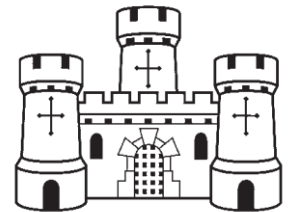


# Public Document Pack

**Date of meeting** Tuesday, 18th April, 2023  
**Time** 2.00 pm  
**Venue** Astley Room - Castle  
**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

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

## Cabinet

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**  
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES OF PREVIOUS MEETINGS** (Pages 5 - 10)  
To consider the Minutes of the previous meeting.
- 4 WALLEYS QUARRY UPDATE** (Pages 11 - 34)
- 5 JOINT HOUSING ALLOCATIONS POLICY** (Pages 35 - 78)
- 6 ASTLEY CENTRE FOR CIRCUS** (Pages 79 - 94)
- 7 ACTIVE LIFESTYLES STRATEGY** (Pages 95 - 114)
- 8 MICROSOFT LICENCE RENEWALS** (Pages 115 - 126)
- 9 SPOT MARKET FUEL PURCHASING** (Pages 127 - 130)
- 10 UNITS 1-18 BRAMPTON SIDINGS ROOFING WORKS** (Pages 131 - 134)
- 11 INTERNAL AUDIT CONTRACT EXTENSION** (Pages 135 - 138)
- 12 FORWARD PLAN** (Pages 139 - 146)
- 13 URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 14 DISCLOSURE OF EXEMPT INFORMATION**

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

## **ATTENDANCE AT CABINET MEETINGS**

### **Councillor attendance at Cabinet meetings:**

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

### **Public attendance at Cabinet meetings:**

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

**Members:** Councillors S Tagg (Chair), Sweeney (Vice-Chair), Heesom, Johnson, J Waring and Fear

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

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

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

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

Substitute Members:

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

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

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

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

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

This page is intentionally left blank

## CABINET

Tuesday, 14th March, 2023  
Time of Commencement: 2.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Simon Tagg (Chair)

**Councillors:** Sweeney Johnson  
Heesom Fear

**Apologies:** Councillor(s) J Waring

<b>Officers:</b>	David Adams	Executive Director - Sustainable Environment
	Martin Hamilton	Chief Executive
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Simon McEneny	Executive Director - Growth and Development
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
	Sarah Wilkes	Head of Finance / S151 Officer

### 1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 2. **MINUTES OF PREVIOUS MEETINGS**

**Resolved:** that the minutes of the meeting held on the 7<sup>th</sup> February 2023 be agreed as a correct record.

### 3. **WALLEYS QUARRY UPDATE**

The Chief Executive presented an update report on the current position regarding odours associated with Walleys' Quarry including Key Performance Indicators provided by the operator. Complaints data and air quality monitoring records showed that the situation had been steadily improving compared to two years ago with consistent figures being recorded.

The period afforded to Walleys Quarry to comply with the requirements of the Abatement Notice had just ended. Officers were liaising regularly with Walleys Quarry and monitoring the site carefully to detect and deal with problematic odours.

## **Cabinet - 14/03/23**

The Leader thanked officers, seconded by the Deputy Leader who added that while progress made were encouraging the efforts should be sustained as the odours were still being reported by residents. This was echoed by Cllr Fear.

The Leader reminded the meeting that information and reports referred to could be found on the Council's website. A meeting of the Walleys Quarry Liaison Forum scheduled on the 16<sup>th</sup> March would also be available to watch online.

**Resolved:** that the contents of the report be noted.

[Watch the debate here](#)

### **4. HOUSING ASSISTANCE POLICY 2023**

The Community Safety and Wellbeing Portfolio Holder presented a report on the Housing Assistance Policy which sets out how the Council will offer financial assistance towards improving and adapting homes when these do not meet residents' needs. The policy is aimed at improving residents' health and wellbeing, and ensure they can stay in their own home for as long as possible.

The Leader expressed his satisfaction over the policy.

**Resolved:**

- (i) that the proposed Housing Assistance Policy 2023 as set out in appendix A, be approved;
- (ii) that authority be delegated to the Head of Regulatory Services to make minor amendments to the policy;
- (iii) that authority be delegated to the Head of Regulatory Services in consultation with the Cabinet Member for Community Safety and Wellbeing to revise, prioritise or withdraw discretionary assistance as appropriate, considering the council's available resources and annual funding allocations.

[Watch the meeting online](#)

### **5. ENERGY BILLS SUPPORT SCHEME (EBSS) ALTERNATIVE FUNDING AND COUNCIL TAX SUPPORT FUND 2023**

The Deputy Leader introduced the report on the current government grant support schemes in relation to the cost of living crisis.

While the Council Tax Support Fund was previously approved and has now been spent, the Energy Bills Support Scheme (EBSS) Alternative Fund and Alternative Fuel Payment Alternative Fund are two new schemes aimed at supporting people who were unable to benefit from the former.

All necessary information is available on the Council's website.

**Resolved:** that the acceptance and distribution of the EBSS Alternative Funding, Alternative Fuel Payment Alternative Fund and Council Tax Support Fund 2023 grants be approved and Officers, in consultation with the

Portfolio Holder for Finance, Town Centres and Growth, be authorised to distribute the grants via the mechanisms prescribed by the government in support of households in the Borough impacted by the cost of living crisis.

[Watch the debate here](#)

**6. FUTURE DELIVERY OF DEBT AND BENEFIT ADVICE SERVICES**

The Community Safety and Wellbeing Portfolio Holder presented the report on the Future Delivery of Debt and Benefit Advice Services recommending that the Council continues to offer financial wellbeing and debt advice to vulnerable residents.

The Leader welcomed the proposal commenting that there had been an increase in people seeking advice in the borough and more particularly so with the current cost of living situation and rise of energy bills.

**Resolved:**

- (i) that the proposal to re-procure the Financial and Wellbeing Service be approved; and
- (ii) that the Head of Legal and Governance Services, in consultation with the Community Safety and Wellbeing Portfolio Holder, be delegated authority to award the contract arising from the procurement.

[Watch the debate here](#)

**7. PROCUREMENT OF FLEET - SUSTAINABLE ENVIRONMENT DIRECTORATE**

The Environment and Recycling Portfolio Holder introduced the report on the Procurement of Fleet proposing to replace the current street sweeping and refuse collection vehicles with larger capacity alternatives. Electric vehicles are to be considered in the procurement process.

The Leader and Deputy Leader welcomed the proposal, commenting on current litter picking initiatives and the importance of not dropping litter in the first place.

**Resolved:**

- (i) that the scheduled replacement of vehicles within the Streetscene and Recycling & Waste service, namely street sweeping, and refuse collection vehicles, be approved;
- (ii) that the use of the Hertfordshire NEPO frameworks for the procurement of 7 Street Sweepers and the ESPO NEPO frameworks for the procurement of 14 Refuse Collection vehicles, be approved, delegating authority to the Head of Sustainable Environment in consultation with Portfolio holder For Recycling & Environment for the award of contract on the completion of the procurement and evaluation process.

[Watch the debate here](#)

**8. IRRECOVERABLE ITEMS 2022-23**

The Deputy Leader introduced the report on Irrecoverable Items for the financial year 2022-23 highlighting key figures:

- the debtors proposed for write off total an amount of £51,812; the bad debt provision allowing for £36,071, the balance will be met through budgeted contributions;
- the National Non Domestic Rates accounts proposed for write off total £180,026, of which the Council's share amounts to £72,010; this is within the estimated balance declared and less than last year.

The Leader commented on the figures being lower than usually and the Council's efforts to make these as low as possible.

**Resolved:** that the items details at appendix 1 be considered irrecoverable for the reasons stated and be written off.

[Watch the meeting here](#)

**9. FINANCIAL AND PERFORMANCE REVIEW REPORT - 3RD QUARTER 2022-23**

The Deputy Leader presented the Financial Position Balance Report highlighting major projects funding received. The revenue budget and capital budget at the end of the year will be balanced.

The Leader then introduced the Performance Monitoring Reports providing indicators of the performance of individual council services against set priorities:

- priority 1 – One Council delivering for Local People;
- priority 2 – A Successful and Sustainable Growing Borough;
- priority 3 – Healthy, Active and Safe Communities;
- priority 4 – Town Centres for All.

80% of indicators are meeting their targets. The Leader went through each set of priorities, inviting portfolio holders to comment. As information appeared to be missing for quarter 4 the Leader requested that the reports be updated in readiness for the Finance, Assets & Performance Scrutiny Committee.

The Leader also commented on progress made in priorities and actions showing the Council is pushing ahead for the regeneration of the town, trying to make the borough safer, cleaner and greener.

**Resolved:** that the contents of the attached report and Appendices A and B be noted and continue to monitor and challenge the Council's performance alongside its financial performance for the same period.

[Watch the debate here](#)

**10. FORWARD PLAN**

The Leader went through the list of items scheduled for upcoming meetings.



**Resolved:** that the Forward Plan be received.

[Watch the debate here](#)

**11. URGENT BUSINESS**

The Leader wished to bring to members' attention that it was the last Cabinet meeting for Operational Services Executive Director Dave Adams who is leaving the Council – thanking him on behalf of the Cabinet and Council as a whole for his work and dedication over the years.

The Deputy Leader seconded the Leader, adding thanks on behalf of the residents of Newcastle for the great service provided to the borough.

[Watch the debate here](#)

**12. DISCLOSURE OF EXEMPT INFORMATION**

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

[Watch the debate here](#)

**13. IRRECOVERABLE ITEMS CONFIDENTIAL APPENDIX**

**Resolved:** that the confidential appendix be noted.

**Councillor Simon Tagg  
Chair**

Meeting concluded at 2.50 pm

This page is intentionally left blank

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO CABINET

18<sup>th</sup> April 2023

**Report Title:** Walleys Quarry – Odour Issues

**Submitted by:** Chief Executive

**Portfolios:** Environment & Recycling; One Council, People & Partnerships

**Ward(s) affected:** All

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

To update Cabinet on the latest position regarding the problematic odours in the Borough associated with Walleys Quarry including progress in relation to agreement reached following mediation with the operator.

#### **RECOMMENDATIONS**

**Cabinet is recommended to:**

- 1. Note the contents of this update report.**

#### **Reasons**

To ensure Cabinet is kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry landfill. To note the current odour complaint and data available, which shows an improvement in the odour issue.

#### **1. Background**

- 1.1 For a number of years, parts of the borough have suffered from foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd, part of the RED Industries group of companies. The Environment Agency (EA) is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.
- 1.2 In March 2021, Council held an extraordinary meeting to receive the report of the Economy, Environment and Place Scrutiny Committee review into the Walleys Quarry issues, and to debate a motion demanding the immediate suspension of operations and acceptance of waste at the Walleys Quarry Landfill site.
- 1.3 Cabinet has received monthly updates on the issues relating to the odours, and Council has also been regularly updated.

## 2. Statutory Nuisance

- 2.1 Following extensive work, officers determined that the odours from the Walleys Quarry site amounted to a Statutory Nuisance and, on 13 August 2021, served an Abatement Notice on Walleys Quarry Ltd. (WQL).
- 2.2 The Abatement Notice afforded WQL a period of 5 months to abate the nuisance, with this timeframe being informed by discussion on the nature and extent of potential works required at the site with colleagues from the Environment Agency and with our own landfill and odour experts.
- 2.3 On 2 September 2021, WQL lodged an appeal against the Abatement Notice with the Magistrates Court. This has the effect of “stopping the clock” on the 5 month timeframe to abate the nuisance.
- 2.4 At the Cabinet meeting on 18 October 2022, Members received a report detailing the outcome of a mediation process that had been undertaken. The mediation process was guided by the former Supreme Court Judge and environmental law specialist the Right Honourable Lord Carnwath of Notting Hill. As a result of that process, the Council and WQL were able to agree terms for a settlement which enabled WQL to withdraw their appeal against the notice.
- 2.5 On 6 October 2022, His Honour District Judge Grego approved the settlement that the parties had reached, and issued a court order upholding the Abatement Notice and dismissing WQL’s appeal.
- 2.6 The 5 month compliance period ended at midnight on 5 March 2023 meaning that the notice can be enforced, should there be evidence to substantiate a breach and Walleys Quarry Ltd are not following best practice in operating the landfill site.
- 2.7 The Council will continue to assess the prevalence of odours off site. In the event that there are further instances of statutory nuisance identified which amount to a breach of the Abatement Notice, the Council’s Enforcement Policy will guide the process to be followed [Reference: [Environmental Health enforcement policy – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](#)]. This would determine what action the Council would take, and whether that would be formal or informal. Enforcement is usually considered sequentially but should the circumstances or nature of the breach be such, escalation direct to prosecution is possible. The Council would need to obtain the consent of the Secretary of State before it is able to prosecute an offence of breaching an abatement notice, as the site is permitted by the Environment Agency.
- 2.8 Progress with key elements of the settlement agreement

As part of the Agreement, Council officers, including the Chief Executive are meeting with senior representatives of Walleys Quarry Limited (WQL) to ensure that all aspects of the agreement are implemented. Meetings are taking place on a regular basis with the outcome to date including:

- a. WQL have published a comprehensive set of its operational plans on its website in a publicly accessible format. [Reference: <https://walleysquarry.co.uk/site-permits-and-policies#MGMTPlans>]
- b. WQL notify any operational changes that may impact on odour emissions from the site. Notifications are published on the WQL ‘Latest Information’ webpage. In February advance notice was given by WQL of the installation of new vertical wells that had the potential to create short-lived odour emissions. [Reference: <https://walleysquarry.co.uk/#information>]

- c. A set of standard key performance indicators in a score card format monitor the performance of the operator. Further detail is provided in Section 6.
- d. The last Liaison Committee meeting took place on 16<sup>th</sup> March 2023 and a publically viewable recording of the meeting is available at the link below. Updates were provided by Walleys Quarry Limited, Environment Agency, Staffordshire County Council, Borough Council, Silverdale Parish Council and resident representatives. [Reference: <https://www.newcastle-staffs.gov.uk/walleys-quarry/latest-walleys-quarry-liaison-committee-video>] The next meeting is planned for June 2023.
- e. The agreement requires WQL to notify the Council of any written amendments to the listed Operational Plans/Procedures within 48 hours of such notification by the Environment Agency, and this has occurred in line with the agreement.
- f. In April 2023, Officers undertook a site visit and inspection of the landfill site, looking at the current on site operations.

### 3. **Complaint Data**

- 3.1 Below is a schedule of complaints received by the Council and by the Environment Agency over the last 3 months, on a weekly basis. Complaints rise and fall broadly in line with the H2S levels recorded at the four monitoring stations around the site, with higher levels of H2S generally causing more annoyance in the community. Historical complaint data is attached to this report as Appendix 1.

	Complaints to NuLBC	Complaints to Environment Agency
<b>January 2023</b>		
02/01/23 – 08/01/23	12	32
09/01/23 – 15/01/23	13	25
16/01/23 – 22/01/23	47	118
23/01/23 – 29/01/23	51	149
<b>February 2023</b>		
30/01/23- 05/02/23	13	66
06/02/23-12/02/23	26	115
13/02/23-19/02/23	7	39
20/02/23- 26/02/23	3	15
<b>March 2023</b>		
27/2/23 – 05/03/23	7	13
06/03/23 – 12/03/23	12	74
13/03/23 – 19/03/23	23	63
20/03/23 – 26/03/23	19	56
27/03/23 – 02/04/23	51	103

- 3.2 The highest number of odour reports was received on Monday 27 March when the Council received 31 complaints. Complaints referred to odour being present in the early hours of the morning with complaints being reported through to late evening. In response to the peak Officers undertook odour assessments and liaised with the regulator the Environment Agency. Walleys Quarry Ltd responded to the complaints and stated that no issues were reported or

recorded with the GUP and likewise with operations. Officers continue to investigate this odour event.

#### 4. Air Quality Monitoring Stations

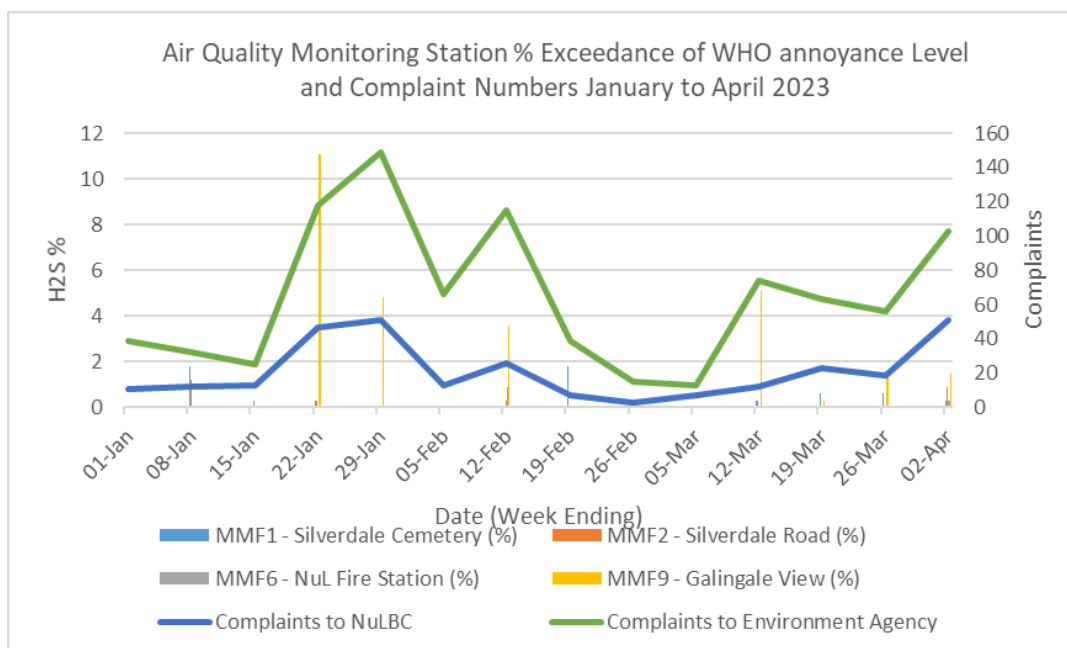
4.1 The Council, Staffordshire County Council, and the Environment Agency are jointly funding a campaign of air quality monitoring utilising four static air monitoring stations. Data from these stations is reviewed to provide information in relation to two standards relating to Hydrogen Sulphide (H<sub>2</sub>S) – the WHO Health threshold and the WHO odour annoyance guideline, with this analysis published by stakeholders.

4.2 Over the last 3 months, no H<sub>2</sub>S concentrations were above the World Health Organisation's health threshold (150 µg/m<sup>3</sup>, 24-hour average). H<sub>2</sub>S levels were above the odour annoyance guideline level (7 µg/m<sup>3</sup>, 30-minute average) for the following percentages of each week. Historical data is attached to this report in Appendix 2.

4.3

Location	MMF1 - Silverdale Cemetery (%)	MMF2 - Silverdale Road (%)	MMF6 - NuL Fire Station (%)	MMF9 - Galingale View (%)
<b>January 2023</b>				
02/01/23 – 08/01/23	1.8	1.2	0	0
09/01/23 – 15/01/23	0	0.3	0	0
16/01/23 – 22/01/23	0.3	0.3	0	11.1
23/01/23 – 29/01/23	0	0	0	4.8
<b>February 2023</b>				
30/01/23- 05/02/23	0	0	0	0
06/02/23-12/02/23	0	0.3	0.9	3.6
13/02/23-19/02/23	1.8	0	0	0
20/02/23- 26/02/23	0	0	0	0
<b>March 2023</b>				
27/2/23 – 05/03/23	0	0	0	0
06/03/23 – 12/03/23	0.3	0	0	5.1
13/03/23 – 19/03/23	0.6	0	0	0.3
20/03/23 – 26/03/23	0.6	0	0	1.5
27/03/23 – 02/04/23	0.3	0.9	0.3	1.5

The complaint and air quality data has been combined and shown in the graph below. The data continues to show that the percentage of time above the World Health Organisation odour annoyance guideline level fluctuate across the four locations. The complaint numbers and % exceedance of the WHO annoyance level shows good correlation.



4.4 Each monitoring station (MMF) records the percentage exceedance over a week which results in 20 readings over a 5 week period. In March 2023 it is noted that there were 50% of reading which were zero and 85% of readings where the weekly % exceedance was below 1%.

4.5 The EA report that ‘it’s important to note that there will always be short-term fluctuations in the concentrations of hydrogen sulphide leaving the site, especially given the low concentrations we are monitoring. The causes can include factors such as the impact of improvement works being carried out on site and changes in the weather’.

‘Hydrogen sulphide concentrations continue to be greatly reduced compared with the period when monitoring began, in both the source emission and ambient air measurements. Air quality monitoring data provides additional confidence that our ongoing regulation is ensuring the source emission of hydrogen sulphide from the landfill site continues to remain low’.

#### 4.6 Odour Expert Data Review

The Council has commissioned an industry expert to review data relating to odour between November 2022 to January 2023. The information considered includes:

- surface emission monitoring reports;
- the effect of meteorological factors on complaints numbers;
- air quality monitoring data;
- Compliance Assessment Reports (CAR) issued by the EA;
- Sniff test results for observations carried out by NULBC staff;
- Sniff tests results from the EA.

The conclusion states (**emphasis added**):

*“This preliminary review shows that:*

- *There have been improvements to the scale of hydrogen sulphide and landfill gas releases, this is evidenced by the EA monitoring, the surface emission survey and hydrogen sulphide content of the gas entering the GUP.*
- *Odour emissions continue to occur, this is evidenced by the EA monitoring, the surface emission survey and NULBC sniff testing.*

*The evidence set out in this review still shows:*

- That there is a reduction in the frequency of episodes of hydrogen sulphide being present at noticeable level,
- That the intensity of pollution had reduced but on occasions remains at noticeable levels, the peak concentrations are lower than the peak levels which occurred when the Abatement Notice was issued.

***It is Ricardo opinion that, in order for there to be a statutory nuisance, some of the FIDOL factors, namely Frequency, Intensity and Duration would need to be at an increased frequency, increased intensity and a longer duration.”***

This along with a review of annual data was considered at Council at their meeting on 5 April 2023, a link to this report is available here: <https://moderngov.newcastle-staffs.gov.uk/documents/s39841/Council%20-%20Walleys%20Quarry%20April%202023.pdf>.

## 5. **Environment Agency Regulatory and Enforcement Action**

- 5.1 The Environment Agency has continued to provide weekly updates on their regulatory activity on the Walleys Quarry Landfill Citizens Space website. Please note that the EA have launched a brand new website for people interested in the regulation of Walleys Quarry Landfill Site. This will be replacing Citizen Space and can be accessed here: <https://engageenvironmentagency.uk.engagementhq.com/hub-page/walleys-quarry-landfill>.

These updates reflect regular EA officer presence at the site to review progress with the Contain Capture Destroy strategy. Extracts from the last 4 weekly updates are summarised below:

**Site Visits** - Officers carried out site inspection on 06 March 2023, 14 March 2023 and 29 March 2023.

**Gas Wells** - Ten new vertical wells have now been connected to the gas extraction system on the southern flank. Landfill gas is being drawn from them, providing additional capture of hydrogen sulphide.

**Gas Capture** - Data relating to the gas utilisation plant (GUP) continues to remain relatively steady. The extraction rate and H<sub>2</sub>S concentrations are recorded as follows:

News in Brief Date	Extraction Rate (m <sup>3</sup> /hr)	Hydrogen Sulphide Level at GUP (ppm)
2 March	3015	1660
9 March	2854	1510
16 March	2920	1880
23 March	3008	2300
30 March	2880	1840
06 April	3200	2190

The conclusion provided was that the results are within the normal operational fluctuations the EA expect.

## 6. **Key Performance data**



- 6.1 Through the settlement agreement both Walleys Quarry Ltd and the Council have developed key performance indicators in relation to relevant data from each organisation. These key performance indicators are shown in Appendix 3 and 4.
- 6.2 The data from the Council covers the period from January to March 2023, and provides complaint numbers, air quality data, H2S and officer assessments. Some of the data for March is unavailable and will be updated in subsequent reports.
- 6.3 The data from Walleys Quarry Limited covers the period March 2023 and provides data on waste acceptance, odour management, landfill operations, landfill gas management, leachate management and information relating to the EA regulator as the primary regulator of the site. The data is supported by explanatory notes, which will be contained within Appendix 4. The publication of this appendix will follow.

## 7. **Proposal**

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

1. **Note the contents of this update report.**

## 8. **Reasons for Proposed Solution**

- 8.1 To ensure Cabinet is kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry landfill and to keep under review opportunities to further action.

## 9. **Options Considered**

- 9.1 To provide regular updates to Council.

## 10. **Legal and Statutory Implications**

- 10.1 Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:-

- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
- The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health or a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether or not a statutory nuisance exists.
- Where a statutory nuisance is identified or considered likely to arise or recur, section 80 of the Act requires that an abatement notice is served on those responsible for the nuisance. The abatement notice can either prohibit or restrict the nuisance and may require works to be undertaken by a specified date(s).
- It is then a criminal offence to breach the terms of the abatement notice. Because the site is regulated by the Environment Agency under an Environmental Permit, the council would need to obtain the consent of the Secretary of State before it is able to prosecute any offence of breaching the abatement notice.

- The Act provides powers in respect of a breach. If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, they shall be guilty of an offence. If this is on industrial, trade or business premises shall be liable on conviction to a unlimited fine. It is a defence that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

## 11. Equality Impact Assessment

- 11.1 The work of the Council in this regard recognises that the problematic odours in the area may impact on some groups more than others. The work is focussed on minimising this impact as soon as possible.

## 12. Financial and Resource Implications

- 12.1 Dedicated officer resource has been allocated to continue the Council's work regarding Walleys Quarry Landfill.
- 12.2 From April 2023 there is £100k reserved for legal action associated with Walley Quarry landfill site. In the event that formal action is required, a separate report will be brought to full Council to approve additional funds.

## 13. Major Risks

- 13.1 There are no new risks beyond those explored in previous reports.

## 14. Unsustainable Development Goals (UNSDG)



## 15. Key Decision Information

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

## 16. Earlier Cabinet/Committee Resolutions

16.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21 April 2021, 9<sup>th</sup> June 2021, 7<sup>th</sup> July 2021, 21<sup>st</sup> July 2021, 8<sup>th</sup> September 2021, 13<sup>th</sup> October 2021, 3<sup>rd</sup> November 2021, 17<sup>th</sup> November, 1<sup>st</sup> December 2021, 12<sup>th</sup> January 2022, 2<sup>nd</sup> February 2022, 23<sup>rd</sup> February 2022, 23<sup>rd</sup> March 2022, 20<sup>th</sup> April 2022, 7<sup>th</sup> June 2022, 19<sup>th</sup> July 2022, 6<sup>th</sup> September 2022, 18<sup>th</sup> October 2022, 8<sup>th</sup> November 2022, 6<sup>th</sup> December 2022, 10<sup>th</sup> January 2023, 7<sup>th</sup> February 2023, 13<sup>th</sup> March 2023, 5<sup>th</sup> April 2023.

**17. List of Appendices**

- 17.1 Appendix 1. Historical Complaint data
- 17.2 Appendix 2. Historical Monitoring Station data
- 17.3 Appendix 3. NUL Key Performance Data
- 17.4 Appendix 4. WQL Key Performance Data (publication to follow)

**Appendix 1. Historical Complaint Data**

	Complaints to NuLBC	Complaints to Environment Agency
<b>January 2022</b> 3/1/22- 9/1/22	73	352

10/1/22 -16/1/22	258	1045
17/1/22 -23/1/22	134	651
24/1/22 – 30/1/22	25	139
<b>February 2022</b> 31/1/2 – 6/2/22	16	64
7/2/22 – 13/2/22	31	120
14/2/22 – 20/2/22	49	166
21/2/22 – 27/2/22	40	264
<b>March 2022</b> 28/2/22 – 6/3/22	118	571
7/3/22 – 13/3/22	72	285
14/3/22 – 20/3/22	224	1126
21/3/22 – 27/3/22	412	1848
28/3/22 – 3/4/22	243	1072
<b>April 2022</b> 4/4/22 -10/4/22	132	895
11/4/22 – 17/4/22	156	752
18/4/22 – 24/4/22	65	310
25/4/22 – 1/5/22	49	213
<b>May 2022</b> 2/5/22 – 8/5/22	39	193
9/5/22 – 15/5/22	35	160
15/5/22 – 21/5/22	43	134
22/5/22 – 29/5/22	20	81
<b>June 2022</b> 30/5/22 – 5/6/22	27	169
6/6/22 – 12/6/22	42	234
13/6/22 – 19/6/22	25	263
20/6/22 – 26/6/22	28	208
26/6/22 – 2/7/22	9	54
<b>July 2022</b> 3/7/22 – 9/7/22	4	34
10/7/22 – 16/7/22	14	72
17/7/22 – 23/7/22	21	52
24/7/22 – 30/7/22	12	93

<b>August 2022</b>	22	124
31/7/22 – 6/8/22		
7/8/22 – 13/8/22	32	133
14/8/22 – 21/8/22	11	79
22/8/22 – 28/8/22	12	89
29/8/22 – 4/9/22	10	30
<b>September 2022</b>	9	64
5/9/22 – 11/9/22		
12/9/22 – 18/9/22	13	83
19/9/22 – 25/9/22	14	79
26/9/22 – 2/10/22	13	58
<b>October 2022</b>	42	102
3/10/22 – 9/10/22		
10/10/22 – 16/10/22	52	165
17/10/22 – 23/10/22	73	186
24/10/22 – 30/10/22	30	82
<b>November 2022</b>	27	116
31/10/22 – 6/11/22		
7/11/22 – 13/11/22	23	86
14/11/22 – 20/11/22	60	113
21/11/22- 27/11/22	28	70
28/11/22 – 4/12/22	19	47
<b>December 2022</b>	43	163
5/12/22 – 11/12/22		
12/12/22 – 18/12/22	22	114
19/12/22 – 25/12/22	12	45
26/12/22 – 01/01/23	11	39
<b>January 2023</b>	12	32
02/01/23 – 08/01/23		
09/01/23 – 15/01/23	13	25
16/01/23 – 22/01/23	47	118
23/01/23 – 29/01/23	51	149
<b>February 2023</b>	13	66
30/01/23- 05/02/23		
06/02/23-12/02/23	26	115
13/02/23-19/02/23	7	39
20/02/23- 26/02/23	3	15
<b>March 2023</b>	7	13
27/2/23 – 05/03/23		
06/03/23 – 12/03/23	12	74

13/03/23 – 19/03/23	23	63
20/03/23 – 26/03/23	19	56
27/03/23 – 02/04/23	51	103

**Appendix 2.** Historical Monitoring Station Data - Weekly percentage of time that each monitoring station location has recorded hydrogen sulphide concentrations above WHO odour annoyance guideline level (7 µg/m<sup>3</sup>).

Location	MMF1 - Silverdale Cemetery (%)	MMF2 - Silverdale Road (%)	MMF6 - NuL Fire Station (%)	MMF9 - Galingale View (%)
19/4/21 – 25/4	18	8	4	21
26/4 – 2/5	4	10	13	35
3/5 – 9/5	6	21	6	48
10/5 – 16/5	15	20	1	10
17/5 – 23/5	1	9	10	53
24/5 – 30/5	7	15	16	47
31/5 – 6/6	30	1	6	18
7/6 – 13/6	1	10	10	19
14/6 – 20/6	11	7	9	13
21/6 – 27/6	2	1	4	12
28/6 – 4/7	1	8	8	10
5/7 – 11/7	5	18	3	17
12/7 – 18/7	0.4	2.4	2.1	23
19/7 – 26/7	3.6	0	3.6	16
27/7 – 1/8	1.8	1.5	11	26
2/8 – 8/8	1	4	5	10
9/8 – 15/8	0.3	7	3	6
16/8 – 22/8	1	1	4	6
23/8 – 29/8	0	0	1.5	17
30/8-5/9	0	0	0.3	2.1
6/9 -12/9	0	1	13	18
13/9 – 19/9	0	0.6	7.3	11.7
20/9- 26/9	3	2	6	11
27/9-3/10	0	0	0	0.3
4/10 – 10/10	0	0	0.3	5
11/10 – 17/10	0	0.5	1.5	9
18/10-24/10	0	0	0	1.5
25/10-31/10	0	0	0	0
1/11 – 7/11	2.9	0	3.3	13.5
8/11 – 14/11	0	0	1	10
15/11 – 21/11	0	0	0	1.2
22/11-28/11	0	0	0	11
29/11-5/12	0.6	0.9	0	9

6/12 – 12/12	0.6	0	0.9	2.4
13/12-19/12	0.9	0	3	18.5
20/12-26/12	0	0	0	3
27/12-2/1	0	0	0	2.4
3/1-9/1	1.2	0	2.1	16.2
10/1-16/1	14.9	11.9	21.4	53.3
17/1-23/1	6	7	10	41
24/1 – 30/1	0	0	0	5.1
31/1-6/2	0	0	0	0
7/2 – 13/2	0	0	0.9	2.4
14/2 – 20/2	0	3.6	0.3	2.4
21/2 – 27/2	0	4.8	0.6	8.0
28/2 – 6/3	2.4	0	0.3	15
7/3 – 13/3	0.3	3.3	4.2	6.0
14/3-20/3	3.3	8.1	10.8	21.2
21/3-27/3	6.8	10.1	21.1	43.2
28/3 – 3/4	1.9	9.3	18.8	25.2
4/4-10/4	1.8	2.5	6.1	26.0
11/4 – 17/4	11.9	6.6	9.6	19.7
18/4 - 24/4	7.1	1.8	2.7	10.4
25/4 -1/5	5.1	0	1.5	9.0
2/5 – 8/5	2.7	4.8	n/a	n/a
9/5 – 15/5	0.9	1.2	0	1.8
15/5 – 21/5	0.6	2.1	0	2.7
22/5 – 29/5	0.3	0	0	0.9
30/5 – 5/6	0.3	0	1.2	7.4
6/6 – 12/6	0.3	0.6	2.1	3.6
13/6 – 19/6	0	0.6	0.6	11
20/6 – 26/6	0	0.9	0.3	15.5
26/6 – 2/7	0	0	0	0
3/7 – 9/7	0	0	0	0
10/7 – 16/7	0	0	0	0.9
17/7 – 23/7	0	0	0.3	1.5
24/7 – 30/7	0	0	0.3	1.2
31/7 – 6/8	0	0	0	1.5
7/8 – 13/8	0	0	0	1.8
14/8 – 21/8	0	0	0	0.6
22/8 – 28/8	0	0.3	0	0
29/8 – 4/9	0	0	0	0
5/9 – 11/9	0	0	0	4.2
12/9 – 18/9	0	0.3	0	2.9
19/9 – 25/9	0	0	0	1.8
26/9 – 2/10	0	0	0	4.2
3/10 - 9/10	0	0.4	0	3.7
10/10 – 16/10	0	1.9	0	0
17/10 – 23/10	0	0.6	0.3	1.5
24/10 – 30/10	0	0	0	0

31/10 – 6/11	0	2.2	0	1.8
7/11 – 13/11	0	0	0	0
14/11 – 20/11	4.5	1.2	0	0
21/11 - 27/11	4.5	0	0	0
28/11 – 4/12	0	0	0	0.6
5/12 – 11/12	1.5	5.1	0	14.3
12/12 – 18/12	1.2	3.6	0	11.6
19/12 – 25/12	0.6	0	0	0
26/12 – 01/01	0	0	0	0
02/01 – 08/01	1.8	1.2	0	0
09/01 – 15/01	0	0.3	0	0
16/01 – 22/01	0.3	0.3	0	11.1
23/01 – 29/01	0	0	0	4.8
30/01- 05/02	0	0	0	0
06/02-12/02	0	0.3	0.9	3.6
13/02-19/02	1.8	0	0	0
20/02- 26/02	0	0	0	0
27/2 – 05/03	0	0	0	0
06/03– 12/03	0.3	0	0	5.1
13/03 – 19/03	0.6	0	0	0.3
20/03 – 26/03	0.6	0	0	1.5
27/03 – 02/04	0.3	0.9	0.3	1.5



Appendix 3 – NUL Key Performance Indicators

Date of Report : 01 April 2023

NULBC		Information	Measurement	Jan 2023	Feb 2023	March 2023	Summary and Actions
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number	129  Number of unique properties = 50  Rating 0 = 0 complaints Rating 1 = 1 complaints Rating 2 = 5 complaints Rating 3 = 17 complaints Rating 4 = 41 complaints (31.8%) Rating 5 = 38 complaints (29.5%) Rating 6 = 27 complaints (20.9%)  % of complaints reporting odour entering the property = 96 complaints (74.4%)  % of complaints reporting health effects = 118 complaints (91.5%)	47  Number of unique properties = 25  Rating 0 = 0 complaints Rating 1 = 1 complaints Rating 2 = 1 complaints Rating 3 = 11 complaints Rating 4 = 8 complaints (17%) Rating 5 = 10 complaints (21.3%) Rating 6 = 16 complaints (34%)  % of complaints reporting odour entering the property = 35 complaints (74.5%)  % of complaints reporting health effects = 36 complaints (76.6%)	108  Number of unique properties = 55  Rating 0 = 0 complaints Rating 1 = 1 complaint Rating 2 = 0 complaints Rating 3 = 16 complaints (32.4%) Rating 4 = 35 complaints (24.1%) Rating 5 = 26 complaints (27.8%) Rating 6 = 30 complaints (27.8%)  % of complaints reporting odour entering the property = 84 complaints (77.8%)  % of complaints reporting health effects = 78 complaints (72.2%)	

KPI 2		Complaints reported (daytime 07:00-23:00)	Number	113	41	82	
KPI 3		Complaints reported (night-time 23:00-07:00)	Number	16	6	26	
KPI 4		Highest number of complaints during the period	Date (number of complaints)	24/01/23 (22 complaints)	06/02/23 (9 complaints) 07/02/23 (9 complaints)	27/03/23 (31 complaints)	
		<b>Information</b>	<b>Measurement</b>				
KPI 5	AIR QUALITY	Percentage exceedance Odour Annoyance Guideline (Hydrogen Sulphide 30 minute average)	%	MMF 1 (Silverdale Cemetery)	0.5	0.2	Awaiting data
				MMF 2 (Silverdale Road)	0.3	0.3	
				MMF 6 (Fire Station)	0.2	0.2	
				MMF 9 (Galingale View)	4	0.7	
KPI 6		Monthly Average H <sub>2</sub> S* *data not final as ratification process not complete	ug/m3 over the month	MMF 1 (Silverdale Cemetery)	0.9	0.7	Awaiting data
				MMF 2 (Silverdale Road)	0.8	0.8	

				MMF 6 (Fire Station)	0.6	0.6		
				MMF 9 (Galingale View)	1.1	0.8		
KPI 7	H <sub>2</sub> S PEAK LEVEL	Level measured over a 5 minute period Date & Time	ug/m3	MMF 1 (Silverdale Cemetery)	19.86 (03/01 00:45)	19.6 (15/02 01:20)	Awaiting data	
				MMF 2 (Silverdale Road)	19.41 (02/01 20:15)	14.55 (07/02 18:15)		
				MMF 6 (Fire Station)	10.13 (24/01 07:35)	11.25 (07/02 20:15)		
				MMF 9 (Galingale View)	33.29 (20/01 16:55)	11.17 (06/02 23:20)		
		<b>Information</b>	<b>Measurement</b>					
KPI 8	OFFICER ASSESSMENTS	Odour Rating - Officer odour assessment (5 minute)	Max Odour Rating	7 assessments on 18/1 and 24/1	KPI not reported as the monitoring time < 5 minutes for each assessment	7 assessments on 27/03		

This page is intentionally left blank

Date of Report: 05-04-23			
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
<b>KPI 1</b>	<b>WASTE ACCEPTANCE</b>	Non-conformance raised with waste operator	CCS score(s) including summary and actions.
		No of loads inspected.	each
<b>KPI 2</b>			0 Non-conformance raised with operator. 0 CCS scores received
			1690 loads received. 1690 loads inspected. 0 loads rejected.
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
<b>KPI 3</b>	<b>ODOUR MANAGEMENT</b>	Non-conformance raised with waste operator	CCS score(s) including summary and actions.
<b>KPI4</b>		No of odour tours	
		No of odour tours where odour detected off site	
			0 Non-conformance raised with operator. 0 CCS scores received. 0 non conformances identified.
			59 tours
			12 external odours – rated 1 or less and local to the facility.
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
<b>KPI 5</b>	<b>ACTIVE TIPPING AREA</b>	Operational Surface area total	m3
<b>KPI 6</b>	<b>ACTIVE TIPPING AREA</b>	Active tipping area	m3
			101,048m2
			24,635m2
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
<b>KPI 7</b>	<b>CAPPING OF OPERATION AREA</b>	Temporary capping	m3
		Permanent capping	m3
			Temporary Capping 34,737m2 (35%) Permanent Capping 40,032m2 (40%) Total Capped area 74,769m2 (75%)
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
<b>KPI 8</b>	<b>LANDFILL GAS MANAGEMENT</b>	Surface & Gas infrastructure emission surveys	Number of remaining matters open in the month
			1 FID survey completed 0 actions open

<b>KPI 9</b>	<b>LANDFILL GAS MANAGEMENT</b>	Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm	2,004 ppm – recorded from CLP H2S GUP input data
<b>KPI 10</b>	<b>LANDFILL GAS MANAGEMENT</b>	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,002m3/hr - averaged across period
<b>KPI 11</b>	<b>LANDFILL GAS MANAGEMENT</b>	Appendix A LGMP Gas Management Plan (live document)	Progress including summary and actions	See explanatory notes
Landfill Operations		<b>Information</b>	<b>Measurement</b>	<b>Summary and Actions (Additional Document Reference as applicable)</b>
<b>KPI 12</b>	<b>LEACHATE MANAGEMENT ACTION PLAN</b>	Actions (13 actions)	Progress including summary and actions	See explanatory notes.
Landfill Operations		<b>Information</b>	<b>Measurement</b>	<b>Summary and Actions (Additional Document Reference as applicable)</b>
<b>KPI 13</b>	<b>PRIMARY REGULATOR</b>	Compliance Assessments Visits	Number undertaken for which CAR form issued to operator	Three visits within the period:  6 <sup>th</sup> March 2023 – 0453898  14 <sup>th</sup> March 2023 – 0454456  29 <sup>th</sup> March – 0456656  29 <sup>th</sup> March 2023 – 0456372 – sign off of 2022 permanent capping
<b>KPI 14</b>	<b>PRIMARY REGULATOR</b>	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	0 regulatory compliance assessments undertaken which resulted in a compliance assessment score – see explanatory notes.
<b>KPI 15</b>	<b>PRIMARY REGULATOR</b>	Compliance Assessments Visits	Number Undertaken where no CCS score is raised with operator, including summary and actions	3 regulatory compliance assessments undertaken which resulted in 0 compliance assessment scores

## Date of Explanatory Notes:

### KPI 1 and KPI 2 Waste Acceptance

No non-conformances have been received from the regulator within the month. Acceptance procedures under review by the Environment Agency, through the undertaking of an audit in cooperation with WQL, including upstream audits of waste processing sites supplying residues to the landfill business sector.

Waste acceptance carried out in accordance with (Environment Agency) agreed preacceptance and acceptance protocols. 1690 loads were inspected within the period and no loads rejected.

Pre-acceptance/acceptance procedures reviewed by WQL to adopt the updated Environment Agency guidance relating to domestic seating disposal, including updated producer information and relevant declarations received. Updated preacceptance and acceptance procedures now active.

### KPI 3 and KPI 4 Odour Management

No non-conformances have been received from the regulator within the month, with one site regulatory (0454456) inspection confirming no offsite odour detected by Environment Agency officers. Two regulatory (04553898 & 0456656) inspections detail faint offsite odour at a low level. The Agency assessments cover a wide scope of permit conditions including engineering, containment, operational activities, landfill gas management, odour and pest management.

59 odour tours conducted by WQL, with 47 reflecting no odours experienced. 12 visits recorded minor odour (1 or less) local to the facility. Contemporaneously with these odour tours, checks on the gas collection and treatment infrastructure, site engineering and operations and local weather factors were reviewed to ensure all appropriate actions were being undertaken. No non-conformances were identified during these times. And all appropriate actions were being taken.

### KPI 5 and 6 Active Tipping Area

The overall current landfill area remains consistent at 101,048m<sup>2</sup>. The active area is confined to Cell 4 and a small section of cell 2. The current active area remains contained and measures some 24,635m<sup>2</sup>. This is in line with the approved capping and phasing plan, as agreed with the Environment Agency. The active operational area is progressively covered during the day to minimise the time that fresh waste remains uncovered. This is in line with best practice and our operating techniques. We retain healthy stockpiles of cover material to facilitate this progressive covering.

### KPI 7 Temporary Capping

Currently, 34,737m<sup>2</sup> of the surface area of the facility is temporarily capped, either using a high specification, low permeability engineering clay or an installed geomembrane. This is in line with the capping and phasing plan for the facility, as agreed with the Environment Agency. Maintenance works continue to clay capped

areas in line with the agreed (by the Environment Agency) CQA (Construction Quality Assurance) specifications.

## Permanent Capping

Relating to permanent capping, 40,032m<sup>2</sup> of the surface area of the facility is capped, by the installation of a low permeability geomembrane. This is in line with the capping and phasing plan for the facility, as agreed with the Environment Agency with all perm capping works being conducted under the process of Construction Quality Assurance (CQA). On completion of the permanent capping works, cover soils continue to be imported to the facility as part of the site restoration process.

In relation to the permanent capping works, scheduled for installation in 2023 the required membrane has been ordered and is due for delivery in late April/May. The installation works will commence after receipt of the membrane and in line with the agreed capping and phasing plan.

## KPI 8 - 10 Landfill gas management

WQL continues to undertake the extensive regime of surface emission surveys, as agreed with the Environment Agency. One FID survey was undertaken in March 2023, in line with the program agreed with the Environment Agency. The next FID survey at the facility will be undertaken in May 2023.

The concentration of H<sub>2</sub>S at the facility remains within expected limits and in January, averaging 2004ppm at the Gas Utilisation Plant (GUP), as measured by CLP Envirogas Ltd.

The volume of gas captured at the facility remains within expected limits, at 3002m<sup>3</sup>/hr. WQL continue to review this position and drive the gas management contractor, CLP Envirogas Ltd to ensure that gas collection is continually reviewed to assess relevant developments that can be made.

## KPI 11 Landfill Gas Management - Landfill Gas Management Plan

The LFGMP continues to be developed by WQL and adopted by CLP Envirogas Ltd. From Appendix A of this document, three actions remain open and in progress, namely:

Site Specific Balancing Plan – this is being developed by WQL, in conjunction with the Environment Agency and CLP Envirogas Ltd. A draft has been received and is being reviewed, prior to agreement and submission to the Environment Agency.

Regular monitoring, requested by the Environment Agency of CLP Envirogas Ltd continues and is likely to remain in place.



Installation of horizontal wells in active operational areas continues as the site develops, in line with the approved LFGMP.

4 vertical wells were installed in March, into the eastern flank.

The LFGMP has been reviewed and issued to the Environment Agency for review in January 2023. The LFGMP has also been issued to NuLBC.

## KPI 12 Leachate Management Plan

Regarding the implementation of the LMP, discussions with the Environment Agency continue regarding installation of additional replacement leachate wells to ensure these are completed with the minimum weather-condition risk, environmental risk and risk to the engineering of the facility. Discussions with the Environment Agency are ongoing, with an initial meeting held in January, with a response issued to the Agency. A further submission has been made to the Agency on 10 March 2023, in response to CAR report 0450660 by WQL with support from specialist engineering consultants.

## KPI 13- 15

Three Environment Agency visits were undertaken at the facility in March, with one assessment received in relation to the 2022 permanent capping (CAR report 456372). No non-conformances have been received from the regulator within the month, relating to these extensive audits of the site.

CAR report 0453898 has been received, for the visit on 06 March 2023. No compliance scores were received.

CAR report 0454456 has been received for the site visit on 17 March 2023. No Compliance scores were received.

CAR report 0456656 has been received for the site visit on 29<sup>th</sup> March 2023. No compliance scores were received.

CAR report 456372 has been received in relation to the 2022 permanent capping programme. The installation of the membrane is complete. A further submission will be made once the blinding soils have been installed in full.

This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S**

**Report to Cabinet**

**18 April 2023**

**Report Title:**           Housing Allocations Policy

**Submitted by:**       Service Director - Regulatory Services

**Portfolios:**           Community Safety and Wellbeing

**Ward(s) affected:**   All Wards

**Purpose of the Report**

To explain proposed changes following a review of the 2020 Housing Allocation Policy and seek approval to consult on and adopt a revised Joint Housing Allocations Policy from 2023.

**Recommendation**

That Cabinet:-

1. Approve the Draft Joint Housing Allocations Policy 2023 for an eight week public consultation.
2. Delegate authority to the Service Director - Regulatory Services, in consultation with the Cabinet Member for Community Safety and Wellbeing, to
  - a) finalise the and adopt the Joint Housing Allocations Policy 2023 following the consultation process
  - b) agree policy changes relating to the Choice Based Lettings (CBL) System in light of available resources and annual funding allocations.

**Reasons**

The current Housing Allocation Policy which was developed in conjunction with Aspire Housing was adopted in 2020. There was a commitment to review it after 24 months.

The policy has been in operation for 24 months and this has provided a sufficient time period for its impacts to be assessed and for reasonable conclusions to be made about its effectiveness. Changes are being proposed to the current policy, which will update this and transform this into the Housing Allocations Policy 2023.

It is best practice for the Council to ensure that consultation is undertaken on the document before changes to the Policy are formally adopted.

**1. Background**

- 1.1 Part 6 of the Housing Act 1996 requires local authorities to have an Allocations Policy that set out how social homes will be allocated in the authority's area and to give "reasonable preference" to certain groups of applicants.

- 1.2 It is via the current Housing Allocations Policy, which was adopted in 2020, that this requirement is being met. In conjunction with this policy, a housing register is maintained where applicants are assessed, their eligibility and prioritisation determined. This leads to the allocation of social housing via the Choice Based Lettings scheme.
- 1.3 The current Housing Allocation Policy has a requirement that it would be reviewed after 24 months. It is recognised as best practice, to review policies and strategies on a regular basis so as to incorporate any relevant changes in circumstances, guidance and legislation. 24 months, has provided a sufficient time period for its impacts to be assessed and for reasonable conclusions to be made about its effectiveness.

## 2. **Issues**

- 2.1 The Newcastle Housing Advice Team (NHA) is responsible for implementing the policy by
  - a) placing and prioritising applicants on the Housing Register; and,
  - b) by operating of the Choice Based Lettings scheme.
- 2.2 This is done by primarily working with in partnership with Aspire Housing, who are co-authors of the current policy and an equal partner with the Choice Based Lettings Scheme. There is also a working relationship with a number of Registered Social Landlords who nominate properties to the Housing Register.
- 2.3 Throughout the past 24 months, NHA and Aspire Housing have been able to assess the effectiveness of the policy and identified areas for change which are likely to improve and better the policy.

## 3. **Proposal**

- 3.1 On the whole, the policy is considered to be effective and fit for purpose. However, changes are being proposed to the bandings and several sections of the policy.
- 3.2 The current policy prioritises applicants via a banding system; where those in greatest need are awarded a Band 1 and those in lowest need are placed in Band 6. The new policy will retain the Banding System from 1 to 6, but will be seeking to make some changes as to who is to be placed in each respective bands. For ease of reference, a comparative table, (setting out the current banding reasons with the new banding reasons) accompanies this report as Appendix 1.
- 3.3 There are also some amendments being proposed to certain sections of the policy. Again for ease of reference, an itinerary has been attached, to set out these proposed changes within their respective numbering, as Appendix 2.
- 3.4 Although, the changes to the policy are detailed in the Appendices, a brief summary of the key changes are set out in this report.
- 3.5 **Several changes are being proposed to the section of local connection. The following is proposed:-**
  - a) Students who currently acquire a local connection (usually by being within the Borough for 6 months in the last 12months) via simply studying at local colleges and universities will no longer be able to do so
  - b) explicit references will be made to persons who, by law, are not required to have a local connection to be placed on the housing register

- c) Applicants with no local connection who are 55 years and over are eligible for sheltered accommodation only will need to satisfy an additional condition; they do not have the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector as set out the Equity Policy.

**3.6 A change is proposed to the number of bids that can be placed by applicants on the Choice Based Lettings system, this is to be restricted to three.**

3.7 Choice based lettings operates by allowing applicants to express an interest in a social home that has become available and is being advertised on the online system; this expression of interest is a 'bid'.

3.8 Currently, the policy allows applicants to place an unlimited number of bids, and in practice, applicants are bidding for multiple properties. When an offer of a property is made to the applicants by the Lettings Team, this is being refused. Applicants feel that they should receive multiple offers from the range of properties that they have bid on.

3.9 The allowance of unlimited bids in practice is becoming counterintuitive; the scheme rules dictate that applicants will only be offered one property at any one time, and unreasonable refusals could be sanctioned. Furthermore, it is perversely encouraging applicants in need to refuse properties which could have adequately met this need. This is also causing additional abortive work for the lettings teams.

**3.10 Changes are proposed to allow discretionary judgements to be made in certain and exceptional cases.**

3.11 Band 3, which will become vacant, (as, currently, the applicants owed a relief duty are to be moved to Band 2) will be used as a NHA Preference Band. This is to allow discretionary judgements to be made and for justified cases to be awarded a higher band, which ordinarily would not have given.

3.12 Similarly, a change is proposed, to allow discretion to be applied with regards to the bedroom standards, in exceptional circumstances.

**3.13 A proposal to add clarification text to the medical assessment section.**

3.14 The current policy, has major medical and minor medical need banding reasons. However, there is a perception the award is given based solely on medical conditions. This is not correct; but it's the assessment of whether and to what degree medical conditions are adversely impacting the applicant's ability to live in their current home, or similarly whether and to what degree the current home is having an adverse impact on their medical conditions. It is proposed that clarification text is to be added into the section of Medical and Welfare Assessments.

**4. Reasons for Proposed Solution**

4.1 The Joint Housing Allocation Policy developed in partnership with Aspire Housing was adopted in 2020 with a commitment to review it after 24 months.

4.2 Throughout the 24 months, NHA and Aspire Housing have been able to assess the effectiveness of the policy and identified areas for change which are likely to improve and better the policy.

4.3 On the whole, the policy is considered to be effective and fit for purpose. However, changes are being proposed to the bandings and several sections of the policy.

## 5. **Options Considered**

- 5.1 Officers have considered the following options after the review of the Policy;
- a) to keep the Housing Allocations Policy as it is; and to make no changes
  - b) to consult on the changes proposed and to amend and to improve the existing Policy;
  - c) to completely rewrite the Policy and start afresh.
- 5.2 Option A, would contravene the commitment within the currently policy, to review it after 24 months. It would also run counter to the established best practice, which is to review policies and strategies on a regular basis so as to incorporate any relevant changes in circumstances, guidance and legislation.
- 5.3 Option C, of a complete overhaul of the policy is deemed not to be necessary; as on the whole, the policy is considered to be effective and fit for purpose. Some changes are being proposed to the bandings and several sections of the policy.
- 5.4 Therefore, Option B is considered to be the best and most appropriate.

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

- 6.1 Housing Authorities are required by s.167 of the Housing Act (1996), as amended by the Homelessness Act (2002), to have an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation. In framing the allocation scheme the Council need to ensure that reasonable preference is given to certain categories of people as set out in s.167(2) of the 1996 Act. Applicants who are not entitled to a reasonable preference cannot compete on equal terms with those who are.
- 6.2 The current Policy complies with the Housing Act (1996) (Part VI), as amended by the Homelessness Act (2002) and the Localism Act (2011) and the Homelessness Code of Guidance for Local Authorities.

## 7. **Equality Impact Assessment**

- 7.1 The policy complies with the Housing Act (1996) (Part VI), as amended by the Homelessness Act (2002) and the Localism Act (2011) and the Homelessness Code of Guidance for Local Authorities. The changes proposed will not affect the bands and the band reasons. The changes will have positive impact on residents, particularly those with protected characteristics under the Equalities Act 2010 with no adverse impacts.

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

- 8.1 The Council uses a Choice Based Lettings System to manage the housing register, which was commissioned in April 2021 in partnership with Aspire Housing. To implement the proposed amendments changes will need to be made to the CBL system. The system is used by both Aspire Housing and the Council and the costs are shared. There will be costs associated with making the IT changes, the precise amount is yet to be determined. The total costs will be shared with Aspire Housing and the Council's apportionment will be met through the existing budget.

## 9. **Major Risks**

- 9.1 The following risks have been identified:-

- If the proposed changes are not implemented, there is a risk that the prioritisation of persons on the housing register will not be correct and open to legal reviews.
- The policy changes are dependent on amending the current CBL scheme, so that it aligns with the changes. Officers have been meeting with LOCATA the company who provides the IT service, to develop a project plan and costings for implementing these associated changes.

9.2 To ensure that the risks are controlled or mitigated, the following measures exist; project planning, public consultation, and a continuous review and feedback process.

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

10.1 The policy will contribute to the delivery of the following sustainable development goals:



## **11. Key Decision Information**

11.1 This is a key decision as it affects all wards of the borough.

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

12.1 Cabinet - Wednesday, 18th March, 2020

## **13. List of Appendices**

- Proposed Joint Housing Allocations Policy 2023-2025
- Appendix 1- Comparative Banding Changes
- Appendix 2 – Itinerary of Changes to text of the policy

## **14. Background Papers**

- Joint Housing Allocations Policy December 2020

This page is intentionally left blank





# **JOINT HOUSING ALLOCATIONS POLICY**

**January 2023**

## **CONTENTS**

### **SECTION 1 - INTRODUCTION**

- 1.1 Framework**
- 1.2 Aims of joint policy**
- 1.3 Objectives**
- 1.4 Choice of Accommodation**
- 1.5 Equal Opportunities**
- 1.6 Advice, Assistance and Information**
- 1.7 Publicity**

### **SECTION 2 - THE HOUSING REGISTER AND BANDING SCHEME**

- 2.1 Definition of terms**
- 2.2 How to apply for housing**
- 2.3 People who are eligible to join the Housing Register**
- 2.4 Eligibility**
- 2.5 Qualification**
- 2.6 Qualifying Persons**
- 2.7 Reduced Preference**
- 2.8 Local Connection**
- 2.9 Community Contribution**
- 2.10 Reasonable Preference Groups**
- 2.11 Applicants threatened with homelessness**
- 2.12 Housing needs assessments and bedroom entitlement**
- 2.13 Under Occupation**
- 2.14 Overcrowding**
- 2.15 The Banding Scheme**
- 2.16 Medical Assessments**
- 2.17 Moving on from supported housing accommodation**
- 2.18 Home Visits**

## **SECTION 3 - ADMINISTERING THE HOUSING REGISTER**

- 3.1 Reviewing and updating applications**
- 3.2 Removal of applications from the Housing Register**
- 3.3 Confidentiality**
- 3.4 Verification of details**
- 3.5 False information**
- 3.6 Deferral of applications**
- 3.9 Properties not included in the scheme**
- 3.10 Right**
- 3.11 Review**

# JOINT HOUSING ALLOCATIONS POLICY 2020

## SECTION 1: INTRODUCTION

### 1.1 Framework

- 1.1.1 *Why we have a joint policy* - As a Strategic Housing Authority, Newcastle-under-Lyme Borough Council is required to have an Allocations Policy to ensure that households in housing need are given priority for rehousing within the affordable housing available in the Borough. The Council has a Joint Housing Allocations Policy with Aspire Housing, the largest Registered Housing Provider within the Borough. Having a Joint Housing Allocations Policy will make applying for housing simpler for customers having just one system to use.
- 1.1.2 Although the Council no longer has a statutory duty to administer a formal Housing Register, it has made a policy decision to retain the register as a means of prioritising applicants, identifying needs and to inform the Housing Strategy for the Borough. This Joint Policy has been produced to ensure compliance with the requirements of the Housing Act (1996) Part VI, as amended by the Homelessness Act (2002), the Homelessness Reduction Act 2017, the Localism Act (2011) and the Codes of Guidance on Allocations and Homelessness.
- 1.1.3 This Joint Policy will be regularly reviewed and revised in the light of any relevant legislative changes, regulations issued by the Secretary of State and changes to the Codes of Guidance.
- 1.1.4 The Council transferred its housing stock to Aspire Housing in February 2000 through a Large-Scale Voluntary Transfer. As part of this transfer it was agreed that the Council has a 75% nomination right for all Aspire Housing lettings, meaning that 3 of every 4 properties will be let through the councils housing register. As Aspire have the largest number of social rented properties within the Borough, the majority of the waiting list lettings are through Aspire Housing. The Council generally has 50% nomination arrangements with other Private Registered Providers (PRPs) operating in the Newcastle-under-Lyme area that are administered by Newcastle Housing Advice through the Housing Register function. The following PRPs have affordable housing within Newcastle-under-Lyme:
- Alpha Homes
  - Anchor Homes
  - Aspire Housing
  - Clarion Housing Group
  - Wrekin Housing
  - Sanctuary Housing Group
  - Honeycomb Group trading as Staffs Housing
  - Sage Housing
- 1.1.5 The majority of nominations and lettings are for social rented properties; however this Joint Policy also covers other forms of affordable housing including shared ownership and some supported housing. In many instances specialist types of affordable housing will have additional eligibility criteria and prioritisation of households may involve other partner agencies. For example, Extra care schemes may require care assessments to be undertaken and

prioritisation will involve Social Care and Health at Staffordshire County Council.

- 1.1.6 *Delivery of the service* - The Council's statutory duties in relation to homelessness and housing advice are delivered through Newcastle Housing Advice. The Newcastle Housing Advice service is referred to as NHA. NHA with support from partners at Aspire Housing operate a Choice Based Lettings (CBL) scheme that gives customers more choice about where they wish to live and gives them a better idea of what homes are available in the Newcastle-under-Lyme area.
- 1.1.7 Delivery of good quality housing advice is clearly dependent on close knowledge of the current housing market and housing needs together with the implementation of the Policy. For these reasons both the Council, Aspire Housing and our housing provider partners support the delivery of the Policy through the NHA service.
- 1.1.8 Delivery of this Policy will be reviewed by the Newcastle-under-Lyme Lettings Forum comprising of representatives from all Private Registered Providers named above, NBC and NHA. This group will ensure an effective and responsive service, that meets the needs of local people and takes account of the changing local and national developments and best practice.

## **1.2 Aims of the Joint Policy**

- 1.2.1 The overall aim of the Joint Allocations Policy is to provide a framework for the fair, impartial, effective and accountable allocation of affordable housing in Newcastle-under-Lyme. The Policy gives priority to those in greatest housing need, but also reflects the wider objectives of increasing choice, promoting stable and sustainable communities and making the most effective use of available housing stock.

## **1.3 Objectives**

- 1.3.1 This Joint Policy and the operation of Choice Based Lettings have the following objectives:
- To build community cohesion and sustainability, enabling home seekers in the Borough to have choice in where they live and to encourage people to contribute positively to their community.
  - The use of local letting policies will be used where appropriate as agreed between the provider and NHA.
  - To meet the needs of homeless households, with an emphasis on preventing homelessness, by increasing tenure choice through a housing options approach.
  - To enable the Council to meet its statutory duties – including where duties are owed to homeless households under Part VII of the Housing Act (1996), as amended by the Homelessness Act (2002) and the Homeless Reduction Act 2017.
  - To provide increased customer focus and to provide better information to applicants and our partners in the voluntary and statutory sector.
  - To make the most effective use of the housing stock within the Borough with our partners.
  - To contribute to the creation of balanced communities by ensuring equality of access and outcomes for housing applicants.
  - To contribute to mobility in the affordable housing sector across the sub-region.

- To deliver greater effectiveness and efficiency savings and to share good practice across the sub region with our partners.

## **1.4 Choice of Accommodation**

- 1.4.1 Applicants are subject to verification checks before applications are made live they will be required to provide all relevant information in support of their application every effort is made to offer properties that meet their needs and preferences and enable them to choose where they wish to live as far as possible.
- 1.4.2 Through the operation of Choice Based Lettings, applicants can bid for properties across the Borough, unless a property is advertised for specific eligibility criteria for the applicant and/or their household, this will be marked on the advert. The more flexible applicants are in their area of choice, the sooner they are likely to be successful in bidding for rehousing.
- 1.4.3 Preference is given to applicants with a local connection to Newcastle-under-Lyme (see 2.8.3).
- 1.4.4 Applicants will be allowed to place 3 bids with the exception of those owed a homelessness duty Band 1 and 2 - owed the main and relief homeless duty, this is covered in more detail in Section 2.10 of this Policy.
- 1.4.5 Applicants who own their own home will not be allocated social housing other than in exceptional circumstances, for example where it is not safe or reasonable to occupy or where they may require adapted property and no longer able to occupy their own home.

Households that have sufficient means to fund their home will not be accepted onto the housing register, please refer to the equity policy for more information.

Where applicants have the ability to secure alternative accommodation or affordable home ownership, advice and assistance will be offered to enable households to access any national or local schemes as appropriate. This may be through signposting or referral to other landlords.

- 1.4.6 Existing social housing tenants will also be offered the choice to participate in exchanges with other Local Authority's, PRPs and Housing Trust tenants. The Joint Policy will ensure that a Home Swap Scheme is available for social housing tenants to be able to look for exchanges with other social housing tenants. Some schemes will make a charge to register on their site, unless the landlord is a member of the scheme.
- 1.4.7 Existing social housing tenants who are requesting a transfer are encouraged and signposted to contact their Private Registered Provider to discuss their housing options and circumstances prior to making an application.
- 1.4.8 Special consideration is given to persons seeking rehousing in communities with which they have an existing or previous proven connection. Where rural housing has been developed as part of a Section 106 planning condition these properties will be advertised for households with specific rural needs and applicants in housing need meeting these requirements will be prioritised.
- 1.4.9 Some customers who are offered properties through the housing register may be invited to participate with Private Registered Providers who offer practical

information to help them prepare for a tenancy and sustain their tenancy responsibly.

- 1.4.10 Normally all Private Registered Providers require up to one month's rent in advance prior to the tenant moving into a property.

## **1.5 Equal Opportunities**

- 1.5.1 The Council, Aspire Housing and all the Private Registered Providers are committed to equal opportunities and anti-discriminatory practice in service provision and seek to promote social inclusion.

- 1.5.2 This Joint Policy aims to provide fair and equal treatment to all applicants, regardless of race, colour, ethnic origin, nationality, religion, gender, marital status, sexual orientation, age or disability. This involves an objective assessment of the housing needs of all applicants and equal treatment of all tenants, together with a sensitive response to the special needs of groups and individuals.

- 1.5.3 This Joint Policy complies with the requirements for the Sex Discrimination Act (1975), Race Relations Act (1976), Equality Act 2010, Protection from Harassment Act (1997) the Commission for Racial Equality's Code of Practice in Rented Housing and the Equality Act (2006) and Section 11 Children's Act 2004

- 1.5.4 For monitoring purposes applicants may be asked to provide personal details of their gender identity, ethnic origin, race, religion, sexual orientation and disability. This is not a requirement for acceptance onto the Housing Register.

- 1.5.5 In line with the relevant discrimination acts and to enable Officers to assess the delivery of the service for the Equality Impact Assessments, records will be kept on a range of applicants' personal equality information which will be dealt with in line with the General Data Protection Regulations (GDPR). A service specific Privacy Notice is available on the Council's website.

## **1.6 Advice, Assistance and Information**

- 1.6.1 NHA, and all Private Registered Providers will provide advice and information to people about applying for a home and give assistance to people who have difficulty in making an application.

- 1.6.2 Applicants on the Housing Register are entitled to information about any decision on the facts of their application. Applications are made online and are assessed automatically based on the information provided. Applicants will be advised of their priority banding and can access their Information on the customer portal on the [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk).

- 1.6.3 Advice and information about housing options will be provided to households free of charge. This advice and information may cover issues relating to homelessness and the prevention of homelessness, owner occupation, shared ownership, private sector tenancies, housing association tenancies and mutual exchanges.

- 1.6.4 Where specialist advice is necessary, for example, if there are complex legal or financial problems, applicants will be referred to specialist agencies that can

help them. Where appropriate, referrals will be made to agencies providing support for vulnerable people.

1.6.5 For those people who have difficulty applying online or participating in the choice-based lettings scheme generally due to a medical condition or vulnerability. Assistance will be provided to customers when necessary.

1.6.6 Some vulnerable applicants will need assistance in responding to advertised vacancies. Vulnerable applicants identified at application stage may be referred to other agencies as appropriate and set up for automatic bidding on their application.

## **1.7 Publicity**

1.7.1 The Council, NHA, Aspire Housing and all Private Registered Partners who provide nominations will make every effort to ensure that stakeholders, partner agencies and applicants can access information about the Joint Allocations Policy. The Joint Policy is available on the Council, Aspire Housing and NHA options websites.



## **SECTION 2: THE HOUSING REGISTER & BANDING SCHEME**

### **2.1 Definition of terms**

- 2.1.1 The term “applicant” will include single people and the term “joint applicants” will include couples, other family members or friends who wish to share a joint tenancy.
- 2.1.2 The term “household” includes all individuals included in the applicant’s application. A household may therefore be any individuals, that wish, or need, to live together in the long term. Short term sharing arrangements or temporary part time arrangements will not normally qualify as a household for general needs lettings.

### **2.2 How to apply for housing**

- 2.2.1 Customers can apply for accommodation online via the Choice Based Lettings Scheme through the NHA website [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk)
- 2.2.2 For more information and how to apply please visit our website [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk).

### **2.3 People who are eligible to join the Housing Register**

- 2.3.1 Normally, anyone aged 16 or above can apply for housing. However most housing providers will only accept nominations for applicants that are 18 years. Whilst all applications from 16/17-year olds will be considered, the following circumstances will normally be expected to apply:
- Where the applicant has a dependent child or children or is pregnant;
  - Where the applicant is a successor to a tenancy;
  - Where any Private Registered Provider has directly managed properties and support that are appropriate for 16- and 17-year olds.

In all cases, the applicant may be offered an equitable tenancy or an assured tenancy, with housing related support provided by a specialist agency until they are able to manage the tenancy independently. Wherever possible, a guarantor will be sought for the tenancy i.e. the local Children’s Services department, a responsible Agency or a responsible adult acceptable to the Private Registered Provider to whom a nomination may be made.

### **2.4 Eligibility**

- 2.4.1 The Housing Act (1996) Part VI, as amended by the Homelessness Act (2002) and the Homelessness Reduction Act 2017, requires Local Authorities to consider applications for housing that are made in accordance **with the procedural requirements of the authority’s** allocation scheme. In considering applications, authorities must ascertain:
- If an applicant is eligible for an allocation of accommodation, and
  - If he or she qualifies for an allocation of accommodation.
- 2.4.2 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and

Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) (**‘the Eligibility Regulations’**). Eligibility will be assessed by NHA at the time that the person is considered for making an allocation to him or her.

2.4.3 There are two classes of person who are ineligible for an allocation of accommodation, in accordance with the provisions of s.160ZA of the Housing Act (1996), as amended by the Homelessness Act (2002) and Localism Act (2011):

- A person subject to immigration control, as decided by statute and regulation (see Section 2.4.4 below);
- A person from abroad other than a person subject to immigration control (see Section 2.4.5 below).

2.4.4 People who are subject to immigration control under the Asylum and Immigration Act (1996) are ineligible for re-housing, unless specifically permitted under regulations published by the Secretary of State (as detailed in Sections 160AZA(2) of the Housing Act (1996) as amended by the Homelessness Act (2002)). These include persons who have been granted refugee status, exceptional or indefinite leave to remain, with no conditions or limitations attached.

2.4.5 Regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA (4)). These are predominantly **short-term visitors, people who fail the “habitual residence” test and people** from outside the United Kingdom who are in breach of or whose residence does not comply with the European Union Rights of Residence, Directive and statutory instruments.

2.4.6 Existing tenants are not affected by these provisions and are able to apply regardless of their immigration status. Applicants who believe they are no longer ineligible can reapply at any time, explaining why they consider their circumstances have changed to now qualify.

2.4.7 Applicants with limited leave to remain will be reviewed on a case by case basis by NHA and Private Registered Providers.

2.4.8 NHA will always assess applications in line with most recent housing legislation and government guidance.

## **2.5 Qualification**

2.5.1 The Localism Act (2011) gives Local Housing Authorities additional powers to determine what persons are or are not qualified to be allocated social housing within their district.

2.5.2 Applicants may not be eligible for an allocation of a general needs tenancy where there is insufficient evidence of their ability to conduct a general needs tenancy or there is felt to be insufficient support available for them to live independently. For example, for some customers there may be a need

to have a mental capacity assessment including a full support plan in place to be eligible to go on the Housing Register. Applicants will be required to agree to engage with relevant support from official agencies where this is identified.

- 2.5.3 In order to ensure that we are meeting the needs of the local community only applicants with a local connection to the Borough will be placed on the Housing Register, with certain exceptions, as set out in the policy.
- 2.5.4 Private Registered Provider tenants who do not meet the housing need criteria set out in this Policy will not be eligible for a transfer. A transfer will be authorised for those meeting the criteria following a satisfactory property inspection. Assured Tenants will have free access to a home swapping service to search for a mutual exchange, subject to the application criteria.
- 2.5.5 In accordance with the powers provided by the Localism Act (2011), applicants may not qualify for social housing if they are; a person whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant. (See Section 2.6 below).
- 2.5.6 NHA will not accept applications from students in full time education who do not qualify for any other local connection criteria.

## **2.6 Qualifying Persons**

- 2.6.1 The Localism Act (2011) permits Local Authorities to determine which persons are or are not qualified to be allocated housing. For the purposes of this Joint Policy, the Council, Aspire Housing and NHA consider a Housing Register applicant to be ineligible for the allocation of accommodation where:

The applicant or a member of their household whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant of the authority; and in the circumstances at the time their application is considered, they are unsuitable to be a tenant of the authority by reason of that behaviour.

NHA will make checks on applicants' and may also check their adult household members current and previous local authority or PRP tenancies regarding tenancy conduct and rent arrears debts. NHA will have the discretion to decide if the history of behaviour is 'unacceptable' by considering all the facts. Checks may also be made in respect of the conduct of private rented tenancies where appropriate as well as information obtained via risk assessments from relevant agencies. Current and future support needs may be taken into consideration.

The following instances would provide evidence of non-satisfactory tenancy conduct that could lead to an applicant being rejected on the basis that the behaviour (by the applicant and/or a member of their household) is serious enough for exclusion;

- Significant current or former rent arrears, in excess of four weeks rent, unless there are exceptional circumstances. At the point of offer the debt either needs to be cleared or a payment plan consistently adhered to. In exceptional cases these will be discussed between Newcastle Housing Advice and the management of the Private Registered Provider.
- Serious nuisance/annoyance to neighbours e.g. where there is evidence that an applicant or member of their household have committed serious anti-social behaviour, including harassment, racial harassment or violence,

are the subject of a Criminal Behaviour Order (CBO), injunction or other legal proceedings due to breach of tenancy conditions or anti-social behaviour;

- Committing certain criminal offences in the community and still posing a threat to neighbours or the community and it is considered that such behaviour would make them unsuitable to be a tenant;
- Being convicted of using former accommodation or allowing it to be used for immoral or; illegal purposes such as drug dealing;
- Serious damage / neglect or abandonment of a property;
- Abusive or threatening behaviour towards members of staff and other agencies;
- Providing false information or omitting relevant information on the application form.

### Note

*Applications from offenders or ex offenders will be considered in line with the above, and every effort will be made to ensure that appropriate support services are put into place. However, if support services cannot be identified, the individual's needs will be balanced against the interests of the wider community. Such applicants will be rejected, despite recognition of the principles of the Rehabilitation of Offenders Act (1974), if it is considered that it would not be in the interests of the wider community to make the letting.*

2.6.2 Applicants must be able to demonstrate that where previous unacceptable behaviour applies, that they are no longer deemed as unsuitable tenants. Applicants can re-apply when this is no longer the case and NHA will consider a fresh application.

2.6.3 This above section relates only to applicants who may be ineligible and therefore excluded from the Housing Register for unacceptable behaviour. Other groups of applicants may have reduced preference because of previous unacceptable behaviour (see Section 2.7 below).

## **2.7 Reduced Preference**

2.7.1 Applicants awarded Reduced Preference will be placed in Band 6 and will be considered for properties after other applicants with housing need.

2.7.2 Reduced Preference will normally be given when an applicant, or any member of their household:

- Has a history of unacceptable behaviour but this is no longer the case or has demonstrated a sustained change in behaviour.
- Has the ability to secure alternative accommodation because they have sufficient means to do so as outlined in the accompanying Equity Policy.
- Applicants who are intentionally homeless or likely to be.
- Applicants who do not co-operate including those owed a homeless prevention and/or relief duty who have refused a suitable offer.
- Applicants with no local connection that are 55 years and over are eligible for sheltered accommodation only.

2.7.3 Applicants will have the opportunity to have their banding award reviewed under the Allocations Appeals Procedure should they wish to challenge the decision (see Section 3.10 below)

## **2.8 Local Connection**

- 2.8.1 The Housing Act (1996), as amended by the Localism Act (2011) enables Housing Authorities to better manage their housing waiting lists by giving them the power to determine which applicants do or do not qualify for an allocation of social housing within their district. Housing Authorities are able to operate more focused housing registers to better reflect local circumstances and to be more readily understood by local people in order to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation.
- 2.8.2 In order to ensure that we are meeting the needs of the local community only applicants with a local connection to the Borough will be placed on the Housing Register, with the exception of applicants aged 55 or over, and do not have with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector, who are eligible for sheltered accommodation only. Applicants with no housing need in this age group will not be prioritized before applicants with a local connection.
- 2.8.3 The following persons shall normally be considered to have a local connection with Newcastle-under-Lyme if they or anyone who is moving with them:
- has lived in Newcastle-under-Lyme by choice for a certain time (usually for 6 months out of the last 12 months or for 3 years out of the last 5 years), not inclusive of bail hostels or approved premises.
  - has close family associations for example parents, siblings or adult children who have lived continuously in the Borough of Newcastle-under-Lyme for at least the previous 5 years.
  - has, or the offer of, settled employment (paid or unpaid) in Newcastle-under-Lyme.
  - has special circumstances that gives rise to a local connection at NHA discretion.
  - Care Leavers aged 18-20 will have a local connection if they have lived in Newcastle-under-Lyme Borough for two years, including some time before their 16<sup>th</sup> birthday or have been a looked after child by Staffordshire County Council.
- Special circumstances may include but are not limited to:
- persons who are not currently resident in the District but who have a need to be near close relatives to give or to receive their support.
  - persons who have recently suffered or experienced Domestic Abuse.
  - Persons who have previously served in the Armed Forces, including bereaved, divorced or separated spouses or civil partners who are required to move out of accommodation provided by the Ministry of Defence. (see 2.8.4).
- For the purposes of the above, living in the area means living in permanent accommodation of an applicant's own choice and will not include either:
- occupation of a mobile home, caravan or motor caravan which is not placed on a residential site; or
  - occupation of a holiday letting, which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday.
- 2.8.4 Local connection requirements will not apply to the following applicants:
- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;
  - bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;

- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- existing social housing tenants in England who have a reasonable preference because of a need to move to Borough to avoid hardship and if they work or have been offered work in Borough and have a genuine intention to take up that offer;
- persons who need to move from another local authority area to escape domestic abuse; and
- persons who need to move from another local authority area to escape other forms of violence or harm

## 2.9 Community Contribution

2.9.1 To contribute to the development of stable and sustainable communities, the Council and all Private Registered Providers will acknowledge community contribution. Consideration will be given to applicants in employment, training or those who are volunteering on a regular basis. There may also be local lettings plans and criteria to promote greater stability in some areas, (see 1.3.1 above), these will be agreed with NHA and clearly promoted on property advertisements.

Priority will be given to applicants within bands 5 and 6 and consideration will be given to applicants within band 4 who can demonstrate Community Contribution criteria detailed below. Within Band 4 the urgency of the housing need of applicants will always be met first.

- A current permanent contract of employment that has been in place for 3 months or more
- Voluntary work (not required as part of a community or probation order) for a recognised organisation for 10 hours per week for at least the previous six months
- Undertaking work preparation training on a regular basis or
- Approved foster carers who need to move to a larger home in order to accommodate a looked after child.

2.9.2 New build properties and Community Contribution.

### Private Registered

Providers need to build positive relationships with developers, homeowners and other stakeholders on new build developments, especially when further development is ongoing, and the estate is being established. To promote cohesion and mixed communities' priority for the first let for new build house lettings will be given to those with a local connection to the neighbourhood and a community contribution as detailed above. In the case of flats, this priority will apply to all lets within the first two years.

### New property priority - New build lettings

There will be a cascade priority for all new build developments on **first let only for houses and first two years for flats**

A shortlist for a new property will be re-ordered to ensure that the following cascade of priority is followed:

- 1st priority – Applicants demonstrating a local connection to the town/ village in which the property is being built

- 2nd priority – Applicants currently employed/ key workers and certain voluntary workers
- 3<sup>rd</sup> priority – When the community contribution applicants have been exhausted applicants will be prioritized in banding order, an allocation interview maybe required by the provider

Priority for new build bungalows will be highlighted on the advert and may not require a community contribution to be demonstrated.

**To qualify for a new build priority the evidence of Local Connection or Community Contribution must be provided by the applicant before the close of the current bidding cycle.**

## 2.10 Reasonable Preference Groups

2.10.1 This Policy has been developed to ensure that the banding system complies with the reasonable preference groups set out in s.167 (2) of the Housing Act (1996). The reasonable preference groups are:

- Applicants who are homeless, including non-priority and intentionally homeless people.
- Applicants who are owed a duty under the homelessness legislation.
- Applicants occupying unsanitary or overcrowded housing or otherwise unsatisfactory housing conditions.
- Applicants who need to move on medical or welfare grounds, including grounds relating to disability.
- Applicants who need to move to a particular locality in the area and failure to meet that need would cause hardship.

## 2.11 Applicants threatened with homelessness

2.11.1 If someone is homeless or threatened with homelessness, then they will be invited to a housing options interview to discuss their rehousing choices with NHA who seek to prevent homelessness at all times. The interview will comply with the requirements of the duty in section 179 of the Housing Act 1996 as extended by the Homelessness Reduction Act 2017. This means that NHA will provide bespoke advice that is designed to support all households' groups including the following vulnerable groups:

- Care leavers
- Former armed forces personnel
- People leaving custody
- Victims of domestic abuse
- People with mental and physical health issues.

Self-help advice and information can be found on the website at [www.nhaoptions.co.uk](http://www.nhaoptions.co.uk).

2.11.2 During the housing interview a housing needs assessment will take account of all household circumstances and the highest priority circumstance will determine the priority Band, which is detailed below:

**Main Homeless, Prevention and Relief Duties**

Applicants owed a main homeless duty – Band 1

The Local Authority has a legal duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to ensure that homeless applicants owed a main housing duty are provided with suitable accommodation.

Applicants owed the “main” homelessness duty will be made one offer of accommodation.

NHA will make assisted bids on the applicants’ behalf taking into account the applicants’ circumstances where possible.

When a main duty homelessness offer is made this one offer will be the final offer of accommodation. This final offer will be made in writing. If the applicant accepts the offer, the main homelessness duty comes to an end.

If the applicant refuses the offer NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted. If after review, the offer was deemed to be suitable, no further duty will be owed. Where the applicant is living in temporary accommodation, a Notice to Quit will be issued.

Applicants who are no longer owed a main duty will be reassessed under the banding scheme and may continue to be able to participate within the CBL scheme with their newly assessed priority

#### Priority and Non Priority applicants owed a Homeless Relief duty – Band 2

Applicants who have been assessed as qualifying for the Relief Duty in accordance with the Homelessness Reduction Act 2017 will be placed in Band 2.

NHA will make assisted bids on the applicant’s behalf in, as their circumstances indicate an acute and urgent housing need and may have a duty to be accommodated. This band will be reviewed after 2 months and banding could be reassessed.

At the bidding stage, priority will be given to those applicants who are in priority need over those in non-priority need, thereby maintaining the distinction recognized within the Homelessness legislation.

If the bids result in an offer and the offer is refused and the reason considered unreasonable, NHA will reassess the applicant as threatened with homelessness and may be placed into (reduced preference) Band 6. NHA will advise the applicant of the right to request a review of the suitability of the accommodation, whether or not the offer of accommodation is accepted.

#### Applicants owed a Prevention duty – Band 4

Applicants who are threatened with homelessness and owed the Prevention Duty and are likely to be assessed as unintentionally homeless if both the Prevention Duty and any subsequent Relief Duty comes to an end.

This band will be reviewed after 2 months and the banding could be reassessed.

#### 2.11.3 NHA Preference Band 3



Applicants who require specific property requirements can be prioritized over other applicants. This is to allow discretionary judgements to be made by NHA and Aspire Housing and for justified cases to be awarded a higher band, which ordinarily would not have given. Written notes and justifications will be retained for such awards on case records.

## **2.12 Housing needs assessments and bedroom entitlement**

2.12.1 Housing needs assessments will be made taking into account the size of the property that the applicant resides in and the best use of available space to determine bedroom entitlement. For example, if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.

2.12.2 The following bedroom standards for assessing housing need will apply in most circumstances:

- Married or cohabiting couples will be assessed as requiring 1 bedroom;
- Any single person aged 16 years or over will be assessed as requiring 1 bedroom;
- Adult households with no children will be assessed as needing a bedroom for each adult over the age of 16, and eligible for flats only.
- Families with 1 child will be assessed as requiring 2 bedrooms;
- 2 children of the same sex will be assessed as requiring 1 bedroom; however, when the eldest child reaches 16 years, they will then be assessed as requiring 2 bedrooms.
- 2 children of the opposite sex both under age 10 years, will be assessed as requiring 1 bedroom; however, when the eldest child reaches 10 years, they will then be assessed as requiring 2 bedrooms.
- Larger families with 3 or more children will be assessed as above, taking into account numbers, ages and sex of the children.

The above criteria will be used when assessing the relevant Band that an applicant will be placed into.

2.12.3 Circumstances which require additional bedrooms may also be:

- Foster parents will be provisionally accepted for the size of property they would require if the foster child was living with them, allowing need for an extra bedroom in addition to their household requirement. This would be subject to evidence of the foster care arrangements being provided at the interview stage, usually by third party confirmation through Social Services;
- Carers who have responsibility for care of other relatives e.g. elderly parents, where this is confirmed by a relevant agency;
- Couples who require an additional bedroom for medical reasons, where this is confirmed by a relevant agency.

The above will be subject to an affordability assessment at the discretion of the Private Register Provider and liable for the under-occupancy charge where applicable.

2.12.4 Families with children may be eligible for both flats and houses in line with The bedroom entitlement outlined above. There may be properties advertised that are not suitable for some applicants and household members. These properties will be advertised with information to inform applicants of their eligibility.

2.12.5 Applications from divorced / separated non resident parents who want to provide accommodation for children from former relationships to stay

overnight will **not** be given an extra bedroom. NHA may consider some special circumstances on a case by case basis, for eligibility to flats this will be discussed with the housing provider as the housing associations will have the final decision as to whether to accept This will be subject to affordability assessment including any liability for the under-occupancy charge where applicable.

2.12.6 Parents may be asked for evidence of residence orders or access arrangements and supporting evidence from other agencies may be required where conflicting information is given. In most cases, the parent receiving Child Benefit will be considered as the principal carer and the person with care and control of the children.

2.12.7 Pregnant women with no children will be considered for 2-bedroom properties when they produce their MATB1 Form. Pregnant women with children, upon receipt of the MATB1 Form will have their bed space entitlement recalculated depending on the age of the children within the family as described above. It may be necessary to alter this decision when the new child is born, and the sex of the new child is known.

2.12.8 Single Persons or Couples over the age of 55 years will be eligible for 1-bedroom bungalows. Couples over the age of 55 will be eligible for 1- and 2-bedroom bungalows. This will be subject to an affordability assessment including any liability for the under-occupancy charge where applicable. Private Registered Providers do have discretion to be flexible with their management of sheltered housing stock and may reduce the age eligibility criteria. These properties will be advertised with information to inform applicants of their eligibility

### **2.13 Under Occupation**

2.13.1 Properties may be under occupied (i.e. let to households who may not have an immediate need to use all the bedrooms, such as a 2-bedroom house let to a couple) in the following circumstances:

- A pregnant woman, on production of the MATB1 form (see Section 2.10 above) will be treated as a woman with a young child;
- Lower demand properties to achieve a letting;
- Properties that are assessed as unsuitable for families e.g. three bed flats in sheltered housing schemes;

In such instances applicants will be requested to provide evidence of affordability before a nomination is considered.

### **2.14 Overcrowding**

2.14.1 When assessing overcrowding, NHA will take into account all the people who are currently living within the household, on the condition that these additional people have not deliberately and intentionally moved into the household to create overcrowded conditions. However, for the purposes of housing needs assessments and deciding the requirement for bedrooms, consideration will only be given to those people who are part of an applicant's household.

2.14.2 Applicants will be deemed to be severely overcrowded when they are lacking two or more rooms than they would be entitled to under this Joint Policy. Applicants will be deemed to be overcrowded when they have one room less than they would be entitled to under this Joint Policy.

- 2.14.3 Priority will **not** be given for overcrowding if this is the result of deliberate acts or omissions, where people have moved into household to create overcrowded conditions. NHA will consider the reasons and the circumstances surrounding these acts and omissions and will make an assessment as to whether the move into household, which created the overcrowded condition, was both reasonable and justified.
- 2.14.4 If applicants need an extra room for medical or welfare/hardship reasons, they will instead be assessed for medical or welfare priority. If applicants need an extra room for any other circumstances, this will be assessed and NHA will exercise discretion in these cases. Due to the high demand for housing, it is likely that this discretion will only be exercised in exceptional cases.
- 2.14.5 Where the applicant is not the main person who cares for the children named in their housing application, the children may not be taken into account in the assessment of overcrowding.
- 2.14.6 When assessing the “*sole use of bedrooms*”, this will be based both on the declaration within the housing register form, However, where it is deemed appropriate, this self-declaration will be considered with an objective assessment as to the *reasonable use of the bedrooms within the particular property*.
- 2.14.7 NHA and the housing provider reserve the right to override the bedroom policy in exceptional circumstances to support a move.

## **2.15 The Banding Scheme**

- 2.15.1 This Policy uses a Banding scheme to determine priority between applicants. Bids will be organised and prioritised according to the banding placement of the bidders, and within the Band the priority will be determined by the date of the application.
- 2.15.2 Where two or more eligible applicants apply for a property, are within the same Band and have the same date on the Housing Register, NHA will consider which household has the best “fit” for the property with regard to household size. This may include discussion with the relevant Private Registered Provider.
- 2.15.3 The Banding Scheme is set out below;

<b>Priority Band 1</b>
<p>Applicants owed a “main” homeless duty (see 2.10 above).</p> <p>Applicants whose homes are in the Borough and are subject to a demolition order or a prohibition order/emergency prohibition order.</p> <p>Applicants whose household cannot physically access their accommodation (long term) or those who are in hospital or respite care and have been medically assessed as being able to return permanently to their current home.</p> <p>Applicants whose household is subject to a serious safeguarding concern and is evidenced an urgent need to move or there is a significant risk or harm where it is imminently not safe to remain in their own home.</p>
<b>Priority Band 2</b>
<p>Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the Relief Duty comes to an end. This is because they are or likely to be in a <b>priority or non-priority need and unintentionally homeless</b> in accordance with the Homelessness Reduction Act 2017.</p>
<b>Priority Band 3</b>
<p>NHA Preference band; Applicants who require specific property requirements can be prioritized over other applicants. This is to allow discretionary judgements to be made by NHA and Aspire Housing and for justified cases to be awarded a higher band, which ordinarily would not have given. Written notes and justifications will be retained for such awards on case records.</p> <p>Applicants or their household who have been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs</p>
<b>Priority Band 4</b>
<p>Applicants who are threatened with homelessness and owed the Prevention Duty and are likely to be assessed as unintentionally homeless if both the Prevention Duty and any subsequent Relief Duty comes to an end.</p> <p>Applicants who are overcrowded and need 2 or more extra bedrooms and who have not been assessed as deliberately worsening their housing situation.</p> <p>Applicants or a member of their households: a) are living in accommodation that is having a very serious adverse effect on their health or b) have very limited mobility which prevents the facilities in their home (e.g. for bathing, toileting and bedrooms from being accessed).</p> <p>Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place (see 2.16 below).</p> <p>Applicants who are Social Housing tenants and under-occupying their property by 2 or more bedrooms. Priority will be given to applicants downsizing to another property managed by their current landlord.</p>

Applicants who are Social Housing tenants who have been assessed and notified of the end of their fixed term tenancy due to inappropriate size of the accommodation.

**Priority Band 5**

Applicants who are overcrowded and need an extra bedroom and who have not been assessed as deliberately worsening their housing situation.

Applicants who are social housing tenants who are under-occupying their accommodation by 1 bedroom or have an adapted property no longer required.

Applicants or a member of their household a) are living in accommodation that is having an adverse effect on their health or b) have mobility difficulties where access to the facilities in their home (e.g. for bathing, toileting and bedrooms presents difficulty and requires assistance.

Applicants who have a social need to move such as care or support, employment, relationship breakdown and affordability as assessed by NHA.

Social housing tenants who are requesting a transfer to the Borough and have a right to move to be closer to employment or take up an offer of employment.

Applicants who are Social Housing tenants with children under 5 occupying a 2nd floor (or above) flat, without access to a lift.

**Band 6 (Reduced preference)**

Applicants who have been assessed as having a reduced priority under the Policy because of unacceptable behaviour and non co-operation including homelessness applicants owed a homeless prevention and/or relief duty (see 2.7 above).

Applicants with no housing need who are not existing social housing tenants.

Applicants aged 55 or over, who do not have a local connection and do not have with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector, who are eligible for sheltered accommodation only

Applicants with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector (see Equity Policy).

## **2.16 Medical and Welfare Assessments**

### **2.16 Medical and Welfare Assessments**

2.16.1 Where an applicant requests priority based on a medical condition, they will be required to complete additional medical questions on their housing application and be required to provide evidence to support their application.

2.16.2 Applicants will not be given preference solely on grounds their ill health and medical conditions, but an assessment of how their conditions are adversely impacting the ability to live in their current home, or similarly whether their current home is having an adverse impact on their health will be done.

2.16.3 Where the applicant or a member of their household are in hospital or respite care and have been medically assessed as being unable to return permanently to their current home will be assessed as Band 1.

2.16.4 Applicants or their household who have been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs will be awarded a Band 3.

2.16.5. The award of the medical bands will be given where the medical condition is a long term, permanent and not transitory, and one which has led to physical (including sensory) or mental impairment which has had a 'substantial' or 'long term' adverse effect upon a person's ability to perform normal day to day activities.

2.16.6 A Band 4 Medical banding, will be awarded where the applicant or a member of their household:

- a) are living in accommodation that is having a very serious adverse effect on their health.
- or
- b) have very limited mobility which prevents the facilities in their home (e.g. for bathing, toileting and bedrooms from being accessed).

2.16.7 A Band 5 Medical banding will be awarded where the applicant or a member of their household:

- a) are living in accommodation that is having an adverse effect on their health.
- or
- b) have mobility difficulties where access to the facilities in their home (e.g. for bathing, toileting and bedrooms presents difficulty and requires assistance).

## **2.17 Moving on from supported housing accommodation**

- 2.17.1 Residents in short term funded supported accommodation in the Staffordshire and Stoke-on-Trent areas, and other agencies if appropriate, will receive additional preference when they register with NHA, when the following conditions are met:
- They are eligible to join the housing register
  - have a local connection to Newcastle-under-Lyme; exceptions may apply.
  - they are in supported housing having had an appropriate assessment of housing need;
  - they have engaged with the supported housing project to acquire the skills required to live independently;
  - the supported housing project provides evidence by way of a move-on referral highlighting the applicant's readiness for move on.

- 2.17.2 A Move-on Protocol has been created and is designed to help people effectively 'move on' into permanent accommodation from supported accommodation and operates alongside this Policy. Through the Move-on Protocol, applicants in supported accommodation may also be given higher priority when they are ready to live independently.

It also provides a framework for the sharing of personal information between agencies to enable them to meet statutory obligations, the needs and expectations of service users and the requirements of stakeholders involved with people moving-on from supported housing.

The Move-on Protocol establishes a formal commitment to adopt, promote and positively engage in the Move-On process for the benefit of all service users.

- 2.17.3 Working alongside the terms of the Move-on Protocol, the following priorities are available to applicants under the Joint Housing Allocations Policy;
- Applicants wishing to move from supported housing accommodation without a move on date will be placed into Band 5.
  - Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place will be placed into Band 4.
  - Where an applicant is moving on from specialist domestic abuse supported accommodation and it can be evidenced that it would be unsafe to return to the District of their previous origin, discretion may be used by a senior NHA Officer, on a case by case basis, to override the requirement for a local connection in line with the special circumstances highlighted in Section 2.8.3 above.

## **2.18 Home visits**

- 2.18.1 Home visits may be carried out to access and verify some applications where appropriate.

---

## **SECTION 3: ADMINISTERING THE HOUSING REGISTER**

### **3.1 Reviewing and updating applications**

3.1.1 Housing Register applications will be reviewed every 12 months and applicants will be contacted to attempt to ensure that information recorded on the Housing Register is relevant and up to date. Applicants will be asked to re-register their application, those who do not respond to the request within 28 days of the notification will be cancelled.

### **3.2 Restriction of applications from the Housing Register**

3.2.1 Applications may be restricted on bidding on properties and suspended from the register in certain circumstances such as:

- Where the applicant or a member of the household is found to have a history of serious unacceptable behaviour.
- Failure to update their application following a review (see Section 3.1 above).
- Failure to engage with NHA / provider or provide information requested.

3.2.2 Applicants can still register, however if the application is excluded from the Register where the applicant or a member of the household is found to have a history of serious unacceptable behavior then the application will be restricted so no bids can be made on any properties. Any subsequent exclusion from the Register will be notified to the applicant in writing. The applicant will have a right to request a review of the decision in this respect. The review will be undertaken by a senior NHA Officer.

3.2.3 In exceptional circumstances, where an application has been closed and the applicant has appealed the decision, an application may be reinstated with the original registration date, if it is considered reasonable to do so by a Senior NHA Officer. Where the application has been cancelled, the applicant will be required to register a new application, however the original registration date will be reinstated.

### **3.3 Confidentiality**

3.3.1 Details relating to each applicant, including the fact of their registration will be kept confidential. Information about an applicant and/or member of their household, or the progress of their application, may not be passed to anyone who is not the applicant, without their permission. This permission should preferably be in writing. The General Data Protection Regulation (GDPR) as it applies in the UK, tailored by the Data Protection Act 2018 and Section 166 of the Housing Act (1996) (and superseding legislation) will be adhered to through the NHA service on behalf of the Council. The Council and organisations acting as agents on behalf of the Council, have the right to access personal data, in accordance with the above.

3.3.2 Applicants will be asked to agree to information sharing with relevant agencies, for example, Private Registered Providers, the Council's Housing Benefits Department, the County Council's Adult Social Care and Children and Families Service, Probation and a range of voluntary and statutory agencies where this is necessary.



3.3.3 Issues relating to child protection or community safety must, however, always take precedence over confidentiality. Similarly, if there is evidence to suggest that the applicant is involved in criminal activity and /or fraudulently claiming welfare benefits, this information will normally be disclosed to the relevant agency.

3.3.4 Applicants are entitled to see their files if they wish to do so in accordance with the Council's Data Protection Policy. Any enquiries about the Council's use of personal data or requests for an access request under the Data Protection Act should be made to the Data Protection Officer at Newcastle-under-Lyme Borough Council, further information can be found at <https://www.newcastle-staffs.gov.uk/all-services/advice/data-protection>

If the file contains information from third parties, for example letters from doctors, other agencies or individuals, each third party must be contacted for their consent before these documents are made available to the applicant.

### **3.4 Verification of details**

3.4.1 Applications will be verified before being made live. Before any offer of accommodation is made, the applicant shortlisted for the vacancy will be contacted by the provider and asked to provide further information to support their application, including any necessary proofs for verification of all relevant information on their housing application. Information obtained will be used to assess eligibility and is not exhaustive. Applicants will be expected to provide this information within 2 working days and must do so before a formal offer can be made. Failure to provide information may result in the offer being bypassed or application suspended until the requested information is received.

3.4.2 Procedures will be developed to ensure that robust checks are in place to ensure applications contain correct information.

3.4.3 If the tenant (or former tenant) of a Private Registered Provider is found to be in rent arrears or to owe former tenant arrears, repair costs or costs following assistance through the homelessness prevention schemes, then the tenant or applicant will not normally be offered rehousing. They will be placed in reduced preference band or considered for exclusion from the Housing Register. Applicants with current or former housing arrears should contact their previous housing provider to discuss setting up a re-payment plan and ensure a suitable arrangement is made to clear the debt.

### **3.5 False information**

3.5.1 Under Section 171 of the Housing Act (1996), it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. The Courts may impose a fine if the applicant is found guilty.

3.5.2 An offence may be committed if an applicant knowingly gives false information or knowingly withholds information which has been requested on the housing application form, in response to correspondence with NHA, or relating to the application review. An offence is also committed if the applicant allows a third party to provide false information on their behalf, or at their instigation.

- 3.5.3 NHA reserves the right to remove an applicant from the Housing Register if there is evidence that the applicant or a person acting on his behalf, has given false information or withheld information on their application form. If evidence is obtained that an applicant has gained a tenancy through providing false information, NHA will notify the landlord and supply appropriate evidence, which may be used in possession proceedings at Court.

### **3.6 Deferral of applications**

- 3.6.1 Applications may be suspended or offers of accommodation withheld or bypassed in certain circumstances, pending a decision on eligibility or assessment of need. Such circumstances may include:
- Providing false information in relation to the application
  - Withholding of information that is reasonably required in order to process the application, such as a landlord's reference, previous tenancy arrears or care assessment.
  - Failure to provide necessary proofs in the required timescales see 3.4.1.
  - Failure to contact to verify application within the required timescales.

When any offer is refused by the customer or if the nomination is rejected by the PRP, the PRP should notify NHA and provide detailed information on the reason of rejection as agreed within the nomination agreement. NHA will consider any further information and reassess the application according to the policy. Applications may be placed into reduced banding (Band 6); excluded or suspended from the list.

An applicant who refuses 3 reasonable offers will be disqualified from the housing register for a period of 12 months. NHA will determine if the offer was reasonable for an applicant to accept as set out below.

A Refusal of an offer of the correct size and type property will normally be considered unreasonable.

The property should be appropriate for the household at the time of the offer, it is the applicant's responsibility to ensure their details are correct and complete a change of circumstance form if any circumstances have changed.

It will not be considered reasonable to refuse a property due to dislike of a property type for example a property is a flat or does not have a garden. If a refusal is for a medical ground the applicant's medical needs should be disclosed on the application

NHA will endeavor to nominate households in preferred areas of choice, however if the applicant is owed homeless duties and the limited housing stock this is not always possible. Where the offer is not within one of the applicant's specified areas, the refusal will not be considered reasonable.

Customers can appeal the suspension and will be given details on how to do this in their notification letter. Customers will be held in suspension whilst enquiries are carried out.

### **3.7 Serious offenders**

- 3.7.1 Applicants must disclose all unspent convictions during the application process. PRPs have a responsibility to provide housing which will minimise the risk to the community.
- 3.7.2 NHA will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through either the Multi-Agency Public Protection Arrangement (MAPPA) Panel or the Probation Protocol. NHA may invite Private Registered Providers to attend case conferences with the Police, adult social care and health professionals. A planned and managed relocation pathway should be agreed, including a full discussion of a range of housing options which is most appropriate to the customer's circumstances and supervision needs.

### **3.8 Information about new vacancies**

- 3.8.1 Information will be published, on forthcoming available properties to which the Council has nomination rights, and some properties owned by PRPs and private landlords.
- 3.8.2 Health, Social Care Services and Voluntary Sector professionals will also be able to access the above information where customer consent has been given. NHA will work with these partners to ensure that their client group has access to their application so that they can bid on behalf of the customer or contact NHA to discuss their application.
- 3.8.3 Customers can use the information to bid for properties. A bidding deadline date will be published on each property advert. When this date has passed all bids will be listed in an order based on the customer's housing need, (band) and registration date. This list will then be used to determine who will be made the offer of accommodation.

### **3.9 Properties not included in the scheme**

- 3.9.1 Some properties may not be included within the Choice Based Lettings Scheme. These properties are known as a "direct let" and will be offered to customers in very urgent need, due to exceptional circumstances and where the Private Registered Provider or NHA has an obligation to find a property for them quickly.

These will be monitored to ensure fairness and transparency, whilst meeting the nomination requirements of all other applicants.

### **3.10 Rights of Review**

- 3.10.1 Applicants who want to request a review of a decision about their housing application or allocation can do so within 21 days of the decision, applicants should follow the Councils [Comments, Compliments and Complaints](#) policy.
- 3.10.2 Applicants can also make a complaint about the service to any member of staff who will ensure it is recorded and investigated in line with the [Complaints, Comments and Compliments](#) policy. If the complaint is regarding a decision made by the Private Registered Provider, for example

a refusal of an applicant for a property where they were accepted on the Housing Register the complaint should be dealt by the housing provider directly.

Each complaint has an escalation route to the relevant Ombudsman.

### **3.11 Review**

3.11.1 This Policy will be reviewed every 2 years by the Council and Aspire Housing.

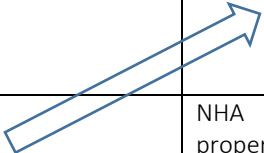
This will enable the review of operational data to;

- determine the success of the Policy to date
- identify any areas for improvement
- identify any blockages for service users
- consider changes in legislation and/or case law
- consider recommendations from policy and guidance regarding the allocation of social housing.

The next Policy Review is due in April 2025.

### **Appendix 1 – Comparative Banding Changes**

OLD POLICY WORDING	NEW POLICY WORDING	RATIONALE AND EXPLANATION FOR THE PROPOSED CHANGES
<p>Priority Band 1</p> <p>Applicants whose household cannot physically access their accommodation (long term) or those who are in hospital or respite care and have been medically assessed as being able to return permanently to their current home.</p> <p>Applicants owed a “main” homeless duty (see 2.10 above).</p> <p>Applicants who have been accepted as homeless or threatened with homelessness within 56 days where NHA enquiries have established that the personal safety of an applicant or member or their household is seriously threatened, examples are:</p> <ul style="list-style-type: none"> <li>• Applicants who have been assessed as requiring an urgent need to move to alternative accommodation because of serious threat to personal safety, for example, racial harassment, harassment or domestic abuse.</li> <li>• Applicants whose homes are in the Borough and are subject to a demolition order or a prohibition order/emergency prohibition order.</li> <li>• Applicants whose household is subject to a serious safeguarding concern and is evidenced an urgent need to move or there is a significant risk or harm.</li> </ul>	<p>Applicants whose household cannot physically access their accommodation (long term) or those who are in hospital or respite care and have been medically assessed as being able to return permanently to their current home.</p> <p>Applicants owed a “main” homeless duty (see 2.10 above).</p> <p>Applicants whose homes are in the Borough and are subject to a demolition order or a prohibition order/emergency prohibition order.</p> <p>Applicants whose household is subject to a serious safeguarding concern and is evidenced an urgent need to move or there is a significant risk or harm where it is imminently not safe to remain in their own home.</p>	<p>The changes in Band 1 will be remove the current text “applicants who have been accepted as homeless or threatened with homelessness within 56 days where NHA enquiries have established that the personal safety of an applicant or member or their household is seriously threatened”.</p> <p>The current policy wording links applicants who need to move on grounds of personal safety to a formalistic homelessness process. This has been found to be a convoluted process It is proposed that those who are adjudged to require an urgent housing need; are placed in Band 6, without the need to go through the homelessness route</p>

OLD POLICY WORDING	NEW POLICY WORDING	RATIONALE AND EXPLANATION FOR THE PROPOSED CHANGES
<p>Priority Band 2</p> <p>Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the Relief Duty comes to an end. This is because they are or likely to be in a priority need and unintentionally homeless in accordance with the Homelessness Reduction Act 2017.</p>	<p>Applicants who have been assessed as qualifying for the Relief Duty who would be owed or likely to be owed the main duty when the Relief Duty comes to an end. This is because they are or likely to be in a <b>priority or non-priority need and unintentionally homeless</b> in accordance with the Homelessness Reduction Act 2017.</p> <p><b>Applicants who have been assessed as qualifying for the Relief Duty, who are or likely to be in a non-priority need and unintentionally homeless in accordance with the Homelessness Reduction Act 2017</b></p> 	<p>The current Band 2 text will be retained. However, it is proposed that the current text in Band 3, be moved into Band 2. Therefore, the new Band 2, will contain all applicants; who are owed a relief duty, encompassing those who are in priority and non-priority need.</p> <p>However, a rule change is to be included within the CBL scheme, whereby, in the bidding of properties, priority will be given to those applicants who are in priority need over those in non-priority need, thereby maintaining the preference afforded to the groupings within the Homelessness legislation.</p>
<p>Priority Band 3</p> <p><del>Applicants who have been assessed as qualifying for the Relief Duty, who are or likely to be in a non-priority need and unintentionally homeless in accordance with the Homelessness Reduction Act 2017.</del></p>	<p>NHA Preference Band; applicants who require specific property requirements can be prioritized over other applicants. This is to allow discretionary judgements to be made by NHA and Aspire Housing and for justified cases to be awarded a higher band, which ordinarily would not have given. Written notes and justifications will be retained for such awards on case records.</p> <p>Applicants or their household who have been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs</p>	<p>The new Band 3, which will become vacant, will become a NHA Preference Band. This will be used by management to award discretionary priority on a case by case basis.</p> <p>Greater priority will also be extended to households who are eligible for Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs</p>

OLD POLICY WORDING	NEW POLICY WORDING	RATIONALE AND EXPLANATION FOR THE PROPOSED CHANGES
<p>Priority Band 4</p> <p>Applicants who are threatened with homelessness and owed the Prevention Duty and are likely to be assessed as unintentionally homeless if both the Prevention Duty and any subsequent Relief Duty comes to an end.</p> <p>Applicants who are overcrowded and need 2 or more extra bedrooms and who have not been assessed as deliberately worsening their housing situation.</p> <p>Applicants or a member of their household who are seriously affected by their health and/or mobility and where living in their current accommodation is having a serious adverse effect on the health or welfare of the person concerned. This will be termed as Major Medical Award.</p> <p>Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place (see 2.16 below).</p> <p>Applicants who are Social Housing tenants and under-occupying their property by 2 or more bedrooms. Priority will be given to applicants downsizing to another property managed by their current landlord.</p> <p>Applicants who are Social Housing tenants who have been assessed and notified of the end of their fixed term tenancy due to inappropriate size of the accommodation.</p>	<p>Applicants who are threatened with homelessness and owed the Prevention Duty and are likely to be assessed as unintentionally homeless if both the Prevention Duty and any subsequent Relief Duty comes to an end.</p> <p>Applicants who are overcrowded and need 2 or more extra bedrooms and who have not been assessed as deliberately worsening their housing situation.</p> <p><b>Applicants or a member of their household: a) are living in accommodation that is having a very serious adverse effect on their health or b) have very limited mobility which prevents the facilities in their home (e.g. for bathing, toileting and bedrooms) from being accessed.</b></p> <p>Applicants where move on accommodation is required from supported housing and this is backed by a clear plan from the support provider and there is an agreed protocol in place (see 2.16 below).</p> <p>Applicants who are Social Housing tenants and under-occupying their property by 2 or more bedrooms. Priority will be given to applicants downsizing to another property managed by their current landlord.</p> <p>Applicants who are Social Housing tenants who have been assessed and notified of the end of their fixed term tenancy due to inappropriate size of the accommodation.</p>	

OLD POLICY WORDING	NEW POLICY WORDING	RATIONALE AND EXPLANATION FOR THE PROPOSED CHANGES
<p>Priority Band 5</p> <p>Applicants who are overcrowded and need an extra bedroom and who have not been assessed as deliberately worsening their housing situation.</p> <p>Applicants or a member of their household who are affected by their health and/or mobility and where living in their current accommodation is having an adverse effect on the health or welfare of the person concerned. This will be termed as Minor Medical Award.</p> <p>Applicants who are social housing tenants who are under-occupying their accommodation by 1 bedroom or have an adapted property no longer required.</p> <p>Applicants who have a social need to move such as care or support, employment, relationship breakdown and affordability as assessed by NHA.</p> <p>Social housing tenants who are requesting a transfer to the Borough and have a right to move to be closer to employment or take up an offer of employment.</p> <p>Applicants who are Social Housing tenants with children under 5 occupying a 2nd floor (or above) flat, without access to a lift.</p>	<p>Applicants who are overcrowded and need an extra bedroom and who have not been assessed as deliberately worsening their housing situation.</p> <p><b>Applicants or a member of their household a) are living in accommodation that is having an adverse effect on their health or b) have mobility difficulties where access to the facilities in their home (e.g. for bathing, toileting and bedrooms presents difficulty and requires assistance.</b></p> <p>Applicants who are social housing tenants who are under-occupying their accommodation by 1 bedroom or have an adapted property no longer required.</p> <p>Applicants who have a social need to move such as care or support, employment, relationship breakdown and affordability as assessed by NHA.</p> <p>Social housing tenants who are requesting a transfer to the Borough and have a right to move to be closer to employment or take up an offer of employment.</p> <p>Applicants who are Social Housing tenants with children under 5 occupying a 2nd floor (or above) flat, without access to a lift.</p>	



OLD POLICY WORDING	NEW POLICY WORDING	RATIONALE AND EXPLANATION FOR THE PROPOSED CHANGES
<p>Band 6 (Reduced preference)</p> <p>Applicants who have been assessed as having a reduced priority under the Policy because of unacceptable behaviour and non co-operation including homelessness applicants owed a homeless prevention and/or relief duty (see 2.7 above).</p> <p>Applicants with no housing need who are not existing social housing tenants.</p> <p>Applicants with no local connection who are 55 years and over are eligible for sheltered accommodation only</p> <p>Applicants with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector (see Equity Policy</p>	<p>Applicants who have been assessed as having a reduced priority under the Policy because of unacceptable behaviour and non co-operation including homelessness applicants owed a homeless prevention and/or relief duty (see 2.7 above).</p> <p>Applicants with no housing need who are not existing social housing tenants.</p> <p>Applicants with no local connection who are 55 years and over <b><u>and do not have with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector</u></b> are eligible for sheltered accommodation only</p> <p>Applicants with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector (see Equity Policy).</p>	

This page is intentionally left blank

**APPENDIX 2: ITINERARY OF CHANGES TO THE TEXT OF THE POLICY**

1.1.4	Sage Housing included in list of providers
1.4.1	Applicants are subject to verification checks before applications are made live
1.4.4	Applicants will be allowed to place 3 bids with the exception of those owed a homelessness duty Band 1 and 2 - owed the main and relief homeless duty, this is covered in more detail in Section 2.10 of this Policy.
1.4.5	<p>Applicants who own their own home will not be allocated social housing other than in exceptional circumstances, for example where it is not safe or reasonable to occupy or where they may require adapted property and no longer able to occupy their own home.</p> <p>Households that have sufficient means to fund their home will not be accepted onto the housing register, please refer to the equity policy for more information.</p> <p>Where applicants have the ability to secure alternative accommodation or affordable home ownership, advice and assistance will be offered to enable households to access any national or local schemes as appropriate. This may be through signposting or referral to other landlords.</p>
1.5.3	Children Act 2004
1.6.2	NHA Options Website
1.7.1	NHA Option Website
2.5.6	NHA will not accept applications from students in full time education who do not qualify for any other local connection criteria.
2.8.2	Applicants with no local connection who are 55 years and over and do not have with the financial means to secure their own accommodation, either by outright purchase, shared ownership or rental within the private sector are eligible for sheltered accommodation only
2.8.4 (new section)	Local connection requirements will not apply to the following applicants: • members of the Armed Forces and former Service personnel, where the application is made within five years of discharge; 3 • bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner; • serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service; • existing social housing tenants in England who have a

	reasonable preference because of a need to move to Borough to avoid hardship and if they work or have been offered work in the Borough and have a genuine intention to take up that offer; • persons who need to move from another local authority area to escape domestic abuse; and • persons who need to move from another local authority area to escape other forms of violence or harm
2.9.2	This is still in here? Priority for new build bungalows will be highlighted on the advert
2.11.2	Priority applicants in band 2 will be given preference to non-priority applicants on any shortlists, change from NHA may make bids to WILL make bids
2.14.7	NHA and the housing provider reserve the right to override the bedroom policy in exceptional circumstances to support an urgent move in agreement with the housing provider.
2.16	<p>2.16 Medical and Welfare Assessments</p> <p>2.16.1 Where an applicant requests priority based on a medical condition, they will be required to complete additional medical questions and provide evidence to support their application from a medical practitioner. 2.16.2 Applicants will not be given preference solely on grounds their ill health and medical conditions, but an assessment of how their conditions are adversely impacting the ability to live in their current home, or similarly whether their current home is having an adverse impact on their health will be done.</p> <p>2.16.3 Where the applicant or a member of their household are in hospital or respite care and have been medically assessed as being unable to return permanently to their current home will be assessed as Band 1.</p> <p>2.16.4 Applicants or their household who have been assessed as requiring a Disabled Facilities Grant (DFG) but moving would be a more efficient way to meet their needs will be awarded a Band 3.</p> <p>2.16.5. The award of the medical bands will be given where the medical condition is a long term, permanent and not transitory, and one which has led to physical (including sensory) or mental impairment which has had a ‘substantial’ or ‘long term’ adverse effect upon a person’s ability to perform normal day to day activities.</p> <p>2.16.6 A Band 4 Medical banding, will be awarded where the applicant or a member of their household:</p> <p>a) are living in accommodation that is having a very serious adverse effect on their health. or</p>

	<p>b) have very limited mobility which prevents the facilities in their home (e.g. for bathing, toileting and bedrooms from being accessed.</p> <p>2.16.7 A Band 5 Medical banding will be awarded where the applicant or a member of their household:</p> <p>a) are living in accommodation that is having an adverse effect on their health. or</p> <p>b) have mobility difficulties where access to the facilities in their home (e.g. for bathing, toileting and bedrooms presents difficulty and requires assistance.</p>
3.10	Rights of Review has been aligned with Councils Comments, Compliments and Complaints policy
3.4.1	Clarification of updated verification process. Applications will be verified before being made live. Before any offer of accommodation is made, the applicant shortlisted for the vacancy will be contacted by the provider and asked to provide further information to support their application, including any necessary proofs for verification of all relevant information on their housing application. Information obtained will be used to assess eligibility and is not exhaustive. Applicants will be expected to provide this information within 2 working days and must do so before a formal offer can be made. Failure to provide information may result in the offer being bypassed or application suspended until the requested information is received
3.6	<p>Deferral of applicants. Additional clarification text</p> <p>An applicant who refuses 3 reasonable offers will be disqualified from the housing register for a period of 12 months. NHA will determine if the offer was reasonable for an applicant to accept as set out below.</p> <p>A Refusal of an offer of the correct size and type property will normally be considered unreasonable.</p> <p>The property should be appropriate for the household at the time of the offer, it is the applicant's responsibility to ensure their details are correct and complete a change of circumstance form if any circumstances have changed.</p> <p>It will not be considered reasonable to refuse a property due to dislike of a property type for example a property is a flat or does not have a garden. If a refusal is for a medical ground and the applicant's medical needs are not be disclosed on the application</p>

	<p>NHA will endeavor to nominate households in preferred areas of choice, however if the applicant is owed a homelessness duty and there is limited housing stock this is not always possible. Where the offer is not within one of the applicant's specified areas, the refusal will not be considered reasonable.</p>
<p>3.8.3</p>	<p>Customers can use the information to bid for properties. A bidding deadline date will be published on each property advert. When this date has passed all bids will be listed in an order based on the customer's housing need, (band) and registration date. This list will then be used to determine who will be made the offer of accommodation</p>

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet**  
**18 April 2023**

**Report Title:** Astley Centre for Circus & Performing Arts Update

**Submitted by:** Deputy Chief Executive

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

**Ward(s) affected:** Town

**Purpose of the Report**

To update Cabinet on progress with the delivery of Astley Centre for Circus & Performing Arts and to consider the next steps in its delivery.

**Recommendation**

**That:**

- 1. Notes progress with Astley Centre for Circus & Performing Arts.**
- 2. Authorises the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres for All and Growth to take the necessary steps to make 23-25 Merrial Street available to the Philip Astley Projects CIC as a heritage centre for a period of up to 3 years at a peppercorn rent, and to work up detailed proposals for their occupation of a unit in the re-developed York Place beyond that term, to be approved at a future meeting of Cabinet.**

**Reasons**

To enhance the economic, social, cultural and community wellbeing of the Newcastle Town Deal area by working with partners to deliver the centre.

**1. Background**

1.1 As previously noted by Cabinet, the Council has two Town Deals in Newcastle and Kidsgrove. The Council worked with a Town Deal Board for Newcastle to establish robust and sustainable projects to deliver change to the area. These were submitted to Government in January 2021 in a Town Investment Plan for Newcastle. In June 2021, Government confirmed that the Town Investment Plan had been successful and awarded the Newcastle Town Deal Board £23.6 million. It was necessary then to develop the projects in more detail for delivery in the form of Business Cases for each project.

1.2 In October 2022 Cabinet received a report on the Newcastle Town Deal outlining that Eight projects themed around the four objectives were submitted:

- Objective 1: Digital

- Objective 2: Transport.
- Objective 3: Development of Key sites
- Objective 4 Culture.

At this time Cabinet noted that a further project under Objective 4 for the Astley Centre was being developed and would be submitted at a later date and would be subject to further Cabinet reports.

1.3 The Council is the Accountable Body for Town Deal funds and is required to administer the funds within the guidelines set by Government. However, it is a requirement of Town Deal that the Council work with an external governance Board of partners who set the local objectives for Town Deal and agree the project business cases before their submission to Government (Department of Levelling Up Housing and Communities or DLUHC) for approval.

## 2. Issues

2.1 The Town Deal proposal approved by Government included £1.8 million for the development of a Circus & Performing Arts school, reflecting the Borough's historic connections with Philip Astley, Father of the Modern Circus. The Council has been working with the Philip Astley Project CIC (promoting the Astley legacy for the benefit of the borough) and the New Vic Theatre to create a project incorporating a heritage centre, aerial work and performance space.

2.2 The initial concept involved the purchase and fit out of a building in the town centre which would house the Circus School. A number of buildings in the town centre have been reviewed for suitability, however, none have proved suitable as an option. Whilst Town Deal funding could be used to purchase and fit out a venue, the ongoing revenue costs of a large, stand alone, venue have proved not to be sustainable without significant financial input from partners. This was demonstrated in a business plan produced by Leisure Inc, a specialist in the field of cultural developments. All parties involved therefore agreed to explore alternative options.

2.3 A viable business case has been developed with external support from Stantec and Leisure Inc. This follows the five-business case model required by DLUHC, and sets out a two stage option for the School, as set out below.

- a. Stage 1: Town Deal funding will be used to refurbish 23-25 Merrial Street as a heritage centre, which will also offer a variety of ground-based circus skills and low level aerial work. This will be temporary accommodation for 2-3 years. Philip Astley Projects CIC would be taking on the management of the centre and the premises lease from the Council on a peppercorn rent and charitable rate relief.

The unit has stood empty for a number of years and is not currently in a let-able condition. It was previously used by the Council as an office and storage area. The current cost estimate to refurbish this unit and bring it back to a let-able condition, with improved energy efficient heating is in the region of £389,000. (subject to tender returns). This includes general construction fees, contingency, professional fees and statutory fees. The anticipated rental income for this unit, if in a let-able state is circa £12,700 p.a. It would be unviable to refurbish on a commercial basis, and the Council would not be in a position to defray funds on refurbishing this unit were it not associated with the Astley Centre project.

The Council has previously used a similar arrangement at Unit 4 Lancaster Building which was refurbished using Accelerated Town Deal Fund in order to host the WorkShop Unit 4 would not have otherwise been viable to refurbish. Much of the specialist display and lighting equipment for the Centre is designed to be transferred to new premises leaving a refurbished shell ready to be let to another tenant when the



project moves to Phase 2. It is a standard condition of the lease that the CIC will be responsible for dilapidations at the end of the lease and will restore the unit to a let-able condition, so for example making good when the specialist lighting rig is removed.

The initial phase of the project will deliver activities both within the unit and within the community to spread awareness of the Centre, the training that is available and test the format of the interactive elements on display / available. It is anticipated that the Centre will become the base operations for the community led activities. The business case is based upon the outreach and community activity being the main driver of revenue into the Centre. This will be led by the UKSPF funded Business Development Manager.

Refurbishment and fit out of the Merrial Street premises will be 100% Town Deal funded, at a cost of £648,000.

- b. Stage 2: Subject to proof of concept at Stage 1, and negotiation of terms with the CIC, it is proposed that on completion of York Place the Centre would occupy a unit in the new development to establish a permanent Astley Circus Centre. The balance of £1,152,000 of Town Deal funding would be allocated to the proposed York Place development.

As well as an expanded heritage centre, the facility would be able to offer a wide range of performance activities, including a full aerial programme. Current interest in the York Place development indicates it has the potential to become a social and activity square for the borough, of which the Astley Circus Centre would be an important element. The revenue implications of this larger unit have been tested though the business plan developed by Leisure Inc with some sensitivity testing around income levels. Early stage planning indicates that the level of income generated for the CIC from activity through this larger unit would make it sustainable. This unit is not on a scale with the large stand-alone unit that was previously considered and dismissed by the project group.

The furniture and specialist equipment that will have been purchased for the temporary unit on Merrial St (see above) will be transferred to the new unit in York Place, where activities and engagement with the public can be maximised. The funding for the unit will contribute to the overall York Place development costs.

- 2.4 Letters of support for the project have been received from both international and local organisations Philip Astley Projects CIC has successfully applied for UKSPF funding, which will be used to assist in development of the Philip Astley legacy and activity over the next 2 years.
- 2.5 A business plan has been produced by Leisure Inc demonstrating that the centre, in this format, is viable and is attached as an appendix to this report the plan has been considered and approved by the Newcastle Town Deal Board. The Board agreed the full case business case on 24<sup>th</sup> March prior to submission to DLUHC on the 31<sup>st</sup> March.
- 2.6 Following approval of the business case by DLUHC the Council will manage the refurbishment and fit out of the Merrial Street property, working within Council procurement guidelines. To facilitate timely delivery of the project the Council has already submitted a planning application for the work. Next steps are:
  - Secure planning permission for the works to take place
  - Procure a contractor to complete refurbishment of the Merrial Street premises.
  - Commission design work for the specialist display materials and install

- Agree a lease agreement with the Philip Astley projects CIC
- The Philip Astley CIC to establish the opening exhibition and promote the opening of the centre.
- Project monitoring processes to take place.

2.7 It should be noted that there is no requirement or expectation for the Council to subsidise the running costs of the centre beyond a separately agreed and contracted contribution from the Council's Shared Prosperity Fund allocation. The Council has previously worked with a CIC in the operation of Kidsgrove Sports Centre. The CIC's occupation of York Place is subject to satisfactory negotiation on the terms of its occupation.

### **Proposal**

3.1 That the progress in delivering the Astley Centre for Circus & Performing Arts is noted and that Cabinet continues to receive such updates as required.

3.2 The Deputy Chief Executive, in consultation with the relevant Portfolio Holder is authorised to, subject to confirmation of funding, enter into the necessary agreements with such external partners as may be necessary to deliver all aspects of the project.

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

4.1 Delivery of the Newcastle Town Investment Plan is a significant opportunity to attract Government funding to the Newcastle Town Deal area and support it's economic, social and community wellbeing.

4.2 The Astley Centre for Circus & Performing Arts provides a unique opportunity to deliver a cultural facility in the town centre and contributes to the delivery of the Council Plan Objective 'A Town Centre for All' as it relates to Newcastle Town Centre.

### **5. Options Considered**

5.1 The projects presented in the Newcastle Town Investment Plan have been agreed by both the Newcastle Town Deal Board and the Council as the priorities for the Newcastle Town Deal area following consideration of other options.

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

6.1 When disposing (letting or selling) council property the council must achieve "best consideration" in accordance with S123 of the Local Government Act 1972. It must also consider whether a disposal for less than best consideration would distort the market place or confer an unfair advantage to anyone under Subsidy Control (formerly State Aid) rules. In this case the Council will derive a benefit from the units being put into a condition whereby they can be re-let to the commercial market once Philip Astley Projects CIC's use of the same comes to an end. That is considered to satisfy the best consideration requirement and underpins a rental term of up to 2 years at a peppercorn rate. That will need to be kept under review if the arrangement proceeds beyond that term.

6.2 The Local Government Act 2000 gives local authorities the powers to promote the economic, social and environmental well-being of their areas.

## 7. **Equality Impact Assessment**

7.1 The nature of the Newcastle Town Investment Plan is intended to seek benefits for all residents of the Newcastle Town Deal area. Individual projects have had Equality Impact Assessments completed as a part of the information submitted to Government for approval.

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

8.1 In delivering the Town Deal the Council will be expected to manage the grant payments as needed. This equates to £23.6m over the life of Newcastle Town Deal.

8.2 At this point there has been minimal spend for this project on programme management and technical fees in order to progress the project to this point.

8.3 £1.8 million Town Deal funding is allocated to this project, and the Council is not contributing its own funds to it. PAP CIC is responsible for the ongoing running costs of the centre.

8.4 The staging of the Circus Centre over two phases has the additional benefit of returning a long disused unit into a let-able condition, providing a useful legacy from the investment over and above those envisaged by the Astley Centre for Circus itself. There is no loss to the Council in permitting the use of the Merriel Street unit at a peppercorn for the two year first phase as there is no prospect of generating a rental income from the building in its current condition without extensive investment.

8.4 Having a phased approach to the project allows for a period of proof of concept prior to relocating to a Centre which will facilitate a wider range of activity to take place.

## 9. **Major Risks**

9.1 Key strategic risk one is failing to deliver the projects within the Newcastle Town Investment Plan. To control this risk the Council has a number of mechanisms in place, including oversight by the Newcastle Town Deal Board; development of robust grant funding agreement terms where external partners are responsible for project delivery, individual project risk assessments and Council project managers allocated to drive progress of the projects.

9.2 Key Strategic risk two is failing to comply with Government requirements for the Town Deal. To control this risk the Council works closely with its key Government contact for the Town Deal programme, has systems in place to provide monitoring and evaluation information to Government and maintains internal oversight of Town Deal requirements.

9.3 If Phase 1 of the programme (the Merriel St unit) fails the move to the new unit in York Place will be subject to further discussion with Government as to the reallocation of the remaining allocation into the York Place development as outlined within this report.

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

10.1 Clean and inclusive growth is a cross cutting theme of the Newcastle Town Investment Plan. The Astley International Centre for Performing Arts supports the following UNSDG objectives:-



## 11. **Key Decision Information**

11.1 The Astley Centre for Circus & Performing Arts will require grant funding and expenditure over £100,000.

11.2 The Centre is in Town Ward but its audience will be drawn from a much wider area.

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

12.1 13 January 2021

12.2 9 September 2020

12.3 4 December 2019

12.4 22 October 2022

## 13. **List of Appendices**

13.1 Philip Astley Centre Business Plan Synopsis

## 14. **Background Papers**

14.1 Newcastle Town Deal page on the Council's website: <https://www.newcastle-staffs.gov.uk/newcastle-town-deal>

14.2 Towns Fund Prospectus November 2019 (DLUHC)

14.3 Towns Fund Guidance June 2020 (DLUHC)

## **Astley Centre For Circus Business Plan Synopsis**

### **1. Overview**

£1.8m has been put aside from the Town Fund for the development of the Philip Astley Centre and a site has been identified in the proposed York Place development in 2025, with a temporary space at Merrial Street in use from October 2023 until the end of 2024.

In December 2022, Leisure INC, was appointed by Newcastle-under-Lyme Borough Council to carry out a high level financial appraisal in support of the proposed scheme. Leisure Inc is a specialist consultancy who works with the owners, managers and developers of destinations ranging from towns, cities and mixed-use developments through to artistic and cultural attractions, leisure parks, resorts, and event and sport venues.

Leisure INC's work was informed primarily by desk top research, consultation and facility visits, their experience of comparative developments and discussions with the client team. The work has also benefitted from a range of studies commissioned specifically in support of this project. These studies include;

- Primary research into the schools market, commissioned from SPIRUL.
- Drive time data commissioned from STANTEC
- Concept and high level costings for the visitor attraction elements from HKD DESIGN; and
- Budget Cost Estimate Report for Merrial Street commissioned from TOWNSEND AND RENAUDEN.

A permanent home for the Philip Astley Centre has been earmarked for the new build York Place in the town centre. However, with this development not scheduled to open until 2025, a two phased approach is proposed for the Philip Astley Project. The initial phase will see the Project occupying a small shop unit in Merrial Street, opening October 2023 and operating until the close of 2024. This temporary space will house a permanent exhibition, temporary displays, an event space, and an office base for Philip Astley Project CIC. After December 2024, the Project will move a short distance to York Place in 2025 for a May opening, with elements of the interim exhibition will be transferred there from 2025 onwards, together with new exhibitory and facilities to be developed in the new site.

The initial phase of development will occupy an existing shop unit in Merrial Street. The Project will be open four days a week and host events throughout the week in daytimes, evenings and weekends as demand requires. The proposals will see significant refurbishment being undertaken, providing a potential legacy use for other projects post 2025.

Revenue generating spaces that form the basis of the business plan include;

- Permanent exhibition space

Classification: NULBC **UNCLASSIFIED**

- Temporary exhibition
- Event space; and
- shop

Flexibility is at the core of the Merrial Street site, with a range of potential uses encompassed in addition to the core exhibition function.

- These include;
  - Expert talks
  - Film nights
  - Circus skills and craft based courses
  - Family activities;
  - A range of community and private hires

Once the Merrial Street space has closed at the end of 2024, work will begin to relocate exhibitory and equipment to York Place. The works involved have been costed by HKD Design and included in the capital cost summary. This proposed new build unit has a similar floor space to the two floors at Merrial Street, with HKD assuming a similar mix of activity will continue, with the addition of some floor-based circus skills workshops for small numbers of people and in-venue schools sessions using the classroom.

Revenue generating spaces that form the basis of the business plan include;

- Permanent exhibition space
- Temporary exhibition
- Cafe
- Classroom/event space; and
- shop

Future phases of development could include an archive space and reading room and the inclusion of rigging for aerial activity, in the event the space can encompass a ceiling height of 6-8m

The following milestones are assumed for the Philip Astley Project as the basis of this business plan;

### **2023**

- March – project sign-off.
- March-April – planning submission, tendering for design and building contractors.
- May-Sept – construction and fitout work on site at Merrial Street.

Classification: NULBC **UNCLASSIFIED**

- October – site opens to public.

**2024**

- Full year of operation. Merrial Street closes end Dec 2024.
- Q2 - tendering for York Place design and construction phase.
- Q3 – submission for planning.
- Q3/4 – beginning of construction phase of York Place.

**2025**

- Jan-Apr – relocation of exhibitory and equipment from Merrial Street.
- May 2025 - York Place opens to public.

**2. Capital costs**

A total of **£648K** is envisaged for the development and fitout of Merrial Street, with an explicit understanding that the vast majority of the install will be demounted and relocated to York Place. The cost of demounting and developing additional exhibitory is estimated by HKD at **£147K**. At time of writing, the assumed construction price for York Place is circa £20 million ). An apportioned cost of construction for the element to be occupied by the Philip Astley Centre, based on total lettable area is estimated as **£1m**. The assumption is of an overall cost of **£1.8m** for the Philip Astley Project.

<b>MERRIAL STREET CAPEX SUMMARY (PHASE 1)</b>	
<b>FITOUT</b>	
Install and fitout of exhibitory	£159,925
Delivery and Install	£15,993
Contrator Prelims	£23,989
Design and management	£39,981
Graphic design	£9,995
Script and Research	£10,000
<i>Source: HKD Design, Feb 2023</i>	
<b>GENERAL CONSTRUCTION AND FEES</b>	

Classification: NULBC **UNCLASSIFIED**

Construction	£335,984
Fees	£33,598
Inflation	£16,799
Planning submission	£750
Building regs	£1,000
<i>Source: Townsend and Renauden, Feb 2023</i>	
<b>TOTAL</b>	<b>£648,014</b>

<b>YORK PLACE CAPEX SUMMARY (PHASE 2)</b>	
<b>FITOUT</b>	
Relocation and design of additional display	£90,700
Delivery and Install	£9,070
Contractor Prelims	£13,605
Design and management	£22,675
Graphic design	£5,669
Script and Research	£5,000
<i>Source: HKD Design, Feb 2023</i>	
<b>GENERAL CONSTRUCTION AND FEES (PLACEHOLDER)</b>	
Construction	£1,000,000
<i>Source: York Place RIBA stage 3 cost plan</i>	
<b>TOTAL</b>	<b>£1,146,719</b>

Classification: NULBC **UNCLASSIFIED**



### **3. Financial Projections**

An operational financial model has been developed to test the potential financial performance of both phases of the Philip Astley Centre. The purpose of preparing these initial financial projections for the Philip Astley Centre is to provide a high-level review of potential commercial performance. The forecast number of visits to the Astley Centre drives a minority proportion of the income that can be achieved – donations by visitors to the heritage centre, use of the event spaces and secondary spend on retail and catering.

The full financial model that underpins the Philip Astley Centre Business Plan is built around a number of linked spreadsheet pages. Each sheet examines a different aspect of the background to the business case (e.g. demographics, demand) building towards the operational sheets which detail the assumptions underpinning all aspects of revenue and costs associated with running the centre.

Key principles are as follows;

- The Business Plan is considered in two phases of development (Merrial Street and York Place) over an extended period which includes Year 0 (encompassing 2023 and 2025 as all pre-opening operational spend and a partial year of trading), and years 1-10 for York Place. The period encompassed within the projections spans 2023 to 2035.
- Inflation is factored within the individual revenue sheets, with costs inflated in the main Profit and Loss statement. Inflation is applied on a varying basis between revenue streams. The same applies to payroll and other operational costs.
- Where possible, benchmarks have been researched and applied to key cost and revenue lines. These are all highlighted and sourced within the model.
- Where possible, actual budgets have been used and applied to the model. This is particularly the case within the cost model, where actual data has been generously supplied by a partner from their shop based projects in Newcastle-Under-Lyme. This has provided particular comfort in the Merrial Street phase of the project.
- Visitor numbers and programming - A projection of visitor numbers has been prepared reflecting the various sources of visitors, including local residents, schools, tourists and events space users. Schools usage is confined to outreach sessions only in this initial phase, primarily as a result of space and capacity constraints. The total projected for the visitor attraction elements (9,063) is broadly comparable with the two local small museums in Staffordshire and given the central location and unique theming, considered achievable in the context.

#### **3a) Merrial Street**

The Merrial Street phase of the Philip Astley Centre will operate as a programmed centre with a small number of external hires throughout the year. Capacity for events is assumed as max of 30 people. All bookings have been timetabled to ensure fit within the trading envelope of Merrial Street.

Classification: NULBC **UNCLASSIFIED**

**Merrial Street consolidated profit and loss**

The **summary profit and loss account** indicates a trading profit before earnings, depreciation and tax in both years.

THE PHILLIP ASTLEY PROJECT		
SUMMARY CONSOLIDATED PROFIT AND LOSS		
	2023	2024
PHASE 1 - MERRIAL STREET	Year 0	Year 1
UPDATED Feb 2023	Pre-opening	
Performance factor	30%	100%
Total annual visitor numbers	3,085	11,560
<b>REVENUE</b>		
Events (retained revenue)	8,170	28,646
In-venue donations	2,478	8,794
Café (retained revenue)	0	0
Friends of/membership	520	1,734
Schools sessions (in-house)	0	0
Schools sessions (outreach)	200	1,200
Gift Aid	2,433	8,112
Fundraising	11,695	38,983
External funding (committed)	50,000	50,000
Retail	4,438	14,883
<b>TOTAL REVENUE</b>	<b>79,935</b>	<b>152,351</b>
<b>EXPENDITURE</b>		
Payroll	16,800	55,330
Fundraiser contract	6,200	15,593
Employment costs	3,024	9,959
Retail cost of sales	1,331	4,465
Education resources	10,000	0
App development/subs	0	905

Classification: NULBC **UNCLASSIFIED**

Training	4,000	1,509
Marketing	15,000	4,024
Security/fire	0	2,012
Volunteer expenses	750	2,515
Facility renewal fund	0	0
Premises costs	6,800	24,345
Office and Services	4,658	11,712
Total Operating Costs	68,563	132,370
Profit/Loss	11,372	19,981

Sensitivity testing was completed by varying the visitor numbers and costs. The results indicated that the project could withstand a downturn of up to 10% in a stabilised year.

### 3b) York Place

The York Place phase of the Philip Astley Centre (Phase 2) opens 1<sup>st</sup> May 2025 and is open for five days a week in a full trading year. The York place proposal is subject to successful proof of concept at Phase 1 and successful negotiation on the terms of occupation at York Place.

- Attendance is projected at around 13.5K per annum for a stabilised year of operation (Year 4, 2029).
- Revenue will be generated from in venue donations, space hires, in-house courses, small donations, retail, fundraising, external funding and education programmes.
- VAT has not been included for the purposes of this model.
- Inflation has been applied to costs and revenue based on projections published by Statista (2022).
- Private hire will be available for the visitor attraction galleries and the classroom space.
- The York Place phase of the Philip Astley Centre will operate as a programmed centre with regular external hires throughout the year.
- Capacity for events is assumed as max of 50 people. All bookings have been timetabled to ensure fit within the trading envelope of York Place.

The **summary profit and loss account** indicates a modest profit before depreciation and tax in every year of operation although this will require a commercial focus on events and catering on behalf of the Astley partnership, as well as a clear focus on external funding opportunities via the fundraiser on top of community fundraising activities.

Classification: NULBC UNCLASSIFIED

THE PHILLIP ASTLEY PROJECT	Move to York Place								Refurbish		
SUMMARY CONSOLIDATED PROFIT AND LOSS	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
PHASE 2 - YORK PLACE	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
UPDATED Feb2023	Pre-opening										
Performance factor	80%	103%	102%	101%	100%	99%	98%	97%	102%	101%	100%
Total annual visitor numbers	10,293	14,012	13,904	13,796	13,689	13,552	13,415	13,278	13,963	13,826	13,689
REVENUE											
Events (retained revenue)	29,864	35,403	35,933	35,862	35,791	35,398	34,656	33,583	34,221	34,666	34,700
In-venue donations (visitor attraction)	7,219	9,313	9,361	9,251	9,141	9,041	8,941	8,841	9,287	9,224	9,141
Café (retained revenue)	30,592	39,544	40,342	39,789	39,240	38,771	38,304	37,838	39,709	39,554	39,240
Friends of/membership	1,681	2,169	2,180	2,155	2,129	2,106	2,082	2,059	2,163	2,148	2,129
Schools sessions (in-house)	4,094	5,292	5,410	5,427	5,432	5,437	5,436	5,429	5,754	5,783	5,806
School sessions (outreach)	1,200	1,202	1,220	1,218	1,216	1,214	1,213	1,212	1,211	1,214	1,216
Gift Aid	8,925	11,491	11,380	11,268	11,157	11,045	10,934	10,822	11,380	11,268	11,157
Fundraising	39,216	39,295	39,963	40,562	41,090	41,583	42,040	42,460	42,843	43,357	43,920
External funding (committed)	0	0	0	0	0	0	0	0	0	0	0
Retail	14,148	18,252	18,382	18,475	18,529	18,564	18,579	18,573	19,706	19,747	19,806
TOTAL REVENUE	136,939	161,962	164,170	164,006	163,725	163,159	162,184	160,817	166,275	166,962	167,115
EXPENDITURE											
Payroll	55,662	55,747	56,471	57,121	57,692	58,227	58,722	59,178	59,592	60,150	60,760
Fundraiser (contractor)	15,687	15,718	15,985	16,225	16,436	16,633	16,816	16,984	17,137	17,343	17,568
Employment costs	10,019	10,039	10,210	10,363	10,498	10,624	10,741	10,848	10,946	11,077	11,221
Retail cost of sales	4,244	4,253	4,325	4,390	4,447	4,500	4,550	4,595	4,637	4,692	4,753
Education resources	0	0	0	0	0	0	0	0	0	0	0
App development/subs	911	913	928	942	954	966	976	986	995	1,007	1,020
Training	1,518	1,521	1,547	1,570	1,591	1,610	1,627	1,644	1,658	1,678	1,700
Marketing	4,048	4,056	4,125	4,187	4,242	4,292	4,340	4,383	4,422	4,476	4,534
Security/fire	0	2,028	2,063	2,094	2,121	2,146	2,170	2,192	2,211	2,238	2,267
Volunteer expenses	2,024	2,535	2,578	2,617	2,651	2,683	2,712	2,739	2,764	2,797	2,834

Classification: NULBC UNCLASSIFIED

Classification: NULBC **UNCLASSIFIED**

Facility renewal fund	2,751	2,756	2,803	2,845	2,882	2,917	2,949	2,979	3,005	3,041	3,081
Premises costs	15,747	24,540	24,957	25,332	25,661	25,969	26,255	26,517	26,756	27,077	27,429
Office and Services	9,581	16,985	17,220	17,423	17,594	17,749	17,887	18,009	18,461	18,624	18,806
Total Operating Costs	122,192	141,092	143,213	145,109	146,769	148,316	149,746	151,054	152,585	154,199	155,974
Profit/Loss	14,747	20,870	20,957	18,897	16,956	14,844	12,439	9,763	13,690	12,763	11,142

Classification: NULBC **UNCLASSIFIED**

This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet**  
**18 April 2023**

**Report Title:** Active Lifestyles Strategy 2023-2028

**Submitted by:** Deputy Chief Executive

**Portfolios:** Leisure, Culture & Heritage

**Ward(s) affected:** All

**Purpose of the Report**

To outline to Cabinet the proposed Active Lifestyles Strategy.

**Recommendation**

That Cabinet approves the Active Lifestyles Strategy 2023-2028 for consultation, and authorises the Deputy Chief Executive, in consultation with the Portfolio Holder for Leisure, Culture & Heritage to finalise and adopt the strategy following the consultation process.

**Reasons**

The Council has an adopted Sport and Active Lifestyle Strategy 2016-26, whilst this strategy is not out of date; there have been a number of changes in the leisure sector, not least the significant impact that Covid has had on individuals' choice of leisure activity. It is therefore considered appropriate that the Cabinet considers consulting on and adopting an updated strategy.

**1. Background**

- 1.1 The Council's Sport and Active Lifestyle Strategy 2016-26 sets out five strategic aims to increase participation, develop sporting pathways, communicate opportunities, support those working and volunteering in sport and maintaining facilities. Whilst these remain important aspects, the Council in partnership with key sporting governing bodies and local delivery companies (many of which are grass roots organisations), should seek to maintain an up to date strategy and actions.
- 1.2 A new Active Lifestyles Strategy is proposed for 2023-2028. This has been drafted to take into account the new Council Plan, changes to the leisure sector post Covid and the current pressures facing all providers with increased cost of living. The benefits of an active lifestyle on health is also increasingly important and the new strategy seeks to recognise this and highlights potential actions to specific target health problems.

## 2. Issues

- 2.1 The strategy will provide the opportunity for the Council, partners, and stakeholders to establish priorities for the next five years. The need for a robust strategy is vital with public sector resources reducing, the need to ensure the commercial operation of services, the Council's aspirations to become carbon neutral by 2030, whilst the needs and expectations of customers and partners remain high. The strategy will also set out how leisure services contribute to the wider picture in terms of the social value of services, the contribution to safer and stronger communities, the environment, and reducing health inequalities in the Borough.
- 2.2 The Leisure Strategy is aligned to other local and national strategies such as, Public Health England "Everybody Active Every Day", Department of Culture Media and Sport "Sporting Future, A new Strategy for an Active Nation", Sport England "Uniting The Movement", together Active (county Sports Partnership) "Step Up, Staffordshire County Councils "Health and Wellbeing Strategy", And the Council's Corporate Plan 2022-26. In accordance with our commitments under the Armed Forces Covenant, it also pledges to explore opportunities to improve access to leisure opportunities for our Armed Forces community and veterans.
- 2.3 The attached Active Lifestyles Strategy sets out the vision 'to provide a range of opportunities for residents to enjoy a more active lifestyle'. This is to reflect that for many people regular competitive sport is an important part of their life but equally there are many residents who live sedentary lifestyles (perhaps as a result of Covid) or with health concerns and that they need encouragement and support to increase their activity.
- 2.4 Over the last few years there have been many notable successes which the Strategy recognises and seeks to build on:
- Delivered the refurbishment and reopening of Kidsgrove Sports Centre. The centre has been transferred to a local trust and is now once again serving the community.
  - Delivered a new BMX Pump Track and new 3G football pitches in Kidsgrove for community use.
  - Delivered improvement to Jubilee 2, including the renewal of all gym equipment and addressing legacy issues concerning build quality, ready to support more residents in achieving their fitness goals. Development of the Wellness Hub with assisted exercise machines to support a range of customers with health needs.
  - Worked in partnership to deliver the Queens Baton Relay events as part of the Commonwealth Games celebrations.
  - Established a robust school swimming service, after the cancellation of the County service.
  - The first Local authority to be Water Wellbeing accredited leading to being a finalist in the Swim England Awards and awards for the Health Impacts of the Good Boost programme.
  - Exercise and mindful movement programme accessible to all set up for the Covid pandemic and now available to local residents and beyond.
  - Installation of the Poolview drowning detection system increasing safety and resulting in revenue savings of circa £60,000 per year.
  - Successful pilot of the long covid programme to deliver health outcomes.
  - GP referral scheme established for the NHS Cardiac Team.
  - Successful delivery of the SPACE programme in partnership with the Police to deliver outcomes relating to anti-social behaviour and youth engagement.
  - Secured funding from the Lawn tennis Association to enhance tennis facilities at Westland's Tennis Centre and Wolstanton Park.



- Improved insight concerning the delivery of services through Sport England's Moving communities platform.

2.5 The proposed Strategy sets out three Aims:

- To enable residents to participate in regular activity, including sports centres, informal sports settings and outdoor space.
- To provide opportunities and targeted support for those with health needs.
- To work in partnership to provide a wide range of quality sustainable leisure and sporting opportunities.

2.6 The document outlines a range of actions to deliver these aims, with the new strategy more specific on the areas the Council is seeking to support improvements with more detailed actions. Some of them are direct services and improvements to the offer at Jubilee 2 and other wider Council assets such as our sporting facilities and parks. Others are the opportunities for active leisure provided by other companies or groups. The borough has a good range of sporting providers from the Community Interest Company running Kidsgrove Leisure Centre, significant groups such as Newcastle Football Club, down to grass roots sport clubs such as Kidsgrove Ski Club and individual run exercise classes like Yoga ran in community centres.

2.7 Wherever possible the strategy is to support sporting clubs to maintain and grow their offer. Working alongside the national sporting bodies is key to ensuring the offer matches local need and the quality expected within the sector.

3. **Proposal**

3.1. That Cabinet approves the Active Lifestyles Strategy 2023-2028 for consultation, and authorises the Deputy Chief Executive, in consultation with the Portfolio Holder for Leisure, Culture & Heritage to finalise and adopt the strategy following the consultation process.

4. **Reasons for Proposed Solution**

4.1 The Council has an adopted Sport and Active Lifestyle Strategy 2016-26, whilst this strategy is not out of date; there has been a number of changes in the leisure sector, not least the significant impact that Covid has had on individual's choice of leisure activity. It is therefore considered appropriate that the Cabinet considers consulting and adopting an up to date strategy.

5. **Options Considered**

Option 1 – Do nothing

5.1 If the Council did not have an up to date Strategy there is a risk that officers / members / partner organisations / residents would not be clear on the Council's priorities and plans.

Option 2 – Members accept this report / Strategy

5.2 This provides clear priorities and actions for the forthcoming years.

6. **Legal and Statutory Implications**

6.1 It is not a statutory requirement for the Council to prepare an Active Lifestyles Strategy though it is good practice to do so.

## 7. **Equality Impact Assessment**

7.1 The Active Lifestyles Strategy is intended to promote the active lifestyles for everyone living and working in the Borough, the provision of the opportunity to exercise on targeted programmes such as Good Boost enable residents to make sustained health benefits when recovering from illnesses. The Council is continuing to work with health professionals to raise the profile of the benefits of exercise and will wherever possible seek health commissioned projects.

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

8.1 This report sets out the strategic direction and actions intended to deliver the objectives of the Council. Where there are new programmes considered or changes to the resources required to deliver action these will be subject to further Cabinet reports for specific consideration of the financial implications. The strategy identifies a number of sporting developments or refurbishments, where these include grant funding from sporting bodies or if the Council awards direct Council funding then the project has or will be considered by Cabinet as appropriate.

## 9. **Major Risks**

9.1 By having a clear up to date Active Lifestyles Strategy the Council aims to minimise the risk that there is objection to the priorities and that when these are subject to separate reports Members can see that they contribute to the overall strategy delivery.

9.2 Individual projects and operation of J2 are subject to their own risk assessments.

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

10.1 This Strategy is intended to ensure that Council seeks to invest and work in partnership to deliver projects that support the wider active lifestyles of residents of the borough. In that respect, the strategy supports the realisation of the following UNSDG objectives:-



## 11. **Key Decision Information**

11.1 The Strategy affects more than 2 wards.

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

12.1 Cabinet 19<sup>th</sup> October 2016

## 13. **List of Appendices**

13.1 Active Lifestyles Strategy

## 14. **Background Papers**

14.1 None

This page is intentionally left blank

## **Newcastle-under-Lyme Active Lifestyles Strategy 2023 to 2028**

### **Foreword**

Being physically active can give a huge boost to our health and wellbeing. We want to work together to ensure people of all ages in our Borough have the opportunity to access informal and organised activity.

The provision of active spaces is not just about providing high quality leisure facilities but spaces in our communities where our residents can enjoy activity. We want to support residents to make choices to actively travel and take part in active leisure. Whether this is walking the dog or taking the children to the playground.

Within the borough there are a wide range of public and private facilities which people can benefit from. We want to work in partnership to ensure these facilities are good quality and residents have the choice of leisure activity. The Council has supported the Community with the reopening of Kidsgrove Sports Centre and is working with a range of sporting groups to utilise our community assets.

We welcome this strategy to outline how we will work with our communities and partners to deliver opportunities.

From Cllr Tagg and Cllr Waring

### **Council Plan**

The Council Plan 2022-2026 sets out the Council's priorities:

- One Council Delivering for Local People
- A Successful and Sustainable Growing Borough
- Healthy, Active and Safe Communities
- Town Centre for All

With one of the outcomes that Everyone has the opportunity to be active, healthy and fulfilled.

We will ensure everyone enjoys a safe environment and access to a wide range of facilities and activities to support and improve their health and quality of life.

Our Successes over the last 4 years have included:

Delivered the refurbishment and reopening of Kidsgrove Sports Centre. The centre has been transferred to a local trust and is now once again serving the community.

Delivered a new BMX Pump Track and new 3G football pitches in Kidsgrove for community use.

Delivered improvement to Jubilee 2, including the renewal of all gym equipment and addressing legacy issues concerning build quality, ready to support more residents in achieving their fitness goals. Development of the Wellness Hub with assisted exercise machines to support a range of customers with health needs.

Worked in partnership to deliver the Queens Baton Relay events as part of the Commonwealth Games celebrations.

Established a robust school swimming service, after the cancellation of the County service.

The first Local authority to be Water Wellbeing accredited leading to being a finalist in Swim England Awards and awards for the Health Impacts of the Good Boost programme.

Exercise and mindful movement programme accessible to all set up for the Covic pandemic and now available to local residents and beyond

Installation of the Poolview drowning detection system increasing safety and resulting in revenue savings of circa £60,000 per year.

Successful pilot of the long covid programme to deliver health outcomes

GP referral scheme established for the NHS Cardiac Team

Successful deliver of the SPACE programme in partnership with the Police to deliver outcomes relating to anti-social behaviour and youth engagement

Secured funding from the Lawn tennis Association to enhance tennis facilities at Westland's Tennis Centre and Wolstanton Park.

Improved insight concerning the delivery of services through Sport England's Moving Communities platform.

## Intro

### Overall Benefits of an active lifestyle

Active leisure involving physical activity delivers health and well-being benefits to the individual. There are many different type of active lifestyles and this strategy seeks to support our residents to take part in activity of their choice to support them having a more healthy lifestyle. It is also recognised that when people are able to have an active lifestyle then they are more likely to have a happier lifestyle.

Regular exercise can reduce the risks of significant health issues including dementia, depression, diabetes and some cancers. It also boosts self-esteem and mood, improves sleep quality and energy levels, reducing the risk of chronic stress.

The impacts of a healthy active lifestyle not only benefit the individual but have wider social economic benefits to employers, and the health sector as a whole.

### Working together

The Council is a direct provider of facilities to support residents to have an active lifestyle, however the provision of centres including gyms, sports halls and informal recreation is also delivered by a wide range of private companies and sporting groups, many of whom are charities or community led.

This strategy sets out ow the Council seeks to increase participation both through direct provision and working together with other organisations.

### Borough Profile

The Borough of Newcastle-under-Lyme is the most northerly part of Staffordshire which includes pockets of severe deprivation. This district covers some 81.5 square miles with a population of 123,399 according to the 2021 census. The main urban areas are Newcastle-under-Lyme and Kidsgrove.

### Key statistics 2021:

Female 51% Male 49%	The largest age band is 40-59 year olds	64.4 % of adults class themselves as physically active	36.7% of year 6 pupils are over weight or obese
69.2% of adults are overweight or obese	Life expectancy females 81.4 males 78.7 years	80.1 % describe their health as either good or very good	20.1% residents class themselves as being disabled

### Some headline facts about sport and physical activity in the Borough.

Nationally Sport England undertakes two surveys per year, Active Lives Adult, (16 years +) and Active Lives Children and Young People (5-16 years), which is published annually. Both give a unique and comprehensive view of how people are getting active at a local and national level. For the borough of Newcastle under Lyme the latest survey identified

### **Children aged 5-16**

#### **Physical activity levels**

- 42.75% are physically active on average for 60 minutes or more per day
- 22.70% are physically active on average for 30-59 minutes per day
- 34.70% are physically active less than 30 minutes per day

#### **Swimming ability**

- 60.41% are able to swim 25 metres unaided

#### **Attitude towards sport and physical activity**

- 74.4% find exercise and sport easy (3- 11 years)
- 80.8% feel confident when they exercise or play sport (3-11 years)
- 100% understand why exercise and sport is good for them (3-11 years)

#### **Volunteering**

- 17.9% have volunteered at a sport club at least twice in the past twelve months

### **Adults 16 years and over**

#### **Participation sport and physical activity**

- 59.5% are physically active for over 150 minutes per week (Active)
- 11.6% are physically active for 30-149 minutes per week (Fairly active)
- 28.8% do less than 30 minutes of physical activity per week (Inactive)

#### **Volunteering in sport**

- 12.8% of the population regularly volunteer in sport

#### **Attitudes and motivation to sport and physical activity**

- 70.11% feel that sport and exercise is enjoyable and satisfying
- 74.10 % feel that sport and exercise is important to them
- 66.4% feel that they have the opportunity to be physically active
- 61.6 % exercise to relax and worry less about things.



## **Strategic Context**

Over the past decade there has been increasing evidence of the benefits that physical activity has on an individual's health and well-being. There is more evidence that in children and young people that take part in regular exercise that there is an improvement in learning attainment, better mental health, and contributes to lower obesity levels. In adults there is evidence that physical activity can have a positive impact on a range of health conditions including coronary heart disease, type 2 diabetes, mental health issues and social isolation. In addition, regular physical activity has other benefits including reducing costs in the health care system, provides wider social benefits for communities, and can have a positive impact on the environment through maximising active travel.

Time, cost and availability are often cited as the main barriers to being active. The council wants to work with partners to create opportunities for all people to be active every day, whether that be weaving incidental activity into our daily lives, taking the opportunity for short trips on foot, by bicycle or on public transport, or doing whatever exercise, dance, leisure or sport we enjoy.

There are differences in the levels of physical activity across the Borough and this is an important determinant of health inequalities. The Council wish to address barriers stopping people accessing leisure provision for residents who would arguably benefit most from becoming more physically active. Along with our partners we need to work to provide an attractive offer in our leisure and sporting centres, maximising memberships for full price payers and supporting those who need concessionary rates or additional support.

### **Links to local and national Strategy,**

To support individuals to become more physically, in 2019 the UK Chief Medical Officer CMO published revised physical activity guidelines:

#### **Under 5s**

Infants less than 1 year: at least 30 minutes of physical activity per day

Toddlers 1-2years/pre-schoolers 3-4 years at least 180 minutes of physical activity per day

#### **Children and young people 5-18 years**

At least sixty minutes of physical activity per day.

#### **Adults 19 years and over**

Up to 150 minutes per day dependent of the degree of intensity

In addition to the CMO Public Health England also recognise the positive impact the physical activity has on an individual's health and well-being. To support this in their strategy a key message was "if we want everyone to be active every day, physical activity needs to be made easy, fun and affordable. To deliver their Vision PHE identified action would be required across three focus areas at a local and national level:

- **Active Society** – changing attitudes so that physical activity becomes the norm
- **Moving professionals** – creating networks to influence/develop/create physical activity opportunities.
- **Active Environments** – creating the right spaces for physical activity

**In Sport England’s Strategy “Uniting the Movement”** identifies that social inequality still today creates barriers to participation in sport and physical activity. To break down some of these barriers and create opportunities for all it is therefore vital that organisations move away from traditional delivery approaches. As part of their strategy Sport England have identified five key issues that need to be addressed:

- **Recover and reinvent** – re-defining how sport and physical activity is provided to meet the needs of all.
- **Connecting communities** – using the energy of sport and physical activity to bring people together.
- **Positive experiences for children and young people** – making sure that physical activity is a fun and encourages lifelong participation
- **Connecting with Health and Wellbeing** – places a great emphasis on the need strengthen connections with health providers.
- **Active Environments** – creating and protecting spaces that make it easy for people to be active.

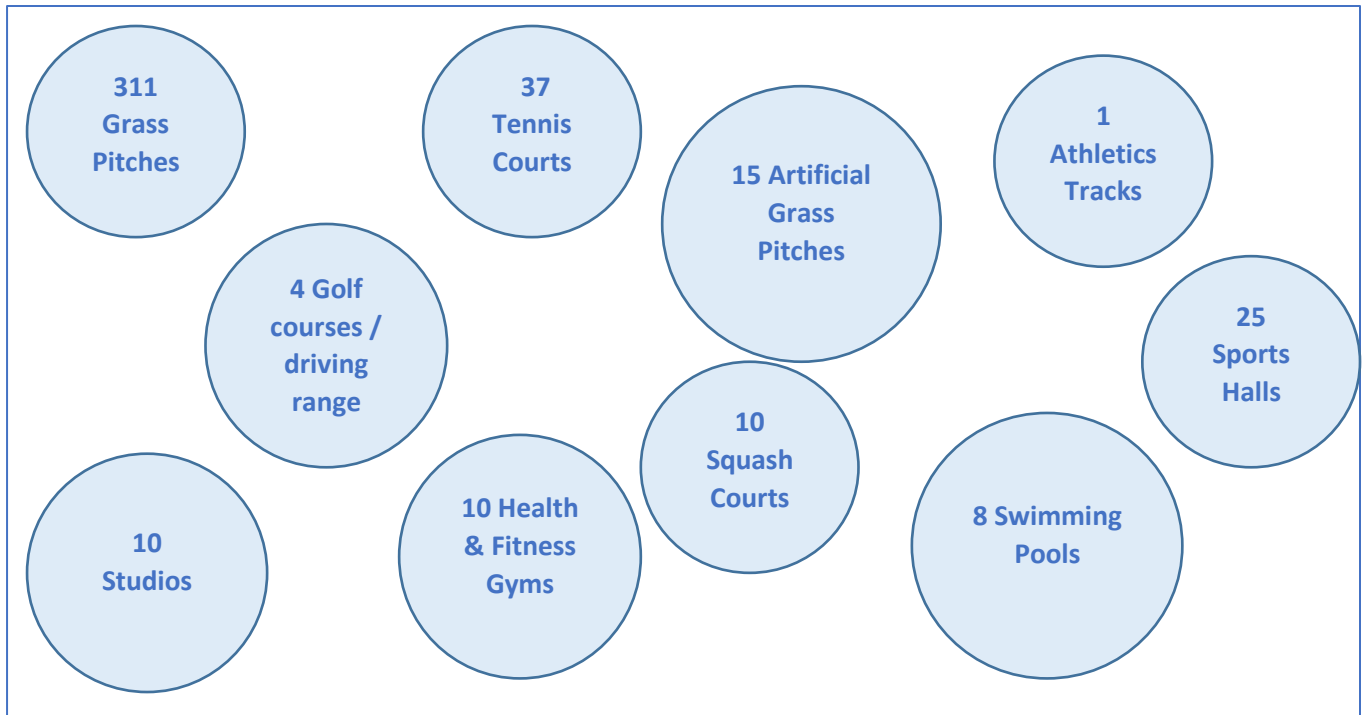
This strategy will work with, enhance, develop and complement existing local strategies, such as the Staffordshire County Councils Health and Wellbeing Strategy 2022-27, and the Councils Open Space, Playing Pitch Strategy, Sport the Arts & Cultural Strategy, Economic Development Strategy, Community Safety, as well as the overarching Council’s Corporate Plan 2022-2026.

This Strategy has been developed with reference to the national and local context with a focus on longer and healthier lives, through sustaining and creating with a focus with partners on delivering physical activity opportunities for all.

As a signatory to the Staffordshire Armed Forces Covenant we also commit through this strategy to working with our armed forces community and partners to identify opportunities to improve access to leisure opportunities for our currently serving and former Armed Forces Personnel and their families.

**Our Offer**

Information on the leisure facilities in the borough (data from Active Places Power 2023 based on open facility meeting their criteria and accessible to the public)



### **Case studies of a few people using our activities**

We seek to provide family centred activity from family swim to parkinsons exercise. Here are a few case studies of our activities / users

When Sally started dancing she was quite a shy child and lacked in confidence. As a parent I have been able to stay with my daughter, thi smade all the difference and the teacher creating a relaxed and friendly atmosphere. The 'pay as you go' structure and not needing to wear specific ballet clothes meant that we could give Sally a go without having to commit to it.

Sally has had the opportunity to take part in some 'mini' showcase demonstrations. She has grown in confidence, so proud of herself and enjoyed the performance. The encouragement she has received from the instructor and the friends that she has made in the class has enabled her to flourish. Seeing her happy and enjoying being physically active and part of a group is fantastic, as a parent, I could not ask for more.

'When I peeped into the studio about 6 years ago, curious to see what the ballet class involved I was cordially welcomed and this was the start of a fascinating journey. I have since gone on to take part in shows at Newcastle College, the Brampton plus public displays in Newcastle-under-Lyme town centre.

The benefits are tremendous – my posture is 100% better. I am stronger and more flexible. At an age when many are slowing down I am learning to dance 'en pointe'. The mix of different dance styles plus the stretch and conditioning classes optimise physical progress.

The mental benefits are also obvious, there is always something new to learn, some progress to be made and something to look forward to.

Six years ago I had never danced in my life, now thanks to the dance programme I cannot imagine my life without dancing.'

Sarah Age 73

A few feedback comments from J2 Wellness Room:

I have been coming to the wellness room for 8 weeks and lost inches off my waist, and reduced my pain in my legs.

I have been exercising in the wellness room equipment and 1 month and have strengthened my muscles in preparation for my hip operation.

I am a member of Jubilee 2 and have Sciatica. I have used the Wellness Room equipment for 3 weeks and can walk better with less pain after exercising.

During my usage of the equipment in the Wellness Room over the last two months, I have increased my leg strength for my daily activities.

I have been using the Wellness Room equipment and I have Fibromyalgia, and on a bad days the machines ease my pain & mobilises my joints. I also have found that it easier to bend down to pick up objects of the floor.

## **Our Vision and Aims**

### **Vision**

To provide a range of opportunities for residents to enjoy a more active lifestyle

### **Aims**

To enable residents to participate in regular activity, including sports centres, informal sports settings and outdoor space.

To provide opportunities and targeted support for those with health needs.

To work in partnership to provide a wide range of quality sustainable leisure and sporting opportunities.

**Aim 1 - To enable residents to participate in regular activity, including sports centres, informal sports settings and outdoor space.**

Continue to review the aquatics offer to maximise the opportunities for more people to benefit from aquatic activities.

Expand the learn to swim programme so that more children and adults have the opportunity to learn the essential life skills and enjoy the activity of swimming

Work with schools to enhance the School Swimming Programme increasing the number of children who can swim 25 metres by year 7

To invest in technology to ensure the operation of the J2 offer not only meets customers' expectations of easy digital access but to also minimise administration costs ensuring staff time is dedicated to supporting customers. This includes improvements to the booking systems and use of livestreaming. Focus to improve the website, introduction of an APP for improved booking and kiosk in reception for efficient quicker access for those able to use it.

Utilising MoveTech through Gladstone membership to give access to live stream and on demand.

Use technology in J2 to promote personal goals and achievements, thus motivating further activity.

Improved communications to promote the health benefits of exercise and the opportunities available in the borough, including the updating of the website and increased social media offer. Recognising the nudge effect of encouraging people to do more activity and the outcome of moderate investment in promotional marketing.

To invest in our staff to have good up to date qualifications and expertise in their field

Actively encourage and engage local residents in dance related activities for a healthy lifestyle and healthy minds

Support local dancers to achieve their goals in the arts

To produce an inclusive dance event performed by local residents in partnership with Newcastle and Stafford College Group to celebrate the 850<sup>th</sup> anniversary of the signing of the charter of Newcastle-under-Lyme.

To promote the use of well-maintained public open space for the leisure use, including the four green outdoor equipment areas of Whitmore, Bathpool, Clough hall and Lyme Valley.

To develop options to utilise open space to support the health and wellbeing of our residents.

To use robust data to inform our future delivery of leisure opportunities.

**Aim 2 - To provide opportunities and targeted support for those with health needs**

To raise awareness of the health benefits of active lifestyles both to the person and to health professionals.

To develop social prescribing pathways with partners ie weight loss programmes.

Promote and develop, both targeted health referrals and self-referrals to our services and general activity / sports.

Promote the use and benefits of the Well Being facilities and the assisted exercise technology.

Review & expand the current range of wellness activities (ie Goodboost) o to maximise the number of residents that can benefit from this.

Delivery of focussed sessions such as Action Arthritis and Escape Pain to give support on the management of health conditions.

Delivery of Bump Boost (Aqua Natal) sessions and promotion through the local maternity teams to ensure pregnant women access targeted sessions.

Investigate opportunities with Keele University to develop/expand exercise pathways and learning opportunities.

**Aim 3 - To work in partnership to provide a wide range of quality sustainable leisure and sporting opportunities.**

To work towards the delivery of carbon efficient facilities at J2, including investment in replacement of equipment such as the solar panels and new investment subject to the business case.

Seek to work in partnership with local providers to promote targeted events that align to national or international events such as Women's World Cup

In supporting residents to have an active lifestyle recognising that walking or cycling as part of their daily travel is beneficial, to work with the County Council to support their programme of Active travel.

To continue to maintain high quality facilities at J2 with the regular replacement of products and equipment.

To support where needed clubs to remain sustainable over this time of challenging cost of living rises, utilising the specialist expertise of the sporting bodies.

Recognising the opportunities that Community Centres provide for individual or smaller operators to provide active and sporting clubs seek to support their continuation through the cost of living challenges.

Seek to work with education providers such as Keele University and Newcastle and Stafford College to develop volunteering and employment pathways for those wanting to enter or enhance their career in leisure.

Develop a Training Programme with Royal Life Saving Society and Swim England to increase the number of local people with these skills able to volunteer and work in the leisure sector

To support local providers to access funding from external sources including sporting bodies to deliver improved facilities so that within the borough there are opportunities for residents to access a wide range of well-maintained sporting and leisure venues. Within the Borough there are a range of schemes currently being planned: new 3G pitch at Roe Lane, new Sports Pavilion at The Whammy, new Pavilion at Madeley White Star Football Club, Tennis refurbishments at Westlands and Wolstanton, possible athletic re-provision at Kidsgrove should the school develop.



Investigate ways to encourage schools to open their facilities to grass roots clubs to enable very local provision of a range of sports including activities such as Badminton, yoga or mindfulness classes.

### **Performance and Management**

As part of the consultation on this draft strategy the Council will seek partner organisations and resident views. This will include further information concerning residents' physical activity characteristics and insight into their opinions. Partner views on how they wish to contribute and engage with the Strategy will also be vital to ensuring the delivery and direction of the strategy.

It is recognised that to maintain and improve and sport and physical opportunities it is important to monitor our performance and manage the overall delivery of the strategy and key actions.

The Council has a range of internal performance indicators for the Council operated services. In addition to these indicators as part of the consultation process views on additional indicators for the overall strategy will be sought.

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Cabinet  
18 April 2023

**Report Title:** Renewal of Microsoft Enterprise Subscription Agreement

**Submitted by:** Head of IT & Digital

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

**Ward(s) affected:** N/A

#### Purpose of the Report

To seek approval to renew the Council's Microsoft Enterprise Subscription Agreement.

#### Recommendation

**That Cabinet:**

- 1- approves renewal of the Microsoft Enterprise Subscription Agreement for a further period of three years, following the completion of due diligence and a procurement exercise, delegating authority to enter into a contract to the Chief Executive in consultation with the Leader of the Council.**
- 2- Notes the savings of c.£200,000.**

#### Reasons

The Council's existing Microsoft Enterprise Subscription Agreement expires in May 2023. The procurement exercise will help to ensure the Council achieves best value amongst its Large Account Resellers. Delegating authority to the Chief Executive in conjunction with the Leader will ensure the Council can react quickly to any opportunities which avoid increased costs, whilst still operating in a transparent and safeguarded way.

#### 1. Background

- 1.1 At present, the Council's Digital and IT service supports over 400 active users, including staff, Councillors, partner organisations and suppliers. The service manages and maintains over 800 digital devices (laptops, thin clients, mobiles/tablets, meeting room equipment etc.), two data centres and 150 servers, providing around the clock access to services which are core to the day-to-day business of the Authority.
- 1.2 Microsoft services and products underpin and provide the backbone for our technology provision.
- 1.3 All Council owned laptop computers and the majority of the Council's servers use the Microsoft operating system, Windows.

1.4 In order to legally use Microsoft products, the Council must ensure that it has the correct types and number of licenses in place. To ensure compliance with licencing requirements, the Council purchases and maintains its Microsoft obligations through an Enterprise Subscription Agreement, provided by a certified Microsoft Reseller. The agreements are typically procured through Crown Commercial Services, which allows the Council to access software at discounted rates.

1.5 The Council's current Enterprise Subscription Agreement expires in May 2023 and this report outlines the options available to the Council to procure a suitable replacement.

## 2. **Issues**

2.1 Our Microsoft Enterprise Subscription Agreement (ESA) expires on 30 May 2023. As a result, when the agreement expires, we will no longer be able to legally use the associated applications, systems and services as provided by Microsoft. There are therefore limited options available to the Council without inflicting serious disruption to services.

2.2 A number of applications and systems require the Microsoft environment and systems to operate correctly. If the Council were to opt to move away from the Microsoft 'ecosystem' then a considerable discovery exercise would be required to understand the full impact of this change.

2.3 The Council operates a heavily virtualised environment, meaning a small number of physical machines run a much larger number of virtual machines. Our ESA provides 'maximisation rights' which allow the Council to run as many virtual servers and databases as required, simply by licensing the underlying physical infrastructure. To do this without an ESA would be extremely expensive, as each virtual server would require separate licensing arrangements.

2.4 When the Council last renewed its ESA in 2019, we were able to 'lock' pricing for the period of the agreement. This is standard practice as part of an ESA. However, as this agreement has now expired, the pricing of Microsoft services has increased. Alongside this, there is a 9% increase on all Microsoft services as of 1 April 2023.

2.5 For a number of years, Microsoft have been pushing its customers towards cloud-based provisions. The Council's digital strategy now reaffirms this focus and direction. Our previous ESA agreements have not been cloud-optimised which has presented some challenges in our ability to make full use of Microsoft cloud solutions and applications i.e. PowerBi.

2.6 ESA agreements allow for the in-term addition of licences and software. However, this flexibility also makes it easy to miss-licence by using 'add-on' products, rather than making use of a higher level of licencing.

2.7 An example of this is the Microsoft 365 E3 licence which is currently used for Staff accounts. During our last ESA, there were requirements for PowerBi and additional security features for which the relevant 'add-on' products were purchased alongside the E3 licence.

2.8 As the requirements develop, there becomes an economic 'tipping point' for cost efficiency where a series of add-on style products are no longer economically beneficial as compared to purchasing the higher level of licence (i.e. E5).

### 3. **Proposal**

3.1 It is proposed that the Microsoft Enterprise Subscription Agreement is renewed by undertaking the following steps:

3.2 Microsoft offers multiple types of volume licensing agreements, within which there are multiple license types and terms. Each of these agreements are tailored to meet a specific market and need and choosing the right combination can mean the difference between achieving best value and significantly overpaying for a prolonged period.

3.3 The Council's Large Account Reseller, Phoenix, as the authorised and accredited Microsoft licencing partner will ensure that our Microsoft ESA agreement is the most suitable agreement type for the Council's needs. This in line with Microsoft's recommendations and requirements as defined by the Council.

3.4 The value of the Council's Microsoft commitments is considerable. During the previous contract between 2020 and 2023, the Council spent in excess of £400,000 on Microsoft licencing.

3.5 To ensure compliance and economic best value, IT have undertaken a Crown Commercial Services procurement exercise under reference RM6068 and lot NFC157. The successful tenderer was Phoenix Software having been identified as most economically advantageous tender in accordance with the evaluation criteria, as set by CCS.

3.6 It is proposed that authority be delegated to Chief Executive to execute a contract with Phoenix Software, in consultation with the Leader of the Council.

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

4.1 We are now at the economic 'tipping point' between the utilisation of base licencing supplemented by add-on products vs upgrading our per-user licencing to the higher level (i.e. E5). However, caution has been taken as to not over-licence users for products/features which are not required during the ESA term. Therefore, not all user accounts will require the highest level of licencing and can make use of a lower level of licencing type.

4.2 IT have undertaken a review of all user accounts active within our tenancy and reviewed the requirements of the user account. This exercise has allowed us to reduce our 'high level' licencing types, where instead we can make use of a lower licence type.

4.3 An example of this is frontline staff (Streetscene, Recycling) where they were previously issued with an E3 or E1 licence. Following discussions with our Microsoft partner, the proposed solution would be to move these users to an F3 licence. This is a licence designed specifically for frontline staff who utilise tablet or shared laptop/desktop devices.

- 4.4 This change would be a 'backend' change which will have limited impact on end-users, however, will provide considerable savings per user/year.
- 4.5 The feature set provided within the E5 style of licencing contains all 'add-on' products that the Council had purchased alongside our E3 licence, alongside a number of other key features that the Council will make use of over the term of the agreement.
- 4.5.1 **Microsoft Intune** – As the Council continue to move towards cloud delivered services, we will make use of the latest technology for device management, Intune. The Council already make use of Intune for mobile device management and over the period of the next six months will look to make use of Intune. This will be in conjunction with a project to upgrade devices to Windows 11.
- 4.5.2 **Defender** – The Council will look to migrate our anti-virus, email and device threat protection over to Microsoft Defender, away from our current provider, Sophos. At the end of the existing contract for Sophos, this will provide savings of around £16,000 per/annum.
- 4.5.3 **Teams Telephony** – The E5 licence will provide the Council with the base licence for Teams telephony. Whilst this will need to be complimented with a call plan, this licence provides the Council with options towards migrating to a modern, unified-communications platform in the future.
- 4.5.4 **PowerBI** – The E5 will provide access to PowerBi, Microsoft's Data and Analytics tool. The council currently makes limited use of this product, this is mainly due to the additional 'add-on' costs incurred as part of our current licencing.
- 4.5.5 **Security** – The licence will allow the Council to make use of additional security toolsets, such as Application Guard, Safe Documents, Risk-based access control and zero trust security models. The setup and configuration of these toolsets will be part of future Capital projects.
- 4.5.6 **Compliance** – The licence will allow the Council to make use of the full toolset for data compliance, including features such as sensitivity labels, information protection, retention, subject access requests etc. This will compliment future capital projects to migrate the Council's data into SharePoint.
- 4.6 To support organisations with their move to the Cloud and the higher level of user licencing, Microsoft makes available a 'RAMP'. The RAMP allows organisations from day one of their agreement to have access to the E5 feature and product set. However, Microsoft understands that many organisations will not be able to utilise this full feature set from day one and will therefore be unable to gain best value of the investment.
- 4.7 Microsoft therefore provides a ramped approach to licencing costs where in years one and two the costs are heavily discounted in line with organisations beginning to make use of the available features. This provides a more cost-effective way of upgrading to the higher licencing model.

4.8 The user account review has enabled the Council to perform a comprehensive review of our licencing estate, this combined with the availability of the RAMP will allow us to make a level of cost-saving. The estimated value of the ESA prior to the user review, licence upgrade and RAMP was £202,532.35 (year 1) then £210,125.43 (years 2 and 3).

4.9 Due to the value of the Contact the Council's standing orders mandate conducting a procurement exercise. The Crown Commercial Services framework RM6068, lot NFC157 has allowed the Council to undertake a competitive tendering exercise and maximise our value for money return.

## 5. **Options Considered**

### **Option 1: Do Nothing**

5.1 The Council could allow its ESA to lapse but this would mean the authority would no longer be able to use its ICT. Our laptop, server and systems infrastructure are underpinned by Microsoft products. Without these systems, the Council would not be able to conduct its day-to-day business for any significant length of time.

5.2 If the Council were to continue using its ICT infrastructure unlicensed, it would be subject to significant legal action. Representatives of the Federation against Software Theft (FAST) would also be entitled to remove any (and all) unlicensed equipment from the organisation, resulting in further costs, loss of data and significant reputational damage.

### **Option 2: Renew ESA**

5.3 The adoption of Cloud services across both the public and private sectors have rapidly accelerated. As part of our Cloud First strategy and the One-Council programme, we are actively migrating services and applications to the 'Cloud' to realise efficiencies.

5.4 However, due to the current licencing method (existing ESA and Microsoft Product set available at the time), maximising the use of any new Microsoft cloud technologies (PowerBi, Project, Remote Access, Security, Compliance etc) is proving to be a costly exercise. This is because the licence available at the time is now deemed to be a base-level product which requires 'add-ons' in order to gain access to additional features and technologies.

5.5 As part of our renewal, we have worked with our Microsoft licencing partner to ensure that our new licencing provides us with a platform to consolidate tools and maximise the use of the Microsoft product set, with limited requirements for additional costly 'add-ons'. This will also allow for the realisation of cost-savings and time efficiencies, alongside maximisation of the toolset through full product and feature utilisation.

5.6 It is worth noting that moving our services to the cloud is not an alternative to holding an ESA. Cloud systems and infrastructure still require the Council to obtain and license Microsoft products and cloud productivity software. For example, a Microsoft licence will be required for the laptop computer to access the cloud applications, as

well as emails and Microsoft Teams. As such, cloud services must be considered as a complement to our ESA, not a replacement.

### **Option 3: Move to Open Source**

5.7 For many years, open-source software has promised an alternative to the effective monopolies of major software providers such as Microsoft and Oracle. In some spaces this has been extremely successful, particularly new, “as-a-service” cloud systems that have been designed from the ground up to use open-source solutions such as Linux, Apache and MySQL (to name but a few).

5.8 The Council uses open-source software wherever possible but the vast majority of our line of business applications (including cloud systems and applications) still require Microsoft products to function effectively and efficiently. Where systems are integrated with productivity tools, these are typically Microsoft Office products.

5.9 The migration to open-source solutions would encounter significant costs, as replacements would need to be sources for communication (emails, telephony, internal comms), resources (file storage, sharing), security (anti-virus, phishing, threat protection and reporting) and applications (replacement of line of business applications that require Microsoft servers, operating systems and services to function).

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

6.1 Data Protection Legislation requires the Council to take every reasonable technical precaution to protect the personal information that it processes. Keeping software up to date is a well-recognised and accepted method of reducing the risk of a cyber-related incident and a key activity identified by the National Centre for Cyber Security.

6.2 Having a valid ESA in place will ensure that the Council continues to have access to the latest Microsoft software and security updates, which is essential given that the majority of the world’s malware targets Microsoft based products. This trend is not because Microsoft make inherently insecure products, it’s simply because of numbers; more of the world’s computers run Microsoft software than anything else.

6.3 The use of the stated frameworks is a complaint procurement solution.

## **7. Equality Impact Assessment**

7.1 No adverse impact has been identified as a result of delivering this proposal.

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

8.1 The costs below outline how much the authority would be required to pay to renew its ESA under the Microsoft RAMP. The table also sets out the non-ramp and ‘as-is’ renewal costings for comparison.



### RAMP

<u>ITEM</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	
MICROSOFT 365 E5	£83,019.69	£92,075.36	£102,649.68	
MICROSOFT 365 F3	£7,209.00	£7,489.80	£7,489.80	
MICROSOFT PROJECT	£2,699.40	£2,699.40	£2,699.40	
MICROSOFT VISIO	£417.84	£417.84	£417.84	
MICROSOFT REMOTE ACCESS	£1,012.52	£999.94	£999.94	
MICROSOFT SQL SERVER	£49,737.38	£50,445.14	£50,445.14	
				<b><u>Total Cost of ESA</u></b>
<b>YEAR TOTAL (WITH RAMP)</b>	<b>£144,095.83</b>	<b>£154,127.48</b>	<b>£164,701.80</b>	<b>£462,925.10</b>
<b>YEAR TOTAL (WITHOUT RAMP)</b>	<b>£166,847.71</b>	<b>£168,088.90</b>	<b>£168,088.90</b>	£503,025.51
<b>YEAR TOTAL (RENEW ESA AS PER LAST AGREEMENT)</b>	<b>£202,532.25</b>	<b>£210,125.43</b>	<b>£210,125.43</b>	£622,783.10
<b>SOPHOS ANTI-VIRUS CLIENT (SAVING UPON NON-RENEWAL)</b>	<b>£16,000.00</b>	<b>£16,000.00</b>	<b>£16,000.00</b>	
				<b><u>Total Saving</u></b>
<b>COST-SAVING (RAMP VS LAST ESA+SOPHOS)</b>	<b>£74,436.43</b>	<b>£71,997.95</b>	<b>£61,423.63</b>	£207,858.00

- 8.2 The costs shown above are per year. The total value of the ESA over its term is estimated to be over £460,000.
- 8.3 The ESA costs are covered from ICT's main revenue budget.
- 8.4 An ESA is a three-year commitment, however at each anniversary point (every 12 months) there is an opportunity to review the current licencing requirements in line with organisational requirements.
- 8.5 It will be noted that the availability of the RAMP and the user account and licencing review has presented the Council with a level of cost-saving, particularly within years one and two.
- 8.6 It is recommended that this cost-saving be used to offset the procurement of the additional cyber security software and monitoring solutions to support the security and resilience of the Council. Alongside this, in order for the council to make full use of the toolset available within the E5 licence, there will be elements of third-party configuration and support which could attract costs. Both of which will be presented by way of a paper to ensure the full range of options have been considered.

## 9. Major Risks

9.1 A risk profile has been completed with documented consequences and control measures (Appendix 1).

9.2 The main risks identified include:

- Failure to renew our ESA resulting in legal action by Microsoft and significant operational disruption
- Limitations on the Council's virtual server infrastructure and additional expense caused by lapsed software assurance
- Inability to utilise new technology and applications, undermining the Council's Digital Strategy

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

10.1 It is considered that the proposal will contribute towards the following UNSDGs



## 11. **Key Decision Information**

11.1 The overall contract value will be a revenue commitment in excess of £100,000 and as such is considered as a key decision

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

12.1 [January 2019 – Cabinet](#) – Renewal of Microsoft Enterprise Agreement

12.2 [March 2017, Cabinet](#) – Renewal Options for Microsoft Enterprise Agreement

12.3 March 2014, Cabinet – Renewal of Microsoft Software Licensing Agreement

## 13. **List of Appendices**

13.1 Appendix 1 – Microsoft Enterprise Agreement Risk Profile.

## 14. **Background Papers**

14.1 None

Microsoft Enterprise Agreement – Risks and Outcomes

Risk Title	<b>Failure to renew the Council’s Enterprise Agreement and Software Assurance</b>
Description	<p>The Council’s Microsoft Software estate is currently procured through an “Enterprise Agreement” – which entitles the Council to a pre-set discount level on all Microsoft products. These rates were negotiated by the Crown Commercial Services and represent the best value for money achievable. As part of this agreement, the Council also subscribes to Software Assurance – a benefits program designed to increase usability and develop the use of Microsoft applications within an organisation.</p> <p>The Council’s current agreement is due to expire in May 2023. At the termination of this contract either:</p> <p>a) a new Enterprise Agreement will be entered into  b) the Council will not renew the enterprise agreement and will cease to use Microsoft products and services.</p> <p>Should Cabinet or EMT decide not to renew the Councils Enterprise Agreement and Software Assurance contract, there will be considerable consequences.</p>
Consequences	<ul style="list-style-type: none"> <li>• Significant disruption to corporate operations and communications, including the inability to use laptops, desktops, Microsoft 365 services (Outlook, Teams, SharePoint etc) and all applications, systems and services delivered by our data centres.</li> <li>• Immediate capital investment to procure required Microsoft Licences due to loss of Software Assurance benefits (well in excess of £100,000).</li> <li>• Possible legal action from Microsoft if sufficient licensing cannot be proven.</li> <li>• Certainty of Audit by Microsoft and members of the Federation Against Software Theft – no prior notice is required and if sufficient licensing cannot be proven, any and all unlicensed computers can legally be removed from the Council’s premises.</li> <li>• Ongoing financial commitment required to facilitate introduction of new systems and licencing.</li> <li>• Loss of Software Assurance benefits such as training, home use programme, technical support, roaming rights, software updates and roaming use rights.</li> <li>• Direct impact on all service areas.</li> <li>• High threat to PSN and infrastructure due to unpatched and unsupported operating systems.</li> </ul>
Impact Before	High
Likelihood	Medium
Control Measures	<ul style="list-style-type: none"> <li>• Timely report to EMT and Cabinet seeking approval to enter into a new agreement, outlining estimated costs and full consequences of options.</li> <li>• A procurement exercise to ensure best value.</li> <li>• Continuous software auditing and modelling to ensure immediate liabilities are known should agreement not be reached.</li> <li>• Outline to EMT and Cabinet the importance of reaching an agreement and the consequences of not renewing in the longer term.</li> </ul>
Final Impact	Low

Risk Title	<b>Limitations on the Council’s virtual server infrastructure and additional expense caused by lapsed software assurance</b>
Description	<p>The Council’s Microsoft Software Assurance agreement has many benefits which include:</p> <ul style="list-style-type: none"> <li>• Access to software updates;</li> <li>• Roaming use rights (to support home working and DR);</li> <li>• Unlimited “server use” rights for particular applications;</li> <li>• Software Mobility;</li> <li>• Free Microsoft Technical Consultancy for new products; and</li> <li>• End of Year True Up and True Down.</li> </ul> <p>Should Cabinet or EMT decide not to renew the Councils Software Assurance contract, there will be considerable consequences.</p>
Consequences	<ul style="list-style-type: none"> <li>• Significant disruption to corporate operations and communications, including the inability to use laptops, desktops, Microsoft 365 services (Outlook, Teams, SharePoint etc) and all applications, systems and services delivered by our data centres.</li> <li>• Immediate capital investment to procure required Microsoft Licences due to loss of Software Assurance benefits (well in excess of £100,000).</li> <li>• Possible legal action from Microsoft if sufficient licensing cannot be proven.</li> <li>• Certainty of Audit by Microsoft and members of the Federation Against Software Theft – no prior notice is required and if sufficient licensing cannot be proven, any and all unlicensed computers can legally be removed from the Council’s premises.</li> <li>• Ongoing financial commitment required to facilitate introduction of new systems and licencing.</li> <li>• Loss of Software Assurance benefits such as training, home use programme, technical support, roaming rights, software updates and roaming use rights.</li> <li>• Direct impact on all service areas.</li> <li>• High threat to PSN and infrastructure due to unpatched and unsupported operating systems.</li> <li>• Inability to train staff on how to use Microsoft Products.</li> <li>• Inability to sufficiently train technical ICT staff on specialist applications.</li> <li>• Inability to develop our Microsoft investment.</li> <li>• Possible threat to PSN.</li> </ul>
Impact Before	High
Likelihood	High
Control Measures	<ul style="list-style-type: none"> <li>• Timely report to EMT and Cabinet seeking approval to enter into a new agreement, outlining estimated costs and full consequences of options.</li> <li>• A procurement exercise to ensure best value.</li> <li>• Continuous software auditing and modelling to ensure immediate liabilities are known should agreement not be reached.</li> <li>• Outline to EMT and Cabinet the importance of reaching an agreement and the consequences of not renewing in the longer term.</li> </ul>
Final Impact	Low

Risk Title	<b>Inability to utilise new technology and applications, undermining the Council's Digital Strategy</b>
Description	<p>The Council's Microsoft Software estate is currently procured through an "Enterprise Agreement" – which entitles the Council to a pre-set discount level on all Microsoft products.</p> <p>The proposed renewal of the Enterprise Agreement utilises a RAMP which allows organisations to obtain high-level, feature-rich Microsoft product sets at a reduced rate. This is as Microsoft understand that the full feature-set will not be used from day one.</p> <p>Previously, the barrier to the success of some projects has been the requirement to procure additional features and functionality.</p> <p>Should Cabinet or EMT decide to renew the Councils Enterprise Agreement, there will be consequences.</p>
Consequences	<ul style="list-style-type: none"> <li>• Failure to make use of the available feature and toolset.</li> <li>• Greater financial implications will be felt if the Council is required to introduce technology that requires a newer version of software than we are currently licensed for.</li> <li>• Project timescales and costings will be increased.</li> <li>• ICT's ability to rapidly deploy new technology and software will be reduced.</li> <li>• The Council will not be able to take advantage of the latest software versions.</li> <li>• The Council may not be licensed appropriately for existing software once Software Assurance benefits are removed (i.e. limits on SQL Server usage are introduced).</li> </ul>
Impact Before	Medium
Likelihood	Medium
Control Measures	<ul style="list-style-type: none"> <li>• Timely report to EMT and Cabinet seeking approval to enter into a new agreement, outlining estimated costs and full consequences of options.</li> <li>• A procurement exercise to ensure best value.</li> <li>• Continuous software auditing and modelling to ensure immediate liabilities are known should agreement not be reached.</li> <li>• Utilising the highest feature-rich Microsoft licence which will allow for future scope and corporate requirements. Whilst making use of the RAMP to offset the initial investment to this licence type.</li> <li>• A continuous review of available features and products, working alongside our Microsoft partner to ensure maximisation of the available feature and product-set.</li> <li>• Outline to EMT and Cabinet the importance of reaching an agreement and the consequences of not renewing in the longer term.</li> </ul>
Final Impact	Low

This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet**  
**18 April 2023**

**Report Title:** Procurement of Fuel

**Submitted by:** Executive Director of Sustainable Environment

**Portfolios:** Recycling & Environment

**Ward(s) affected:** All

**Purpose of the Report**

To ask cabinet for authority to utilise a number of different procurement options for the purchase of fuel for the Councils vehicle and plant fleet. Fuel purchased includes White Diesel, and Hydrotreated Vegetable Oil (HVO) which the Council now uses in a large number of its waste and streetscene service vehicles.

**Recommendation**

**That**

- 1. Cabinet approve the procurement process including 'spot market' purchasing for White Diesel and Hydrotreated Vegetable Oil (HVO) for use in the Councils vehicle and plant fleet.**

**Reasons**

- The Council purchases around 400,000 litres of fuel each year, traditionally white diesel. Diesel is procured from existing agreed procurement frameworks, such as CERTAS and ESPO. The Council is now using Hydrotreated Vegetable Oil (HVO) in a large part of its fleet following approval for its use by Cabinet in September 2022. Supply of HVO is not as widely available as traditional white diesel, and is not currently available on any procurement frameworks.
- The market for fuel can be volatile, and has been especially so over the last twelve months, with the war in Ukraine and other factors affecting global supplies. Wholesale prices can and do fluctuate on a daily basis, therefore the ability to purchase fuel on the spot market can be advantageous from a financial perspective.

**1. Background**

- 1.1 The Council has four fuel tanks, which total 36,000 litres capacity, providing enough supply for the Council's fleet and plant to operate for around ten weeks. With the use of HVO now becoming mainstream as well as traditional white diesel, one of the tanks has now been designated for HVO, with a second switching over to HVO during April.

- 1.2 The Council has traditionally purchased its fuel (white diesel) via CERTAS as part of a national contract for the public sector.
- 1.3 ESPO another framework the Council uses for various supplies and contracts also has a framework for fuel, “ESPO – Liquid Fuels 301\_22 Framework Fuel Prices”.
- 1.4 Updated prices from both frameworks are received on a weekly basis.
- 1.5 Use of HVO fuel was approved by Cabinet in September 2022, and is now in use for all vehicles capable of running on it without modification.
- 1.6 If supplies of HVO become difficult, vehicles can easily swap back to using white diesel, and the two fuels can be mixed in storage tanks if required, although the preference is to keep them separate, so that vehicles and plant which cannot run on HVO, are not fuelled with it inadvertently.

## 2. **Issues**

- 2.1 While the benefits in using HVO fuel in reducing emissions are evident, the cost is significantly dearer than white diesel, averaging around 40 to 50p a litre more expensive, and it is showing the same signs of price volatility in the market as is being experienced with regular petrol and diesel, even though HVO is not crude oil based.
- 2.2 HVO is not readily available on traditional procurement frameworks for fuel supplies, and doesn't necessarily follow market price indices for traditional fuel, as it's not oil based, but none the less travels through fuel supply terminal infrastructure.
- 2.3 Orders for HVO have been procured through ringing suppliers, some local, to obtain the best price. Thus far a local company BD fuels have been the most competitive.

## 3. **Proposal**

- 3.1 For the purchase of white diesel it is proposed to continue using existing national frameworks, all be it that the volume of diesel will be only around 30% of what has been purchased traditionally due to the introduction of HVO.
- 3.2 For the purchase of HVO fuel it is proposed to obtain the best price through purchasing on the spot market. This will involve the Fleet Stores Officer and Fleet technical officer contacting a list of suppliers, both national and local, to obtain the best price. Each time HVO needs to be purchased, at least three quotes will be obtained in writing (by email) from suppliers. The supplier who is able to offer the best price, with guaranteed delivery, will be given the order.
- 3.3 Over the next twelve months, and more suppliers of HVO are identified, it is proposed to formulate an agreed 'select list' of suppliers from whom quotes can be obtained. Additionally, as the use of HVO fuel increases, frameworks such as the ones currently used by the Council will start listing it as a commodity for supply.



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

4.1 As HVO fuel is not currently available for purchase through agreed procurement frameworks, there is no other option but agree a formal procurement process for the purchase of HVO than purchasing on the spot market using an agreed quotation process, as outlined in section 3.

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

5.1 Due to the nature of the current purchase arrangements for HVO, there are no alternative options for its purchase, other than ceasing to use it, which would impact negatively on the Councils need to reach its Net Zero target for Carbon Dioxide emissions by 2030.

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

6.1 The use of the CERTAS and ESPO frameworks for the purchase of fuel, offers a compliant procurement process in line with Public Contract Regulations 2015.

6.2 Regularity and Assurance Compliance is established as part of the methodology set out in the proposals, section 3, for the purchase of HVO.

#### 7. **Equality Impact Assessment**

7.1 An equality impact assessment is not required as part of this report.

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

8.1 Over the last twelve months approximately £560,000 has been spent on fuel. An additional budget allowance has been made for the purchase of HVO fuel following Cabinet approval in September 2022.

8.2 Based on projections, HVO fuel will make up around 70% of the Councils total fuel purchase moving forward.

#### 9. **Major Risks**

9.1 The use of a compliant framework agreement to procure supplies minimises possible procurement challenges.

9.2 Not being able to use compliant frameworks, due to the supply of goods not being listed on them, requires an alternative agreed method of procurement, with adequate controls in place given the high value of expenditure on fuel.

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

10.1 The procurement of fuel, especially that of HVO, will support the Councils target for being net zero for its own operations by 2030, as well as delivery of the following UNSDG:



11. **Key Decision Information**

11.1 This is a key decision as revenue expenditure for the purchase of fuel over a twelve month period will exceed £250,000 revenue.

12. **Earlier Cabinet/Committee Resolutions**

12.1 There are no earlier Cabinet/Committee Resolutions.

13. **List of Appendices**

13.1 There are no appendices.

14. **Background Papers**

14.1 There are no background papers.



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet  
18 April 2023**

**Report Title:** Unit 1 – 18 Brampton Sidings Roof works

**Submitted by:** Deputy Chief Executive

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

**Ward(s) affected:** May Bank & Town Wards

**Purpose of the Report**

To request approval to award a contract in excess of £250,000 for the over-cladding works to the existing profiled asbestos cement roof of Brampton Sidings Industrial Units.

**Recommendation**

That Cabinet authorise the award of contract for roofing works at Brampton Sidings to Total Roofing Solutions and Building Services Ltd of £255,823 for Brampton Sidings roof works.

**Reasons**

Funding for Brampton Sidings roof of £250,000 has been identified in the 2022/2023 Capital Budget which was approved by Council as part of the budget setting process in February 2022. The budget allocation was put in place to plan for works due to leakage of the Industrial Units roofs, identified in the Stock Condition Review of 2017-2018 and re-Review of the SCR in December 2020, in order to replace end of life exposed building fabric.

**1. Background**

- 1.1 As part of a nationally advertised open tender procurement process, the Borough Council invited suitably qualified companies to provide a schedule of prices for the over-cladding to existing profile sheet roof to Units 1 – 18 of Brampton Sidings Workshops.
- 1.2 The need for over-cladding works follows a recent inspection of roof leaks and identification of urgent works to address the issue. Funding for the works having been identified in the Council's Capital Works Programme.
- 1.3 The works to Brampton Sidings Roof includes:
  - a. Cleaning of the existing profile roof of moss;
  - b. Installation of a vapour control membrane;
  - c. Installation of galvanised steel sub-frame supporting system;
  - d. Installation of Glass fibre Insulation system with thermal properties of 0.04w/mk;
  - e. Installation of new metal roofing sheet;
  - f. Replacement of all timber fascia boards with aluminium colour coated boards;
  - g. Replacement of all rainwater goods.

## 2. **Issues**

- 2.1 To do nothing was not an option, as this would lead to further deterioration of the roof and severely impact on tenants who have been complaining of the roof leaks.
- 2.2 As part of the procurement process, there were 8 listed interested parties and 5 parties that withdrew an interest. On the closing date for the bids to be received:
- 2 compliant submissions were received;
  - 2 bids of alternative specification were received with one of the bidders subsequently withdrawing.
- 2.3 The bids were evaluated on the basis of the most economically advantageous tender (40% Commercial and 60% Quality), the outcome of the evaluation can be found below:

<b>Company</b>	<b>Commercial</b>	<b>Quality</b>	<b>Total MEAT Score</b>
Bidder 'A'	Withdrawn		
Bidder 'B'	26.72	48.90	69.47
Bidder 'C'	33.10	60.00	93.10
Bidder 'D'	40.00	43.94	83.94

- 2.4 Bidder C (Total Roofing Solutions and Buildings Services Limited) with the highest score of 93.10 is the successful bidder.

## 3. **Proposal**

- 3.1 That Cabinet authorise the award of contract for roofing works at Brampton Sidings to Total Roofing Solutions and Building Services Ltd of £255,823 for Brampton Sidings Industrial Units roof works.
- 3.2 Payments are at the end of each month based on measured completed works, signed off as interim certificates to JCT procedure. The defects liability period is 12 months under Contract. The contract will be signed under Seal, with (Contract) Limitation Act 1980, therefore applicable for any subsequent Patent or Latent defects.
- 3.3 The Contracting process will be via a JCT Minor Works Building Contract 2016 and the Contract Administrator will be Professionally Registered parties already appointed for the tender process etc. by the Employer. The Employer under Contract, being the Council.

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

- 4.1 Funding for Brampton Sidings roof of £250,000 has been identified in the 2022/2023 Capital Budget which was approved by Council as part of the budget setting process in February 2022. The budget allocation was put in place to plan for works due to defects and Stock Condition aspects of such Industrial Units roofs, but particularly identified in the Stock Condition Review of 2017-2018 and re-Review of the SCR in December 2020. In intending to replace end of life exposed building fabric, your Officers believe that the proposal submitted by the winning bidder provides value for money and relevant guarantees for the roof specification in order to provide a further minimum lifespan of 25 Years.

## 5. **Options Considered**

5.1 Doing nothing is not an option, due to roof leaks water ingress into most of the Industrial Units. This is predicated by the need to avoid patch repairs, which are not backed by installation guarantees or Contract Works performance specifications of the whole roofs and associated elements. The avoidance of loss of income from such Tenancies at Brampton Sidings being a key factor.

5.2 Alternate options had been considered on a risk analysis basis. Such as: phased or partial re-roofs (found not to be cost effective to do so, due to the phased and intermittent disruption to various parts of the campus, including Tenant operations); to avoid relocating Tenants permanently or temporarily (especially if the existing roofs had to be completely removed) and a lessons learnt from the recent success of Croft Road Industrial Units overclad re-roof undertaken in 2022 [27 units there, 18 units at Brampton Sidings]. Totally removing all existing roofing products would entail an extraordinary amount of detail, care and attention during site works (the relative risks of working with such un-licensed existing roofing products) – and it being safer to manage the risk by over-cladding, as recently successfully achieved with slightly different existing roofing products at the Council's Croft Rd Industrial Units.

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

6.1 The preferred solution offers compliance with internal governance procedures (Financial Regulations and Contract Procedure Rules) and Public Contract Regulations (PCR) 2015. This Compliance has been delivered in line with such Public Contract Regulations as part of an open market procurement and subsequent published award notice.

6.2 The form of contract will be via a JCT Minor Works Building Contract 2016.

## 7. **Equality Impact Assessment**

7.1 There are no identified equality issues as part of this procurement and award process

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

8.1 The value of the successful bidder's proposal is £255,823.00, which is the Contract Sum.

8.2 A contingency sum of £25,000 being in the region of 10% of the Contract Sum is required due to the nature of the works to cover for any variations that may arise. This is to be treated separately as a Client Side Risk, to be expended in case of occurrence as a Client Side Risk, but managed by the Employer and Contract Administrator under the Terms of the JCT Contract.

8.3 The works are confirmed within the Councils Capital Programme approved by Council as part of the budget setting process in February 2022

## 9. **Major Risks**

9.1 The Contract Administrator has analysed pre-construction Risk, likely during the Works too and considered such as part of the Measured Tendered Works as well as Contingency Sum. Every Construction Contract runs the risk of Works not being to time, to cost, to quality [Relevant Events], which the Terms and Clauses of the JCT Contract consider, as well as the experience of the Employer and Contract Administrator in facilitating such Contracts. The chosen Contractor has undertaken several such over-clad roofing solutions Works on

different sites, including recently for the Council, at Croft Rd Industrial Units. Based on Contract Value, a Bond will be required. The Bond itself being equivalent to 10% of Contract Sum, which the Principal Contractor obtains on NULBC Employer/Joint Contract Parties basis with the Principal Contractor, behaves.

9.2 Doing nothing would result in increased water ingress into the Units and consequentially damage Tenants' contents, which could result in a claim against the Council. Tenants have complained of water ingress on numerous occasions and potentially result in losing tenants over time - and hence would result in loss of income to the Council.

9.3 The successful bidder will be providing Risk Assessment Method Statements prior to commencing work on site, which will be assessed by the Contract Administrator and Council Officers. Such documents are produced as part of the Construction Health and Safety information and under the Construction Design Management Regulations 2015, for which the Council equally employs a CDM Principal Designer to advise on construction safety and risk under both Parties' to the Contract particulars, as well as ensuring the Works were safely constructed and are safe to maintain and operate.

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

10.1 The award of this contract will contribute to the delivery of the following sustainable development goals:



## 11. **Key Decision Information**

11.1 This is a key decision based on the project costs to the Council under 4.1(a) of Section C3 – Cabinet Procedure Rules of the Councils Constitution to let a Contract for a capital spend in excess of £250,000.

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

12.1 There are no earlier Cabinet / Committee resolutions linked to this report.

## 13. **List of Appendices**

13.1 There are no appendices linked to this report.

## 14. **Background Papers**

14.1 There are no background papers linked to this report



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet**  
**18 April 2023**

**Report Title:** Internal Audit Service Level Agreement Update

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

**Portfolios:** Corporate & Service Improvement, People & Partnerships and Finance, Town Centres and Growth

**Ward(s) affected:** All

**Purpose of the Report**

Approval of the Internal Audit Service Level Agreement.

**Recommendation**

**That Cabinet approve the extension of the Internal Audit Service Level Agreement for a further 12 months.**

**Reasons**

Approval of a 12 month extension of the Internal Audit Service Level Agreement is required in order to continue the service provision together with fraud detection and prevention.

The Accounts and Audit Regulations include the statutory requirement for the provision of an adequate and effective internal audit function. The Public Sector Internal Audit Standards (PSIAS) place a duty on Internal Audit to plan effectively to ensure it contributes to the Council's objectives at strategic and operational levels. Planning also enables Internal Audit to demonstrate that they are making the best use of available resources.

1. **Background**

- 1.1 The primary purpose of an Internal Audit service is to provide an independent, objective assurance and consulting service to the organisation; and through the efficient delivery of this service seeks to add value and improve the organisation's operations and controls to effectively deliver the council's Strategic Priorities. Internal Audit assists the organisation to accomplish its objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.
- 1.2 The Public Sector Internal Audit Standards (PSIAS) apply to all internal audit service providers, whether in-house, shared services or outsourced. Assessment against the Standards provides assurance that the service is being delivered to a satisfactory level and in conformance to the standards.
- 1.3 In February 2019 the Council entered into a Service Level Agreement with Stoke-on-Trent City Council for the provision of management of the Council's Internal Audit activities, the internal audit team and the provision of the audit plan.



1.4 In addition to the Internal Audit management provision, the Council also entered into a Partnership Agreement with Stoke-on-Trent City Council to provide a full counter fraud service covering all types on non-benefit and corporate fraud, including the detection and investigation as well as work to prevent fraud and share learning coming out of its activities both within the partnership and more broadly.

## 2. **Issues**

2.1 The 3 year Internal Audit Service Level Agreement comes to an end on the 31 March and requires extending in order to continue to provide the Internal Audit and Counter Fraud arrangements.

## 3. **Proposal**

3.1 Discussion have taken place with Stoke-on-Trent City Council in respect of extending the agreement in place with them for a further 12 months in order to continue to provide the Council with the required service provision at best value. During the interim period between the end of the contract and approval of the extension, Stoke-on-Trent City Council have agreed to continue to provide the service.

3.2 It is recommended that the existing Service Level Agreements in place with Stoke-on-Trent City Council be extended for a further 12 months to cover the provision of the Internal Audit services which include the management of the service, qualified auditors, the formulation and monitoring of the audit plan. The Service Level Agreement will also cover the provision of Fraud Investigating Officers and access to the Fraud Hub.

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

4.1 In approving the extended Service Level Agreement with Stoke-on-Trent City Council, the internal audit service provision will be maintained, the Council will be able to access local skilled staff in respect of audit and fraud issues together with achieving value for money.

## 5. **Options Considered**

5.1 As the service arrangements with Stoke-on-Trent City Council are going well and the Council is in the third year of the three year agreement with the option to extend, it is more cost effective to extend the current agreement than to re-tender for the whole service provision at this time.

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

6.1 The Accounts and Audit (England) Regulations 2015, state that "A relevant authority [the Council] must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance." (para 5(1)).

6.2 Section 151 of the Local Government Act 1972 states that every local authority should make arrangements *for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs*'. CIPFA has defined '*proper administration*' in that it should include '*compliance with the statutory requirements for accounting and internal audit*'.



6.3 The activities of Internal Audit are planned in accordance with the Accounts and Audit Regulations which place a duty upon the Chief Internal Auditor to report to members on a regular basis. By acting upon recommendations within internal audit reports, the council is demonstrating its commitment to maintain an adequate and effective system of internal control, as required by these regulations. Satisfactory delivery of the audit plan assists the Head of Finance (Section 151 Officer), in discharging her duties under section 151 of the Local Government Act 1972.

6.4 S9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 permit the discharge of an authority's functions by another authority. The Service Level Agreement is entered into in accordance with those enabling powers.

## 7. **Equality Impact Assessment**

7.1 There are no equality impact issues identified from the proposal.

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

8.1 The total cost of extending the Internal Audit Service Level Agreement amounts to £140,980k plus an uplift to account for the 2023/24 pay award once agreed for the next 12 months.

## 9. **Major Risks**

9.1 The key risk to be considered by not approving the extended Internal Audit Service Level Agreement is that the Council will not be fulfilling its statutory requirement of having an adequate and effective internal audit function as set out on the Accounts and Audit Regulations.

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

10.1 The Internal Audit and Counter Fraud Arrangement via Stoke-on-Trent City Council and the Fraud Hub supports UNSG and Climate Change objectives in a number of ways. Principally, through partnership working and supporting sustainable cities and communities via the correct use of public monies. The following UNSGs are supported.



## 11. **Key Decision Information**

11.1 The contract value of over £100,000 each makes this a key decision item.

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

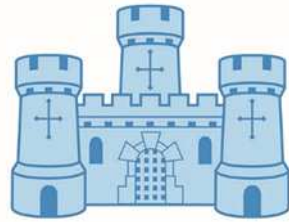
12.1 This report is not in reference to previous Cabinet or Committee resolutions.

## 13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 Existing Stoke-on-Trent City Council Internal Audit and Counter Fraud Agreements.



**NEWCASTLE·UNDER·LYME**  
**BOROUGH COUNCIL**

## **Cabinet Forward Plan: Newcastle under Lyme Borough Council**

### **Notice of Key Decisions to be taken under the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 between 1 April 2023 and 30 June 2023**

This plan gives notice of decisions that [Cabinet](#) is expecting to take over the next few months. It also gives, except in cases of urgency, at least 28 days notice of all “Key Decisions” that will be taken “Key Decisions” are decisions about “executive” functions that will:-

- A) to result in the Council incurring expenditure or making savings of an amount which is significant having regard to the Council’s budget for the service or the function to which the decision relates. (NB: The financial threshold above which expenditure or savings become significant has been set by the Council at £100,000 Revenue and £250,000 Capital Expenditure).
- B) to be significant in terms of its effects on communities living or working in an area comprising two or more wards of the Borough.

We have to take some Cabinet decisions in private because they deal with confidential or “exempt” information. That is information described in one or more of the following categories set out in Schedule 12A of the Local Government Act 1972.

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals an authority proposes;

- a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime

If we intend to take a decision in private, we will tell you why in the plan below. If you disagree with our reasons, you can tell us why using the contact details below. We will respond to you directly and will publish our response in the meeting agenda. If we have published the meeting agenda before we can respond, we will respond verbally at the meeting and record the response in the minutes.

You can find more information about Cabinet, Cabinet Members and their portfolios, agendas, reports and minutes [here](#).

More information on Cabinet procedures, executive functions, Key Decisions, urgent decisions and access to information is available in our [Constitution](#).

For all enquiries, please contact Democratic Services, Castle House, Barracks Road, Newcastle-under-Lyme, Staffordshire ST5 1BL.  
Telephone – 01782 742222 / Email – [DemocraticServices@newcastle-staffs.gov.uk](mailto:DemocraticServices@newcastle-staffs.gov.uk)

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	Key Decision
Walleys Quarry Update Report	To consider a report updating on Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships, Cabinet Portfolio Holder - Environment and Recycling	Cabinet 18 April 2023	Health, Wellbeing and Partnerships	All Wards	N/A	No
Spot Market Fuel Purchasing	To consider a report on Spot Market Fuel Purchasing	Cabinet Portfolio Holder - Environment and	Cabinet 18 April 2023	Finance, Assets and Performance	All Wards	N/A	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
		Recycling					
Active Lifestyles Strategy	To consider a report on the Active Lifestyles Strategy	Cabinet Portfolio Holder - Leisure, Culture & Heritage	Cabinet 18 April 2023	Health, Wellbeing and Partnerships	All Wards	N/A	Yes
Astley Centre for Circus	To consider a report updating on the Astley Centre for Circus.	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 18 April 2023	Health, Wellbeing and Partnerships	All Wards	N/A	Yes
Internal Audit Contract Extension	To consider a report on a contract extension for internal audit	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 18 April 2023	Finance, Assets and Performance	All Wards	N/A	Yes
Joint Housing Allocations Policy	To consider a report on the Joint Housing Allocations Policy	Cabinet Portfolio Holder - Community Safety and Wellbeing	Cabinet 18 April 2023	Finance, Assets and Performance	All Wards	N/A	Yes
Contract for Roofing Works - Unit 1 - 18 Brampton Sidings, Newcastle	To consider a report for the awarding of a contract to carry out roofing works at Unit 1 - 18 Brampton Sidings	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 18 April 2023	Economy, Environment and Place	Cross Heath	N/A	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
Microsoft Licence Renewals	To consider a report in relation to the renewal of Microsoft licences	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 18 April 2023	Finance, Assets and Performance	All Wards	N/A	Yes
Local Plan Consultation	To consider a report on the Reg 18 Consultation stage of the Local Plan	Cabinet Portfolio Holder - Strategic Planning	Cabinet 23 May 2023	Economy, Environment and Place	All Wards	N/A	Yes
Quarter 4 Finance and Performance Report 2022/23	To consider the budget and performance report for Quarter 4 - January - March, 2023	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 6 June 2023	Finance, Assets and Performance	All Wards	N/A	No
Walleys Quarry Update Report	To consider a report updating on Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships, Cabinet Portfolio Holder - Environment and Recycling	Cabinet 6 June 2023	Health, Wellbeing and Partnerships	All Wards	N/A	No

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
External ICT Resource Contract	To consider a report on an External ICT Resource Contract.	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 6 June 2023	Finance, Assets and Performance	All Wards	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Letting of a Food Waste Processing Contract	To consider a report on the Letting of a Food Waste Processing Contract	Cabinet Portfolio Holder - Environment and Recycling	Cabinet 6 June 2023	Health, Wellbeing and Partnerships	All Wards	N/A	Yes
Ryecroft Multi-Storey Car Park Contract Award	To consider a report awarding a construction contract	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 6 June 2023	Economy, Environment and Place	Town	1,3 Information relating to any individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Ryecroft Hotel - Design and Build Contract Procurement	To consider a report on the procurement of a contract for the design and build of the proposed Ryecroft	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 6 June 2023	Economy, Environment and Place	Town	2,3 Information which is likely to reveal the identity of an individual. Information relating	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
	Hotel					to the financial or business affairs of any particular person (including the authority holding that information)	
Ryecroft Site Assembly	To consider a report on the Ryecroft Site Assembly	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 6 June 2023	Economy, Environment and Place	Town	2,3 Information which is likely to reveal the identity of an individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Keele Solar Farm Business Case	To consider a report on the Keele Solar Farm Business Case	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - Environment and Recycling	Cabinet 6 June 2023	Economy, Environment and Place	Keele	N/A	No
York Place Update and Demolition	To consider a report updating on proposals for York Place and	Cabinet Portfolio Holder - Finance, Town Centres and	Cabinet 6 June 2023	Economy, Environment and Place	Town	2, 3 Information which is likely to reveal the identity	Yes



Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
Contract Award	awarding a demolition contract	Growth				of an individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	

