



PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE BY NO LATER THAN 6.45PM.

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL** on **Wednesday, 24th July, 2024** at **7.00 pm**.

B U S I N E S S

1 APOLOGIES

2 DECLARATIONS OF INTEREST

To receive declarations of interest from Members on items contained within this agenda.

3 MINUTES OF A PREVIOUS MEETING (Pages 5 - 10)

To consider the Minutes of the previous meeting(s)

4 MAYOR'S ANNOUNCEMENTS

5 NEWCASTLE-UNDER-LYME BOROUGH LOCAL PLAN 2040 (Pages 11 - 28)

6 URGENT DECISION NOTIFICATIONS - COMMITTEE SEAT ALLOCATIONS (Pages 29 - 38)

7 STATEMENT OF THE LEADER OF THE COUNCIL (To Follow)

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

8 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES (To Follow)

Reports are attached for the following:

- a) Health, Wellbeing and Environment Scrutiny Committee
- b) Economy and Place Scrutiny Committee
- c) Finance, Assets and Performance Scrutiny Committee

9 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES (To Follow)

Reports are attached for the following:

- a) Audit and Standards Committee
- b) Planning Committee
- c) Licensing and Public Protection Committee

10 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS (To Follow)

11 RECEIPT OF PETITIONS

To receive from Members any petitions which they wish to present to the Council.

12 URGENT BUSINESS

To consider any communications which pursuant to Section B4, Rule 9 of the constitution are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

13 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following report(s) as it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

Yours faithfully



Chief Executive

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs.

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

2. Mobile Phones

Please switch off all mobile phones before entering the Council Chamber.

3. Notice of Motion

A Notice of Motion other than those listed in Procedure Rule 14 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section B5, Rule 4 of the Constitution of the Council.

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

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Public Document Pack Agenda Item 3

Council - 15/05/24

COUNCIL

Wednesday, 15th May, 2024
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Mayor - Councillor Barry Panter (Chair)

Councillors:	Adcock	Heesom	Stubbs
	Allport	Holland	Sweeney
	Barker MBE	Fox-Hewitt	J Tagg
	Beeston	Hutchison	S Tagg (Leader)
	Bettley-Smith	Johnson	J Waring
	Brockie	D Jones	P Waring
	Brown	Lawley	Whieldon
	Bryan	Lewis	G White
	Burnett-Faulkner	Moss	S White
	Crisp	Northcott	Wilkes
	Edginton-Plunkett	Parker	G Williams
	Fear	Reece	J Williams
	Gorton	Richards	Wright
	Grocott	Skelding	

Apologies: Councillor(s) Dymond and S Jones

Officers:	Geoff Durham	Civic & Member Support Officer
	Simon McEneny	Interim Chief Executive
	Sarah Wilkes	Service Director - Finance / S151 Officer
	Andrew Bird	Service Director - Sustainable Environment
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

2. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 10th April 2024 be agreed as accurate record.

3. **ELECTION OF MAYOR 2024/25**

One nomination had been received: Cllr Barry Panter.

This was proposed by Cllr Northcott who provided background information and a timeline of Cllr Panter's involvement in the Borough over the years and seconded by Cllr S Tagg who wished to echo the feeling that Cllr Panter would be suited for the role with a thought for his spouse who would also be present.

Resolved: That Councillor Barry Panter be appointed as Mayor for the 2024-25 Municipal Year.

The retiring Mayor, preceded by the Mace Bearers, retired from the room, accompanied by the Chief Executive and the Mayor Elect.

After being robed and invested with the chain of office, the Mayor Elect returned to the meeting room preceded by the Mace Bearers and accompanied by the Chief Executive.

The Mayor took the chair and made the declaration of acceptance of office.

[Watch the proceedings here](#)

4. APPOINTMENT OF DEPUTY MAYOR 2024/25

Two nominations were received:

- Cllr Robert Bettley-Smith (RBS), who was proposed by Cllr Barker and seconded by Cllr Adcock who shared having seen Cllr Bettley-Smith excelling in a number of roles, taking into account residents' views and working to achieve change.
- Cllr John Williams (JW), who was proposed by Cllr Jones as second longest service member of the Council (29 years) having taking part in pretty much every single committee; the nomination was seconded by Councillor Fox-Hewitt.

A named vote was taken which resulted as follows.

ADCOCK	RBS	GROCOTT	JW	SKELDING	RBS
ALLPORT	JW	HEESOM	RBS	STUBBS	JW
BARKER	RBS	HOLLAND	RBS	SWEENEY	RBS
BEESTON	ABSTAIN	HUTCHISON	RBS	J TAGG	RBS
BETTLEY-SMITH	RBS	JOHNSON	RBS	S TAGG	RBS
BROCKIE	JW	D JONES	JW	J WARING	RBS
BROWN	JW	S JONES	ABSENT	P WARING	RBS
BRYAN	RBS	LAWLEY	JW	WHIELDON	RBS
BURNETT-FAULKNER	RBS	LEWIS	JW	G WHITE	RBS
CRISP	RBS	MOSS	JW	S WHITE	RBS
DYMOND	ABSENT	NORTHCOTT	RBS	WILKES	RBS

EDGINGTON-PLUNKETT	JW	PANTER	RBS	G WILLIAMS	JW
FEAR	RBS	PARKER	RBS	J WILLIAMS	JW
FOX-HEWITT	JW	REECE	JW	WRIGHT	JW
GORTON	JW	RICHARDS	JW		

There were:

- 24 (twenty-four) votes in favour of Cllr Robert Bettley-Smith (RBS)
- 17 (seventeen) votes in favour of John Williams (JW)
- 1 (one) abstention

Resolved: That Councillor Robert Bettley-Smith be appointed as Deputy Mayor for the 2024/25 Municipal Year.

The Deputy Mayor made the Declaration of Acceptance of Office and expressed feeling honoured and delighted about endorsing his new role.

[Watch the proceedings here](#)

5. **MAYORAL APPOINTMENTS**

The following appointments were made:

- **Mayoress:** Mrs Beatrice Panter
- **High Constable:** Mr David Whitmore
- **Mayor's Cadet:** Cdt FS Will Halford
- **Chaplain:** Rev. Tim Watson
- **Mace Bearers:** Ms Jenny Otter and Mr Glenn Martin-James

[Watch the proceedings here](#)

6. **MAYORAL ADDRESS**

The Mayor thanked members for electing him and stated that he was honoured to be appointed to the role which he would carry out to the best of his ability and in a professional manner. His two chosen charity would be Headway North Staffordshire and the Salvation Army. The Mayor also expressed his thanks to the retiring Mayor Cllr S White for carrying out his duties and for his support and tutoring while Cllr Panter was serving as Deputy Mayor.

[Watch the proceedings here](#)

7. **NOTE OF THANKS TO THE RETIRING MAYOR, MAYORESS AND CONSORT**

On behalf of the Council, the Leader Cllr Simon Tagg congratulated the Mayor on his appointment and expressed thanks and appreciation to the retiring Mayor, Mayoress and Consort as well as High Constable, Mayor's Cadet, Chaplain and the driver who also took official pictures on numerous occasions.

The Leader notably referred to successful events of the past year including the first admission of female burgesses in the borough, sharing his gratitude to the retiring mayor and everyone involved.

[Watch the proceedings here](#)

8. RESPONSE OF THE RETIRING MAYOR AND SUMMARY OF THE MAYORAL YEAR

The retiring Mayor stated it had been an honour to serve during the year marking the 850th anniversary of the borough.

On this occasion he visited all schools participating in the 850 competition and handling anniversary plates. He took part in more than 240 events and an excess of £30,000 was raised which would be distributed among the main charities as well as smaller organisations having requested support.

The retiring Mayor wished to thank all who had helped during those events. Gifts were handed to the Mayoress, Consort, High Constable, Civic and Member Support Officer, Driver and Photographer, Mace Bearers, Chaplain and High Sergeant.

The retiring Mayor finished by congratulating the new Mayor and letting him know he could rely on him would he need any advice or support.

The Mayor handed out packages of office to the retiring mayor, mayoress and consort as recognitions for their service.

[Watch the proceedings here](#)

9. APPOINTMENT OF DEPUTY LEADER AND CABINET

The Leader confirmed the re-appointment of Cllr Sweeney as Deputy Leader as well as the following Cabinet members for 2024-25:

- Cllr Heesom, portfolio holder for Community Safety and Wellbeing
- Cllr Hutchison, portfolio holder for Sustainable Environment
- Cllr Fear, portfolio holder for Strategic Planning
- Cllr Skelding, portfolio holder for Leisure, Culture and Heritage
- Cllr Sweeney, portfolio holder for Finance Town Centres and Growth
- Cllr S Tagg, portfolio holder for One Council, People and Partnerships

[Watch the proceedings here](#)

10. APPOINTMENTS TO COMMITTEES, CHAIRS AND VICE CHAIRS FOR 2024/25

The Mayor proposed that members of the committees be appointed as per the list provided with the report attached to the agenda. All agreed.

Resolved: That the appointments to committees, as set out in the agenda, be approved.

The Mayor then proposed that a vote on committee Chairs and Vice-Chairs be taken en-bloc as per the report attached to the agenda. There were 24 (twenty-four) votes in favour of Conservative members and 17 (seventeen) in favour of Labour members.

Resolved: That Committee Chairs and Vice-Chairs be appointed as follows:

COMMITTEE	CHAIR	VICE-CHAIR
Audit and Standards	Cllr Paul Waring	Cllr Gill Burnett-Faulkner
Conservation Advisory	Cllr Trevor Johnson	Cllr Lilian Barker
Licensing and Public Protection	Cllr Joan Whieldon	Cllr Trevor Johnson
Planning	Cllr Paul Northcott	Cllr Nick Crisp
Health, Wellbeing and Environment Scrutiny	Cllr Rupert Adcock	Cllr Ian Wilkes
Economy and Place Scrutiny	Cllr Andrew Parker	Cllr Robert Bettley-Smith
Finance, Assets and Performance Scrutiny	Cllr Mark Holland	Cllr Amy Bryan

The Mayor finally invited the Leader and Cllr Jones to speak on nominations to external organisations. Cllr Jones wished for the list shared by Cabinet to be amended and nominated six labour Group members to fill the roles instead.

The Leader commented that Cabinet members were already filling these positions although he was willing to accept Cllr Lewis as Campaign for Rural England liaison.

The Mayor submitted the nomination of Cllr Lewis to the vote.

Resolved: That Cllr Lewis be appointed as liaison to Campaign for Rural England.

The Mayor then submitted the five other nominations to an en-bloc vote.

Resolved: That the Labour motion be lost and the roles remain as per the list provided with the agenda.

[Watch the proceedings here](#)

11. URGENT BUSINESS

There was no urgent business.

12. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Mayor - Councillor Barry Panter
Chair**

Meeting concluded at 7.50 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO COUNCIL**

DATE: 24 July 2024

Report Title: Newcastle-under-Lyme Borough Local Plan 2040

Submitted by: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>To seek approval for the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (Regulation 19) and carry out consultation. If no matters are subsequently raised that materially impact upon the Plan strategy during the consultation, that the Plan is submitted to the Secretary of State for formal examination.</p>			
<u>Recommendation</u>			
<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulations Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme; 2. Authorises the Service Director (Planning), in consultation with the Strategic Planning Portfolio Holder to make any necessary minor typographical changes and modifications to the Final Draft Newcastle-under-Lyme Borough Local Plan 2040, Sustainability Appraisal and Habitat Regulations Assessment prior to consultation; 3. Subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, authorises the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination by the end of 2024; 4. Authorises the Service Director (Planning) to write to the appointed Inspector(s) at the start of the examination of the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 requesting them, under section 20(7C) of the Planning and Compulsory Purchase Act 2004, to recommend any main modifications necessary to ensure the Plan sound and legally compliant. 			
<u>Reasons</u>			
<p>To ensure that the process of preparing and adopting the Borough Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory</p>			

1. **Background**

- 1.1 The Local Plan establishes a vision and policy framework for how the Borough will grow up to 2040. It sets out targets for the number of jobs and homes to be delivered in the Borough and provides for an overarching spatial strategy to guide development to sustainable locations. At its adoption, the Plan will form part of the statutory Development Plan for the Borough.
- 1.2 The current development plan comprises the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2009) alongside saved policies from the Newcastle-under-Lyme Local Plan (adopted 2003, with saved policies established in 2011). It also includes Mineral and Waste Local Plans prepared by Staffordshire County Council and relevant Neighbourhood Plans in the Borough.
- 1.3 Between 2013 and 2020, the Borough Council worked alongside Stoke-on-Trent City Council on preparing a joint Local Plan. In January 2021, Newcastle-under-Lyme Borough Council withdrew from joint arrangements with Stoke-on-Trent City Council to prepare a Local Plan for the Borough.
- 1.4 The Borough Council has carried out a number of consultation stages in developing the Local Plan. This includes an Issues and Strategic Options consultation which took place between the 1 November 2021 and 24 January 2022. The Issues and Strategic Options consultation considered the broad scope of the Plan and presented spatial options. This was followed by consultation on a First Draft Local Plan which included draft policies and draft allocations. The consultation on the First Draft Local Plan took place between the 19 June 2023 and the 14 August 2023.
- 1.5 A consultation report on the First Draft Local Plan was considered by the Council's Cabinet on the 16th of January 2024 and the Economy and Place Scrutiny Committee on the 18th of March 2024.
- 1.6 The Council's Cabinet, on the 16th of January 2024, authorised the Deputy Chief Executive, in consultation with the Strategic Planning Portfolio Holder, to recommend to Council that it approves the Final Draft Borough Local Plan (at Regulation 19 stage) and associated documents for the purposes of public consultation.
- 1.7 The Final Draft Borough Local Plan was considered by the Economy and Place Scrutiny Committee on the 11th of July 2024. The committee voted for the Local Plan to be considered at Council. Issues discussed at the Economy and Place Scrutiny Committee concerned in general terms: -
 - Questions around how a Local Plan is examined.
 - The basis for the calculation of housing figures including the type of housing.
 - Specific questions regarding specific sites including LW53, SP11, CT1 and others.

- The consideration of infrastructure (including health and education) alongside transport matters in the Plan.
- The status of allocations (the need for future planning permission).
- The site selection methodology and how sites were selected.
- The process of consultation and steps after consultation on the Plan.

1.8 The purpose of this report is to seek approval to consult on the Final Draft Borough Local Plan 2040. Subject to Member approval, the Final Draft Borough Local Plan 2040 will duly be consulted upon from the 12th August 2024 until the 7th October 2024. Following consultation, the Council would then submit the Final Draft Borough Local Plan, comments received (at Regulation 19 Stage) and the related evidence base to the Secretary of State by the end of the calendar year for public examination. The examination of the Final Draft Borough Local Plan would be anticipated to take place sometime in early 2025.

1.9 If representations are received during the Regulation 19 consultation stage that would materially impact on the overall Plan strategy or have a significant implication for the examination of the Plan, then a further report would be brought back to Full Council to allow Members to consider those representations and any impacts upon the Plan.

1.10 Consultation on a Final Draft Borough Local Plan, at the Regulation 19 stage, is a more formal stage than that at Regulation 18 stage. The aim of the consultation stage is to seek views on whether the Plan is legally compliant and meets the 'test of soundness' set out in paragraph 35 of the National Planning Policy Framework (NPPF). The tests of soundness are: -

- Is the plan positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Is the plan justified – does it reflect an appropriate spatial strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Is the plan effective – are the proposed plans and policies deliverable over the plan period. Is the plan based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Is the plan consistent with national policy – does it enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant

1.11 Comments submitted at the Regulation 19 stage are sent to the Secretary of State on the submission of the Plan for consideration by the Inspector as part of the plan examination. The Inspector(s) appointed to hold the examination will consider the evidence provided by the Council to support the Plan and any representations which have been put forward by local people and other interested parties. It is expected that the examination will include hearing sessions which are held in public.

1.12 There are three potential outcomes to the examination process:

- a) The Plan is found to be sound and legally compliant;
- b) Changes (known as 'main modifications') to the Plan are considered necessary to make it legally compliant and sound; or
- c) The Plan is deemed unsound and/or not legally compliant with any deficiency (ies) unable to be remedied through main modifications.

1.13 The outcome for almost all plan examinations is (b), involving 'main modifications'. However, an Inspector can only deal with any problems with the Plan through 'main modifications' if formally requested to do so by the Council. Therefore recommendation 4 of this report proposes that the Council formally requests the Inspector to make Main Modifications. If such a request is not made, and modifications were necessary, the Inspector would not be able to propose modifications and could only find a plan unsound or not legally compliant in these circumstances.

1.14 Proposed main modifications that the Inspector considers necessary are subject to public consultation for a period of six weeks during the examination. At the end of the examination the Inspector will send a report to the Council with their findings including final, recommended main modifications. After that, the Plan, incorporating the main modifications, can be adopted by the Council. Upon adoption the Plan would become part of the statutory Development Plan for the borough and would replace policies in the Joint Core Strategy 2009 and legacy Newcastle-under-Lyme Local Plan 2003.

1.15 Having an up-to-date Local Plan, which identifies sufficient housing and employment land to meet the development needs of the Borough will ensure the Council can demonstrate an ongoing land supply and hence counter speculative planning proposals. It is also important as the Local Plan will include local policies which enable the Council to ensure that the development that does come forward in the Borough is appropriate for the local area and can be supported by the necessary infrastructure.

2. Issues

2.1 The Final Draft Borough Local Plan includes a range of policies with supporting text ranging from strategic policies which set out the overall level of growth for the Borough, and where that growth should be directed in the form of site-specific allocations, to more detailed policies based on development types used in making decisions on individual planning applications.

2.2 During the preparation of the Final Draft Borough Local Plan there have been some significant changes to national and local policy that have influenced the approach to drafting Local Plan policies. Not least, the publication of revisions to the National Planning Policy Framework (NPPF) in December 2023 which have been taken account in the Final Draft Borough Local Plan.

2.3 The sections below briefly summarise the key policies / proposals from each chapter of the Plan.

Introduction, context, vision and strategic objectives

2.4 A range of sources have informed the data and background information that has been used to describe the context of the Borough, which has fed into the

vision and informed the overall strategy for the Plan. The suggested Vision for Newcastle-under-Lyme Borough is:-

“By 2040, the Borough will have delivered sustainable new homes and jobs meeting local needs and providing more opportunities for people to enjoy quality of life. We will have delivered or on the journey to delivering a sub-regional exemplar business park at Junction 16 of the M6 Motorway to support sustainable economic growth and take advantage of the accessibility of the Borough to the wider strategic transport network. High quality and well-designed places and spaces will support healthy, safe and connected lifestyles.

We will have supported the growth of businesses, town centres and our University, whilst preserving and enhancing our natural and historic environment and reducing our carbon footprint. Residents will have access to training, education and a wide range of work opportunities.

We will have respected and improved the character and distinctiveness of our market towns, villages and other rural areas with a particular focus on broadening our network of Neighbourhood Plans”.

- 2.5** The Plan includes 13 strategic objectives to help deliver the vision and includes objectives in relation to design, climate, character and the types of development required to be delivered through the Plan. The Objectives also support development and economic growth, focused around the Keele Science corridor.

Planning for Sustainable Development

- 2.6** This section of the Plan includes a number of strategic policies in the Local Plan setting out the overall levels of residential and employment development over the Plan period (PSD1: Overall Development Strategy), how that development is distributed (PSD3: Distribution of Development) and then policies on development in the Open Countryside including settlement boundaries (PSD4), Green Belt (PSD5) and policies on Health and Wellbeing (PSD6) alongside the importance of Design in the Borough (PSD7).
- 2.7** Policy PSD1 (Overall Development Strategy) establishes the overall levels of housing and employment development over the Plan period. This has been informed by a Housing and Economic Needs Assessment (“HENA”) (2024) prepared by consultants Turleys on behalf of the Council.
- 2.8** The NPPF sets out that the Government’s Standard Method approach and is the starting point in calculating the need for housing in the Borough. The HENA in accordance with national policy, identifies a starting point figure of 347 dwellings per annum. However, the HENA provides compelling evidence that the standard method figure does not align with the economic and employment growth forecasts for the Borough. This approach is also supported by the local plan strategy for employment land provision including strategic sites. The HENA establishes a local plan housing requirement in accordance with the preferred economic growth scenario.

- 2.9** Utilising recent economic models and projections, Turley's advice is that around 400 dwellings per annum would be required in the Plan to support a level of jobs growth of 237 per annum. This would provide for growth in the working age population of the Borough and also take account of the proposed impacts of strategic employment allocations in the Plan. This housing requirement would also contribute towards the delivery of affordable housing in the Borough.
- 2.10** At the First Draft Local Plan stage, the Council consulted on three strategic employment sites, one at Junction 16 of the M6 (AB2), another at Talke (TK30) and a final proposal at Keele University. At the First Draft Local Plan stage, we were seeking views on those sites and they were not proposed as allocations. Following detailed feedback on the sites, the Final Draft Borough Local Plan includes proposed allocations at Keele (KL15) to support the Keele Science corridor and at Junction 16 of the M6 (AB2) to provide for a sub-regional employment park. The latter is focused on logistics uses and reflects the locational advantages of the site by Junction 16 and the surrounding strategic road network.
- 2.11** Overall, the HENA also identifies a projected employment land requirement of a minimum of 63 hectares over the plan period 2020 – 2040. This is set against an existing employment land supply of approximately 48.9 hectares as at the 31 March 2023. However, this supply is expected to reduce, such that 18.1 hectares could be available in the upcoming years. The strategic sites at Junction 16 (AB2) and at Keele University (KL15) would contribute toward the projected employment land requirement, alongside meeting wider sub-regional requirements.
- 2.12** In respect of housing land allocations, the Plan anticipates meeting the housing requirement expressed in the Plan (400 dwellings per annum / 8,000 over the Plan period) and providing for a buffer over the 8,000 figure to ensure resilience in the overall housing land supply taking into account factors that may affect delivery and to ensure that the overall housing requirement is delivered over the Plan period.

Climate and Renewable Energy

- 2.13** Chapter 7 of the Plan considers policies on Climate Change (CRE1) and Renewable Energy (CRE2). The policies propose additional standards on energy and water efficiency in new developments and also support initiatives including to reduce the release of embodied carbon and minimise energy use and recycling. Policy CRE1 also supports tree planting measures, including the Council's Urban Tree Planting Strategy to facilitate carbon capture. Policy CRE 2 seeks to introduce standards on renewable energy generation on new developments and provides a policy context for the consideration of renewable or sustainable energy technologies in the Borough.

Housing

- 2.14** The chapter on housing covers a number of important topics. It starts by setting out the Council's approach to affordable housing (HOU1), identifying a threshold and criteria for housing schemes where affordable housing will be required and the proportion of affordable homes to be provided. The chapter

also considers housing mix and density (HOU2) across the borough and also establishes housing standards (HOU3) including introducing Nationally Described Space Standards and Accessibility standards for homes. The housing chapter presents a policy approach to varying types of housing to serve Gypsy, Travellers and Travelling Showpeople (HOU4), specialist needs housing, including for older people (HOU5), self-build and custom dwellings (HOU6) and homes in multiple occupation (HOU7). The chapter also provides additional guidance on rural and community led exception sites for housing. Finally, the housing chapter considers extensions, alterations and the relationship between dwellings (HOU10) and tandem or backland development (HOU11).

Employment

- 2.15** Policies in the employment chapter cover existing employment uses in the Plan (EMP1) including introducing a requirement for employment and skills plans for major schemes in the Borough. The chapter also includes policies on protecting existing employment uses in the Borough (EMP2) and also a policy approach to tourism development (EMP3) as a source of economic growth in the Borough.

Retail

- 2.16** The approach of the retail chapter in the Borough is to establish a list of designated centres in the borough for retail / leisure uses, through the retail hierarchy (RET1), the policy also provides guidance on important retail tests, including the sequential test for edge and out of centre proposals and an impact test threshold for when applications may have to provide additional justification when located outside of town centre boundaries. The policy defines town centre boundaries and primary shopping area boundaries for our larger retail centres. This policy is supported by a Retail and Leisure study update which identifies no need for additional retail floorspace to be provided in the Borough through the Local Plan
- 2.17** The chapter also provides further guidance on schemes involving shop fronts, advertisements and signage (RET2) and also restaurants, cafes, pubs and hot food takeaways (RET3). In respect of RET3, this includes a requirement for a health impact assessment, and conditions restricting the use of hot food takeaways in close proximity to schools during working hours. The Plan also includes policies to support the vitality and viability of Newcastle-under-Lyme (RET4) and Kidsgrove (RET5) town centres.

Infrastructure and Transport

- 2.18** The chapter sets out the Plan's approach to infrastructure provision in the borough. This was identified as an important issue in the First Draft Local Plan and the policy approach in IN1 (Infrastructure) is that development should have regard to the latest infrastructure delivery plan or schedule which sets out the infrastructure requirements for the Plan. The Plan also includes a supportive policy for the retention of community facilities (IN5). The Plan is supported by an Infrastructure Delivery Plan which sets out the infrastructure requirements needed to support the proposals set out in the Local Plan.

- 2.19** Policy IN2 (Transport and Accessibility) seeks to support sustainable modes of transport and requires relevant developments to provide for transport plans and appropriate parking provision (alongside policy IN3 Access and Parking). The Plan also includes policies on supporting the provision for walking, cycling and riding in the borough and create multi-user routes (IN4). Policy IN6 on telecommunications development seeks to put policies in place for the appropriate siting of electronic communications networks. Policy IN7 (Utilities) supports the appropriate connections to utilities on the site.

Sustainable Environment

- 2.20** This is a detailed chapter covering a number of different topics. The Plan includes policies on pollution and air quality (SE1) covering a number of different aspects of pollution including air, noise etc. The Plan also includes detailed policies on land contamination (SE2) and a number of policies on flooding and water quality including flood risk management (SE3), sustainable drainage systems (SE4) and water resources / quality (SE5). The Plan also recognises the importance of open space, sports and leisure provision (in policy SE6).
- 2.21** The Plan includes policies on Biodiversity Net Gain (SE7) in line with national requirements of 10% in accordance with the Environment Act 2021 alongside a policy on Biodiversity and Geodiversity (SE8) including the mitigation hierarchy of avoidance, mitigation and compensation measures. Trees, hedgerows and woodland are covered in policy SE11. Heritage and landscape matters are covered in policies SE9 and SE10 respectively. Policy SE12 on amenity covers matters, including the agent of change principle on development being aware of its impact on existing uses in the area. The remaining policies in this chapter cover soils and agricultural land (SE13) and Green and Blue Infrastructure (SE14).

Rural Matters

- 2.22** The chapter considers the approach to rural development and land use in the Borough. This includes the rural economy (RUR1), rural workers dwellings (RUR2), extensions / alterations and replacement buildings outside settlement boundaries (RET3 & RET4) alongside policy guidance on the re-use of rural buildings for residential use (RUR5).

Site Allocations

- 2.23** The Plan includes a number of strategic sites to help meet the development requirements of the Borough. Policy SA1 (General Requirements) sets out a number of general principles for all potential development sites to consider including information requirements for planning applications and other important matters.
- 2.24** Development site allocation policies provide advice on what type of land use or mix of uses is acceptable on a specific site. Since the consultation on the First Draft Plan, there have been changes to the suite of sites proposed including the removal of sites (including sites at Newchapel (NC77) and Audley (AB32) and others in response to consultation comments. Also, further information has been prepared on the site at Lyme Park (SP11) on the layout

of development into individual parcels. The capacities of development proposals have also been reassessed reflecting consultation responses and new evidence, including in respect of sites at Clough Hall (BL18) and at Red Street (CT1).

- 2.25** Following a review of the evidence base and of National Planning Policy, it is considered that exceptional circumstances exist to change Green Belt boundaries and evidence will be published to this effect for consideration to be made during consultation on the Final Draft Local Plan.
- 2.26** As noted earlier in the report, following the consultation on the regulation 18 First Draft Local Plan, it has been considered appropriate to allocate two large scale strategic employment sites. One at Junction 16 (AB2) and the other at Keele University (KL15). These allocations are made to ensure an ongoing supply of quality employment sites and support for in the KL15 case, the Keele Science Growth corridor. The sites ensure a resilience in employment land supply over the Plan period while also contributing to growth aspirations for the Borough and wider sub-region.

Policies Map, Plans, Glossary and Appendices

- 2.27** The plan includes a detailed Policies Map and individual plans showing site allocations and settlement boundaries, a glossary of terms used in the document and in the appendices, a monitoring framework to review the implementation of new policies and inform future reviews of the Local Plan.

Sustainability Appraisal / Habitats Regulations Assessment

- 2.28** A Sustainability Appraisal (“SA”) has been carried out on the Local Plan to assess the policies, sites and spatial options against the sustainability appraisal framework (Appendix 2). This work has informed the selection of preferred options and the drafting of policies. A Habitat Regulations Assessment (HRA) has also been carried out to assess any potential negative impacts of development on relevant environmental designations (Appendix 3). The SA and HRA will be published alongside the Final Draft Borough Local Plan and will also be available for consultation.

Duty to Co-operate

- 2.29** Local planning authorities are under a legal duty to cooperate with each other, and with other prescribed bodies, when preparing policies which deal with strategic planning matters that cross administrative boundaries. The National Planning Policy Framework states that authorities should produce, maintain, and update one or more statement(s) of common ground addressing such matters. The Council will publish a statement of compliance on how it has met the Duty-to-Co-operate with relevant prescribed bodies. Where possible, draft Statement of Common Grounds at officer level have been prepared with neighbouring authorities. These are expected to be finalised following the consultation on the Local Plan, at Regulation 19 stage.

Evidence Base

- 2.30** The Council has produced a significant amount of evidence to support the Plan and its policy proposals. The evidence base will be published alongside the

consultation documents on the evidence pages of the Council's website in due course. This can be accessed here:- [Local plan evidence base – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-under-lyme.gov.uk/consultation) and is expected, in time, to include the following documents:-

- Duty-to-Co-operate Compliance Statement
- Housing and Economic Needs Assessment
- Strategic Employment Sites Assessment
- Infrastructure Delivery Plan
- Viability Assessment
- Rural Topic Paper
- Strategic Housing and Employment Land Availability Assessment
- Settlement Boundary Assessment Report
- Green Belt Assessment
- Retail and Leisure Study
- Strategic Transport Study
- Playing Pitch Strategy and Monitoring Update
- Strategic Flood Risk Assessment
- Water Cycle Study
- Landscape Character Study
- Gypsy and Traveller Accommodation Assessment
- Gypsy and Traveller and Travelling Showpeople Site Selection Report
- Nature Recovery Network Mapping Report
- Newcastle-under-Lyme and Kidsgrove Urban Capacity and Town Regeneration Study
- Open Space and Green Infrastructure Strategy
- Landscape and Settlement Character Assessment Study
- Climate Change Adaptation and Mitigation Report
- Nationally Described Space Standards Topic Paper
- Site Selection Report and Assessments

Consultation Arrangements

2.31 Subject to approval, the Local Plan and associated documentation is proposed to be published on the 12th of August 2024 for an 8-week consultation period ending on the 7th of October 2024. The engagement and consultation will be consistent with the Council's approved Statement of Community Involvement (SCI) which sets out how the Plan will be consulted upon. As stated earlier in the report, consultation at the Regulation 19 stage is more formal and prescribed. The aim of the consultation stage is to seek views on whether the Plan meets the tests of soundness set out in paragraph 35 of the NPPF. Comments received at this stage of consultation are sent to the Secretary of State on submission of the Plan for consideration by the appointed Inspector as part of the examination. There is limited scope to make changes to the Plan based on comments received, prior to submission.

2.32 It is expected that the method of consultation will be similar to that undertaken for the First Draft Plan and include in person consultation 'drop in' sessions for members of the public to ask questions of officers about the Local Plan and understand how to submit their representations to the Plan.

3. Recommendation

3.1 That Council:

- Approves the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulations Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme;
- Authorises the Service Director (Planning), in consultation with the Strategic Planning Portfolio Holder to make any necessary minor typographical changes and modifications to the Final Draft Newcastle-under-Lyme Borough Local Plan 2040, Sustainability Appraisal and Habitat Regulations Assessment prior to consultation;
- Subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, authorises the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination by the end of 2024;
- Authorises the Service Director (Planning) to write to the appointed Inspector(s) at the start of the examination requesting them, under section 20(7C) of the Planning and Compulsory Purchase Act 2004, to recommend any main modifications necessary to ensure the Plan sound and legally compliant

4. Reasons

- 4.1** To ensure that the process of adopting a Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

5. Options Considered

- 5.1** The Council has previously expressed its clear intention through the approval of a Local Development Scheme (Local Plan Timetable) to adopt a new Local Plan providing a comprehensive set of up-to date planning policies for the Borough.

6. Legal and Statutory Implications

- 6.1** In accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan.
- 6.2** Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

7. Equality Impact Assessment

- 7.1 The Local Plan is supported by an Equality Impact Assessment as part of its Sustainability Appraisal. This will consider how development proposed and planning policies impact on different groups in the community.

8. Financial and Resource Implications

- 8.1 The preparation of the Local Plan is resourced through the Planning Policy budget and full use of the Local Plan reserve. The examination of the Local Plan will incur additional costs which are not currently budgeted for and a separate report will be prepared for Cabinet later in the year to seek approval for additional funds to support the future examination of the Local Plan.

9. Major Risks & Mitigation

- 9.1 Changes in National Policy, Legislation and Guidance - The Levelling-Up and Regeneration Act now has Royal Assent. The Act will have implications for the formulation of future Local Plans. The Government has stated that Councils have until 30 June 2025 for 'old style' Plans to be submitted for examination (to be adopted by 31 December 2026).
- 9.2 On the 19 December 2023, the government published a revised National Planning Policy Framework. The implications of changes made through the revised National Planning Policy Framework will be kept under review during the development of the Final Draft Local Plan.
- 9.3 Following the general election, a Labour led government has emphasized the importance of planning and has indicated that a draft National Planning Policy Framework will be published by the end of July for consultation. The Newcastle-under-Lyme Borough Local Plan is being brought forward for adoption in an efficient manner.

10. UN Sustainable Development Goals (UNSDG)

- 10.1 As the Local Plan is primarily focused on the use of land, overall levels of growth and the relationship to the environment and infrastructure then several of the UN Sustainable Development Goals will overlap with the aims of the Plan.



11. **Key Decision Information**

- 11.1 This report and the recommendations contained within it relate to the preparation of a new Borough Local Plan. This report is a key decision as it affects all wards in the Borough.

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 Cabinet – 6 June 2023 – Cabinet decision to consult on the First Draft Local Plan - Agenda for Cabinet on Tuesday, 6th June, 2023, 2.00 pm – [Agenda for Cabinet on Tuesday, 6th June, 2023, 2.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/agenda-for-cabinet-on-tuesday-6th-june-2023-2-00-pm)
- 12.2 Cabinet 17 October 2023 - update following consultation on the First Draft Local Plan and consideration of Local Development Scheme - [Agenda for Cabinet on Tuesday, 17th October, 2023, 2.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/agenda-for-cabinet-on-tuesday-17th-october-2023-2-00-pm)
- 12.3 Cabinet 16 January 2024 – consultation report on First Draft Local Plan - [Agenda for Cabinet on Tuesday, 16th January, 2024, 2.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/agenda-for-cabinet-on-tuesday-16th-january-2024-2-00-pm)

13. **List of Appendices**

- 13.1 Appendix 1: [Final Draft Borough Local Plan 2040](#)
- 13.2 Appendix 2: [Sustainability Appraisal](#)
- 13.3 Appendix 3: [Habitats Regulations Assessment](#)
- 13.4 Appendix 4: [Policies Map](#)

14. **Background Papers**

- 14.1 Evidence base documents, supporting the Local Plan will be made available over the coming weeks on the Council's website:- [Local plan evidence base – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/local-plan-evidence-base)

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Labour Group Amendments to the Report Titled;

Newcastle-under-Lyme Borough Local Plan 2040 of the 24-07-24

Background

The Newcastle Labour group of councillors met on Monday 22nd July to review the agenda for the meeting of full council taking place on 24-07-24. The agenda contained at item 5 - Newcastle-under-Lyme Borough Local Plan 2040. The item contains the paper which asks members and council to approve four recommendations as follows;

That Council: .

- 1. Approves the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulations Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme;*
- 2. Authorises the Service Director (Planning), in consultation with the Strategic Planning Portfolio Holder to make any necessary minor typographical changes and modifications to the Final Draft Newcastle-under-Lyme Borough Local Plan 2040, Sustainability Appraisal and Habitat Regulations Assessment prior to consultation;*
- 3. Subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, authorises the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination by the end of 2024;*
- 4. Authorises the Service Director (Planning) to write to the appointed Inspector(s) at the start of the examination of the Final Draft Newcastle under-Lyme Borough Local Plan 2040 requesting them, under section 20(7C) of the Planning and Compulsory Purchase Act 2004, to recommend any main modifications necessary to ensure the Plan sound and legally compliant.*

Issues identified

In relation to recommendation 1

When the Labour group met on the 22-07-24, some 48 hours before the meeting to consider the recommendations we observed that the following supporting documents (none exhaustive) were not available;

1. Infrastructure Delivery Plan
2. Infrastructure Delivery Schedule
3. Strategic Housing and Employment land availability assessment 2024
4. Site assessments
5. Green Belt Assessment
6. Strategic transport assessment
7. Water cycle study
8. Gypsy and traveller site selection report
9. Duty to co-operate statement of compliance
10. Housing supply and delivery position statement

Clearly, the expectation that members approve a local plan through to the regulation 19 representation period, which is the last stage of public engagement before submitting the draft plan to the Inspectorate for examination, is unreasonable and does not adhere to sound governance of the council.

This is a formal process that requires comments on the soundness and legal compliance of the plan.

Members wish to be in a fully informed position in order to move the plan through its statutory process.

In relation to recommendation 3

Consultation is technically any activity that gives people a voice, in this context it is an exercise to provide local residents, businesses and stakeholders a voice and an opportunity to influence important decisions relating to the Borough's local plan.

Consultation requires listening to local people and learning from affected people before decisions are made or priorities are set.

Councils have a statutory requirement to consult their residents, this is especially true for planning or redevelopments. There are strict rules surrounding how consultations are conducted, and a failure to adhere to this could render the council liable for a judicial review.

It is in this regard that recommendation 3 is manifestly problematic – to agree to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination by the end of 2024, without affording council the time and space to review the consultation, in full, and to take account of residents, business and stakeholders views in our plan before submitting to the Secretary of State, does not accord with the fundamental principles of consultation compliance. A failure to demonstrate that council has undertaken meaningful consultation could leave council open to complaints of pre-determination.

The most common failures of local authority plans are due to inconsistencies with National Planning Policy, lack of evidence base and inadequate engagement. The amendments below seek to remedy any possible flaws in the plan and process. It is our view that a failure to do so would open the authority to the risk of litigation, reputational damage, and a loss of trust and confidence by those engaging with the process.

Proposed amendments

Replace recommendation(s) 1 and 3 with the following;

1. Council agrees to bring the final draft plan, and supporting documents to the September 2024 full council meeting seeking councils approval of the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulations Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme.
3. Following completion of the consultation, council will meet to receive and consider the responses. If council agrees that no amendments to the plan are required and no matters are raised that materially impact upon the Plan strategy, council authorises the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination at the earliest opportunity.

ENDS

Amendment Proposer

Cllr Dave Jones

Amendment Seconder

Cllr Andrew Fox-Hewitt

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Council
24 July 2024**

Report Title: Notification of Urgent Decisions Taken – Political Balance

Submitted by: Chief Executive

Portfolios: One Council, People and Partnerships

Ward(s) affected: N/A

Purpose of the Report

To report two Council decisions taken by the Interim Chief Executive and Chief Executive respectively, under urgency powers as a result, in each case, of changes to the political proportionalities of Council.

Recommendation

That Council note the urgent decisions taken by the Interim Chief Executive and Chief Executive.

Reasons

To comply with the requirement to report urgent decisions taken to full council.

1. Background

- 1.1 The attached decisions were made by the Interim Chief Executive and Chief Executive on 28 May, 2024 and 9 July 2024 under the urgency provisions in the Council's constitution.
- 1.2 In both cases, the decisions were to amend the political proportionality of committees as a consequence of changes in the overall political proportionality of Council.
- 1.3 The attached Urgent Decision Notices contain the details of each matter.

2. Issues

- 2.1 Set out above.

3. Proposal

- 3.1 That Council notes the urgent decisions taken by the Chief Executive.

4. Reasons for Proposed Solution

- 4.1 Set out above.

5. **Options Considered**
 - 5.1 N/A
6. **Legal and Statutory Implications**
 - 6.1 Set out in the appendices.
7. **Equality Impact Assessment**
 - 7.1 There are no adverse equality implications.
8. **Financial and Resource Implications**
 - 8.1 Set out in the appendices.
9. **Major Risks**
 - 9.1 Set out in the appendices.
10. **Sustainability and Climate Change Implications**
 - 10.1 Set out in the appendices.
11. **Key Decision Information**
 - 11.1 N/A
12. **Earlier Cabinet/Committee Resolutions**
 - 12.1 See Appendices
13. **List of Appendices**
 - 13.1 The Urgent Decision Notices referred to.
14. **Background Papers**
 - 14.1 As above.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
INTERIM CHIEF EXECUTIVE'S URGENT DECISION ON BEHALF OF

Council
28 May 2024

Report Title: Allocation of Committee Seats to Political Groups

Submitted by: Interim Chief Executive

Portfolios: One Council, People & Partnerships

Ward(s) affected: N/A

Purpose of the Report

To re-allocate committee seats to the political groups following a change in political proportionality of the Council.

Decision

That, using the urgency powers set out in the Constitution:-

- 1. The seats allocated to the Conservative Party on the Planning Committee be reduced by one seat, with a corresponding increase of one seat on Planning Committee being allocated to the Labour Group.**
- 2. The seats allocated to the Conservative Party on the Licensing & Public Protection Committee be reduced by one seat, with a corresponding increase of one seat on the Licensing & Public Protection Committee being allocated to the Independent Member, Cllr Sue Beeston.**
- 3. The Interim Chief Executive action the removal of one Conservative Member from the Planning Committee and one Conservative Member from the Licensing and Public Protection Committee in accordance with the wishes of the Conservative Group Leader, appoint to the new Labour seat on the Planning Committee in accordance with the wishes of the Labour Group Leader, and appoint the Independent Member, Cllr Sue Beeston to the new Independent seat on the Licensing and Public Protection Committee in accordance with Cllr Beeston's wishes.**

Reasons

To comply with the political proportionality requirements in the Local Government and Housing Act 1989, following a change in membership of the Conservative Group.

1. Background

- 1.1 The Local Government and Housing Act 1989 ("the 1989 Act") imposes political proportionality requirements in respect of the allocation of seats on ordinary committees to the political groups.

1.2 Specifically, section 15 of the Act requires that four principles be followed in allocating committee seats:-

- a) All seats on a committee cannot be allocated to the same political group;
- b) The majority of the seats on each committee should be allocated to the political group holding the majority of seats on the council;
- c) Subject to (a) and (b) above, the number of seats on the total of all the ordinary committees of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council;
- d) Subject to (a), (b) and (c) above, the number of seats on each ordinary committee of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council.

1.3 On account of the result of a change in membership in the Conservative Group, there is a need to alter the seat allocations as set out above.

2. Issues

2.1 This decision is taken in accordance with paragraph 1 (“Matters of Urgency”) on page 78 of the Council’s Constitution. The urgency arises on account of the need for this decision to be taken at a time before a meeting of full Council can be convened.

3. Proposal

3.1 That, using the urgency powers set out in the Constitution, the changes referred to above be made.

4. Reasons for Proposed Solution

4.1 To comply with the political proportionality requirements of the Local Government and Housing Act 1989.

5. Options Considered

5.1 To await the next meeting of full Council to propose the changes, however this would have the effect of a key scrutiny committee being run otherwise than in accordance with the requirements of the 1989 Act.

6. Legal and Statutory Implications

6.1 Dealt with in the body of the report.

7. Equality Impact Assessment

7.1 N/A

8. Financial and Resource Implications

8.1 N/A

9. Major Risks

9.1 Dealt with in the body of the report.

10. Sustainability and Climate Change Implications

10.1 None identified.

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 Not Applicable.

14. Background Papers

14.1 Not Applicable

DECIDED BY:-

Simon McEneny (Interim Chief Executive) under the aforementioned powers

A handwritten signature in black ink, appearing to read "Simon McEneny", with a horizontal line underneath the name.

Signed

Dated 28th May 2024

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
CHIEF EXECUTIVE'S URGENT DECISION ON BEHALF OF

Council
16th July 2024

Report Title: Allocation of Committee Seats to Political Groups

Submitted by: Chief Executive

Portfolios: One Council, People & Partnerships

Ward(s) affected: All Wards

Purpose of the Report

To re-allocate committee seats to the political groups following a change in political proportionality of the Council as a result of the by-election held on Thursday 4th July 2024. To note this decision supercedes previous urgent decisions.

Decision

That, using the urgency powers set out in the Constitution:-

- 1. The seats allocated to the Conservative Party on the Planning Committee be increased by one seat.**
- 2. The seats allocated to the Conservative Party on the Licensing & Public Protection Committee be increased by one seat, with a corresponding decrease of one seat on the Licensing & Public Protection Committee allocated to the Independent Member, Cllr Sue Beeston.**
- 3. The Chief Executive actions the appointment of one Conservative Member to the Planning Committee (Cllr. David Hutchison) and one Conservative Member to the Licensing and Public Protection Committee (Cllr. Jill Whitmore) in accordance with the wishes of the Conservative Group Leader, and removes the Independent seat on the Licensing and Public Protection Committee.**
- 4. The Chief Executive further notes that Cllr. Mandy Berrisford be appointed to Economy & Place Scrutiny Committee, replacing Cllr. Joan Whieldon who was appointed on a temporary basis. Cllr. Whieldon is reappointed as a Substitute to this Committee.**

Reasons

Following the decision made under urgency powers by the Interim Chief Executive in May 2024, following the resignation of two elected members, and the subsequent by-election of 4th July 2024, this report seeks to comply with the political proportionality requirements in the Local Government

and Housing Act 1989, following a change in political balance.

1. Background

1.1 The Local Government and Housing Act 1989 (“the 1989 Act”) imposes political proportionality requirements in respect of the allocation of seats on ordinary committees to the political groups.

1.2 Specifically, section 15 of the Act requires that four principles be followed in allocating committee seats:-

- a) All seats on a committee cannot be allocated to the same political group;
- b) The majority of the seats on each committee should be allocated to the political group holding the majority of seats on the council;
- c) Subject to (a) and (b) above, the number of seats on the total of all the ordinary committees of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council;
- d) Subject to (a), (b) and (c) above, the number of seats on each ordinary committee of the council allocated to each political group should bear the same proportion to the proportion of their seats on the council.

1.3 On account of the result of a change in membership in the Conservative Group, there is a need to alter the seat allocations as set out above.

2. Issues

2.1 This decision is taken in accordance with paragraph 1 (“Matters of Urgency”) on page 78 of the Council’s Constitution. The urgency arises on account of the need for this decision to be taken at a time before a meeting of full Council can be convened.

3. Proposal

3.1 That, using the urgency powers set out in the Constitution, the changes referred to above be made.

4. Reasons for Proposed Solution

4.1 To comply with the political proportionality requirements of the Local Government and Housing Act 1989.

5. Options Considered

5.1 To await the next meeting of full Council to propose the changes, however this would have the effect of a key strategic committee being run otherwise than in accordance with the requirements of the 1989 Act.

6. Legal and Statutory Implications

6.1 There are no additional legal or statutory implications associated with this decision.

7. Equality Impact Assessment

7.1 There is no direct equality impact and therefore an assessment is not required.

8. Financial and Resource Implications

8.1 Not applicable

9. Major Risks

9.1 Risks are set out in section 5 of this report.

10. Sustainability and Climate Change Implications

10.1 There are no direct implications arising from this report.

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 Not Applicable.

14. Background Papers

14.1 Not Applicable

DECIDED BY:-

Gordon Mole (Chief Executive) under the aforementioned powers

Signed



Dated 16th July 2024

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