

Date of meeting Tuesday, 18th July, 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 4 - 9)
To consider the Minutes of the previous meeting.
- 4 WALLEYS QUARRY UPDATE** (Pages 10 - 36)
- 5 CORPORATE PEER CHALLENGE OUTCOME & ACTION PLAN** (Pages 37 - 64)
- 6 KIDSGROVE SHARED SERVICE HUB** (Pages 65 - 71)
- 7 CONTRACT AWARD FOR WAMMY FOOTBALL CHANGING ROOM DEVELOPMENT** (Pages 72 - 77)
- 8 PROCUREMENT OF TEMPORARY AGENCY STAFF** (Pages 78 - 81)
- 9 PROCUREMENT OF TRANSPORT OF RECYCLING & WASTE MATERIALS** (Pages 82 - 85)
- 10 SEPARATE FOOD WASTE PROCESSING CONTRACT** (Pages 86 - 90)
- 11 PROVISIONAL FINANCIAL OUTTURN 2022/23** (Pages 91 - 97)
- 12 DEBT RECOVERY POLICY** (Pages 98 - 111)
- 13 FORWARD PLAN** (Pages 112 - 119)
- 14 URGENT BUSINESS**

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

15 DISCLOSURE OF EXEMPT INFORMATION

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

16 KIDSGROVE SHARED SERVICE HUB - CONFIDENTIAL (Pages 120 - 121) APPENDIX

17 WAMMY FOOTBALL CHANGING ROOM DEVELOPMENT PART II - CONFIDENTIAL (Pages 122 - 123)

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.

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.

Agenda Item 3

Cabinet - 06/06/23

CABINET

Tuesday, 6th June, 2023
Time of Commencement: 2.00 pm

Present: Councillor Simon Tagg (Chair)

Councillors: Sweeney Fear
Heesom Hutchison

Apologies: Councillor(s) J Waring

Officers:	Martin Hamilton	Chief Executive
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Simon McEneny	Deputy Chief Executive
	Sarah Wilkes	Service Director - Finance / S151 Officer
	Andrew Bird	Service Director - Sustainable Environment
	Roger Tait	Service Director - Neighbourhood Delivery
Allan Clarke	Planning Policy Manager	
Craig Jordan	Head of Planning	

1. **APOLOGIES**

Apologies were received from Councillor Jill Waring.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETINGS**

Resolved: That the Minutes of the meeting held on the 18 April, 2023 be agreed as a correct record.

4. **WALLEYS QUARRY UPDATE REPORT**

The Leader introduced a report updating Cabinet on the latest position regarding Walleys Quarry including Key Performance Indicators provided by the operator.

Complaints remained down on historical levels although there had been an increase in April and May. Figures for June suggested that complaint levels were going back down.

The Leader assured that the Council was doing all that it could to ensure emissions were kept at low levels.

Officers were asked if the Council had communicated its concerns, in regard to April and May, with the operators. It was confirmed that concerns had been raised about the rise in complaints during those two months and the operators had been asked to attend the next meeting of Cabinet to explain their findings for the increase.

It was asked if the Council felt that it was still getting the same cooperation and communication that was agreed upon a few months ago. Confirmation was given that there was good communication with the operator at a variety of levels.

The Leader advised that the Environment Agency (EA), as the regulator, had the powers to suspend, restrict, issue closure notices and instruct on required works. The Council had an agreement through legal powers, via the Abatement Notice and residents were assured that this was still a major priority for the Council. The Leader had asked for a meeting to be arranged with the EA, Police, Staffordshire County Council, Fire Service, Local MP to take place which would give the opportunity for the EA to update everyone on what they were doing.

Resolved: That the contents of the update report be noted.

[Watch the debate here](#)

5. **YORK PLACE DEVELOPMENT - AWARD OF DEMOLITION CONTRACT**

The Leader introduced a report seeking authority for the awarding of a contract for the demolition of the York Place shopping centre as part of the Future High Street Fund Programme of Works.

The Portfolio Holder for Finance, Town Centre's and Growth stated that York Place held an important position in the town and the development would give back some of the style and class that had been lost over the years.

The Leader assured that during the period of demolition and rebuilding, it would remain an area that people could walk through for access to that part of the town.

Reference was made to the development site's proximity to the Cenotaph which would be part of the Remembrance Day commemorations. It was asked if the developer could be asked to use appropriate boarding around the site to preserve the dignity of the occasion. The Leader confirmed that there would be a sequencing of the demolition to ensure that conditions would be good around Remembrance Day.

Councillor Wendy Brockie asked for assurance that more detail about the delivery options which were continuing to be explored would be put before the public. The Leader advised that the Planning application would give a flavour of the site and there were visuals showing what the site would look like. Through the Scrutiny Committees, the Cabinet and press releases the public would be kept updated as it moved forward.

Resolved:

- (i) That the progress made on the York Place project, made through the Future High Street Fund grant funding, be noted.
- (ii) That, subject to planning permission the Deputy Chief

Executive, in consultation with the Portfolio Holder, Finance, Town Centres and Growth, be authorised to enter into a contract to Willmott Dixon for the demolition of the existing York Place shopping complex.

[Watch the debate here](#)

6. RYECROFT HOTEL - DESIGN & BUILD CONTRACT AND BRAND PROCUREMENT

The Portfolio Holder for Finance, Town Centres and Growth introduced a report to commence procurement of initial design and costing works for the development of a new hotel on the Ryecroft site and to commence selection of a hotel brand.

A feasibility study had demonstrated that there was a need for a mid-range hotel with approximately 110 beds.

- Resolved:**
- (i) That the progress with the site and feasibility work undertaken for a hotel on the Ryecroft site, which has confirmed that there is demand for a mid-range hotel in Newcastle Town Centre, be noted.
 - (ii) That the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, be authorised to procure a brand for the hotel.
 - (iii) That the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, be authorised to commence procurement of initial design costing works through a design and build approach to the selected hotel's brand specification for a new hotel on the Ryecroft site using a compliant procurement route.
 - (iv) That further cabinet reports on each of these issues be received, to enable final decisions on the hotel development.

[Watch the debate here](#)

7. CASTLE MULTI-STOREY CAR PARK CONTRACT AWARD

The Leader introduced a report regarding the awarding of the main construction contract for the Castle Car Park to Morgan Sindall.

The Portfolio Holder for Finance, Town Centre's and Growth advised that this was the cornerstone of the Ryecroft development and would be a well lit and safe car park. It was due to go to the Planning Committee in two weeks' time and subject to approval, work would start in the summer. This would then allow the Midway car park site to be redeveloped.

The Leader advised that this was a replacement car park for the Midway but it would also provide for the Ryecroft development – the hotel and other components.

Councillor Richard Gorton asked how many parking spaces would be available to the public, taking into account reserved spaces for tenants of York Place, staff and guests of the proposed hotel, Aspire employees and occupants of Aspire accommodation. In addition, would the figure exceed or equal the number of spaces lost with the disposal of existing car parks, listed within paragraph 3.2 of the report. The Portfolio Holder for Finance, Town Centres and Growth advised that York Place

tenants would not have reserved spaces and hotel staff and guests would all have to pay. Aspire may have permits but those would be on a limited basis. There would be 455 spaces available to the public and, of the 939 spaces currently available on existing car parks, usage was around 350 spaces. There was flexibility in that, if the car park was full every day disposal of one of the car parks, earmarked for disposal, would not go ahead.

The Leader confirmed that there was flexibility in that some of the surface car parks had been identified as brownfield sites which could be used for development.

Resolved: That, subject to Planning permission, the Deputy Chief Executive in consultation with the Portfolio Holder, Finance, Town Centres and Growth be authorised to:

- enter into a contract with Morgan Sindall for the construction of the Castle multi-storey car park for a sum of no more than £12m, to commence in August 2023
- enter into a contract with Morgan Sindall to carry out enabling and infrastructure works across the car park and wider Ryecroft site for a sum of no more than £1m,
- commence the associated process of Traffic Regulation Order consultation
- note the car parks that will be closed and disposed of for housing in accordance with an updated Asset Management Plan Strategy to be published in the Autumn of 2023.
- Complete all legal documentation to finalise land assembly.

[Watch the debate here](#)

8. **PROPOSAL TO CONSULT ON A FIRST DRAFT LOCAL PLAN**

The Portfolio Holder for Strategic Planning introduced report giving an update on the progress made with the draft Local Plan and seeking approval for an eight week public consultation.

This was a consultation exercise where the Council was putting out its suggestions and was looking for further suggestions and comments upon those made by the Council. The Portfolio Holder stated that the Plan was as much about protecting the Borough as building within it. Seven public consultation events had been scheduled and all comments upon the Plan would be accepted. The item would be discussed by the Economy and Place Scrutiny Committee this week and there would be a briefing for all Members.

The Leader stated that the Council had not had a relevant Local Plan since before 2012. The Local Plan would protect the local area and set out a framework for development up to 2040. This would be the greenest Local Plan that this Council had ever brought forward, controlling development and giving an offset of biodiversity and nature and the latest sustainable development policies.

Councillor Dave Jones asked for an update on how the changes to the legislation regarding housing targets, which had moved from a statutory minimum to an advisory minimum had been considered post consultation on the earlier stages of the Local Plan. The Portfolio Holder for Strategic Planning referred to paragraphs 5.2 and 5.3

of the report. At the time the report was written there had not been a final announcement on this subject – the consultation through the National Planning Policy Framework, so it was still unclear what the Government wanted to do or when they would respond to the consultation exercise.

- Resolved:**
- (i) That the draft Local Plan be approved for consultation purposes.
 - (ii) That the Deputy Chief Executive, in consultation with the Cabinet Member for Strategic Planning, be given delegated authority to:
 - (1) publish the First Draft Local Plan (Regulation 18) along with its Sustainability Appraisal and Habitats Regulations Assessment, for public consultation, and publish the range of supporting evidence base for the Local Plan and,
 - (2) to finalise the public consultation arrangements and all documentation for the First Draft Local Plan (Regulation 18)
 - (3) undertake any minor corrections and adjustments to the consultation documents as may be required
 - (iii) That a period of eight weeks consultation commencing on the 19th June 2023 until the 14th of August 2023, be approved on the First Draft Local Plan (Regulation 18) along with the Sustainability Appraisal and Habitats Regulations Assessment.
 - (iv) That a report be received at a future meeting summarising the findings of the consultation process.
 - (v) That it be noted that this report will be considered at the Economy and Place Scrutiny Committee on the 8th June 2023 and that an all Member Briefing Session will be provided on the 15th June 2023.

[Watch the debate here](#)

9. **ADOPTION OF STAFFORDSHIRE ADAPTATION STRATEGY**

The Portfolio Holder for Sustainable Environment introduced a report seeking adoption of the Staffordshire Adaptation Strategy which would set out areas for action.

The aim was for Staffordshire Councils to recognise that adapting to climate change was a vital part of planning for the future.

The Leader stated that Newcastle would be the first Authority in Staffordshire to adopt this important document.

- Resolved:**
- (i) That the Staffordshire Adaptation Strategy be formally adopted.

- (ii) The Council helps facilitate action contained within the Staffordshire Adaptation Strategy through its membership of the Staffordshire sustainability Board (SSB)

[Watch the debate here](#)

10. FINANCIAL & PERFORMANCE REVIEW REPORT 4TH QUARTER 2022-23

Cabinet considered the regular performance review report for Quarter 4, January – March 2023.

Resolved: That the contents of the attached report and appendices be noted, and that the Council’s service and financial performance for this period continue to be monitored and challenged.

[Watch the debate here](#)

11. 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

12. URGENT BUSINESS

There was no Urgent Business.

13. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if 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.

14. EXTERNAL IT RESOURCE CONTRACT

Consideration was given to a report for an external IT resource contract.

Resolved: That the recommendations contained within the confidential report, be agreed.

**Councillor Simon Tagg
Chair**

Meeting adjourned at 3.18 pm

Agenda Item 4



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

18 July 2023

Report Title: Walleys Quarry – Odour Issues

Submitted by: Chief Executive

Portfolios: Sustainable Environment; 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 \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/environmental-health-enforcement-policy)]. 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 22 June 2023 and a 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: [Walleys Liaison Committee Meeting 22nd June 2023 173150 Meeting Recording - YouTube](#)] The next meeting is planned for 28 September 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. As an example in June 2023 Walleys Quarry Limited notified of the commencement of permanent capping of the eastern flank of Cell 4 (the area nearest to Galingale View).
- 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
April 2023		
03/04/23 – 09/04/23	45	152
10/04/23-16/04/23	11	64
17/04/23-23/04/23	48	101
24/04/23 – 30/04/23	148	278
May 2023		
01/05/23 – 07/05/23	50	150
08/05/23 – 14/05/23	53	164
15/05/23 – 21/05/23	147	320
22/05/23 – 28/05/23	90	210
June 2023		
29/05/23 – 04/06/23	24	43
05/06/23 – 11/06/23	19	75
12/06/23 – 18/06/23	76	154
19/06/23 – 25/06/23	80	170
26/06/23 – 02/07/23	40	99

3.2 There are a number of odour events where complaints have increased (10 complaints and above):

- 12 June
- 16 June

- 19 – 21 June
- 23 June
- 29 June

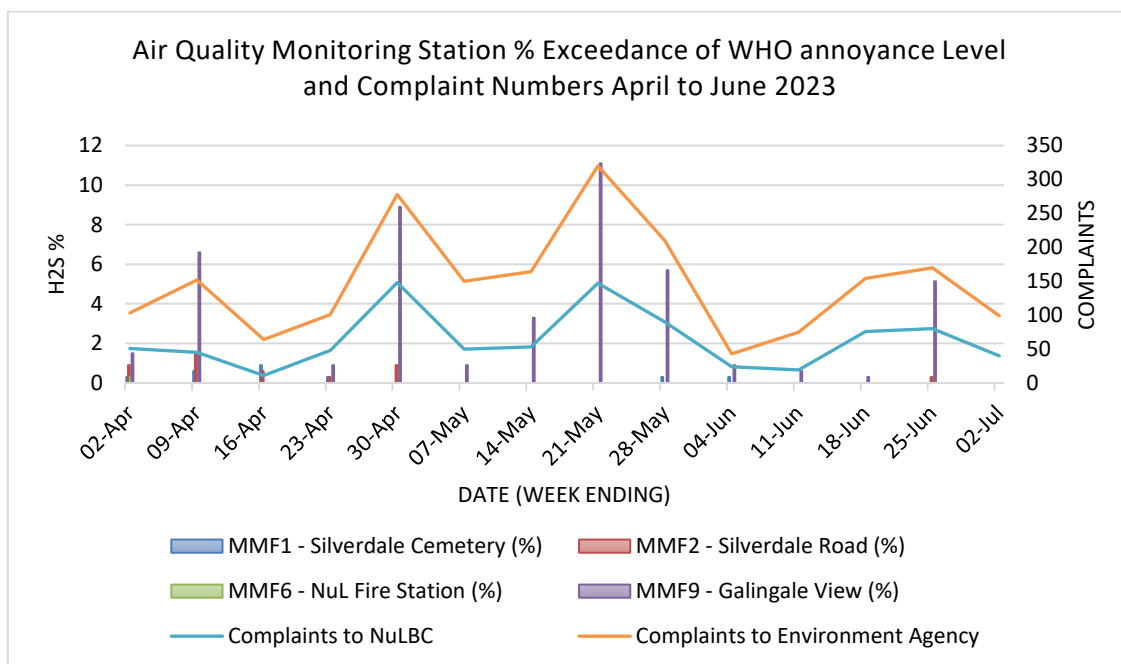
The highest number of odour reports during this period was received on 12 June 2023 when the Council received 26 complaints. The longest period where complaints have been consistently above 10 complaints was from 19 – 21 June 2023 (3 days).

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 (H₂S) – the WHO Health threshold and the WHO odour annoyance guideline, with this analysis published by stakeholders. In June 2023 MMF6 at NUL Fire Station was removed by the EA. This is due to it consistently recording low (Zero) results. The following link explains the reasons for the removal of MMF6 <https://engageenvironmentagency.uk.engagementhq.com/air-quality-monitoring/widgets/70807/videos/4024>
- 4.2 Over the last 3 months, no H₂S concentrations were above the World Health Organisation's health threshold (150 µg/m³, 24-hour average). H₂S levels were above the odour annoyance guideline level (7 µg/m³, 30-minute average) for the following percentages of each week. Historical data is attached to this report in Appendix 2.

Location	MMF1 - Silverdale Cemetery (%)	MMF2 - Silverdale Road (%)	MMF6 - NuL Fire Station (%)	MMF9 - Galingale View (%)
April 2023				
03/04/23 -09/04/23	0.6	1.5	0	6.6
10/04/23-16/04/23	0.9	0.6	0	0
17/04-23/04/23	0.3	0.3	0	0.9
24/04/23 – 30/04/23	0	0.9	0	8.9
May 2023	0	0	0	0.9
01/05/23 – 07/05/23				
08/05/23 – 14/05/23	0	0	0	3.3
15/05/23 – 21/05/23	0	0	0	11.1
22/05/23 – 28/05/23	0.3	0	0	5.7
June 2023	0.3	0	0	0.9
29/05/23 – 04/06/23				
05/06/23 – 11/06/23	0	0	0	0.6
12/06/23 – 18/06/23	0	0	0	0.3
19/06/23 – 25/06/23	0	0.3	0	5.14
26/06/23 – 02/07/23	0	0		0

- 4.3 The complaint and air quality data has been combined and shown in the graph below. The complaint numbers and % exceedance of the WHO annoyance level shows good correlation.



4.4 In the UKHSA report ‘Health Risk Assessment of air quality monitoring results’ states ‘in May 2023 the concentrations of hydrogen sulphide were above the WHO odour annoyance guideline value for a considerable percentage of the time at one of the monitoring sites, MMF9’.

4.5 Each monitoring station (MMF) records the percentage exceedance over a week, which results in 19 readings over a 5 week period. In June, 0% was recorded for 68.5% of the time, a figure of <1% exceedance was recorded for 26.5% of the time and >1% exceedance was recorded for 5%. The peak % exceedance was 5.14%, this is lower than May’s peak of 11.1%.

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 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 recent weekly updates are summarised below:

EA Site Visits –

- 07 June 2023 - unannounced site inspection to carry out a general inspection
- 09 June 2023 - announced site inspection to inspect the capping works being undertaken.
- 12 June 2023 - follow-up site inspection focussing on the geomembrane capping works undertaken since 5 June 2023. Phase 3 is now in progress, with 2000m² of geotextile and overlying geomembrane installed to date.
- 19 June 2023 – site inspection focusing on the geomembrane capping works, sidewall clay liner works and general compliance with permit conditions.

Gas Capture - Data relating to the gas utilisation plant (GUP) the extraction rate and H2S concentrations are recorded as follows:

News in Brief Date	Extraction Rate (m ³ /hr)	Hydrogen Sulphide Level at GUP (ppm)
01 June 2023	3332	1990
08 June 2023	3345	2120
15 June 2023	3400	2160
22 June 2023	3500	1850
30 June 2023	3400	1930
06 July 2023	3349	1990

5.2 **Public Drop-in event**

A public drop-in event for the local community was held on 20 June 2023 at the Newcastle-under-Lyme Community Fire Station, between 3:30pm and 7pm. Representatives from the Environment Agency, Newcastle-under-Lyme Borough Council, Staffordshire County Council, Staffordshire Police and the UK Health Security Agency attended.

This provided an opportunity for members of the community to talk about their experience, and for agencies to talk about their work regarding Walleys Quarry Ltd. Forty-seven people attended the drop-in event.

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 April to June 2023, and provides complaint numbers, air quality data, H2S and officer assessments. Some of the data for June is unavailable and will be updated in subsequent reports.
- 6.3 The data from Walleys Quarry Limited 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, is contained within Appendix 4.

7. **Proposal**

- 7.1 **Cabinet is recommended to 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 A GRACE risk assessment has been completed including the following main risks:

- Failure to achieve a reduction in odour levels;
- Community dissatisfaction at odour levels;
- The ability to take enforcement action against abatement notice;
- Failure to evidence a breach of the abatement notice;

- Secretary of State refuses permission to undertake prosecution proceedings.

13.2 Controls have been identified and implemented in order to control these risks, the main controls include:

- Provisions in settlement agreement ensures greater transparency for public;
- Provisions in settlement agreement ensures regular meetings with Walleys Quarry which enable issues to be discussed;
- Dedicated officer resource for Walleys Quarry work has been secured;
- Continued air quality monitoring provision;
- Robust procedure for investigating complaints with experienced officers;
- Specialist expert advice maintained;
- Multi-Agency partnership working continues.

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, 9th June 2021, 7th July 2021, 21st July 2021, 8th September 2021, 13th October 2021, 3rd November 2021, 17th November, 1st December 2021, 12th January 2022, 2nd February 2022, 23rd February 2022, 23rd March 2022, 20th April 2022, 7th June 2022, 19th July 2022, 6th September 2022, 18th October 2022, 8th November 2022, 6th December 2022, 10th January 2023, 7th February 2023, 13th March 2023, 5th April 2023, 6th June 2023.

17. List of Appendices

- 18.1 Appendix 1. Historical Complaint data
- 18.2 Appendix 2. Historical Monitoring Station data
- 18.3 Appendix 3. NUL Key Performance Data
- 18.4 Appendix 4. WQL Key Performance Data

Appendix 1. Historical Complaint Data

	Complaints to NuLBC	Complaints to Environment Agency
January 2022 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
February 2022 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
March 2022 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
April 2022 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
May 2022 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
June 2022 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
July 2022 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
August 2022 31/7/22 – 6/8/22	22	124
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
September 2022 5/9/22 – 11/9/22	9	64
12/9/22 – 18/9/22	13	83
19/9/22 – 25/9/22	14	79
26/9/22 – 2/10/22	13	58
October 2022 3/10/22 – 9/10/22	42	102
10/10/22 – 16/10/22	52	165
17/10/22 – 23/10/22	73	186
24/10/22 – 30/10/22	30	82
November 2022 31/10/22 – 6/11/22	27	116
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
December 2022 5/12/22 – 11/12/22	43	163
12/12/22 – 18/12/22	22	114
19/12/22 – 25/12/22	12	45
26/12/22 – 01/01/23	11	39
January 2023 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
February 2023 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
March 2023 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
April 2023 03/04/23 – 09/04/23	45	152
10/04/23-16/04/23	11	64
17/04/23-23/04/23	48	101
24/04/23 – 30/04/23	148	278
May 2023 01/05/23 – 07/05/23	50	150
08/05/23 – 14/05/23	53	164
15/05/23 – 21/05/23	147	320
22/05/23 – 28/05/23	90	210
June 2023 29/05/23 – 04/06/23	24	43
05/06/23 – 11/06/23	19	75
12/06/23 – 18/06/23	76	154
19/06/23 – 25/06/23	80	170
26/06/23 – 02/07/23	40	99

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/m³).

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
03/04-09/04	0.6	1.5	0	6.6
10/04-16/04	0.9	0.6	0	0
17/04-23/04	0.3	0.3	0	0.9
24/04-30/04	0	0.9	0	8.9
01/05–07/05	0	0	0	0.9
08/05–14/05	0	0	0	3.3
15/05– 21/05	0	0	0	11.1
22/05–28/05	0.3	0	0	5.7
29/05 – 04/06	0.3	0	0	0.9
05/06 – 11/06	0	0	0	0.6
12/06 – 18/06	0	0	0	0.3
19/06 – 25/06	0	0.3	0	5.14
26/06 – 02/07	0	0		0

Appendix 3 – NUL Key Performance Indicators



NULBC		Information	Measurement	April 2023	May 2023	June 2023
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number	<p>253</p> <p>Number of unique properties = 203</p> <p>Rating 0 = 0 complaints Rating 1 = 0 complaint Rating 2 = 1 complaints Rating 3 = 40 complaints Rating 4 = 57 complaints (22.5%) Rating 5 = 71 complaints (28.1%) Rating 6 = 84 complaints (33.2%)</p> <p>% of complaints reporting odour entering the property = 194 complaints (76.7%) % of complaints reporting health effects = 200 complaints (79.1%)</p>	<p>353</p> <p>Number of unique properties = 276</p> <p>Rating 0 = 0 complaints Rating 1 = 0 complaints Rating 2 = 8 complaints Rating 3 = 39 complaints Rating 4 = 64 complaints (18.1%) Rating 5 = 118 complaints (33.4%) Rating 6 = 124 complaints (35.1%)</p> <p>% of complaints reporting odour entering the property = 315 complaints (89.2%) % of complaints reporting health effects = 235 complaints (66.6%)</p>	<p>230</p> <p>Number of unique properties = 93</p> <p>Rating 0 = 0 complaints Rating 1 = 0 complaints Rating 2 = 3 complaints Rating 3 = 32 complaints Rating 4 = 58 complaints (25.2%) Rating 5 = 61 complaints (26.5%) Rating 6 = 76 complaints (33.0%)</p> <p>% of complaints reporting odour entering their property = 204 (88.7%) % of complaints reporting health effects = 184 complaints (80%)</p>
KPI 2		Complaints reported (daytime 07:00-23:00)	Number	199	271	188
KPI 3		Complaints reported (night-	Number	54	82	42

		time 23:00-07:00)				
KPI 4		Highest number of complaints during the period	Date (number of complaints)	25/04/23 (47 complaints)	21/05/23 (34 complaints)	12/06/23 (26 complaints)
		Information	Measurement			
KPI 5	AIR QUALITY	Percentage exceedance Odour Annoyance Guideline (Hydrogen Sulphide 30 minute average)	%	0.2	0	Awaiting data
				0.8	0	
				0.3	0	
				3.8	5	
KPI 6		Monthly Average H ₂ S	ug/m3 over the month	1.1	0.9	Awaiting data
				0.9	0.7	
				0.5	0.4	
				1.2	1.5	
KPI 7	H ₂ S PEAK LEVEL	Level measured over a 5 minute period Date & Time	ug/m3	32.85 (09/04 04:40)	9.08 (22/05 04:40)	Awaiting data
				20.50 (25/04 06:00)	16.15 (08/05 23:55)	
				6.47 (04/04 05:30)	10.06 (21/05 05:10)	



				58.83 (25/04 23:10)	52.41 (12/05 01:55)	
		Information	Measurement			
KPI 8	OFFICER ASSESSMENTS	Odour Rating - Officer odour assessment (5 minute)	Max Odour Rating	8 assessments 04/04 1 assessment 06/04 1 assessment 08/04 12 assessments 27/04 3 assessments 29/04	4 assessments 5/05 1 assessment 6/05 2 assessments 13/05 2 assessments 18/05 1 assessment 19/05 17 assessments 21/05 2 assessments 25/05	1 assessment 11/06 1 assessment 12/06

Date of Report: May 2023			
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 1	WASTE ACCEPTANCE	Non-conformance raised with waste operator	CCS score(s) including summary and actions.
		No of loads inspected.	each
KPI 2			2 Non-conformance raised with operator. 2 CCS scores received
			1670 loads received. 1670 loads inspected. 0 loads rejected.
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 3	ODOUR MANAGEMENT	Non-conformance raised with waste operator	CCS score(s) including summary and actions.
KPI4		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.
			52 tours
			2external odours – rated 1 or less and local to the facility.
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 5	ACTIVE TIPPING AREA	Operational Surface area total	m3
KPI 6	ACTIVE TIPPING AREA	Active tipping area	m3
			113,047m2
			28,646m2
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 7	CAPPING OF OPERATION AREA	Temporary capping	m3
		Permanent capping	m3
			Temporary Capping 35,597m2 (31%) Permanent Capping 40,032m2 (35%) Total Capped area 75,629m2 (67%)
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 8	LANDFILL GAS MANAGEMENT	Surface & Gas infrastructure emission surveys	Number of remaining matters open in the month
			1 FID survey completed, 2 & 3 May 23 0 actions open

KPI 9	LANDFILL GAS MANAGEMENT	Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm	2,110 ppm – recorded from CLP H2S GUP input data
KPI 10	LANDFILL GAS MANAGEMENT	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,227m3/hr - averaged across period
KPI 11	LANDFILL GAS MANAGEMENT	Appendix A LGMP Gas Management Plan (live document)	Progress including summary and actions	See explanatory notes
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 12	LEACHATE MANAGEMENT ACTION PLAN	Actions (13 actions)	Progress including summary and actions	See explanatory notes.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 13	PRIMARY REGULATOR	Compliance Assessments Visits	Number undertaken for which CAR form issued to operator	Two visits within the period: 11 th May 2023 – 0462659 18 th May 2023 – awaiting CAR report
KPI 14	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	1 regulatory compliance assessments undertaken which resulted in a compliance assessment score – see explanatory notes.
KPI 15	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where no CCS score is raised with operator, including summary and actions	1 regulatory compliance assessments undertaken which resulted in 0 compliance assessment scores – see explanatory notes.

Date of Explanatory Notes: May 2023

KPI 1 and KPI 2 Waste Acceptance

Two non-conformances have been received from the regulator, relating to their review of acceptance procedures and their implementation at WQ, through the undertaking of an Environment Agency audit including upstream audits of waste processing sites supplying residues to the landfill business sector.

In addition, a Regulation 36 (Enforcement Notice) Notice and associated CAR report (0460919) has been issued by the Environment Agency. A response to CAR report 0460919 has been submitted to the Environment Agency.

The conclusions to the Waste Audit Report are now being reviewed in detail, by WQL with the support of external, expert environmental consultants. The aim is to respond and provide further clarification to the Environment Agency into the waste preacceptance and acceptance procedures at the facility.

KPI 3 and KPI 4 Odour Management

No non-conformances have been received from the regulator within the month, with two site regulatory inspections confirming no direct offsite odour detected by Environment Agency officers. The Agency assessments cover a wide scope of permit conditions including engineering, containment, operational activities, landfill gas management, odour and pest management.

52 odour tours conducted by WQL, with 50 reflecting no odours experienced. 2 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 113,047m². The active area is confined to Cell 4 and a small section of cell 2. The current active area remains contained and measures some 28,646m². 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, 35,597m² 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 and an increase on the previous period. 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, 40,032m² 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.

The permanent capping to the eastern flank of Cell 4 has commenced. Preparatory works to prepare the surface area for capping have begun and the subsequent installation of geofabric and membrane commenced in early June. It is anticipated that the works will conclude in late June 2023. There may be the need to have a second phase of permanent capping installed to Cell 4 depending upon progress with the landfill operations in this area.

KPI 8 - 10 Landfill gas management

WQL continues to undertake the extensive regime of surface emission surveys, as agreed with the Environment Agency. A FID survey was conducted in May 2023, with any remedial actions now closed.

The concentration of H₂S at the facility remains within expected limits and in January, averaging 2110ppm 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 3227m³/hr. The flow rate has remained high and consistent across the period. 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.

The LFGMP has been reviewed and issued to the Environment Agency, with comments received from the regulator on 2 June 2023 following the submission on 15 January 2023.

The LFGMP has also been issued to NuLBC, with comments received from the council. These have been subject to collaborative discussions.

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 are ongoing in this regard.

The availability of an appropriate, specialist drilling contractor has been obtained and the work scheduled in for August 2023. This will see the installation of 5 replacement leachate wells at the facility.

KPI 13- 15

11 May 2023

(CAR report 0462659) – general site inspection and review of engineering works. Minor administrative C4 received following the installation of the “trial pad” relating to the sidewall engineering. The work progressed due to a weather window between periods of inclement weather, with the Environment Agency contacted but without the specified 2 day notice period, detailed in the CQA plan.

18 May 2023

CAR report outstanding. No issues or odours identified by the Agency.

Date of Report: June 2023			
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 1	WASTE ACCEPTANCE	Non-conformance raised with waste operator	CCS score(s) including summary and actions.
		No of loads inspected.	each
KPI 2			0 Non-conformance raised with operator. 0 CCS scores received
			1708 loads received. 1708 loads inspected. 0 loads rejected.
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 3	ODOUR MANAGEMENT	Non-conformance raised with waste operator	CCS score(s) including summary and actions.
KPI4		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.
			68 tours
			0 external odours.
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 5	ACTIVE TIPPING AREA	Operational Surface area total	m3
KPI 6	ACTIVE TIPPING AREA	Active tipping area	m3
			113,047m2
			24,955m2
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 7	CAPPING OF OPERATION AREA	Temporary capping	m3
		Permanent capping	m3
			Temporary Capping 34,458m2 (30%) Permanent Capping 50,355m2 (45%) Total Capped area 84,813m2 (75%)
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 8	LANDFILL GAS MANAGEMENT	Surface & Gas infrastructure emission surveys	Number of remaining matters open in the month

WALLEYS QUARRY KPI REPORT

KPI 9	LANDFILL GAS MANAGEMENT	Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm	1,995 ppm – recorded from CLP H2S GUP input data
KPI 10	LANDFILL GAS MANAGEMENT	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,359m3/hr - averaged across period
KPI 11	LANDFILL GAS MANAGEMENT	Appendix A LGMP Gas Management Plan (live document)	Progress including summary and actions	See explanatory notes
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 12	LEACHATE MANAGEMENT ACTION PLAN	Actions (13 actions)	Progress including summary and actions	See explanatory notes.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 13	PRIMARY REGULATOR	Compliance Assessments Visits	Number undertaken for which CAR form issued to operator	Four visits within the period: 7 th June 2023 – 0466098 9 th June 2023 – 0466107 12 th June 2023 – 0466112 19 th June 2023 – not received
KPI 14	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	1 regulatory compliance assessments undertaken which resulted in a compliance assessment score – see explanatory notes.
KPI 15	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where no CCS score is raised with operator, including summary and actions	2 regulatory compliance assessments undertaken which resulted in 0 compliance assessment scores 1 regulatory compliance assessment pending, no scores expected

Date of Explanatory Notes: June 2023

KPI 1 and KPI 2 Waste Acceptance

No non-conformances have been received from the regulator, relating to their review of acceptance procedures and their implementation at WQ, through the undertaking of an Environment Agency audit including upstream audits of waste processing sites supplying residues to the landfill business sector.

1708 loads inspected within the period, with 0 loads rejected.

KPI 3 and KPI 4 Odour Management

No non-conformances have been received from the regulator within the month, with three site regulatory inspections confirming no direct offsite odour detected by Environment Agency officers (1 CAR report outstanding – see below). The Agency assessments cover a wide scope of permit conditions including engineering, containment, operational activities, landfill gas management, odour and pest management.

68 odour tours conducted by WQL, with 68 reflecting no odours experienced. 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 113,047m². The active area is confined to Cell 4 and a small section of cell 2. The current active area remains contained and measures some 28,646m². 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, 34,458m² 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 and an increase on the previous period. 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, 50,335 m² of the surface area of the facility is capped, by the installation of a low permeability geomembrane. This represents an increase of 10,335 m² on the previous month. This is in line with the capping and

phasing plan for the facility, as agreed with the Environment Agency with all permanent 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.

KPI 8 - 10 Landfill gas management

WQL continues to undertake the extensive regime of surface emission surveys, as agreed with the Environment Agency. A FID survey was conducted in May 2023, with any remedial actions now closed.

The concentration of H₂S at the facility remains within expected limits and in January, averaging 1,995ppm 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 3359m³/hr. The flow rate has remained high and consistent across the period. 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.

The LFGMP has been reviewed and issued to the Environment Agency, with comments received from the regulator on 2 June 2023 following the submission on 15 January 2023.

The LFGMP has also been issued to NuLBC, with comments received from the council. These have been subject to collaborative discussions.

It is anticipated that the reviewed LFGMP will be submitted to the Agency in August 2023.

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 are ongoing in this regard.

The availability of an appropriate, specialist drilling contractor has been obtained and the work scheduled in for August 2023. This will see the installation of 5 replacement leachate wells at the facility.

KPI 13- 15

7 June 2023

(CAR report 0466098) – general site inspection and review of engineering works. C3 received, based on the overlap of the underlying geomembrane. This was rectified, with works continuing in line with the CQA plan.

9 June 2023

CAR report (0466107) received. No issues or odours identified by the Agency.

12 June 2023

CAR report (0466112) received. No issues or odours identified by the Agency.

19 June 2023

CAR report not received. No issues or odours identified by the Agency expected.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO CABINET

18 July 2023

Report Title: Corporate Peer Challenge Outcome & Action Plan

Submitted by: Corporate Leadership Team

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

Ward(s) affected: All

Purpose of the Report

To provide Cabinet with the opportunity to formally receive the Local Government Association's Corporate Peer Challenge report on Newcastle under Lyme Borough Council, and the action plan which has been prepared in response.

Recommendation

That Cabinet

- 1. Receives and considers the Local Government Association's Corporate Peer Challenge report on Newcastle under Lyme Borough Council;**
- 2. Approve the Action Plan prepared in response to the LGA's recommendations.**

Reasons

When a local authority agrees they agree to undertake a Local Government Association (LGA) Corporate Peer Challenge, it also agrees to prepare and publish an Action Plan detailing how the Council intends to respond to the LGA's recommendations from the review.

1. Background

- 1.1** The Borough Council agreed to receive a Corporate Peer Challenge earlier this year as part of the LGA's sector improvement offer. The visit was hugely successful, both in its smooth running and array of partners and stakeholders involved, but also in the positive outcomes reported at the end of the week.
- 1.2** The Peer Team's final report has now been agreed for publication and the Council has a duty to publish an Action Plan to sit alongside it, which responds to the eight key recommendations made.
- 1.3** Appendix 1 of this report is the LGA Corporate Peer Review final report, to be received by Cabinet and by Council.
- 1.4** Appendix 2 of this report is the Council's Action Plan prepared to respond to the LGA's recommendations.
- 1.5** The draft Action Plan responds to the eight key recommendations made by the LGA Peer Team in their final report following the Corporate Peer Challenge in March of this year. The

recommendations are designed to help the Council make further improvements to its already strong position, as acknowledged in the report. The LGA's recommendations will make a welcome contribution to the Council's commitment to continuous improvement.

1.6 The actions, grouped against the themes bulleted below, are owned at senior leader level, with clear implementation dates and deliverables. Once agreed by Cabinet, the actions will be monitored by the Strategic Hub in order to help ensure that good progress can be demonstrated by the time of the LGA return visit later this municipal year. The themes covered are:

- One Council Programme
- Capacity
- Regeneration
- Finance and Budgets
- Governance
- Partnerships

2. Next Steps

2.1 Upon member approval and appropriate scrutiny, the final report from the LGA and our accompanying Action Plan will be published on the Council website. The LGA will also publish the final report on their own site.

2.2 Some of the actions detailed are already underway and the remainder will commence imminently. Progress will be monitored centrally and reported back to members at periodic points, prior to the LGA's return visit.

3. Proposal

That Cabinet

- **Receives and considers the Local Government Association's Corporate Peer Challenge report on Newcastle under Lyme Borough Council;**
- **Approve the Action Plan prepared in response to the LGA's recommendations.**

3. Legal and Statutory Implications

3.1 None from this report.

4. Equality Impact Assessment

4.1 Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably due to protected characteristics. There are no differential equality issues arising directly from this report.

5. Financial and Resource Implications

5.1 The Action Plan is designed to build on the Council's already strong financial management.

6. **Major Risks**

6.1 No new major risks have been identified through the process of developing the Action Plan.

7. **UN Sustainable Development Goals and Climate Change Implications**



8. **Key Decision Information**

8.1 This is not a key decision.

9. **Earlier Cabinet/Committee Resolutions**

9.1 N/A

10. **List of Appendices**

10.1 Corporate Peer Challenge Action Plan (Appendix A).

11. **Background Papers**

11.1 Working papers held by officers responsible for managing the Peer Challenge.




LGA Corporate Peer Challenge

Newcastle-under-Lyme Borough Council

28th – 30th March 2023

Feedback report





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1. Executive summary

Newcastle-under-Lyme Borough Council (NULBC) had its previous Corporate Peer Challenge (CPC) in 2012 and much has changed since this time, including the leadership of the council from a Labour to Conservative administration, with a new Leader, and also a new CEX who started in 2019. The peer team heard how the Leader and CEX are widely respected internally and externally - recognised for their commitment to improving the Borough. No better example could be the exemplary work which has been led on behalf of the Borough's communities to address the environmental issues related to Walleys Quarry since 2020.

There is clear leadership from the Cabinet and senior officers and their visibility and accessibility is appreciated by NULBC staff and partners. The council's Castle House office, opened in 2018, has contributed to this – bringing NULBC, Staffordshire County Council (SCC) and Police teams together – within a modern workplace helping to provide efficiencies and opportunities for closer working between the council and its partners.

There is a strong pride of place and Newcastle-under-Lyme has a distinct identity. Both Members and staff are proud of the place and look to champion and make the most of its range of assets including: building on the history (through a programme of events for the Borough's 850 year charter celebrations in 2023); reflecting the cultural contributions of its communities including the development of the Astley Centre for Circus (as the birthplace of Philip Astley who invented the modern circus); the award winning parks and open spaces; and education and skills through the Digital Society Centre with Keele University to create a hub for students and for the wider community. Without exception all Members and staff the peer team met wanted to deliver positive outcomes for the Borough and its communities.

The council's approach to partnership working is particularly strong and the role it has in bringing others together to collaborate is highly valued for the outcomes




delivered. The peer team consistently heard how well the council is working with all its partners noting how it ‘brings people together and makes things happen’. An often cited example of this is the work of partners and the council through the Vulnerability Hub to facilitate intensive multi-agency support for individuals in the most need. In doing this the council is an equal partner and is flexible about how the work is best delivered, working collaboratively.

This is a critically important moment for the Borough. The £51M Town Deal and Future High Streets programmes are clear priorities for the council and widely recognised as being ‘once in a lifetime’ opportunities to deliver its aspirations for the place. These are ambitious projects which the council has secured through working with partners on a successful bid. Due to the economic conditions these are challenging times for delivering capital projects. Therefore, the approach adopted by the council for scheduling these programmes is critical. Consideration of the resources, capacity to deliver and the external environment will be factors to be kept under constant review.

The council’s finances are healthy, and actively managed, which places it in a stable position. The One Council Programme is important to NULBC as the key means for delivering its future work and addressing some of the financial challenges. This transformation programme already has a lot of recognition and buy-in from council staff, with officers supportive of the benefit of the changes and keen to be clearer on the next steps. The council will want to ensure that the following phase is scheduled, widely understood and the appropriate levels of support and capacity across the organisation is in place to deliver the intended outcomes.

Council officers are recognised as important assets for NULBC and they are committed and keen to deliver for the communities. The council is actively supporting staff development through apprenticeships and training and is putting in additional plans to provide development opportunities and facilitate succession planning. NULBC will also want to remain conscious of the impact that staff sickness and recruitment and retention issues are having in particular areas of the council.



NULBC is competing with neighbouring councils and employers when attracting staff and will want to consider how to market the unique offer the Borough has for prospective applicants.

Newcastle-under-Lyme BC has set out its ambitions for the place and its communities and attracted enviable amounts of Government funding to deliver physical regeneration. The council recognises that 2023 is a significant point as it celebrates the 850th anniversary of the granting of the first charter and it looks forward towards an exciting time for the Borough's future.

2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

Recommendation 1

Everyone is signed up to the One Council programme. Regularly review the alignment of resources to the programme and ensure staff are kept updated on its achievements

Recommendation 2

Continue to consider the capacity needs of the organisation and the ability to flex resources to deliver council services and ambitions

Recommendation 3

The council has a 'once in a lifetime' opportunity and ambition for high quality regeneration - consider how you schedule delivery to maximise impact

Recommendation 4

Consider how to keep partners better informed on the progress of regeneration projects

Recommendation 5

Recognising strong financial management, it is important to continue to promote joint responsibility and accountability for the financial health of the organisation and to put in place robust plans and governance to meet future financial challenges

Recommendation 6

Build on the recent successes in Scrutiny regarding Budget Scrutiny and Walleys Quarry and consider how this approach can be incorporated to ensure Scrutiny works effectively across the organisation

Recommendation 7

Consideration should be given for how the council can remain fully involved in discussions to develop and shape post-LEP arrangements and further collaboration with other Councils across the County

Recommendation 8

The council can build on the fantastic relationships it has with partners and work together to deliver its strategic ambitions

3. Summary of the peer challenge approach

3.1. The peer team

Peer challenges are delivered by experienced elected Member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

- Larissa Reed (CEX - Swale BC)
- Cllr Peter Fleming (Leader - Sevenoaks DC)
- Sue Cuerden (Executive Director for Corporate Services & Assets, S151 Officer - Basingstoke and Deane BC)
- Natalie Wigman (Corporate Director - Eastleigh BC)
- Max Taylor (National Graduate Development Programme Trainee – Warwickshire CC)
- James Millington (Peer Challenge Manager - LGA)


3.2. Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
5. **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

3.3. The peer challenge process

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical



assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent two and a half days onsite at NULBC, during which they:

- Gathered information and views from more than 40 meetings onsite and virtually, in addition to further research and reading
- Spoke to more than 100 people including a range of council staff together with Members and external stakeholders.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and Members.

4. Feedback

4.1. Local priorities and outcomes

NULBC has a good knowledge of its communities and their needs which has shaped the development of the council's priorities. This is because Members are active and staff are engaging with communities, alongside utilising data to understand the Borough's challenges. The council has used national and local datasets to create the new 'State of the Borough' Digest and Experian's MOSAIC data on customer segmentation. The Council Plan 2022-2026 was approved in November 2022 and clearly sets out the council's priorities as:

- Priority One: One Council Delivering for Local People
- Priority Two: A Successful and Sustainable Growing Borough
- Priority Three: Healthy, Active and Safe Communities


- Priority Four: Town Centres for All

This Plan is unambiguous and reflects the challenges and opportunities facing the council and the Borough.

A new approach to performance monitoring of the Council Plan has been introduced with the creation of a Strategic Hub and a performance management framework. The council recognised an opportunity to strengthen its monitoring and invested in additional capacity to ensure a closer alignment between service delivery and the council's ambitions. The Hub co-ordinates this work and ensures performance is monitored and reported across NULBC. NULBC will want to ensure that this approach is effectively integrated across the council in 2023/24 and utilise the business intelligence tools to adjust activity to achieve the outcomes it is anticipating.

During 2020, and in light of the Covid-19 pandemic, the council reviewed how it operates to deliver outcomes and applied learning from this experience to review its future operations. The One Council Programme was developed from the council's keenness to build on the experience of working flexibly and proactively for its communities and driving efficiency through service redesign and digital investment, with relevant staff development and an enhanced focus on performance management. The aims of the transformation are to deliver a financial benefit to the council, but the wider aims are to provide staff with 'the ability to see transformation and continuous improvement as a way of working'. The One Council Programme aims to direct resources to the priorities identified in the Council Plan and the peer team heard from staff that there are clear links from these plans to the activity of staff.

The peer team heard much about the change activity, particularly around the ambitious regeneration programme. This is rightly a focus for the council. At the same time NULBC will also want to ensure that statutory services are maintained. These are just as important as the big change projects and NULBC will want to



ensure that the focus remains on both aspects of council activity. The enhanced performance management arrangements will help keep a close overview on service delivery. A regular review of activities and resources may be helpful.

Local partners are clear about what NULBC is aiming to achieve through the regeneration plans in Newcastle-under-Lyme and Kidsgrove. Partners articulate a clear and consistent plan from the council and cite the strength of the council in maintaining this focus – NULBC is not incoherently changing projects and ideas. NULBC is working closely with its partners to seek the best outcomes for these programmes, engaging appropriately and utilising their knowledge and experience for the benefit of the Borough. This includes the Aspire Housing Association Executive Director of Place as the chair of The Kidsgrove Town Deal Board and the Vice Chancellor of Keele University as chair of The Newcastle-under-Lyme Town Deal Board.

The council has harnessed critical external funding opportunities to support the delivery of its ambitions. The £51M Town Deal and Future High Streets programmes are clear priorities for the council and widely recognised as being ‘once in a lifetime’ opportunities to deliver its aspirations for the place. The council has been proactive in taking advantage of this by bidding for funding to deliver its priorities. This is a time consuming process but NULBC has focused its efforts on attracting the funding for the longer term rewards. All the partners the peer team met with recognised the critical role the council has played in this and support NULBC’s approach.

The council recognises the health and wellbeing challenges facing its communities and is a key priority in the Council Plan. NULBC takes its role here seriously, utilising and developing its assets and providing attractive and inviting outdoor spaces including: six Green Flag parks; the Britain in Bloom programme; and a new BMX Pump Track and 3G football pitches in Kidsgrove. The leisure offer within the Borough is important to the council and this has included improvements to the Jubilee2 leisure centre in Newcastle-under-Lyme town centre and the refurbishment and reopening of Kidsgrove Sports Centre – with the centre transferred to a local




trust.

The council is passionate about the sustainability agenda and has articulated how it is playing a crucial part through its Sustainable Environment Strategy. A target has been set to meet net zero for the council's own estate and activities by 2030, and for the wider borough by 2050. NULBC is leading the way through: opportunities in the new Local Plan; the use of alternative technologies and using Hydro-treated Vegetable Oil (HVO) in the majority of the waste and streetscene vehicles to reduce emissions; and a programme of tree planting across the Borough. The Leader is the Cabinet Member for Environment, Infrastructure and Climate Change at SCC and chairs the Staffordshire Sustainability Board below the Staffordshire Leader's Board. NULBC led work to establish '10 base pledges' to which all the Staffordshire councils have committed.

4.2. Organisational and place leadership

The Leader and CEX are seen as effective both within the council and externally, and have delivered a 'step change' in the council's approach to partnership working. This was particularly noted by the council's partners who felt that the community engagement and political leadership role was very strong on the key issues of local importance and challenge. Partners look to the council for leadership, and receive it. A consistent theme was the positive way NULBC has responded to the issues around Walleys Quarry.

The Leader's critical role in addressing the issues from Walleys Quarry was often cited as demonstrating the council is an effective place leader. Since 2020 the council has been addressing the environmental issues of Hydrogen Sulphide (H₂S) from the local landfill site. Gaining national coverage and debated in Parliament this has led to more than 20,000 complaints received by the council. This has been a significant focus for NULBC and its role in leading on behalf of communities is recognised as being central to the current positive position in securing an Abatement




Notice against the site operator. Partners agreed that the council came together and stood up to lead the community response 'above and beyond' what is typical. The ongoing commitment of the council to this cannot be overstated and the peer team recognise the crucial role it has played in committing resources and capacity to this.

There are very strong partnership relationships in place and developing and nurturing these is a key strength of NULBC. The council's role in bringing others together to collaborate is highly valued for the outcomes delivered and the effort the council makes is widely appreciated and it is seen as an important and proactive partner by the public, voluntary and community sector.

The peer team consider the multi-agency Vulnerability Hub as sector leading and a great example of the strong partnership work delivering impressive outcomes. The first Hub where partners came together to discuss individuals and families identified as the most vulnerable was held in September 2017. With representation from NULBC, Police, adult social care, children's social care, mental health, the fire service, local housing providers, and third sector organisations cases are dealt with efficiently. This is working well and handled more than 1,100 cases since inception - delivering impressive outcomes with partners to address homelessness, rough sleeping and health and wellbeing issues. Partners all have the same passion to make the difference and with no hierarchy – with everyone's contribution being equally valued.

To enhance the relationships with partners there could be further consideration about how to keep them informed on progress and council decisions. For instance, partners would welcome more information on where decisions are to be made and the timescales involved. This might be particularly important during the current regeneration programme activities to ensure all partners remain sighted on this important activity.

NULBC has 446 staff (392 FTE) across nine service areas including in-house



operational services for waste, recycling and street scene. Sickness absence is currently around 10 days per FTE, at a cost of £390k last year. The council recognises that its staff are one of its greatest assets and has undertaken a health and wellbeing 'Thrive at Work Health Needs Assessment' survey to understand their needs. Headlines from this survey in December 2022 positively show that:

- 92% of respondents agree that they understand how their work contributes to the objectives of the council
- 93% of respondents agreed that they can use their personal initiative or judgement
- 84% agree that they can have 1:1 meetings with their line manager
- 81% agree that there is good cooperation between colleagues

Responses for further development and exploration which the council is addressing include:

- 47% of respondents feel under strain at work
- 53% of respondents feel communications is good at work
- 40% of respondents feel there are opportunities for staff to develop and progress in the organisation

The council is exploring this feedback and this will inform the basis of a new Workforce Strategy to respond to the findings. This will include themes around: Engagement and Cultural Development; Developing Compassionate, Strategic Leadership Competencies and Behaviours; Resourcing and Workforce Planning; Inclusion, Diversity and Allyship; Operational Excellence and Performance; and Wellbeing. NULBC has a good relationship and works closely with the trade unions and will continue to work closely with them on workforce matters. Particular examples cited were where close working facilitated the flexible use of staff to

support service delivery and provide support to communities during the pandemic.


A new management structure will be implemented from April 2023 and the current Heads of Service will 'play a greatly enhanced role in the visible leadership of the corporate body'. These changes will provide opportunities to create capacity and provide NULBC staff with new and exciting projects through the rotation of staff and stepping-up to lead on key activities for a period of time. It is clear that NULBC is considering the importance of succession planning for the organisation and building capacity within the senior team. The focus on developing internally is important given the challenges in the recruitment of certain roles. The council will want to remain agile on these proposed changes to the Executive Management Team (EMT). These are innovative changes and ensuring they are monitored on roll-out, considering the impact on staff and heads of service, and flexed and adjusted if things are not working as anticipated will be important.

4.3. Governance and Culture

The Leader and CEX are available and visible and this accessibility is valued by council staff and partners. The ability for individuals to be able to contact senior managers of the council and to raise issues and opportunities in an open and transparent way is appreciated.

NULBC is Conservative controlled and operates a Leader and Cabinet model. The peer team heard that Cabinet has priorities which are clearly articulated within the Council Plan 2022-2026 and that this reflects their manifesto. There is good experience and knowledge within the Cabinet and the wider group of Members, and more recently elected councillors are keen to play a full part on the council, and further develop and utilise their skills for the benefit of the Borough.


There is clarity on the roles of officers and Members with good relationships in place between Members and officers. The political and officer groups work well together



with Members speaking highly of the advice and reports which they are provided. NULBC adopted the LGA Model Code of Conduct in May 2022 and there is a process in place for dealing with complaints. There have been very few complaints against NULBC Members since January 2020, and no findings of a breach of the Code.

There are some good examples of cross-party working and good practice identified within the council's scrutiny arrangements. This has included around the Budget Scrutiny process and the work on Walleys Quarry. Members of the scrutiny committees can continue to build on the important role they have in challenging and supporting the council to deliver using learning from these as a blueprint for other work. Officers play a key role in supporting this and a 'Scrutiny Champion' who is the EMT officer most closely aligned to the particular committee ensures that the work of Scrutiny has the appropriate profile. The LGA has recently delivered sessions for NULBC Members on scrutiny and would be happy to offer any further support which the council identifies.

The council offers Members development and support both through the NULBC, and therefore open to all councillors, and the political groups providing their own support which may include mentors for those who are newly elected. NULBC-led Member development has included: the induction programme for Members following the 2022 elections; the introduction of all Member events to brief councillors on specific issues such as on Walleys Quarry, council budgets, One Council; and specific support to Members involved in the work of the licensing and public protection, planning and audit and standards committees. The council's recently developed Member intranet is still to be more widely accessed by all Members. The council will wish to consider regularly updating this to provide information on: development and support, including that which is accessed through the LGA; promoting the use of available meeting spaces for all Members; and signposting key contacts at partner organisations and SCC. The peer team were aware of discussions including access to IT equipment and committee papers for Members and the approach taken to deliver meetings effectively. The council will want to ensure that its processes and support remains




adequate and Members continue to have opportunities to raise issues. Ongoing development and support needs for all Members should be kept under consideration to ensure the council is addressing the needs of newer and more experienced councillors.

Whilst on site the peer team were pleased to be able to join a council THRIVE Group meeting. This is chaired in partnership between HR and the trade unions which focuses on staff wellbeing, and is attended by the Portfolio Holder - Community Safety and Wellbeing to provide political input and leadership. This was an engaging session where staff were keen to support each other, share ideas around staff welfare and discuss their health and wellbeing plans for upcoming events and celebrations. This forum is appreciated and is an important component in the council's support offer for its staff and the development of policies including the Fostering Friendly Policy, an Employee Led Volunteering Scheme and the training and roll out of Mental Health First Aiders.

The council does have an Equality, Diversity and Inclusion Policy but this is recognised as an area which needs more work. There is some good practice including the activity of the THRIVE group but equalities impact assessments and other tools are not as widely utilised as the council may wish. The emerging Workforce Strategy is seen as an opportunity to embed a culture which reflects the council's commitment to equalities and for NULBC to be an organisation which celebrates, supports and welcomes diversity and actively promotes inclusive processes and practices.

A positive organisational culture is integral to the One Council Programme and the future Workforce Strategy. The peer team heard from staff who enjoy working at the council, have good positive relationships with colleagues with lots of informal peer support already in place across the organisation. The council will want to consider how to build on this and work with staff to develop this further. Internal communications such as Team Talk and the recently introduced internal communications e-bulletin, CastleNEWS, are appreciated by staff and a response to



the staff feedback regarding communications. NULBC staff are actively engaging in these also creating their own content to share with colleagues.


The delivery of the council's ambitious priorities may require staff to be upskilled in particular areas, for instance around project management. Staff may already be confident they have the skills to deliver but understanding where there are any gaps would help NULBC to respond and support staff development. Undertaking a skills audit with officers might be a helpful means of then focusing training and development support to staff.

A full review of the Annual Governance Statement may be beneficial to be clearer on the key risks, associated actions and delivery. Whilst the internal controls are strong on finance processes and practices, further consideration should be given to ICT, General Data Protection Regulation (GDPR) and projects. These are important and could impact on the overall audit opinion for the council. The peer team understand that staff turnover may be a factor in this and with recent appointments will now be picked up.

4.4. Financial planning and management

NULBC has strong financial leadership and overall financial management, and fully recognises future potential financial pressures and challenges. The council's finances are healthy, and actively managed, which places it in a stable position. The council places significant focus on its overall financial resources to ensure that there is financial resilience in the Medium Term Financial Strategy (MTFS) and consideration is given to the longer term position and how the budget gaps can be addressed.

The finance team is well respected across the council and is promoting wider good financial management. The council operates a robust process for identifying potential budget proposals - pressures and savings - with significant involvement of




Members and key staff in developing the proposals. Early engagement and sound processes contribute to the robustness of proposal development and means that between 90 – 95% savings proposals are then subsequently achieved. In doing so the council is managing its financial position well. Discussions are now being considered for how to close revenue budget gaps in future years.

NULBC is good at identifying external factors – particularly in 2023/24 - and recognising that the economy is recovering and inflation pressures remain. Whilst positive action has been taken to put provision for potential additional revenue pressures in the 2023/24 financial year, there are a number of potential calls on this funding with regards to the additional pay award, loss of service income and further inflationary pressures. As such the council may wish to:

- Consider any other management actions now and have these ‘ready to go’ in-year should the need arise
- Undertake some benchmarking of its fees and charges with other areas. This may be useful for informing political decision making
- Review the council’s Commercialisation Strategy and consider the impacts of Covid-19 alongside the further roll-out of the One Council Programme.

The One Council Programme is on track to deliver the recurring savings of £1M per annum at the end of 2022/23. The Programme is in its second year and this represents good value from the £1.2M original investment. The council should consider if the current arrangements around the One Council Programme will provide sufficient resources and capacity to deliver the clear drive and outcomes of the Council Plan and consider the appropriate scheduling and alignment of funding to the programme.

Whilst consideration is being given for how to meet the future years’ revenue budget gaps, significant reliance has been placed on the One Council Programme. The council may want to consider what other actions are needed to ensure the ongoing financial resilience of the council – through the current known challenges around pay



and inflation, as well as the unknown challenges. This may include the council reducing or stopping activity to concentrate on its ambitions.

Significant additional funding of £51M has been secured from the Government for the regeneration of the Borough with successful partnership working arrangements put in place to support the delivery of the key projects. However, this funding may not now be sufficient to meet the original aspirations for the funding in the current economic and market conditions. There may be a need to be flexible in the delivery plans, in order to respond to market conditions and changes in timescales, with clear understanding of affordability and resources available to deliver the projects. There is also a further need to consider the position following the demolition works, for how future development on the sites is funded and delivered. As things progress the governance should remain tight so that everyone continues to be clear what the funding will deliver and that this is being monitored appropriately.

The council has had great success in attracting Government funding and it can continue to build on its strong local partnership approach to continue to look at opportunities to attract additional further funding and to deliver strategic ambitions.

NULBC's capital programme is utilising external funding. The council is currently considering a proposal to undertake some borrowing – which it has not done in some time. It would be prudent to obtain some external advice and to test the council's assumptions to ensure what it is planning is achievable and deliverable.

4.5. Capacity for improvement

The One Council Programme considered the experience and lessons learnt during Covid-19 and NULBC has reflected on how to take this forward. Staff the peer team met spoke of the one front door ambitions and how this was borne out of the needs of communities and the council during the pandemic. This was a good use of the positive experience from what was a difficult and challenging time and illustrates the




ability of the workforce to respond to challenges and change in a positive way.

Whilst staff are supportive of the One Council Programme and are working hard to deliver it, consideration should be given for how staff are supported to deliver the programme in a more sustainable way. Staff are committed to this and at the same time are delivering this as part of their day jobs. The council will want to review how to support staff with this and how it is delivered over the long term.

Work has been undertaken to develop the performance management culture of the organisation and to ensure NULBC's priorities are fully aligned and integrated into Priority Delivery Plans (PDPs), which inform individual employee objectives. This provides a clear link from the strategic to the operational. Good performance monitoring arrangements will report into Cabinet. This means the council will understand the performance and where to focus attention. Importantly, staff are signed up to this and own it so that the council is clear on its priorities and what needs to be done.

Staff the peer team spoke to enjoy working for the council and are proud of the role the council has locally. They appreciate the support offered to officers including through apprenticeships and how the council is supporting staff through professional skills programmes. This 'train your own' approach also offers good value for NULBC against recruitment costs and issues. NULBC is focused on the importance of succession planning including the senior staff rotations to build experience in officers and enhance the capacity of the council.

NULBC will want to remain aware of the impact that staff sickness and recruitment and retention issues are having in areas of the council. The council is ambitious and is delivering critical projects whilst ensuring statutory service delivery is maintained. The council will want to be mindful of the capacity and scheduling when driving activity forwards. Additionally, similar to other councils, there are challenges in recruiting staff into particular areas including Finance, Planning and Legal services.



Further considering the council's approach for attracting and developing staff may be valuable in helping to address this. Levels of remuneration is a recognised issue and there are other employers which the council is in competition with when recruiting staff. Continued opportunities for staff training and development will be important, ensuring there is a consistent approach which all staff are able to access. This may be more challenging to deliver when finances are tighter but is important to the culture of the organisation and its ability to deliver - and will help with recruitment issues over the longer term. Existing staff were complimentary about the flexible working policies and the benefits and support offered and NULBC may want to consider how to best promote this to attract potential future staff too.

A number of important and underpinning strategies and policies are to be reviewed including around Workforce & ICT and Digital. The council is aware that this work is important, so setting out the expectations and timeframes for completion may be helpful in order to finalise.

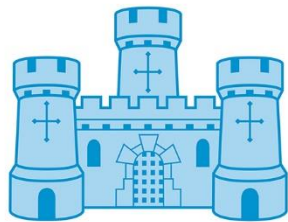
5. Next steps

It is recognised that senior political and managerial leadership will want to consider, discuss and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a six-month check-in meeting. This will be a short, facilitated session which creates space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

In the meantime, Helen Murray, Principal Adviser for the West Midlands, is the main contact between your authority and the LGA. Helen is available to discuss any further support the council requires Helen.murray@local.gov.uk.

CORPORATE PEER CHALLENGE: ACTION PLAN 2023-24



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Theme / Recommendation	Actions	Deliverable / Outcome	Director Lead	Implementation Date
<p>One Council Programme:</p> <p><i>R1. Everyone is signed up to the One Council programme. Regularly review the alignment of resources to the programme and ensure staff are kept updated on its achievements</i></p>	1a) Review, update and publish internally the One Council Programme timetable for the remaining year 2023/24 and strengthen internal communications with 'One Council Update' as a standing item on monthly team briefs and CEO Team Talks	<p>A published timetable for the One Council Programme 2023-24</p> <p>Staff are aware of progress being made against the Programme</p>	Strategy, People and Performance	End of August 2023
	1b) Scope the extent of the post One Council transformation and improvement programme	New Improvement programme established	Strategy, People and Performance	End of March 2024
	1c) Develop a new Digital Strategy to support ongoing transformation and schedule "up front" investment in digital support and training for staff	<p>Digital Strategy in place</p> <p>Digitally-skilled workforce</p>	IT and Digital	<p>Draft Strategy September 2023</p> <p>Final Strategy March 2024</p>
<p>Capacity:</p> <p><i>R2. Continue to consider the capacity needs of the organisation and the ability to flex resources to deliver council services and ambitions</i></p>	2a) Develop and deliver a Workforce Strategy covering the themes of engagement and culture, compassionate leadership, workforce development and succession planning, Inclusion and Diversity, Performance, and Wellbeing	Workforce Strategy and service level Development Plans in place	Strategy, People and Performance	<p>Draft Strategy December 2023</p> <p>Final Strategy March 2024</p>
	2b) Implement and embed a new Council-wide Performance Framework that underpins and monitors the delivery of council plan ambitions	<p>Priority Delivery Plans in place across all Directorates linked to Council Plan priorities</p> <p>Monthly Management Reports produced to monitor wider performance</p>	Strategy, People and Performance	Commenced April 2023

Theme / Recommendation	Actions	Deliverable / Outcome	Director Lead	Implementation Date
<p>Regeneration:</p> <p><i>R3. The Council has a once in a lifetime opportunity and ambition for high quality regeneration - consider how you schedule delivery to maximise impact</i></p>	3a) Align service and strategy reviews to the delivery of major projects (e.g. build new multi-storey car park and rationalise remaining car park stock)	Major projects programme in place with opportunities for service / strategy reviews identified	Deputy Chief Executive	End of August 2023
	3b) Scope options for alternative delivery vehicles such as Joint Venture	Alternative delivery vehicles options identified and assessed	Deputy Chief Executive	End of September 2023
	3c) Ensure procurement strategies are in place for all major projects which allow for external project management support	Programme of regeneration procurement strategies in place	Deputy Chief Executive	End of April 2024
<p>Regeneration:</p> <p><i>R4. Consider how to keep partners better informed on the progress of regeneration projects</i></p>	4a) Design an external communications strategy for informing partners about plans an progress with key regeneration projects	<p>Communication strategy in place for regeneration schemes</p> <p>Partners feel engaged and well informed</p>	Deputy Chief Executive	End of August 2023
<p>Finance and Budgets:</p> <p><i>R5. Recognising strong financial management, it is important to continue to promote joint responsibility and accountability for the financial health of the organisation and to put in place robust plans and governance to meet future financial challenges</i></p>	5a) Review and relaunch the Commercial Strategy including income generating initiatives	Commercial Strategy reviewed and underway	Deputy Chief Executive	End of September 2023
	5b) Embed culture of financial review and challenge, aligned to priorities and non-priorities, through the continued use of annual Efficiency Boards	Annual reviews of all budgets undertaken with efficiencies identified	Finance	Annually - September 2023

Theme / Recommendation	Actions	Deliverable / Outcome	Director Lead	Implementation Date
<p>Governance:</p> <p><i>R6. Build on the recent successes in Scrutiny regarding Budget Scrutiny and Walleys Quarry and consider how this approach can be incorporated to ensure Scrutiny works effectively across the organisation</i></p>	6a) Continue to roll out member training on the purpose and aims of good scrutiny	Members feel confident in their scrutiny role	Legal and Governance	End of December 2023
	6b) Support chairs in scrutiny work plan development with clear objectives around scrutiny outcomes	Chairs feel confident in developing an effective scrutiny work plan	Legal and Governance	End of December 2023
	6c) Link scrutiny to Council Plan priority projects and initiatives, including financial pressures relating to lower priority work	Member-led scrutiny work plan developed and agreed, linked to priority projects and initiatives	Legal and Governance	End of December 2023
<p>Partnerships:</p> <p><i>R7. Consideration should be given for how the council can remain fully involved in discussions to develop and shape post-LEP arrangements and further collaboration with other Councils across the County</i></p>	7a) Engage with Staffordshire CEO/Leaders Board including Staffordshire County Council on pipeline projects and funding opportunities	The Borough Council will have the opportunity to influence and participate in future collaborations for the benefit of its residents	CEO / Deputy CEO	Quarterly meetings underway
<p>Partnerships:</p> <p><i>R8. The Council can build on the fantastic relationships it has with partners and work together to deliver its strategic ambitions</i></p>	<p>8a) Continue to seek out opportunities for collaboration on shared priorities with our partners through existing networks</p> <p>See also 4a) external communications with partners around regeneration work</p>	<p>Effective partnerships in action, evidenced by successfully delivered joint projects</p> <p>Partners feel engaged and well informed</p>	<p>Strategy, People and Performance</p> <p>Neighbourhood Delivery</p> <p>Commercial Delivery</p>	<p>Partnership meetings and Programme Board meetings underway</p>

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
18 July 2023

Report Title: Kidsgrove Shared Service Hub

Submitted by: Deputy Chief Executive

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

Ward(s) affected: Kidsgrove & Ravenscliffe

Purpose of the Report

To give an update on progress with the development of the Town Deal funded Shared Service Hub in Kidsgrove and to request Cabinet authority to complete all legal documentation to complete the land transaction with an adjacent landowner to enable the project to commence.

Recommendation

1. That progress with delivery of the Kidsgrove Shared Service hub is noted and work continues with Kidsgrove Town Council and other partners to develop this project.
2. That Cabinet authorises the Deputy Chief Executive, in consultation with the Portfolio Holder Finance, Town Centres and Growth to complete all legal documentation to complete the land transaction with the owners of Dales garage to purchase a part of the land in their ownership and build a replacement garage building.
3. That Cabinet continues to receive such updates on the Shared Service Hub as may be required.

Reasons

- Delivery of the Kidsgrove Town Investment Plan is a significant opportunity to attract Government funding to the Kidsgrove Town Deal area and support its economic, social and community wellbeing.
- To deliver on the Council Plan Objective 4 - Town Centres for All as it relates to Kidsgrove Town Centre
- To improve access to services and facilities for the residents of Kidsgrove and surrounding areas.

1. Background

- 1.1 In September 2019 the Government invited 100 places to develop proposals for a Town Deal as a part of the £3.6 billion Towns Fund. Within the Borough both Newcastle and Kidsgrove were invited to participate in this valuable opportunity to drive significant investment into the borough. This report focuses on the Kidsgrove element of that work.

- 1.2 The Council worked with a Town Deal Board for Kidsgrove to establish robust and sustainable projects to deliver change to the area. These were submitted to Government October 2020 in a Town Investment Plan for Kidsgrove. In March 2021, Government confirmed that the Town Investment Plan had been successful and awarded the Kidsgrove Town Deal Board £16.9 million. It was necessary then to develop the projects in more detail for delivery in the form of Business Cases for each project.
- 1.3 The Kidsgrove Shared Service Hub project fits within the Town Investment Plan Objective 2: to create a connected accessible town centre which links key assets, retains the heritage and uniqueness of Kidsgrove, promotes active travel and diversifies and drives new demand and footfall. A Business Case has been developed and the project approved by Department for Housing Levelling Up and Communities for delivery.
- 1.4 The purpose of the Shared Service Hub is to provide a one stop shop for local services, increase footfall by replacing an identified lack of existing facilities and provide a base for the community to deliver a range of community led services and groups. It will also create a new gateway into the town when accessed from the Railway Station or canal tow path.
- 1.5 A draft design has been prepared for the Shared Service Hub. To progress the project to the next phase it is necessary to consider land assembly to create the development plot for the Shared Service Hub and associated car parking. The details of this are set out further below.

2. Issues

- 2.1 Following submission of the Town Investment Plan, a public engagement event was held over two days in February 2022 to discuss the proposals further with local businesses and residents. General feedback was that the location, function, users and management of the Hub needed to be revised due to various challenges. This has been taken on board in developing proposals for the project.
- 2.2 Kidsgrove Town Deal Board has previously considered a number of locations for the Shared Service hub which have either proved not suitable, have been considered to be too far out of town or it has not been possible to come to an acceptable deal with the current landowner. An overview of these options is given in section 5 below. The current proposed location for the Shared Service hub is land at Meadows Road consisting of a Council owned car park and land in the ownership of the proprietors of Dales Garage.
- 2.3 In terms of operating the Shared Service Hub, at its meeting of 19 May 2022 Kidsgrove Town Council resolved to submit an application to Kidsgrove Town Deal Board to become the anchor tenant or owner of the Shared Service Hub. This proposal was accepted by Kidsgrove Town Deal Board and a representative of Kidsgrove Town Council (Cllr Paul Waring) has been a core part of the project group. In line with the Kidsgrove Town Council resolution, Cllr Waring is currently pursuing development of a business plan to ensure the ongoing financial stability of the hub and that an appropriate management structure is put into place to make certain that the maximum benefit is derived from the project for the benefit of the wider community.
- 2.4 In addition to the commitment from Kidsgrove Town Council, two potential tenants that have expressed an interest in occupying a part of the office space that is to be developed as a part of the Shared Service Hub, this would secure an income stream to support the financial sustainability of the hub.
- 2.5 To secure adequate space to build the Shared Service Hub and also to provide associated car parking it is necessary to create a development plot large enough to accommodate it.

Therefore, an approach has been made to the owners of Dales Garage, the owners of the adjacent land. They have confirmed their interest in completing a land transaction to enable the Shared Service Hub development to proceed. As the Council wishes to assemble land next to its existing car park this would involve a purchase of part of the site currently occupied by the Dales Garage building. To create the development plot, the existing building would need to be demolished. To allow the business to continue to operate in that location, Town Deal funding would need to be used to provide a replacement garage building for Dales on the remaining plot of land in their ownership. Once this is complete, the existing Dales Garage building would be demolished to create a development plot for the Shared Service Hub. A site plan is included in the Appendix, the red line showing the land for the new hub and the blue indicating the new garage.

- 2.6 As a part of due diligence on this transaction, ground investigation works have been commissioned to give assurance that there are no abnormal land conditions that would prevent the development taking place. Additionally, there is a need to resolve rights of way which pass over the site and ensure unencumbered land ownership before a final layout can be determined. Conclusion of an arrangement with the owners of Dales Garage would be subject to satisfactory results from these two pieces of work.

3. **Proposal**

- 3.1 That progress with delivery of the Kidsgrove Shared Service hub is noted and work continues with Kidsgrove Town Council and other partners to develop this project.
- 3.2 That Cabinet authorises the Deputy Chief Executive, in consultation with the Portfolio Holder Finance, Town Centres and Growth to complete all legal documentation to complete the land transaction with the owners of Dales garage to purchase a part of the land in their ownership and build a replacement garage building.
- 3.3 That Cabinet continues to receive such updates on the Shared Service Hub as may be required.

4. **Reasons for Proposed Solution**

- 4.1 Delivery of the Kidsgrove Town Investment Plan is a significant opportunity to attract Government funding to the Kidsgrove Town Deal area and support its economic, social and community wellbeing.
- 4.2 To deliver on the Council Plan Objective A Town Centres for All as it relates to Kidsgrove Town Centre.
- 4.3 To improve access to services and facilities for the residents of Kidsgrove and surrounding areas.

5. **Options Considered**

- 5.1 The projects presented in the Kidsgrove Town Investment Plan have been agreed by both the Kidsgrove Town Deal Board and the Council as the priorities for Kidsgrove following consideration of other options.
- 5.2 A number of sites for the location of the Shared Service Hub have been considered in detail by Kidsgrove Town Deal Board. In summary:

- a) Kidsgrove Town Hall, considered to be too far away from other services, not in the core of the town centre and less accessible to those without a car.
- b) A development at the King's C of E Academy, considered to be less accessible from the town centre, more heavily focused on training and education which may create barriers for some residents and possible safeguarding issues around shared use of an education building.
- c) Land occupied by Boulton Garage, does not achieve the gateway feature intended to be achieved by development of the Shared Service Hub. Landowner unwilling to sell.
- d) Land at Meadows Road purely in the ownership of the Council. Insufficient land to enable development of a building and also provide surface level car parking to support both the Shared Service Hub and adjacent businesses.

5.3 The preferred option is to combine land at Meadows Road currently in the ownership of the Council with an adjacent parcel of land currently in the ownership of the proprietors of Dales Garage to create a sufficient development plot for the Share Service Hub and associated car parking.

6. **Legal and Statutory Implications**

6.1 This proposal requires the acquisition of land to enable the project to proceed.

6.2 This proposal requires the Council to develop a replacement garage building for the use of the owners of Dales garage as a part of the land acquisition deal.

6.3 Subject to further legal advice (which is in the process of being obtained) this proposal may require the formal extinguishment of rights of way adjacent to Meadows Road Car Park and on Land at Dales Garage.

7. **Equality Impact Assessment**

7.1 The location of the Shared Service Hub is intended to be accessible for all local residents of Kidsgrove Town Centre.

7.2 The Shared Service Hub is intended to provide the opportunity to increase the range of services provided to residents of Kidsgrove and also provide opportunities for community groups to have a bookable space.

7.3 The building will be designed to be fully accessible to all and will comply with current building standard requirements.

7.4 An Equality Impact Assessment was submitted to Government as a part of the approval process for this project. This identified a positive impact due to the project providing improved accessibility to services and potentially that opportunity to access a wider range of services in the local area.

8. **Financial and Resource Implications**

8.1 The project requires expenditure of Kidsgrove Town Deal funding for which the Council is the accountable body.

8.2 The project requires the procurement of legal advice on the rights of way issues, the land purchase and deal with the owners of Dales Garage. This is being competitively procured.

- 8.3 This project will require the building of a replacement building for Dales Garage for which tenders will be invited in a compliant way.
- 8.4 The Council's Property Team commissioned an independent valuation of the Dales garage site which has informed the terms of the proposed deal with the owners of Dales Garage. Further information on this is included in the confidential appendix.
- 8.5 There is funding allocated within the Kidsgrove Town Deal to purchase the land, build a replacement garage and build a Shared Services Hub.

9. **Major Risks**

- 9.1 The principal risks for the project are as follows:
- 9.2 Unable to deliver Town Deal objectives – consequences are loss of investment for Kidsgrove and no improvement of facilities for local people. Control measures include project governance processes, project approval processes and the actions of the project sub group in managing delivery of the project and associated risks and issues.
- 9.3 Unable to assemble a suitable plot for delivery of the Shared Service Hub – consequences unable to deliver the project, loss of investment in Kidsgrove, no improvement in facilities for local people. Control measures include project governance processes, project subgroup in place to manage delivery, site investigations being undertaken, legal advice on land assembly and issues, Negotiation with landowner on term of acquisition.
- 9.4 Cost inflation – consequences, unable to deliver the full scope of actions as set out in the Town Investment Plan, lesser outcome for the people of Kidsgrove. Control measures, cost control within project specification, prioritisation of actions, project governance processes, project subgroup in place.
- 9.5 Financial sustainability of the Shared Service Hub – consequences, unable to deliver services to Kidsgrove residents as planned, failure to deliver full objectives of the Town Investment Plan, partial or full closure of the centre. Control measures, early engagement with potential occupiers and stakeholders, business plan to set out how the Centre is to be run, attraction of anchor tenant, and promotion of the centre as a new facility in Kidsgrove.

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

- 10.1 Delivery of the Shared Service fits within sustainable development goals Specifically, Goal 11 Sustainable cities and communities, by consolidating services in an existing town centre to support both the provision of existing services and also the introduction of new services for local residents. Goal 10 reduced inequalities by providing opportunities for service delivery and community cohesion events in an area which has some areas of deprivation as measured by the Indices of Multiple Deprivation. Goal 3 Good health and wellbeing. Supporting the mental and physical wellbeing of Kidsgrove residents by providing facilities for social and well-being activities alongside more formal delivery of services to the local community.



11. **Key Decision Information**

11.1 This is a key decision as it involves expenditure of more than £100,000.

11.2 Whilst located in the Kidsgrove and Ravenscliffe Ward the Shared Service hub is intended to deliver services to residents from a wider catchment of the Kidsgrove Town Deal area.

12. **Earlier Cabinet/Committee Resolutions**

12.1 17 March 2021 Concerning acceptance of the £16.9 million Kidsgrove Town Deal award and progression of project delivery.

<http://svmma/ieListDocuments.aspx?CId=118&MId=3425>

12.2 3 November 2020 Concerning authorisation of the Kidsgrove Town Deal Investment Plan and progression of project development.

<http://svmma/ieListDocuments.aspx?CId=118&MId=3421>

12.3 4 December 2019 concerning establishment of a Town Deal Board and development of the Town Investment Plan <http://svmma/ieListDocuments.aspx?CId=118&MId=3412>

13. **List of Appendices**

13.1 Appendix - site plan of land to be purchased and new garage site.

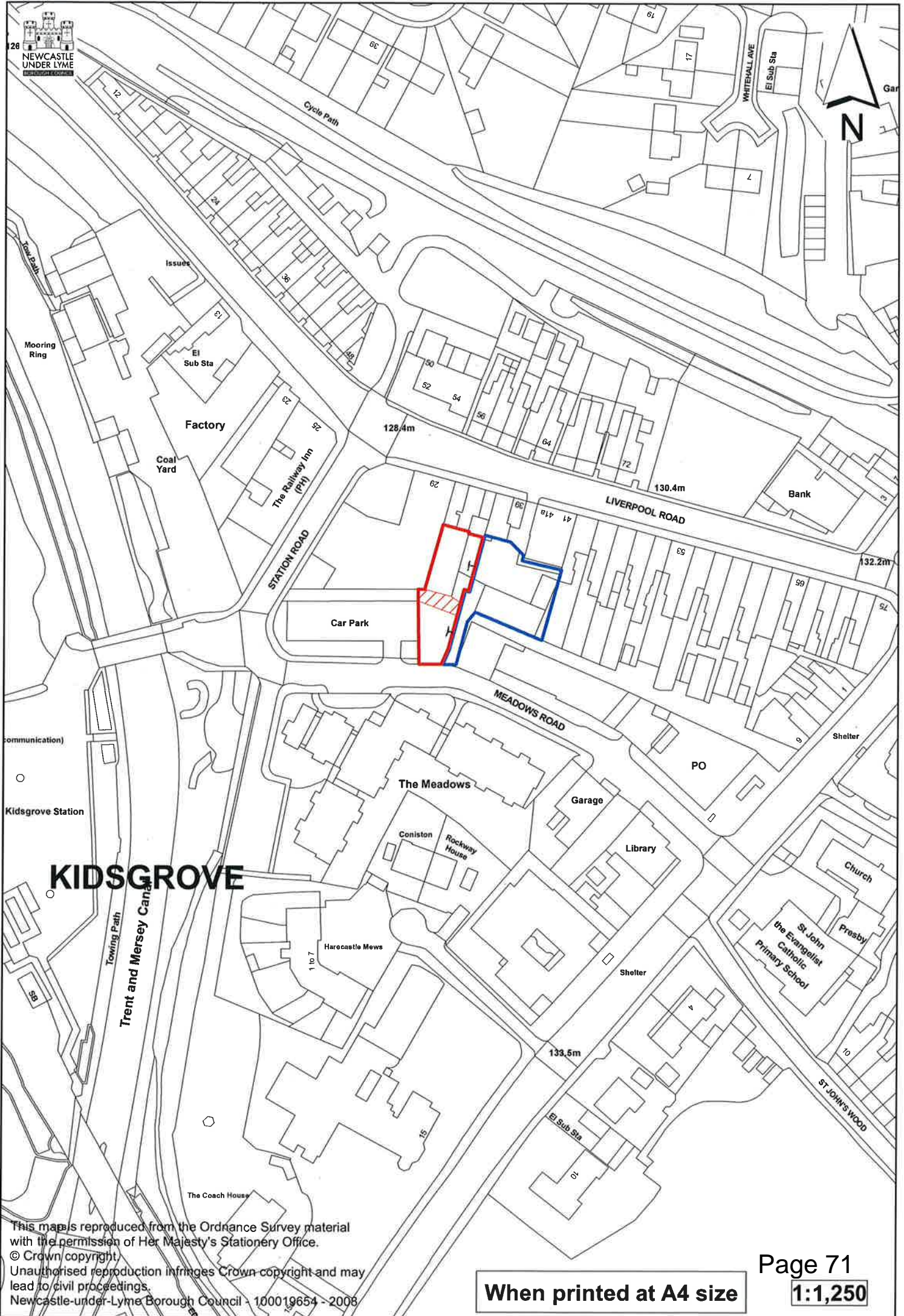
13.2 Confidential appendix on the financial aspects.

14.

Background Papers

14.1 Kidsgrove Town Investment Plan <https://www.newcastle-staffs.gov.uk/kidsgrove-town-deal-3/kidsgrove-town-deal>

14.2 Business Case for the Shared Service Hub.



KIDSGROVE

Agenda Item 7



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
18 July 2023

Report Title: Contract Award for Wammy Football Changing Room Development

Submitted by: Deputy Chief Executive

Portfolios: Finance, Town Centres and Growth and Leisure, Culture and Heritage

Ward(s) affected: Cross Heath, Knutton

Purpose of the Report

To award a construction contract to the successful bidder (Bidder B) following a competitive procurement exercise via MyTenders to construct a football changing room on the Wammy.

Recommendation

1. That Cabinet note progress on the project to deliver Football Changing facilities at the Wammy.
2. That Council funding and external grant funding as set out in the report is used to fund the development of the changing facilities.
3. That Council enters into a contract with Dawn Building and Groundworks as the most economically advantageous tenderer to construct football Changing Facilities at the Wammy.

Reasons

To deliver on the aims of Newcastle Town Deal Investment Plan, specifically the Knutton Village Masterplan project and also on the aims of the Council's Playing Pitch Strategy 2021.

To enhance local facilities for the residents of Knutton and Cross Heath and support opportunities for active leisure and participation in sport.

1. Background

- 1.1 For a number of years, the Council has been working with partners to develop and deliver the Knutton Village Masterplan "Putting the Heart into Knutton Village". This masterplan sets out proposals for a range of interventions in and around Knutton village, including new housing development together with modernising and improving community, business and leisure infrastructure for the village. Cabinet has considered the Knutton Village Masterplan at a number of previous meetings.
- 1.2 The Knutton village masterplan has been consulted on with residents on several occasions, including during the initial development of the masterplan itself and also through the Town Deal funding process. Delivery of the Masterplan aspirations will rely on a combination of funding sources according to what aspect is being delivered.

- 1.3 This report concerns deliver of the Football Changing Rooms at the Wammy. Whilst delivery of this facility stems from the Knutton Village Masterplan, the proposed location of the changing rooms sits within Cross Heath Ward and is likely to serve residents from both Cross Heath and Knutton and also a wider area of the Borough.
- 1.4 Delivery of Football Changing Facilities at the Wammy aligns with the aspirations of the Council's Playing Pitch Strategy 2021, which states the need for ancillary facilities, such as changing rooms at the Wammy to develop its role as a hub for football.

2. **Issues**

- 2.1 The Council has engaged with Newcastle Town Football Club to drive forward provision of football at the Wammy. Newcastle Town Football Club already operate playing pitches at the Wammy under a tenancy at will. As a large and experienced grassroots affiliated football club they are ideally placed to deliver football activity on the site and to reach out to surrounding communities. It is intended that they will take on operation of the football changing rooms once complete.
- 2.2 The Council is also working with the Football Foundation and Staffordshire Football Association with a view to submitting an application for Football Foundation funding to support development of the changing room facility and to ensure, that in addition to delivering on Council and Town Deal objectives, the new facilities meet the required Football Association standards for changing facility provision. This application for funding is now being submitted as Planning Permission was approved by for the development by Planning Committee on 20th June.
- 2.3 Funding for the football changing rooms is from a number of sources outlined in the financial implications section below.

3. **Proposal**

- 3.1 That Cabinet note progress on the project to deliver Football Changing facilities at the Wammy.
- 3.2 That Council funding and external grant funding as set out in the report is used to fund the development of the changing facilities.
- 3.3 That Council enters into a contract with Dawn Building and Groundworks to as the most economically advantageous tenderer to construct football Changing Facilities at the Wammy.

4. **Reasons for Proposed Solution**

- 4.1 To deliver on the aims of Newcastle Town Investment Plan for Town Deal, specifically the Knutton Village Masterplan project and also on the aims of the Council's Playing Pitch Strategy 2021.
- 4.2 To enhance local facilities for the residents of Knutton and Cross Heath and support opportunities for active leisure and participation in sport.

5. **Options Considered**

- 5.1 In line with good practice in public procurement the contract opportunity has been competitively tendered. Use of MyTenders was chosen in preference to a procurement framework option as this project is at a scale that is likely to be of interest to more local construction firms.
- 5.2 A 'do nothing' option would not deliver on the aims of Knutton Village Masterplan or the Council's Playing Pitch Strategy 2021.
- 5.3 Use of external funding to support delivery of the football changing facilities enables the Council to deliver the football changing facilities more quickly than if it were to wait for further Section 106 monies to enable the project to proceed.

6. **Legal and Statutory Implications**

- 6.1 Section 2(1) of the Local Government Act 2000 permits local authorities to do anything they consider likely to promote or improve the economic, social and environmental well-being of their area. That would include actions to deliver actions within the Knutton Village Masterplan.
- 6.2 The Council will enter into a JCT contract with Dawn Building and Groundworks for the construction of the changing facilities.

7. **Equality Impact Assessment**

- 7.1 The project is located next to some of the most deprived communities in the Borough when measured on the Index of Multiple Deprivation. It is in an accessible location, with good walking and cycling connections which enables access by non-vehicular means.
- 7.2 The Council is working with the Club to reach out to surrounding communities which are mainly lower socio-economic groups, Knutton, has two LSOAs that have levels of deprivation significantly higher than the national average. Cross Heath has three LSOAs and all of these experience above-average levels of deprivation. In Silverdale two LSOAs experience above-average levels of deprivation. In all three areas deaths from coronary heart disease are higher than the England average and there are issues with rates of obesity amongst children at reception and year 6 higher than the national average.
- 7.3 The provision of changing rooms is intended to overcome some of the perceived barriers to participating in football on an open field such as the lack of toilet provision, space for changing and the provision of lockers to secure valuables whilst playing. In line with Football Association guidelines accessible changing facilities are being provided in the new facility. Newcastle Town Football Club is already undertaking to attract interest from players and teams that cater for people with a disability.
- 7.4 The Council is working with Newcastle Town Football Club to use their expertise in reaching out to local communities, harder to reach groups and to draw on their expertise in elements such as the development of progression pathways within girl's football.

8. **Financial and Resource Implications**

- 8.1 This project requires the outlay of capital that is already allocated within the Council Capital Programme, it additionally requires the expenditure of Section 106 monies that are allocated to the Wammy and funding from the Knutton Village Project element of Newcastle Town Deal which is in line with the project business case. The funding breakdown is:
 - a. £260,000 from Section 106 contributions received by the Council;

- b. £200,000 Council Capital allocation,
- c. Subject to an application being successful, Football Foundation grant £250,000
- d. The Knutton Village Masterplan element of Newcastle Town Deal which will fund the balance of the capital requirement.

8.2 The Council has sought the services of suitably qualified and competent build contractors for the football changing rooms via the MyTenders Portal. Two responses were received and the details are included in the confidential report.

8.3 Officers from the Council's Regeneration Team are already engaged with the project through the Newcastle Town Deal programme. This includes close working with Newcastle Town Football Club and support officers from the Football Foundation to ensure a successful outcome to the application for Football Foundation Funding. Officers will continue to engage with monitoring the project to enable progress reports to be made to both the Football Foundation and DLUHC for Town Deal funding.

8.4 The Council's Property Team has drafted Heads of Terms for Newcastle Town Football Club to take on a lease of the Football Changing Rooms once the building is complete. This will extend the existing management arrangements for the playing pitches at the Wammy. The Property Team will manage this lease going forward.

9. **Major Risks**

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

9.2 Construction inflation remains a risk to the viability of the project until a contract price is agreed.

9.3 Until construction starts there is always a risk that unforeseen ground conditions cause a delay or cost increase to the project. Surveys have taken place to mitigate this risk and the design of the building has taken account of one issue relating to the location of a drain on the site.

9.4 Until Football Foundation Funding has been confirmed then this element remains at risk, this is being managed through close working with Football Foundation support officers to ensure that all of the application criteria are met. The award of the contract with Dawn Building and Groundworks will be subject to the Football Foundation funding confirmation.

9.5 Development needs to take place within the Town Deal delivery timescale by March 2026 otherwise this element of funding will be lost.

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

10.1 This project aligns principally with UMSDG

- 3 good health and wellbeing – by providing opportunities for active recreation and leisure alongside the mental health benefits of exercise and team based sports.
- 5 gender equality – by providing progression pathway opportunities for girl's football.
- 10 reduced inequalities - by uplifting facilities with an area of multiple deprivation.
- Sustainable cities and communities - by providing leisure opportunities in a highly accessible location.

3 GOOD HEALTH
AND WELL-BEING



5 GENDER
EQUALITY



10 REDUCED
INEQUALITIES



11 **Key Decision Information**

- 11.1 This requires expenditure of £200,000 Council capital budget allocation plus expenditure of S106 and Newcastle Town Deal funds.
- 11.2 The project is located in Cross Heath Ward but it is intended to serve residents from a wider area of the Borough.

12 **Earlier Cabinet/Committee Resolutions**

- 12.1 October 2022 Newcastle Town Deal.
- 12.2 June 2021 Knutton masterplan report on public consultation and suggested amendments to the draft Knutton Masterplan.
- 12.3 January 2021 Draft Newcastle own Deal Investment Plan
- 12.4 November 2020 Knutton Masterplan Report
- 12.5 December 2019 Development of Town Deal Investment Plans
- 12.6 November 2018 One Public Estate – Knutton Masterplanning Project
- 12.7 September 2015 Wammy Neighbourhood Park Phase 3

13 **List of Appendices**

- 13.1 None.

14 **Background Papers**

- 14.1 Planning committee papers 20 June 2023 <http://svmma/mgChooseDocPack.aspx?ID=3886>
- 14.2 Planning Application 23/00142/DEEM3 <https://publicaccess.newcastle-staffs.gov.uk/online-applications/shortUrlResults.do?action=firstPageShort&searchType=Application&caseAddressType=Application&searchCriteria.reference=23%2F00142%2FDEEM3&state=Dv5VTOVBfr83K%2FofUcu3Pg%3D%3D>
- 14.3 Knutton Village Masterplan
- 14.4 Newcastle Town Investment Plan

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Cabinet
18 July 2023

Report Title: Procurement of Temporary Agency Personnel – Sustainable Environment

Submitted by: Service Director of Sustainable Environment

Portfolios: Sustainable Environment

Ward(s) affected: All

Purpose of the Report

To ask cabinet for authority to undertake a procurement process and establish a new framework for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene services for a period of two years plus possible two one year extensions.

Recommendation

That

- 1. Cabinet approve the process for procurement for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene service areas;**
- 2. Cabinet approve and delegate authority to the Service Director – Sustainable Environment for the award of contract on the completion of the procurement process to be undertaken.**

Reasons

- The current contract arrangements are at an end and need to be re-procured on the same Council framework for the supply of temporary staff in both recycling and waste collection / streetscene services following its expiry.

1. Background

- 1.1 For a number of years agency staff have been used to support recycling and waste collection services, which were under resourced prior to the new recycling collection service becoming operational in 2020, and Streetscene for their seasonal staff requirements.
- 1.2 Given the value in spend, particularly when running the previous resource intensive recycling collection service, a full procurement exercise was undertaken by the Council in 2017 to establish the Borough Council's own framework agreement of providers who met the criteria the Council required in terms of employment standards, training and aptitude, and financial costs.

1.3 Agency staff are utilised as a more effective alternative to seasonable temporary staff as they are more efficient to call on, to cover peaks in demand, short term shortages, and covering for sickness which remains a concern for the two services. Any agency staff are still able to apply for any permanent roles when vacancies arise, as internal candidates.

2. **Issues**

2.1 The current contract arrangements are now at an end following an extension, and there is a need to develop and procure new arrangements.

2.2 Although the annual spend on agency workers is a lot lower now than in 2017 when the original contract was formally agreed, it is still significant at over £100,000 per year.

2.3 An option was considered and trialled through a national framework with Eastern Shires Procurement Organisation (ESPO) around utilising the 653F_19 Managed Services for Temporary Agency Resources (MSTAR) Framework - Lot 1a Neutral Vendor Service as an alternative to the Council's own framework for the supply of both Recycling and Waste, and Streetscene temporary staffing.

2.4 Unfortunately this trial failed to deliver temporary staff as originally envisaged, and required as much officer input as that using the Council's own existing framework, and therefore is not been taken forward.

3. **Proposal**

3.1 That an open procurement process be undertaken to establish a new framework arrangement for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene be undertaken.

3.2 That approval is agreed, on completion of the procurement and evaluation process for the award of contract be delegated to the Service Director for Sustainable Environment in conjunction with the Portfolio Holder for Sustainable Environment.

4. **Reasons for Proposed Solution**

4.1 Utilising an existing framework saves time and valuable resources in procurement of providers for agency staff for both Recycling and Waste, and Streetscene and subsequently a range of Council services.

4.2 The preferred supplier will offer a digital solution in terms of management of the contract, submission of authorised timesheets, and the ordering of personnel which will save valuable time from a management perspective compared to the current system, and provide useful management reports and statistics which will allow the Council to more accurately monitor the value of the contract and the use of temporary agency personnel.

5. **Options Considered**

5.1 Another option to the use of temporary agency staff, would be to employ seasonal staff on temporary contracts, to cover the high peak of operations in both Recycling and Waste with increased garden waste collections, and Streetscene especially on the grounds maintenance element of their activities. However when this approach has been utilised in the past, sickness and other issues has meant that at times the numbers of additional staff have not had the desired impact in supporting increased work demand. Utilising temporary agency staff on a fixed term basis resolves the issue of none availability of staff, as there is a contractual requirement to provide staff on a daily basis to the satisfaction of the Council

6. **Legal and Statutory Implications**

6.1 The proposed open tender process 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 offered by both suppliers proposal/s.

7. **Equality Impact Assessment**

7.1 An equality impact assessment will be developed with the successful provider as part of the utilisation of their service delivery and joint recruitment methodologies.

8. **Financial and Resource Implications**

8.1 A financial revenue budget is available in both Recycling and Waste, and Streetscene for the supply of temporary staffing to respond to fluctuating needs for staffing to respond to absenteeism, increases in demand and additional services requests.

8.2 Based on historic spend the aggregated value of this contract based on a four year framework will be in the region of £850,000 (around £212,000 a year) but may fluctuate based on the ongoing need to supply appropriate cover for each of the services.

9. **Major Risks**

9.1 The procurement and provision of a compliant framework agreement to procure a solution for temporary staffing minimises possible procurement challenges.

9.2 The timely and controlled processes that will be provided as part of the solution for the supply of temporary staffing is intended to minimise the risks caused to service delivery to residents as a result of any shortfalls in staffing due a range of factors.

9.3 Regularity and Assurance Compliance will jointly be established with the chosen service provider and officers of the Borough Council.

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

10.1 The procurement of a framework for the provision of ongoing temporary staffing will support the delivery of the following UNSDG:



11. **Key Decision Information**

11.1 This is a key decision as expenditure over the life of the contract will exceed £100,000 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 July 2023

Report Title: Procurement of Transport movement of Recycling & Waste Materials – Sustainable Environment Directorate

Submitted by: Service Director - Sustainable Environment

Portfolios: Sustainable Environment

Ward(s) affected: All

Purpose of the Report

To ask cabinet for authority to go out to open tender for provision for transporting recycling and waste materials bulked up at the Knutton Lane Transfer Station for onwards facilities for re-processing and disposal.

Recommendation

That

1. Cabinet approve the process for going out to procurement for the transportation of recycling and waste materials for re-processing or disposal at designated sites.
2. Cabinet approve a procurement process using open procurement arrangements and delegate authority to the Service Director - Sustainable Environment in consultation with Portfolio Holder for Sustainable Environment for the award of contract on the completion of the procurement and evaluation process. Within the available budget.

Reasons

- The Council has a need to employ a transport provider to move skips and provide bulk haulage for recycling and waste materials from recycling and waste collections together with street cleaning and grounds maintenance operations from its transfer station at Knutton Lane to re-processing / disposal facilities.

1. Background

- 1.1 The Council operates its own transfer station, bulking up materials collected from its dry recycling and separate food waste collection service, together with street cleansing residues and sweepings and grounds maintenance and fly-tipped materials.

1.2 Removal of this material in skips or by bulk trailers requires specialist vehicles which the Council does not have on its fleet.

2. **Issues**

2.1 The current transport contract is now at an end and requires re-tendering. There is an ongoing need to transport materials collected from the Councils dry recycling and separate food waste collection service, together with materials from street cleansing and sweeping operations together with grounds maintenance and fly-tipping collection operations to be bulked up and moved out of the transfer station at Knutton Lane Depot.

2.2 This operation requires specialist vehicles and skips / bulk trailers to be employed to move the materials outlined above to onward re-processing or disposal facilities.

2.3 The Councils waste management permit requires materials are kept on site for no longer than 72 hours

3. **Proposal**

3.1 To go out to tender for the following transportation services -

- Bulk movement by use of a bulk trailer of street sweepings, approximately 200tonnes a month
- Bulk movement of paper & card from the dry recycling collection service by use of a bulk trailer of street sweepings, approximately 300tonnes a month
- Movement of grounds maintenance material for composting, approximately 50 tonnes a month
- Movement of litter and other cleansing residue for disposal, approximately 70 tonnes a month.
- Movement of fly-tipped tyres for re-processing approximately four times a year.
- Movement of Bulky fly-tipped waste for re-processing / disposal approximately 20 tonnes a month.
- Movement of fly-tipped sheet asbestos for specialist disposal approximately three times a year.

4. **Reasons for Proposed Solution**

4.1 Contracting the transport of the movement of materials out to a third party is the most efficient process operationally and financially.

5. **Options Considered**

5.1 The Council could procure vehicles and skips and operate them in-house, however this would result in increased revenue costs for vehicles which are of high cost to procure, and maintain, and wouldn't be fully utilised given the quantities of materials requiring transportation from Knutton Lane to re-processing or disposal facilities.

6. **Legal and Statutory Implications**

6.1 The use of an open tender process, offers a compliant procurement process in line with Public Contract Regulations 2015.

6.2 The councils waste management permit, regulated by the Environment Agency, requires the Council to store materials on site for no longer than 72 hours, meaning reliable and robust arrangements need to be in place to ensure materials are transported out the transfer station site to re-processors or disposal sites.

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 A revenue Budget of £87,000 is accounted for in the services MTFS for the provision of this contract.

8.2 There are no additional resource implications.

9. **Major Risks**

9.1 The use of a compliant procurement process to procure the transportation contract, minimises possible procurement challenges.

9.2 Failure to have a legally procured and agreed contract in place for this work would breach the Councils financial regulations.

9.3 The Council has a legal duty to remove waste materials from its transfer station, as part of its Permit.

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

10.1 The procurement of transportation streetscene sweepers and refuse collection vehicles will include the option for purchasing electric vehicles, 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 expenditure over the life of the contract will exceed £100,000 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 July 2023

Report Title: Separate Food Waste Processing Contract

Submitted by: Service Director of Sustainable Environment

Portfolios: Sustainable Environment

Ward(s) affected: All

Purpose of the Report

For Cabinet to approve the award of a contract for the processing of separately collected food waste collected from the Councils kerbside food waste collection service.

Recommendation

That

1. **The contract for processing separately collected food waste is awarded to bidder C with a contract start date of the 1st August 2023, for a two year term, with an option to extend by a further two year extension, subject to satisfactory performance as deemed by the Council.**

Reasons

It is vitally important to have robust and sustainable contracts and arrangements in place to process food waste collected by the Councils separate food waste collection service

1. Background

- 1.1 Newcastle under Lyme Borough Council has separately collected food waste since 2010, and was one of the first authorities in the Country to do so. Separate collections of food waste are mandated in Wales and Scotland, and will be mandated in England and Northern Ireland from 2025, as part of the Consistency in Collections part of the national Resource and Waste Strategy (RAWS).
- 1.2 The current contract was procured in 2015, and is in place until the end of August 2023, with potential extension taking it up to July 2024.
- 1.3 The Council is an active member of the Staffordshire Waste Partnership (SWP), which reports through to the Staffordshire Sustainability Board (SSB). With separate collections of food waste being mandated by government, SWP chose to use the opportunity to combine going out to procurement for the Councils separate food waste contract, to provide a framework contract which would allow the other Waste Collection Authorities (WCA's) in Staffordshire to have arrangements in place for processing food waste ahead of them having to introduce separate collection services.

2. Issues

- 2.1 The market for processing separate food waste is currently very competitive, with plenty of capacity especially in the midlands to take separately collected food waste from local authority collections as well as food waste from the retail and commercial sector. As Anaerobic Digestion Plants (AD) create renewable energy from the process of treating food waste, they have benefited from higher energy prices experienced over the last couple of years. With capacity existing in the system, food waste going to AD can attract an income from the supplier, rather than a traditional gate fee being paid to treat the material.
- 2.2 With all LA's having to separately collect food waste moving forward, the capacity existing in the market currently will be quickly absorbed, and therefore potentially changing the favourable economics to suppliers currently being experienced. With this in mind a decision was made to go out to procurement sooner and not taking the option of the further extension available in the existing contract.

3. Proposal

- 3.1 The procurement process has been undertaken on behalf of the SWP by the County Councils Procurement team, and was broken down into 2 individual lots. This Council was lot number one. Tenderers were asked to provide costs / income for haulage from Knutton Lane Transfer station, as well as processing costs.
- 3.2 The procurement documents stated evaluation would take place on a split between quality and price, with price being awarded 80% of the marks and quality 20%.
- 3.3 Five bidders in total put in tenders for the Councils lot 1. The five bidders for the Council will be referred to as bidders A, B, C, D, & E.
- 3.4 These bids have been fully evaluated and moderated, with the outturn scores given in the table below. –
- 3.5 Outcome table

	Compliance	Quality	Quality Q9.3	Quality Q9.3	Price	Total	RANK
Percentage Available	Pass / Fail	20%	Pass/Fail	Pass/Fail	80%	100%	
Bidder A	Pass	16	Pass	Pass	10.01	26.01%	3
Bidder B	Pass	15	Pass	Pass	-61.60	-46.60%	4
Bidder C	Pass	16	Pass	Pass	80.00	96.00%	1
Bidder D	Pass	8	Pass	Pass	42.00	50.00%	2
Bidder E	Fail	16	Pass	Pass	-184.80	-168.80%	5

- 3.6 From the full evaluation process bidder C has the highest score and therefore it is recommended that they are awarded the contract for the processing of separate food waste from August 2023.

4. **Reasons for Proposed Solution**

- 4.1 It is vitally important to have robust and sustainable contracts and arrangements in place to process separately collected food waste collected as part of the Councils kerbside recycling collection service
- 4.2 The new contract will allow for additional food waste quantities, as the Council increases participation, and introduces collections to flats and commercial premises.

5. **Options Considered**

- 5.1 The Council has the option for a further one year extension with the current contractor, however, waiting a further year will mean the Council would be going out to procurement at the same time as many other local authorities, as they prepare for having to legally separately collect food waste, and therefore the Council would not necessarily be able to achieve best value.
- 5.2 Following evaluation of the procurement for a new contract, the Council will be better of transferring to the winning bidder, C, from that process.

6. **Legal and Statutory Implications**

- 6.1 The procurement process has been conducted to meet the requirements of the Public Contract Regulations 2015. It also meets the Councils requirements to secure Best Value.
- 6.2 The Council will have a legal duty under the Environment Act to separately collect food waste separately from 2025 from all households.
- 6.3 The contract will be awarded individually to each local authority lot, and managed by those authorities individually.

7. **Equality Impact Assessment**

- 7.1 The food waste collection service had a full Equality Impact assessment undertaken as part of the service design and implementation project.
- 7.2 Awarding the processing contract does not have any direct impact on equalities.

8. **Financial and Resource Implications**

- 8.1 The proposed change in contract and approved process for the sale of fibre are all within existing budgets.
- 8.2 The gross gate fee for the processing of DMR is actual slightly dearer than that paid to the current contractor, however the haulage is less.
- 8.3 The table below details the as is costs of processing DMR and the sale of fibre with the proposed costs tendered by the preferred bidder.

8.4 Comparison table. –

	Current Costs/ income	Proposed Costs / income
Collected Food Waste Tonnage 2,880t (1)	N/A	N/A
Gross gate fee / income.	£0	(£36,000.)
Bulk haulage from Knutton Lane	£42,394.	£0 - included in above
Recycling Credit Income Food Waste (2)	(£177,782)	(£177,782)
Net cost total	-(£135,388)	-(£213,782)
Notes:- 1 – Food Waste tonnage calculated from 2022/23 outturn 2 – Recycling Credit income, current income based on current payment of £61.73p/tonne		

9. **Major Risks**

- 9.1 Not having robust contractual arrangements in place for the processing of separately collected food waste puts the council at potential significant financial risk in a currently volatile market situation.
- 9.2 These risks are identified and monitored through the Councils corporate risk management system.

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

- 10.1 Processing recycling materials to allow them to go into remanufacture of goods and packaging fully supports UN sustainable development goals, and the Councils actions under its Climate Emergency Plan.
- 10.2 In particular this decision supports the following actions of the UN Sustainable Development Goals. –



11. **Key Decision Information**

- 11.1 The proposal and recommendation set out in this report is a key decision as defined in the Council’s Constitution.

11.2 The proposal and recommendation is included in the Cabinet's Forward Plan for the period in which the meeting is to take place.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 None



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Cabinet
18 July 2023

Report Title: **Provisional Financial Outturn 2022/23**

Submitted by: **Service Director for Finance (Section 151 Officer)**

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

Ward(s) affected: **All**

Purpose of the Report

To report upon the financial outturn for 2022/23. The report highlights key issues, including a commentary on the General Fund outturn, the Balance Sheet the Collection Fund, the Capital Programme and the Council's reserves.

Recommendations

1. The General Fund outturn and key issues in respect of the Council's financial position as at 31 March 2023 be noted.

Reasons

Regular reporting of the Council's financial position is a key discipline supporting sound financial management and corporate governance.

1. Background

- 1.1 Regulations, extending the audit publication deadline for the Statement of Accounts to 30 September for 2 years, came into force on 31 March 2021. At the close of this period a review will be undertaken to determine whether there is a continued need to have an extended deadline.
- 1.2 The regulations require the draft Statement of Accounts to be published on or before 1 June. The draft Statement of Accounts were approved for publication and audit by the Audit and Standards Committee on 30 May 2023 and were made available for public inspection between 1 June 2023 and 12 July 2023.
- 1.3 The external audit will commence on 26 June, primarily for the selection of samples and is intended to be completed prior to 11 September 2023.
- 1.4 The final Statement of Accounts will be presented to the Audit and Standards Committee for approval on 11 September 2023.
- 1.5 This report focuses on reporting the provisional outturn position and the key elements of the Council's provisional financial position as at 31 March 2023.

2. Issues

The General Fund Outturn

- 2.1 The General Fund is the main revenue account of the Council and relates to all of those services which are funded by the Council Tax, Retained Business Rates and Government Grant.
- 2.2 The Coronavirus pandemic continues to have an impact on the Council's financial position, primarily through lost income, although this is showing a marked improvement compared to the losses incurred during 2020/21 and 2021/22. No Government funding for 2022/23 in respect of financial pressures relating to the Coronavirus pandemic (including income compensation) is to be received.
- 2.3 The Council's revenue budget relies on service income from fees and charges of around £725k per month across a wide range of services, with a significant proportion coming from Jubilee 2 and car parking. Income losses from fees and charges for the financial year amount to £0.683m.
- 2.4 The Council approved a General Fund Revenue Budget of £15.269m on 23 February 2022. The outturn for 2022/23 shows a favourable variance of £0.008m against this budget.
- 2.5 The adverse variances that occurred during 2022/23 include:
- a. Income shortfalls from sales, fees and charges which amount to £0.683m for the financial year,
 - b. A shortfall of £0.241m in Housing Benefits subsidy grant regarding accommodation for which full subsidy is not claimable,
 - c. A pay award of £1,925 per full time employee, which is in excess of the amount provided for in the budget (2.5%), including national insurance and pension the additional amount totalled £0.591m for the financial year,
 - d. Increased fuel (£0.139m), electricity (£0.181m) and gas (£0.222m) prices when compared to the amounts provided for in the budget.
- 2.6 These adverse variances have been offset in full by the following favourable variances:
- a. Utilisation of the Cost of Living Reserve that was established during the budget setting for 2022/23 in order to respond to any above inflationary increases in costs. The £0.400m paid into this reserve will be fully used.
 - b. Use of £0.240m New Homes Bonus funding paid into the Budget Support Fund which was established during the budget setting for 2022/23 in order to boost the Council's financial resilience during 2022/23 as a result of the continued impact of the Coronavirus pandemic.
 - c. Application of £0.167m Administration grant paid to the Council and set aside during 2021/22 in relation to Coronavirus grants and a further £0.111m grant received in relation to the administration of Council Tax Rebate grants received during 2022/23.
 - d. A refund of £0.130m is payable to the Council in respect of Business Rates payable in relation to the Museum following a backdated revaluation in rateable value.

- e. Interest receivable on cash that the Council holds in terms of Town Deal and Future High Street funding, together with Section 31 grant and remaining Coronavirus grant funding (that are repayable to Central Government) has increase significantly following recent interest rate hikes to £0.578m for the financial year. This has also eliminated the need for any in year borrowing to be undertaken saving £0.120m in interest payments.
- f. The levy payment payable to the Business Rates pool that the Council is a part of is £0.141m less than estimated for 2022/23. Additionally, the levy payable in relation to 2021/22 has been met from the Business Rates Reserve (£0.116m).

Flexible Use of Capital Receipts

2.9 The Service Director for Finance (Section 151 Officer) informed the Department for Levelling Up, Housing and Communities (DLUHC) by letter of the Council's intention to make flexible use of capital receipts in the financial year 2022/23. The flexible use of capital receipts has been utilised in 2022/23 for expenditure to a value of £0.100m that meets the eligibility criteria, in that it relates to initiatives (Digital Delivery), that are forecast to generate, or have generated, on-going revenue savings through reducing the costs of service delivery. This is in addition to the agree flexible use of capital receipts to part fund expenditure in relation the One Council programme (£0.242m) has been utilised during 2022/23.

The Collection Fund

2.10 Local tax income is collected by billing authorities and paid into local 'collection funds' (the Council is a billing authority). Where there is a difference in tax receipts (compared to expected levels), this leads to a surplus or deficit on the collection fund. Billing and major precepting authorities are usually required to meet their share of any deficit during the following financial year or in the instance of a surplus a repayment to the precepting authorities will be made.

2.11 In response to forecast shortfalls in tax receipts relating to the Government's COVID-19 pandemic related business rates reliefs, the government announced that Section 31 grant would be awarded to cover the costs of these reliefs. This amount is estimated via the NNDR1 return and the actual relief is reported and reconciled at the close of the financial year.

2.12 The cumulative variances in tax receipts (i.e including the impact of balances held in respect of previous years) and the impact of Section 31 grant received as at 31 March 2023 are:

Tax	Total (Surplus)/Deficit	Council's Share
Council Tax	(£0.273m)	(£0.029m)
Business Rates	(£1.709m)	(£0.684m)
Total re. Tax Receipts	(£1.982m)	(£0.713m)
Section 31 Grant Shortfall	£0.260m	£0.104m
Total	(£1.722m)	(£0.609m)

2.14 The surplus shown is repayable to the Council in future years and will subsequently be transferred to the Business Rates reserve, which is used to provide for any collection fund or Section 31 grant shortfalls.

Reserves

2.15 The Council has usable revenue reserves totalling £5.205m. The main items, with their balances at 31 March 2023, and a comparison to the balances forecast for the close of 2022/23 as per the 2023/24 budget setting, are:

Reserve/Fund	Balance 31.03.23 (£'000's)	Balance Forecast Budget Setting (£'000's)	Variance (£'000's)	Comments
General Fund	2,160	2,160	-	Unforeseen adverse events. Approved balance of £2.160m
Income Contingency	100	100	-	To manage year to year income variations. Approved balance of £0.100m
Walley's Quarry Reserve	672	600	72	To assist with the Council's actions regarding air quality issues at Walley's Quarry
Equipment Replacement	37	42	(5)	Replacement of Environmental Health equipment
Budget Support – General	528	-	528	Additional funding committed to during 2022/23 to be utilised in 2023/24
Budget Support – Planning Policy	195	200	(5)	To provide funding for the Borough Local Plan
Budget Support – Housing	312	200	112	Homelessness funding to be utilised in future periods
Borough Growth	59	-	59	To fund investment in corporate priorities
Conservation & Heritage	32	30	2	To provide repair grants to owners of historic buildings
Mayor's Charity	10	-	10	To hold funds on behalf of the Mayor's charity
Museum Purchases	38	61	(23)	Balance held to be utilised on Museum projects
Business Rates	1,043	1,043	-	£0.201m held as business rates contingency. Remainder held as contingency re. fair funding review
Elections	-	-	-	To provide budget on a 4 year cycle for Borough Elections
Clayton Community Centre	19	19	-	Sinking fund held on behalf of Clayton Community Centre (contributions made by Committee)
Totals	5,205	4,455	750	

2.16 The General Fund Balance is £2.160m as at 31 March 2023. The amount required to be held in this reserve is assessed each year when the revenue budget is compiled, by identifying and quantifying the risks applicable to the revenue budget and using this information as the basis to calculate a prudent sum to keep in reserve to meet those risks should they arise.

2.17 The levels of reserves will be considered as part of the budget preparation process for 2024/25. Some may require contributing to, either from the revenue budget or a transfer from another reserve.

Capital Expenditure

2.18 A Capital Programme totalling £32.309m was approved for 2022/23. Of this total £30.309m relates to the total cost of new schemes for 2022/23 together with £1.000m for schemes funded by external sources (Disabled Facilities Grants) and £1.000m contingency. In addition £5.548m was brought forward from the 2021/22 Capital Programme (including £4.017m from the Town Deals Fund and the Future High Streets Fund), resulting in a total Capital Programme of £37.857m for 2022/23.

2.19 A mid-year review of the capital programme for 2022/23 has subsequently been undertaken as part of the Efficiency Board and budget setting process in order to identify any projects that may need to be re-profiled from 2022/23 into future years. The revised capital programme for 2022/23 totalling £32.977m was approved by Cabinet on 6 December 2022.

2.20 In addition to the revised 2022/23 Capital Programme additional capital expenditure of £0.342m regarding the Flexible Use of Capital Receipts and One Council expenditure were incurred as well as expenditure that was fully funded by grant (£0.606m).

2.20 Planned expenditure financed via capital for 2022/23 therefore totalled £33.925m. Actual expenditure has totalled £7.545m, £26.380m below that planned. This relates to expenditure that has been rolled forward into 2023/24 (£24.013m) including projects planned under the Town Deals and Future High Streets funds that will be progressed during 2023/24, disabled facilities grant that will be utilised in future periods (£0.547m) and unused contingency funding (£0.691m) plus a number of projects for whereby costs have been value engineered or whereby a decision has been made not to progress with the project until a future period (£1.129m).

2.22 The expenditure of £7.545m was financed as shown below:

Financed by:	£ (000)
Capital Receipts	3.208
Government Grants and Other Contributions	4.337
Total	7.545

3. Proposal

3.1 The General Fund outturn and key issues in respect of the Council's financial position as at 31 March 2023 be noted.

4. Reasons for Proposed Solution

4.1 Regular reporting of the Council's financial position is a key discipline supporting sound financial management and corporate governance.

5. **Options Considered**

5.1 The report on the provisional General Fund outturn is for informational purposes and is considered best practice, as opposed to not providing an update.

6. **Legal and Statutory Implications**

6.1 The report on the provisional General Fund outturn is for informational purposes and is considered best practice. The draft and audited Statement of Accounts are considered by the Audit and Standards Committee in accordance with the Accounts and Audit Regulations 2015.

7. **Equality Impact Assessment**

7.1 There are no differential equality issues arising.

8. **Financial and Resource Implications**

8.1 The General Fund outturn for the financial year 2022/23 shows a favourable variance against the budget of £0.008m. This amount has been paid into the Budget Support Fund.

8.2 £24.013m of the 2022/23 capital programme will be carried forward to the financial year 2023/24. Projects planned under the Town Deals and Future High Streets funds that will continue to be progressed during 2023/24.

8.3 The General Fund Reserve of £2.160m is in accordance with the risk assessed minimum value as approved as part of the 2022/23 budget setting process.

8.4 The Council's share of the Collection Fund surplus amounts to £0.714m which is repayable to the Council in future years, this will be contributed to the Business Rates Reserve.

9. **Major Risks**

9.1 The ongoing cost of living crisis and changing market conditions represents the greatest risk to the revenue budget, particularly with regard to the impact it may have upon both utility prices and income receivable in relation to services where customers may choose whether or not to use Council facilities or in the case of the waste/recycling service where the volume of recycled materials is liable to fluctuate. The impact of cost of living crisis is apparent in the reporting of this provisional outturn, impacting primarily on utility costs and the situation will continue to be monitored through the normal budget monitoring procedures during the financial year 2023/24.

8.2 The capital programme requires regular monitoring to identify any projects which are falling behind their planned completion dates. This will be carried out by the Capital, Assets and Commercial Investments Review Group, which meets on a bi-monthly basis together with quarterly and annual reports to Cabinet.

8.3 The above represents a high level view of risk. There are detailed risk registers available if members wish to see them.

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



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Quarterly Finance and Performance Review Reports to Cabinet.

12.2 Draft Statement of Accounts Report to Audit and Standards Committee (30 May 2023).

13. **List of Appendices**

13.1 No appendices are provided with this report.

14. **Background Papers**

14.1 Quarterly Finance and Performance Review Reports to Cabinet.

14.2 Draft Statement of Accounts Report to Audit and Standards Committee (30 May 2023).

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Cabinet
18 July 2023

Report Title: Debt Recovery Policy

Submitted by: Service Director for Finance (Section 151 Officer)

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To approve the Debt Recovery Policy in respect of the collection and recovery of debtors, Council Tax and National Non-Domestic Rates (NNDR).

Recommendations

1. That Cabinet approves the Debt Recovery Policy.

Reasons

The policy has been created to ensure standardised collection and recovery procedures, to clearly highlight to debtors the recovery actions that will be undertaken regarding the collection of debts and to ensure that rates of collection are maximised.

1. Background

- 1.1 The Section 151 Officer has responsibility, under Section 151 of the Local Government Act 1972 for the administration of the financial affairs of the Council. One such area of administration relates to debt owed to the Council which is covered by this policy.
- 1.2 The Council has a duty to recover outstanding debts and in doing so ensure that its processes are fair and consistent to all. This policy covers the collection of customer accounts in relation to debtors, Council Tax and NNDR.

2. Issues

- 2.1 In order to ensure the efficient collection of income due to the Council via the Debt Recovery Policy, proper approval procedures relating to income are required. This is provided by the annual setting of Fees and Charges by Cabinet each January, the Council Tax setting report approved by Full Council each February and by Central Government in relation to the annual NNDR multiplier.
- 2.2 The Council has a responsibility to ensure that a professional, consistent and timely approached is considered for all debt recover action across the Council's services and to ensure that debts are managed in accordance with legislative provisions and best practice.
- 2.3 Debtors of the Council have a responsibility to pay in a timely manner and to contact the

Council in the instances of dispute over payment due, problems with making payment in a timely manner or in instances where there is a change of circumstances.

2.4 Methods of payments available to debtors, the timelines within which payment should be made and the procedures following non adherence with these timelines are included in the Debt Recovery Policy (Appendix 1).

3. **Proposal**

3.1 To approve the Debt Recovery Policy in respect of the collection and recovery of debtors, Council Tax and National Non-Domestic Rates (NNDR).

4. **Reasons for Proposed Solution**

4.1 To ensure that all debtors of the Council are treated fairly and consistently and to ensure that rates of collection are maximised.

5. **Options Considered**

5.1 The Debt Recovery Policy is set based on Regulations and best practice within the public sector.

6. **Legal and Statutory Implications**

6.1 The legal framework for the enforcement of Council Tax is provided by the Council Tax (Administration and Enforcement) Regulations, for Business Rates it is provided by the Non-Domestic Rating (Collection and Enforcement) Regulations.

6.2 The Section 151 Officer has responsibility, under Section 151 of the Local Government Act 1972 for the administration of the financial affairs of the Council.

6.3 The Debt Respite Scheme (Breathing Space) gives someone in problem debt the right to legal protections from their creditors.

7. **Equality Impact Assessment**

7.1 There are no differential equality issues arising.

8. **Financial and Resource Implications**

8.1 Resources are in place for the implementation of this policy, the policy may impact positively upon the collection rates of the Council and the arrears owed to the Council.

9. **Major Risks**

9.1 Failure to adopt a formal policy could lead to challenge from the Local Government Ombudsman if debtors are treated inconsistently.

9.2 A lack of standardised and formal procedures could lead to a reduced collection rate.

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



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 No earlier resolutions.

13. **List of Appendices**

13.1 Appendix 1 – Debt Recovery Policy.

14. **Background Papers**

14.1 Council Tax Collection: best practice guidance for local authorities (Department for Levelling Up, Housing and Communities).

14.2 Debt Respite Scheme (Breathing Space) guidance (The Insolvency Service).

14.3 Local Government Ombudsman guidance.

Debt Recovery Policy

July 2023



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1. Introduction

The Section 151 Officer has responsibility, under section 151 of the Local Government Act 1972, for the administration of the financial affairs of the Council. One such area of administration relates to debt owed to the Council which is covered by this policy.

The Council has a duty to recover outstanding debts and in doing so ensure that its processes are fair and consistent to everyone. This policy covers the collection of customer accounts due to Newcastle-under-Lyme Borough Council.

The Debt Recovery Policy will ensure that:

- We minimise debt and maximise rates of collection.
- We are consistent and co-ordinated in our approach.
- We assist customers based on their ability to pay and individual financial circumstances.
- We provide clear guidance for all Council Officers on the recording, reporting, recovery, and monitoring of debt.

2. Scope of this Policy

This Policy covers the recovery of Debt of Newcastle-under-Lyme Borough Council, including debt relating to the provision of Council Tax, Business Rates, Commercial Rents and Sundry Debt.

3. Framework

The legal framework for the enforcement of Council Tax is provided by the Council Tax (Administration and Enforcement) Regulations, for Business Rates it is provided by the Non-Domestic Rating (Collection and Enforcement) Regulations.

The prescribed recovery and enforcement process for both Council Tax and Business Rates is as follows:

- Demand notice
- Instalments
- Reminder/final notices
- Summons
- Liability Order hearing
 - Attachment of earnings
 - Attachment of members allowances
 - Deduction from benefits
 - Enforcement agent
 - Committal to prison
 - Charging order
 - Bankruptcy

The recovery and enforcement process for Sundry Debts is as follows:

- Invoice Issued
- First reminder
- Second/final reminder
- Letter before action
- Claim registered with Money Claims Online

- Judgement (County Court Hearing Centre)
 - Warrant of control (enforcement agent)
 - Charging order
 - Bankruptcy

4. Purpose of the Debt Recovery Policy

- To ensure the efficient collection of income due to the Council by implementation of a transparent charging policy. Charges are set annually in a Fees and Charges report approved by Cabinet each January, the Council Tax setting report approved by Full Council each February and by Central Government in relation to Business Rates.
- This policy will help to ensure accurate and timely billing, reduce the level of debt arising and ensure effective and timely recovery processes, utilising appropriate recovery methods by debt type.
- To ensure that debts are managed in accordance with legislative provisions and best practice.
- To ensure performance in relation to debt recovery is monitored and reported through the relevant management structures of the Council.

5. The Council's Responsibility

- To ensure a professional, consistent and timely approach to all debt recovery action across all of the Council's functions.
- To ensure that debts are managed in accordance with legislative provisions and best practice.
- To set reasonable fees and charges in line with Council priorities.
- To maximise income collection while reducing the cost of collection.
- To set out charges in the clearest manner possible.
- To ensure a range of accessible payment options are available alongside advice and assistance at the earliest possible stage.

6. Responsibility of Debtors

- To pay on time.
- To contact the Council or take appropriate debt advice if they are unable to pay an amount that is due and/or are unable to pay on time.
- To contact the Council as soon as possible if they do not agree with the bill and explain why they do not agree.
- To contact the Council as soon as possible about any change in circumstances such as a change of address.

7. Receipt of Payments/Income in Advance

Where payment can be taken before goods or services are provided, these cases should be identified and payment taken in advance. This ensures that no debt is raised in these cases having due regard to the value of the transaction compared with the cost of collection.

A further advantage of invoice in advance is that this approach protects Newcastle-under-Lyme Borough Council from the risk of late payment or bad debt, improves the Council's cash flow and avoids the cost of administering debts.

8. Raising Sales Invoices/Bills

All invoices must be raised through the Council's Financial system in relation to Sundry Debtors and all bills in relation to Council Tax and Business Rates must be raised through the Council's Revenues system.

All invoices/bills should be raised in a timely manner and should be clear, accurate and in plain English.

Annual billing for Council Tax and Business Rates is undertaken ahead (March) of the forthcoming financial year.

Full details of the charge being made must be clearly stated on the invoice/bill, including the date the service or goods were provided. Where a credit note is necessary full details of the reason for credit must be clearly stated on the credit note.

Prompt invoicing is vital in ensuring effective debt collection by ensuring prompt payment. Invoices must be raised with a maximum of 5 days of the goods or services being delivered.

By raising an invoice, the originating service area confirms, by default, that appropriate recovery action through the Debt Recovery Officers, including court action where necessary, is granted at the time the debt is raised.

If a Purchase Order number is required by the debtor this must be obtained prior to raising the invoice.

9. Payment Terms and Conditions

The Council's payment terms are strictly 20 calendar days in relation to sundry debtors.

Council Tax and Business Rates are usually paid by 10 monthly instalments from April to January, 12 instalments from April to March or in full. A reminder is issued 20 calendar days after the commencement of the financial year for any non-payment.

10. Late payment of Commercial Debt

The Council reserves the right to charge interest and claim compensation in accordance with the Late Payment of Commercial Debts (Interest) Act 1998 and under the Late Payment of Commercial Debts Regulations 2013.

For Commercial debt, interest will be charged on any debt at a rate of 8% above base rate.

11. Methods of Payment

The Council accepts a range of payment methods, the list of available Methods of Payment is included on the reverse of the invoice/bill.

Our preferred method of payment is Direct Debit (including Trade Waste) as this is efficient, timely and provides value for money for the Council. The use of cash is no longer accepted, cheques are discouraged and are being phased out in favour of alternative electronic methods of payment.

12. Paying via Instalments

The Debt Recovery Officers have sole responsibility to agree payment beyond the Council's repayment terms (as set out in Section 9) or instalments as repayment of Sundry Debt. Where customers evidence that payment of outstanding debt due to the Council cannot be paid in full this will be considered on merit on a case-by-case basis.

Instalment plans must be mutually agreed between the Council and the Debtor, and the instalment agreement must not exceed 12 months (unless specifically agreed via a court process) and the method of payment must be Direct Debit. Should the customer default within this period the full value of the debt becomes payable in full.

For individuals who are unable to pay within 12 months, consideration would be given to extending this period although interest charges will apply at the rate of 2% above the Bank of England's base rate.

In exceptional circumstances, where a member of staff or Council Member have an outstanding debt with the Council, arrangements can be made to clear the debt via a salary deduction. This will be considered on its merits and is the responsibility of the Debt Recovery Officer and Human Resources Team to agree and administer.

Council Tax payers and Business Rates payers who are experiencing personal and financial difficulties and struggling to pay their council tax and business rates will be encouraged to undertake an income and expenditure analysis with the council to ascertain the best method and rate of recovery.

Taxpayers and ratepayers will also be advised of other organisations that can help with debt advice.

An individual's financial and personal circumstances will be assessed before any arrangement is made.

We will make arrangements with the taxpayer, ratepayer or bona fide representative, including, but not limited to, husband/wife, partner, debt advisor, executor or solicitor. Arrangements will only be made with representatives, where there is written or express authority for the representative to act on behalf of the taxpayer or ratepayer whose name appears on the bill.

When making arrangements to pay the council will seek to clear debts within the financial year of the liability. Where this is not possible, we will seek to reach an agreement that allows, as a minimum, the payment of the continuing liability plus an affordable amount off any arrears. Arrangements will be assessed based upon the affordability and sustainability for payment and seek to ensure that the debt is paid off within a reasonable period

At the discretion of our Recovery Section, a solicitor's undertaking that council tax arrears will be paid from the proceeds of a sale will be accepted as an alternative to setting up a payment arrangement.

13. Reminder Letters

Newcastle-under-Lyme Borough Council operates a reminder letter policy for sundry debtors, which includes a first reminder 8 calendar days after the due date and a final demand for payment after a further 14 days.

The final reminder is issued where the debt is 22 days overdue. The customer has 14 days to make payment in full before a letter before action is sent to the customer advising them that the debt will be referred to Money Claims Online for Crown Court enforcement.

In relation to Council Tax and Business Rates reminders are timetabled monthly. We can amend this timetable, adding to or removing dates as required. This enables us to manage workloads, resources and collection requirements more effectively.

If a customer does not pay an instalment by the due date we will issue a reminder. The reminder will request payment of the overdue instalment within 7 days.

If the missed instalment is received within 7 days we will not take any further action; but if it remains unpaid we may cancel the instalments and issue a summons for the full year's tax.

If the instalment is received within 7 days, but another instalment is not paid then we will issue a second reminder. If the missed instalment is received within 7 days we will not take any further action; but if it remains unpaid we may cancel the instalments and issue a summons to court for the full year's tax.

If the account is brought up to date but falls behind a third time, we may send a final notice, at this point the full outstanding amount will become payable as the right to pay by instalments has been lost.

Failure to pay the final notice will result in a summons, which will incur costs.

The individual circumstances of the customer will be considered to see if there any special or mitigating factors to be taken in account.

14. Invoices in Query or Dispute

A sundry debt is in dispute where the Debtor believes that the charge is incorrect. Note, reluctance to pay a charge that has been raised in accordance with this policy is not considered a dispute and, in these cases, the standard debt recovery process will be followed.

Where a dispute has been acknowledged, the service area that raised the original sundry debt has 30 days to resolve the dispute. In exceptional circumstances, the Finance Manager will approve an extension of a further 30 days following an email request from the service area. Without this approval, the debt is due and beyond any agreed extension, no further extensions will be provided.

15. Role of Debt Recovery Officers

The Debt Recovery Officers are responsible for enforcing all outstanding, invoiced, overdue debt owed to Newcastle-under-Lyme Borough Council. The debt becomes overdue where it has not been paid within the Council's payment terms (as set out in Section 9) and is outstanding until it is either collected, cancelled (via an issued, formal credit note) or formally written off. No other approaches can be taken for Debt covered within this policy.

The Debt Recovery Officers will attempt to recover debt within a timely manner and will liaise with service areas and debtors to enable this recovery. The Debt Recovery Officers

maintain a log of all correspondence in relation to sundry debt on the Council's Financial system and in relation to Council Tax and Business Rates on the Council's Revenues system. These logs are essential if debt is referred for legal action or if a complaint is received from the Debtor.

16. Assistance Available to Customers

The Debt Recovery Officers can offer advice on entitlement to benefits, discounts and exemptions in relation to Council Tax and Business Rates. In relation to Sundry Debts a debtor may be signposted to local organisations who can offer advice on debt management.

17. Summons to Magistrates Court (Council Tax and Business Rates)

A summons will be sent to each person named on the bill and summons costs will be incurred.

If the customer pays the amount of the summons (i.e. the full amount outstanding for the year) plus costs prior to the court hearing, the hearing will not proceed and we will not obtain a liability order.

If the customer does not pay the summons amount plus costs prior to the hearing, the hearing will proceed and we will ask the magistrates court to grant a liability order plus additional costs.

At any time after the summons has been issued we may agree to a repayment arrangement. If the payment arrangement is accepted and payments are received as agreed, no further recovery action will be taken. If a payment arrangement is not accepted, we will write to the customer with the reasons why.

Failure to pay in full or contact the council to make an arrangement will result in further recovery action being taken.

At the hearing we must show the magistrates proof that we have set and attempted to collect the council tax in accordance with the law. We must also confirm that the customer named on the summons is liable and that all or part of the debt remains unpaid. If the magistrates accept our evidence they will grant the liability order.

To defend an application for a Liability Order, the customer must offer a valid defence against it. Valid defences are:

- We have not demanded council tax in accordance with the regulation
- The amount has been paid in full with costs
- The person named on the summons is not the liable person
- We have already commenced bankruptcy or winding up proceedings

It is not a valid defence if the customer:

- Is unable to pay
- Has recently applied for council tax support
- Has applied to the Valuation Office Agency against their banding
- Has appealed their liability to the Valuation Tribunal

Where customers are liable on a joint and several basis, recovery and enforcement procedure may be applied to one or more of the joint taxpayers.

The individual circumstances of the customer will be considered to see if there are any special factors to be considered when determining what enforcement action is taken.

A liability order is an order of the magistrate's court that gives certain powers to the council to collect the debt that it is owed. The order is for a fixed amount of money, plus additional costs.

The liability order gives us the power to recover the debt using any of the following methods set out below. The authority will decide which method is most appropriate to follow depending on the information available on the customer at the time.

- Payment arrangements
- Attachment of earnings/members allowances
- Attachment of DWP benefits
- Enforcement agent
- Committal proceedings
- Charging orders
- Bankruptcy
- Winding up procedures

18. Referral of Debt to Crown Court (Sundry Debtors)

As set out in Section 13, if after a letter before action payment has still not been made the invoice is marked for enforcement via Money Claims Online by the Crown Court.

The Crown Court will then make further attempts to contact the customer using the information provided via email, post and telephone.

If all letters and forms of communication have been exhausted and payment is still not forthcoming, this is then returned to Newcastle-under-Lyme Borough Council for decision on further action required, options at this point include charging orders and bankruptcy proceedings.

19. Referral of Debt for Legal Action

Except in cases where a value for money judgement suggest it is cost prohibitive, legal action will be taken to recover outstanding debt following completion of Sections 13 and 18 of this policy as appropriate.

The Ministry of Justice requires any business claiming payment of a debt from an individual to follow a Pre-Action Protocol.

Pre-Action Protocols explain the conduct and set out the steps the court would normally expect parties to take before commencing proceedings against individuals.

In line with the protocol, the Debt Recovery Officer will send an Income and Expenditure form to the customer for completion and a covering Letter before Claim. Giving the customer 30 days to complete and return.

For debt not with individuals a Letter for Claim will be sent giving the Debtor a further 14 days to pay before legal action is imitated.

20. Credit Notes

Credit notes should be issued when it has been identified that an invoice was either raised for the incorrect amount or raised in error to ensure that the cost is charged back to the service.

Credit notes must not be used to write off debt.

Credit notes must be authorised in line with the Council's scheme of delegation and must not be authorised by the same officer who raised the invoice.

The credit note must contain a clear reason for the reduction or cancellation of the invoice, along with the original invoice number. The cost centre and VAT code must match the original invoice.

21. Debt Write Off

The Council will take all necessary action to recover in full debts that are due. Debts will be subject to the full recovery, collection and legal procedures as outlined in this policy.

The Council recognises that where a debt is irrecoverable, prompt and regular write off of such debts is good practice.

Debts to be written off fall into two broad categories, firstly those debts that the Council is unable to collect and secondly those debts that are deemed uneconomic to collect.

The Council will seek to minimise the cost of write offs to the local tax payers by taking all necessary and appropriate recovery action to recover what is due. All debts will be subject to the full collection, recovery and legal procedures and considerations as outlined in this Debt Recovery Policy.

The following reasons are recognised as valid reasons for the write off of debts, subject to all appropriate action to enforce payment being attempted:

- Uneconomical to pursue – the debt is £40 or less.
- The customer is deceased and has left no estate – proof required.
- The customer is subject to a formal insolvency order (in such cases any accruing debt to be written off will only be up to the date of the order).
- The customer has absconded/gone away and cannot be traced.
- The customer is living outside the jurisdiction of the English Courts and is unlikely to return.
- The aged of the debt precludes recovery, or the debt is statute barred.

In general, recommendation for debts to be written off should be made only where one of the above categories applies. However, it is recognised that it is difficult to anticipate all potential circumstances where write off may be justified, and that on occasion it may be appropriate to write off a debt for other reasons.

The write off of bad debts must be approved in accordance with Financial Regulations which provides the following limits:

Approval Level	Value
Section 151 Officer	Up to £5,000
Section 151 Officer in consultation with relevant Cabinet Member	£5,000 to £10,000
Cabinet	Over £10,000

22. Refunds of Overpayments

Where an overpayment is identified to have been made by a Debtor, provided there is no other outstanding debtors or ongoing goods or services provision to the Debtor; the Debt Recovery Officer will contact the Debtor to arrange a refund of the overpaid amount.

All refunds will be made via a BACS payment to the Debtors account.

23. Exception/deviations from this Policy

The debt recovery process can be suspended in exceptional circumstances which include:

- Issues arising from a local, national or global event e.g. a global pandemic.
- System breakdown causing customer accounts not to be updated.
- Breathing Space legislation.

To suspend the debt recovery process across the whole of the authority for a significant time frame i.e a global pandemic, this would be agreed jointly by Service Directors Team or equivalent.

In the case of system down-time the decision to suspend recovery would come from the Finance Manager.

The Debt Respite Scheme (Breathing Space) gives someone in problem debt the right to legal protections from their creditors.

There are two types of breathing space: a standard breathing space and a mental health crisis breathing space. Where there is a difference between them, we'll refer specifically to either a standard breathing space or a mental health crisis breathing space. Where there is no difference, we will simply refer to a breathing space.

A standard breathing space is available to anyone with problem debt. It gives them legal protections from creditor action for up to 60 days. The protections include pausing most enforcement action and contact from creditors and freezing most interest and charges on their debts.

A mental health crisis breathing space is only available to someone who is receiving mental health crisis treatment and it has some stronger protections. It lasts as long as the person's mental health crisis treatment, plus 30 days (no matter how long the crisis treatment lasts).



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 July 2023 and 31 October 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

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	Key Decision
Procurement of Transport Contract	To consider a report on the procurement of a transport contract	Cabinet Portfolio Holder - Sustainable Environment	Cabinet 18 July 2023	Health, Wellbeing and Environment	All Wards	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Kidsgrove Shared Services Hub	To consider a report on the Kidsgrove Shared Services Hub	Cabinet Portfolio Holder - Finance, Town Centres and	Cabinet 18 July 2023	Economy and Place	Kidsgrove & Ravenscliffe	3 Information relating to the financial or	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
		Growth, Cabinet Portfolio Holder - One Council, People and Partnerships				business affairs of any particular person (including the authority holding that information)	
Procurement of Agency Contract	To consider a report on the procurement of an agency contract	Cabinet Portfolio Holder - Sustainable Environment	Cabinet 18 July 2023	Health, Wellbeing and Environment	All Wards	N/A	Yes
Debt Recovery Policy	To consider a report on the Debt Recovery Policy	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 18 July 2023	Finance, Assets and Performance	All Wards	N/A	No
Walleys Quarry Update Report	To consider an update report for Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 18 July 2023	Health, Wellbeing and Environment	All Wards	N/A	No
Letting of a Food Waste Processing Contract	To consider a report on the Letting of a Food Waste Processing Contract	Cabinet Portfolio Holder - Sustainable Environment	Cabinet 18 July 2023	Health, Wellbeing and Environment	All Wards	N/A	Yes
Contract Award for Whammy Football Changing Room	To consider a report on the awarding of a contract for the Whammy Football Changing Room	Cabinet Portfolio Holder - One Council, People and Partnerships, Cabinet Portfolio	Cabinet 18 July 2023	Finance, Assets and Performance	Cross Heath	3 Information relating to the financial or business affairs of any particular	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
Development	Development	Holder - Finance, Town Centres and Growth				person (including the authority holding that information)	
Provisional Financial Outturn 2022/23	To consider a report on the provisional financial outturn for 2022/23	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 18 July 2023	Finance, Assets and Performance	All Wards	N/A	No
LGA Corporate Peer Challenge	To consider a report and Action Plan following the LGA Corporate Peer Challenge	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 18 July 2023	Finance, Assets and Performance	All Wards	N/A	No
Asset Management Strategy	To consider a report on the Asset Management Strategy	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 September 2023	Finance, Assets and Performance	All Wards	N/A	Yes
Future High Street Fund Improvements to the Market	To consider a report on the Future High Street Fund Improvements to the Market	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 September 2023	Economy and Place	Town	N/A	Yes
Planning Enforcement Plan	To consider a report on the Planning Enforcement Plan	Cabinet Portfolio Holder - Strategic Planning	Cabinet 5 September 2023	Economy and Place	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)	
Medium Term Financial Strategy 2024/25	To consider a report on the Medium Term Financial Strategy - 2024/25	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 September 2023	Finance, Assets and Performance	All Wards	N/A	No
Procurement of a Joint Venture Development Partner	To consider a report on the Procurement of a Joint Venture Development Partner.	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 5 September 2023	Economy and Place	All Wards	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
Walleys Quarry Update Report	To consider an update report on Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 5 September 2023	Health, Wellbeing and Environment	All Wards	N/A	No
Progression of the Shared Prosperity Funded and supported project to deliver a homeless hub	To consider a report on the Progression of the Shared Prosperity Funded and supported project to deliver a homeless hub	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - Community Safety and Wellbeing	Cabinet 5 September 2023	Health, Wellbeing and Environment, Economy and Place	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)	
Procurement of an Occupational Health Service Provider	To consider a report on the procurement of an Occupational Health service provider	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 5 September 2023		All Wards	N/A	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 - Sustainable Environment	Cabinet 5 September 2023	Economy and Place, Finance, Assets and Performance	Keele	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Midway Car Park - Plans for Closure and Procurement of Demolition	To consider a report on the Midway Car Park plans for closure and procurement of demolition.	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 17 October 2023	Economy and Place	Town	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Ryecroft Hotel - Brand Award	To consider a report on the Ryecroft Hotel - Brand Award	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 17 October 2023	Economy and Place	Town	3 Information relating to the financial or business affairs of any particular	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
						person (including the authority holding that information)	
Chatterley Valley - Lucideon Project	To consider a report on the Chatterley Valley Lucideon Project	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 17 October 2023	Economy and Place	Kidsgrove & Ravenscliffe	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Chatterley Valley - Small Business Park Project	To consider a report on the Chatterley Valley - Small Business Park Project	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 17 October 2023	Economy and Place	Kidsgrove & Ravenscliffe	3 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 Award	To consider a report on the Ryecroft Hotel - Design and Build Contract Award	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 17 October 2023	Economy and Place	Town	3 Information relating to the financial or business affairs of any particular person (including the authority holding that	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
						information)	
Kidsgrove Town Deal Contract Award - Shared Services and Garage Replacement	To consider a report on the Kidsgrove Town Deal Contract Award - Shared Services and Garage Replacement	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 17 October 2023	Economy and Place	Kidsgrove & Ravenscliffe	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Walleys Quarry Update Report	To consider a report giving an update on Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 17 October 2023	Health, Wellbeing and Environment	All Wards	N/A	No
Review of Sustainable Environment Strategy and Road Map to Net Zero	To consider a report on the Review of Sustainable Environment Strategy and Road Map to Net Zero	Cabinet Portfolio Holder - Sustainable Environment	Cabinet 17 October 2023	Economy and Place, Health, Wellbeing and Environment	All Wards	N/A	Yes
Urban Tree Planting Strategy - Phase 5	To consider a report on the Urban Tree Planting Strategy - Phase 5	Cabinet Portfolio Holder - Sustainable Environment	Cabinet 17 October 2023	Health, Wellbeing and Environment	All Wards	N/A	Yes

Agenda Item 16

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 17

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted