



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, 16th April, 2025 at 7.00 pm.**

B U S I N E S S

1 ELECTION OF MAYOR

Once elected, the Mayor will take the chair and make the declaration of acceptance of office.

2 APOLOGIES

3 DECLARATIONS OF INTEREST

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

4 MINUTES OF A PREVIOUS MEETING

(Pages 5 - 10)

To consider the Minutes of the previous meeting(s)

5 MAYOR'S ANNOUNCEMENTS

6 CONTRACT AWARD FOR ASTLEY PLACE, MIDWAY CAR PARK AND THE RYECROFT DEVELOPMENTS

(Pages 11 - 60)

7 CONSTITUTION UPDATE - OUTSIDE BODIES

(Pages 61 - 66)

8 URGENT DECISION NOTIFICATION - COMMITTEE SEAT ALLOCATIONS

(Pages 67 - 70)

9 STATEMENT OF THE LEADER OF THE COUNCIL

(Pages 71 - 74)

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

10 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES

(Pages 75 - 76)

Reports are attached for the following:

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

11 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES

(Pages 77 - 80)

Reports are attached for the following:

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

12 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS

(To Follow)

13 RECEIPT OF PETITIONS

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

14 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.

15 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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Agenda Item 4

Council - 19/03/25

COUNCIL

Wednesday, 19th March, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:

Councillors:	Adcock	Grocott	Skelding
	Allport	Heesom	Stubbs
	Barker MBE	Holland	Sweeney
	Beeston	Fox-Hewitt	J Tagg
	Berrisford	Hutchison	S Tagg (Leader)
	Brown	Johnson	J Waring
	Bryan	S Jones	P Waring
	Casey-Hulme	D Jones	Whieldon
	Crisp	Lawley	Whitmore
	Dymond	Northcott	Wilkes
	Edginton-Plunkett	Parker	G Williams
	Fear	Reece	J Williams
	Gorton	Richards	

Apologies: Councillor(s) Bettley-Smith, Burnett-Faulkner, Lewis and Wright

Officers:	Gordon Mole	Chief Executive
	Simon McEneny	Deputy Chief Executive
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Sarah Wilkes	Service Director - Finance / S151 Officer
	Geoff Durham	Civic & Member Support Officer
	Sam Clark	Service Director - IT & Digital

1. APPOINTMENT OF CHAIR

Nominations were received for a Chair for the meeting. Councillor Joan Whieldon was appointed.

Councillor Joan Whieldon in the Chair

2. TRIBUTES TO THE MAYOR, COUNCILLOR BARRY PANTER AND FORMER COUNCILLOR CHARLES EDWARD (TED) HOLLAND

A minute's silence was held for the late Mayor, Councillor Barry Panter and former Councillor Charles Edward (Ted) Holland.

The Leader of the Council, Councillor Simon Tagg led tributes to Councillor Panter stating that he had been dedicated to public service throughout his life and loved

Council - 19/03/25

collecting model police cars, books and pencils. He was elected as Councillor in 2016 and had always wanted to become Mayor. Best wishes were sent to his family and friends.

Councillor Dave Jones stated, on behalf of the Labour Group that the news of Councillor Panter's passing had hit everyone hard. He had made public service his life commitment and was a true gentleman. Best wishes were sent to the family.

Members stated that Councillor Panter was a good friend, an all-round nice guy and a true gentleman, well known and well liked who would be hugely missed.

The Chair stated that a letter had been received from Adam Jogee MP which would be passed to the family.

The Leader of the Council, Councillor Simon Tagg led tributes to former Councillor Charles Edward (Ted) Holland stating that he had worked for local government in the Planning Department and had served on Newcastle's Planning Committee. He had also been leader of the Conservative group and a Cabinet member and sent best wishes to his family.

Members sent condolences to his family. He always welcomed new Councillors and was always ready to share his knowledge.

[Watch the tributes here](#)

3. DECLARATIONS OF INTEREST

The Chair asked the Council's Monitoring Officer for advice on Dispensation for Councillors on agenda item 5.

The Monitoring Officer advised that it had been decided that all Members would be granted a dispensation this evening on the matter of Local Government Reorganisation at item 5 of the agenda. There was therefore no need for any Member to declare an interest in that item.

There were no declarations of interest stated.

4. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL RESPONSE TO LOCAL GOVERNMENT REORGANISATION

The Leader introduced a report, seeking Council's endorsement and support for actions to preserve the Borough following the release of the English Devolution White Paper in December, 2024.

The Leader had written to Jim McMahon OBE MP, Minister of State for Local Government and English Devolution inviting him to visit the borough and setting out concerns with the reorganisation process; a copy of the letter was appended to the report.

The Leader stated that the two tier local government system had worked very well for this Council over the years and could continue to deliver in the future and was therefore the best model going forward.

Referring to the recommendations, the Leader referred to the ‘Strategic Authority’ participation (recommendation C), which supported economic growth and better infrastructure at a strategic level. At a recent Cabinet meeting at Stoke City Council, discussing the possibility of merges with Staffordshire Moorlands and Newcastle, all of the benefits that they discussed were those of a ‘Strategic Authority’.

The Leader stated that there needed to be a Government-funded Borough-wide referendum on any proposals and a full boundary review and that the Government fully fund any reorganisation.

The response of this Council on the forced local government reorganisation was routed in the preservation of the Borough’s independence and maintaining of high standards of local service provision and recognition of residents opinions in choosing its future. The governance model should be in the best interests of Newcastle and the first option would be that of recommendation I – the unitary council for Newcastle but, keeping options open with investigations of other possible models.

Councillor Sweeney in seconding the motion stated that removing a level of democracy would not make the system more democratic nor would it save money, but there would be a detriment for local decision making.

An amendment had been submitted, proposed by Councillor Dave Jones and seconded by Councillor Fox-Hewitt. The amendment solely supported a Unitary Council model for Newcastle-under-Lyme.

Following a debate on the amendment a named vote was taken.

ADCOCK (arrived 8.49pm)	Absent	GORTON	Y	RICHARDS	Y
ALLPORT	Y	GROCOTT	Y	SKELDING	N
BARKER	N	HEESOM	N	STUBBS	Y
BEESTON	N	HOLLAND	N	SWEENEY	N
BERRISFORD	N	HUTCHISON	N	J TAGG	N
BETTLEY-SMITH	Absent	JOHNSON	N	S TAGG	N
BROWN	Y	D JONES	Y	J WARING	N
BRYAN	N	S JONES	N	P WARING	N
BURNETT-FAULKNER	Absent	LAWLEY	Y	WHIELDON	N
CASEY-HULME	Y	LEWIS	Absent	WHITMORE	N
CRISP	N	NORTHCOTT	N	I WILKES	N
DYMOND	Y	PARKER (arrived 7.48pm)	N	G WILLIAMS	Abstain
EDGINGTON-PLUNKETT	Y	REECE	Y	J WILLIAMS	Y
FEAR	N			WRIGHT	Absent

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FOX-HEWITT	Y				
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In Favour (Y) – 14

Against (N) - 22

Abstain – 1

The amendment was not carried, therefore Members debated on the original motion put forward by the Leader of the Council.

Councillor Holland referred to a comment made by the Leader of Staffordshire County Council in a report to their Cabinet which stated that two tier local government worked in Staffordshire and struck the right balance. Councillor Holland agreed, with important regulatory services being delivered by Newcastle and having a much better understanding than they would with a larger authority. He supported a Unitary Authority in Newcastle covering the existing Borough boundaries but stated that the Administration was also right to thoroughly investigate other options.

Councillor Stubbs stated that the English Devolution Policy Paper emphasised the need for a transformational approach to local government aiming to decentralise power, enhance local accountability and drive economic growth. He stated that the report did not fully align with those objectives and outlined the reasons. In addition, the Paper called for a balanced approach in economic development but the report focussed on local identity and historical significance. Finally, the report did not state how communities would be involved in any decision making process.

Councillor Fear stated that he would like to see the two-tier system continue. The Bill from the government was not one of devolution, but one of centralisation. Newcastle would become a permanent minority with a lower level of representation. The proposals put forward this evening were aiming to prevent that from happening as they included possible alternatives to save the Borough from the worst scenario.

Councillor Paul Waring stated that reorganisation was expensive and disruptive and there were no clear benefits in doing it. His concern was that Newcastle would become a 'cash cow' for Stoke City Council who had huge outstanding borrowing and current liabilities.

Councillor Crisp referred to the devolution of power to parish councils stating that there was an ongoing problem with those arrangements nationally, which might be viewed as tax without representation whereby the majority of members were coopted rather than being elected and there were also increases in precepts.

Councillor Dave Jones stated that parish council precepts had risen because they had taken on certain areas of work that were previously done by county and district councils.

In summing up, the Leader referred to page 7, option 9 which talked about various options to be investigated or not taken further. The Government had asked for proposals to be submitted for investigation. He agreed that Newcastle should either stay within a two-tier system or become a unitary borough which, in this Council's submission to Government, would be clearly stated as Newcastle's preferred option.

Resolved: That recommendations A to O, as set out in the agenda report,

be agreed.

[Watch the debate here](#)

5. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Joan Whieldon
Chair**

Meeting concluded at 9.08 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

16 April 2025

Report Title: Contract Award for Astley Place, Midway Car Park and the Ryecroft Developments

Submitted by: Deputy Chief Executive

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

Ward(s) affected: Town

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>To provide Council with an update on the progress made by Capital&Centric on the partially demolished Astley Place, Midway Car Park and Ryecroft development projects in Newcastle Town Centre, and to make recommendations to Council to enable the project to progress through the construction phases of the projects.</p>			
<p><u>Recommendation</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the progress made to date by Capital&Centric on the partially demolished Astley Place development project in Newcastle Town Centre. 2. Notes the progress made to date by Capital&Centric on the Midway Car Park development project in Newcastle Town Centre. 3. Notes the progress made to date by Capital&Centric on the Ryecroft development project on Newcastle Town Centre. 4. Approve expenditure of up to (either £18,213,758 in total or £16,111,895 minus costs already approved) to complete the Astley Place scheme to practical completion in readiness for occupation. 5. Approve expenditure of up to (either £37,518,885 or £35,954,885 minus costs already approved) to complete the Midway scheme to practical completion in readiness for occupation. 6. Approves expenditure of up to (£34,444,256 or £33,131,668 minus costs already approved) to complete the Ryecroft scheme to practical completion in readiness for occupation 7. Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to progress legal agreements, subject to planning approval, to enable the appointment of Capital&Centric under a Development Services Agreements (DSA) 			

for the development of all three schemes through a direct award under the Pagabo Development Management Framework;

- 8. Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to progress the legal agreement for the 'buy back' of the schemes by Capital&Centric upon completion of the developments.**
- 9. Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth to progress the legal agreements with Homes England to accept a grant as a subsidy for the development and become the accountable body for the grant, subject to Homes England approving the grant.**

Reasons

The Council has been developing plans for several key sites across the Town Centre of Newcastle-under-Lyme as part of the Future High Street Fund and Town Deal Fund.

This report enables progress to be made on Astley Place, Midway Car Park and the Ryecroft developments.

Each of the individual town centre regeneration projects have been subject to numerous previous reports and this final approval for all three schemes is now being sought from Council, as per the Cabinet recommendation from its meeting on the 18th March 2025. Each stand-alone development will eventually be purchased by a Special Purpose Vehicle company as a stand-alone asset within Capital&Centric, as per their over-riding business model.

1. Background

- 1.1 As reported to previous meetings, the Council has secured Future High Street Funding and Town Deal Funding for the re-development of several key regeneration sites across the Town Centre. In September 2023 the Council appointed Capital&Centric to undertake feasibility studies for the re-development of the former York Place Shopping Centre, the now closed Midway Car Park and the Ryecroft developments. This work has now concluded with the schemes being considered at a special planning committee meeting in April for planning permission, a contractor priced project budget and a programme for completion of the works on all three schemes.
- 1.2 Again, as reported previously but repeated for completeness and clarity, the process being followed with Capital&Centric having completed their initial development proposals (RIBA Stage 2) and subsequently the RIBA Stage 3 and 4 works of the scheme design and costs for each of the sites.
- 1.3 If the Council is satisfied with the RIBA Stage 4 works, as summarised in this report, and in the attached Appendices, the Council would then use the Pagabo Framework to appoint Capital&Centric through a development agreement to:
 - Manage the procurement and delivery of the main construction works to Astley Place, the former Midway Car Park and the residential / aparthotel works on The Ryecroft, all subject to individual Council approvals.
 - Agree a 'buy back' agreement with the Council, in that the Council will fund the build of each development but after Practical Completion Capital&Centric will purchase the individual developments for a value that is either the total cost of developing the scheme or the market value of the created asset, whichever is higher.

- 1.4 This incremental approach has been used successfully by the Council on both the Kidsgrove Sports Centre refurbishment and on the construction of the new Castle Car Park. Crucially, it has enabled the Council to take a phased approach to the developments, with cost certainty secured before progressing to the next stage. We are now at the final stage of development and will be securing construction works with this report.

2. Update

Astley Place – Update on Current Position

- 2.1 Partial demolition works to the former shopping centre commenced in October 2024 and were completed in early February 2025. The frame has been exposed and cut back to suit the final design of the new development.
- 2.2 Capital&Centric have managed the partial demolition of the former shopping centre that is based upon the principles of retaining as much of the existing concrete frame as possible and re-engineering the structure for commercial and residential purposes.
- 2.3 Discussions have been continuing with Joules Brewery for the live music venue adjacent to The Bulls Head Pub and Capital&Centric have been investigating how this element of the scheme can be incorporated. It is now anticipated that the new music venue will be incorporated into the ground floor of the new development, alongside the commercial eating and drinking units that will occupy the ground floor of the whole development.
- 2.4 The design has now been set (See Appendix 1) for the provision of modern apartments for young professionals, down sizers and families with the following apartment mix:
- 33 one bed apartments
 - 9 two bed apartments
 - 11,148 sq.ft. of commercial space
 - 3,046sqft music venue
 - A 500sqft resident amenity lounge and roof terrace will be provided at the site but further resident amenity space will be provided in the Midway development and will be made available for residents of this building.
- 2.5 The development costs for the redevelopment of the former shopping centre are estimated at £18,213,758 excluding grant and interest but including land value with a project timeline of 22 months to completion of the final scheme. A breakdown of the costs and the funding sources are set out later in this report.
- 2.6 A planning application for the site has been submitted and will be subject to approval at a special meeting planning committee in April 2025, that will consider all Town Centre developments that are subject of this report.

Midway – Update on Current Position

- 2.7 The Midway Car Park closed in January 2025 upon completion of the new Castle Car Park on the Ryecroft site. All accesses (vehicular and pedestrian) have been boarded up and works are underway to remove the business rate liability as the facility is now out of operation.

- 2.8 As with Astley Place Capital&Centric have developed plans for the re-development of the Midway structure, based around the principle of retaining the concrete frame and floors and re-engineering the structure for residential purposes.
- 2.3 The design has now been set (See Appendix 1) for the provision of modern apartments for young professionals, down sizers and families, broken down with the following apartment mix:
- 78 one bed apartments
 - 33 two bed apartments
 - Over 4,500sqft of shared facilities including a gym, mini-cinema residents lounge and private dining. It is expected that the facilities at Midway will be used by residents on the other projects being delivered by Capital&Centric in the town.
- 2.4 The development costs for the redevelopment of the former car park are estimated at £37,518,885 excluding grant and interest with a project timeline of 26 months to submission. A breakdown of the costs and the funding sources are set out later in this report.
- 2.9 A planning application for the site has been submitted and will be subject to approval at a special meeting planning committee in April 2025, that will consider all Town Centre developments that are subject of this report.

Ryecroft - Update on Current Position

- 2.1 In January 2025 the new Castle Car Park, through the construction contract with Morgan Sindall, signed in 2023, opened with the Midway Car Park and the Ryecroft surface level car park now both closed.
- 2.2 In July 2024 the Council sold a portion of the site to McCarthy and Stone for the development of an over 55-year-old residential apartment block. A planning application will be submitted shortly with works expected to commence in 2025.
- 2.3 Work on the aparthotel plans continue through the design development of the wider scheme with Capital&Centric and design consultants have fed into developing the design for this element of the site.
- 2.4 Discussions have also been progressing with Aspire Housing and their aspirations for residential units on the site to sit alongside the other elements of the site. It has been agreed that Capital&Centric will be undertaking this work alongside the Council and other works so the designs, public realm and approach will be consistent across the wider site. Capital&Centric will contract with Aspire directly for 15 new houses and 28 apartments and that the land required for this will be sold by the Council to Aspire to allow them to enter into this development / construction agreement. All fees and costs incurred by the Council for this element of the development will be reimbursed by Aspire at the same time as the land sale agreement is completed, to allow a back-to-back contract between Aspire and Capital&Centric for the build out stages of their section of the site.
- 2.5 The design has now been set (See Appendix 1) for the provision of modern apartments for young professionals, down sizers and families broken with the following apartment mix: [note this excludes the Aspire Units]
- 20 studio apartments
 - 71 one bed apartments
 - 41 two bed apartments

- Extensive shared facilities including a gym, residents lounge and private dining will be provided at the Midway site which the residents at Ryepark will be able to access.
- 2.6 The construction costs for the redevelopment of the former Ryecroft site are estimated at £34,444,256 excluding grant and interest with a project timeline of 38 months to submission. A breakdown of the costs and the funding sources are set out later in this report.
- 2.7 A planning application for the site (including the Aspire element) has been submitted and will be subject to approval at a special meeting planning committee in April 2025, that will consider all Town Centre developments that are subject of this report.

Cost and Funding Considerations

- 2.7 A summary of the costs supplied by Capital&Centric to complete the three town centre developments is set out below for completeness:

Site	Construction Contract	Project Construction Period
Midway Carpark	£37,518,885	26 months
Astley Place	£18,213,758	22 months
Ryecroft – Housing and Aparthotel	£34,444,256	38 months
Total*	£90,176,899**	

**See financial section below for budgetary information*

***Excludes grants and interest costs but includes land value*

- 2.8 The above projects will be funded by external borrowing and potentially a grant from Homes England. Further information is provided in the finance section below.

Cost impact of the Capital&Centric Model

- 2.9 As highlighted in previous Cabinet reports and worth reiterating again here, Capital&Centric is a social impact property developer which pride itself on the design quality of their developments. Its model of retaining assets beyond completion ensures that it has a vested interest in the long-term success of the development with a focus on the experience of the end user, aspirational placemaking and creating developments which are an asset to the community.
- 2.10 The firm’s approach, whereby it retains ownership and management of the developments once completed has a significant positive impact for the Council in terms of both financial and operational risk.
- 2.11 This model requires only short-term financing by the Council, rather than long term borrowing. This reduces interest costs from c.40 years to 2-3 years; the model also removes the need for the Council to fund Minimum Revenue Provision (MRP), which is in effect the “capital repayment” element of PWLB borrowing as the asset would transfer ownership once complete (and the project is launched) and shifts the ongoing

risk of maintaining occupancy of the finished development away from the Council and onto the operator.

Next Steps

- 2.12 The Capital&Centric model that the Council has been working with envisages taking developments through to completion and project launch, then purchasing the completed development and assuming the lead role in managing the operation of the development. There have been a series of gateways controlled by the Council through which the projects have passed to ensure viability. A further and final Cabinet was approved at its meeting on the 18th March 2025 and now Council's approval is being sought to progress to the next stage of the process (procurement of a construction company to complete the works for occupation). At each gateway an updated business plan has been presented for each scheme including updated costs and a delivery programme. The final business plans for the schemes are attached in Appendix 1.
- 2.13 At this currently approved stage the commitment to Capital&Centric extends only to developing the schemes up to obtaining a full planning approval, the programme of construction and the construction budget. The submitted plans / proposals for the scheme that is being considered by this Council report are the result of this last stage and have been assessed and subject to the approval will be accepted and used as the basis of the final award for construction.
- 2.14 Subject to this report being approved at Full Council, the Council would progress to the construction stages of the scheme.
- 2.15 A critical part of this final stage is the model which involves Capital&Centric purchasing the end development is highly significant in terms of the Council's borrowing for the three schemes. Rather than borrowing over, say, a 40 year period, during which the Council would need to both pay interest and capital, the Council's borrowing would only be for, approximately, the duration of the build, as any loan and associated interest would be repaid upon sale of the asset. This minimises the financial impact on the Council's General Fund Revenue Account of the schemes for the Council. This would be covered in a legal 'buy back' agreement and would be signed at the same time as the development agreements for the construction of the schemes. If this 'buy back' agreement is not agreed or signed the construction agreements would not be signed, thus avoiding the risk of agreeing the 'buy back' once the funding commitments are made for the final construction stages.
- 2.16 Presently Capital&Centric are in discussions with Homes England regarding a grant from their BIL Programme to subsidise some of the costs of the project. This is based upon viability and financial pressures that the development costs versus value are currently presenting. The aim of the development is to drive the value up via increased rental demand, increasing rental values. The grant covers the viability gap between costs and value – it is the aim of the grant to cover these shortfalls. Homes England are progressing their assessment for the grant and are due to finalise their decision in the next few months. Homes England have requested that the grant is assigned to the Council and the Council become the accountable body for the grant, as the Council will be the property / land owner during the construction phases.

3. Proposal

- 3.1 That Council:

- Notes the progress made to date by Capital&Centric on the partially demolished Astley Place development project in Newcastle Town Centre.
- Notes the progress made to date by Capital&Centric on the Midway Car Park development project in Newcastle Town Centre.
- Notes the progress made to date by Capital&Centric on the Ryecroft development project on Newcastle Town Centre.
- Approve expenditure of up to (either £18,213,758 in total or £16,111,895 minus costs already approved) to complete the Astley Place scheme to practical completion in readiness for occupation.
- Approve expenditure of up to (either £37,518,885 or £35,954,885 minus costs already approved) to complete the Midway scheme to practical completion in readiness for occupation.
- Approves expenditure of up to (£34,444,256 or £33,131,668 minus costs already approved) to complete the Ryecroft scheme to practical completion in readiness for occupation
- Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to progress legal agreements, subject to planning approval, to enable the appointment of Capital&Centric under a Development Services Agreements (DSA) for the development of all three schemes through a direct award under the Pagabo Development Management Framework;
- Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to progress the legal agreement for the 'buy back' of the schemes by Capital&Centric upon completion of the developments.
- Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth to progress the legal agreements with Homes England to accept a grant as a subsidy for the development and become the accountable body for the grant, subject to Homes England approving the grant.

4. Reasons for the Proposed Solution

- 4.1 The decision will enable the project to progress as per the programme agreed with Government and the Future High Street Fund awards and commitments and get Astley Place (formerly York Place), the Midway Car Park and the Ryecroft developments underway.
- 4.2 To use this Government funding opportunity to support delivery of Council Plan objectives.
- 4.3 To uplift the status of Newcastle Town Centre as the heart of economic, social and community life in the Borough.
- 4.4 Bring a national developer to Newcastle to assist in the transformational programme of regeneration that is being undertaken.

5. Options Considered

5.1 The report above highlights the options that have been considered in some detail.

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 and Town Deal Fund programme for Newcastle Town Centre.

6.2 Pre-construction services agreements (PCSA) are used to appoint a design and build contractor to carry out services before entering into a formal building contract. A PCSA is sometimes referred to as a pre-construction agreement (PCA) and is used in two stage tendering to obtain further design input, buildability/technical advice and detailed costs information from a prospective contractor. This is a formal agreement to provide the specified services/works and is not a letter of intent.

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

Cost Summary – Astley Place

Site	Pre-Application Gateway 1 (£)	Planning Submission Gateway 2 (£)	Pre Contract Submission Gateway 3 (£)	Construction Costs £	Total Costs (£)
Astley Place	90,000	1,175,020	836,843	16,111,895	18,213,758
Total Cost	90,000	1,175,020	836,843	16,111,895	18,213,758

8.1 Approval was given at the Cabinet meeting on 19 September 2023 to spend up to £256,500 with Capital&Centric to develop plans and business cases for the Ryecroft site, York Place and Midway Car Park. This budget in relation to York Place is shown in the above table (Pre-application / Gateway 1 £90,000). The actual spend for this stage amounted to £86,636.

8.2 The Gateway 2 stage was to commission works to take the regeneration projects to the next stage (Planning Submission / Gateway 2) for which approval was given at Full Council on 14 February 2024. The works covered the development plans up to and including the submission of the planning applications. The budget for completing this stage was £1,175,020 with the actual spend amounting to £1,124,973.

8.3 As of the February 2025 draw down, a total of £1,298,762 has been expended on the project. The remaining balance of £713,101 is currently forecasted to be expended prior to the end of Gateway 3.

8.4 The total development costs for the project excluding grant and interest is £18,213,758 meaning a balance of £16,111,895 is to be approved for Gateway 4. A breakdown of the total costs are included in Appendix 1.

Cost Summary – Midway Car Park

Site	Pre-Application Gateway 1 (£)	Planning Submission Gateway 2 (£)	Pre Contract Submission Gateway 3 (£)	Construction Costs £	Total Costs (£)
Former Midway Car Park	85,000	624,883	854,117	35,954,885	37,518,885
Total Cost	85,000	624,883	854,117	35,954,885	37,518,885

8.1 Approval was given at the Cabinet meeting on 19 September 2023 to spend up to £256,500 with Capital&Centric to develop plans and business cases for the Ryecroft site, York Place and Midway Car Park. The budget in relation to the Midway Car Park is shown in the above table (Pre-application / Gateway 1 £85,000). The actual spend for the Gateway 1 stage amounted to £83,121.

8.2 The Gateway 2 stage was to commission works to take the regeneration projects to the next stage (Planning Submission / Gateway 2). The works covered the development plans up to and including the submission of the planning application for the re-development of the Midway Car Park. The principle around the re-development would be to retain the concrete frames and floors and re-engineer the structure for residential purposes, delivering around 106 modern apartments. The budget for completing this stage was £624,883 with actual spend amounting to £648,726. The overspend of £23,842 was due to an increase in the number of structural surveys that were required over and above that originally envisaged. This overspend still falls within the overall budget allocation for the Gateway 2 stage which was approved at Full Council on 14 February 2024 and is summarised in the table below.

8.3 As of the February 2025 draw down, a total of £968,720 has been expended on the project. The remaining balance of £595,280 is currently forecasted to be expended prior to the end of Gateway 3.

8.4 The total development costs for the project excluding grant and interest is £37,518,885 meaning a balance of £35,954,885 is to be approved for Gateway 4. A breakdown of the total costs are included in Appendix 1.

Cost Summary - Ryecroft

Site	Pre-Application Gateway 1 (£)	Planning Submission Gateway 2 (£)	Pre Contract Submission Gateway 3 (£)	Construction Costs £	Total Costs (£)
Ryecroft Aspire – Housing	40,000	326,338	174,920	0	541,258
Ryecroft Aparthotel/Residential	41,500	522,759	748,329	33,131,668	34,444,256
Total Cost	81,500	849,097	923,249	33,131,668	34,985,514

- 8.1 Approval was given at the Cabinet meeting on 19 September 2023 to spend up to £256,500 with Capital&Centric to develop plans and business cases for the Ryecroft site, York Place and Midway Car Park. The budget in relation to the Midway Car Park is shown in the above table (Pre-application / Gateway 1 £85,000). The actual spend for the Gateway 1 stage amounted to £83,121.
- 8.2 The Gateway 2 stage was to commission works to take the regeneration projects to the next stage (Planning Submission / Gateway 2). The works covered the development plans up to and including the submission of the planning application for the re-development of the Midway Car Park. The principle around the re-development would be to retain the concrete frames and floors and re-engineer the structure for residential purposes, delivering around 106 modern apartments. The budget for completing this stage was £624,883 with actual spend amounting to £648,726. The overspend of £23,842 was due to an increase in the number of structural surveys that were required over and above that originally envisaged. This overspend still falls within the overall budget allocation for the Gateway 2 stage which was approved at Full Council on 14 February 2024 and is summarised in the table below.
- 8.5 As of the February 2025 draw down, a total of £669,441 against the Ryecroft Aparthotel/Residential element and £238,540 has been expended against the Ryecroft Aspire- Housing element, a total of £907,981. The remaining balance of £945,865 is currently forecasted to be expended prior to the end of Gateway 3.
- 8.6 The total development costs for the project excluding grant and interest is £34,444,256 meaning a balance of £33,131,668 is to be approved for Gateway 4. A breakdown of the total costs are included in Appendix 1. The approved sum of £541,258 relating to the Aspire site will be repaid to the Council when the build contract is entered.

Cost Summary – all three schemes for information

Site	Pre-Application Gateway 1 (£)	Planning Submission Gateway 2 (£)	Pre-Contract Submission Gateway 3 (£)	Construction Costs £	Total Costs (£)
Astley Place	90,000	1,175,020	836,843	16,111,895	18,213,758
Former Midway Car Park	85,000	624,883	854,117	35,954,885	37,518,885
Ryecroft Aspire – Housing	40,000	326,338	174,920	0	541,258
Ryecroft Aparthotel/Residential	41,500	522,759	748,329	33,131,668	34,444,256
Total Cost	256,500	2,649,000	2,614,209	85,198,448	90,718,157

9. Major Risks & Mitigation

- 9.1 The proposed re-development of Astley Place, the Midway Car Park and the Ryecroft are in a densely occupied town centre location and therefore will require careful management throughout the contract.
- 9.2 The potential for multiple re-development and / or construction projects being undertaken in a short period of time in the town centre could impact negatively on the enjoyment of the town amenities by users and will need careful messaging and monitoring. Each stakeholder will be able to assist with this.

9.3 The inflationary pressures and the cost of borrowing is a risk to the delivery of all of the schemes and each needs to be planned carefully to minimise the effects of each prior to the start or award of any contract. Construction inflationary pressures are now easing but are still a consideration.

9.4 Each scheme / project will have a dedicated risk register for the potential risks of each scheme from the feasibility stage to the construction phases.

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. Furthermore this project is intended to enable the redevelopment of an underused retail complex, a now closed multi storey car park and a now closed surface level car park that are in a poor state of repair, 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. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

We will make investment to diversify our income and think entrepreneurially.

The development seeks to ensure that the Council is using its assets effectively and that investment is made in the Town Centre that deliver good quality and modern environments for businesses and residents.

One Digital Council

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

The Council will seek to utilise technological developments in these investment's and that there are options available to customers where possible.

One Green Council

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle.

As part of the Council's Sustainability agenda the developments will deliver against the zero carbon standards to support this.

12. Key Decision Information

12.1 This is a Key Decision.

13. Earlier Cabinet/Committee Resolutions

- 13.1 October 2019, Cabinet concerning development of the second stage FHSF bid and procurement of consultancy support.
- 13.2 December 2019, Economy Environment & Place Overview and Scrutiny Committee Town Centre Funding Update (information item).
- 13.3 July 2020, Cabinet concerning approval for submission of bid into MHCLG (now DLUHC).
- 13.4 April 2021 Cabinet accepting FHSF Grant monies and grant conditions.
- 13.5 December 2021 Cabinet purchase of York place Newcastle under Lyme.
- 13.6 March 2022 Cabinet award of contract for design and build contractor.
- 13.7 January 2023 Cabinet progress report on the York Place project.
- 13.8 June 2023 Cabinet award of contract for the demolition of York Place.
- 13.9 September 2023 Cabinet approval for Town Centre Regeneration Feasibility Studies.
- 13.10 6 February 2024 Cabinet approval for Town Centre Regeneration Update.
- 13.11 14 February 2024 Council approval for Town Centre Regeneration Update.
- 13.12 12 November 2024 Cabinet approval for completion of RIBA Stage 4 works.
- 13.13 18 March 2025 Cabinet approval for award of construction contract for Astley Walk.
- 13.14 18 March 2025 Cabinet approval for award of construction contract for Midway Car Park.
- 13.15 18 March 2025 Cabinet approval for award of construction contract for Ryecroft.

14. List of Appendices

- 14.1 Capital&Centric Astley Place Business Case.
- 14.2 Capital&Centric Midway Car Park Business Case.
- 14.3 Capital&Centric Ryecroft Business Case.

15. Background Papers

- 15.1 None.

1. Report title	Project update in conjunction with Councils Cabinet approval to appoint Capital&Centric (Devosa) Limited ('C&C') under a Pagabo Development Agreement.
2. Date/ Revision	05 March 2025
3. The Site	Former Astley Shopping Centre, previously known as York Place and now named Astley Place.
4. Contracting Parties	Capital & Centric (Devosa) Limited and Newcastle-under-Lyme Borough Council ('NuLBC').
5. Action	<p>The aim of this paper is to provide an update on works completed to date and provide NuLBC sufficient information to seek approval to appoint Capital & Centric (Devosa) Limited under a Pagabo Development Agreement to deliver the project. The outturn of the extended process will be the delivered project.</p> <p>The paper provides an update on works completed to date and a summary of costs.</p>
6. Report By	Martin Crews, Development Director

IMPACTS	
Finance Summary	<p>The contract is being funded by Newcastle-under-Lyme Borough Council ('NuLBC') under a Pagabo Pre-Development Services Agreement between Capital & Centric (Devosa) Limited ('C&C') and NuLBC.</p> <p>Initially NuLBC instructed £90,000 for the design at Astley Place to be developed. Two further approvals in the amount £1,175,020 and £836,843 was approved under a Pagabo Pre-Development Agreement (total £2,101,863) which included the cost for demolition and enabling works. Planning is now submitted and due to be determined in April 2025 and the stage 4 design is ongoing.</p> <p>C&C are currently forecasting a further £16,111,895 excluding interest and grant support but including a land receipt to deliver the project.</p>
Development description	The scope of works includes the partial demolition and retention of the existing concrete frame, rooftop extension and development to provide 42 apartments, c.11,000 sqft of commercial space and a 3,000sqft community music venue.

EXECUTIVE SUMMARY

A Pagabo PDA was entered into on 23 April 2024 with Capital&Centric appointed to bring forward a planning application and commence the enabling works at York Place. The services were extended in November 2024 at a cost of £836,843 to complete the RIBA 4 design and procure a main contractor. The Deliverables set out in the agreement are being progressed and C&C are now entering negotiations with NuLBC to appoint C&C under a Pagabo Development Agreement to deliver the project.

Subject to agreement of the legal documents, securing a Homes England grant from the BIL Fund, obtaining planning approval and obtaining a satisfactory fixed price build contract, we are looking to commence work on site Q3 2025.

1. Review of Work to date

a. Pagabo PDA Deliverable Update

A Pagabo PDA was entered into between Capital & Centric (Devosa) Limited and Newcastle-under-Lyme Borough Council on 23 April 2024 with a clear scope of services and deliverables. These services were extended on 14 November 2024 to progress the RIBA Stage 4 design and procure a fixed price building contract. The updated deliverables are detailed below with a commentary of the current status.

Deliverable	Status Update
Develop a design that maximises the viability of the development.	Viability has been carefully considered when developing the design whilst ensuring the vision remains aspirational. During this phase we have undertaken a significant review of the design which has led to the exclusion of balconies, reduced from 52 to 42 units and incorporated the community music venue within the existing building.
An award-winning design that compliments and is sympathetic to the historic market town setting whilst being aspirational and stimulates regeneration.	The design has been developed through this phase to consider not only how we re-position NuL in the market, but also how we create commercial units and apartments that form a new market. We have reviewed how the commercial units will look and feel to ensure they enhance the town and act as a catalyst for the wider regeneration of NuL.
Work with Joules Brewery on bringing forward the Freespace concept where viable.	As part of the design review, we have developed a solution to accommodate the Freespace concept within the existing building, but there is currently a funding gap that would need to be bridged. This forms part of our Homes England BIL application.
Options analysis throughout the process resulting in a robust development appraisal.	Development appraisals have been produced throughout the process and influenced the progression of the design and led to the design changes, reducing the number of units and creating a community roof terrace.
Public realm proposals which tie the sites together and knit them into the existing urban grain, but also create public spaces which are a benefit to the wider town centre.	The public realm design has been developed to act as a central pocket park in the town and encourage greater footfall, and enhanced dwell time.
A RIBA stage 3 planning design.	Completed
Appointment of design team and procurement of surveys.	Completed
A public consultation event linked to the planning.	Completed
The submission of a planning application.	Completed
Enabling works design and commencement.	Completed
Completion of RIBA Stage 4 design ensuring the scheme is designed to C&C Brand Standards.	Ongoing but due to be completed end of Q2.
Negotiation and appointment of main contractor to deliver the project on a fixed price building contract.	A stage 1 tender has been issued with a view to appointing a contractor under a PCSA.
Work with Homes England to secure grant support to bridge the viability gap.	Discussions are ongoing to secure a grant under the BIL programme
Develop a business plan that allows the commencement of work on site.	Ongoing

b. Pre App

C&C worked in collaboration with the design team to prepare and submit a pre-planning application. A meeting was held on 2 April 2024 with the planning and conservation officers and relevant members of the council's planning committee to review and discuss the proposals. The scheme was well received with no negative comments about the design. Following the pre-application a public consultation event was held at Castletown Distillery in Newcastle on 3 May 2024 where the scheme was well received by the public.

As part of the planning process, C&C instructed a design review with the Design Review Panel which was held on 24 July 2024. The proposals for York Place were discussed and there were some constructive comments about the bookends to the building, an issue that C&C had already highlighted and were considering several solutions for. Following the review C&C and the architect held an internal review which has led to the development of the current design and omission of the bookends as detailed in the CGIs in appendix 1.

c. Planning

Following the pre-application process and design review panel, a planning application was submitted on 6 November 2024 to provide 52 residential apartments and circa 14,000sqft of commercial space. Following a design review, the scheme is being changed to provide 42 apartments, 11,000sqft of commercial space and a 3,000sqft music venue. This will form part of the scheme that is determined at planning committee.

A separate planning application will be submitted to convert one of the commercial units into a music venue.

The scheme will be presented to the planning committee on 29 April 2025.

d. The Vision

To create a new place where independent bars, cafes and restaurants can cluster around a verdant pocket park and accelerate the renaissance of the town.

York Place is a key focal point of Newcastle's regeneration. The project will act as new hub for independent bars, cafes and restaurants and act a catalyst for the wider regeneration of the town, bringing new people with additional discretionary spend and retaining those already living there. To the ground floor there will be up to ten commercial units ranging in size from 500-2,300 sqft all spilling out onto the pavement or the verdant pocket park to the rear.

The site is ideally located on the edge of the main high street and opposite the Ryecroft development, and will compliment the amazing cluster of existing independent operators who have positioned themselves along Merrial Street. The development will provide a draw for the 13,000 students at Keele and encourage them to come into town and increase their discretionary spend along with other local residents, something which is currently lacking. The scheme will have a multiplier effect whereby other operators gain confidence to open up shop in the town and grow the offer, revitalising the town centre and nighttime economy.

The proposal is to convert the existing ground floor commercial units into appropriately sized, exceptional suites for local independent operators to take on which will be fitted out and ready to occupy. To the central courtyard is a pocket park which will be open for the whole town to enjoy.

As part of the design review, a residents lounge will be provided on the first floor along with a landscaped roof terrace. The residents of the development will also be able to enjoy the shared facilities at the Carpark development including residents lounge, gym, mini-cini and private dining.

The residential units are all double aspect with external walkways providing amazing natural light to the apartments. The units are all above National Design Space Standards (NDSS) and are designed in accordance with the Capital&Centric brand standards. The internal design will be equal to the schemes we bring forward across the UK and will be a market changing offer in the town.

CGIs of the proposed development are included in appendix 1 of this report but the internal courtyard images are currently being updated to accommodate the updated design proposals.

Accommodation Schedule

Unit Description	Size sqft	Nos
1 bed standard	495	14
1 bed premium	550	19
2 bed standard	730	3
2 bed premium	790	6
Total		42
Commercial	11,148sqft	10

e. Financial Review**Stage 1**

A maximum commitment for stage 1 was agreed at £90,000. The works were delivered for £86,636, under budget by £3,364.

Stage 2a

Cabinet approved the instruction of the Stage 2 works (which we are now referring to as stage 2a) with the scope to include the submission of a planning application and the demolition and enabling works. The agreed budget was £1,175,020 and the works were completed within the agreed cost envelope.

Enabling Works

As part of the stage 2 works, AW Demolition were appointed to undertake the demolition and enabling works on the site. Capital & Centric (Devosa) Limited entered a building contract in the amount £500,000 to undertake the works. The scope included the partial demolition of the building, removal of the façade and strip out of the building. Works commenced on Monday 7 October 2024 and were completed mid February 2025.

The works detailed in the contract have been completed and we have utilised unspent provisional sums to grub up foundations in the new pocket park which did not form part of the original contract. These works are ongoing and will be completed before the end of March 2025. A final account of £500,000 has been agreed within the approved budget.

Stage 2b

The Council obtained cabinet approval to extend the Pagabo PDA Services and Costs to conclude the pre-contract design and an extension to the Pagabo PDA was completed on 14 November 2024. C&C are currently working through the services with a view to them being concluded by Q3 2025.

The total cost for the stages 1,2 and 3 works is budgeted at £2,101,863 minus the previously approved £1,175,020 leaving a balance of £836,843. The works are currently forecasted to be completed on budget.

Stage 3

C&C are seeking Council approval to enter a development agreement and associated legal documents including a sale agreement and lease subject to the following conditions being satisfied:

- Satisfactory planning approval
- Satisfactory build contract
- Homes England Grant approval
- Agreement of legal documents

The forecasted cost for this stage is £16,111,895 excluding grant and interest but including a land receipt. NuLBC will retain the right to approve C&C moving through Gateway 3 and entering the building contract and committing to these costs.

2. Financial Review

a. Development Appraisal

A development appraisal is included in appendix 2 of this report but can be summarised as follows:

Development Costs	
Acquisition Costs (including surveys and planning)	599,910
Construction Costs	13,712,277
Professional Fees	3,742,407
Letting and marketing	159,164
Gross Total Cost (excluding funding)	18,213,758

A land value of £378,000 has been included in the appraisal and the costs exclude interest costs.

b. Forecast Construction Costs

Within the development appraisal, we have included a forecast construction cost of £11,180,000 excluding the enabling works. This is based on Arcadis' stage 3 costplan which incorporates cost data from a contractor.

The costs differ to those previously issued as the scheme has been significantly changed since the last business case report.

We have issued the stage 1 tender to three contractors and will look to update the costs once we have received the tenders back.

c. Value

We have based the forecast value of the development on the following assumptions:

Residential exit yield	5.00%
Commercial yield	8%
Annual residential rental increase	3.5%
Purchasers' costs	6.8%
Commercial rent psf (fitted out)	£18.50
Operational Cost net:gross	25%

The gross residential value upon exit in 2027 is £9,515,576 and the commercial value is £2,402,732 giving a Gross Development Value of **£11,918,308**.

d. Grant Support

We have currently assumed the existing grant of £1,678,127 is utilised along with a further BIL Grant of £5,866,400 to bridge the viability gap which includes the land value. We have made a submission to Homes England providing information supporting our grant request on the project and are in detailed discussions with the Grant Infrastructure Team.

4. Legal Update

NuLBC have appointed Mills and Reeve to represent them in taking the project forward beyond the PDSA and C&C have appointed Squires Patton Boggs. Heads of Terms are currently being negotiated between the parties in relation to entering a Pagabo Development Agreement, Sale Agreement and Lease during the Project Launch period.

5. Programme

Design and procurement is currently working towards commencement of works early Q3 2025 subject to securing the grant from Hoems England, achieving a satisfactory planning approval, procuring a satisfactory building contract and agreeing the legals with NuLBC.

Appendix 1- CGIs







Appendix 2- Development Appraisal

See Attached pdf copy

Appendix 2

DEVELOPMENT P&L

Newcastle-under-Lyme

Asley Place

DEVELOPMENT COSTS							
	Title	Units	Cost/Unit	Sum	Phase Totals	Subtotal	
Phase 1 - Acquisition Costs	Land			6378,000			
	Stamp Duty			68,400			
	Legal Costs			620,000			
	Planning costs			650,000			
	Concrete Survey			660,870			
	Site Investigation			650,400			
	CDs			677,600			
	Other surveys			674,747			
	Measured Survey			678,270			
	CDM Fee Discount on Land Purchase (10%)			646,200		6897,617	
	Phase 1 - Construction Costs	Building Works			6540,000		
Construction				671,780,000			
Contingency				6428,850			
New Homes Warranty				6700,000			
Furniture Packs				6270,000			
Non recoverable VAT				672,400			
Construction Legals				680,000			
Admins Removal				646,750			
Fit out commercial space				6806,721		678,712,217	
Phase 1 - Professional Fees		Architect			6700,000		
		Structural Engineer			6740,000		
	M&E Engineer			658,500			
	Landscape Architect			638,750			
	Quantity Surveyor			6797,400			
	Project Manager			6726,750			
	Acoustician			676,250			
	Principal Designer/CDM			674,400			
	Sustainability			638,250			
	Fire Engineer			664,000			
	Costs of Works			642,000			
	Building control			620,000			
	CDM fee			6489,279			
	CDM Subst Payment			67,407,628		63,942,607	
						678,234,294	
MARKETING & LETTING COSTS							
	Title	Units	Cost/Unit	Sum	Phase Totals	Subtotal	
Phase 1 - Marketing & Letting	Marketing			676,000			
	Letting Agent Fee	9.00%		642,267			
	Letting Legal Fee	9.00%		642,267		678,534	
						678,534	
TOTAL COST						678,912,828	

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1. Report title	Project update in conjunction with Councils Cabinet approval to appoint Capital&Centric (Cascade) Limited ('C&C') under a Pagabo Development Agreement.
2. Date/ Revision	05 March 2025
3. The Site	The Midway Car Park now known as Carpark
4. Contracting Parties	Capital & Centric (Cascade) Limited and Newcastle-under-Lyme Borough Council ('NuLBC')
5. Action	<p>The aim of this paper is to provide an update on works completed to date and provide NuLBC sufficient information to seek approval to appoint Capital and Centric (Cascade) Limited under a Pagabo Development Agreement to deliver the project. The outturn of the extended process will be the delivered project.</p> <p>The paper provides an update on works completed to date and a summary of costs.</p>
6. Report By	Martin Crews, Development Director

IMPACTS	
Finance Summary	<p>The contract is being funded by Newcastle-under-Lyme Borough Council ('NuLBC') under a Pagabo Pre-Development Services Agreement between Capital & Centric (Cascade) Limited ('C&C') and NuLBC.</p> <p>Initially NuLBC instructed £85,000 for the design at Midway to be developed. Two further approvals in the amount £624,884 and £854,117 were approved under a Pagabo Pre-Development Agreement (total £1,564,001). Planning is now submitted and due to be determined in April 2025 and the stage 4 design is ongoing.</p> <p>C&C are currently forecasting a further £35,954,884 excluding interest and grant support but including a land receipt to deliver the project.</p>
Development description	The retention of the existing concrete frame and conversion of the multi storey car park into residential accomodation and tenant amenity space.

EXECUTIVE SUMMARY

A Pagabo PDA was entered into on 23 April 2024 with Capital&Centric appointed to bring forward a planning application at the Midway carpark. The services were extended in November 2024 at a cost of £854,117 to complete the RIBA 4 design and procure a main contractor. The Deliverables set out in the agreement are being progressed and the parties are negotiating the appointment of C&C under a Pagabo Development Agreement to deliver the project.

Subject to agreement of the legal documents, securing a Homes England grant from the BIL Fund, obtaining planning approval and obtaining a satisfactory fixed price build contract, we are looking to commence work on site Q3 2025.

1. Review of Work to date

a. Pagabo PDSA Deliverable Update

A Pagabo PDSA was entered into between Capital & Centric (Cascade) Limited and NuLBC on 23 April 2024 with a clear scope of services and deliverables. Additional deliverables were included in the agreement as part of the extension of services in November 2024. The updated deliverables are detailed below with a commentary of the current status.

Deliverable	Status Update
Develop a design that maximises the viability of the development.	Viability has been carefully considered in the choice of materials, the façade and overall design. As part of the stage 3 viability assessment we amended the design to remove 11 new build rooftop units and open up the atrium and reduce overall costs. This has led to a reduction in the total number of units from 114 to 111 but improved the viability.
An award-winning design that compliments and is sympathetic to the historic market town setting whilst being aspirational and stimulates regeneration.	The design has been developed to work with the town's character but given its location on Lower Street, the architectural approach has been more modernist than that taken on the other sites C&C are developing in the town.
Options analysis throughout the process resulting in a robust development appraisal.	Development appraisals have been produced throughout the process which influenced the progression of the design and the changes detailed above.
A RIBA stage 3 planning design.	Completed
Appointment of design team and procurement of surveys.	Completed
A public consultation event linked to the planning.	Completed
The submission of a planning application.	Completed
Completion of RIBA Stage 4 design ensuring the scheme is designed to C&C Brand Standards.	Ongoing but due to be completed end of Q2.
Negotiation and appointment of main contractor to deliver the project on a fixed price building contract.	A stage 1 tender has been issued with a view to appointing a contractor under a PCSA.
Work with Homes England to secure grant support to bridge the viability gap.	Discussions are ongoing to secure a grant under the BIL programme
Develop a business plan that allows the commencement of work on site.	Ongoing

b. Pre App

C&C worked in collaboration with the design team to prepare and submit a pre-planning application. A meeting was held on 2 April 2024 with the planning and conservation officers and relevant members of the council's planning committee to review and discuss the proposals. The scheme was well received with no negative comments about the design. Following the pre-application a public consultation event was held at Castletown Distillery in Newcastle on 3 May 2024 where the scheme was well received by the public.

As part of the planning process, C&C instructed a design review with the Design Review Panel which was held on 24 July 2024. The proposals for Midway were discussed and very well received by the panel and they praised bringing forward such an aspirational and innovative project.

c. Planning

Following the pre-application process and design review, a planning application was validated on 28 October 2024 to provide 114 residential apartments and circa 5,000sqft of tenant amenity space. Following a design review, the scheme is being changed to provide 111 apartments and a newly open atrium which will flood light into the public entrance.

The scheme will be presented to the planning committee on 29 April 2025.

d. The Vision

The best place to live in the North!

Midway will be a groundbreaking, aspirational place to live. The existing structure and design has led to all apartments having a double aspect view with amazing large inset balconies which will be accessed from a ground breaking aspirational internal courtyard with exposed brutalist concrete and verdant planting.

When we explored how to tackle the entrance, we realised it was more cost effective to remove three levels of structure and create a triple height atrium which will be a phenomenal statement about the amazing place it is to live. This has been developed further, and we are now removing the roof of the atrium allowing light to flood in, extensive planting and the atrium now being open to the public. There is limited space in the curtilage of the building to provide greenery, so we have maximised the opportunities on the façade with lots of planters to the elevations with sprawling plants over the balconies. We also plan to undertake landscaping works to Midway and Lower Street.

All residential units are above National Design Space Standards (NDSS) and are designed in accordance with the Capital&Centric brand standards. The internal design will be equal to the schemes we bring forward across the UK and will be a market changing offer in the town.

CGIs of the proposed development and sketch models are included in appendix 1 of this report.

Accommodation Schedule

Unit Description	Size sqft	Nos
1 bed standard	501	72
1 bed premium	565	6
2 bed standard	764	28
2 bed premium	791	5
Total		111
Secure Parking		67

e. Financial Review

Stage 1

A maximum commitment for stage 1 was agreed at £85,000. The works were delivered for £83,121, under budget by £1,879.

Stage 2a

Cabinet approved the instruction of the Stage 2 works (which we are now referring to as stage 2a), with the scope to submit a planning application. These services have been completed.

The agreed budget was £624,884 and the cost to complete the services was £648,726, £23,842 over budget. However, we agreed to include these costs in the approved stage 2b cost schedule.

Stage 2b

The Council obtained cabinet approval to extend the Pagabo PDA Services and Costs to conclude the pre-contract design. An extension to the Pagabo PDA was completed on 14 November 2024. C&C are currently working through the services with a view to them being concluded by Q3 2025.

The total cost for the stage 1 and 2 works is budgeted at £1,564,001 and the works are currently forecasted to be completed on budget.

Stage 3

C&C are seeking Council approval to enter a development agreement and associated legal documents including a sale agreement and lease subject to the following conditions being satisfied:

- Satisfactory planning approval
- Satisfactory build contract
- Homes England Grant approval
- Agreement of legal documents

The forecasted cost for this stage is £35,954,884 excluding grant and interest but including a land receipt. NuLBC will retain the right to approve C&C moving through Gateway 3 and entering the building contract and committing to these costs.

Financial Review

a. Development Appraisal

A development appraisal is included in appendix 2 of this report but can be summarised as follows:

Development Costs	
Acquisition Costs (including surveys and planning)	1,243,250
Construction Costs	29,822,050
Professional Fees	6,353,585
Letting and marketing	100,000
Gross Total Cost (excluding funding)	37,518,885

A land value of £1m has been included in the appraisal and the costs exclude interest costs which are detailed on a separate consolidated cashflow.

b. Forecast Construction Costs

Within the development appraisal, we have included a forecast construction cost of £26,745,000. This is based on Arcadis' stage 3 costplan which incorporates cost data from a contractor.

The costs differ to those previously issued as the scheme has been significantly changed since the last business case report.

We have issued the stage 1 tender to three contractors and will look to update the costs once we have received the tenders back.

c. Value

We have based the forecast value of the development on the following assumptions:

Residential and car park exit yield	5.00%
Annual residential rental increase	3.5%
Purchasers' costs	6.8%
Operational Cost net:gross	25%
Car park rent per space	£85 pcm

The gross residential value upon exit in 2028 is £25,923,542 and the 67 parking spaces value is £1,273,858 giving a Gross Development Value of **£27,197,400**.

d. Grant Support

We have currently assumed the existing grant of £1,393,000 is utilised along with a further BIL Grant of £8,809,959 to bridge the viability gap which includes the land value. We have made a submission to Homes England providing information supporting our grant request on the project and are in detailed discussions with the Grant Infrastructure Team.

The potential national importance of re-purposing a multistorey car park into residential accommodation has been discussed with a number of senior executives at Homes England and they want to make the scheme a case study for future potential re-purposing.

4. Legal Update

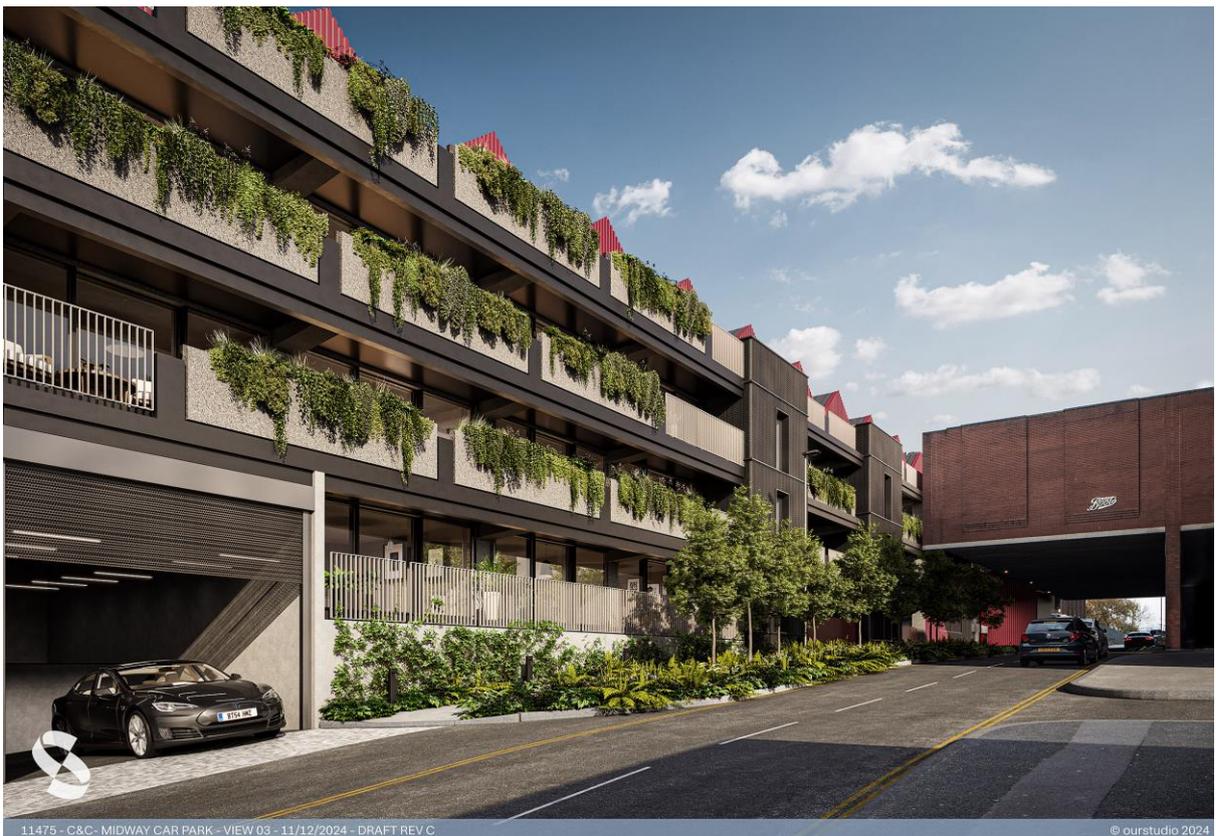
NuLBC have appointed Mills and Reeve to represent them in taking the project forward beyond the PDSA and C&C have appointed Squires Patton Boggs. Heads of Terms are currently being negotiated between the parties in relation to entering a Pagabo Development Agreement, Sale Agreement and Lease during the Project Launch period.

5. Programme

Design and procurement is currently working towards commencement of works early Q3 2025 subject to securing the grant from Homes England, achieving a satisfactory planning approval, procuring a satisfactory building contract and agreeing the legals with NuLBC.

Appendix 1- CGIs and sketch images





11475 - C&C - MIDWAY CAR PARK - VIEW 03 - 11/12/2024 - DRAFT REV C

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Appendix 2- Development Appraisal

See Attached pdf copy

Newcastle-under-Lyme
Carpark

DEVELOPMENT COSTS						
	Title	Units	Cost/Unit	Sum	Phase Totals	Scheme Total
Phase 1 - Acquisition Costs						
	Land			£1,000,000		
	Stamp Duty			£39,500		
	Legal Fees			£20,000		
	Planning Costs			£60,000		
	Structural Investigations			£109,100		
	Surveys			£30,000		
	CGIs			£20,000		
	Party Wall			£20,000		
	SI			£14,390		
	Measured Survey			£15,395		
	Discount DM Fee on Land (13%)			-£135,135		
	Build Legals			£50,000	£1,243,250	
Phase 1 - Construction Costs						
	Construction Costs			£26,745,000		
	Contingency			£1,337,250		
	New Homes Warranty			£277,500		
	Non-recoverable VAT			£33,300		
	Furniture Packs			£721,500		
	Incoming Services			£307,500		
	Amenity fit out			£400,000	£29,822,050	
Phase 1 - Professional Fees						
	Architect			£900,000		
	Structural Engineer			£134,550		
	M&E Engineer			£91,500		
	Landscape Architect			£29,212		
	Quantity Surveyor			£199,100		
	Project Manager			£115,180		
	Acoustician			£16,326		
	Principal Designer/CDM			£20,800		
	Sustainability			£36,600		
	Clerk of works			£80,235		
	Fire Engineer			£72,500		
	Building control			£50,000		
	Pagabo Fee			£329,113		
	DM Fee			£1,316,452		
	DM Bullet Payment			£2,962,017	£6,353,585	
						£37,418,885

MARKETING & LETTING COSTS						
	Title			Sum	Phase Totals	Scheme Total
Phase 1 - Marketing & Letting						
	Marketing			£100,000	£100,000	
						£100,000

TOTAL COST						£37,518,885
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1. Report title	Project update in conjunction with Councils Cabinet approval to appoint Capital&Centric (Distant World) Limited ('C&C') under a Pagabo Development Agreement.
2. Date/ Revision	05 March 2025
3. The Site	Part of the site previously known as Ryecroft now known as Ryepark
4. Contracting Parties	Capital & Centric (Distant World) Limited and Newcastle-under-Lyme Borough Council ('NuLBC')
5. Action	<p>The aim of this paper is to provide an update on works completed to date and provide NuLBC sufficient information to seek approval to appoint Capital and Centric (Distant World) Limited under a Pagabo Development Agreement to deliver the project. The outturn of the extended process will be the delivered project.</p> <p>The paper provides an update on works completed to date and a summary of costs.</p>
6. Report By	Martin Crews, Development Director

IMPACTS	
Finance Summary	<p>The contract is being funded by Newcastle-under-Lyme Borough Council ('NuLBC') under a Pagabo Pre-Development Services Agreement between Capital & Centric (Distant World) Limited ('C&C') and NuLBC.</p> <p>Initially NuLBC instructed £41,500 for part of the design at Ryepark to be developed (excluding those units being sold to Aspire Housing Association). Two further approvals in the amount £522,759 and £748,329 were approved under a Pagabo Pre-Development Agreement (total £1,312,588). Planning is now submitted and due to be determined in April 2025 and the stage 4 design is ongoing.</p> <p>C&C are currently forecasting a further £33,131,668 excluding interest and grant support but including a land receipt to deliver the project.</p>
Development description	A transformational gateway into the town with a verdant park scattered with homes.

EXECUTIVE SUMMARY

A Pagabo PDSA was entered into on 23 April 2024 with Capital&Centric appointed to bring forward a planning application for part of the Ryepark site. The services were extended in November 2024 at a cost of £748,329 to complete the RIBA 4 design and procure a main contractor. The Deliverables set out in the agreement are being progressed and the parties are negotiating the appointment of C&C under a Pagabo Development Agreement to deliver the project.

Subject to agreement of the legal documents, securing a Homes England grant from the BIL Fund, obtaining planning approval and obtaining a satisfactory fixed price build contract, we are looking to commence work on site Q3 2025.

1. Review of Work to date

a. Pagabo PDSA Deliverable Update

A Pagabo PDSA was entered into between Capital & Centric (Distant World) Limited and NuLBC on 23 April 2024 with a clear scope of services and deliverables. Additional deliverables were included in the agreement as part of the extension of services in November 2024. The updated deliverables are detailed below with a commentary on the current status:

Deliverable	Status Update
Develop a design that maximises the viability of the development.	Viability has been carefully considered in the choice of materials, and the overall design of the buildings. The central spine buildings achieve 83% net to gross making the scheme more viable.
An award-winning design that compliments and is sympathetic to the historic market town setting whilst being aspirational and stimulates regeneration.	The design has been developed to work with the town's character but given its key location as a gateway site the landscaping has been a key focus of the project. The ethos of the scheme has been a landscape first approach with homes positioned in the park rather than landscaping around homes. Play on the way and seating has been incorporated into the landscape to encourage dwell time and the enjoyment of the towns residents. Significant work has been undertaken to develop a market leading courtyard building with detailed masonry design taking reference from high quality Scandinavian design.
Options analysis throughout the process resulting in a robust development appraisal.	Development appraisals have been produced throughout the process and influenced the progression of the design. This has led to changes in the design including the increase in units from 130 to 132.
A RIBA stage 3 planning design.	Completed
Appointment of design team and procurement of surveys.	Completed
A public consultation event linked to the planning.	Completed
The submission of a planning application.	Completed
Completion of RIBA Stage 4 design ensuring the scheme is designed to C&C Brand Standards.	Ongoing but due to be completed end of Q2.
Negotiation and appointment of main contractor to deliver the project on a fixed price building contract.	A stage 1 tender has been issued with a view to appointing a contractor under a PCSA.
Work with Homes England to secure grant support to bridge the viability gap.	Discussions are ongoing to secure a grant under the BIL programme
Develop a business plan that allows the commencement of work on site.	Ongoing

b. Pre App

C&C worked in collaboration with the design team to prepare and submit a pre-planning application. A meeting was held on 1 October 2024 with the planning and conservation officers and relevant members of the council's planning committee to review and discuss the proposals. The scheme was well received with no negative comments about the design. Prior to the pre-application a public consultation event was held at Castletown Distillery in Newcastle on 3 May 2024 where the scheme was well received by the public.

As part of the planning process, C&C instructed a design review with Design Midlands Review Panel which was held on 30 September 2024. The proposals for the site were discussed and very well received by the panel and they praised the landscaping and how the design fit into the urban grain.

c. Planning

Following the pre-application process and design review, a planning application was validated on 27 November 2024 to provide 130 residential apartments. Following a design review, the scheme is being changed to provide 132 apartments to improve viability. The scheme forms part of a wider site masterplan to bring forwards 175 residential units and will be determined under one planning permission.

The scheme will be presented to the planning committee on 29 April 2025.

d. The Vision*Homes in a Park.*

We took a landscape first approach when designing the Ryepark site, with a key focus of creating a new gateway into the town with wild greenery for all to enjoy. The landscaping is unrhythmic and unmannered to create the feeling of a wilder landscape with play on the way for young people to enjoy aswell as a play park and seating opportunities throughout the landscape.

We explored how we could provide a hotel on the site but the commercial viability of hotels is currently poor with soft yields following the devastation of Covid on the sector. However, the courtyard building has been designed so it can operate as an aparthotel.

We have created innovative apartment types with four storey walk up apartment buildings that increases the net to gross and reduces the construction cost to minimise the viability gap.

All residential units are above National Design Space Standards (NDSS) and designed in accordance with the Capital&Centric brand standards. The internal design will be equal to the schemes we bring forward across the UK and will be a market changing offer in the town with exposed soffits and amazing finishes.

Whilst the project is being delivered as one scheme, some of the units are being sold to Aspire Housing Association. The costs associated with this part of the site (circa 30%) are funded through Capital&Centric (Illusion) Limited and dealt with under a separate Pagabo PDSA.

CGIs of the proposed development are included in appendix 1 of this report.

Accommodation Schedule

The current proposal is to deliver the scheme in three phases, linear block, south block and courtyard building. As such, the accommodation schedule is broken down as follows:

Unit Description	Size sqft	Nos
Phase 1- Linear Block		
1 bed standard	475	36
2 bed duplex	948	6
Phase 2- South Block		
1 bed standard	475	16
2 bed standard	753	16
Phase 3- Courtyard		
Studio apartments	323	20
1 bed standard	479	19
2 bed standard	786	19
Total		132

e. Financial Review

Stage 1

A maximum commitment for stage 1 was agreed at £41,500. The works were delivered for £32,810, under budget by £8,690.

Stage 2a

Cabinet approved the instruction of the Stage 2 works (which we are now referring to as stage 2a) with the scope to submit a planning application. The agreed budget was £522,759 and the services were completed for £475,061, £47,698 under budget.

Stage 2b

The Council obtained cabinet approval to extend the Pagabo PDSA Services and Costs to conclude the pre-contract design. An extension to the Pagabo PDSA was completed on 14 November 2024. C&C are currently working through the services with a view to them being concluded by Q3 2025.

The total cost for the stage 1 and 2 works is budgeted at £1,312,588 and the works are currently forecasted to be completed on budget.

Stage 3

C&C are seeking Council approval to enter a development agreement and associated legal documents including a sale agreement and lease subject to the following conditions being satisfied:

- Satisfactory planning approval
- Satisfactory build contract
- Homes England Grant approval
- Agreement of legal documents

The forecasted cost for this stage is £33,131,668 excluding grant and interest but including a land receipt. NuLBC will retain the right to approve C&C moving through Gateway 3 and entering the building contract and committing to these costs.

Financial Review

a. Development Appraisal

A development appraisal is included in appendix 2 of this report but can be summarised as follows:

Development Costs	
Acquisition Costs	524,709
Construction Costs	27,614,085
Other construction costs (including surveys and planning)	219,800
Professional Fees	5,985,662
Letting and marketing	100,000
Gross Total Cost (excluding funding)	34,444,256

A land value of £562,500 has been included in the appraisal and the costs exclude interest costs which are detailed on a separate consolidated cashflow.

b. Forecast Construction Costs

Within the development appraisal, we have included a forecast construction cost of £23,692,006. This is based on the Cushman and Wakefield stage 3 costplan. Within the construction cost there is a further contribution allowance of £1,009,879 towards the Aspire landscaping works which we have made a separate grant application for and included within the revenue section to net off the cost.

We have issued the stage 1 tender to four contractors and will look to update the costs once we have received the tenders back.

c. Value

We have based the forecast value of the development on the following assumptions:

Residential exit yield	5.00%
Annual residential rental increase	3.5%
Purchasers' costs	6.8%
Operational Cost net:gross	25%

The gross residential value upon exit in 2028 is **£28,677,898** including parking.

d. Grant Support

We have made an application for a BIL Grant of £5,263,125 including the land value to bridge the viability gap. There is a separate allowance for additional grant to bring forward the landscaping and external works for the Aspire portion of the site in the amount £1,009,879. We have made a submission to Homes England providing information supporting our grant request on the project and are in detailed discussions with the Grant Infrastructure Team.

4. Legal Update

NuLBC have appointed Mills and Reeve to represent them in taking the project forward beyond the PDSA and C&C have appointed Squires Patton Boggs. Heads of Terms are currently being negotiated between the parties in relation to entering a Pagabo Development Agreement, Sale Agreement and Lease during the Project Launch period.

5. Programme

Design and procurement is currently working towards commencement of works early Q3 2025 subject to securing the grant from Homes England, achieving a satisfactory planning approval, procuring a satisfactory building contract and agreeing the legals with NuLBC.

Appendix 1- CGIs and sketch images









Appendix 2- Development Appraisal

See Attached pdf copy

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Newcastle-under-Lyme
Ryepark

DEVELOPMENT COSTS						
	Title	Units	Cost/Unit	Sum	Phase Totals	Scheme Total
Phase 1 - Acquisition Costs						
	Land (based on 1.5 acre at £500k per acre)			£562,500		
	Stamp Duty			£17,625		
	Legal Fees, DMA Appointment			£20,000		
	Discount DM Fee on Land Purchase (13%)			-£75,416	£524,709	
Phase 1 - Construction Costs						
	Cushman Costplan inc inflation			£23,692,006		
	Upgrade to Merit and Corporation St			£500,000		
	Contingency			£1,184,600		
	New Homes Warranty			£330,000		
	Non recoverable VAT			£39,600		
	Furniture packs			£858,000		
	Aspire Site Works			£1,009,879	£27,614,085	
Phase 2 - Construction Costs						
	Site investigations			£119,800		
	Buried Services and stat quotes			£15,000		
	Topo			£10,000		
	Planning costs			£75,000	£219,800	
Phase 1 - Professional Fees						
	Architect			£980,000		
	Structural Engineer			£78,981		
	M&E Engineer			£80,500		
	Landscape Architect			£36,931		
	PM/ OS			£217,000		
	Clerk of Works and Building Control PD			£177,690		
	Acoustician			£15,000		
	Principal Designer/CDM			£13,608		
	Fee Contingency			£20,000		
	Pagabo Fee			£302,143		
	Fire Engineer			£45,955		
	Build legals			£50,000		
	Building control			£40,000		
	DM Fee			£1,208,570		
	DM Bullet Payment			£2,719,283	£5,985,662	
						£34,344,256

MARKETING & LETTING COSTS						
	Title			Sum	Phase Totals	Scheme Total
Phase 1 - Marketing & Letting						
	Marketing and launch			£100,000	£100,000	
						£100,000

TOTAL COST						£34,444,256
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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

16th April 2025

Report Title: **Constitution Update: Outside Bodies**

Submitted by: **Service Director, Legal & Governance**

Portfolios: **All**

Ward(s) affected: **All Wards**

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To review the framework for appointments by the Council to outside bodies and update the constitution accordingly.			
<u>Recommendation</u>			
<p>That Council</p> <ul style="list-style-type: none"> • Authorises the Service Director, Legal & Governance, to make the following amendments to add the following to section B1:6 of the Council's constitution. <ol style="list-style-type: none"> a) 6.2 Appointees to Outside Bodies will serve a 4-year terms of office on Outside Bodies. b) 6.3 Council portfolio holders shall be appointed as of right to designated outside bodies. c) 6.4 Appointees to Outside Bodies shall provide a bi-annual report in relation to the business carried out/matters dealt with by the relevant Outside Body to full Council as appropriate. • Endorses the undertaking of an annual review of the Constitution including updates to the Scheme of Delegation and legislative changes. 			
<u>Reasons</u>			
To clarify member reports from outside bodies and the basis of appointments to the same which are normally approved at the council AGM. The constitution be updated as required to reflect 4-year terms and that portfolio holders are appointed as of right to designated outside bodies, so that the Council constitution reflects the wishes of the Council.			

1. Background

- 1.1** The Council is obliged to nominate member representatives on outside bodies.
- 1.2** These nominations need to be made in line with the arrangements set out in section B1: 6.1 of the Council constitution (as set out in Appendix 1 to this report).

- 1.3 The proposed changes arise following clarifications sought through the Constitution Working Group process on length of terms and the process of member appointments to relevant outside bodies.
- 1.4 A full list of outside bodies for which the Council requires a representative, including those which will continue to be allocated to ward members, is set out in Appendix 1.

2. Issues

- 2.1 The Council's constitution does not currently set out a mechanism by which members provide reports from outside bodies and the basis of nominations to outside bodies and therefore requires further clarity to ensure there is no ambiguity in this regard.
- 2.2 The Constitution Working Group has also requested that the Service Director, Legal & Governance, undertakes a full annual review of the constitution, noting that there have been various changes to government legislation in the last number of years which should be accurately reflected in the Council constitution, and the constitution needs to be updated accordingly.
- 2.3 This annual review will also include necessary changes to the officer scheme of delegation.
- 2.4 The outcomes and attendant changes of the review will be brought to full Council as soon as is practicable.

3. Recommendation

3.1 It is recommended that Council:

- Authorises the Service Director, Legal & Governance, to make the following amendments to add the following to section B1:6 of the Council's constitution.
 - a) 6.2 Appointees to Outside Bodies will serve a 4-year terms of office on Outside Bodies.
 - b) 6.3 Council portfolio holders shall be appointed as of right to designated outside bodies.
 - c) 6.4 Appointees to Outside Bodies shall provide a bi-annual report in relation to the business carried out/matters dealt with by the relevant Outside Body to full Council as appropriate.
- Endorses the undertaking of an annual review of the Constitution including updates to the Scheme of Delegation and legislative changes.

4. Reasons

- 4.1 To ensure decision-making is transparent and accurately reflects the council constitution.

5. Options Considered

- 5.1 No alternative options are relevant.

6. Legal and Statutory Implications

6.1 The Council must ensure that its constitution accurately reflects the reality of decision-making and it does not act ultra vires.

7. Equality Impact Assessment

7.1 An equality impact assessment is not required as a result of the proposed changes to the Constitution.

8. Financial and Resource Implications

8.1 There are no direct financial or resource implications arising from these proposed changes.

9. Major Risks & Mitigation

9.1 There is a risk that if nominations are not made to outside bodies in accordance with the council constitution that this may potentially result in reputational damage with external stakeholders/outside bodies.

10. UN Sustainable Development Goals (UNSDG)

10.1 Appointments to outside bodies cover a diverse range of activities which would fall within UN Sustainable Development Goals.



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 – Appointments to Outside Bodies.

14. Background Papers

14.1 None.

Appendix 1 - Appointments to Outside Bodies

Section B1: 6.1 of the Council constitution sets out the provisions relating to appointments to Outside Bodies as follows;

6.1 Council has decided that it will make appointments to the following outside bodies. Ward Members will typically be appointed to represent the Council on ward-based bodies. All other appointments to outside bodies shall be made by Cabinet.

- (a) Community Centre Management Committees
- (b) Residents' Associations
- (c) Charities and Charitable Trusts or Funds
- (d) Committees and Panels of Outside Bodies
- (e) Go Kidsgrove
- (f) Stoke-on-Trent and North Staffordshire Theatre Trust Limited (New Victoria Theatre)
- (g) Aspire Housing Board
- (h) Campaign to Protect Rural England – County Branch
- (i) Local Government Association
- (j) Locality Action Partnerships
- (k) Business Improvement District
- (l) Newcastle Partnership
- (m) Enjoy Staffordshire Destination Management Partnership
- (n) Staffordshire Health and Care Overview and Scrutiny Committee
- (o) Staffordshire Joint Sustainability Board
- (p) Corporate Parenting Panel
- (q) Staffordshire Police, Fire and Crime Panel and associated Panels
- (r) Stoke-on-Trent and Staffordshire Local Enterprise Partnership
- (s) Staffordshire Leaders' Board
- (t) Waste and Mineral Site Liaison Committees
- (u) West Midland Reserve Forces and Cadets Association
- (v) District Councils' Network
- (w) LGiU Assembly

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CHIEF EXECUTIVE'S URGENT DECISION ON BEHALF OF
FULL COUNCIL**

21ST March 2025

Report Title: **Allocation of Seats to Committees for Political Groups**

Submitted by: Chief Executive

Portfolios: One Council, People & Partnerships

Ward(s) affected: All Wards

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p>To note the decision to re-allocate committee seats to the political groups following a change in political proportionality of the Council as a result of the untimely death of Cllr. Barry Panter in office and the resignation of Cllr. Robert Moss.</p>	
<p><u>Decision</u></p> <p>That using the urgency powers set out in the Constitution:-</p> <ul style="list-style-type: none"> • The seats allocated to the Independent Member, Sue Beeston, on the Licensing & Public Protection Committee be increased by one seat, with a corresponding decrease of one seat on the Economy & Place Scrutiny Committee allocated to the Labour Group. • The Chief Executive further notes that Committee places will be revisited at May's full Council meeting following the by-elections in Loggerheads and Knutton wards. 	
<p><u>Reasons</u></p> <p>Following the death of one elected member and the resignation of another, this report seeks to comply with the political proportionality requirements in the Local Government and Housing Act 1989, following a change in political balance.</p>	

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 both the Conservative and Labour Groups, 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

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 regulatory 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 There are no direct resource implications associated with this decision.

9. Major Risks & Mitigation

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

10. UN Sustainable Development Goals (UNSDG)



11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

We will make investment to diversify our income and think entrepreneurially.

One Digital Council

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

One Green Council

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle.

11.1 The oversight and scrutiny of Council decisions is a key element of committee membership.

12. Key Decision Information

12.1 This is a key decision.

13. Earlier Cabinet/Committee Resolutions

13.1 Not applicable

14. List of Appendices

14.1 Not applicable

15. Background Papers

15.1 Not applicable

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**STATEMENT OF THE LEADER OF THE COUNCIL TO FULL COUNCIL –
16th APRIL 2025**

Submitted by: Councillor Simon Tagg

Portfolio: All

Wards affected: All

Purpose of the Report

To provide an update to Members on the activities and decisions of Cabinet, together with the Forward Plan.

Recommendation

That the statement of the Leader of the Council be received and noted.

Reasons

To update Council Members on the activities and decisions of the Leader and Cabinet and to allow questions and comments to be made on the Statement.

1. Cabinet Meetings

Cabinet met on 4th February and 18th March, detailed below is a selection of decisions and other actions of the Leader and Cabinet since the last Leader’s Statement.

2. Walleys Quarry Odour Issues

The appointed liquidator for Walleys Quarry Ltd. has now declaimed the landfill site and its associated permits, meaning that the liquidator has no further interest in the site. At a public meeting of 20th March 2025, the Environment Agency (EA) confirmed it would now work on site to deal with any issues of serious pollution. The site will transfer to the Crown Estate.

The EA has also published an online series of Frequently Asked Questions, which can be accessed on the EA’s Engagement website ([Walleys Quarry Landfill Site | Engage Environment Agency](#)), which sets out the roles and responsibilities for the site.

On 1st April, the EA published the following information:

‘As part of the steps we have arranged at Walleys Quarry to remove the risk of serious pollution, our contractors have begun removing surface water accumulated in the void area adjacent to the western flank of the site, where there have also been signs of slippage under the capping.

Our contractors have made a small slit in the capping, which was identified as having been stretched more than we had anticipated. This is to facilitate drainage of the leachate that had built up behind it. The drainage is likely to last several days. The leachate will be disposed of off-site appropriately. These works may lead to a temporary increase in odour around the site.

This week (week commencing 31 March 2025) our contractors will continue work in the void area. You may see additional machinery and materials arriving on site’.

The Council continues to monitor odour, which has been significantly lower with February seeing a significant reduction against the key performance indicators: percentage exceedance of the WHO annoyance level, monthly average for H2S and the maximum level of H2S recorded at each monitoring station.

Residents experiencing gas odour issues are asked to continue to report these to the EA and to the Council.

I chaired a briefing meeting for elected stakeholders (Leaders of Councils and our local MP) on 18th March and have asked that further information is provided on national funding for full site restoration. Officers are engaging with key agencies in looking at wider plans for recovery of the site, with updates being provided through the regular reporting to Cabinet.

3. **Proposed Creation of Lyme Park Countryside Park**

Cabinet approved the creation of a new countryside park at Silverdale and Keele, protecting a significant part of the former Keele Golf Course as a vibrant green space to be known as Lyme Park. It will encompass the woodlands, mature trees and greens, enhanced with well-designed walking and cycling routes, linking to the Lyme Forest, which was planted to celebrate the borough's 850th anniversary.

As well as maintaining a large green space for community's health, well-being and recreation, Lyme Park supports the council's tree planting strategy, contributing to carbon capture, biodiversity preservation and nature recovery. With protection of 66% of the former Golf Course from development, Lyme Park can become like the other fabulous parks and open spaces in the borough, a cherished community asset for generations to come.

4. **Expansion of Recycling Materials Collected To Include Flexible Plastics & Cartons**

Cabinet endorsed an early expansion of the Council's kerbside recycling service, that began in early April. Residents can now recycle flexible plastics, such as bags, films and wrappers, as well as food and drink cartons, including Tetra Pak, two years ahead of the mandatory deadline set by the UK Government.

The council's decision to implement these changes early is not only part of our commitment to recycling and sustainability but also to make the service as easy and as simple as possible for residents to use. By expanding the range of recyclable materials, the council aims to boost recycling performance.

Information stickers will be added to blue bins to guide residents on the new items accepted, and the updated list is available on the council's website and promoted via social media channels.

This proactive approach underscores the Borough Council's leadership in recycling initiative in Staffordshire, having been the first council to provide separate weekly food waste collections since 2010.

5. **UK Shared Prosperity Fund (UKSPF) 2025-26**

The Council has secured £1.5 million via the UKSPF to support a variety of community projects over the next 12 months. This new funding follows the successful delivery of £4.8 million worth of schemes aimed at enhancing community and place, improving people's skills, and supporting local businesses.

Funding will be allocated to local projects, including initiatives to help vulnerable residents, such as those struggling to access services after hospital or prison discharge, and those with mental health issues. Additionally, the funding will support the development of Navigation House, a facility aimed at helping vulnerable people stay off the streets and will provide resources for Keele University students and graduates to assist in developing local businesses and community groups.

The council's commitment to fostering Civic Pride and improving local amenities is evident in our ongoing efforts with partners to regenerate urban spaces, support small businesses, and promote volunteering opportunities. This latest round of funding is expected to bring further positive changes to reinforce a sense of community and improving the quality of life for residents.

6. **Devolution and Forced Local Government Reorganisation (FLGR)**

Following the special Full Council Meeting the Council submitted its Interim Plan on Devolution and council reorganisation to the Government on March 22nd.

The Council has taken a firm stance against forced local government reorganisation, advocating for the preservation of the existing two-tier system or a preferred option of a Newcastle-under-Lyme Borough Unitary if FLGR is imposed by the Government and emphasised that any changes to local governance should ultimately be decided by residents through a Borough-wide referendum.

I have invited Jim McMahon OBE, Minister of State for Local Government and English Devolution, to visit the Borough to witness first-hand how current services are delivered locally.

There is still no compelling evidence that a larger more distant single-authority system would enhance services for residents. The Council firmly opposes Stoke-on-Trent City Council's proposal of for a North Staffordshire Unitary Council. Over 7,500 people have now signed the Save Our Borough petition.

To deliver Devolution, the Council supports the creation of a Strategic Authority to address region-wide issues like transport, infrastructure, skills and jobs which is in line with a submission to Government by Staffordshire Leaders Board in September 2024. A Strategic Authority would not deliver day to day local services to residents.

7. **Borough Heroes Award 2025**

The Borough Heroes Awards, organised by the Borough Council and now in its third year, celebrates the extraordinary contributions of local individuals who have made a significant impact in their communities. The 2025 awards saw four worthy winners:

Rosie Howells, the winner of the Civic Pride award, has dedicated over 40 years to leading Girlguiding groups in Newcastle-under-Lyme, fostering skills, friendships and community support among young girls. Adam Pritchard, our Young Hero winner, has shown remarkable dedication to Scouting since the age of six, balancing his commitments with high-level hockey and serving as a role model for younger Scouts. Poppy Edwards, the Sporting Hero winner, has overcome personal challenges to excel in kickboxing and boxing, winning numerous titles and medals, and inspiring others through coaching. Andrew Van Buren, honoured with the Lifetime Achievement award, has tirelessly promoted the legacy of Philip Astley, the founder of the modern circus, significantly contributing to the cultural heritage and regeneration of Newcastle.

These remarkable individuals exemplify the spirit of community and dedication in our borough, making them true heroes in their own right – Well done to all the winners!

8. **Forward Plan**

The Forward Plan can be found at: -

[Browse plans - Cabinet, 2025 – Newcastle-under-Lyme Borough Council](#)

Councillor Simon Tagg
Leader of the Council

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Scrutiny Committee's Chairs' reports

Economy and Place Scrutiny Committee

The Committee met on Thursday 13th March and received updates on the Newcastle-Under-Lyme Borough Local Plan 2040 and Town Deal and Future High Street Funds Update and also received a report on the Newcastle-Under-Lyme Business Improvement Progress Report.

The Committee raised questions and concerns to the officers on the reports but were happy enough to agree to the recommendations that were set out.

Members also discussed the upcoming Work Programme

The Committee will meet again on Thursday 19th June

Cllr Andrew Parker

Chair

Health, Wellbeing and Environment Scrutiny Committee

The Health, Wellbeing and Environment Committee met on 3rd March.

Committee heard a report from the Deputy Chief Fire Officer about three person crew trials and the impact on response times. The head of Newcastle Fire Station also gave a report on the performance of the station and the recent rollout of the Home from Hospital initiative.

Committee received an update on the activities of the Staffordshire Health and Care Scrutiny Committee.

Councillors heard an update on the situation at Walleys Quarry including most recent data and the actions of the EA to cap off the site.

The Committee had a verbal update on the actions of the Parks Task and Finish Group and their initial work looking at play park provision.

Councillors heard a report about the Newcastle Town Centre Community Safety Partnership and its impact on reducing Anti-Social Behaviour.

The Committee received an update on the plans for Navigation House and were invited to tour the site.

The future work programme was discussed.

Cllr Rupert Adcock
Chair

Finance, Assets and Performance Scrutiny Committee

The Committee met on 27 March to review the Council's corporate performance during the third quarter of 2024/25. The Committee also received and debated update reports on the Newcastle and Kidsgrove Town Deals and Future High Streets Funding; and the Commercial Strategy.

The Committee will meet again on 26 June.

Cllr Mark Holland
Chair

Regulatory Committee's Chairs' reports

Planning Committee

The Planning Committee has met on two occasions since the 12th of February.

25th of February

There were two substantive items on the agenda.

- Former Jubilee baths Nelson Place Newcastle 25/00008/FUL. Temporary variation of condition 3 to allow up to 40 units as serviced apartments until the 30th of September.

Following a lengthy debate by members this application was refused due to the lack of parking provision impacting on highway safety on the streets nearby.

- Ashfield Grange, Hall Street, Newcastle by Aspire Housing 25/00012/FUL to vary a previous condition to enable the relocation of the cycle shelter on the site.

Members resolved to permit the application subject to conditions.

- 5 Boggs cottage Keele 14/00036/207C3. Update report.

The next meeting convened on the 25th March 2025.

Again, there were only 2 substantive items on the agenda

- Land at Slacken Lane. 24/00089/FUL.
This application sought full planning permission for the erection of 170 new dwellings lying on 5.94 hectares.

There followed presentations from the public and agents on this application and after a lengthy debate it was resolved by members that the application be refused on the basis that access would have an adverse effect on highway safety, suitable drainage impact on residential immunity and loss of significant trees.

- Clive Beech Motors Ltd Pitt Green Lane, Wolstanton. 24/00207/OUT. This application was for a new build 2.5 storey student accommodation for 16 students.

Members resolved that this application be permitted subject to conditions such as a time limit of conditions, approved plans and restriction on building height to no more than 2.5 stories. Members also requested that a note be

made that were an application for variation of condition in respect of Parking, it would be flagged up to ward councillors and final designs made known to the committee.

- Land at Doddlespool, Betley 17/00186/207C2.
Members resolved that the information be received and again an update report be brought back to the committee in two months' time.

Cllr Paul Northcott

Chair

Licensing and Public Protection Committee

The Licensing and Public Protection Committee met on 30 January and 18 March:

30 January:

At the meeting Members, received the following Public Protection reports:

- PRIVATE HIRE AND HACKNEY CARRIAGE FEES AND CHARGES FOR 2025-26
- TAXI LICENSING POLICY – SUITABILITY GUIDELINES
- TAX CONDITIONALITY CONSULTATION

The Committee discussed a number of aspects of the reports and agreed to the proposed recommendations that were set out in those reports.

18 March:

At the meeting Members, received the following Licensing reports:

- ALCOHOL OFF SALES REGULATORY EASEMENT – CONSULTATION RESULT
- RELAXATION OF LICENSING HOURS FOR THE 2025 WOMENS UEFA EUROPEAN CHAMPIONSHIPS

The Committee discussed a number of aspects of the reports and agreed to the proposed recommendations that were set out in those reports.

At the meeting Members, also received the following Public Protection reports:

- CONSULTATION RESPONSES IN RELATION TO THE REVOCATION OF, AND CHANGES TO, EXISTING SMOKE CONTROL AREAS

The Committee discussed a number of aspects of the reports and agreed to the proposed recommendations that were set out in those reports.

Since the Full Council meeting held on 22 January the Licensing Sub Committee has not met. The Public Protection Sub Committee has met three times.

The minutes for the Sub Committees were received and noted as correct records

Cllr Joan Whieldon

Chair

Audit and Standards Committee

The Committee has met on two occasions.

3 March

The first substantive item on the agenda was presented by the Chief Internal Auditor, an update on the progress of the Internal Audit, as at 31st December 2024. Members were asked to note the progress, to date, which was felt to be satisfactory and in line with the plan.

Following this the RFO, Sarah Wilkes, lead members through the Q3 Corporate Risk Management Report. There were a number of things for members to note, including 6 risks that are currently more than 6 months overdue. However, it was also noted that two of these had now been completed and the remaining four were in the process of being completed. Members noted the remaining points.

Richard Lee (Director) and Robert Fenton (Manager), KPMG, updated members on the progress of the 2023/4 Audit and advised members that the audit was now essentially complete. Members asked how Newcastle had fared in comparison to other councils and were informed that the standards set by the Newcastle team had been very high and significantly better than most councils. Whilst there had inevitably been a few issues, these, in many cases had been beyond the control of the council, and the Newcastle team had prepared excellent working papers and had been very co-operative and helpful.

Members also considered the Value for Money report by the Auditors, which showed a high level of confidence in the procurement arrangements and long term financial viability of the council.

The RFO and accounting team were congratulated on the quality of the work produced to facilitate such a successful audit.

7 April

Richard Lee, of KPMG, presented the proposed Audit Plan for 2024/25 Audit. It is expected that as this will be the second audit by KPMG, completion will be earlier than for the 2023/24 Audit. It was noted that potential areas of difficulty can be expected in relation to property valuations and classification, but that this would most likely be down to differences of opinion of various experts etc, rather than any deficiency on either part.

Alex Cannon, Staffs CC Audit Manager, detailed the Proposed Internal Audit Strategy and Plan 2025/26. Following a brief discussion, it was agreed to approve the plan. He then advised members of the Internal Audit Charter 2025/26 and its relevance. The revised document now takes account of the Global Internal Audit Standards in the UK Public Sector, which came into effect on 1st April 2025. These replace the now obsolete Public Sector Internal Audit Standards, and require the Chair of the Committee to formally sign the Charter, which was agreed to by members.

Due to the absence of the Monitoring Officer, the RFO introduced the Corporate Risk Management Report. Members accepted and approved the Risk Management Policy and Strategy 2025/26.

The National Fraud Initiative was discussed and the way in which this works both on a National basis, and also within the council itself. Members agreed that this is a highly beneficial scheme for the council to be involved with from both internal and external points of view.

The S151 Officer, Sarah Wilkes, described the counter-fraud arrangement for the forthcoming year, including various plans and policies that support the arrangements, which are broadly similar to those of previous years, updated as required.

Paul Waring

Chair