Council Tax Rebate and Discretionary Fund 2022-23 Policy

Submitted by: Head of Finance (S151 Officer)

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To outline the Support for Energy Bills Council Tax Rebate Discretionary Fund 2022-23 Policy.

Recommendations

- 1. To approve the Support for Energy Bills Council Tax Rebate Discretionary Fund 2022-23 Policy.**
- 2. To authorise the Head of Finance (Section 151 Officer), in consultation with the Portfolio Holder, Finance, Town Centres and Growth to update the Energy Bills Council Tax Rebate Discretionary Fund 2022-23 Policy should further guidance be received.**

Reasons

The government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, worth £9.1 billion in 2022-23. The Council is required to set a Discretionary Fund Policy in order to distribute the discretionary funding to eligible households.

1. Background

- 1.1 The government recognises that many households will need support to deal with the rising cost of household bills in 2022-23, driven by increasing energy bills. While these rising costs will affect most households across the country, they are more likely to disproportionately affect those on lower incomes, who tend to spend a higher proportion of their income on utility bills.
- 2.2 In response to this, the government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, worth £9.1 billion in 2022-23. This includes:
 - A £200 discount on their energy bill this autumn for domestic electricity customers in Great Britain. This will be paid back automatically over the next 5 years.
 - A £150 non-repayable rebate for households in England in council tax bands A to D, known as the Council Tax Rebate.
 - £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.
- 2.3 The Council is required to set a Discretionary Fund Policy in order to distribute the discretionary funding to eligible households. This policy requires Members approval.

1.4 Funding paid to the Council for the Discretionary Fund is to be passed on directly as one-off grants of up to £150 to households that the Council chooses to support. Any unspent funding by 30 November 2022 will be required to be repaid to government and in the event of an overspend, no additional funding will be provided.

2. **Issues**

2.1 The Council is expected to issue the discretionary funding to eligible households as soon as they are able to. Eligible Households are required to complete an application form in order to receive the one-off payment of £150.

2.2 It is expected that further guidance will be produced regarding the treatment of households who move house in order not to make duplicate payments.

3. **Proposal**

3.1 To approve the Support for Energy Bills Council Tax Rebate Discretionary Fund 2022-23 Policy and allow for updates should they be provided from Central Government.

4. **Reasons for Proposed Solution**

4.1 The Council is expected to assist the eligible households by pass-porting the financial support as soon as possible.

5. **Options Considered**

5.1 Not applicable.

6. **Legal and Statutory Implications**

6.1 Guidance is issued by the Secretary of State for Levelling Up, Housing and Communities to billing authorities in England. It is intended to support billing authorities in administering the Council Tax Rebate and associated Discretionary Fund for households, announced on 3 February as part of a package of support for rising energy costs.

6.2 For the purpose of the Council Tax Rebate, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992.

7. **Equality Impact Assessment**

7.1 This provision seeks to support households with the rising cost of household bills in 2022-23, driven by increasing energy bills. While these rising costs will affect most households across the country, they are more likely to disproportionately affect those on lower incomes, who tend to spend a higher proportion of their income on utility bills.

8. **Financial and Resource Implications**

8.1 Central Government has allocated £206,250 discretionary funding and £7,460,250 non-discretionary funding to the Council.

8.2 The Council cannot exceed the discretionary funding allocation, should this allocation be exceeded then the Council would have to fund the difference.

9. **Major Risks**

9.1 The key risk is that the Council receives a high request for the discretionary fund and as a result exceeds its funding allocation. This would then result in the Council having to fund the difference.

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

10.1 As the proposals relate to supporting residents with increasing living costs they will impact a number of UN Sustainable Development Goals (UNSDG). These are:-



11. **Key Decision Information**

11.1 The discretionary funding allocation is £206,250 and the policy requires Members approval.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Support for Energy Bills Council Tax Rebate Discretionary Fund 2022-23 Policy.

14. **Background Papers**

14.1 Central Government Guidance published on 23 February 2022.

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Support for Energy Bills –
The Council Tax Rebate and
Discretionary Fund 2022-23 Policy

March 2022

Contents

- 1.0 Purpose of the Policy
- 2.0 Who is eligible for the discretionary funding?
- 3.0 How much funding will be available?
- 4.0 How the payment will be made
- 5.0 Impact of the payment
- 6.0 Application Process
- 7.0 Fraud
- 8.0 Review

1.0 Purpose of the Policy

The government has announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, worth £9.1 billion in 2022-23. This includes:

- A £200 discount on their energy bill this autumn for domestic electricity customers in Great Britain. This will be paid back automatically over the next 5 years.
- A £150 non-repayable rebate for households in England in council tax bands A to D, known as the Council Tax Rebate.
- £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.

1.1 This policy sets out the eligibility criteria for the discretionary funding to support households who are in need but are not eligible for the Council Tax Rebate as they occupy properties in council tax bands E to H and are on income related benefits or those where the energy bills payers are not liable for council tax.

2.0 Who is eligible for the discretionary funding?

2.1 Households who are not eligible for the Council Tax Rebate as they occupy properties in council tax bands E to H and are on income related benefits such as Council Tax Support.

2.2 Households where the energy bill payers are not liable for council tax.

2.3 Households in bands E to H who receive a signal occupancy discount.

3.0 How much funding will be available?

3.1 Funding of £150 per household will be available for those households meeting the eligibility criteria.

4.0 How the payment will be made

4.1 A one-off payment will be made to the liable council tax payer (or a person who would otherwise be liable where the property is exempt). Only one £150 payment will be made per household, regardless of the number of occupants or liable council taxpayers.

4.2 Payments will be made direct to the liable council tax payer using the live direct debit information held of an eligible household.

4.3 Where the council does not hold live direct debit instructions for an eligible household, efforts will be made to contact the household as early as possible to make them aware of the scheme and invite them to make a claim.

4.4 Should an eligible household not have a live direct debit instruction set up, the council will then look to make a credit of £150 against the households council tax liability.

4.5 Where an eligible household does not have a live direct debit or a council tax liability to credit, the council will make the £150 payment following an application process.

5.0 Impact of the payment

5.1 All payments made under the Council Tax Rebate or Discretionary Fund are to be treated as local welfare provision and therefore will not be taken into account in the calculation of income related benefits. For Universal Credit, the Department of Work and Pensions will legislate to ensure payments are disregarded.

5.2 All payments made under the Council Tax Rebate or Discretionary Fund are non-taxable. Recipients do not need to inform HMRC of the amounts received and those who are self-employed do not need to report the amounts on their Self Assessment tax returns. As these payments are non-taxable they do not impact tax credits. Tax credits claimants do not need to report these payments as income to HMRC.

6.0 Application Process

6.1 To apply for this discretionary grant funding you must first meet the criteria set out in section 2. If you do not fit these criteria then your application will be rejected.

6.2 Applications can be submitted online via the following web address www.newcastle-staffs.gov.uk/CTrebate

6.3 All applications will be subject to pre-payment checks.

7 Fraud

7.1 The Council will not accept deliberate manipulation and fraud - and any claimant caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error.

8 Review

8.1 This policy was produced in March 2022 and will be updated should further guidance/updates be provided from Central Government.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
23 March 2022

Report Title: Rough Sleeper Initiative Funding 2022-25

Submitted by: Executive Director - Commercial Development & Economic Growth

Portfolios: Community Safety and Wellbeing

Ward(s) affected: All

Purpose of the Report

To outline the funding bid for the Rough Sleeper Initiative Funding 2022-25.

Recommendations

That the Council accepts the funding awarded by the Government as part of the Rough Sleeper Initiative Funding 2022-25 for the projects outlined.

Reasons

The Council has bid for the Rough Sleeper Initiative Funding 2022-25 from Department of Levelling Up Housing and Communities (DLUHC), the outcome of which is due to be known in April, therefore it is reasonable for the Council to plan to accept the funding which is allocated and commence procurement of contracts and recruitment of officers.

1. **Background**

- 1.1 The Government has a published Rough Sleeper Strategy to halve rough sleeping by 2022 and end it by 2027. The strategy recognises that rough sleeping is the extreme form of homelessness and therefore it is right that action is taken to help people off the streets. As part of this, a key element is the prevention and recovery process for rough sleepers.
- 1.2 The Council works in partnership with a range of local partners involved in supporting homelessness and sought the views of partners and opportunities for joint working through the Newcastle Homelessness Forum and Stoke Forum.
- 1.3 The Council meets the DLUHC Homelessness Specialist Advisors on a regular basis to discuss the local rough sleeping situation and the Council's plans to address it. This approach means that the Council is able to take a co-production approach to submitting funding bids for rough sleeper funding when it becomes available. On 25th February, the Council submitted a bid for the next round of funding. These discussions with the Specialist Advisors also allow for the evaluation of existing schemes and sharing of best practice.

2. **Issues**

- 2.1 The Council submits an annual rough sleeping estimate every November. For 2021 this figure was 7, compared to 9 in 2020. The Council also completes a physical bi-monthly rough sleeper

count at 5am to give an accurate picture, the last one was completed in January and found 4 people were bedding down.

2.2 The Council has been successful in securing funding in previous years and is seeking to extend these services going forward. These services are:

- The Rough Sleeper Navigator,
- The Joint Rough Sleeper Co-ordination with Stoke City Council,
- Homelessness Healthcare Worker (due to commence 1st April as there was a delay in recruitment) and community outreach vehicle for the health care worker to complete their support on the streets (this includes Covid vaccinations).
- A flexible innovative fund and cold weather fund which enables officer to support those who have previously failed to engage.

2.3 Officers have identified a range of new services in the bid:

- Tenancy Sustainment Officer, which will enable customers to attain and sustain accommodation. As part of the bid it was identified that this post will seek to incorporate move-on support if appropriate.
- Part-time Support Officer to work with rough sleepers in temporary accommodation to help them maintain their new life through diversionary activities, volunteering, education, and any activities that stop them falling back into reoccurring episodes of rough sleeping.
- Support Worker to drive the community outreach vehicle and support the healthcare worker. This post can also act as security where this is required. This enables the service to go out at times which may be unsuitable for lone working.
- Homeless Hub joint bid with Stoke City Council to provide information and advice on specialist service all in one building including health services, Police, Department of Welfare, Rough Sleeper support workers, voluntary and faith services. The Council would be looking to cover 20% of the costs of the hub.

3. **Proposal**

3.1 To accept the funding when allocated from DULHC.

4. **Reasons for Proposed Solution**

4.1 The Council is expected to assist the most vulnerable residents who are rough sleeping, the proposals and acceptance of the funding is in line with the Council's Homelessness and Rough Sleeping Strategy 2020-25.

5. **Options Considered**

5.1 The Council can decide to accept or decline the grant funding.

6. **Legal and Statutory Implications**

6.1 The Homelessness Act 2002 requires Local Authorities to formulate reviews and strategies in order to tackle and prevent homelessness.

6.2 The Homelessness Reduction Act 2017 places emphasis on the prevention and relief of homelessness at an earlier stage.

7. Equality Impact Assessment

7.1 These services seek to help all people out of rough sleeping. The overall service as part of Newcastle Housing Advice has an equality impact assessment completed.

8. Financial and Resource Implications

8.1 The overall bid is for £592,041 over 3 years, this includes:

	Rough Sleeper Navigator and personalisation fund of £5,000 per year	Joint Rough Sleeper Co-ordination and personalisation fund of approx. £3,000	Homelessness Healthcare Worker (in year 1 this is for the vehicle as officer costs are carried forward from existing funding)	Flexible innovative fund and cold weather fund	Tenancy Sustainment Officer and personalisation fund of £5,000 per year	Support Officer and personalisation fund of £3,000 per year	Homeless Hub
2022 / 23	41,940	15,000	10,000	15,000	32,705	16,168	31,520
2023 / 24	42,679	15,000	40,000	15,000	42,678	20,557	37,222
2024 / 25	43,809	15,000	40,000	15,000	43,432	20,908	38,423
Total	128,428	45,000	90,000	45,000	118,815	57,633	107,165

8.2 There is no requirement for match funding.

9. Major Risks

9.1 One of the key risks is the ability to recruit suitably qualified officers for the posts outlined, by taking this report to Cabinet in March the intention is to be prepared to recruit as soon as the funding is announced.

9.2 There is a risk that the services proposed are insufficient to meet the demand; however officers believe the proposals are appropriate taking into account current and potential needs.

9.3 Should the funding cease in 2025 the Council can end the contracts. The new officers will be appointed on temporary contracts so there will be no employment issues should the funding cease.

10. UN Sustainable Development Goals (UNSDG)

10.1 As the proposals relate to improving sustainability they will impact a number of UN Sustainable Development Goals (UNSDG). These are:-



11 **Key Decision Information**

11.1 This is a key decision as the grant is over £100,000.

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 CABINET**

23 March 2022

Report Title: Financial and Performance Review report – Third quarter (Oct-Dec) 2021-22.
Submitted by: Executive Management Team
Portfolios: One Council, People & Partnerships, Finance, Town Centres & Growth
Ward(s) affected: All

Purpose of the Report

To provide Cabinet with the Financial and Performance Review report for the third quarter of 2021-22.

Recommendation

That Members note

1. The contents of the attached report and Appendices A and B and continue to monitor and challenge the Council's performance alongside its financial performance for the same period.

Reasons

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

It should be noted that certain activities and delivery in some cases, were impacted by Covid 19 and noted in this report, continue to be affected and the resulting actions taken by the Council to protect and ensure support is available to everyone.

1. Background

- 1.1 This quarterly report provides Members with a detailed update on how the Council has performed during the third quarter 2021/22 by presenting performance data and progress summary set within a financial context. The report provides broad financial information (Appendix A) and also details service performance (Appendix B) for the third quarter 2021/22.
- 1.2 This report covers the period, when a number of customer facing services were required to close, or where the customer base simply stopped using the service due to the Covid 19 situation. Despite these unprecedented circumstances, as the summary of the overall performance picture is presented in section 4 of this report reflects, performance has generally held up well.

2021-22 Revenue and Capital Budget Position

- 1.3 The Council approved a General Fund Revenue Budget of £14.960 million on 24 February 2021. Further financial information is provided in Appendix A.

Performance

- 1.4 The performance section –Appendix B was reviewed and the indicators continue to reflect

the priorities in the Council Plan. In addition to reporting on key performance indicators, the report includes a progress summary for each priority, detailing the progress with the delivery of planned activities.

- 1.5 Additional performance information is provided, not only to ensure the monitoring of the corporate activities of the council, but also to inform Members, businesses and residents of performance in their local economy.
- 1.6 Any indicators failing to meet the set targets include a comment explaining why the indicator has not performed well, and what steps are being taken to ensure improvement in the future.
- 1.7 In Quarter 2, a new symbol was introduced, a boxed tick used in Appendix B and detailed in the key at the end. This is used for indicators where a target is not set but performance is monitored quarterly.
- 1.8 The latest performance information for quarter three has been analysed and all indicators monitored for this period are listed in the table found in Appendix B.
- 1.9 For this report a total of 19 indicators were monitored, and the proportion of indicators which have met their target (where set) or are within tolerance levels during this period stands at 84%.

2. **Issues**

- 2.1 There are 3 indicators off target this quarter, and officers consider that the performance against these indicators does not give rise to serious cause for concern at present (see commentaries provided in Appendix B). The management of each of the service areas concerned continue to monitor and take steps to deal with under achievement of targets where possible and/or appropriate, taking into account the limitations presented by the Covid19 situation.
- 2.2 Progress on delivery of planned activities is summarised for each priority and no concerns are highlighted.

3. **Proposal**

- 3.1 That Members note the contents of the attached report and Appendices A and B and continue to monitor and challenge the Council's performance alongside its financial performance for the same period.

4. **Reasons for Proposed Solution**

- 4.1 To enable financial and performance information to be presented for continued scrutiny and encourage improvement within council delivery.

5. **Options Considered**

- 5.1 At this time it is felt there is no other option necessary for consideration, however the presentation of information is continually reviewed.

6. Legal and Statutory Implications

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

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

9. Major Risks

9.1 The ongoing changing market conditions represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon income receivable in relation to services where customers may choose whether or not to use Council facilities or in the case of the waste/recycling service where the volume of recycled materials is liable to fluctuate. The impact of Covid 19 is still apparent in the reporting of this quarter, impacting on many areas and the situation will continue to be monitored through the normal budget monitoring procedure.

9.2 The capital programme will require regular monitoring to identify any projects which are falling behind their planned completion dates. This will be carried out by the Capital Programme Review Group, which meets on a monthly basis together with quarterly reports to Cabinet.

10. UN Sustainable Development Goals and Climate Change Implications



11. Key Decision Information

11.1 Included on the Forward Plan

12. Earlier Cabinet/Committee Resolutions

12.1 N/A

13. **List of Appendices**

13.1 Financial information (Appendix A), and Performance (Appendix B).

14. **Background Papers**

14.1 Working papers held by officers responsible for calculating indicators.

Financial Position Quarter Three 2021/22

1. General Fund Revenue Budget

- 1.1 The Council approved a General Fund Revenue Budget 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.
- 1.2 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 essential.
- 1.3 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 £1.006m has been secured (including £0.331m 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.
- 1.4 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).
- 1.5 The Council's revenue budget relies on service income from fees and charges of around £850k 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 £1.010m.
- 1.6 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.
- 1.7 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).
- 1.8 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.
- 1.9 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 charges and on any further Government financial support that may be received.
- 1.10 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 in the current financial year and beyond.

2. Revenue Budget Position

- 2.1 As at the end of the third quarter, the general fund budget continues to show a balanced position. It is forecast that this position will be achieved as at the close of the financial year.
- 2.2 A number of variances from the budget are forecast, these include:
- a. Income shortfalls from sales, fees and charges which are eligible for partial reclaim via the Income Losses Scheme, it is forecast that these losses will amount to £1.010m by the close of the financial year.
 - b. Income shortfalls from commercial property rents, it is forecast that these losses will amount to £0.114m by the close of the financial year. These losses are not eligible for any partial reclaim.
 - c. Income shortfalls from the recovery of housing benefits overpayments, it is forecast that these losses will amount to £0.081m by the close of the financial year. These losses are not eligible for any partial reclaim.
- 2.3 These adverse variances are forecast to be offset in full by the following favourable variances:
- a. Un-ringfenced Government funding of £1.006m has been secured (including £0.331m of new burdens funding to offset the costs of administering Coronavirus business support grants and test and trace payments) in relation to 2021/22.
 - b. It is anticipated that the Council will be reimbursed £0.360m in relation to the Income Losses scheme for eligible sales, fees and charges income shortfalls for the year.
 - c. 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.
- 2.4 Cabinet and the Executive Management Team will continue to be updated on the Council's financial position and actions taken in the forthcoming weeks and months. This will include a revised recommended level of reserves and the financial implications of this.

3. Collection Fund

- 3.1 Local tax income is collected by billing authorities and paid into local 'collection funds' (the Council is a billing authority). Where there is a shortfall in tax receipts (compared to expected levels), this leads to a deficit on the collection fund. Billing and major precepting authorities are usually required to meet their share of any deficit during the following financial year.
- 3.2 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).
- 3.3 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 deficit on the collection fund. However, the government will award Section 31 grant to the Council to

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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.

3.4 The Council has experienced an increase in the numbers of residents who have become eligible for Council Tax Support as a result of the COVID-19 pandemic, in 2020/21 this led to a deficit being incurred between the tax receipts initially expected and those that were received. For 2021/22 an increased amount of Council Tax Support was built into the tax base to allow for this, a small surplus is currently being forecast as a result of residents becoming ineligible for Council Tax Support due to a return to work or an increase in working hours.

3.4 The current forecast of tax receipts and Section 31 grant are shown below:

Tax	Total Forecast (Surplus)/Deficit	Council's Share
Council Tax	(£0.705m)	(£0.077m) (10.9%)
Business Rates	£7.479m	£2.992m (40%)
Business Rates Section 31 Grant	(£6.530m)	(£2.612m) 40%
Total	£0.244m	£0.303m

4. Capital Programme

4.1 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.

4.2 A mid-year review of the capital programme has been undertaken and approved by Cabinet 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).

4.3 At the close of quarter three the profiled capital budget amounts to £9.777m, actual spend for this period totals £9.798m. There are no significant variances in expected spend at this point.

4.4 A mid-year review of the capital programme is in the process of being 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 results of this exercise will be reported as part of the budget setting process.

5. Capital Programme Funding Position

5.1 The expected total capital receipts due to be received this year following the sale of assets amount to £4.400m, £0.200m of this will be set aside for the flexible use of capital receipts during 2021/22. A summary of the expected income is shown in the table below.

Funding	Amount
Proceeds from disposal of assets	£3.900m
Proceeds from Right to Buy sales	£0.500m
Flexible use of capital receipts	(£0.200m)
Total	£4.200m

6. Supplementary Estimates

Revenue

- 6.1 The Council has received £127,294 from Central Government for the financial year 2021/22 to protect and vaccinate rough sleepers as part of the Government's response to the COVID-19 pandemic. £112,712 will be used to contribute to the additional accommodation costs that the Council has incurred during the current financial year and £14,581 will be used to provide vaccination programmes for rough sleepers.

7. Treasury Management

- 7.1 It is expected that borrowing will be required during 2021/22 to fund the revised capital programme however no borrowing arrangements have been made to date.
- 7.2 Although not utilised in recent years, the Council has previously considered the option of long-term borrowing from the PWLB. After the utilisation of capital receipts and internal borrowing, the Council will look to borrow short term from other local authorities in the first instance and will then review any other sources of funding if required.

Corporate Performance Quarter 3 2021-22

Priority 1: Local Services that Work for Local People

Progress Summary

Overall, our performance with a combination of monitoring and target driven indicators for this priority is positive in this quarter but work is underway to impact on the result.

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

- **Increase Access to Information;**

The Council continues to maintain services by encouraging customer self-service via the new website, and through effective call centre support to answer questions, provide information and support residents of the Borough. The new website is encouraging customers to contact through online forms which integrate directly into our Document Management system, cutting out a lot of manual handling.

Castle House reception is open to the public and enquiries are being managed through bookable appointments, self-service or telephone support. All customer enquiries are handled efficiently with all the digital processes in place. Kidsgrove Customer Services is open on Thursday mornings as a surgery with Citizens Advice Bureau and Kidsgrove Town Council.

- **Customer Services Activity**

Business Grants continue to keep us busy, with Election activity and the renewal of Garden Waste subscriptions.

- **Deliver new Recycling and Waste Service**

The new recycling service has been fully operational for over twelve months, to households across the borough, and continues to prove very popular with residents. Participation and tonnage of material collected has settled at a consistent level which is around 22% higher than that of the previous service. The quality of the material collected remains excellent, with very little contamination, and the Council continues to receive excellent feedback from the re-processing contractors used to recycle the various material streams. During this quarter we have seen the quantity of food waste collected increase further, with the highest weekly tonnage ever collected in December. The value of materials and separately collected paper and card has increased in value again this quarter, meaning the Council is receiving income for all the recycling materials it collects.

- **Establish Workforce Strategy:**

- **Develop robust, innovative and efficient work force plans**

Work is ongoing as part of the One Council transformation, the People Team continue to support people processes in partnership with the Trade Unions. The first stage of implementing the “One Front Door” model is complete and the Customer hub team has been mobilised with approximately 40 employees now in their new roles. We continue to constantly review vacancies and consider new ways of working, only recruiting externally as a last resort for essential roles. We are developing an apprenticeship strategy to help grow our workforce in conjunction with local providers as well as focusing on our appraisal and learning and development opportunities to encourage staff to feel they have opportunities to upskill and develop within the council.








- **Develop organisational culture**







Work to develop the organisational culture is ongoing, working with cross sections of the organisation and with Trade Union colleagues, in line with the principles of One Council. Work to embed the values across all stages of the employee life cycle is underway with a full review of policies and procedures and a number of communication campaigns. We will shortly be undertaking a further culture survey to allow us to measure performance against the results obtained in August 2021.






Progress Summary continued

- **Ensure staff wellbeing**

There is a continued focus on well-being, the mental health working group has been so successful that it's remit has been increased to include all aspects of well-being and inclusion, well-being events undertaken so far have been successful and can continue with the lifting of covid restrictions. A number of initiatives have been agreed by this group, such a free gym membership for any employee recovering from a period of long term absence. Work is underway on the new intranet and we hope that this will help to clearly highlight health and wellbeing resources and increase engagement. We are also exploring how we can further utilise Vivup as a staff benefit going forward.

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?	Status
1.1	Environmental Health	Cllr. Trevor Johnson	Percentage of food premises that have a zero or one national food hygiene rating	Low	-	0%	0.09%	5%	There was only a single premise with a one rating in this quarter.	
1.2 New	Environmental Health	Cllr. Trevor Johnson	Percentage of category A and B food business inspections completed on time	High	-	0%	0%	-	Only 3 'B' graded premises due for inspection this quarter but Covid has caused delays and are now scheduled to be undertaken in Qtr 4.	
1.3 New	Environmental Health	Cllr. Stephen Sweeney	No. Accidents/Incidents reported (RIDDOR)	Low	0	1	1	-	One RIDDOR reportable incident occurred in this quarter, on investigation training was refreshed for the individual and visibility of the hazard improved.	
1.4a	Recycling & Fleet	Cllr. Trevor Johnson	Household collections from the kerbside (%):- • Dry Recycling	High	23.19%	24.07%	23.37%	25%	Quarter 3 has seen collected tonnage of food waste increase further, and dry recycling continue to stabilise. Residual waste has returned to more normal levels following the impact of Covid, and now appears to be falling further with the increase in food waste.	
1.4b			• Food	High	3.38%	6.33 %	6.77%	6%		
1.4c			• Amount of residual Waste per household	Low	108.45kgs	105.35kgs	104.59kgs	110kgs (per household) cumulative		
1.4d	Operations	Cllr. Trevor Johnson	Number of missed kerbside collections:- Total (per 100,000 collections)	Low	90.41	62.25	58.45	80 (per 100,000 collections)		

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?	Status
1.5	Operations	Cllr. Trevor Johnson	Levels of street and environment cleanliness (LEQ survey) free / predominantly free of litter, detritus, graffiti and fly-posting)	High	95.44% 95.83% 99.05% 100%	97.52 % 94.50% 98.42% 100%	91.73% 91.46% 98.43% 99.61%	91% 91% 97% 99%	The second tranche surveys are completed as programmed for Quarter 3 and are well within the targets.	
1.6	Customer & ICT	Cllr. Simon Tagg	Percentage of requests resolved at first point of contact	High	99.66%	94 %	96%*	97%	Despite the pressures on Services to deliver, a good standard of resolution is maintained at first point of contact. Where failure occurs, information is fed to the service areas in order to improve and reduce repeat contact.	
1.7	Customer & ICT	Cllr. Simon Tagg	% Unmet demand (number of calls not answered as a % of total call handling volume)	Low	18.03%	11.97 %	20.29 %*	20%	Q 3 performance has been impacted by embedding into the new structure and the tranche of training being delivered to the Customer Hub team. Staff continue to support the transition to the One Front Door and its programme of work.	
1.8	Digital Delivery	Cllr. Simon Tagg	Total number of digital online transactions	High	20,096	9395	19,207	-	The number of transactions (Jadu) is 19,207 this quarter.	
1.9	Communication	Cllr. Simon Tagg	Total number of unique users to the website	High	136,869	103,905	67,915	79,500	There was a total of 67,915 unique users in this quarter, which is lower than Qtr. 3 2020-21. It should be noted that Castle House Reception was closed during Qtr 3 last year due to Covid restrictions, which resulted in more residents using the website at that time. There were a total of 121,350 visits to the new website.	
1.10	Revenues & Benefits	Cllr. Stephen Sweeney	Time taken to process Housing Benefit new claims/change events	Low	4.6 days	6.69 days	7.77 days	10 days	This result continues to be on target.	

1.11	Revenues & Benefits	Cllr. Stephen Sweeney	Percentage of Council Tax collected	High	76.6%*	52.5%	76.7%	76.08%	The rate for Council Tax collection is just above target for the quarter.	
Page 90										
	Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?
1.12	Revenues & Benefits	Cllr. Stephen Sweeney	Percentage of National non-domestic rates collected	High	75.2%	48.7%	77%*	78.66%	The rate for Business Rates collection is slightly below target for the quarter but within tolerance.	
1.13	Human Resources	Cllr. Simon Tagg	Average number of days per employee lost to sickness	Low	2.25 days Qtr 3 6.51 days cumulative	1.11 days per employee LTS – 0.56 days and short term – 0.55 days	2.95 days per employee LTS – 1.94 days and short term – 1.01 days 7.25 days per employee (cumulative)	2.2 days (quarterly) 6.6 days (cumulative) Annual 8.8 days	Sickness absence for Q3 has increased in comparison to Q3 last year and Q2, some of this is expected due to seasonal absence variations in autumn and winter caused by colds, flu and viruses. This year, in addition to the Covid 19 virus, the autumn saw the introduction and impact of the Omicron variant. In late November the first Omicron case was identified in the Borough.	
1.14 New	Human Resources	Cllr. Simon Tagg	Staff turnover	Low	-	2.22%	3.90%	10%	Turnover remains low and significantly below the 10% target, a slight increase in turnover this quarter may have been driven by the restructuring process and those leaving via MARS, however turnover is of little concern in most areas.	
1.15 New	Human Resources	Cllr. Simon Tagg	Staff vacancy rates	Low	-	5.72%	5.52%	-	The vacancy rate has reduced slightly for this quarter. The roles where there tends to be a low number of applicants generally reflects the national picture of skills shortages in areas such as planning and environmental health. Lifeguards	

										and cleaners continue to provide recruitment challenges at J2 but recruitment to driver posts has been successful, despite national shortages, which is positive.	
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*The result is within tolerance

Priority 2: Growing our People and Places

Progress Summary

A summary of progress with planned activities for Priority 2 from the Council Plan 2018-2022 are as follows:-

- **Deliver Borough Local Plan**

In January, work commenced on the creation of a new Borough Local Plan. The three key milestones are the publication of the Issues and Options Paper in September 2021; the first draft of the Local Plan in autumn 2022 and the submission of the amended draft to the Planning Inspectorate in the summer of 2023 with the aim of securing adoption by the end of that year. An updated Local Development Scheme (LDS) which sets out the new programme has been published and an update to the Statement of Community Involvement (SCI) 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.

- **Delivery of the Economic Development Strategy and action plan**

Delivery of the Economic development Strategy and action plan is set out in more detail below against individual projects – One Public Estate, Prepare a Town Centre Strategy, market, and business support. The funding from Future High Street Fund - £11M, Kidsgrove Town Deal £16.9M and Newcastle Town Deal £23.6M will support delivery of priorities set out in Council and County Council Growth Deal and Town Investment Plans (TIPS) for Newcastle and Kidsgrove. The Town Deal accelerated funding £1.75M has enabled a number of projects to go ahead in advance of the main Town Deals and includes land and property acquisition and demolition, connectivity and safety measures, establishment of employment and skills hub, safe and secure routes (subway refurbishments), market improvements, public Wi-Fi, preparatory works on Kidsgrove Sports Village and improvements to recreational facilities in Newchapel and Clough Hall.

- **Progress University Growth Corridor**

The Council is continuing to look at the viability of this land through desktop studies, in order to further assess its development potential, should the site be taken forward.

- **Deliver appropriate housing to those in need:**

- **Newcastle Housing Advice to be in-house service**

The Council brought the NHA service back in-house on 1st April 2021. An internal working group continues to manage the post transition phase at the Council to ensure that continuous improvement can be made to processes, with the support of ICT, HR and Customer Services, already a number of improvement have been made and there are plans for longer term strategies that will be helpful to enable a better customer offer, which is more preventative in nature and thus further efficiencies for the Council. The NHA service will become part of the housing and vulnerability service area as there is a defined crossover between the NHA caseload and the work of the vulnerability hub and MARAC. At the end of December two members of the NHA team transferred into OFD to enable housing advice enquiries to be dealt with at the first point of contact wherever possible. Where the calls to service are cases that are challenging or complex in nature and at the point of crisis, they are transferred to the NHA Homelessness Advisors.

The NHA service has also recently launched a new Joint Housing register and Allocations Policy in partnership with Aspire Housing, branded as NHA Options (see below). The volume of calls and enquiries coming through to the service currently remain high but it is anticipated the registration process settles and the Customer service team become more accustomed and familiar with the service area that the demand to service will become more manageable, to enable a more preventative approach to be adopted, bringing further efficiencies.

Progress Summary continued

▪ **Rough Sleepers and temporary accommodation**

A Rough Sleeper Navigator has been recruited and started in post 1st June 2021 with further funding awarded from DLUHC. This role works closely with the rough sleepers' team at Brighter Futures, jointly commissioned with SOTCC and seeks to support rough sleepers into appropriate support pathways and accommodation. Using the MHCLG funding, the Council are also working with the City Council to recruit a shared Rough Sleepers Co-ordinator and a Healthcare Practitioner. A Cabinet report was submitted on 7th July 2021 which supports this work and gives delegated approval to the Executive Director in consultation with the Portfolio Holder for community Safety and Wellbeing, to approve further commissioning with specialist providers. Officers have been successful in a bid to DLHUC in partnership with Aspire Housing for 6 additional units of accommodation with support to rough sleepers and those at risk of rough sleeping. Officers have also been working with Aspire to extend the provision of unsupported furnished temporary accommodation units from 2 to 4, which will be particularly useful for families in order to minimise use of bed and breakfast.

▪ **Joint allocation policy and procurement of a Choice Based Lettings system**

The Council has adopted a new Joint Housing Allocations Policy in partnership with Aspire Housing. The joint Policy enables customers to access social housing owned and managed by Aspire Housing and other Private Registered Providers to whom the Council has partnerships within the Borough. The system is marketed as NHA Options and has a dedicated website set up to administer an online offer for customers, with support available for assisted applications where required.

▪ **One Public Estate**

The Council received a grant from 'One Public Estate' to cover the cost of undertaking the masterplanning of Knutton Village. This involved preparing proposals for the use or development of a number of cleared sites around the centre of Knutton in the ownership of the Borough and County Councils and Aspire Housing. 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. Aspire Housing also contributed to the Study with a view to reviewing provision of affordable housing in the area, including housing for the elderly. Consultation on the draft masterplan was considered by Cabinet in June 2021. The project team continues to plan for delivery of the revised proposals. Elements of the Knutton masterplan are included in Newcastle Town Deal Town Investment Plan which requires a business case to be submitted to DLUHC by the end of June 2022.

In October 2021 the Council worked with Aspire Housing to bid to the One Public Estate Regeneration Programme for the Aspire estate regeneration scheme at Cross Street Chesterton. The bid was successful and funding has now been received to support regeneration of this area.

• **Consideration of a property investment model and Property Diversification**

Consideration is being given to the Borough Council taking a more active role in developing its sites (i.e. by way of forming a property development company or similar) either on its own or in a partnership arrangement. The Commercial Strategy 2019-24 was approved by Cabinet and commercial investment advisors appointed to review and advise in respect of the Council's commercial portfolio. Work on this is currently ongoing.






Progress Summary continued

- **Masterplan of land at:- Chatterley Close area by Bradwell crematorium and Birchenwood**

The masterplan in respect of land in the Chatterley Close area, Bradwell was considered by Cabinet in November 2020. The scheme to extend the Crematorium was approved in principle and approval was given to consult with appropriate stakeholders. The consultation is now complete and the results were reported to FAPs committee in May and Cabinet in June. Following the Phase 1 environmental impact assessment for Birchenwood, a preliminary ground investigation survey has now been completed and next steps are currently being considered.

- **Planning Consent – Sidmouth Avenue**

Planning approval was granted for the partial demolition and change of use of the former Registry Office into a single dwelling and the provision of three new detached dwelling in Sidmouth Avenue. Previously, alternative options were considered in respect of developing the site, and the decision was taken to market the site. The site was marketed, and the property now sold.

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?	Status
2.1	Property	Cllr Stephen Sweeney	Percentage of investment portfolio vacant (NBC owned)	Low	5.1%	6.4%	8.9%	12%	This indicator remains well within target.	
2.2	Planning & Development	Cllr. Paul Northcott	Speed of major development applications (P151a)	High	90.9% (Jan 19 – Dec 20)	100% (Oct 19 – Sept 21)	100% (Jan 20 – Dec 21)	60%	These indicators remain well within target and are improving or being maintained at an acceptable level.	
2.3			Quality of major development applications (P152a)	Low	5.1% (Oct 17 - Sept 19)	5.8% (Jul 18 - Jun 20)	5.8% (Oct 18 - Sept 20)	10%		
2.4			Speed of non-major development applications (P153)	High	93.0% (Jan 19 – Dec 20)	99.1% (Oct 19 – Sept 21)	98.9% (Jan 20 – Dec 21)	70%		
2.5			Quality of non-major development applications (P154)	Low	1.0% (Oct 17 - Sept 19)	0.7% (Jul 18 – Jun 20)	0.7% (Oct 18 - Sept 20)	10%		

Priority 3: A Healthy, Active & Safe Borough

Progress Summary

Overall the performance for this priority advises the progress where possible, however the impact of Covid 19 is considerable to service provision or where facilities have had to close or reduce delivery since March 2020. A summary of progress with planned activities for Priority 3 from the Council Plan 2018-2022 are as follows:-

- **Jubilee2 moving forward**

The service has secured funding to be part of Sport England's National Leisure Recovery Fund and use of the Moving Communities project to measure impact. This will enable the benchmarking of Jubilee2 using qualitative and quantitative data. Some of the results from the survey in September 2021 were:-

- 85.2 % of customers felt that the Covid measures in place were about right,
- 81.88 % of customers thought the standards of cleanliness were high.
- 81 % of customers were either satisfied or very satisfied with their overall experience at Jubilee2.
- 85.445 % of customers identified that they intended exercise in a leisure facility as opposed to exercising in an informal setting.
- The social value for the service was £499,007 for the past twelve months.

- **Secure J2 commercialisation**

Despite the Covid 19- pandemic, the impact on the membership at Jubilee2 is in line with the local and national average. A detailed business recovery plan has now been completed which identifies opportunities to increase income and/or reduce operating costs. Subject to a detailed business case for each opportunity these will be implemented over the next twelve months. This financial year, the following initiatives have been implemented, the introduction of an online swimming lesson platform, the development of a school swimming lesson service, the procurement of a drowning detection system, a review of bank holiday working hours, and detailed plans have been developed for the refurbishment of the health and fitness offer at Jubilee2.

- **Kidsgrove Sports Centre**

A contract for £7.5m has been awarded to WDC for the completion of the refurbishment works which will be completed by June 2022. A lease for the centre with the Community Group has now been signed.

- **Museum Redevelopment Project**

The museum building was handed back in October. Work on the exterior of the building and pond area will begin in January 2022 with a March '22 estimated completion date. Work to re-interpret the ground floor galleries and ensure the public spaces are welcoming and safe for visitors started in October. The new Jim Wain Courtyard gallery will open to the public in January 2022. In the meantime, people are accessing the museum's collections through online digital platforms including FB, Instagram, Twitter, Staffordshire Past Track and Art UK. An externally funded three year Heritage Activities and Events Officer started in post in September and she is working on three year programme of heritage activities in the museum, and there was a successful Christmas Event on Dec 18 to launch the programme, which includes external funding bids for the 850 celebrations and the Platinum Jubilee. Outreach activities for schools took place but these were limited due to Covid restrictions. Expressions of Interest have been sought for a café provider for the museum.

- **Streetscene Fleet procurement**

Procurement of fleet and equipment for Streetscene is progressing to renew the tractor fleet and road sweepers.

Progress Summary continued

- **Deliver Capital Programme projects**

Work is in progress on a number of sites to repair railing/fencing and footpaths, and replace play equipment.

- **Open Space Strategy**

Due to the pandemic, the Heart of England in Bloom campaign and all local Newcastle in Bloom competitions and activities took place digitally in 2021, with Newcastle achieving a 19th consecutive gold award and 5 judges discretionary awards in the regional campaign. A celebratory event took place at the New Vic theatre on 9th October to award certificates for local competition winners and to look back on the Borough's 30 years of participation in Bloom. Sponsorship from local businesses is continuing at near-normal levels and is on target to achieve around £60,000 in 2021/22. A total of 7 of the Borough's strategic parks and cemeteries achieved the Green Flag awards this year, when the results were announced on 14th October.

- **Feasibility study for Crematorium extension**

The feasibility study for the crematorium extension has been completed. Funding options for the project are now being explored. A business case is being prepared for further memorialisation options at the crematorium and is being refined with some data on local market potential.

- **Bereavement Services**

The Bereavement Services team won the Most Improved Performer award for 2021 in the Cemeteries and Crematoria category of the APSE Performance Networks Awards, a UK-wide recognition scheme. The Street Cleansing team were also a finalist in their category.

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

- **Taxi Licensing Policy**

In the first quarter of 2019-20, members of the Licensing and Public Protection Committee approved the content of the taxi policy. The policy document is a wide scale reform of the current policy, to ensure that the Council has a policy that is fit for purpose in respect of the legislative framework and administration of the service. Members of the Licensing and Public Protection Committee approved the policy resulting in full implementation of the policy in January 2020. Statutory guidance was published in July 2020, this has resulted in amendments to the taxi policy being approved by Licensing and Public Protection committee for implementation from April 2021. The policy and amends are now implemented.

- **Environmental Health & Licensing**

A new but now ongoing responsibility for the authority is for the team to ensure the Covid 19 restrictions were applied and in place as directed by Government. Also the pavement licensing regime has been implemented by the service, 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, and such arrangements have been extended for a further year. In addition, the service is supporting the County Council in the Covid outbreak controls for high risk premises and is continuing with advising business, responding to complaints non-compliance with Covid controls. It is unknown at present how long these responsibilities will remain in place, but indications are that this will remain for at least this year.

- **Town Centre ASB enforcement**

A range of Partnership activity continued to be co-ordinated this quarter, including; the CCTV implementation and monitoring and an extension of the coverage using town deal funding for the subways in the town centre; identifying ASB hotspot areas and target hardening to make more secure and increase perceptions of safety for the public, this also more recently being the case for Clough Hall Park Pavilion, Kildgrove. Activity is co-ordinated by working closely with partners such as the Police and others within the Newcastle Strategic Partnership to identify individuals in need of support and utilising the Council's

Progress Summary continued

civil enforcement powers such as Community Protection Warnings (CPNWs), Community Protection Notices and Injunctions, continued enforcement of PSPOs for the Town Centre and Queen Elizabeth Park, as appropriate. The partnership has been working closely with the Market Supervisor and new BID Manager to encourage reporting of incidents and to improve communication of positive interventions and activity. The new Mobile Multi-Functional Team piloted over the Christmas period shall be extended and be a reactive team to visibly deal with problems at hand cross organisation. Services recently commissioned under the Welcome Back Funding include the Security Marshals which play a visible positive role In reducing, preventing and tackling where necessary anti-social behaviour within Newcastle Town Centre, other initiatives are being introduced to complement MMF team including the town ranger making for a really collaborative team to tackle community issues.

- **Commission new CCTV Service**




Following approval by Cabinet and the Business Improvement District Board for the commissioning of the CCTV service with Stoke City Council, the system is now live in Newcastle town centre with further enhancements installed using town deal funding for additional coverage in the subways and Clough Hall Pavilion.


- **Vulnerability Hub and MARAC**

The Council continues to actively co-ordinate and contribute to the Vulnerability / Harm Reduction Hub and MARAC multi agency forums, which are designed to collaboratively de-escalate risk to our most vulnerable households, to prevent death and serious harm and to encourage appropriate support and assistance from the most relevant partners. There has been a noticeable increase in referrals to the Hub over the last 12 -18 months and it is clear that more complex and challenging cases are being presented for assistance which is taking longer to respond to. Discussions with County Commissioners and local service providers have been ongoing to encourage best use of available and collaborative resources and an understanding of the issues / challenges raised at the forum requiring a multi-agency response.

- **Air Quality Local Development 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 (NO2) levels. The outline business case has been presented to Economy, Environment and Place Scrutiny Committee and approved at Cabinet. Work upon preparation of the Full Business Case is being progressed. Work on the retrofitting of busses operating on the A53 is well underway and is nearing completion.

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?	Status
Page 98 3.1a	Community Safety	Cllr. Gill Heesom	Anti-Social Behaviour (ASB) cases:- -New cases received during the quarter	Low	106	103	126	-	There are currently 38 cases discussed at the ASB, Youth Violence and Gangs Case conference. There has been a significant rise in demand for partnership input to ASB cases in the Borough.	
			-Current open cases at the end of the quarter	Low	37	30	38	-		
			-Cases closed in the quarter	High	90	11	116	-		
3.1b										
3.1c										
3.2	Community Safety	Cllr. Gill Heesom	Number of referrals made regarding vulnerability by participating organisations at the Daily Hub	High	50	69	71	-	A total number of 71 referrals were made from Daily Hub meetings that have taken place over the last quarter. Number of cases compared to the same period last year have nearly doubled.	
3.3 New	Culture & Arts	Cllr. Jill Waring	Number of People Accessing the Museum's collections online	High	-	25,459	61,240	Qtr 3 target 16,000 (43,000 cumulative)	The museum was temporarily closed due to the current redevelopment work and a new indicator is currently measured. Figures include digital community engagement on Brampton Museum's Facebook, Twitter and Instagram pages where we provide regular updates of the progress of the construction work and collection information. We also share selected images from the museum's photographic collection on the site Staffordshire Past Track:- http://www.staffspasttrack.org.uk/ and images from our fine art collection on the Art UK website https://artuk.org/ . There has been a marked increase in online engagement with the service as the museum prepares to open and a series of events is scheduled. The museum opened for a Christmas event on December 18 th .	

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?	Status
3.4 New	Leisure	Cllr. Jill Waring	Membership growth	High	-	2,149* members	2,115 members	Target Qtr 1 1,962 Qtr 2 2,274 Qtr 3 2,586 Qtr 4 2,900	<p>The activities at J2 leisure were affected by the Covid 19 pandemic, and the impact on the membership at Jubilee2 is in line with the local and national average. On 1 April 2021, membership figures were 1650, and the target for 2021-22 is to increase it to 2900, the pre-Covid position.</p> <p>The shortfall in memberships could be attributed to the Omicron variant of Covid which resulted in fewer members joining in November and December 2021. The current membership is at 75% of pre-Covid membership numbers and is in line with other industry sectors when benchmarked with information from Alliance Leisure and other facilities across the County.</p>	

Priority 4: A Town Centre for All

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Progress Summary

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

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

- **Prepare a Town Centre Strategy**

The Council successfully bid for Future High Street Funding and has received an offer of £11.4 million, with the first instalment having been received to the Council. This will enable redevelopment of the Ryecroft area of the town centre, starting with demolition of the former Civic Offices which is currently under way. For Town Deal, the Town Deal Board, Town Investment Plan received an offer of £23.6 million in June 2021 and the project team are currently preparing business cases for submission to DLUHC by the end of June 2022 to release the funding. The Town Investment Plan includes projects in the key strands of digital, transport, gateway sites and culture. The Government also offered all Town Deals additional 'accelerated funding' to deliver quick win projects, which have demonstrated early progress on project delivery.

- **Market**

The focus for increasing footfall and visitor satisfaction remains and the Market team continues to host specialist visiting markets creating diversity to supplement our regular markets offer. They've continued to be very popular with high take up of stalls and excellent visitor numbers. Castle Artisan Market (CAM) used additional pop-up stalls and pitches to accommodate traders on our waiting list (45 stalls and up to 61 traders in total). In July 2021 we hosted our first Vegan Festival Market and this quarter a second Vegan Festival was held in December with the same high footfall and town centre businesses opening to take advantage of the increased visitor numbers. All 45 stalls were used with additional traders on pitches.

November saw a Greyhound Gap Takeover Market held, a dog-themed event where owners and pets came in considerable numbers and all 45 stalls were used. This event was organised by the CAM team in conjunction with the Market team and ensured a successful day with good social media promotions, another one is booked for February 2022. Discussions have commenced for an Armed Services celebration in 2022 and involves closer working with BID to deliver a successful event. Work is now completed on-budget for lighting to lower high street market stalls which creates a fully lit market and power output to enable entertainment where unused stalls have been removed.

- **Business Support**

The 'Staffordshire Means Back to Business' package of support, which is funded from Additional Restriction Grant monies continues to be delivered. As at the end of December 2021, 28 Newcastle businesses have been supported to create 44 apprenticeship places, 35 businesses have taken advantage of the 'Nil Cost Training to Businesses' and 122 expressions of interest have been received for the 'to Thrive' grants to assist businesses to recover and grow. 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. Work has continued in signposting businesses to appropriate support, including updating the information available on the new website. Over 100 queries have been dealt with so far this financial year and requests continue to come in. Six 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.

Further tranches of Additional Restrictions Grants have been administered by the Council. With the two grant schemes currently in progress, one for businesses that continue to be negatively impacted by Covid and also a specific hospitality, leisure and accommodation grant for businesses impacted by the Omicron variant.

In addition, the Welcome Back fund has provided support to the annual Newcastle Business Boost awards, which this year have focussed on business recovery from the pandemic. The funding enabled the survive and thrive stories of these businesses to be shared to a wider audience to encourage confidence amongst local businesses moving forward. 20 finalists from a range of sectors were featured, each with an uplifting story to tell, which included supporting other businesses to survive, supporting the local community and identifying new opportunities. Cash prizes were on offer for the winners, sponsored by private sector partners on the Business Boost Steering Group.

Progress Summary continued

- **Parking Policy**




The Council adopted a new Car Parking Strategy in 2019/20, which has led to a number of service improvements over the past 2 years. These have included new car parking machines which accept card payments and an improved service for pay for parking has been implemented with PayByPhone. As part of the Car Parking Strategy Review, a new initiative was established to support town centre users in the important Christmas retail period the Midway car park, where customers parked for free between 9am and 1pm, then for the existing offer of £1 after 1pm continues. Further roll out of new car parking machines is planned over the forthcoming months.

- **Establish Town Centre Communications Group**

The Town Centre Communications Group, "Talking Up The Town", has moved from in-person meetings to virtual sharing of content and happenings. It is intended to refresh the format of the group meetings to keep partners engaged. Newcastle-under-Lyme BID and the Town Centre Officer are considering a more appropriate way forward.

- **Develop a Kidsgrove Town Centre Investment Plan**

Kidsgrove Town Deal Board (KTDB) submitted the Kidsgrove town Investment Plan to MHCLG at the end of October 2020 and in March 2021 confirmation of a £16.9 million award was received. The KTDB discussed and approved the projects that would be taken forward and all required paperwork was submitted to MHCLG on 17 May 2021. The Kidsgrove Sports Centre business case was fast tracked and Town Deal money is being used alongside Council investment to refurbish the centre. The Chatterley Valley project has been approved by DLUHC. Development of business cases for the remaining projects of Kidsgrove Railway Station, improvements to the canal area and a Shared Service Hub are due to be submitted by the end of March 2022. The Government also offered all Town Deal additional 'accelerated funding' to deliver quick win projects in 2020, which was used to deliver a suite of early interventions including the strip out works to the sports centre, new sports pitches at the King's school, a suite of improvements to Clough Hall Park and the opening of a 'pump track' on the Newchapel Recreation Ground.

Ref	Service Area	Portfolio Holder	Indicator	Good is	Result Qtr. 3 2020-21	Result Qtr. 2 2021-22	Result Qtr. 3 2021-22	Target Qtr. 3 2021-22	How have we performed?	Status
Page 102 4.1	Regeneration & Economic Development	Cllr. Stephen Sweeney	Car parking usage:- Number of tickets purchased	High	59,019	92,350	82,183	-	The number of tickets purchased have increased by 39.25% in Qtr. 3 compared to the same period in 2020.	
4.2	Regeneration & Economic Development	Cllr. Simon Tagg	Footfall	High	502,880	590,267	983,173	-	There is a huge increase in the figures this quarter, and there is a 95.50% increase on Qtr 3 2020.	
4.3	Regeneration & Economic Development	Cllr. Stephen Sweeney	Average stall occupancy rate for markets	High	Stall Occupancy Overall average) 58% Mon GM 17% Tues AFG 94% Wed GM 18% Thurs AFG 76% Fri GM 44% Farmers Mkt 73% - 4 th Fri/ monthly Sat GM 42% Castle Artisan Market 100%	Stall Occupancy Overall average) 54% Mon GM 23% Tues AFG 78 % Wed GM 14 % Thurs AFG 73% Fri GM 47% Farmers Mkt 40 % 4 th Friday/monthly Sat GM 45% Record Fair Market 62% - Monthly. Castle Artisan Market 100% - Monthly.	Stall Occupancy Overall average) 53% Mon GM 23% Tues AFG 72 % Wed GM 14 % Thurs AFG 66% Fri GM 53% Farmers Mkt 40 % 4 th Friday/monthly Sat GM 42% Castle Artisan Market 100% - Monthly.	-	There is a slight drop in stall occupancy for some of the markets. The Castle Artisan Market (CAM) continues to be held each month and celebrated its first birthday in October, with 13 dates now booked for 2022. In addition there was 100% occupancy for a Greyhound Gap Take-over Market, a popular dog-themed event held in November, the next planned for February 2022. December also saw the second Vegan Festival which was popular again, with 100% of stalls taken.	

*The result is within tolerance

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



Performance is not on target but direction of travel is positive



Performance is not on target where targets have been set



Performance is on or above target



Positive performance noted (no target set)



Performance noted for monitoring(no target set)

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
23 March 2022

Report Title: Irrecoverable Items 2021/22
Submitted by: Head of Finance (Section 151 Officer)
Portfolios: Finance, Town Centres and Growth
Ward(s) affected: All

Purpose of the Report

To consider items deemed irrecoverable.

Recommendation

- 1. That the items detailed at confidential appendix 1 be considered irrecoverable for the reasons stated and be written off.**

Reasons

For a variety of reasons, from time to time, it is considered that certain items are unable to be recovered from debtors. When this occurs, it is necessary to write off these balances from the appropriate Council account records.

1. Background

- 1.1** For a variety of reasons, following the issue of accounts for amounts due to the Council, it is considered the debt is no longer able to be collected. Normally, these reasons follow from the debtor having been subjected to insolvency proceedings or other legal processes in respect of their debts or even the death of a debtor. There is then no further redress to recover the outstanding amounts and it is necessary to write off the outstanding balances from the Council's records.

2. Issues

- 2.1** Collection procedures in respect of business rates and council tax are operated in accordance with legislative guidelines. Other debts are collected by a variety of schemes, suitable to the type of account involved. Items are only ever considered for write-off following robust adherence to the appropriate collection policy.
- 2.2** Irrecoverable amounts are considered to be of a confidential nature and in order to comply with data protection regulations the details of the irrecoverable items that are the subject of this report are set out in the confidential appendix. It would also obviously be inappropriate to disclose information for instance about deceased debtors, with the potential for causing further distress to bereaved family members.

2.3 Where debts are in respect of commercial organisations, there is the potential in cases such as administration that disclosure could jeopardise the potential recovery of the business in the long term.

3. **Proposal**

3.1 That the items listed at appendix 1 be considered irrecoverable for the reasons states and that these balances be written off.

4. **Reason for Preferred Solution**

4.1 The debts itemised in the confidential appendix are no longer considered recoverable. Accounting regulations require that such items be periodically reviewed and written off.

5. **Options Considered**

5.1 None.

6. **Legal and Statutory Implications**

6.1 Ultimately, sums of money owed to the Council can only be recovered through court proceedings. That requires bringing an action to prove the debt, so as to secure a judgement that the sum is owed. There are costs (court & legal fees and officer time) associated with that process which usually increase in tiers depending on the amount claimed.

6.2 Once judgement is secured, further court proceedings (incurring further associated costs) will be required if the sum secured in the judgement is not paid by the debtor. There are various enforcement methodologies that may be ordered in successful enforcement proceedings, all of which will incur additional costs to execute. However, none of those methods will bear fruit unless the debtor can be traced and owns assets that can be easily liquidated for a sum in excess of the amount of the judgement debt and the associated costs.

6.3 Thus a primary consideration is one of proportionality in terms of an evaluation of the level of debt against the likely cost of recovery, and the likelihood of identifying a traceable debtor who owns assets of the requisite value and liquidity. That analysis has been undertaken in respect of the debts proposed to be written off here.

6.4 It is essential that the council has in place systems that enable it to spot and log any trends in the way in which bad debts are arising, and which identify repeat bad debtors, so that it can take any prudent steps that may be available to it to avoid further bad debts arising.

7. **Equality Impact Assessment**

7.1 Not applicable.

8. **Financial and Resource Implications**

8.2 The financial implications of debtors (including housing benefit overpayments) accounts proposed for write off fall on the Council only. The debtors proposed for write off during the financial year 2021/22 total £183,587. The bad debt provision provides for a percentage of debtors becoming irrecoverable, the older the debt becomes the greater the provision made. In relation to the £183,587 recommended for write off, the bad debt provision allows for £133,774. The balance can be met from budgeted contributions to provisions.

8.3 The financial impact of National Non Domestic Rates accounts proposed for write off is shared between the Council (40%), Central Government (50%), Staffordshire County Council (9%) and the Staffordshire Fire and Rescue Service (1%) under the Business Rates Retention scheme. The National Non Domestic Rates accounts proposed for write off during the financial year 2021/22 total £119,754, of this the Council's share amounts to £47,902. This amount is included in the estimated deficit declared to preceptors on the National Non Domestic Rates Collection Fund which will be returned to the Council under Collection Fund accounting principles during 2022/23.

8.4 The financial impact of Council Tax accounts proposed for write off is shared between the Council (10.9%), Staffordshire County Council (72.2%), Staffordshire Police and Crime Commissioner (12.7%) and the Staffordshire Fire and Rescue Service (4.2%) in line with each preceptor's element of Council Tax charged. The Council Tax accounts proposed for write off during the financial year 2021/22 total £71,077, of this the Council's share amounts to £7,747. This amount is included in the estimated surplus declared to preceptors on the Council Tax Collection fund which will be payable to the Council under Collection Fund accounting principles during 2022/23.

9. **Major Risks**

9.1 Failure to write off irrecoverable debts in a timely manner could potential lead to the Council overstating its income, leading to qualification of its annual accounts and associated reputational damage.

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 This is not a key decision.

12. **Earlier Cabinet / Committee Resolutions**

12.1 Not applicable.

13. **List of Appendices**

13.1 Appendix 1 – Irrecoverable Items 2021/22.

14. **Background Papers**

14.1 None.

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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
Irrecoverable Items	<p>To consider a report on irrecoverable items</p> <p>A confidential appendix will be considered alongside this report. It will be 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</p>	Finance, Town Centres & Growth	Cabinet 23 March 2022	Finance, Town Centres & Growth	All Wards	<p>Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 –</p> <p>Para 1 - Information relating to any individual ;</p> <p>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</p>	Y

						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 amended) of the Local Government Act, 1972	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 particular person (including the authority holding that information)	Y
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
Ryecroft – next steps	To consider the next steps in the Town Deal fund 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 amended) of the Local	Finance, Town Centres & Growth	Cabinet 23 March 2022	Finance, Assets & Performance	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	Y

	Government Act, 1972					affairs of any particular person (including the authority holding that information)	
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
Rough Sleeping Grant Acceptance	To approve acceptance of grant funding for Rough Sleeper service	Community Safety and Wellbeing	Cabinet 23 March 2022	Health, Wellbeing and Partnerships	All Wards	N/A	Y
Covid Additional Restrictions Grant	To consider grant funding for Covid additional restrictions	Finance, Town Centres and Growth	Cabinet 23 March 2022	Finance, Assets & Performance	All Wards	N/A	Y
Support for Energy Bills – council tax rebate and discretionary fund policy	To consider a Policy for 2022 – 23	Finance, Town Centres and Growth	Cabinet 23 March 2022	Finance, Assets & Performance	All Wards	N/A	Y
Environmental Sustainability Base Pledge	To consider a report on a base pledge	Environment and Recycling	Cabinet 8 June 2022	Economy, Environment and Place	All Wards	N/A	N
One Council update	To consider an update report on the One Council programme	One Council, People and Partnerships	Cabinet 8 June 2022	Finance, Assets & Performance	All Wards	N/A	N
Walley's Quarry update	To consider an update on Walley's Quarry	Environment and Recycling	Cabinet 8 June 2022	Economy, Environment and Place	All Wards	N/A	N
Quarter 4 Budget	To receive the Q4 Finance	Finance,	Cabinet 8 June	Finance, Assets &	All Wards	N/A	Y

& Performance report	& Performance Report	Town Centres & Growth	2022	Performance			
Walley's Quarry update	To consider an update on Walley's Quarry	Environment and Recycling	Cabinet September 2022	Economy, Environment and Place	All Wards	N/A	N
Quarter 1 Budget & Performance report	To receive the Q1 Finance & Performance Report	Finance, Town Centres & Growth	Cabinet September 2022	Finance, Assets & Performance	All Wards	N/A	Y

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