

Date of meeting Tuesday, 19th September, 2023
Time 4.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**

BOROUGH COUNCIL

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

Cabinet

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES OF PREVIOUS MEETINGS** (Pages 5 - 10)
To consider the Minutes of the previous meeting.
- 4 WALLEYS QUARRY UPDATE REPORT** (Pages 11 - 40)
- 5 MEDIUM TERM FINANCIAL STRATEGY 2024/25 TO 2028/29** (Pages 41 - 46)
- 6 PROCUREMENT OF A JOINT VENTURE DEVELOPMENT PARTNER** (Pages 47 - 56)
- 7 ASSET MANAGEMENT STRATEGY** (Pages 57 - 92)
- 8 LOCAL PLANNING ENFORCEMENT PLAN** (Pages 93 - 122)
- 9 PROGRESSION OF THE SHARED PROSPERITY FUNDED AND SUPPORTED PROJECT TO DELIVER A HOMELESS HUB** (Pages 123 - 130)
- 10 FUTURE DELIVERY OCCUPATIONAL HEALTH SERVICE** (Pages 131 - 136)
- 11 FINANCIAL & PERFORMANCE REVIEW REPORT - FIRST QUARTER 2023/24** (Pages 137 - 172)
- 12 FORWARD PLAN** (Pages 173 - 180)

13 URGENT BUSINESS

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

14 DISCLOSURE OF EXEMPT INFORMATION

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

ATTENDANCE AT CABINET MEETINGS

Councillor attendance at Cabinet meetings:

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

Public attendance at Cabinet meetings:

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

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

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.

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CABINET

Tuesday, 18th July, 2023
Time of Commencement: 2.00 pm

[View the agenda here](#)

[Watch the debate here](#)

Present: Councillor Simon Tagg (Chair)

Councillors: Sweeney Hutchison Fear

Apologies: Councillor(s) Heesom and J Waring

Officers:

Martin Hamilton	Chief Executive
Geoff Durham	Civic & Member Support Officer
Simon McEneny	Deputy Chief Executive
Sarah Wilkes	Service Director - Finance / S151 Officer
Roger Tait	Service Director - Neighbourhood Delivery
Andrew Bird	Service Director - Sustainable Environment

Also in attendance: Councillor John Williams

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

The Leader declared an interest on item 6 as a member of the Kidsgrove Town Deal Board.

3. **MINUTES OF PREVIOUS MEETINGS**

Resolved: That the Minutes of the meeting held on the 6th June 2023 be agreed as a correct record.

4. **WALLEYS QUARRY UPDATE**

The Chief Executive presented an update on Walleys Quarry's odours including complaints received and information coming from the monitoring stations. After a rise in the spring the number of complaints was now back to a low level. The monitoring stations as for themselves were showing steady levels under the threshold set by the World Health Organisation. The Council was working closely with the operator.

Cllr Fear welcomed the overall good figures and expressed his confidence that small spikes should go down as well with additional expert input. The Leader reminded that

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the site had been capped which should bring even more positive results by the autumn. The issue should in all cases remain a key priority with regular updates to members.

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

[Watch the debate here](#)

5. CORPORATE PEER CHALLENGE OUTCOME & ACTION PLAN

The Leader introduced the Local Government Act Corporate Peer Challenge report consisting of a review and recommendations issued by councillors and officers from other local authorities. The inspection drew out some key points of which: strong financial management and stability; successful redesign of the delivery of services in the aftermath of the pandemic in terms of innovation, modernisation and Council saving plans; extreme positive feedback on the staff and tireless work undertaken on notably Walleys Quarry.

Mentioning the action plan which would be monitored going forward the Leader expressed his satisfaction over a reignited Council and thanked both members and officers for all their work. The review had also given good feedback on the future plans with regards to the regeneration of the Town Centre as well as ways to improve these in terms of medium term financial strategy.

Cabinet members expressed the following comments:

- Cllr Sweeney was pleased that the review highlighted the good financial management and said that there was also a recurring theme of functioning partnerships with everybody working together; the Leader followed up by quoting the Vulnerability Hub which was a good example of that.

- Cllr Fear wished to echo the Leader and said the report's conclusions should be taken seriously; overall good relationships within the Council were to be praised with employees feeling they could voice their opinion and members able to engage with the process; the Leader commented that staff were signed up for the regeneration agenda and going the extra mile as required.

- Cllr Hutchison highlighted a reference to the availability of both the Chief Executive and the Leader, which was valued by the Council staff and all partners; the Leader thanked Cllr Hutchison for his kind words.

Resolved:

- (i) That the Local Government Association's Corporate Peer Challenge report on Newcastle-under-Lyme Borough Council, be received.

- (ii) That the Action Plan prepared in response to the LGA's recommendations be approved and regular reports be brought to Cabinet on their progress.

- (iii) That Full Council receive a presentation at its next meeting, delivered by the Peer Review team.

[Watch the debate here](#)

6. KIDSGROVE SHARED SERVICE HUB

The Deputy Leader introduced the update on progress made with the development of the Town Deal funded Shared Service Hub in Kidsgrove. Cabinet was asked to give authority to officers to complete all legal documentation for the land transaction with an adjacent landowner to enable the project to commence.

The Leader briefly described the project to create a Town Centre services Hub for which support had just been agreed by the Town Deal Board, expressing thanks to Cllr Waring as Mayor of Kidsgrove, Dan Gray as Chair of the Town Deal Board and Member of Parliament Jonathan Gullis for the work put in.

Resolved:

- (i) That progress with delivery of the Kidsgrove Shared Service Hub be noted and work continue with Kidsgrove Town Council and other partners to develop this project.
- (ii) That the Deputy Chief Executive, in consultation with the Portfolio Holder Finance, Town Centres and Growth be authorised 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.
- (iii) That Cabinet continue to receive such updates on the Shared Service Hub as may be required.

[Watch the debate here](#)

7. CONTRACT AWARD FOR WAMMY FOOTBALL CHANGING ROOM DEVELOPMENT

The Deputy Leader introduced the report on awarding a construction contract to the successful bidder for a changing room at the Wammy. This followed a competitive procurement exercise and was supported by Newcastle Town, the intention being to overcome barriers to participating in football on an open field.

Members raised the following comments:

- Cllr Fear welcomed the contract and more generally the support to group sports, which taught a lot of social skills.
- As local ward member Cllr J Williams expressed his concerns over the infrastructure surrounding the development including the flooding risks and car park not deemed appropriate. The area was also allowing for multiple sports who could benefit from the changing facilities – not just football. There was notably a cycle and pedestrian route and people were doing park runs.

The Leader suggested that extra money be sought through the Town Deal Board to enhance the local infrastructure.

Resolved:

- (i) That the progress on the project to deliver Football Changing facilities at the Wammy be noted.
- (ii) That Council funding and external grant funding as set out in the report be used to fund the development of the changing facilities.
- (iii) 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.

[Watch the debate here](#)

8. PROCUREMENT OF TEMPORARY AGENCY STAFF

The Portfolio Holder for Sustainable Development presented the report on the procurement process and establishment of a new framework for the supply and delivery of temporary staffing for recycling and waste, and Streetscene services for a period of two years with possible two one-year extensions.

The Leader wished to highlight the need to protect this contract and more particularly so in the context on sickness absences. The Deputy Leader echoed the statement emphasizing the necessity to ensure a regular service.

Resolved:

- (i) That the process for procurement for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene service areas, be approved.
- (ii) That 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.

[Watch the debate here](#)

9. PROCUREMENT OF TRANSPORT OF RECYCLING & WASTE MATERIALS

The Portfolio Holder for Sustainable Environment introduced the report on the procurement of transports for recycling and waste materials for re-processing and disposal. The current transport contract was at an end and an open tender was required for the transport of materials coming from recycling and waste collections, streets cleaning and grounds maintenance.

The Leader and the Deputy Leader expressed their satisfaction over the work undertaken and use of available resources.

Resolved:

- (i) That the process for going out to procurement for the transportation of recycling and waste materials for re-processing or disposal at designated sites, be approved.

- (ii) That a procurement process using open procurement arrangements be approved and delegated authority be given to the Service Director for Sustainable Environment in consultation with the Portfolio Holder for Sustainable Environment for the award of contract on the completion of the procurement and evaluation process within the available budget.

[Watch the debate here](#)

10. **SEPARATE FOOD WASTE PROCESSING CONTRACT**

The Portfolio Holder for Sustainable Development introduced the report on the award of a separate food waste processing contract to the successful bidder of the related tendering process starting 1st August 2023. The Borough Council had been collecting food waste separately since 2010, leading the way as one of the first authorities in the Country to do so long before the government plans to make it mandatory in England, which should apply from 2025.

The Leader expressed his satisfaction about the current system which was working well with recycling rates that were up while other councils' in Staffordshire were down. The system was also praised at County level and could be used as a template for other contracts.

Cllr Fear echoed the Leader's enthusiasm and underlined the importance of getting in the contract while the market was vibrant to get the best value. The Deputy Leader supported Cllr Fear and the Leader's statements.

Resolved: That the contract for processing separately collected food waste be 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.

[Watch the debate here](#)

11. **PROVISIONAL FINANCIAL OUTTURN 2022/23**

The Deputy Leader presented the report on the financial outturn for 2022/23 highlighting key issues, including a commentary on the General Fund outturn, the Balance Sheet the Collection Fund, the Capital Programme and the Council's reserves. The regulation required that the draft statement be submitted by the 1st June and the deadline had been respected.

Cllr Brockie asked if it was possible to make the reports generated by these reviews more frequent so that all members involved in the scrutiny process be involved.

The Leader responded that officers were trying to include reviews in the reports going to the related scrutiny committee. There was also a Capital Assets Commercial Investment Group, which was an officer portfolio holder group and for which it may be appropriate to produce minutes to be brought to the Finance, Assets and Performance Scrutiny Committee along with financial updates.

Resolved: That the General Fund outturn and key issues in respect of the Council's financial position as at 31 March 2023, be noted.

[Watch the debate here](#)

12. DEBT RECOVERY POLICY

The Deputy Leader presented the Debt Recovery Policy relating to the collection and recovery of debtors, Council Tax and National Non-Domestic Rates (NNDR).

Resolved: That the Debt Recovery Policy be approved.

[Watch the debate here](#)

13. FORWARD PLAN

The Leader presented the Cabinet Forward Plan up to October 2023.

Resolved: That the Forward Plan be received and noted.

[Watch the debate here](#)

14. URGENT BUSINESS

There was no Urgent Business.

15. DISCLOSURE OF EXEMPT INFORMATION

Resolved: That the public be excluded from the meeting during consideration of the following matter because it was likely that there would be disclosure of exempt information as defined in paragraphs 1, 2, and 7 in Part 1 of Schedule 12A of the Local Government Act, 1972.

16. KIDSGROVE SHARED SERVICE HUB - CONFIDENTIAL APPENDIX

Resolved: That the Confidential Appendix be received and noted.

17. WAMMY FOOTBALL CHANGING ROOM DEVELOPMENT PART II - CONFIDENTIAL

Resolved: That the recommendations, as set out in the report be agreed.

**Councillor Simon Tagg
Chair**

Meeting concluded at 2.52 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

19 September 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 July WQL notified of the installation of up to 13 additional vertical gas collection wells with the works scheduled to commence on 31 July 2023.
- 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
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
July 2023		
03/07/23 - 09/07/23	18	46
10/07/23 - 16/07/23	20	54
17/07/23 - 23/07/23	15	73
24/07/23 - 30/07/23	28	97
August 2023		
31/07/23 - 06/08/23	21	67
07/08/23 - 13/08/23	7	30
14/08/23 - 20/08/23	10	44
21/08/23 - 27/08/23	8	38
28/08/23 - 03/09/23	11	59

- 3.2 Officers highlight any odour events where 10 or more odour complaints have been recorded. A single odour event occurred in July and in August:

- Thursday 27 July 2023 – 10 odour complaints
- Tuesday 01 August 2023 - 12 odour complaints

3.3 Officers are continuing to review the increase in complaints in April, May and June. Since the previous report to Cabinet the EA have issued two Compliance and Assessment Reports (CAR) that highlight non-compliances with permit conditions that have the potential to cause off-site odour (07 June 2023 and 19 June 2023). Further details are contained in Section 5 of this Report. Officers will consider the findings of the EA as part of that review.

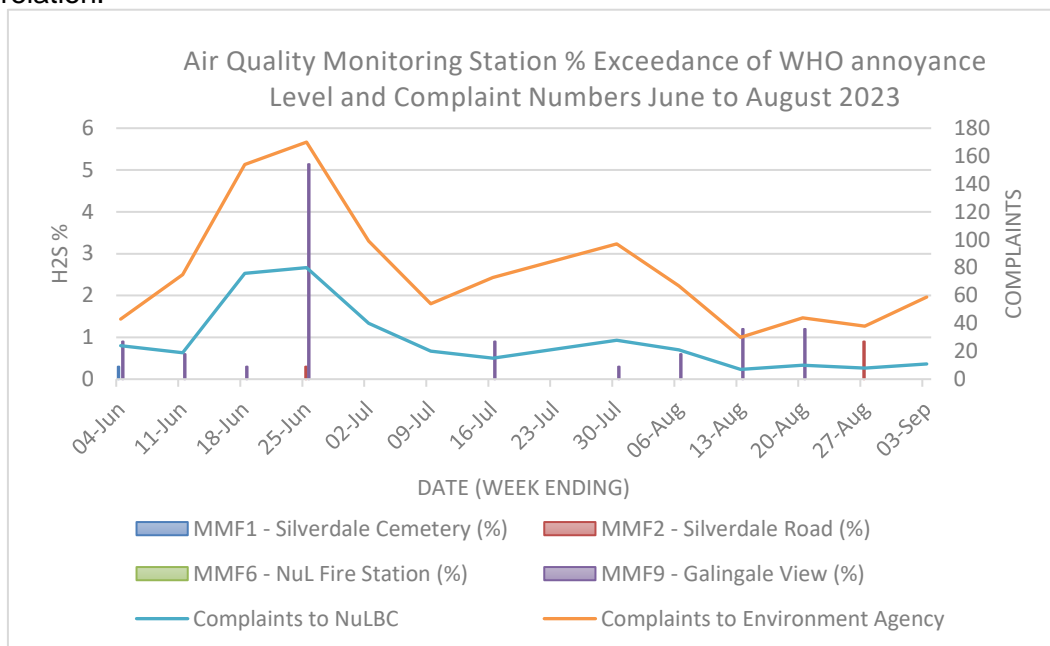
4. Air Quality Monitoring Stations

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 (%)
June 2023	0.3	0	0	0.9
29/05/23 – 04/06/23	0	0	0	0.6
05/06/23 – 11/06/23	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
July 2023	0	0		0
03/07/23 - 09/07/23	0	0		0
10/07/23 - 16/07/23	0	0		0.9
17/07/23 - 23/07/23	0	0		0.3
24/07/23 - 30/07/23	0	0		0.6
31/07/23 - 06/08/23	0	0		
August 2023	0	0		1.2
07/08/23 -13/08/23	0	0		1.2
14/08/23 - 20/08/23	0	0.9		0
21/08/23 - 27/08/23	0	0		0
28/08/23- 03/09/23	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 The UKHSA report 'Health Risk Assessment of air quality monitoring results' July 2023 states 'the concentrations of hydrogen sulphide were above the WHO odour annoyance guideline value for less than one percent of the time at all three of the monitoring sites'.

4.5 Each monitoring station (MMF1, MMF2 and MMF9) records the H2S percentage exceedance over a week which results in 15 readings over a 5-week period. In the 5-week period beginning on 03/07/23:

- 0% exceedance was recorded for 80% of the time (12 readings)
- Between 0% and less than 1% exceedance was recorded for 20% of the time (3 readings)
- Greater than 1% exceedance was recorded for 0% of the time (0 readings).
- The peak weekly exceedance during this period was 1.2 % which is lower than the previous reported peak of 5.14%.

4.6 The UKHSA report 'Health Risk Assessment of air quality monitoring results' August 2023 has not been published and is awaited.

4.7 In the 4-week period beginning 07/08/23:

- 0% exceedance was recorded for 75% of the time (9 readings)
- Between 0% and less than 1% exceedance was recorded for 8% of the time (1 readings)
- Greater than 1% exceedance was recorded for 17% of the time (2 readings)
- The peak weekly exceedance during this period was 1.2% which is the same as the previous reported peak.

5. Environment Agency Regulatory and Enforcement Action

- 5.1 The Environment Agency has continued to provide updates on their regulatory activity on the Walleys Quarry Landfill 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. The Compliance Assessment Reports (published on the EA website) provide further details of the site visits undertaken:

07 June 2023 – unannounced site inspection to assess general compliance with permit conditions. The CAR report issued on 23 June 2023 identifies non-compliance in that ‘the Phase 3 capping works did not take place in accordance with the approved construction proposals, specifically sections 4.6.4 and 4.9.1 of the CQA Plan. The change to the approved construction proposal is likely to have an impact on the performance of the following element of the design, namely the geotextile below the welded geomembrane layer, areas of which were left exposed by the unwelded and/or inadequate geotextile overlaps. The Environment Agency had not agreed any change to the approved construction proposals. This is a non-compliance which could have a minor effect on quality of life if it were not addressed promptly and adequately, due to an increased risk of odorous gas emissions escaping beyond the site boundary causing offence to residents’ sense of smell, along with those who work nearby’. The EA assessed this as a **category 3** non-compliance according to the Compliance Classification Scheme.

19 June 2023 – unannounced site inspection

On 19 June 2023 the Environment Agency conducted an unannounced site inspection to assess the engineering and capping works, and compliance with permit conditions.

The EA identified that Walleys Quarry Ltd (WQL) had failed to install adequate temporary clay capping to the flanks of Phases 1, 2, 3 and 4 (defined areas of the landfill where waste has been deposited).

The EA assessed this as a **category 2** non-compliance according to the Compliance Classification Scheme (CCS), as it is reasonably foreseeable that there could be a significant impact on quality of life if not addressed promptly and adequately. This is due to an increased risk of fugitive emissions of landfill gas with the potential for off-site odour to cause offence to local residents.

The EA have required WQL to install any missing temporary clay capping over the flanks to the approved standard by 30 September 2023. The EA have stated: ‘we will monitor the progress of work and may consider taking enforcement action if necessary’.

4 July 2023 – announced site inspection to assess general compliance with the permit conditions and to discuss progress with engineering works

12 July 2023 – unannounced engineering site inspection the primary purpose of which was to inspect the Phase 4 clay sidewall liner works being undertaken

18 July 2023 – unannounced site inspection to assess general compliance with permit conditions and to sample any waste fines accepted on site during the inspection

- 5.2 The EA welcomed the report compiled by Defra's Chief Scientific Adviser's Office (External link) and have taken time to carefully consider the report and its recommendations. The EA state that many of the report's recommendations are consistent with measures the EA have required Walleys Quarry Ltd to implement, as set out in their Plan to reduce hydrogen sulphide emissions. The EA have considered the report fully and their response to the recommendations can be found here.
- 5.3 The EA state that the Hydrogen Sulphide concentrations 'continue to be greatly reduced compared with the period when monitoring began, in both the source emission and ambient air measurements. Air quality monitoring data provides additional confidence that the EA's 'ongoing regulation is ensuring the source emission of hydrogen sulphide from the landfill site continues to remain low'.
- 5.4 The EA highlight 'it is important to note that there will always be short-term fluctuations in the concentrations of hydrogen sulphide leaving the site, especially given the low concentrations we are monitoring. The causes can include factors such as the impact of improvement works being carried out on site and changes in the weather'.

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 June to August 2023, and provides complaint numbers, air quality data, H₂S and officer assessments. Some of the data for the latter month 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 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 an 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, 18th July 2023.

17. List of Appendices

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

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Appendix 1 – Historic Complaint Numbers

Week Ending	Complaints to NuLBC	Complaints to Environment Agency	Week Ending	Complaints to NuLBC	Complaints to Environment Agency
2022			25-Sep	14	79
09-Jan	73	352	02-Oct	13	58
16-Jan	258	1045	09-Oct	42	102
23-Jan	134	651	16-Oct	52	165
30-Jan	25	139	23-Oct	73	186
06-Feb	16	64	30-Oct	30	82
13-Feb	31	120	06-Nov	27	116
20-Feb	49	166	13-Nov	23	86
27-Feb	40	264	20-Nov	60	113
06-Mar	118	571	27-Nov	2	70
13-Mar	72	285	04-Dec	19	47
20-Mar	224	1126	11-Dec	43	163
27-Mar	412	1848	18-Dec	22	114
03-Apr	243	1072	25-Dec	12	45
10-Apr	132	895	2023		
17-Apr	156	752	01-Jan	11	39
24-Apr	65	310	08-Jan	12	32
01-May	49	213	15-Jan	13	25
08-May	39	193	22-Jan	47	118
15-May	35	160	29-Jan	51	149
21-May	43	134	05-Feb	13	66
29-May	20	81	12-Feb	26	115
05-Jun	27	169	19-Feb	7	39
12-Jun	42	234	26-Feb	3	15
19-Jun	25	263	05-Mar	7	13
26-Jun	28	208	12-Mar	12	74
02-Jul	9	54	19-Mar	23	63
09-Jul	4	34	26-Mar	19	56
16-Jul	14	72	02-Apr	51	103
23-Jul	21	52	09-Apr	45	152
30-Jul	12	93	16-Apr	11	64
06-Aug	22	124	23-Apr	48	101
13-Aug	32	133	30-Apr	148	278
21-Aug	11	79	07-May	50	150
28-Aug	12	89	14-May	53	164
04-Sep	10	30	21-May	147	320
11-Sep	9	64	28-May	90	210
18-Sep	13	83	04-Jun	24	43

Week Ending	Complaints to NuLBC	Complaints to Environment Agency
11-Jun	19	75
18-Jun	76	154
25-Jun	80	170
02-Jul	40	99
09-Jul	18	46
16-Jul	20	54
23-Jul	15	73
30-Jul	28	97
06-Aug	21	67
13-Aug	7	30
20-Aug	10	44
27-Aug	8	38
03-Sep	11	59

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).

Week Ending	MMF1 - Silverdale Cemetery (%)	MMF2 - Silverdale Road (%)	MMF6 - NuL Fire Station (%)	MMF9 - Galingale View (%)
2022				
09-Jan	1.2	0	2.1	16.2
16-Jan	14.9	11.9	21.4	53.3
23-Jan	6	7	10	41
30-Jan	0	0	0	5.1
06-Feb	0	0	0	0
13-Feb	0	0	0.9	2.4
20-Feb	0	3.6	0.3	2.4
27-Feb	0	4.8	0.6	8
06-Mar	2.4	0	0.3	15
13-Mar	0.3	3.3	4.2	6
20-Mar	3.3	8.1	10.8	21.2
27-Mar	6.8	10.1	21.1	43.2
03-Apr	1.9	9.3	18.8	25.2
10-Apr	1.8	2.5	6.1	26
17-Apr	11.9	6.6	9.6	19.7
24-Apr	7.1	1.8	2.7	10.4
01-May	5.1	0	1.5	9
08-May	2.7	4.8		
15-May	0.9	1.2	0	1.8
21-May	0.6	2.1	0	2.7
29-May	0.3	0	0	0.9
05-Jun	0.3	0	1.2	7.4
12-Jun	0.3	0.6	2.1	3.6
19-Jun	0	0.6	0.6	11
26-Jun	0	0.9	0.3	15.5
02-Jul	0	0	0	0
09-Jul	0	0	0	0
16-Jul	0	0	0	0.9
23-Jul	0	0	0.3	1.5
30-Jul	0	0	0.3	1.2
06-Aug	0	0	0	1.5
13-Aug	0	0	0	1.8
21-Aug	0	0	0	0.6
28-Aug	0	0.3	0	0
04-Sep	0	0	0	0
11-Sep	0	0	0	4.2
18-Sep	0	0.3	0	2.9
25-Sep	0	0	0	1.8
02-Oct	0	0	0	4.2
09-Oct	0	0.4	0	3.7
16-Oct	0	1.9	0	0

Week Ending	MMF1 - Silverdale Cemetery (%)	MMF2 - Silverdale Road (%)	MMF6 - NuL Fire Station (%)	MMF9 - Galingale View (%)
23-Oct	0	0.6	0.3	1.5
30-Oct	0	0	0	0
06-Nov	2	2.2	0	1.8
13-Nov	0	0	0	0
20-Nov	4.5	1.2	0	0
27-Nov	4.5	0	0	0
04-Dec	0	0	0	0.6
11-Dec	1.5	5.1	0	14.3
18-Dec	1.2	3.6	0	11.6
25-Dec	0.6	0	0	0
2023				
01-Jan	0	0	0	0
08-Jan	1.8	1.2	0	0
15-Jan	0	0.3	0	0
22-Jan	0.3	0.3	0	11.1
29-Jan	0	0	0	4.8
05-Feb	0	0	0	0
12-Feb	0	0.3	0.9	3.6
19-Feb	1.8	0	0	0
26-Feb	0	0	0	0
05-Mar	0	0	0	0
12-Mar	0.3	0	0	5.1
19-Mar	0.6	0	0	0.3
26-Mar	0.6	0	0	1.5
02-Apr	0.3	0.9	0.3	1.5
09-Apr	0.6	1.5	0	6.6
16-Apr	0.9	0.6	0	0
23-Apr	0.3	0.3	0	0.9
30-Apr	0	0.9	0	8.9
07-May	0	0	0	0.9
14-May	0	0	0	3.3
21-May	0	0	0	11.1
28-May	0.3	0	0	5.7
04-Jun	0.3	0	0	0.9
11-Jun	0	0	0	0.6
18-Jun	0	0	0	0.3
25-Jun	0	0.3	0	5.14
02-Jul	0	0		0
09-Jul	0	0		0
16-Jul	0	0		0
23-Jul	0	0		0.9
30-Jul	0	0		0.3
06-Aug	0	0		0.6
13-Aug	0	0		1.2
20-Aug	0	0		1.2
27-Aug	0	0.9		0
03-Sep	0	0		0

Appendix 3 – NUL Key Performance Indicators

NULBC		Information	Measurement	June 2023	July 2023	August 2023
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number	<p>230</p> <p>Number of unique properties reporting complaints = 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>	<p>87</p> <p>Number of unique properties reporting complaints = 39</p> <p>Rating 0 = 0 complaints Rating 1 = 0 complaints Rating 2 = 1 complaints Rating 3 = 12 complaints Rating 4 = 28 complaints (32.1%) Rating 5 = 24 complaints (27.5%) Rating 6 = 22 complaints (25.3%)</p> <p>% of complaints reporting odour entering the property = 71 (81.6%) % of complaints reporting health effects = 59 complaints (67.8%)</p>	<p>42</p> <p>Number of unique properties reporting complaints = 31</p> <p>Rating 0 = 0 complaints Rating 1 = 0 complaints Rating 2 = 0 complaints Rating 3 = 3 complaints (35.7%) Rating 4 = 15 complaints (19.0%) Rating 5 = 8 complaints (38.1%) Rating 6 = 16 complaints (38.1%)</p> <p>% of complaints reporting odour entering the property = 40 (95.2%) % of complaints reporting health effects = 31 (73.8%)</p>
KPI 2		Complaints reported (daytime 07:00-23:00)	Number	188	74	30

KPI 3		Complaints reported (night-time 23:00-07:00)	Number	42	13	12
KPI 4		Highest number of complaints during the period	Date (number of complaints)	12/06/23 (26 complaints)	27/07/23 (10 complaints)	01/08/23 (12 complaints)
		Information	Measurement			
KPI 5	AIR QUALITY	Percentage exceedance Odour Annoyance Guideline (Hydrogen Sulphide 30 minute average)	%	MMF1 = 0	MMF1 = 0	Awaiting data
				MMF2 = 0.1	MMF 2 = 0	
				MMF6 = 0*	MMF6*	
				MMF9 = 2	MMF9 = 0.3	
KPI 6		Monthly Average H ₂ S	ug/m3 over the month	MMF 1 = 0.7	MMF1 = 0.7	Awaiting data
				MMF 2 = 0.7	MMF2 = 0.8	
				MMF 6 = 0.5 *	MMF6 *	
				MMF 9 = 1	MMF9 = 0.8	
KPI 7	H ₂ S PEAK LEVEL	Level measured over a 5 minute period Date & Time	ug/m3	MMF1 = 3.45 (05/06/23)	MMF1 = 3.76 (14/07/23)	Awaiting data
				MMF 2 = 13.58 (20/06/23)	MMF2 = 10.18 (31/07/23)	
				MMF 6 = 8.36* (20/06/23)	MMF6*	
				MMF 9= 39.32 (20/06/23) *MMF 2 decommissioned during June	MMF9=29.13 (19/07/23)	

		Information	Measurement			
KPI 8	OFFICER ASSESSMENTS	Odour Rating - Officer odour assessment (5 minute)	Max Odour Rating	1 assessment 11/06 1 assessment 12/06	Not reported as odour assessments < 5 minutes	Not reported as odour assessments < 5 minutes

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Date of Report: July 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
			1602 loads received. 1602 loads inspected. 1 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.
			58 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	m ³
KPI 6	ACTIVE TIPPING AREA	Active tipping area	m ³
			113,047m ²
			37,898m ²
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 7	CAPPING OF OPERATION AREA	Temporary capping	m ³
		Permanent capping	m ³
			Temporary Capping 20,024m ² (17%) Permanent Capping 50,355m ² (45%) Total Capped area 70,379m ² (63%)
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
KPI 9	LANDFILL GAS MANAGEMENT	Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm
			1,780 ppm – recorded from CLP H ₂ S GUP input data

KPI 10	LANDFILL GAS MANAGEMENT	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,150m3/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	Three visits within the period: 4 th July 2023 – DP3734DC/0467770 12 th July 2023 – DP3734DC/0467853 18 th July 2023 – DP3734DC/0469422 19 June 2023 – DP3734/0468193
KPI 14	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	0 regulatory compliance assessments undertaken which resulted in a compliance assessment score – see explanatory notes.
KPI 15	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where no CCS score is raised with operator, including summary and actions	3 regulatory compliance assessments undertaken which resulted in 0 compliance assessment scores

Date of Explanatory Notes: July 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.

1602 loads inspected within the period, with 1 load rejected. This was due to the identified presence of plasterboard.

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. The Agency assessments cover a wide scope of permit conditions including engineering, containment, operational activities, landfill gas management, odour and pest management.

58 odour tours conducted by WQL, with 58 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 37,898m². 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, 20,024m² 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 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 July 2023, with the results recently received and being analysed.

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 3150m³/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.

An additional 13 vertical gas wells are due to be installed at the facility in August 2023.

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 draft LFGMP has been discussed with NuLBC and will be submitted to the Agency for approval in Early August. It is not anticipated that its approval will be unduly delayed.

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

4 July 2023

046770 – no compliance scores received, and no odours identified by the Environment Agency.

12 July 2023

0467853 – no compliance scores received, and no odours identified by the Environment Agency.

18 July 2023

046770 – no compliance scores received, and no odours identified by the Environment Agency.

19 June 2023

CAR report not received now received and is being reviewed.

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Date of Report: September			
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
			1712 loads received. 1712 loads inspected.
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.
KPI 4		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.
			61 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	m ³
KPI 6	ACTIVE TIPPING AREA	Active tipping area	m ³
			122,238m ²
			14,030m ²
Landfill Operations	Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 7	CAPPING OF OPERATION AREA	Temporary capping	m ³
		Permanent capping	m ³
			Temporary Capping 19,640m ² (16%) Permanent Capping 50,355m ² (41%) Total Capped area 69,995m ² (57%)
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
KPI 9	LANDFILL GAS MANAGEMENT	Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm
			0
			1,762 ppm – recorded from CLP H ₂ S GUP input data

KPI 10	LANDFILL GAS MANAGEMENT	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,245m3/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	Three visits within the period: 10 th August 2023 – DP3734DC/0471278 28 th August 2023 – DP3734DC/0472621 17 August 2023 - EA Leachate audit- CAR not issued.
KPI 14	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	0 regulatory compliance assessments undertaken which resulted in a compliance assessment score – see explanatory notes.
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

Date of Explanatory Notes: August 2023

KPI 1 and KPI 2 Waste Acceptance

No non-conformances have been received from the regulator within the period.

1712 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 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.

61 odour tours conducted by WQL, with 61 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 122,238m². The active area is confined to Cell 4 and 2. The current active area remains contained and measures some 14,032m². This is aligned 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, 19,640m² 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 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 July 2023.

The concentration of H₂S at the facility remains within expected limits and in January, averaging 1,762ppm at the Gas Utilisation Plant (GUP), as measured by CLP Envirogas Ltd and representing a reduction on the previous period..

The volume of gas captured at the facility remains within expected limits, at 3245m³/hr, an increase on the previous period. 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.

An additional 13 vertical gas wells were installed at the facility in August 2023.

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 draft LFGMP has been discussed with NuLBC and was submitted to the Environment Agency on 14 August 2023 for approval. It is not anticipated that its approval will be unduly delayed.

KPI 12 Leachate Management Plan

In relation to the LMP, a specialist drilling contractor has been obtained and the work (well drilling and installation) commenced in late August 2023. This will see the installation of 5 replacement leachate wells at the facility. The works are scheduled to conclude in late September.

KPI 13- 15

10 August 2023

0471278 – no compliance scores received, and no odours identified by the Environment Agency.

21 August 2023

0471954 – sign-off of sidewall engineering. no compliance scores received.

28 August 2023

0472621 – no compliance scores received, and no odours identified by the Environment Agency.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Cabinet
19 September 2023

Report Title: Medium Term Financial Strategy 2024/25 to 2028/29

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

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To present an update regarding the financial pressures facing the Council for the period 2024/25 to 2028/29.

Recommendation

- 1. The funding pressures of £2.751m in 2024/25 and £5.082m over the 5-year period covered by the Medium-Term Financial Strategy (MTFS) be noted.**
- 2. Agree the approach regarding the development of savings and income generation proposals in the medium-term.**
- 3. Note the continued uncertainty regarding the medium-term impact of local government funding and the Cost-of-Living crisis. The Portfolio Holder for Finance, Town Centres and Growth will be writing to Central Government and Local MP's to lobby for funding to assist with the additional pressures in respect of the national pay award and temporary accommodation.**

Reasons

To ensure that the Council meets its statutory duty to set a balanced budget in February 2024.

1. Background

- 1.1 Full Council agreed a Medium-Term Financial Strategy (MTFS) for the period 2023/24 to 2027/28 in February 2023 as part of the budget setting process. This report updates the assumptions regarding financial pressures facing the Council from that time and sets out the strategy for development of the 2024/25 budget and MTFS for 2024/25 to 2028/29.**

2. Issues

- 2.1 The MTFS provides an overarching framework for the allocation of resources to the Council's key priorities as set out in the Council Plan.**
- 2.2 After a ten year period of austerity together with the current cost of living pressures, the financial strategy will focus on the need for the Council to become self-sustaining through developing a strong and growing tax base, making best use of its resources, promoting an "everyone's responsibility" culture in which there is widespread internal ownership of the**

Council's financial position, a robust financial position and a fair funding settlement for Newcastle-under-Lyme.

- 2.3 It is currently unclear when the Government will press ahead with plans for a business rates reset which would see the accumulated growth built up since 2013/14 being redistributed across the system. As a member of the Staffordshire Business Rates Pool the Council currently saves £0.890m per annum in levy payments which would be payable to the Treasury if the Council ceased to be part of a pooling arrangement. In addition to this, growth within the Borough has enabled a further £2.220m of business rates income to be retained by the Council (this has been recognised in previous savings) over and above the funding baseline set by Central Government. In the event that a business rates reset goes ahead strong lobbying will be required to ensure that appropriate transitional arrangements are in place to cushion the impact locally.
- 2.4 The Council has been successful in securing resources required to regenerate the Borough via Town Deals and Future High Street Fund funding. It is important that the Council continues to work closely with Staffordshire County Council to secure inward investment in the Borough to drive growth and employment opportunities for local people.
- 2.5 The current MTFS approved by Council as part of the budget setting process in February 2023 forecast a budget gap of £5.873m over the period 2023/24 to 2027/28 (including £1.593m for 2024/25). The MTFS is being rolled forward by a year and assumptions are constantly revisited. The current forecast around financial pressures facing the Council is for a gap in 2024/25 of £2.751m and over the 5-year period of the MTFS, £5.082m. Further details are shown in Appendix A.
- 2.6 The revised budget gap provides for a 3% pay award in relation to 2024/25. It also provides for a £1,925 per FTE pay award in relation to 2023/24 as per the latest employers offer, this was not budgeted for in full for 2023/24, the MTFS originally allowed for a 4% pay award, however due to the Cost of Living crisis, increasing inflation and interest rates, a pay offer of £1,925 per FTE or of around 6% has been mooted. This pay offer is an increase when compared to the 4% previously built into the MTFS.
- 2.7 Considerable pressure will continue to be placed on the Council's finances in the medium term as a result of a number of national issues. These include the proposed Local Government pay award offer, the additional pressure that rising inflation and interest rates are or will be placing on the Council in terms of fuel and utilities, contractor costs, supplies and services and borrowing costs and the rising costs and availability of temporary accommodation that the Council is required to provide for vulnerable and homeless residents. Since the award of a number of regeneration grants, inflation costs have considerably increased which in turn has resulted in increases in contract prices for projects.
- 2.8 Work on the detail of the 2024/25 budget including investment and savings proposals is underway and is being overseen by an Efficiency Board chaired by the Leader of the Council. Draft budget proposals will be presented to Finance, Assets and Performance Scrutiny Committee (FAPSC) in December.
- 2.9 Based on this work, key themes for further exploration are anticipated to include digital transformation, the One Council programme, commercial opportunities and asset management.
- 2.10 A full risk assessment is being carried out on the Council's reserves. A preliminary assessment suggests that a minimum General Fund reserve of £1.910m will be required to provide sufficient cover for potential risks. Further consideration of the levels of other reserves held will be considered as part of this assessment.

- 2.11 The Council agreed a 10 year capital strategy in February 2023. The capital strategy sets out how the Council will invest capital resources to support service delivery and facilitate the achievement of key objectives. The strategy has been reviewed and updated including expected capital receipts from asset disposals.
- 2.12 The capital financing requirement is estimated to increase to £42.380m by 2033/34 based on the current capital programme and the revenue implications have been reflected in the revised MTFS. It is anticipated that the current revenue budget of £0.431m will need to be increased by £0.471m to provide for borrowing costs that may be incurred during 2024/25 if the programme remains as is.
- 2.13 It should be noted that the MTFS will need to be updated in the coming weeks regarding the Council's carbon journey to net zero by 2030. Further details will be provided in a report which will be taken to Cabinet in October, following which the MTFS will be updated accordingly. Part of the Capital Programme review considers the Council's green agenda on current projects in order for the Council to align the budget to the net zero priority.
- 2.14 The table below sets out the key dates of the events to take place before the budget for 2024/25 is finally approved:

Event	Committee	Date
Draft MTFS	FAPSC	25 September 2023
First draft savings proposals	Cabinet	5 December 2023
Budget consultation	Proposed to run during December	
Scrutiny of first draft savings proposals	FAPSC	13 December 2023
Approval of final MTFS & consideration of draft budget proposals	Cabinet	16 January 2024
Scrutiny of draft budget proposals	FAPSC	18 January 2024
Final budget proposals recommended for approval by Full Council	Cabinet	6 February 2024
Full Council to approve budget	Full Council	14 February 2024

3. **Proposal**

- 3.1 That Cabinet note the funding gap of £2.751m in 2024/25 and £5.082m over the life of the MTFS.
- 3.2 That Cabinet agree the approach regarding the development of savings and income generation proposals in the medium term.
- 3.3 That Cabinet note the continued uncertainty regarding the medium-term impact of local government funding and the Cost-of-Living crisis. The Portfolio Holder for Finance, Town Centres and Growth will be writing to Central Government and Local MP's to lobby for funding to assist with the additional pressures in respect of the national pay award and temporary accommodation.

4. **Reasons for Proposed Solution**

- 4.1 The Council has a statutory duty to set a balanced budget by February 2024. Best practice is for financial planning to take place over a 5-year period in the form of a Medium-Term

Financial Strategy that sets out how the Council plans to allocate resources to meet its objectives.

5. **Options Considered**

5.1 None.

6. **Legal and Statutory Implications**

6.1 The MTFs is not a statutory document but it is considered best practice.

7. **Equality Impact Assessment**

7.1 Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably due to protected characteristics. It is important to consider the potential impact on such groups and individuals when designing or delivering services and budgets. Budget proposals requiring changes or new services and policies will be subject to Equality Impact Assessments including consultation with affected people and organisations.

8. **Financial and Resource Implications**

8.1 These are addressed in the body of the report.

9. **Major Risks**

9.1 Section 25 of the Local Government Acts 2003 places a duty on the Section 151 Officer to report on the robustness of the budget. The main risks to the budget include spending in excess of budget; income falling short of the budget (including capital receipts from disposal of assets); and unforeseen elements such as changes to Government funding. In the context of the cost-of-living crisis and uncertainty regarding Government funding reforms there are significant budget risks that will need to be managed. It will be essential the Council has sufficient reserves to call on if required.

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

10.1 In shaping detailed budget proposals consideration will be given to the need for investment in order to deliver the Council's Sustainable Environment Action Plan.



11. **Key Decision Information**

11.1 Final approval of the MTFs as part of the budget setting process will be a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Appendix A – MTFS 'Gaps'

14. **Background Papers**

14.1 None

Appendix A – 2024/25 to 2028/29 MTFS ‘Gaps’



Detail	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000	Description
Employees:						
Increments	40	10	2	-	-	Employees due an increment
Pay awards	730	427	440	453	467	3% pay award assumed for all years plus £1,925 per FTE re. 2023/24
Superannuation increases	169	96	97	100	103	22% of increase in salaries
Superannuation lump sum increases	39	41	43	45	45	Net increase of lump sum pension payment
National Insurance	106	60	61	63	64	National insurance on increase in salaries (increments and pay awards)
Premises:						
Business Rates	30	32	33	34	35	Inflationary increase in business rates payable (per CPI)
Utilities	26	27	28	29	30	Inflationary increase in gas and electric (per CPI)
Transport:						
Fuel	12	13	14	14	15	Inflationary increase in fuel (per CPI)
Hydrotreated Vegetable Oil	9	9	9	10	10	Inflationary increase in HVO (per CPI)
Financing:						
Borrowing costs	471	640	26	86	32	Borrowing costs regarding the financing of capital expenditure
New Pressures:						
ICT software, hosting and maintenance	100	10	10	10	10	ICT costs re. systems maintenance and software licences
Audit fees	100	-	-	-	-	Increase in external audit fees
Temporary accommodation/vulnerable residents	500	-	-	-	-	Increase in both demand and costs
Waste/Recycling driver cover	60	-	-	-	-	Increased level of cover required by the service
Staff Retention	40	-	-	-	-	Initiatives to encourage staff retention
Market Stalls	57	-	-	-	-	Putting up and taking down of temporary stalls to enable event space
Income:						
Fees and charges	-266	-277	-288	-300	-312	4% increase in fees and charges
New Homes Bonus	500	-	-	-	-	Drop out of New Homes Bonus legacy payments
Government grant	12	12	12	12	12	Reduction in Housing Benefit /Council Tax Admin grant
Business Rates baseline funding level	-164	-170	-177	-184	-192	Inflationary increase in baseline funding level (per CPI)
Income pressures	180	100	100	100	100	General income shortfalls
TOTAL GAPS	2,751	1,030	410	472	419	

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S
REPORT TO

Cabinet
19 September 2023

Report Title: Procurement of a Joint Venture Development Partner and the appointment of Capital and Centric for Key Regeneration Projects

Submitted by: Deputy Chief Executive

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

Ward(s) affected: Town

Purpose of the Report

To provide Cabinet an update and to note the progress made with the appointment of Capital and Centric for key regeneration projects in Newcastle Town Centre as a result of the work undertaken recently to procure a Joint Venture Development Partner.

Recommendation

Key Decision: Yes

That Cabinet:-

1. **Notes the progress made to date with the procurement exercise for the Joint Venture Development Delivery Partner redevelopment plans for key town centre sites;**
2. **Note the benefits of the Capital and Centric operating model as set out in Paragraph 2.14-2.21 of this report;**
3. **Agree to the procurement through a direct award under the Pagabo Development Management Framework of Capital and Centric to develop plans and development business cases for the York Place and Midway Car Park sites, at a cost not exceeding £256,500;**
4. **Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to progress discussions with third parties for the sale or lease of a portion of the York Place site;**
5. **Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio for One Council, People and Partnerships to undertake the necessary preparatory work for the closure of the Midway Carpark in autumn 2024.**

Reasons

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

This report enables progress to be made across these sites.

1. **Background**

1.1 As reported to previous Cabinets, the Council has secured Future High Street Fund and Town Deal Fund for the redevelopment of several key regeneration sites across the Town Centre. Work has been continuing in the development of the schemes for the past couple of years, and the current position regarding each is as follows:

- Castle Car Park (Ryecroft)– Planning consent was secured in June 2023 and a contract for delivery has been let to Morgan Sindall. Construction will commence in September 2023.
- New Hotel (Ryecroft) - A procurement exercise is ongoing for the brand that the hotel will operate under. This in turn will inform procurement of a design and build contractor to provide initial cost and design advice on. These are due to be reported at a future Cabinet for agreement on next steps.
- York Place – The Council purchased this site in March 2022 and secured planning consent in June 2023 for the demolition of the current building and rebuilding of a mixed-use development. Demolition works are due to commence in October 2023, funded from the Future High Street Fund.

1.2 In order to identify advantageous delivery models which could leverage external finance and expertise, a procurement exercise was undertaken in the spring of 2023 to gauge market interest in a joint venture partnership to develop out Key town centre sites. This is detailed later in this report.

2 **Update**

York Place – Update on Current position

2.1 The York Place complex was purchased by the Council March 2022 and in April 2022 Willmott Dixon were appointed as Design and Build Contractors through the Pagabo Framework to develop the design and costs for the replacement of York Place, including the demolition of the existing building. We have a process in place where the project is broken down into RICS Stages and at each stage we can choose whether or not to place an order for the next stage. These stages are:

- To prepare designs and secure planning consent for the demolition of the existing building and construction of the replacement. This stage has been completed, with the Council securing planning consent in June 2023 This has been funded from the Future High Street Fund.
- Let contract for demolition of the existing buildings - The planning consent for demolition was granted in June 2023 alongside the permission for the replacement development. The contract for demolition has not been progressed, although funding from the Future High Streets Fund is allocated for this element of the project.
- The next stage would have been to get full construction drawings and costings finalised and to commence construction of the new development once the demolition works are complete in spring 2024. This has not been commissioned and we are not now planning to undertake the work in this manner.

Midway – Update on Current Position

2.2 The Midway Car Park site will be unlocked for development once the new Castle Car Park becomes operational. Funds are allocated in the Town Deal for its demolition, and the site is earmarked for residential development. The next steps for this development are to develop deliverable plans for the site, and also to arrange for its decommissioning as a car park once the new facility on Ryecroft, Castle Car Park, is open.

Joint Venture Development Delivery Partner Exercise

2.3 In developing the York Place scheme in particular, but the town centre sites in general, the Council has been acutely aware of the need to strike an appropriate balance between commercial risk and commercial return, particularly in the light of current interest rate and inflation rates. Over the last eighteen months whilst these have been in development we have seen construction costs increase sharply. Alongside this we have seen the cost of borrowing increase by several percentage points over the same period. There are early signs that early next year and into 2024 these effects could start to ease, but there remains considerable uncertainty.

2.4 Whilst the immediate local commercial interest in York Place is positive, the Council has taken the opportunity to explore other delivery options which might enable the scheme to be brought forward more quickly or reduce the risk burden on the Council. The Council has been out to tender to gauge interest from the market for a joint venture development delivery partner to see what assistance we could get from the market to deliver schemes such as York Place and Midway. Specifically, the tender invited responses which would bring a level of engagement and innovation that the Council would benefit from in terms of access to alternative means of borrowing, shared risk taking, innovative or established routes to end users, and market intelligence for such developments (what does the market need / want / will embrace).

2.5 We have had three interesting returns from well renowned contractors / developers. Which are summarised below:

- Submission A – a national contractor, with extensive experience of constructing and the delivery of similar projects, who wished to be our preferred contractor to build out our schemes, without the need to procure further phases of our regeneration programme. They proposed to provide pre contact advice on the development of the regeneration project plans
- Submission B - a national contractor, with extensive experience of constructing and the delivery of similar projects, who wished to be our preferred contractor to build out our schemes, without the need to procure further phases of our regeneration programme. They proposed to provide pre contact advice on the development of the regeneration project plans
- Submission C – a national development professional services group who partner with third parties, construction companies and developers to shape and deliver regeneration projects. They indicated that they would be happy to partner with either of the companies who submitted interest (as noted above).

2.6 In reviewing the submissions it is unclear what would be provided over and above the procurement / construction route that the Council has used in the three past projects – Kidsgrove Sports Centre, Civic Building Demolition and the forthcoming new Castle Car Park. Specifically, the submissions are all structured such that all the

critical risks sit with the Council, eg the end users, programme and cost. Whilst this is usual for a straightforward construction project, it adds no value to a more complex regeneration project such as those with which the Council is now engaged.

- 2.7 Analysis of the three submissions indicate that the procurement of a development delivery partner through this route will merely provide a 'lock in' for one contractor for our programme of projects in the future, and a profit share mechanism that would reduce the Council's revenue potential, without any 'extra' benefits which would offset these potential downsides. This is adding another layer of costs to the projects – these could be used to contribute to potential construction inflationary pressures instead.
- 2.8 Had the procurement resulted in innovative solutions, then the 6-12 months required to progress to establish a Joint Venture would be worthwhile, notwithstanding potentially another year of construction cost inflation.
- 2.9 There is no legal obligation to progress with the development partner procurement exercise if we don't feel that the market is providing anything over and above that which we are delivering ourselves directly.
- 2.10 In addition to the three submissions received, the procurement exercise has drawn the Council's attention to opportunities which exist within Pagabo Framework, which the Council has used previously.

Pagabo Framework

- 2.11 The Pagabo Procurement Framework is built up of OJEU compliant series of frameworks which allow access to both construction and professional services, without the need to go out with 'open procurement' exercises, as the procurement has already been undertaken prior to the framework being made available to local authorities and others. There are a number of such frameworks which allow easy access and save time and costs of lengthy procurement exercises. The Council has used this framework on several schemes to date.
- 2.12 One of the "lots" within the Pagabo framework enables the appointment of Development Partners. The Council has taken the opportunity to engage with one of the companies on that framework which has a particular reputation for place making developments to discuss potential collaborations on our regeneration projects – Capital & Centric, who are an innovative and socially minded development company – see section 2.14 to 2.21 below for further details.
- 2.13 Capital and Centric) are on the Pagabo framework, Lot 3, which allows a direct award to a contractor / developer. This framework is an OJEU compliant framework with all contractors and developers having gone through a procurement exercise to gain entry to the framework and the Lot they have bid for. As the Council's direct procurement exercise, where an open call was issued to the market for a Joint Venture Development Delivery Partner, did not produce the results or participation that it had hoped for (we understand that the market is extremely busy with pipeline and current tender works at the moment), the opportunity to engage directly with Capital and Centric is attractive due to their market presence, their track record, and their national profile, which can all add real value to the plans that the Council has for its town centre regeneration.

Capital and Centric

- 2.14 Capital and Centric are property developers based in Manchester and responsible for some of the most innovative and exciting new developments in Manchester City, as well as developments under way in Stockport and Stoke-on-Trent. A particular characteristic of Capital & Centric (C&C) is that once construction and fit out of a development has been completed, they continue to manage the development, as owners, to ensure it remains successful in terms of end user experience and satisfaction.
- 2.15 The Capital and Centric approach, whereby they retain ownership and management of developments once completed has a significant positive impact for the Council in terms of both financial and operational risk:
- The model requires only short-term financing by the Council, rather than long term borrowing. This reduces interest costs from c.40 years to 2-3 years; the model also removed the need for the Council to fund Minimum Revenue Provision (MRP), which is in effect the “capital repayment” element of PWLB borrowing as the asset would transfer ownership once complete;
 - The model shifts the ongoing risk of maintaining occupancy of the finished development away from the Council and onto the operator;
- 2.16 We have received a proposal from Capital and Centric to take a lead role in the development of York Place and Midway. As outlined above, one of the keys stages in the development of a regeneration project is to define project costs such that a credible business case can be developed. Capital and Centric have submitted a proposal to develop a RIBA Stage 1 proposal for each of the sites, developing plans and business cases for further approval for assisting with us to complete York Place, develop plans for Midway Car Park.
- 2.17 The proposal covers work which the Council would need to commission individually if it chose not to go down this route, such as preparing the design and indicative costings for redevelopment of Midway.
- 2.18 From their initial work, completed at risk, Capital and Centric have identified a redevelopment route for York Place which is both lower cost and more environmentally sustainable, through retention and re-use of key elements of the original construction frame of the building – an approach they have successfully deployed elsewhere.
- 2.19 Capital and Centric propose to undertake this work for a fee of up to £256,500 and deliver within six months.
- 2.20 If the Council is satisfied with the RIBA Stage 1 works, it would then be able to use the Pagabo Framework to commission Capital and Centric to develop the schemes to RIBA 4, which provides a fully costed scheme with planning applications made.
- 2.21 In terms of commerciality, the Capital and Centric model would involve:
- Capital and Centric design and cost the schemes
 - NuLBC fund the build (utilising Town Deal, external bidding, and borrowing through PWLB)
 - Upon completion, Capital and Centric purchase and operate the developments, thereby removing a key risk to the Council of maintaining end users.

Third Party Interest

2.22 In addition to the Capital and Centric proposal, the Council has been approached by a third party regarding their potential purchase of a portion of the York Place site for a complementary development. This has the potential to enable one element of the development to be funded without Council borrowing, with a capital receipt from the sale contributing to the overall scheme. It is essential that, were this proposal to progress, it works as part of the overall development and is consistent with the design values overall.

2.23 Through this report authority is sought to progress discussions and, if possible and appropriate, bring them to legal completion.

Next Steps

2.24 Whilst the Capital and Centric model envisages taking developments through to completion and then purchasing the completed development and assuming the lead role in managing the operation of the development, as with all developments, there are a series of gateways through which schemes must pass to assure their viability. These are based upon agreements through the Pagabo Framework and once each stage is complete a subsequent agreement is signed for the next stage of the project development:

- Once feasibility is assessed then a new agreement to take the scheme up to planning permission and a cost envelope are obtained;
- Upon receipt of planning permission, the final construction drawings are produced and a contract sum is agreed;
- Construction will then commence to an agreed plan / design and cost

2.25 At this stage, the commitment to Capital and Centric extends only to step 1, after which the Council would need to take a formal decision to progress to step 2, and incur the expenses for full planning drawings and submission to gather planning approval and new target cost. The final decision on whether or not to commit to borrow and develop is then taken before the final Stage 3. A critical part of this final stage would be determining which of the elements would remain in Council ownership, and which would be bought by Capital and Centric.

2.26 Critically, the model which involves Capital and Centric purchasing the end development is highly significant in terms of the Council's borrowing for the schemes. Rather than borrowing over, say, a 40 year period, during which the Council would need to both pay interest and capital, the Council's borrowing would only be for, approximately, the duration of the build, as any loan and associated interest would be repaid upon sale of the asset. This minimises the revenue impact of the schemes for the Council.

3. Proposal

3.1 That Cabinet

- a. **Notes the progress made to date with the procurement exercise for the Joint Venture Development Delivery Partner redevelopment plans for key town centre sites;**
- b. **Note the benefits of the Capital and Centric operating model as set out in Paragraph 2.14-2.21 of this report;**

- c. **Agree to the procurement through a direct award under the Pagabo Development Management Framework of Capital and Centric to develop plans and development business cases for the York Place and Midway Car Park sites, at a cost not exceeding £256,500;**
- d. **Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to progress discussions with third parties for the sale or lease of a portion of the York Place site;**
- e. **Authorise the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and Portfolio Holder for One Council, People and Partnerships to undertake the necessary preparatory work for the closure of the Midway Carpark in autumn 2024.**

4. **Reasons for Proposed Solution**

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

5. **Options Considered**

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

6. **Legal and Statutory Implications**

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

7. **Equality Impact Assessment**

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

8. **Financial and Resource Implications**

York Place

- 8.1 The demolition of the existing York Place complex is funded through the Future High Street Fund which has been confirmed and allocated as shown in the table below:-

Project	FHSF allocation (inc contingency)	Spend as at 31 August 23	Balance remaining
Ryecroft	£3,756,191	£2,776,507	£979,684
MSCP Development	£3,500,000	£642,761	£2,857,239
York Place (Purchase, relocation and demolition)	£3,015,218	£1,933,349	£1,081,869
Stone public realm	£321,251	£0	£321,251
Market Stalls	£75,600	£2,990	£72,610
Programme Management	£380,000	£252,657	£127,343
Total	£11,048,260	£5,608,264	£5,439,996

8.2 The estimated build costs for the new development, which will be sourced from borrowing, are circa £16.8m. If the Council operate the development the cost of borrowing will be covered by rental income from the commercial units and the offices over the useful life of the development but will require a budget pressure of £0.297m in year 1 of operation (which reduces to nil in year 16 of operation) in addition to interest costs incurred during the construction phase. Should the preferred developer take on the ownership of the completed development then the proceeds from the sale will be used to repay the development loan and interest costs that the Council incurs. Interest costs (based on current interest rates) up to the completion date relating to the loan would amount to £0.583m (£0.245m in 2024/25 and £0.339m in 2025/26).

Midway Development

8.3 The estimated build costs for a development of the Midway site, which will be sourced from borrowing are circa £14.0m. Should the preferred developer take on the ownership of the completed development then the proceeds from the sale will be used to repay the development loan and interest costs that the Council incurs. Interest costs (based on current interest rates) up to the completion date relating to the loan would amount to £0.509m (£0.067m in 2024/25 and £0.441m in 2026/27).

Development of Business Case

8.4 Funding for the development of the business case for York Place and the Midway via Capital and Centric is available through Future High Streets Funding allocated for the demolition of York Place and remaining allocations in the approved 2024/25 Capital Programme for feasibility studies and master planning.

9. Major Risks

9.1 The main risk to the demolition element of the York Place project is achieving vacant possession of the site by ensuring that the last remaining tenant is relocated in time for the demolition works to be completed by the end of the Future High Street Programme in March 2024.

9.2 The proposed demolition of York Place is in a densely occupied town centre location and therefore will require careful management throughout the contract.

9.3 The potential for multiple demolition and / or construction projects being undertaken in a short period of time in the Town Centre could impact negatively on the enjoyment of the town amenities by users and will need careful messaging and monitoring. Each stakeholder will be able to assist with this.

9.4 The scheme for Midway could be based around partial demolition to save construction programmes, development costs and the carbon footprint of the scheme. Clearly the structure needs to be examined to see what elements can be retained, and if the structure is unusable then these benefits won't be achieved.

9.5 The inflationary pressures and the cost of borrowing is a risk to the delivery of all of the schemes and each needs to be planned carefully to minimise the effects of each prior to the start or award of any contract.

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

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

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



11. **Key Decision Information**

11.1 This is a Key Decision

12. **Earlier Cabinet/Committee Resolutions**

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

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

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

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

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

12.6 March 2022 Cabinet award of contract for design and build contractor

12.7 January 2023 Cabinet progress report on the York Place project

12.8 June 2023 Cabinet award of contract for the demolition of York Place

12.9 June 2023 Cabinet approval for procurement of Hotel Brand and Design and Build Contractor

12.10 June 2023 Cabinet award of contract for Castle Multi Storey Car Park

13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 None

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

Cabinet

19 September 2023

Report Title: Asset Management Strategy

Submitted by: Deputy Chief Executive

Portfolios: Portfolio Holders - Finance, Town Centres and Growth, and Sustainable Environment

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
To seek Cabinet approval to the new Asset Management Strategy.	
<u>Recommendation</u>	
That	
<ol style="list-style-type: none"> 1. Cabinet Approves the Asset Management Strategy 2023-2028 2. The Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, be given delegated authority to develop a disposal programme and to undertake consultation on the disposal of sites as set out in the Asset Management Strategy 2023-2028. 3. The Strategy is considered by the Finance, Assets and Performance Scrutiny Committee in September and feedback will be provided to the Portfolio Holder for Finance, Town Centres and Growth. 	
<u>Reasons</u>	
The Council has an adopted Asset Management Strategy 2018/19-2021/22. It is important that the Council has an up-to-date strategy which outlines the Council's approach to managing its assets, including the disposal of sites which are surplus to operational requirements and may have alternative uses. A new strategy has been produced taking into account the Council's progress in delivering the current strategy and the needs moving forward over the next 5 years.	

1. Background

- 1.1 The Council's Capital Strategy and Asset Management Strategy are key documents evidencing the Council's approach to its use of resources. The Asset Management Strategy provides a clear framework for understanding the value and condition of property owned by the Council so that, in turn, investment decisions can be taken to optimise the use of the said land/property to meet the needs of the Borough's residents, businesses and visitors. This Strategy along with the Council's Capital Strategy seeks to demonstrate alignment with, and delivery of, the Council's ambitions as set out in the Council Plan.
- 1.2 The current Asset Management Strategy was adopted in 2018 therefore it is appropriate to review and adopt a new Strategy.

2. Issues

- 2.1 The Asset Management Strategy directs the Council's disposal of surplus land and property assets. Since the 2018 refresh of the Asset Management Strategy, the Council has successfully delivered key disposals, the main ones are detailed below, totalling circa £6.1m:

Freehold sale – Eccleshall Road, Loggerheads	Mar-21
Freehold sale- 20 Sidmouth Ave, Newcastle	Nov -21
Freehold sale – Apedale, Chesterton	Nov -21
Covenant release – Midway, Newcastle	Dec-21
Freehold sale – Market Drayton Road Newcastle	Apr-22
Freehold sale – Knype Way, Bradwell	Jan-23

- 2.2 As part of the Council's Sustainable Environment Strategy, approved by the Council in December 2020, there is a desire to create Carbon Capture Areas within the Borough. These consist of 60 council owned green spaces and have been saved for tree planting and other environmental improvements which is taking place as part of the wider Urban Tree Planting Strategy. To date four phases have been completed and a further phase is planned for Winter 23.
- 2.3 The proposed Asset Management Strategy 2023-28 sets out the approach to managing the two types of Council assets; the operational and the commercial. The Council holds a wide range of assets for a wide range of functions. It is necessary for the Council to ensure these continue to deliver our service needs and wider community objectives. A key element is ensuring that all buildings and land holdings continue to meet the needs of our users and are effective to manage. The Council needs to ensure that assets maximise income where they are commercial assets to ensure that the Council generates needed income to support the operational costs and investment plans.

- 2.4 The new Strategy builds on the previous strategy and has been set out with an appendix for the Asset Management Plan which sets out the sites recommended for disposal and the current position in respect of the Property led projects. The strategy has clarified the consultation process so it is clear when and what consultation is undertaken.
- 2.5 The full list of sites included in the refreshed Asset Management Plan are outlined in the annex. The key sites notable as works in progress are:

2.5.1 Planned Capital Works and Projects

Ryecroft

Ryecroft is the site of former Civic Offices and the former Sainsburys supermarket and car park. The Council is to redevelop this site and the proposals are set out below:

Planning permission has been approved to develop a new multi-storey car park (Castle car park) on the western third of the site. This is being partially funded by the Future High Street's fund.

The plans for the middle part of the site include the possible provision of a new hotel.

Options are currently being considered for the remainder of the site.

York Place Shopping Centre

The Council acquired the York Place shopping centre in early 2022 to facilitate the delivery of the Future High Street Fund regeneration proposals and improvements to the town centre. There are only two commercial tenants remaining in the Centre that are due to relocate elsewhere in the Town in the near future. It is proposed to redevelop the site with a mixed use development which will include a small public square in the centre.

Midway Car Park

Upon completion of the Castle car park on the Ryecroft site, the Midway Car Park will become surplus to requirements and therefore alternative uses will need to be considered. The proposal is to redevelop the site with a contribution from the town deal monies.

Land Adjacent to Keele Cemetery

There are plans to install a solar energy installation on Council owned land that is adjacent to Keele Cemetery, this project is in the planning stage and further details will be provided in a report to the October Cabinet meeting.

2.5.2 Asset Disposals

Knutton

One of the major Newcastle Town Deal projects is to master plan parts of Knutton, The former clinic was acquired and subsequently demolished along with the adjacent community Centre. It is proposed that this along with the site of the former Knutton Recreation Centre be redeveloped for both residential and industrial purposes. This involves disposing of land to Staffordshire County Council to extend its enterprise centre, the building of a new village hall which will remain in the Borough Council's ownership and the disposal of the remainder of the land for residential development.

As part of this masterplan a new football changing facility is to be built at the Wammy. The Council will retain ownership of this asset and lease is to a community group.

Parkhouse West

This site was approved in the last Asset Management Strategy for disposal for industrial development purposes. Options for disposal are currently being considered.

Town Centre Car Parks

Once Castle car park has been completed, the car parks listed below will potentially become surplus to requirements and therefore alternative uses may need to be considered. These will be consulted on in accordance with the consultation process as set out in Section 8 of the Strategy. Additionally these sites have been put forward to the Planning Authority for consideration as potential bonus / windfall sites within the new Local Plan and will be subject to review as to their merits under the Planning framework, prior to their reclassification and potential disposal.

Consideration as part of the draft Local plan consultation has prompted petitions to be raised particularly regarding the significance of the Hassell Street Car Park for local businesses. Reflecting this, officers will be required to bring forward proposals for development which include the provision of some public parking spaces at Hassell Street and others as appropriate.

Blackfriars car park, Newcastle	0.32 acres
Blackfriars car park, Newcastle	0.21 acres
Hassell Street, Newcastle ST5 1AY	0.32 acres
Cherry Orchard Newcastle ST5 2UB	0.30 acres
Goose Street Newcastle ST5 2EA	0.84 acres
Borough Arms King Street Newcastle ST5 1HX	1.39 acres
Bankside/ Well Street Newcastle ST5 1BP	0.10 acres

Former Keele Golf Course

As per the previous Asset Management Strategy's, the former Keele Golf Course site is again listed for possible disposal. The site is currently classified as Green Belt land. Prior to any Council build out and/or sale to third party developers, this classification will need to be changed to allow for any residential development. As noted within this report in previous sections, the Local Plan is currently out for consultation and a new Draft Local Plan will be published in 2024, with a view that the Plan is either adopted or not after a Planning Inspectorate Inquiry. The proposal is for 900 homes but until the Green Belt classification is amended or not, no such development or sale can be considered.

2.5.3 Other Projects

Chatterley Valley

The Council is currently working with the land owner on the development of the overall site and there is a potential for the Council to invest in the site for commercial returns and regeneration of the site – to bring employment opportunities to the Borough as set out below:

Plot D - to construct a circa 120,000 sq. ft. unit which will be let to an advanced ceramics organisation and associated research facility,

Plot C - to construct a circa 78,000 sq. ft. of industrial space which will be, split into units ranging from 19,000 sq. ft to 33,000 sq. ft. When built these units will form part of the Council's non-operational (investment portfolio) and be leased out.

Kidsgrove

There are plans for the creation of a shared service hub in Kidsgrove. This is on land partly owned by the Council that is currently used as a car park (Meadows Road Car Park) and an adjacent piece of privately owned land. NBC will own the building, but Kidsgrove Town Council will lease it from the Council. There are also planned associated public realm improvements.

Refurbishment of Kidsgrove Town Hall to create lettable office space to be funded through shared prosperity.

Creation of a Circus Heritage Centre.

Initially refurbishing a unit on Merrial Street in the Council's ownership with intended occupation for 2 years and then a move to a redeveloped York Place. This is to be funded through the Town Deal.

2.5.4 Government Funding

The Council is in receipt of government funds which include Town Deal, Future High Street and the Shared Prosperity Funds. Some of these funding streams directly impact Council assets, the major schemes are set out in sections 12-14 of the Strategy. The remainder of these projects are set out below

Kidsgrove Town Deal

Construction of an access road is planned at Chatterley Valley to facilitate industrial development.

Refurbishment of Kidsgrove Railway Station and creation of a transport hub is also planned. The land areas involved in this project are owned by Network Rail and operated by East Midlands Railway.

There are a number of planned improvements that will be made to the Canal towpath on land that is owned by the Canal & River Trust. (Some shared prosperity fund is also to be used for this)

Newcastle Town Deal

Digital Infrastructure Project – This project is still under development but is likely to include enhancing Wi-Fi provision in the town centre and possibly some form of fibre connection.

Sustainable Transport Solutions - A mix of measures are being introduced in regards to public transport. A new bus entrance is planned at Keele University (on land owned by the University), installation of real time passenger information at Newcastle Bus station and other locations and plans to improve bus service reliability with Keele University.

Electric Vehicle charging points are to be installed at the new multi storey car park at Ryecroft.

The former Zanzibar nightclub (Aspire Housing owned) has been demolished. It is intended to be replaced with residential development, along with approximately 6 small enterprise units which the Council will own and manage.

Digital Society – The Town Deal will fund the conversion of a town centre building for use by Keele University for a learning / enterprise space, which will include some form of food offering. The building is owned by Keele University.

Cross Street Chesterton – The plan for this project is that the Town Deal Council will fund the re-development of the current housing land that is owned by Aspire housing in this area.

Future High Street Fund

A public realm and market improvement project is planned, which will see a proportion of the fixed stalls removed, and installation of mobile seating and space for pop-up gazebos for specialist markets.

Shared Prosperity Fund

Improvements are planned for Clough Hall Park in line with the existing masterplan.

The creation of a Homeless Hub is also planned, although the site has not yet been defined a building has been earmarked for purchase (subject to proof of the business case) and satisfactory terms agreed with the current owner.

3. Recommendation

- a. Cabinet Approves the Asset Management Strategy 2023-2028
- b. The Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, be given delegated authority to develop a disposal programme and to undertake consultation on the disposal of sites as set out in the Asset Management Strategy 2023-2028.
- c. The Strategy is considered by the Finance, Assets and Performance Scrutiny Committee in September, and feedback will be provided to the Portfolio Holder for Finance, Town Centres and Growth.

4. Reasons

- 4.1 In order to effectively manage a wide range of capital projects which require significant financial investment the Council needs to understand and plan for the appropriate disposal of assets no longer needed and that may deliver against other objectives such as the delivery of housing.

5. Options Considered

- 5.1 If the Council did not actively fulfil its Asset Management role it would not be possible to either manage assets dynamically or demonstrate the rationale for investment; thereby exposing the Council to criticism that it had a weak approach to the management and use of its physical resources.

- 5.2 More importantly and practically, if capital receipts are not generated through the disposal of assets or there is a delay in this happening, this will mean that it will be necessary to either abandon or postpone investment in the capital programme or to find an alternative source of funding, most likely to be further borrowing (the revenue consequences of which would need to be addressed as part of the General Fund budget setting process).

6. Legal and Statutory Implications

- 6.1 The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.
- 6.2 The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.
- 6.3 The Local Government Act 2000 - powers to promote the economic, social and environmental wellbeing of the Borough.

7. Equality Impact Assessment

- 7.1 The Asset Management Strategy does not create any specific equality impacts.

8. Financial and Resource Implications

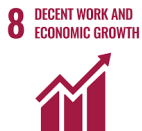
- 8.1 The sites identified for disposal will generate capital receipts to meet the demands of the Capital programme. Failure to dispose of the above sites will result in further borrowing to support the Capital Programme which in turn will add further pressure on the revenue budget in respect of borrowing costs.

9. Major Risks & Mitigation

- 9.1 The identification of a site for disposal does not mean that the site will be sold as there is a risk that there is no suitable market interest. The Council could therefore continue to hold liabilities for these sites and revenue expenditure. Lack of land sales would create a loss of income to the Council and therefore impact on the Council's ability to deliver essential Council services. The delivery of the Asset Management Strategy brings risks of Community and/or political resistance to the land sales and potentially reputational damage to the Council. Through the production of an up-to-date Asset Management Strategy the Council seeks to minimise some of these risks.

10. UN Sustainable Development Goals (UNSDG)

- 10.1 This Strategy is intends to ensure that the assets held by the Council support the corporate objectives and service needs. Where assets can be disposed this may contribute to better land use, all of which would be subject to the normal controls that the Planning system holds. In that respect, the project supports the realisation of the following UNSDG objectives:-



11. Key Decision Information

11.1 The Strategy affects more than 2 wards and future disposals have the potential to generate more than £50,000.

12. Earlier Cabinet/Committee Resolutions

12.1 Cabinet 19th September 2018 adopted the current Asset Management Strategy.

13. List of Appendices

13.1 None.

14. Background Papers

14.1 None.

ASSET MANAGEMENT STRATEGY

2023 - 2028



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1. Foreword

The Council's Capital Strategy and Asset Management Strategy are key strategies that establish the Council's approach to its use of resources. The Asset Management Strategy provides a clear framework for understanding the value and condition of property owned by the Council so that, in turn, investment decisions can be taken to optimise the Council's asset portfolio to meet the needs of the Borough's residents, businesses and visitors. As we move into the future with a new set of challenges and priorities, we have had to tailor the Asset Strategy in such a way as to meet those challenges head on, whilst taking other Council-wide strategies into consideration. This Strategy builds on the previous Asset Management Strategy.

By having an Asset Management Plan as part of this Asset Management Strategy for 2023 to 2028 the Council is well placed to ensure we are able to adapt to the changing market and deliver our corporate priorities.

Cllr Stephen Sweeney

Deputy Leader of the Council and Portfolio Holder - Finance, Town Centres and Growth

MISSION STATEMENT

“Our mission is to establish an Asset Management Strategy that reduces ongoing expenditure, increases investment income and renews and grows the Council’s asset portfolio so that we can provide the highest attainable standard of buildings and facilities for the people of Newcastle-under-Lyme.”

2. Background

- 2.1 The Borough of Newcastle-under-Lyme is part of the conurbation of North Staffordshire. It is the most populated district in Staffordshire with a population of around 125,000 and has an area of 81 square miles. The two main towns within the Borough are Newcastle-under-Lyme and Kidsgrove, and there is an extensive rural area to the west/south-west of the urban area.
- 2.2 The industrial base of the Borough has changed significantly in the last century, with the closure of local coal mines and the development of the distribution sector. Service industries are the largest employers in the area, with the number of people employed in water, energy and construction industries being higher than average. The presence of Keele University with the growing number of hi-tech, research and medical technology businesses in its Science and Innovation Park, along with the medical school demonstrates the potential for added value growth of the area.
- 2.3 Newcastle town centre is recognised as being one of two strategically important centres in the North Staffordshire conurbation, with further growth predicated upon its good connections to major transport routes. In particular the emerging investment in HS2 and other transportation links means that Newcastle will become part of a wider West Midlands “commuter belt” connecting people to Birmingham and London to the south and cities in the north such as Manchester, Leeds, and Glasgow.
- 2.4 There continues to be ongoing reductions in funding provided to local authorities, government, and its agencies, arising from the need to restrain public expenditure to rebalance public finances following the global economic recession that began with the banking crisis in 2008 and more recent increase in inflation. Services remain under pressure to reduce costs and to keep fixed outgoings such as property related costs under review.

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Some specific funds have however been made available recently including the 'Town Deal', 'Future High Street Fund and the Shared Prosperity Fund and it is key that those funding sources are spent on the right projects.

- 2.5 At the same time, the Council's own resources available to finance capital projects are limited and income is key to further delivery of the capital programme. The Council continues to require receipts from land and property disposals to fund future capital programmes.
- 2.6 In 2020, Cushman and Wakefield Surveyors were commissioned to carry out an independent Investment Property Portfolio Review. A detailed statement of the Council's current property portfolio is detailed within this and some of the key findings and recommendations from that review has assisted in developing the Asset Vision and will drive much of the Asset Management Strategy between 2023 and 2028. The Cushman and Wakefield Report as referred to at Section 18 below is available upon request.

3. Core Strategic Objectives

- 3.1 The core strategic objectives for asset management are designed to support the Council's vision and priorities. They are:
 - To ensure that the Council's asset portfolio supports the delivery of its services and objectives.
 - To maximise the Council's assets to deliver corporate objectives such as major regeneration programmes.
 - To ensure that all assets are demonstrably managed in the most economic, efficient, and effective manner.
- 3.2 In achieving these objectives the principles to be followed are that all operational assets must be:
 - In the right location to allow customers to access the service and any other related services of partners, in suitable condition to enable staff to deliver services in a comfortable environment for both staff and customers without interruption.
 - Suitable and sufficient for the purpose for which they are being used in terms of size, type, and layout of accommodation – including accessible to people with disabilities.
 - Flexible to the extent that they can be adapted economically to adjust to changing services' needs, including sharing with partners in service delivery.

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- Able to demonstrate 'Best Value' in terms of a balance between efficiency in operational running costs and long-term sustainability.
- Able to convey a positive image of the Council and the service being provided and able to contribute positively to the immediate environment, particularly where there is a need for physical regeneration of the locality.
- Good examples of sustainable development if new or extensively refurbished.
- Maintained in such a way so as to minimise reactive maintenance by improving planned maintenance arrangements; and managed to mitigate their impact on and the effect of climate change.

3.3 All non-operational assets must be:

- Able to make the maximum contribution to service revenue budgets in terms of rental income; or
- Able to make a positive contribution to the social wellbeing of the community either through its presence as a heritage asset or through use by others such as voluntary groups, charity organisations or small businesses; or
- Retained for reasons of strategic importance, such as to influence the physical economic regeneration of the Borough.
- Please note that some non-operational assets such as xyz Business Centre are subsidised to assist new start-ups.

3.4 In order to deliver a sound, well planned asset management strategy, the Council must first analyse the current position against our vision, then set key priorities for the overall assets portfolio and for individual assets. Where there are key priorities for specific assets the Council needs to evaluate funding opportunities and timescales. When proceeding with asset purchases, sales or long term leases there needs to be clear policies, procedures and processes that will ensure the successful delivery of the overall Strategy.

3.5 The Council has ambitious plans over the forthcoming years and this strategy seeks to support these. Whenever possible the Council will seek to maximise outcomes with external funding stream and working with the best partners. Timescales for individual asset management decisions will be made taking a whole range of issues into account. This Asset Strategy has been drafted in accordance with and supportive of the Commercial Strategy.

4. Approach

4.1 As the wider landscape within the Council's asset portfolio is constantly changing and evolving and as many factors are outside of the Council's control, the general approach that has been adopted, is to:

- Establish the asset portfolio in two groups [operational and non-operational estates]
- Carry out an updated assessment of the two groups /estates (following the Cushman and Wakefield Report's headings [see Annex A]
- Establish what funding streams and capital reserves are available / allocable
- Review already planned capital works and other projects
- Establish what can and should be done to the assets in each asset class (operational and non-operational) to find savings and improve efficiency.

4.2 It is important to note that the Asset Management Strategy will be ever evolving as new challenges and objectives are revealed and as new funding sources become available.

4.3 It is paramount that any strategic objectives are fulfilled and delivered within governance rules and guidelines set out by central government, the constitution, property law and are reflective of the various other strategies across the Council

This Strategy along with the Council's Capital Strategy seeks to demonstrate alignment with, and delivery of, the Council's ambitions as set out in the Council Plan 2022-26 and is also aligned with:

- The Financial Strategy
- The Digital Agenda
- The Carbon Management Plan
- The Council's Constitution
- Local Plan including Open Space and Green Infrastructure Strategy
- Playing Pitch Strategy

The Carbon Net Zero Roadmap

4.3b The Council is leading Newcastle-Under-Lyme to a sustainable and carbon net zero future. The Council is working with partners in the private, public and educational sectors

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to create an energy efficient environment in Newcastle-under-Lyme. This should ensure that the Borough remains a preferred place in which to live, work and invest.

The Council's Carbon Net Zero Roadmap represents a further step in the journey to become a carbon net zero council. The Council has made a good start in their contribution to the Council's reduction in energy use over the past year.

The Council are working with the Carbon Net Zero Roadmap to reduce its carbon footprint as well as the carbon footprint of the Borough (by 2050) as whole, which includes our homes, businesses and public spaces. The Council are introducing energy saving measures in properties, for example the council now collect food waste to be converted into energy through anaerobic digestion. The Carbon Net Zero Roadmap is still being finalised however we are beginning to take action now to reduce and cut the emissions we produce directly and indirectly. The Roadmap alongside other strategies and information about sustainability and climate can be found on our Sustainability and the Environment webpages which will be published soon on our website.

4.3c Our approach to more efficient and carbon net zero buildings:

Newcastle-under-Lyme Borough Council is currently consulting and reviewing the energy use and consumption of its built estate. The buildings the Council owns contribute to a vast amount of emissions that we release into the atmosphere, contributing to climate change. In our soon to be released Carbon Net Zero Roadmap we will be initiating multiple projects to decarbonise our owned facilities such as J2, Knutton Lane Depot and Kidsgrove Town Hall. Our goal is to become fully carbon net zero by 2030 within the Council's built estate by developing renewable energy projects for electricity and heating, upgrading the fabric specifications (insulation) of our buildings, embedding biodiversity net gain in all our developments, facilitating sustainable behaviour campaigns and upgrading our buildings ventilation, lighting and the controls that regulate it sustainably. Our goal for 2030 within the built estate is also accompanied by our wider goal to become a net zero Borough by 2050, aligning ourselves with the UK Governments initiatives.

5. Governance

5.1 Legal and Constitutional Context

- a. The Council has a duty, both fiduciary and operationally, to utilise its Assets for the benefit of the community.

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- b. The Local Government Act 1972 (as amended) – Section 123 - the Council has a duty to achieve best consideration when disposing of its assets.
- c. The Local Government Act 2000 - powers to promote the economic, social, and environmental wellbeing of the Borough.

5.2 The National Context – Government Policy

Many Government initiatives, policy statements and/or guidance influence the Authority's asset policies, including:

- The Quirk review of ownership of public assets
- The Gershon Review, and the drive to improve efficiency
- The Prudential Code for the management of capital finance
- Leaner and Greener Report – Delivering effective estate management
- Leaner and Greener II – Putting Building to Work
- Penfold Review
- Laying the foundations of a Housing Strategy for England
- The Localism Act - Community Right to Bid
- The National Planning Policy Framework
- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Statutory Responsibilities

5.3 The Authority as an employer, a landowner, a landlord and a provider of services, has a wide range of responsibilities with an implication for accommodation including:

- The legislative framework in respect of buildings
- A range of health and safety legislation, EEC requirements. HSE best practice and guidance notes, Industry standards and Insurance requirements.
- Carbon reduction and energy efficiency legislation and requirements.
- Equality Act 2010. This does not simply encompass accessibility considerations and should be taken into account in virtually all development and maintenance work which is carried out to ensure that every possible aspect of disability has been considered when implementing work.
- Management of the risks associated with property assets including regular maintenance and servicing to address matters such as:

- i) Legionella – A managed programme of water testing and preventative measures are carried out including weekly flushing regimes, monthly temperature tests, bi-annual bacteria testing and, as required, physical system cleansing. A robust legionella policy is in place for the council as required by law.
- ii) Asbestos – An on-going programme of surveys and management together with the use of asbestos registers and regular monitoring to prevent the release of dangerous fibres and warn of the presence of asbestos across the portfolio. A robust asbestos policy is in place for the council as required by law.
- iii) Fire Safety – The Authority undertakes Fire Risk Assessments in respect of its properties and tests fire safety equipment e.g. alarms on an annual basis. Weekly, monthly and annual testing of fire monitoring and backup systems also take place as required by the legislation to ensure that fire systems are maintained.
- iv) Gas Safety – Inspections and services are carried out on an annual basis to ensure that all gas appliances are safe to use. The correct pre-planned maintenance approach has also ensured that gas appliance failures are now very rare which has delivered a considerable saving in respect of reactive maintenance costs.
- v) Electrical Safety - An ongoing program of periodic tests is carried out to fixed wiring as required by both legislation and our insurers together with Portable Appliance Testing and emergency lighting testing.
- vi) Lifts, pressure vessels, safety line, chimney maintenance - checks are carried in accordance with best practice.
- vii) Lightning Conductors – checked in accordance with best practice.
- viii) Routine inspection and repair/maintenance of assets including tree stock, playground stock, railings and structures, footpaths and roads etc.
- ix) Testing and maintenance of generators, air conditioning and mechanical services equipment.
- x) Glass and glazing assessment.

NB: The above summary is not an exhaustive list of statutory inspections/maintenance arrangements.

6. The Current Estate

6.1 The Council owns a broad variety of over 186 properties (buildings) ranging from crematoria to sports centres to industrial premises. As previously indicated the Council's property assets are divided into two portfolios – the operational and non-operational portfolio – see below: -

Operational assets

6.2 In broad terms this is property that is held, occupied, used, or contracted to be used on behalf of the authority in the direct delivery of services for which it has a responsibility, whether statutory or discretionary or for the service of strategic objectives of the authority. This includes 'Community Assets' which are delivering wider benefits of the community and the wider Council objectives.

6.3 This category includes (not exhaustive list):

- Castle House
- Knutton Lane depot
- Jubilee 2 Health & Wellbeing Centre
- The Museum/Art Gallery
- Crematorium and Cemeteries
- Land associated with operational property
- Parks and Open Spaces
- Historic Buildings/Monuments
- Allotments
- Sports facilities and pitches
- Community Centres
- Off-street car parks (non-fee-paying)
- Structures bridges, watercourses etc.
- CCTV infrastructure

Non-Operational Assets

6.4 These property assets are those held by the Council but not directly occupied, used, or concerned in the delivery of services, although they are likely to align with the authority's strategic objectives. Examples in this category (list not exhaustive) mainly related to commercial land and property, leased/rented to other parties, and generating income which include:

- Town Centre Retail Premises
- Industrial Units
- Offices
- Ground Leases
- Market
- Town Centre Car Parks (fee paying)

7. Key Objectives and Priorities

a. Asset Management Priorities

- Lease Renewals / Rent Reviews Backlog. As with most local authorities across the country, there is a percentage of the non-operational portfolio where leases are holding over and need to be reviewed and renewed and there are also a number of lease renewals outstanding. Many lease renewals will have been purposely left alone, to avoid tenants requesting re-gears where the rent is inevitably reduced. It is in a landlord's best interest therefore to get the timing right on when to press the tenant on rent reviews (subject to lease terms).
- There is an aspiration (subject to funding) to introduce regular building condition surveys on operational buildings on a rolling basis. The condition, sufficiency and suitability of the estate, and the associated performance measures are essential in enabling strategic decision making. This is a continual assessment process, and will inform budget setting facilitating improved service delivery, energy efficiency, and compliance with statutory requirements.
- Greater emphasis will be placed on rationalisation, refurbishment and re-use of the portfolio to deliver efficiency savings.

b. Regular Performance Analysis and Management

- The Council should re-assess processes to maximise revenue opportunities, particularly in relation to asset management.

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- There is a requirement to review all non-operational assets and the processes involved in managing investment assets and maintaining operational assets.
- Disposal of none or low income generating properties could deliver capital receipts for reinvestment in the Capital programme.
- Consideration must be given to under-utilised and unsuitable operational assets to determine opportunities for re-use, investment, regeneration or disposal. For example, the Council currently owns a number of small and outdated unused buildings such as public conveniences across the borough and consideration needs to be given on what should happen to these assets.

8. Consultation & Engagement

- 8.1 The Council constantly consults residents and key stakeholders on a wide range of issues. The aim being to become more accountable to our customers and to make our decision making processes more transparent. Communication on the challenges both in terms of policy and service delivery and finance is something that the Council is striving to deliver.

Consultation Arrangements on Future Disposals

- 8.3 The primary purpose of the consultation on potential freehold land disposals is to identify any physical, technical or other constraints that might affect the scope/opportunity for alternative use or development being pursued. The outcome of such consultation exercises, taken together with desktop technical assessments, allows the Council as a landowner to consider the latter approach. Importantly it is considered that the Town Planning processes (Local Plan and Planning Applications) should consider the appropriateness of land or property being developed or used for alternative purposes rather than the Council as landowner making potentially subjective judgements.
- 8.4 The consultation process approach involves Ward councillors being notified prior to the start of the process; notices being placed on site and; the adjacent property owners being notified, along with the Parish/Town Council, where relevant. The consultation timetable

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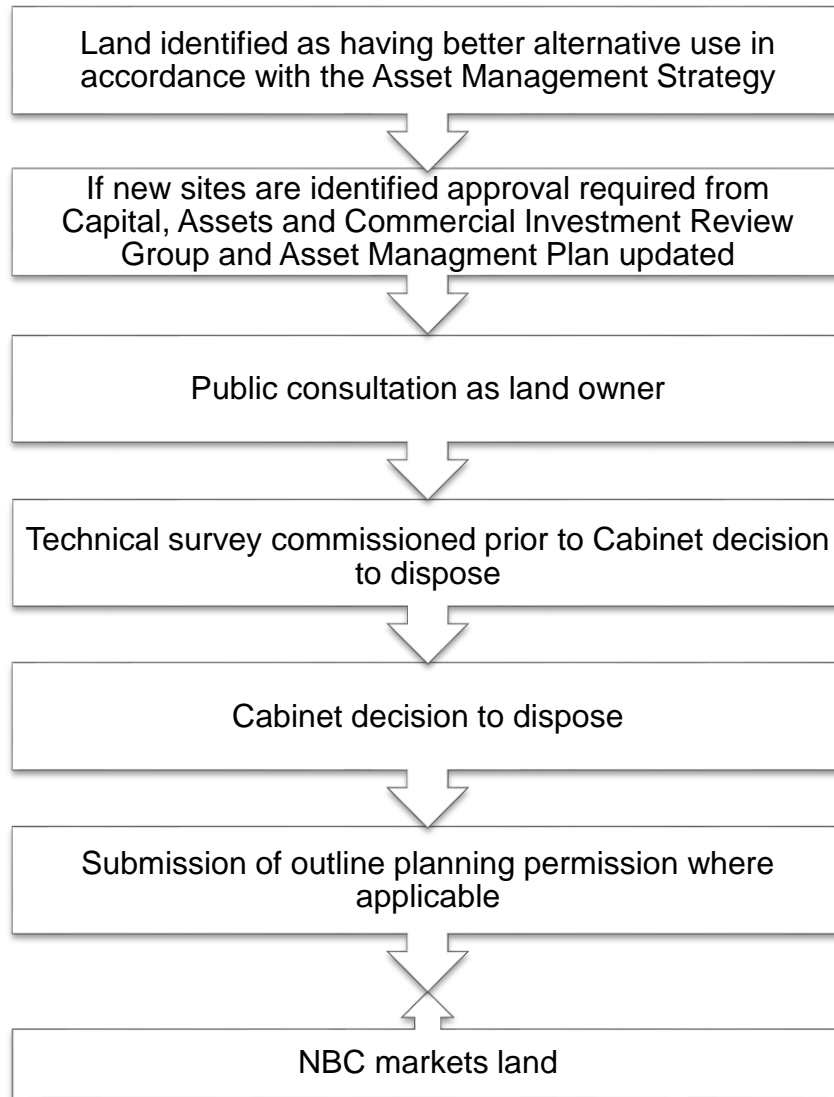
is set out below. This arrangement is considered to be generally proportionate and appropriate to the majority of sales of both land and property.

8.5 Property Description Consultation Approach

Property Description	Local members (prior to general public)	General public
Publicly accessible open space >0.5 ha.	3 weeks	6 weeks
Publicly accessible open space <0.5 ha.	3 weeks	3 weeks
Grazing / agricultural land >1 ha.	3 weeks	3 weeks
Grazing / agricultural land <1 ha.	2 weeks	2 weeks
Operational estate with active community use	2 weeks	4 weeks
Commercial, retail and industrial premises and land designated for a particular purpose i.e industrial	No consultation required	No consultation required
Incidental areas <0.1 ha of land adjacent to neighbouring property	No consultation required	No consultation required

8.6 There will however be some circumstances in respect of certain disposals, such as the disposal of disused public toilets, where a public consultation process will not be necessary or may be scaled to a more proportionate level. Other examples could include land or property where the future use is consistent with the present use (e.g. a shop premises in a shopping parade) where there is unlikely to be any public interest at stake. The approach to consultation in each case will seek to ensure that any public/stakeholder consultation is proportionate to the particular disposal.

Typical freehold land disposal process in respect of sites that require consultation above in 8.5



NB. Attention is drawn to the council's proposed approach to consultation as both land owner and as local planning authority.

9. Operational and Non-Operational Portfolio Strategy Vision

- 9.1 Our vision is for Newcastle-under-Lyme to be a sustainable and business-oriented Council that maximises commercial opportunities in order to deliver long-term benefits for residents of the borough and support the Council's medium-term financial strategy.
- 9.2 This will be achieved through:
- Generation of service efficiencies [Operational Estate (O)]
 - Generation of new income streams [Non-Operational Estate (N/O)]
 - Maximising existing revenue streams [N/O]
 - Effective procurement and contract management [O&N/O]
 - Prudent investment in income generating assets [N/O]
 - Strategic asset development [O&N/O]
- 9.3 Generating income through commercial activity that can be re-invested in local priorities, services, and improvements for our residents.
- 9.4 Building strong working relationships with public, private and third sector partners to maximise collaboration and generate efficiencies.
- 9.5 Embedding a commercial culture within the council and ensure that our staff are equipped with the skills they need to operate in a more commercial environment.
- 9.6 Supporting the council in delivering the council plan and growth agenda as a key pillar of the medium-term financial strategy and our goal of financial self-sufficiency.
- 9.7 Optimising the council's use of technology and support our digital agenda to enable new, more efficient and flexible ways of working and interacting with customers and residents.

10. Arrears / Tenant Debt Policy

- 10.1 As the Covid pandemic has hit small to medium sized businesses hard, this has had a knock-on effect to the Council's tenant debt / arrears levels. Adding the cost-of-living crisis and heightened inflation to this has increased current tenant debt levels above average.

- 10.2 That said, if the Council was to take an aggressive stance on arrears at this stage, that could lead to increased business closures and that will not benefit the Council in the medium to long term.
- 10.3 Therefore the approach to this increased level of debt must be well balanced, so as to provide an appropriate level of support, whilst remaining reasonably assertive and finding positive solutions for all stakeholders.
- 10.4 In July 2023, Cabinet approved a new Debt Recovery Policy.

11 Acquisition and Disposal Policy

- 11.1 The objectives to be achieved from any asset acquisition are that it should provide one or more of the following benefits and that the benefits are more valued than the cost of acquisition:
- a demonstrable contribution towards the delivery of the Council's priorities and the provision of its services;
 - a strategic acquisition for redevelopment or tactical purposes;
 - to facilitate economic development; or
 - to generate revenue income.
- 11.2 Where surplus capacity in property or land is identified, its future use or disposal will be considered in accordance with the Council's priorities and within the planning framework. The opportunity to share with partner organisations will also be explored as part of the options appraisal process.
- 11.3 Where property is proposed for disposal, consideration will also be given to the consequences of the piece of land or property not being subject to the Council's control in terms of standard of care, maintenance etc., by the inclusion, where appropriate, of covenants in the contract to maintain the required standards of care.
- 11.4 Options appraisals for capital investment or disposal will include whole life costings. These are the systematic consideration of all relevant costs, revenues and performance associated with the acquisition and ownership of an asset over its physical, economic, functional, service or design life.
- 11.5 The strategic approach to asset management planning will assist in the development of a more comprehensive and co-ordinated medium to long term capital budget strategy and is an important aspect in the planning of the Council's resources in delivering its ambitions and priorities.

12. Planned Capital Works and Projects

(The current position in respect of following planned capital works and projects, asset disposals and other projects, which build on the previous Strategy, are set out in the Asset Plan Table at Appendix A)

12.1 Land Adjacent to Keele Cemetery

There are plans to install a solar energy installation on Council owned land that is adjacent to Keele Cemetery, this project is currently in the planning stage.

12.2 Ryecroft

Ryecroft is the site of former Civic Offices and the former Sainsburys supermarket and car park. The Council is to redevelop this site and the proposals are set out below:

12.3.1 Planning permission has been approved to develop a new multi-storey car park (Castle car park) on the western third of the site. This is being partially funded by the Future High Street's fund

12.3.2 The plans for the middle part of the site include the possible provision of a new hotel.

12.3.3 The plans for the remainder of the site are for residential and commercial development.

12.3 York Place Shopping Centre

The Council acquired the York Place shopping centre in early 2022 to facilitate the delivery of the Future High Street fund regeneration proposals and improvements to the town centre. There are only two commercial tenants remaining in the Centre that are due to relocate elsewhere in the Town in the near future. It is proposed to redevelop the site with a mixed use development which includes a small public square in the centre

12.4 Midway Car Park

Upon completion of the Castle car park on the Ryecroft site, the Midway Car Park will become surplus to requirements and therefore alternative uses will need to be considered. The proposal is to redevelop the site with a contribution from the town deal monies.

12.5 Carbon Capture Areas

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As part of the Council's Sustainable Environmental Strategy, approved by the Council in December 2020, there is a desire to create Carbon Capture Areas within the Borough. These will consist of 60 Council owned green spaces saved for tree planting which is taking place as part of the wider Urban Tree Planting Strategy. To date four phases have been completed and a further phase is planned for Winter 2023.

13. Asset Disposals

13.1 Knutton

One of the major Newcastle Town Deal projects is to master plan parts of Knutton, The former clinic was acquired and subsequently demolished along with the adjacent community Centre. It is proposed that this along with the site of the former Knutton Recreation Centre be redeveloped for both residential and industrial purposes. This involves disposing of land to Staffordshire County Council to extend its enterprise centre, the building of a new village hall which will remain in the Borough Council's ownership and the disposal of the remainder of the land for residential development.

As part of this masterplan a new football changing facility is to be built at the Wammy. The Council will retain ownership of this asset and lease is to a community group.

13.2 Parkhouse West

This site was approved in the last Asset Management Strategy for disposal for industrial development purposes. Options for disposal are currently being considered.

13.3 Town Centre Car Parks

Once Castle car park has been completed, the car parks listed below will potentially become surplus to requirements and therefore alternative uses for these brownfield sites may need to be considered. These will be consulted on in accordance with the consultation process as set out in Section 8 above. Additionally these sites have been put forward to the Planning Authority for consideration as potential bonus/windfall sites within the new local Plan and will be subject to review as to their merits under the planning framework, prior to their reclassification and potential disposal.

Consultation as part of the draft local plan has prompted petitions to be raised particularly regarding the significance of the Hassell Street car park for local businesses. Reflecting this, Officers will be required to bring forward proposals for development which include the provision of some public parking spaces at Hassell Street and others as appropriate.

Blackfriars car park, Newcastle

0.32 acres

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Blackfriars car park, Newcastle	0.21 acres
Hassell Street, Newcastle ST5 1AY	0.32 acres
Cherry Orchard Newcastle ST5 2UB	0.30 acres
Goose Street Newcastle ST5 2EA	0.84 acres
King Street Newcastle ST5 1HX	1.39 acres
Bankside/ Well Street Newcastle ST5 1BP	0.10 acres

13.4 Former Keele Golf Course

As per the previous Asset Management Strategy, the former Keele Golf Course site is again listed for possible disposal. The site is currently classified as Green Belt land. Prior to any Council build out and/or sale to third party developers this classification will need to be changed to allow for any residential development. As noted within the Strategy in previous sections, the Local Plan is currently out for consultation and a new draft Local Plan will be published in 2024 with a view that the Plan is either adopted or not after a Planning Inspectorate Inquiry. The proposal is for 900 homes but until the Green Belt classification is amended or not, no such development or sale can be considered.

13.5 Land at Glenwood Close, Silverdale

This 0.69 acre site is designated as low quality and low value in the latest Open Space and Green Infrastructure Strategy therefore given it has little value as open space alternative uses need to be considered.

14. Other Projects

14.1 Chatterley Valley

The Council is currently working with the landowner on the development of the overall site and there is a potential for the Council to invest in the site for commercial returns and for regeneration – to bring employment opportunities for the Borough, details of which are set out below:

Plot D - to construct a circa 120,000 sq. ft. unit which will be let to an advanced ceramics organisation and associated research facility,

Plot C - to construct a circa 78,000 sq. ft. of industrial space which will be, split into units ranging from 19,000 sq. ft to 33,000 sq. ft. When built these units would form part of the Council's non-operational (investment portfolio) and be leased out.

14.2 **Kidsgrove**

14.2.1 There are plans for the creation of a shared service hub in Kidsgrove. This is on land partly owned by the Council that is currently used as a car park (Meadows Road Car Park) and an adjacent piece of privately owned land which the Council is looking to acquire (with town deal monies). NBC will own the building, but Kidsgrove Town Council will lease it from the Council.

14.2.2 It is proposed that Kidsgrove Town Hall be refurbished to create modern lettable office space. This is to be funded through shared prosperity.

14.3 **Creation of a Circus Heritage Centre.**

Initially a unit on Merial Street in the Council's ownership will be refurbished. Intended occupation is for 2 years and then it is proposed that there be a move to a redeveloped York Place. This is to be funded through the Town Deal.

15. **Government Funding**

The Council is in receipt of government funds which include Town Deal, Future High Street and the Shared Prosperity Funds. Some of these funding streams directly impact Council assets, the major schemes are set out in section 12-14 of this Strategy. The remainder of these projects are set out below

15.1 **Kidsgrove Town Deal**

15.1A Construction of an access road is planned at Chatterley Valley, on privately owned land.

15.1B Refurbishment of Kidsgrove Railway Station and creation of a transport hub is also planned. The land areas involved in this project are owned by Network Rail / operated by East Midlands Railway.

15.1C There are a number of planned improvements that will be made to the Canal towpath on land that is owned by Canal & River Trust. (Some shared prosperity fund is also to be used for this)

15.2 **Newcastle Town Deal**

15.2A **Digital Infrastructure Project** – This project is still under development but is likely to include enhancing Wi-Fi provision in the town centre and possibly some form of fibre connection.

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- 15.2B **Sustainable Transport Solutions** - A mix of measures are being introduced in regards to public transport. A new bus entrance is planned at Keele University (on land owned by the University), installation of real time passenger information at Newcastle Bus station and other locations and plans to improve bus service reliability with Keele University.
- 15.2C **Electric Vehicle charging points** are to be installed at the new multi storey car park at Ryecroft.
- 15.2D **Transformation of Key Gateway Sites** - Demolition of the Midway multi storey car park is planned as set out above. The former Zanzibar nightclub site (that is in the ownership of Aspire Housing) has been demolished and it is intended to be replaced with residential development, along with approximately 6 small enterprise units which the Council will own and manage.
- 15.2E **Digital Society** – The Town Deal will fund the conversion of a town centre building for use by Keele University for a learning / enterprise space, which will include some form of food offering. The building is owned by Keele University.
- 15.2F **Cross Street Chesterton** – The plan for this project is that the Town Deal will fund the re-development of the current housing land that is owned by Aspire housing in this area.

15.3 Future High Street Fund

- 15.3A A public realm and market improvement project is planned, which will see a proportion of the fixed stalls removed, and installation of mobile seating and space for pop-up gazebos for specialist markets.

15.4 Shared Prosperity Fund

- 15.4A Improvements are planned to Clough Hall Park, in line with the existing masterplan
- 15.4B The creation of a Homeless Hub is planned, although the site has not yet been defined a building has been earmarked for purchase subject to proof of the business case and satisfactory terms agreed with the current owner.

16. Completed Projects

- 16.1 The refurbishment of Kidsgrove Sports Centre was completed using monies provided by Kidsgrove Town Deal. It was opened in Summer 2022 and is managed by Kidsgrove Sports Centre Community Group.

17. Completed Significant Land Disposals

Address	Disposal Date
Freehold sale – Eccleshall Road, Loggerheads	Mar-21
Freehold sale- 20 Sidmouth Ave, Newcastle	Nov -21
Freehold sale – Apedale, Chesterton	Nov -21
Covenant release – Midway, Newcastle	Dec-21
Freehold sale – Market Drayton Road Newcastle	Apr-22
Freehold sale – Knype Way, Bradwell	Jan-23

The total value of the above disposals from March 2021 is circa £6.1m

18. The Market

- 18.1 In respect of the objective of being a town centre for all, diversification of the type of market is key. As such we currently host General Markets each week, Antiques Markets each week, Artisan market each month, up to 3 Vegan Festivals, up to 3 Bring your dog to town Markets, 6 vinyl collectors fairs and one-odd events such as a King's Coronation Market, Young Traders Market and Charity and Plant Fair.
- 18.2 The Council works in partnership with Newcastle-under-Lyme BID to deliver its portfolio of events such as the circus-themed Homecoming and outdoor music festivals. As a licensed premises we are able to host licensable events.
- 18.3 In April 2023 the market went cashless for collection of stall rents. This has made resource savings and embraces the digital payment and banking trend. We are in advanced talks to use a self-help portal so that traders can book and pay for their own stall.
- 18.4 The Council won the Enjoy Staffordshire Gold award for Innovation and resilience in 2023. This was in recognition of the platform we offer for fledgling businesses to test and grow their business model. An example is that an artisan coffee seller was able to launch a business in Lockdown and has now taken on a Newcastle-under-Lyme town centre business.
- 18.5 Our footfall figures and performance indicators show that we have made a significant difference to visitor numbers on our new event and trader-run markets. Work continues to rejuvenate the General market and market infrastructure to ensure we remain contemporary market offer.

19. Community Centres

- 19.1 The Council is continuing to explore options for the long-term sustainability and management of the Community Centres in partnership with the community and voluntary sector and to review the management arrangements linked to these options and implement the proposals.
- 19.2 To date four community centres have been leased on 25 year leases to community groups, whereby over a 5 year period the maintenance and running costs are transferred to the community organisation thereby reducing the Council's liabilities. In addition it allows the management committees greater freedoms to pursue external funding. Negotiations are ongoing in relation to two other community centres.

20. Further Reading & Associated Publications

- The Corporate Strategy
- The Commercial Strategy
- The Capital Strategy
- The Financial Strategy
- The Digital Agenda
- The Carbon Plan
- The Council's Constitution
- The Local Plan (including Open Space and Green Infrastructure Strategy)
- The Playing Pitch Strategy
- The Debt Recovery Policy
- The Cushman Report

Further Information

For further information on the Asset Strategy, please contact:

Louise Beeby

Property Manager

T: 01782 742374

E: Louise.Beeby@newcastle-staffs.gov.uk

APPENDIX A ASSET PLAN

SITE LOCATION	SITE AREA (Acres)	CURRENT POSITION
Land Adjacent to Keele Cemetery	35.59	Proposal to install a solar array on this land. This project is in the planning stage.
Lowlands Road, Ravensdale	7.70(developable)	Industrial development land, under offer and subject to an option to purchase
Plot E Apedale Road, Chesterton	4.42	Industrial development land approved in the last Asset Management Strategy for approval. This site has been on the market for a number of years. There have been a number of offers but none have progressed through to completion. The site is being marketed
Site of former Recreation Centre, Knutton	5.31	Masterplan approved by Cabinet. It is proposed that this site be developed for residential and industrial purposes
Site of former community centre and clinic, Knutton Lane, Knutton	1.72	Masterplan approved by Cabinet. It is proposed that this site be developed for residential purposes
Former Keele Golf Course	150	Plans are being considered for the potential development of the former Keele Golf Course site that currently sits in the Green Belt, which could involve Council build out and / or sale to third party developers. The Local Plan is currently out for consultation of which this site forms part. The proposal is for 900 homes.
Chatterley Valley		The Council is currently working with the land-owner on the development of the overall site. There is a potential for the Council to invest in the site for commercial returns and the regeneration of the site – to bring employment opportunities for the Borough
Ryecroft	4.18	Planning permission has been approved to develop a new multi-storey car park (Castle car park) on the western third of the site.
York Place Shopping Centre	0.72	Cabinet approved the demolition of York Place in June 2023. A further report in respect of the redevelopment will be considered by Cabinet in Autumn 2023
Midway Car Park	n/a	An option report will be considered by Cabinet in Autumn 2023.
Blackfriar's Car Park	0.53	The site is partially vacant and partially used as a public car park. Once Castle Car Park is completed this brownfield site will potentially

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		become surplus to requirements and alternative uses may need to be considered
Part of King Street carpark	1.39	Once Castle Car Park is completed this brownfield site will potentially become surplus to requirements and alternative uses may need to be considered for part of this car park
Cherry Orchard car park	0.30	Once Castle Car Park is completed this brownfield site will potentially become surplus to requirements and alternative uses may need to be considered for this car park
Part of Goose Street car park	0.84	Once Castle Car Park is completed this brownfield site will potentially become surplus to requirements and alternative uses may need to be considered for part of this car park
Hassell Street car park	0.32	Once Castle Car Park is completed this brownfield site will potentially become surplus to requirements and alternative uses may need to be considered for this car park
Garden Street/ Bankside car park	0.10	Once Castle Car Park is completed this brownfield site will potentially become surplus to requirements and alternative uses may need to be considered for this car park
Parkhouse Road West/ Crackley Bank, Chesterton	2.22	Options for disposal are currently being considered. The site was approved in last Asset Management Strategy for disposal
Land at Glenwood Close, Silverdale	0.69	This site is designated as low quality and low value in the latest Open Space and Green Infrastructure Strategy therefore given it has little value as open space alternative uses need to be considered.
Land site of former mortuary, Newcastle Cemetery	0.23	Mortuary demolished June 2020. Public consultation complete. Options for residential development to be considered
Sites approved in previous Asset Management Strategy (Low value or little or no interest)		
Cotswold Avenue, Knutton	0.44	Grassland area not included in latest Open Space and Green Infrastructure Strategy for review. Site offered to Housing Associations, but no interest.
Kinnersley Street, Kidsgrove	1.60	Site not included in latest Open Space and Green Infrastructure Strategy for review. Grass and tree covered area on very steep slope. Topography to be analyzed to assess which parts maybe developable only likely to be a small part
Rear of Kidsgrove Town Hall, Liverpool Road. Kidsgrove	0.36	Surplus brownfield land at the rear of Kidsgrove Town Hall. Poor access to the site
Victoria Street, Chesterton	0.04	Developability of site to be explored
Silverdale Road, Newcastle	1.38	Brownfield site, former plant nursery which is located on the flood plain

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Brick Kiln Lane, Chesterton	11.76	Grassland area not included in latest Open Space and Green Infrastructure Strategy for review. Third party access to the site is required
Former Public Conveniences, Merrial Street, Newcastle	n/a	Closed in 2015, alternative uses being considered once development of Ryecroft is underway
Pepper Street Public Conveniences, Newcastle	n/a	Closed alternative uses to be considered

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Cabinet
19 September 2023

Report Title: Local Planning Enforcement Plan

Submitted by: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: All

Purpose of the Report

To seek approval for and adoption of a Planning Enforcement Plan.

Recommendation

That Cabinet approves and adopts a new Planning Enforcement Plan for the Borough as attached at Appendix 1 to this report.

Reasons

Planning enforcement is a discretionary power available to local planning authorities. As such national guidance advises that Council's approve and adopt a planning enforcement plan setting out their approach to enforcement matters for the benefit of residents, communities, business and the development industry.

1. Background

- 1.1 The Council's Planning service regulates development within the Borough. Development can constitute physical building works ranging from the construction of small extensions and other minor works through to major schemes such as the construction of new factories and housing estates. In addition, development can comprise the change of use of land or buildings, for example the conversion of an office building to a block of flats.
- 1.2 A large proportion of development work in the Borough requires approval through the granting of planning permission, although some smaller works can be undertaken without need to apply for consent from the Local Planning Authority (LPA) if they fall within the parameters of that which is deemed 'permitted development' pursuant to the Town and Country Planning (General Permitted Development) Order 2015. The legislation on permitted development is complex, in part because it addresses nearly all forms of development from household extensions through to infrastructure projects including highway and railway works and has been amended over the years.
- 1.3 Despite these opportunities existing for developers to secure approval through the appropriate legislation, there has historically been a low level of development in the Borough that does not benefit from consent either through an application to the Council or through permitted development. This work is unauthorised and therefore the LPA can

consider whether enforcement action is necessary to remedy any breach that has occurred.

- 1.4 Whilst the Council has a range of powers to enforce against unauthorised development, the Government, in National Planning Policy Framework (NPPF) and the supplementary Planning Practice Guide, states that enforcement action is discretionary and LPAs should act proportionately in responding to suspected breaches of planning control.
- 1.5 The NPPF also recommends that Local Planning Authorities prepare and publish a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

2. **Issues**

- 2.1 It is important that Enforcement Plans are reviewed and kept up to date. The existing Council Local Enforcement Plan has been reviewed and revised to ensure that it is in accordance with current national guidance and has been consulted on.
- 2.2 The updated Enforcement Plan is clear that at the heart of the consideration of an enforcement case is the amount of harm a breach of planning control may cause and whether taking enforcement action would be expedient. This harm may manifest itself in detriment to the amenity or privacy of neighbours, environmental harm such as to protected trees, habitats or species, damage to the character and appearance of the surrounding area or conflict with established national and local planning policies.
- 2.3 In instances where it is considered the breach is minimal, the option exists for the LPA not to take action. Part of this assessment is consideration of whether planning permission would be likely to be granted should a retrospective planning application be submitted to regularise the unauthorised works.
- 2.4 In instances where it is considered the breach is more significant and creates a planning harm, the Plan sets out the steps the Local Planning Authority will take to investigate a matter and seek to resolve the planning breach. There are sometimes several actions that could be taken, and each case will look at the best method for the situation. In some cases, other statutory bodies may be able to deal with the matter where they have relevant powers.
- 2.5 The updated Plan sets out to manage the expectations of complainants with regards to the scope of the Council planning enforcement powers as well as advising perpetrators that the Council will follow through complaints and deal with any deviation from approved planning consents.
- 2.6 The proposal to adopt the Local Planning Enforcement Plan would comply with national guidance and in doing so assist in ensuring any future action taken by the Local Planning Authority would be carried out in accordance with established best practice.
- 2.7 The proposed Enforcement Plan was presented to and considered by the Council's Planning Committee at its 18th July meeting. Overall members endorsed the plan. Issues were raised about the timescales involved in responding to enforcement matters being raised with the Authority, unauthorised development activity in Conservation Areas and changes between the proposed plan and previous plan. As regards a particular section of the proposed plan, members agreed that in the Appendix 1 of the Plan where under 'Low' priority currently the wording reads as 'Unauthorised development which is not the

source of significant public complaint' the word 'significant' is removed. This suggested change is deemed acceptable by your officers and is reflected in the draft Plan now presented to you.

3. **Proposal**

- 3.1 That the Cabinet approves and adopts a revised and up to date Planning Enforcement Plan to guide its enforcement activity within the Borough and help inform residents, communities, business and the development industry as to the Council's approach.

4. **Reasons for Proposed Solution**

- 4.1 The proposed update to the Plan will help ensure that the Council has a robust set of measures in place to effectively undertake planning enforcement action across the Borough in a timely and expedient manner. Having an efficient and effective planning enforcement regime and implementing this is a Council priority.
- 4.2 Failure to undertake appropriate investigation and assessment of potential breaches of planning control can result in complaints against the Council escalating to the Local Government and Social Care Ombudsman. Notable or repeat failures to deliver an efficient enforcement service may result in criticism by the Ombudsman about the operation of the service and therefore subsequent reputational harm.
- 4.3 Whilst there are staffing costs associated with the resourcing of the enforcement service and the processing of any action taken including prosecution and if necessary direct action, the procedures set out in the Local Planning Enforcement Plan do not expose the Council to any additional costs.
- 4.4 Through setting out clear steps for undertaking enforcement action, the risks of abortive action should be minimised hence reducing the potential for unnecessary costs to be incurred by the Council.

5. **Options Considered**

- 5.1 Not having an up-to-date Plan however this would leave the Council in a weaker position with regard to any future enforcement action

6. **Legal and Statutory Implications**

- 6.1 The principal legislation underpinning planning enforcement is enshrined in the Town and Country Planning Act 1990 and related amendments. A raft of other associated legislation does however also apply in certain areas/forms eg. The Localism Act 2011. The main policy guidance is set out in the National Planning Policy Framework and related National Planning Policy Guidance.

7. **Equality Impact Assessment**

7.1 The Enforcement Plan and its subsequent implementation through the activities of the Council are intended to address issues around unauthorised development. The approach advocated does not consider nor should it the perpetrators (alleged or otherwise) of such development nor the residents or local communities that are impacted.

8. **Financial and Resource Implications**

8.1 The costs of implementing a new and revised Enforcement Plan are intended to be met within existing Planning Service budgets and reflect mainly staffing costs.

9. **Major Risks**

9.1 There are no major risks in progressing with a new Enforcement Plan. It will help clarify the Council’s approach to enforcement activity for all parties and explain what powers are available to the Authority. There is some risk that expectations will be raised on the part of local residents and communities and these will have to be suitably managed. A greater risk is not having an up to date plan and relying on older policy and guidance which could potentially cause issues for the Authority.

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

10.1 The planning system acts to provide for suitable and sustainable development that meets justified needs. Planning Enforcement powers allow local planning authorities to investigate breaches of planning control including developments which may not be sustainable in themselves or adversely affect the environment of a locality and living conditions.



11. **Key Decision Information**

11.1 Not Applicable – this is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not Applicable

13. **List of Appendices**

13.1 Appendix 1 – Proposed Local Planning Enforcement Plan.

14. **Background Papers**

14.1 National Planning Policy Framework (NPPF) and Planning Practice Guidance

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Summary

Development can directly and indirectly impact everyone, be that they live, work, or visit the Borough. While most development is carried out in accordance with planning rules, there are instances where it is not, such as buildings being constructed beyond the original planning permission, or the use of land or buildings changing.

The Council as the Local Planning Authority has a role to play to ensure these rules are followed and take appropriate action when they are not. This document is Newcastle Council's Local Planning Enforcement Plan and sets out the powers available to it to ensure all developments comply with the rules.

Newcastle Under Lyme Borough Council is the Local Planning Authority (LPA) responsible for the enforcement of planning control within the borough although certain works will be the responsibility of Staffordshire County Council such as waste and minerals. The planning system ensures that development takes place in accordance with national and local planning policy. It also ensures that development is planned and managed to achieve social, economic, and environmental objectives. There are other powers that a council may have which are not planning related which can often deal with issues that arise such as noise, air quality and litter. These are not covered by this 'enforcement plan'.

The Council's enforcement team has wide ranging powers that can be exercised in the public interest where a breach of planning control is under consideration. This responsibility is very important and is essential to ensure confidence in the planning system.

This document sets out the Borough Council's approach toward dealing with planning enforcement issues.

Undertaking work without the relevant permissions and consents or in breach of conditions can lead to serious consequences so it is advisable to seek professional advice from the Council or from a Planning Agent if you are proposing to undertake works. Likewise, if you have been approached by the Council in respect of a potential enforcement matter you should also seek appropriate advice.

The information is provided in accordance with government guidance at the time of adoption and therefore the reader should check for any up-to-date guidance and case law.

This Enforcement Plan upholds our core objectives as a Council.

We will investigate impartially and assess each case on its merits, our decisions will be based upon the principles of proportionality, legality, and necessity. We will endeavour to investigate

matters in a timely manner and maintain contact with interested parties throughout.

Introduction

The Council has set out a plan to deliver its strategic priorities between 2022 and 2026 which is shaped around our four key priorities:

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

For the purpose of clarity, the term Local Planning Authority also refers to the council and is interchangeable throughout this document. This plan sets out how we will work to make Newcastle-under-Lyme a better place for everyone who lives here or comes here to work, to study or for leisure. Our aims can only be achieved by taking advantage of every opportunity available and developing further opportunities through innovation and collaborate working.

The Enforcement Plan fits in with these objectives and the Council will use available statutory powers and follow national guidance in a proportionate way to ensure there is effective planning enforcement on the Borough.

Development Plans include adopted local plans and the core strategy, together with Supplementary Planning Guidance and any 'made' Neighbourhood Plans set out the planning policies against which breaches of planning control will be assessed. Any emerging planning documents may also be considered in making formal decision.

A **breach of planning control** is where a person carries out development (as defined by section 55 (1) of the Town and Country Planning Act (TCPA) 1990) to land or buildings without the required planning permission, i.e., it does not have express permission, it is not permitted development, or fails to comply with a condition or limitation of a planning approval.

Planning enforcement also investigates complaints about untidy land which adversely affect amenity and where consent is required for works to listed buildings, works to protected trees and for the display of advertisements.

As the planning system is concerned with works which physically alter the land or change it promotes the best use of land and to safeguard individuals, business, and the environment from harmful development. Planning decisions are taken within a legislative and regulatory framework and in accordance with national and local planning policies. Investigation powers are entrusted to Councils by Parliament to protect the Borough from the adverse effects of undesirable developments and neglect of open land.

The Government refers to Enforcement in the National Planning Policy Framework (NPPF). It states the following:

‘Effective enforcement is important as a means of maintaining public confidence in the planning system.’ ‘Enforcement action is discretionary, and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.’

Guidance to support this is given in the National Planning Practice Guidance (NPPG). The discretionary and proportionate nature of enforcement is referred to, and it is suggested that local planning authorities should consider publishing an Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how we will investigate alleged cases of unauthorised development and act where it is appropriate to do so and, in a proportionate manner.

Planning is about regulating the use and development of land, regarding the development plan and considering other material considerations. The Local Planning Authority has a duty to investigate allegations of breaches of planning control and it takes this responsibility seriously. In response to enquiries, our aim is for developers to carry out their development in accordance with planning permission and comply with the conditions placed upon the consent.

The Council’s powers to investigate and act to remedy breaches is set out in legislation and Regulations including the Town and Country Planning Act 1990 (as amended), the Planning (Listed Building and Conservation Areas) Act 1990, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Localism Act 2011 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

More recently, the Localism Act 2011 inserted into the Town and Country Planning Act 1990 powers to restrict tactics that were seen as abuses of the planning system, such as twin tracking an appeal against an enforcement notice, limiting applications for retrospective approval where an Enforcement Notice has been issued, the power to apply to remove time limits for deliberately concealed breaches as well as penalties and increased powers in relation to fly-posting and graffiti. The Council can consider the use of powers under the Proceeds of Crime Act 2002 (POCA) to appropriate all assets gained by owners and occupiers through the non-compliance of an

enforcement notice should it be in the public interest to do so.

The primary role of enforcement is to investigate alleged breaches of planning control and bring about reasonable and proportionate remedial action where appropriate. Development requiring planning permission includes:

- Most types of building works
- Engineering works, and
- Material changes of use to land or buildings

In most cases, a **planning breach is not, by itself, unlawful and therefore does not constitute a criminal offence**. However, there are some cases which are unlawful such as:

- unauthorised works to a listed building including partial demolition
- non-compliance with a Stop or Temporary Stop Notice
- most unauthorised works to protected trees subject to a preservation Order or within a designated Conservation Area, and
- the display of unauthorised advertisements.
- failure to comply with a statutory notice is issued, which requires steps to be taken and the time for compliance has expired.

Planning enforcement powers cannot be used in matters where there is no breach of planning control. Examples include:

- a dispute concerning a boundary matter
- covenants, deeds, or civil matters
- development permitted by Development Orders issued by Central Government, that is development that benefits from permission by virtue of the General Permitted Development Order (GPDO) or changes of use by the Use Classes Order (UCO) provided that the limits and conditions stated in the Order are met
- the display of advertisements that comply with specific conditions and limitations within the relevant class of the Advertisement Regulations may not require advertisement consent from the Local Authority.

In certain cases, developments may become established over a period of 4 or 10 years in planning law and therefore are potentially immune from enforcement action. This is a particularly complex area of planning law and particular advice should be sought.

An investigating officer must consider the impact of the unauthorised development, the options available and the time for compliance before reaching a final judgement. When considering the proportionately of taking formal action we will target our resources at the most harmful breaches

of planning control. The expediency of enforcement action will be made in the context of local and national planning policies and what formal powers and options are available to seek to remedy breaches of planning control set out in **Appendix 1**.

The Enforcement Plan sets out the areas of priority to ensure effective, consistent, and transparent decision making. The Planning Enforcement team aims to deal with complaints in a clear and consistent manner based on a set of agreed objectives. As the National Practice Guidance is clear that planning enforcement action should be proportionate, the Enforcement Plan sets out clearly and transparently what is a priority for investigation and the action taken to be proportionate. Each investigation will be considered on its individual merits, the facts, and the degree of harm. In reaching this decision sometimes account will be made of any recent and relevant case law and decisions which may have a bearing on the route taken.

Decisions made by the Council on enforcement matters are recorded and published as soon as practicable after the decision. The record must contain, the title of the decision-making officer and the date the decision was taken and why. Councils must maintain a statutory register of enforcement and stop notices retained for inspection by the public for a period of at least 6 years. The record does not authorise the publication of confidential or exempt information.

The Enforcement Plan also includes appendices providing information on trees, advertisements, untidy land (Section 215 of the Town and Country Planning Act 1990) and High Hedge complaints.

Some enquiries received by the Planning Enforcement Team are not covered by planning and/or there may be more effective measures to resolve the enquiry using other legislation. Examples include land disputes, boundaries, covenants (civil matters) dangerous structures (building control), noise, smells (environmental health) and issues on the highway (Staffordshire County Council).

The enforcement register is available on the website here: Further information about the Council's planning enforcement polices and how to report planning breaches is **available online: [web site link](#)**

Our Approach

The starting point to an investigation is to establish all the facts reported. It is then processed to decide if it is firstly development, then if it requires planning approval or consent. A desk top analysis is then undertaken and then a site visit (if required) then an officer's view will be made and then a decision. An investigation can be a time consuming, complex, and lengthy process. Many aspects of a case may need to be fully investigated before reaching a conclusion. The time taken to determine each case can vary depending on the site and type of breach that has been reported. The time taken may depend on many factors to which is outlined below:

- Evidence gathering
- Site visit if considered necessary
- Establishing a breach
- Awaiting the compliance of an Enforcement Notice or enforcement appeal
- Any complex legal matters or multiple enforcement considerations on the site

If you are contacted by the Council about an alleged breach of planning control you are entitled to know what the allegation is, you will also be given the opportunity to respond to the alleged breach. Your co-operation will be sought to remedy the breach of planning control and a reasonable time will be given for you to respond depending on the seriousness of the matter.

We will discuss cases with all parties with an interest in a case, although there are instances where matters of privacy prevent disclosure. Private and confidential information cannot be released to the public as it is protected under the Data Protection Act 2018. The only time an enquirers information can be made public is if that person would be willing to be witness to the offence and attends court.

Priorities

The Council receives a high number of complaints regarding allegations of breaches of planning control every year. It would be impossible to investigate and pursue all these allegations with equal priority. It is essential to use Council resources to maximum effect. Therefore, each case is prioritised according to the seriousness of the alleged breach and the degree of harm being caused. The aim is that the Council's response is fair and proportionate having regards to both the context and the nature of the breach.

Complaints will be prioritised on receipt based on what appears to be their significance and initial background checking in accordance with the enforcement priorities set out in this Plan. (see **Appendix 1**). Priority will be reassessed and kept under review when a site has been visited and as and when further information becomes available.

All decisions and use of investigatory powers will be recorded. The Council will look for and consider any alternative solution to formal action if it achieves a satisfactory conclusion to a reported breach of planning control.

Enforcement cases may require repeat site visits, negotiation, and formal action before the breach is resolved. When these occur, Enforcement Officers will keep original complainants informed of progress and indicate arrangements for this in the initial response letter. Complainants will also be provided with the details of the officer assigned to deal with their complaint should they require further updates or have new information pertinent to the investigation. There may be occasions where we will require more information and may ask a complainant to keep a diary of activity to substantiate a complaint.

Proportionality

We will deal with each case on a priority basis following an initial investigation to establish the facts and will refer to records and relevant policies. Depending on the seriousness of the situation, we will generally seek to afford an opportunity of remedying the breach of planning control without formal action but may choose to prosecute if an offence has occurred. In considering whether formal action is expedient in planning terms, we will generally pay regard to any personal circumstances or undertakings given, the history of the site or use and whether time limits are approaching which would confer immunity on unlawful development. Planning enforcement action should be sensitive to the intent and context of the owner and the development. For example, a householder making a genuine mistake out of ignorance will be treated proportionately, compared to a clear and flagrant breach of a planning decision or a serious case of harm.

We will rigorously pursue any outstanding Section 106 planning obligation payments and if applicable other forms of developer contribution which are due and have not been paid at the appropriate trigger point.

Reporting an alleged 'breach' of planning control

To report an alleged breach of planning control, a complainant is required to complete an online form. **The online form can be found at: _xxxxxxx**

The complaint will be recorded and acknowledged, so long as the minimum required information of address and location is provided. Complaints made based on sound planning issues will be investigated, while non-planning related matters where there is a potential breach of other legislation will need to be referred onto relevant regulatory authorities by the complainant. The complainant will be advised accordingly.

Civil matters between individuals or landowners will not be dealt with e.g., boundary disputes, competition with other businesses or breaches of covenant.

The planning history of a site will always be investigated to establish any planning permissions or whether the works are permitted development.

An assessment will be made by the council regarding the nature and degree of harm of any breach in relation to relevant planning policy, legal context, and the need for remedial action. The Council will consider how best to proceed with the investigation and what actions may be taken. Sometimes there are several options which could potentially be taken and there may be cases where other agencies will need to be involved where a breach cuts across different regulatory bodies.

Anonymous complaints about a third party will not be investigated. The identity of persons reporting suspected breaches will be treated as confidential by Councillors and officers of the Council.

Planning enforcement operates to protect the public interest. It is not the purpose of the planning system to protect the private interests of one person against the activities of another. Action must be based on sound planning grounds and be proportionate to the harm caused by the breach. Local opposition to, or support for, an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.

The Council will only take formal enforcement action when expedient to do so. Formal enforcement action will not be instigated solely to regularise trivial breaches of planning control. In taking formal enforcement action, the Council will be prepared to use all the enforcement powers available, but the action taken will be commensurate with the seriousness of the breach. More information about the planning enforcement powers available to the LPA are set out in the Planning Enforcement Toolkit (see **Appendix 2**). In some cases, several of the available powers available may be used.

Seek Advice

The Council will follow through any complaint that is valid and take appropriate action where a breach or a criminal offence is found. You may wish to seek advice from a specialist in this field such as a Chartered Town Planner. The Royal Town Planning Institute web site has links to a directory of planning professionals.

If a matter does proceed to formal enforcement action the Notice(s) served will be available to the public and will also appear as a charge on the relevant property for land charges purposes. This may make it difficult to buy or sell a property affected in the future.

If you are contacted by the Council in respect of an enforcement matter, then please do not delay in responding.

Appendix 1: Prioritisation of Enforcement Cases

Priority	Description	Response time
High	<ul style="list-style-type: none"> • Unauthorised demolition, partial demolition or significant alteration of a building that is listed, buildings in a conservation area Conservation Area and any public house • Unauthorised works to a Listed Building • Potential irreversible harm to the amenity of a Conservation Area • Unauthorised works to trees covered by a Tree Preservation Order or within a Conservation Area • Non-Compliance with pre - commencement planning conditions where work has substantially commenced on site which are significant e.g., remediation of contaminated land 	Within 1-2 working days
Medium	<ul style="list-style-type: none"> • A breach which may result in serious demonstrable harm to the amenity of the neighbourhood • Unauthorised development in a designated area e.g., conservation area or green belt • Non-Compliance of planning conditions (other than pre- commencement conditions referred to above) 	Within 10 Working Days
Low	<ul style="list-style-type: none"> • Unauthorised development which is not the source of public complaint • Erection/display of Advertisements • Untidy Land or Buildings • Non-compliance with Section 106 Planning Obligations 	Within 20 working days

No Action	<ul style="list-style-type: none">• If more appropriate to be investigated by another department, agency, or organisation• Matters not subject to planning control	N/A
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Appendix 2: The Planning Enforcement Toolkit

The main options to tackle possible breaches of planning control are:

No formal action

Early engagement is important, and the property/landowner is advised to take immediate action when advised by the Council of an issue.

The Planning Policy Guidance (PPG) states that local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development
- in their assessment, the local planning authority considers that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed

An outstanding breach of control may affect the sale and marketing of a property. The Council will not be able to expedite any subsequent retrospective application to rectify a breach which may put the sale/purchase at risk.

Retrospective planning applications

The PPG advises that where the LPA considers that a retrospective application is the appropriate way forward to regularise the situation, the owner and occupier may be invited to apply under Section 73A of the Town and Country Planning Act 1990 without delay. **It should not be assumed that permission will be granted** – the application will be considered in the usual way after consultation, and an enforcement notice may be issued in relation to other elements of the development. The PPG advises that a person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event – either by an application under Section 73A or by means of an appeal. The LPA may decline to determine a retrospective planning application if an enforcement notice has previously been issued.

Lawful Development Certificates

There are two types of certificates.

Existing development: If it is considered that a breach has become immune from enforcement action, the owner/occupier may be able to apply for a Lawful Development Certificate. The certificate, if granted would confirm that the breach is lawful for planning purposes.

Proposed development: This is used where a formal decision is sought from the local planning authority as to whether a specified development is lawful and therefore is 'permitted development' under the current regulations and therefore does not require planning consent, such as an extension to a dwelling. This is a widely used approach as, if granted the development becomes immune from any future enforcement action. It is popular when selling/buying a property as it avoids any ambiguity and delay as to whether an extension for example, was permitted development when it was built and can therefore lead to a smooth property transaction.

Planning Contravention Notice

This can often be the first formal step in resolving a breach of planning control. It is a discretionary procedure to gather further information regarding breaches of planning control. The notice may advise of a date, time, and place at which any offer made by the recipient of the notice to apply for planning permission, refrain from carrying out operations or activities or undertake remedial works will be considered by the local authority. An opportunity to make such representations must be made. This is not available for breaches of listed building control or protected trees. It is an offence to fail to complete or return a notice within 21 days or provide false or misleading information referring to these rights.

Requirement to provide information.

There are powers under legislation (Section 330 of the Town and Country Planning Act 1990) that can also be used to obtain information but usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a formal notice on occupiers and/or persons with other interests in the premises or land. It is an offence to fail to comply with the requirements of the notice within the period set for its return or to make false or misleading statements in reply. Convictions currently carry a fine.

Rights of Entry

The Town and Country Planning Act specifies the purposes for which entry to land including buildings may be authorised, to ascertain or determine:

- whether there is or has been any breach of planning control
- whether any of the LPA's powers should be exercised

- how such power should be exercised
- whether there has been compliance with any requirement arising from earlier enforcement action

A record will be made of the inspection with appropriate photographs. Entry to a dwelling house cannot be demanded as a right unless 24 hours' advance notice has been given to the occupier. Where entry is refused or obstructed it is possible to apply to the Magistrates' Court for a warrant to allow entry. The PPG refers to these rights. There are complementary provisions in the Planning (Listed Buildings and Conservation Areas) Act relating to heritage assets.

Breach of Condition Notice

This notice can be used where conditions imposed on a planning permission have not been complied with. It is mainly intended as an alternative to an enforcement notice for remedying a breach of condition but may be served in addition to an enforcement notice, perhaps as an alternative to a Stop Notice. It can only be challenged by judicial review. Following the end of the period for compliance, any conditions and any specified steps will be in breach of the notice and guilty of an offence.

Enforcement Notice

The notice may be served up to four years after substantial completion of building operations or ten years after a change of use or breach of condition. These time limits do not prevent enforcement after the relevant dates in particular circumstances. An enforcement notice should enable every person who receives a copy to know exactly what (in the LPA's view), constitutes the breach of planning control and what steps the LPA requires to be taken to remedy the breach. Once an enforcement notice has been issued it will appear as 'a charge' on the land. It will be served on any person that has an interest in the land which may typically include any bank or institution where there is for example a mortgage on the property.

The Enforcement Notice will set out a timetable for compliance, the steps needed to be taken, and the date that the Notice takes effect, which is a date at least 28 days after the notice is served. Any person served with the Notice can use the period between the service of the Notice and the date it comes into effect to appeal to the Planning Inspectorate against the Notice. If an appeal is lodged, the Notice has no effect until the appeal has been determined.

There are 7 grounds on which an Enforcement Notice can be appealed:

- That Planning Permission ought to be granted for the works enforced against or if it relates to a breach of a condition that condition should be discharged.
- That the breach claimed has not occurred
- That the matters being enforced against do not constitute a breach of planning control

- That when the notice was served no enforcement action could be taken
- That the Enforcement Notice was not served on all parties with an interest in the land.
- The steps required exceed what is required to remedy the breach or to remedy any injury caused by the unauthorised development.
- The period for compliance falls short of what is reasonably required to be allowed.

An enforcement notice may under enforce, by stipulating lesser requirements than full compliance. The recipient must take the specified steps set out in the notice within a set time. Failure to comply with the notice is a criminal offence. There is a right of appeal, which suspends the notice from coming into effect. However, a Stop Notice may be issued. The LPA can prosecute for failure to comply with an enforcement notice as well as using direct action powers.

Planning Enforcement Order

Where there has been deliberate concealment of a breach of planning control, the LPA may apply to the Magistrates' Court for a Planning Enforcement Order (PEO). Where a PEO is granted, the LPA will have a year to serve an enforcement notice, beginning on the day that the order is granted, irrespective of how long ago the breach first occurred. The 4 year and 10-year periods for immunity will not apply in cases of a concealed breach. An application for a PEO must be made within 6 months of the LPA becoming sufficiently aware of the breach to justify enforcement action being taken. A Court may only make a PEO if it is satisfied that the breach has been deliberately concealed. There is no definition of what deliberate concealment means in practice. This is a recent addition to the enforcement powers that a council may have and there have been several significant and high-profile cases across the country when concealment has been uncovered.

Stop Notice

This notice can be used in conjunction with an enforcement notice where the breach of planning control is causing irreparable and immediate significant harm. A Stop Notice will only be served in exceptional circumstances when the effects of the unauthorised activity are seriously detrimental to the amenities of adjoining occupiers or the surrounding area.

Temporary Stop Notice

These take effect immediately from the moment they are issued, and last for up to 28 days. A Temporary Stop Notice would only be issued where it is expedient that the activity or development should cease immediately. The requirements should prohibit only what is essential to safeguard the amenity or public safety in the vicinity of the site, or to prevent serious or irreversible harm to the locality.

Listed Building Enforcement Notice

A Listed Building Enforcement notice can be served against unauthorised works that damage the character and/or fabric of a listed building. There is no time limit in which such an enforcement notice can be served. There are five important differences between planning enforcement and listed building and conservation area enforcement, namely:

- there are no application fees for listed building consent or relevant demolition
- there are no time-limits for issuing listed building enforcement notices or for when enforcement action may be taken in relation to a breach of planning control with respect to relevant demolition, although the length of time which has elapsed since the apparent breach may be a relevant consideration
- carrying out work without the necessary listed building consent, or failing to comply with a condition attached to that consent, whereby such works materially affect the historic or architectural significance of the building, **is an offence** whether an enforcement notice has first been issued
- carrying out work without the required planning permission for relevant demolition or failing to comply with a condition attached to that planning permission is an offence under Section 196D of the Town and Country Planning Act 1990

Listed Building Consent and planning permission for relevant demolition cannot be granted retrospectively. A person who is found to carry out unauthorised works that affect the character of the listed building or relevant demolition in a Conservation Area can be prosecuted, and imprisoned, or fined by the courts

An Injunction

Injunctions may be sought in the most serious cases, generally where irreparable harm is being done or is apprehended, or where other actions have been or would be ineffective. Section 187B of the Town and Country Planning Act applies where the LPA considers it expedient to restrain actual or apprehended breaches of planning control. Section 44A of the Planning (Listed Buildings and Conservation Areas) Act is a parallel provision in respect of Listed Buildings. A Court may grant an injunction against a person whose identity is unknown, but LPAs will need to identify, to the best of their ability, the person against whom the injunction is sought. The following may be used in support of the authority's submission to the Court:

- photographic evidence of the persons concerned
- affidavit evidence provided to or by LPA officers
- reference to registered vehicles known to belong to, or be used by, a person(s)/company

There are significant costs involved in bringing such an action and it can only be justified in extreme cases. Defendants risk imprisonment if they do not comply with a court order.

Unauthorised Advertisements

It is an offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Council will consider whether to prosecute in the interests of **amenity or public safety**.

In situations where an advertisement is displayed with deemed consent, the Council can still require its removal by issuing a Discontinuance Notice. Such a notice, against which there is a right of appeal, can only be issued to remedy a substantial injury to local amenity or if there is a danger to members of the public.

In addition, the Council can serve a Removal Notice under S225 of the Act. Once served, the Council can, at its discretion, take direct action to remove authorised advertisements and recover the costs from the landowner. There is a right of appeal to the Magistrates Court on the following grounds:

- that the display structure concerned is not used for the display of advertisements in contravention of regulations
- that there has been some (material) informality, defect, or error in, or in connection with, the notice
- that the period between the date of the notice and the time specified in the notice is not reasonably sufficient for the removal of the display structure
- that the notice should have been served on another person.

If the notice is not complied with, the Council is empowered to enter the land, carry out the works and recover the cost from the owner in a similar manner to carrying out works under an enforcement notice. The Council may also prosecute for non-compliance.

If a person is found guilty of an offence under The Control of Advertisement Regulations, then they may have to pay a fine per advert.

Advertisements on the highway will normally be dealt with by Staffordshire County Council as the highway authority as they have powers to remove unauthorised signs such as fly posters and to prosecute.

Section 215 Notices.

Tidy land and property means an area looks well cared for and contributes to people feeling safe in that neighbourhood. If untidy sites are left, they become worse, and the area starts to

feel neglected. Untidy sites may not be dangerous to public health, but they can be an eyesore, which means it is detrimental to the local amenity.

Under Section 215 of the Town and Country Planning Act 1990, the local planning authority may serve a notice requiring the land to be tidied up.

There is a right to appeal to the Magistrates' Court on several grounds.

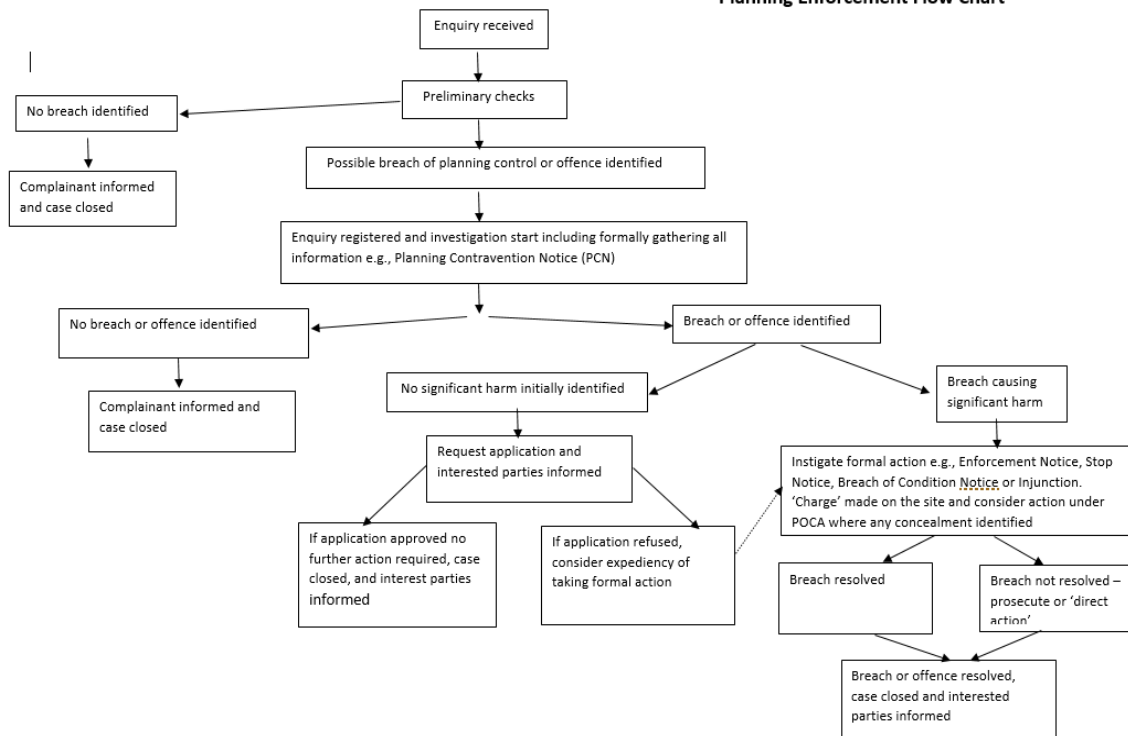
If the notice is not complied with, the LPA is empowered to enter the land, carry out the works and recover the cost from the owner in a similar manner to carrying out works under an enforcement notice. The Council may also prosecute for non-compliance.

Direct Action or Default Action

This may be used in the most serious cases where irreparable harm is being done and where other actions have failed. There are significant costs involved in bringing such an action and it can only be justified in extreme cases. Powers are available (in Planning legislation) to enter land and take steps required by enforcement or similar notices (e.g., Listed Building enforcement notices, Untidy Land/Section 215 Notices, Illegal advertisements with extended powers under the Localism Act, High Hedge enforcement and Section 106 Agreements.)

Direct action is normally a course of last resort. The Council will seek to recover all expenses reasonably incurred from the owner(s) of the land.

Planning Enforcement Flow Chart



Other Enforcement Powers

High Hedge Enforcement

If a complaint has been properly made and the Council decides that action should be taken to resolve the complaint, we may issue a formal notice to the person responsible for the hedge, setting out what must be done and by when. This action is carried out under the Anti-Social Behaviour Act 2003 and is known as a Remedial Notice. This can include long-term maintenance of the hedge at a lower height. It cannot involve reducing the height of the hedge below 2 metres, or its removal. Although the Council cannot require such action, the hedge owner is able to go further than the remedial notice requires e.g., remove the hedge completely. The remedial notice becomes ‘a charge’ on the property and legal obligations under such a notice pass to any subsequent owners.

Tree Protection

Trees may be protected by legislation enshrined in the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012, by being subject to a Tree Preservation Order (TPO) or being situated within a Conservation Area (CA). Trees may also be protected by the Forestry Act 1967, enforcement of which is vested in the Forestry Commission. In certain circumstances trees may be protected by conditions attached to a planning permission.

Compliance

Where a permission is granted for works to protected trees, it is desirable for a condition to be attached requiring notice of the intended operations to enable full or part supervision by an Arboriculture or relevant Operational Services Officer. This is to ensure understanding of, and compliance with, the terms of reference and conditions attached to any permission. Many contractors have a differing interpretation of the expected standards of work, such as British Standard (BS) 3998 'Tree Work: Recommendations', and the resulting tree works may be of inferior quality. This in turn will lead to a reduction in the value of the tree itself and of the protected tree stock within the borough. Compliance should be the starting point of any enforcement policy.

Specific Tree Protection

Where trees are protected by a TPO, the LPA's consent is normally required prior to undertaking any works to the tree, felling or removal and this will require the submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Secretary of State against the refusal of consent or the granting of consent subject to conditions.

Where trees are protected by inclusion in a conservation area six weeks' notice must normally be served on the LPA of any proposal to carry out works on the tree, felling or removal. During the six-week period, the Authority is required to consider the need to make a Tree Preservation Order. If the LPA takes no action within six weeks, the works may go ahead as notified.

Planning conditions may typically require that new trees be planted and maintained, or that existing trees be retained as part of development, usually for a minimum of five years. An application can however be made to the LPA to vary or remove a condition (such as to allow the removal of a tree). If planning conditions are not complied with, the LPA is empowered to serve an enforcement notice or breach of condition notice to secure compliance. There is a right of appeal to the Secretary of State against an enforcement notice.

Contraventions of the tree protection legislation often come to light because of complaints received by the Council. Cases may also come to light in other ways, such as during the monitoring of works on development sites or routine visits to adjacent properties.

When a contravention is suspected the Council will carry out an initial investigation, consisting of a check to establish whether the tree is protected and whether any consent has been granted. In most cases the Council's Landscape Officer will also make a site visit.

Person(s) responsible will be identified and contacted as soon as possible. They will be asked to give their comments on the incident and any relevant background information that they may want us to consider such as reports on the health, condition, and safety of any tree(s).

If on receipt of this information it appears that the person(s) in question may have committed an offence and the council require answers to questions that may be considered as evidence, they will normally be invited to the Council's offices to undertake a recorded interview under caution. This will be conducted under the Police and Criminal Evidence (PACE) Act 1984. In some cases, it may however be necessary to caution a suspect during a site visit.

The identity of any complainant will be kept confidential and not disclosed to the alleged perpetrator and in accordance with both the Data Protection Act 2018, implementing the GDPR and the Freedom of Information Act 2000. It will however be made clear to the complainant that if the case comes to court, it is most likely that they will be required as a witness in which case, and as such their identity will not remain confidential. Complainants will be kept informed of the course of the investigation and its outcome.

Complainants and any other witnesses will be contacted as appropriate and may be requested to provide written statements to be used as evidence in court. Witnesses will be informed that they may be required to appear in court to give evidence and be cross-examined as necessary. Alleged offenders will be given adequate and fair opportunity to give their side of events during investigations.

Possible actions by the Council

The Council has a range of possible courses of action available to deal with cases of unauthorised works on protected trees. These include:

- initiate a prosecution (which may be for destroying the tree or lesser works to it)
- administer a simple caution whereby the offender signs a statement admitting the offence and submitting to the caution. It may be referred to at the sentencing stage if the same person is ever found guilty of a subsequent offence
- require the planting of a replacement tree for each tree destroyed, under section 206 of the Town and Country Planning Act 1990 or serving a replanting direction under section 207 of the same Act. This is a formal procedure to secure replacement planting, which can be invoked if the landowner does not otherwise comply with a duty to carry out replacement planting

Replanting

In incidents where the tree has been destroyed, a replacement tree will need to be replanted. This replacement would normally be planted in the planting season following the incident. In

cases where this does not happen a Tree Replacement Notice (TRN) may be considered. Any replacement tree is subject to the same protection as the original tree that was lost.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Cabinet
19 September 2023

Report Title: Progression of the Shared Prosperity funded and supported project to deliver a Homeless Hub

Submitted by: Service Director – Regulatory Services

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

Ward(s) affected: Town

Purpose of the Report

To give an update on progress with the development of the Shared Prosperity funded homeless hub and to request Cabinet authority to enter into legal agreements and contracts to acquire, renovate, fit out, and manage a suitable property once identified.

Recommendation

That Cabinet:

1. Delegate authority to the Deputy Chief Executive in consultation with the portfolio holders for Community Safety and Wellbeing and Finance, Town Centres and Growth, and One Council, People and Partnerships to enter negotiations to acquire (purchase or lease independently or with partners) a property for the homeless hub and complete any related property transactions.
2. Delegate authority to the Service Director / Deputy Chief Executive in consultation with the portfolio holder for Finance, Town Centres and Growth to submit a planning application for any changes required and secure any related permissions in relation to the homeless hub if necessary.
3. Delegate authority to the Deputy Chief Executive in consultation with the portfolio holder for Finance, Town Centres and Growth to procure and award contracts necessary for any building alterations necessary for the future use of the homeless hub.
4. Delegate authority to the Service Director in consultation with the portfolio holders for Community Safety and Wellbeing to procure provision for the operation of the homeless hub up to 2025.
5. Continues to receive such updates on the Homeless Hub, including proposals for operation beyond the current 2025 funding provision.

Reasons

The Shared Prosperity Fund Board have approved capital and revenue funding to develop a Homeless Hub for Newcastle-under-Lyme.

In line with cross government strategy, we aim to end rough sleeping in the borough by 2025 wherever possible, and where it does occur it is rare, brief and non-recurrent and we have therefore embarked on an ambitious stepped approach to achieving this.

This supports homeless individuals who are some of the most dis-advantaged in society and the furthest from mainstream services.

1. **Background**

1.1 A business case and bid were developed to fund a Multi-Agency Assessment centre with Accommodation (Homeless Hub) and this received approval from the Shared Prosperity Fund Board. This recognised that homeless individuals are some of the most dis-advantaged in society and the furthest from mainstream services.

1.2 The Homeless Hub will:

- Provide safe, secure emergency accommodation to ensure “no-second night out” and provide an immediate space off the streets while investigations and referrals are done.
- Provide an environment where agencies can be available to support individuals without the need for an appointment (often a barrier to engagement).
- Provide access to Department for Works and Pension, Citizens Advice Bureau, rough sleeping services, housing providers, probation, adult social care, homeless healthcare, drug and alcohol services, etc.
- Develop relationships / trust for ongoing referrals for support, advice, medical appointments, developing paths to move on into non-emergency accommodation to continue the support.
- Offer showers and a laundry, a place to be clean and warm.
- Offer advice and support to overcome financial problems, secure job opportunities, and sustain tenancies and local affordable homes.
- Offer emergency accommodation during severe weather.
- Be a one stop shop to support all those that are vulnerable; including families to get the right help and support during current climate (cost of living).

1.3 The benefits to the wider community will be:

- Reduce perceived and actual anti-social behaviour in town associated with rough sleeping.
- Potential to increase footfall into town as people see reduced anti-social behaviour,
- Supporting businesses who are impacted by this cohort not being adequately supported and housed.
- Improved health of the rough sleeper cohort and impact on long term health conditions,
- Reduce impact on Police, ambulance, and hospital as rough sleepers are high users.
- Remove current reliance on expensive bed and breakfast for emergency accommodation which is a barrier to engagement, is isolating and fuels the revolving door of individuals between bed and breakfast and rough sleeping.

1.4 The Shared Prosperity Fund Board have approved £695,000 capital and £260,000 revenue funding for the project. In addition, the shared Prosperity Fund has also allocated £160,000 funding secured for a night shelter 2023 – 2025 which will be put to the project. Grant funding is also available from the Rough Sleeper Initiative and possibly the Severe Weather Emergency Protocol, once the facility is operational. Detailed financial information is available in section 8.

2. **Issues**

Property Acquisition:

- 2.1 A key step in the project is acquiring the right property. The purpose of the hub is to provide a place for people who would otherwise be in the Town Centre or surrounding area to go. It will be open during the day (in contrast to most other current support services) and so can be a place to direct rough sleepers from the town. The funding plan includes security to ensure standards of behaviour are maintained. The location is key to the success of the project.
- 2.2 Investigations are ongoing to establish a property for the homeless hub to either purchase or lease. Having the right permission in place allows the Council to respond to opportunities and negotiate quickly and to then progress to refurbishment within the Shared Prosperity Fund delivery requirements.
- 2.3 Investigations and working with partner organisations are key to this area of work. Opportunities may arise through this investigation period to combine the grant with partners to achieve a facility with greater benefits than the individual elements could provide.

Operation of the Hub:

- 2.4 Funding for the operation of the hub has been secured from the Shared Prosperity Fund for April 2023 to March 2025. This will include staffing and security for 24 hours a day.
- 2.5 The on-going running costs of the hub (utilities, cleaning, maintenance etc) are also covered within the funding. The delivery costs are included in the funding up to 2025. The exact specification for this will be developed once the property is acquired.
- 2.6 Until 2025, there are two options for the operation of the hub, these include:
 - a) NULBC managed and operated through direct employment of staff on temporary contracts for the staffing and internal property management
 - b) Procure the staffing and property management of the homeless hub.
- 2.7 Post 2025 there are a range of options for the future operation of the hub, such options include:
 - a) Leasing the property to a third party to manage and operate the hub – initial enquiries to possible providers has received a positive interest for future engagement.
 - b) Rough Sleeper Initiative Funding bid in 2025 for the continued operational costs of the hub.
- 2.8 Experience and knowledge will be gained through the first years to determine the appropriate route for future operating models. A further report will be brought to Cabinet in due course.

3. Proposal

3.1 That Cabinet:

1. Delegate authority to the Deputy Chief Executive in consultation with the portfolio holders for Community Safety and Wellbeing and Finance, Town Centres and Growth, and One Council, People and Partnerships to enter negotiations to acquire (purchase or lease independently or with partners) a property for the homeless hub and complete any related property transactions.

2. Delegate authority to the Service Director / Deputy Chief Executive in consultation with the portfolio holder for Finance, Town Centres and Growth to submit a planning application for any changes required and secure any related permissions in relation to the homeless hub if necessary.
3. Delegate authority to the Deputy Chief Executive in consultation with the portfolio holder for Finance, Town Centres and Growth to procure and award contracts necessary for any building alterations necessary for the future use of the homeless hub.
4. Delegate authority to the Service Director in consultation with the portfolio holders for Community Safety and Wellbeing to procure provision for the operation of the homeless hub up to 2025.
5. Continues to receive such updates on the Homeless Hub, including proposals for operation beyond the current 2025 funding provision.

4. **Reasons for Proposed Solution**

- 4.1 The Shared Prosperity Fund Board have approved capital and revenue funding to develop a Homeless Hub for Newcastle-under-Lyme.
- 4.2 In line with cross government strategy, we aim to end rough sleeping in the borough by 2025 and have embarked on ambitious stepped approach to achieving this. Ending rough sleeping is defined as rare, brief and non-recurrent.
- 4.3 This supports homeless individuals who are some of the most dis-advantaged in society and the furthest from mainstream services.

5. **Options Considered**

- 5.1 The project is approved under the Shared Prosperity Fund and is time limited. Work has been undertaken to identify the hubs needs and the ways that this can be delivered. The options are to:
 - a. Progress as proposed and move to acquire a property, refurbish it and operate as a homeless hub.
 - b. Not progress the homeless hub via the Shared Prosperity Fund.
 - c. To utilise the shared prosperity fund alongside other funding to acquire a property, refurbish it and operate a homeless hub as part of a wider scheme.
- 5.2 Considerable work has gone into developing the Shared Prosperity Fund bid and spend of the grant, which will address a major gap in current service provision and will establish a route to achieving Government goals on ending rough sleeping. To not progress at this stage is a wasted opportunity in not using external funding and in not being in a position to achieve national targets.

6. **Legal and Statutory Implications**

- 6.1 This proposal requires the acquisition of a suitable property, at the right costs, to enable the project to proceed.

6.2 This proposal is expected to require the Council to renovate and refurbish a property to make it fit for purpose as a homeless hub, obtaining the necessary permissions for the works and use of the building.

6.3 The proposal requires activities for managing a homeless hub and running day to day activities.

7. Equality Impact Assessment

7.1 The location of the Homeless Hub is intended to be accessible for all who need the facility.

7.2 An Equality Impact Assessment has been undertaken for the funding. This identified a positive impact due to the project providing accessibility to services for disadvantaged individuals.

8. Financial and Resource Implications

8.1 The project requires expenditure of the Shared Prosperity Fund for which the Council is the accountable body. The Shared Prosperity Fund Board will receive regular updates on the project.

8.2 Shared Prosperity Fund Board have approved capital and revenue funding for the project. The funding is as follows:

Source	Capital	Revenue	
	23/24	23/24	24/25
Shared Prosperity Fund Board – Homeless Hub	695,000	130,000	130,000
Rough Sleeper Initiative (not specified Capital or Revenue)		26,000	30,000
Shared Prosperity Fund Board – Cold night shelter		80,000	80,000
SWEP		5,000	5,000
TOTAL	695,000	236,000	240,000

8.3 Of the UKSPF £955,000 funding, £942,802 remains having spent on completing model premises design services and staff time.

8.4 The project requires internal resource and expertise through the acquisition, renovation and operation of the hub. This would include resources from property, legal,

procurement and facilities management in respect of identifying, acquiring and renovating a property and the associated contracts. Where this cannot be delivered in-house the cost of external support will be covered through the project funding.

- 8.5 In relation to the ongoing maintenance, management and operation of the hub, this would include resources from facilities management and Regulatory Services. Where this cannot be delivered in-house the cost of external support will be covered through the project funding.
- 8.6 The project will enhance the Council's property portfolio as it involves acquiring a property and making fit for purpose as a homeless hub.
- 8.7 The running costs for the homeless hub have been secured until the end of the financial year 2025. There are a number of options for the future operating model which are detailed in para 2.7.

9. **Major Risks**

9.1 The main risks are summarised as follows:

- 9.2 *Unable to deliver the Shared Prosperity Fund project* – consequences are loss of investment and no improvement of facilities for vulnerable 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 acquire a suitable property and/or location for delivery of the Homeless Hub* – consequences unable to deliver the project, loss of investment in assets, no improvement in facilities for vulnerable local people. Control measures include project governance processes, project subgroup in place to manage delivery, site investigations being undertaken, legal advice on land and issues.
- 9.4 *Unable to acquire a suitable property for delivery of the Homeless Hub within the grant funding and timescales* - consequences unable to deliver the project, loss of investment in assets, no improvement in facilities for vulnerable local people. Control measures include further consideration of Council funding to enable delivery.
- 9.5 *Cost of inflation* – consequences, unable to deliver the full scope of actions as set out in the Shared Prosperity Fund, lesser outcome for vulnerable local individuals. Control measures, cost control within project specification, prioritisation of actions, project governance processes, project subgroup in place.
- 9.6 *Financial sustainability of the Homeless Hub* – consequences, unable to deliver services to vulnerable local people as planned, failure to deliver full objectives of the Shared Prosperity Fund, partial or full closure of the hub. Control measures, business plan to set out how the hub is to be run and opportunities for creating income.

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

10.1 Delivery of the homeless hub will contribute to the following UN Sustainability Goals.



11. **Key Decision Information**

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

12. **Earlier Cabinet/Committee Resolutions**

12.1 Cabinet 19.07.22 [UK Shared Prosperity Fund](#)

12.2 Cabinet 18.10.22 [UK Shared Prosperity Fund Contract Award](#)

13. **List of Appendices**

13.1 n/a

14. **Background Papers**

14.1 n/a

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

Cabinet
19 September 2023

Report Title: Future Delivery Occupational Health Service

Submitted by: Chief Executive

Portfolios: One Council, People and Partnerships

Ward(s) affected: All

Purpose of the Report

In line with the Council's commitment to the health and wellbeing of our workforce, and our Sickness Action Plan; we continue to work to improve support mechanisms and access to clinical services for our staff. Occupational Health services provide a multi purpose resource which support staff and managers through the employee lifecycle. Our current service contract is reaching the end of its term; and therefore this report provides rationale as to the need for a robust and support service model and asks cabinet for authority to procure a renewed Occupational Health Service.

Recommendation

That Cabinet:

- 1. Note the multi stranded requirement for a robust, support and accessible service to support staff and maintain their own wellbeing and that of their colleagues**
- 2. That the council conduct a procurement exercise to re-tender for a service to provide the service**
- 3. That authorisation to award contract following tender evaluation is delegated to the Chief Executive in conjunction with the Service Director of Strategy, People and Performance**

Reasons

To continue to provide support to staff regarding health matters and maintain our commitment to reduce sickness absence across the Council. Also to ensure compliance with Health and Safety obligations.

1. Background

1.1 NULBC currently engages an outsourced Occupational Health service. The service performs a number of functions including:

Recipient of Support	OH input	Outcome
Person offered a job	Health Assessment	Workers who can perform their job safely considering any health issues of disabilities may have e.g. drivers, operatives, office workers

		People with a disability or health condition can perform the offered work effectively through suitable work and / or workplace adjustments
Employees exposed to hazards at work e.g. noise, vibration etc	Health Surveillance	Early identification of any health changes to ensure the cause is investigated and improvements made in the workplace to prevent progression to disease and permanent ill health in that worker and in co-workers
Employees with a work related health concern	Consultation	Employees are supported to address work-related health concerns e.g. stress at work or to cope when they have stresses outside of work
Employees with a health condition	Health Assessment	Maintained employment through workplace adjustment or suitable alternative work / where a worker cannot perform their normal job either temporarily or on a permanent basis. Clear guidance to the organisation to ensure fair practices are applied should no alternative be found.
Employees on long term sick leave/ experiencing regular sickness absence	Case management / Health Assessment	Assessment of ability to return to work/maintain work contract and advising on adjustments recommended to support. Where ill health retirement is in the employees best interest where they meet pension fund rules.

3.2 OH services are currently commissioned in order to support the organisation to source expert advice and guidance on matters of health with respect to work. In this respect the service directly impacts on the health and wellbeing of our workforce.

Trained occupational health professionals have expert knowledge regarding the interaction between work and health and:

- The effects of health on the ability to work safely; and
- The effects of work on health

The effects of health on work consider any health condition that an employee has or might develop and which might affect their fitness for certain jobs either because of increased risk from exposure; or if they present a risk to others from performing safety critical work.

Ill health may mean that a person's ability to work becomes impaired requiring workplace adjustments.

People are more likely to develop at least one long-term health condition as they get older and this can lead to sickness absenteeism and/or presenteeism (people attending work when they are not at their most productive). This is ever more important for NULBC and in particular our Sustainable Environment services in which over 55% of the workforce are aged 50+ and where sickness absence is highest within the organisation.

3.3 Employee health and wellbeing contributes to directly to overall performance of services and therefore resident experience within the Borough. Ensuring the wellbeing of our workforce is a significant reputational factor, and investment in Occupational Health Services will support achievement/ attainment of :

- Legal Obligations (Health and Safety at work, disability and reasonable adjustments)
- Moral duty of care to employees
- Financial Incentives
- Assisting recruitment
- Reduce sickness absence (both length and frequency)

3.3.1 Legal Obligations

Robust Occupational Health provision provides the Council with assurance around internal processes which may impact on both our own staff and wider afield. Health Assessments will support us to ensure we meet our obligations under the Equality Act; Health surveillance programmes support compliance for operatives in line with The Control of Noise at Work Regulations 2005, The Control of Substances Hazardous to Health Regulations 2002; The Control of Vibration at work Regulations 2005 amongst others.

Where these obligations are not met, the organisation is left open to litigation and adverse publicity.

3.3.2 Moral duty of care to employees

Supporting, protecting and promoting employee health aligns to the organisational value “we create a supportive environment where our people can grow and innovate”. The health of our officers is and should be paramount and considering how best we support physical and mental health in the organisation is the right thing to do and has a positive impact on both our reputation as a provider of services, but also as an employer of choice.

3.3.3 Financial Incentives

Poor employee health is associated with significant costs to employers with the most visible avoidable adverse costs are those related to sickness absence. However, worker productivity is impacted by a combination of sickness absence i.e., time off work and presenteeism i.e., being at work but with reduced levels of productivity. Provision of a robust Occupational Health service mitigates these costs as long as absence is managed appropriately at service level.

Tangible Costs		Intangible Costs
Direct	Indirect	
Restricted Duties	Overtime Cover	Presenteeism
Sick Pay	Agency Staff	Lost productivity
Fines	Management Time	Engagement
Legal Costs	HR / Payroll Time	Turnover
Compensation	Cost of Recruitment	Employee / Industrial Relations
Insurance Premiums	Training replacements	Corporate Image and Reputation

3.3.4 Assisting Recruitment

How we treat our colleagues, as outlined in section 1.3.2, impacts on the reputation of the organisation which in turn will impact on how easily we can recruit to our vacancies. NULBC has a number of recruitment challenges due to our size and location and therefore maximising our reputation and benefits provision is a key point in our recruitment strategy. Operationally, a strong Occupational Health service conducting quick and robust pre-employment checks will give a positive impression to candidates and support managers in moving forward the recruitment and on-boarding process quickly and efficiently.

3.3.5 Reduce sickness absence (both length and frequency)

Our sickness absence rates are currently higher than we would like them to be, particularly within our operational teams. A sickness absence action plan is currently in place and a core component of this is robust and timely occupational health referrals.

The CIPD Health and Wellbeing at Work Survey 2021¹ cites referral to occupational health as one of the top-ranking methods for most effectively supporting employees with disabilities and long-term health conditions. Decisions around continued employment, adjustments and redeployments are more robust when backed up with medical opinion and advice thereby allowing for quicker resolution and return to work likely to be more long lasting and supported.

2. **Issues**

2.1 The current service is contracted until May 2024 and although an additional 12 months is possible; there are key performance indicators which require updating due to changes in circumstances and requirements. We have also had feedback from managers and staff that the current provision which does not offer face to face appointments is limiting accessibility.

3. **Proposal**

3.1 That the council conduct a procurement exercise to re-tender for a service to provide the services as outlined in section 1.1

3.2 That authorisation to award contract following tender evaluation is delegated to the Chief Executive in conjunction with the Service Director of Strategy, People and Performance

4. **Reasons for Proposed Solution**

4.1 The provision of Occupational Health services is fundamental to achieving our aims in terms of:

- Legal Obligations (Health and Safety at work, disability and reasonable adjustments)
- Moral duty of care to employees

¹ Chartered Institute of Personnel Development. Health and wellbeing at work 2021: survey report. London. CIPD. 2021.

- Financial Incentives
- Assisting recruitment
- Reduction of sickness absence (both length and frequency)

5. **Options Considered**

- 5.1 Decommission the service and review allocation of funds. However the service has positive outcomes for staff and service delivery. Having no occupational health provision would be a risk in terms of compliance with the equalities act, recruitment and employee relations.
- 5.2 Develop in house provision. However the scale of delivery and expertise required does not make economic or practical sense
- 5.3 Continue with current service. The current contract has provision for a +1 term however there are limitations with the contract as is and a refresh of the SLA could bring forward a more robust and quality service.

6. **Legal and Statutory Implications**

- 6.1 There are no statutory requirements to provide this function, however as outlined in 1.3.1, non-provision could pose a legal risk.
- 6.2 The current contract arrangement ends in May 2024 and should the council decide not to fund this service, officers need to advise the service provider allowing them to review their future options and resourcing.
- 6.3 Depending on the resource model of the current provision, TUPE may apply however this would be a matter between the old and new provider should the current provider be unsuccessful or choose not to bid.

7. **Equality Impact Assessment**

- 7.1 An equalities and risk impact assessment will be produced by the service provider as part of the commissioning and procurement process.

8. **Financial and Resource Implications**

- 8.1 The allocation of funds will continue to be made as part of the council's medium term financial strategy. The current allocation being circa £36, 000 per annum and the contract has potential to run for 3 years

9. **Major Risks**

- 9.1 If funding is not approved and/or a contract not awarded, there will be no contracted service, which will impact locally on service provision and employee wellbeing.

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

- 10.1 The award of contract and successful delivery of a Debt and Benefit Advice Services supports the delivery of the following Sustainable Development Goals and Climate Change Implications:



11. **Key Decision Information**

11.1 This is a key decision as set out in the Council Constitution under clause 4.1 A Key Decision is any Cabinet Decision (regardless of who takes it) which is likely to:- (a) result in the Council incurring expenditure or making savings of £100,000 or more (revenue).

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A.

13. **List of Appendices**

13.1 N/A

14. **Background Papers**

14.1 N/A



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

19 September 2023

Report Title: Financial and Performance Review report – First quarter 2023-24.
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 Financial and Performance Review report for the first quarter of 2023-24.

Recommendation

That Members note

1. The contents of the attached report and appendices, and continue to monitor and challenge the Council's service and financial performance for this period.

Reasons

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

1. **Background**

1.1 This quarterly report provides Members with a detailed update on how the Council has performed during the first quarter of 2023/24 by presenting performance data and progress summary set within a financial context. The report provides broad financial information (Appendix A) and also details service performance (Appendix B) for the first quarter 2023/24.

2021-22 Revenue and Capital Budget Position

1.2 The Council approved a General Fund Revenue Budget of £15,268,760 million on 23 February 2022. Further financial information is provided in Appendix A.

Performance

1.3 The Q1 report (April 2023 to June 2023) has been produced using new business intelligence tools in order automate and improve the monitoring, analysis and reporting of Council performance. The indicators included are those agreed as part of the new Council Plan and reflect the priorities for the Borough. In addition to reporting on key performance indicators, the report also includes progress summaries for each priority action, detailing the progress with the delivery of planned activities.

1.4 Contextual performance information is provided (indicators without a target), not only to ensure the monitoring of the corporate activities of the Council, but also to inform Members,

businesses and residents of performance in their local area that the Council cannot directly control.

- 1.5 Any indicators failing to meet the set targets include a comment explaining mitigating factors , and what steps are being taken to ensure improvement in the future.
- 1.6 For this report a total of 42 indicators were monitored, 17 of these indicators were contextual and had no set target. Of the remaining 25 indicators the proportion of indicators which have met their target during this period stands at 76% with the remaining 24% falling short of target. A small number of these 'off target' measures have more stretching targets this year, in line with benchmarking findings and council ambition but as it is still early in the year, it is hoped that these targets can be met as the year progresses. In terms of trend data, the proportion of indicators showing an improvement or maintenance of the previous year's performance stands at 45%.
- 1.7 As part of its new service planning approach the Council has developed new 3-year targets through service-led priority delivery plans. These targets have been through internal quality assurance and challenge and have been included within the Q1 report to provide elected councillors with an opportunity to scrutinise the performance levels being proposed. The targets will be reviewed annually as part of the service planning process.
- 1.8 The Quarter One Report contains some new additional supporting measures to enable fuller information to be provided for members in relation to channel shift (1.8b), market occupancy (4.3a, b and c) and rough sleeping in relation to institutional discharges (4.4d – as required by central government).

2. **Issues**

- 2.1 There are 6 indicators off target this quarter (2 of which are showing a trend improvement from last quarter), and officers consider that the performance against these indicators does not give rise to serious cause for concern at present (see commentaries provided in Appendix B). The management of each of the service areas concerned continue to monitor and take steps to deal with under achievement of targets where possible and/or appropriate.
- 2.2 Progress on delivery of planned activities is summarised for each priority and the only concern raised is around the plans for increased recycling rates and the delayed national guidance.

3. **Proposal**

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

4. **Reasons for Proposed Solution**

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

5. **Options Considered**

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

6. Legal and Statutory Implications

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

7. Equality Impact Assessment

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

8. Financial and Resource Implications

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

9. Major Risks

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

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

10. UN Sustainable Development Goals and Climate Change Implications



11. Key Decision Information

11.1 Included on the Forward Plan

12. Earlier Cabinet/Committee Resolutions

12.1 N/A

13. List of Appendices

13.1 Financial information (Appendix A), Performance Outturn (Appendix B)

14. **Background Papers**

14.1 Working papers held by officers responsible for calculating indicators.



2023/24

**Quarter One
Financial
Performance**

1. Background and Introduction

1.1 In accordance with the Council's Financial Procedure Rules and recommended good practice, a quarterly financial report is presented to Members. This is the first report for 2023/24.

1.2 The report summarises overall financial performance for 2023/24 with particular emphasis on the key sources of financial risk to the Council. Specific considerations are as follows:

- **General Fund Revenue Account (Section 2)** – considers budgetary performance on the General Fund Account by looking at variations in income and expenditure and the funding received by the Council.
- **Efficiency and Savings Plan (Section 3)** – considers progress in achieving the efficiency and savings forecast for 2023/24.
- **Capital Programme (Section 4)** – provides an update to Members on progress against the Council's Capital Programme and major project funded through the Town Deal Funds and Future High Street Fund.
- **Treasury Management (Section 5)** – sets out the key statistics in terms of investments and borrowings;
- **Collection Fund (Section 6)** – considers progress to date in collecting the Council Tax, Business Rates and Sundry Debts.

2. General Fund Revenue Budget

2.1 This section of the report considers the financial performance of the General Fund Revenue Account against budget by setting out variations in income and expenditure and funding received by the Council.

Area	2023/24 General Fund	
	Estimate £	Band D Council Tax £
Central Services	2,157,470	56.63
Cultural Services	3,769,940	98.95
Environmental Services	8,868,690	232.78
Planning	1,838,180	48.25
Transport	(294,420)	(7.73)
Housing	1,493,410	39.20
Net Cost of Services	17,833,270	468.08
Pensions Liabilities Account	415,000	10.89
Investment Properties	74,940	1.97
Interest and Investment Income	227,000	5.96
Net Operating Expenditure	18,550,210	486.89
Contribution to/(from) Revenue Reserves	904,430	23.74
**Contribution to/(from) Capital Reserves	(2,597,910)	(68.19)
Amount to be met from Government Grant and Local Taxpayers	16,856,730	442.45

** Contributions to/(from) Capital Reserves. Comprises transfers to or from the Capital

Adjustment Account. This account is used to eliminate capital transactions, such as depreciation, which have to be debited or credited to the revenue account in order to comply with proper accounting practice but which statutorily cannot count against the council tax.

- 2.2 The Council approved a General Fund Revenue Budget of £16.857m on 15 February 2023 for the financial year 2023/24. The actual and forecast position compared to this budget is continuously monitored by Budget Holders, the Corporate Leadership Team and Portfolio Holders in order to detect any significant variances of expenditure or income from the approved amounts contained in the budget.
- 2.3 The table above shows how this budget has been allocated.
- 2.4 The quarter one projected outturn on the General Fund Revenue Account for the year is £16.857m. This represents a balanced outturn for the year.
- 2.5 The adverse variances that have occurred during the first quarter of 2023/24 include:
 - a. Income shortfalls from sales, fees and charges which amount to £0.153m (forecast to be £0.548m for the financial year),
 - b. A shortfall of £0.109m in Housing Benefits subsidy grant regarding accommodation and payments for which full subsidy is not claimable (forecast to increase to £0.434m for the financial year),
 - c. A pay award that is forecast to be in excess of the amount provided for in the budget (4%), including national insurance and pension the additional amount is forecast to total £0.100m at the close of quarter one (and £0.400m for the financial year),
- 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 2023/24 in order to respond to any above inflationary increases in costs. This will be fully used to offset the forecast pay award (£0.100m at the close of quarter one and £0.400m for the financial year).
 - b. 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) totals £0.301m at quarter one following recent interest rate hikes (it is forecast that this will grow to £0.901m of income by the close of the financial year).

3. Efficiency and Savings Plan

- 3.1 This section of the report considers the financial performance of the Council's Efficiency and Savings Plan in 2023/24.
- 3.2 The Council's Medium Term Financial Strategy (approved in February 2023) included the five year (2023/24 – 2027/28) Efficiency and Savings Plan targeting savings of £5.874m.
- 3.3 The Efficiency and Savings Plan is set on the need to both reduce expenditure and increase income. The need to grow income is now more of a priority as the Council moves

more towards being self-financing. The plan has been developed with the underlying principles of protecting frontline service delivery. It is also intended that the plan is a tool to enable the Council to ensure that its service spending is determined by the established priorities set out in the Corporate Plan.

- 3.4 The 2023/24 budget was set in February 2023 with the assumption of £2.103m of savings in the year. These savings are detailed in the table below:

Category	Amount £'000	Comments
Income	270	Additional sources of income generation and an increased demand for services that the Council charges for
One Council	376	Efficiencies to be generated from the introduction of a new Council operating model and the continued prioritisation of digital delivery
Staffing Related Efficiencies	18	No redundancies are anticipated to arise from these proposals
Good Housekeeping/More Efficient Processes	215	Various savings arising from more efficient use of budgets
Tax Base Increase	337	Increased in Council Tax and Business Rates tax base
Council Tax Increase	159	An assumed 1.99% per Band D equivalent increase in Council Tax
Government Reimbursement	728	Grant in respect of New Homes Bonus and Minimum Funding Guarantee
Total	2,103	

- 3.5 At the end of quarter one, all savings have been achieved.

4. Capital Programme and Major Projects

- 4.1 This section of the report provides an update to Members on the Council's Capital Programme and major projects funded by the Town Deal Funds and Future High Street Fund.
- 4.2 The table below shows a high level (service) summary of the General Fund Capital Programme position at 30 June 2023:

Priority	Budget at Period 3 £'000	Actual at Period 3 £'000	Variance at Period 3 £'000
One Council Delivering for Local People	115	117	2
A Successful and Sustainable Growing Borough	389	383	(6)
Healthy, Active and Safe Communities	1,171	1,173	2
Town Centres for All	3,470	3,471	1
Contingency	-	-	-
Total	5,145	5,144	(1)

- 4.3 A Capital Programme totalling £30.360m was approved for 2023/24. Of this total £17.863m relates to the total cost of new schemes for 2023/24 together with £12.497m for schemes funded by external sources (Town Deals Fund, Future High Streets Fund and Disabled Facilities Grants) and £1.000m contingency. In addition £24.013m was brought forward from the 2022/23 Capital Programme (including £22.771m from the Town Deals Fund and the Future High Streets Fund), resulting in a total Capital Programme of £54.373m for 2023/24.
- 4.4 A mid-year review of the capital programme will be undertaken in the autumn with any changes being reported to Members.
- 4.6 The expected total capital receipts due to be received this year following the sale of assets amount to £1.500m. A summary of the expected income is shown in the table below.

Funding	Amount
Proceeds from Right to Buy sales	£0.500m
Asset sales	£1.000m
Total	£1.500m

Major Projects Funding

- 4.7 The Council was awarded Future High Streets Fund funding in June 2021 of £11.0m to progress projects to help future economic growth. £10.7m has been received to date of which £5.6m has been spent at 30 June 2023, as shown below:

Project	Award (£000's)	Spend/Ordered (£000's)	Remaining (£000's)
Ryecroft / Site Preparation	3,756	2,776	980
Multi Story Car Park	3,500	637	2,863
York Place	3,015	1,934	1,081
Stones Public Realm	321	-	321
Market Stalls	76	-	76
Project Management	380	234	146
Total	11,048	5,581	5,467

- 4.8 £23.6m was awarded to the Council via the Town Deals Fund for Newcastle to enable a vision to improve communications, infrastructure, and connectivity in Newcastle-under-Lyme to become a reality. £14.3m has been received to date of which £1.0m has been spent as shown below:

Project	Award (£000's)	Spend/Ordered (£000's)	Remaining (£000's)
Digital Infrastructure	2,285	-	2,285
Sustainable Public Transport	3,421	-	3,421
Electric Vehicle Charging	400	-	400
Pedestrian Cycle Permeability	950	-	950
Transform Key Gateway Sites	3,810	-	3,810
Astley Centre for Circus	1,810	12	1,798
Digital Society	3,510	273	3,237
Heart into Knutton Village	3,534	157	3,377
Cross Street, Chesterton	2,955	-	2,955
Project Management	925	529	396
Total	23,600	971	22,629

4.9 £16.9m has also been awarded via the Town Deals fund for Kidsgrove to enable real and lasting economic benefits to be realised in Kidsgrove and the surrounding area. To date £9.2m has been received of which £6.7m has been spent as shown below:

Project	Award (£000's)	Spend/Ordered (£000's)	Remaining (£000's)
Kidsgrove Sports Centre	2,328	2,328	-
Chatterley Valley West	3,661	3,661	-
Kidsgrove Station	3,638	147	3,511
Shared Services Hub	6,183	17	6,166
Canal Enhancement	420	-	400
Project Management	670	579	91
Total	16,900	6,732	10,168

4.10 The Council has been awarded £4.8m over a 3-year period of UK Shared Prosperity Funding as part of the governments mission to level up opportunity and prosperity and to overcome geographical inequalities. It also aims to level up people's pride in the places they love and seeing that reflected in empowered local leaders and communities, a stronger social fabric and better life chances. 25 projects have been identified for which spend has commenced. The 2022/23 and 2023/24 allocations totalling £1.781m have been received, total spend at 30 June 2023 amounted to £0.4m as shown below:

Project	Award (£000's)	Spend/Ordered (£000's)	Remaining (£000's)
CML Community Hubs	6	3	3
Newcastle 850 Anniversary	20	20	-
Nature and Wellbeing	22	16	6
Canal Connectivity	102	5	97
Clough Hall Park	234	-	234
Cold Night Shelter	160	-	160
Mental Health Worker	86	10	76
Nature Recovery	265	85	180
Epicentre for Circus	100	8	92
Homelessness Hub	955	14	941
Beat The Street	23	20	3
New Vic Theatre - 850 Event	10	-	10
Volunteering for all	71	19	52
Discharge Officer	86	10	76
BES Enterprise Coaching	89	2	87
Kidsgrove Town Hall	250	19	231
Security Marshalls	32	12	20
Flourishing Keele (KU)	466	6	460
Moving Ahead (KU)	454	5	449
Advanced Digital Technologies	627	2	625
BIC Innovation and service	279	-	279
Chamber Growth Hub	59	-	59
Brampton Wedding Venue	54	28	26
Technical Innovation upskilling	129	-	129
Project Management	193	8	112
Total	4,772	365	4,407

4.11 Several projects within the Town Deals and Future High Streets Fund (e.g., Multi Storey Car Park, Ryecroft Development, York Place and Chatterley Valley) will require further

funding from the Council in addition to the government grants, this will include the Council borrowing to fund these projects.

- 4.12 The Public Works Loan Board (PWLB) borrowing rate is subject to change daily and could have a significant impact on the financial viability if increases in interest rates are forthcoming or may result in considerably less costs in the instances of lower rates being obtained when borrowing is required. Additionally, the level of inflationary demands is also considered on a project-by-project basis.
- 4.13 Rigorous financial challenge and monitoring of each project's expenditure will be required in both the interim and during subsequent construction phases. Financial monitoring will continue to be reported as part of the scrutiny process and will also form part of the quarterly financial report to Cabinet.

5. Treasury Management

- 5.1 This section of the report sets out the key treasury management statistics in relation to the Council's investments and borrowings. This report comprises a high level treasury management summary. The Audit and Standards Committee receives detailed operational updates on treasury management.

Investments

- 5.2 Cash Investments held on the 30 June 2023 amounted to £23.250m. Interest earned on these investments during the first quarter amounted to £0.301m and the average level of funds available for investment was £21.625m.
- 5.3 The Council has not budgeted to receive investment income in 2023/24. A surplus of £0.902m is anticipated for the financial year which is due to rising interest rates, the most recent being an increase to the Bank of England base rate of 0.25%, to 5.25% in August 2023.

Borrowing

- 5.4 It is expected that borrowing may be required during the latter part of 2023/24 to fund the capital programme however no borrowing arrangements have been required to date, primarily due to advanced monies being received in terms of Town Deals and Future High Streets funding.
- 5.5 Although not utilised in recent years, the Council has previously considered the option of long-term borrowing from the PWLB. After the utilisation of capital receipts and internal borrowing, the Council will look to borrow short term from other local authorities in the first instance and will then review any other sources of funding if required.
- 5.6 Advice from the Council's Treasury Management Advisors, Arlingclose, is to continue to utilise internal funding whilst it is available as opposed to borrowing whilst the interest rates are high. This approach also reduces the need to place funding in long term deposits, whilst minimising any potential investment risks.

6. Collection Fund

- 6.1. This section of the report details progress to date in collecting the Council Tax, Business Rates and Sundry Debt.
- 6.2 Local tax income is collected by billing authorities and paid into local 'collection funds' (the Council is a billing authority). Where there is a shortfall in tax receipts (compared to expected levels), this leads to a deficit on the collection fund. Billing and major precepting authorities are usually required to meet their share of any deficit during the following financial year.
- 6.3 The quarter one collection rate was as follows:
- Council Tax – 27.3% of Council Tax was collected by 30 June 2023, compared to a target for the first quarter of 24.4%.
 - Business Rates – 27.7% of Business Rates was collected by 30 June 2023, compared to a target for the first quarter of 24.3%.
- 6.4 The current forecast of tax receipts and Section 31 grant are shown below:

Tax	Forecast (Surplus)/Deficit at 30.6.23	Council's Share
Council Tax	(£0.290m)	(£0.033m) (11%)
Business Rates	(£0.143m)	(£0.057m) (40%)
Business Rates Section 31 Grant	(£0.147m)	(£0.059m) (40%)
Total	(£0.580m)	(£0.149m)

- 6.5 At the end of quarter one the value of sundry debt that was over 60 days old was 2.69% compared to a target of 5%.

ANNEX A

Capital Programme 2023/24 approved at Council on 15 February 2023

CAPITAL PROGRAMME	<i>2022/23 MID YEAR</i>	2023/24	2024/25	2025/26	TOTAL (2023/24 to 2025/26)
	£	£	£	£	£
PRIORITY – One Council Delivering for Local People					
Service Area - Council Modernisation	309,303	1,991,500	269,000	481,500	2,742,000
Total	309,303	1,991,500	269,000	481,500	2,742,000
PRIORITY – A Successful and Sustainable Growing Borough					
Service Area - Housing Improvements	1,720,000	1,670,000	1,670,000	1,720,000	5,060,000
Service Area - Managing Property & Assets	930,725	883,342	1,442,918	1,266,411	3,591,671
Total	2,650,725	2,552,342	3,112,918	2,986,411	8,651,671
PRIORITY – Healthy, Active and Safe Communities					
Service Area - Environmental Health	60,000	60,000	-	12,000	72,000
Service Area - Streetscene and Bereavement Services	940,000	790,000	240,000	280,000	1,310,000
Service Area - Recycling and Fleet	900,927	5,601,000	303,000	1,230,000	7,134,000
Service Area – Leisure and Cultural	800,341	368,000	16,000	150,000	534,000
Service Area - Engineering	155,000	110,000	1,415,000	120,000	1,645,000
Total	2,856,268	6,929,000	1,974,000	1,792,000	10,695,000
PRIORITY – Town Centres for All					
Service Area - Managing Property & Assets	-	7,300,000	-	-	7,300,000
Future High Streets Fund	5,388,399	1,691,166	-	-	1,691,166
Town Deals – Newcastle	14,356,811	4,706,000	2,251,000	807,000	7,764,000
Town Deals - Kidsgrove	6,415,000	4,190,000	2,794,000	1,236,000	8,220,000
Total	26,160,210	17,887,166	5,045,000	2,043,000	24,975,166
CONTINGENCY	1,000,000	1,000,000	-	-	1,000,000
TOTAL	32,976,506	30,360,008	10,400,918	7,302,911	48,063,837
FUNDING					
Capital Receipts	3,684,500	2,400,000	4,000,000	4,000,000	10,400,000
External Contributions	27,877,210	12,497,166	6,545,000	3,543,000	22,585,166
Borrowing	1,414,796	15,462,842	(144,082)	(240,089)	15,078,671
TOTAL	32,976,506	30,360,008	10,400,918	7,302,911	48,063,837

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Quarter 1 - April 2023 to June 2023

All Performance Indicators Current Status



Corporate Aim (Priority)	Count of ID
Priority 1: One Council delivering for Local People	18
Priority 2: A Successful and Sustainable Growing Borough	6
Priority 3: Healthy, Active and Safe Communities	15
Priority 4: Town Centres for All	3
Total	42

Smart Narrative

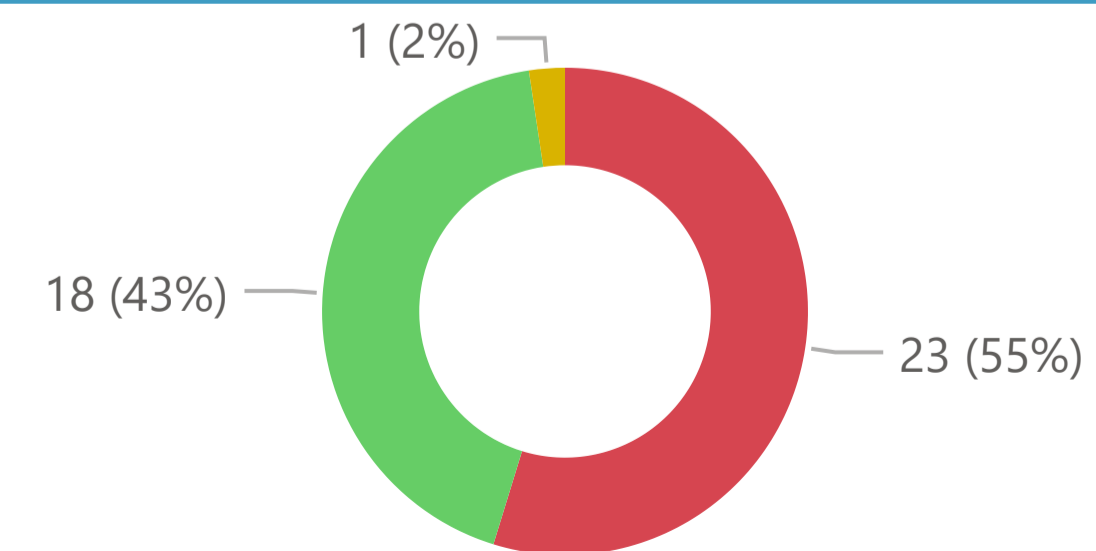
- There are 25 Indicators which have set targets this quarter.
- 76% met their targets within Quarter One. 11 Indicators which met their target also showed improvement when compared to the same time period last year. 8 Indicators which met their target showed a negative trend when being compared to last year.
- 24% of Indicators were off target this quarter. 2 of these indicators showed an improvement when compared to last year. 4 indicators showed a negative trend.
- There are 17 Indicators which are contextual this quarter and do not have a target to meet. When compared to last year, 11 of the contextual measures showed a negative trend, 5 measures showed an improved trend and 1 measure show no change.
- 1 Projects/Actions within Priority 3 has been identified as not progressing as expected.

All Qtr. 1 Summary Project Status Split

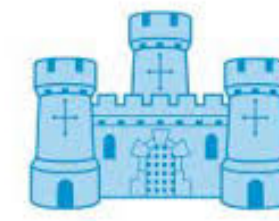
● Project/Action is Not Progressing as Expected ● Project/Action is Progressing as Expected



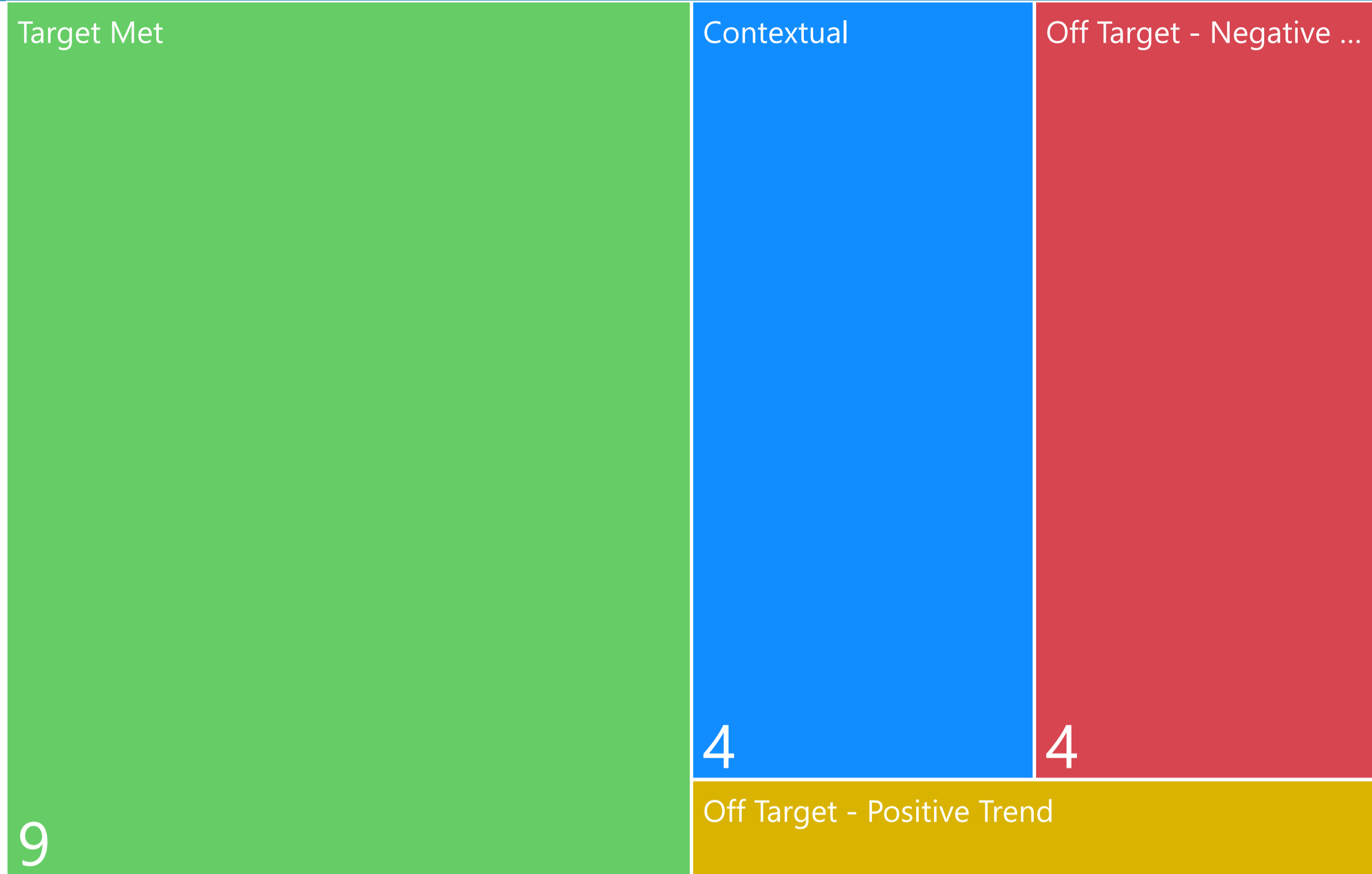
All Qtr.1 Trend Status of PI's Compared On Same Qtr in the Previous Financial Year



● Deterioration of Previous Year ● Improvement of Previous Year ● No Change



Priority 1: Performance Indicators Current Status



Corporate Aim (Priority)	Number of Indicators
Priority 1: One Council delivering for Local People	18

Smart Narrative

- There are 18 Indicators which have set targets this quarter within Priority 1.
- 64% met their targets within Quarter One. 4 Indicators which met their target also showed improvement when compared to the same time period last year. 5 Indicators which met their target showed a negative trend when being compared to last year.
- 36% of Indicators were classed as off target this quarter. Only 1 of these indicators showed an improvement when compared to last year. 4 indicators showed a negative trend.
- There are 4 Indicators which are contextual this quarter and do not have a target to meet. When compared to last year, 3 of these measures showed a negative trend whereas 1 of the measures showed a positive trend.
- All Projects/Actions within Priority 1 are classed to be progressing as expected.

Priority 1: Qtr. 1 Summary Project Status Split

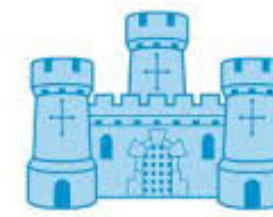
● Project/Action is Progressing as Expected



Priority 1: Qtr.1 Trend Status of PI's Compared On Same Qtr in the Previous Financial Year



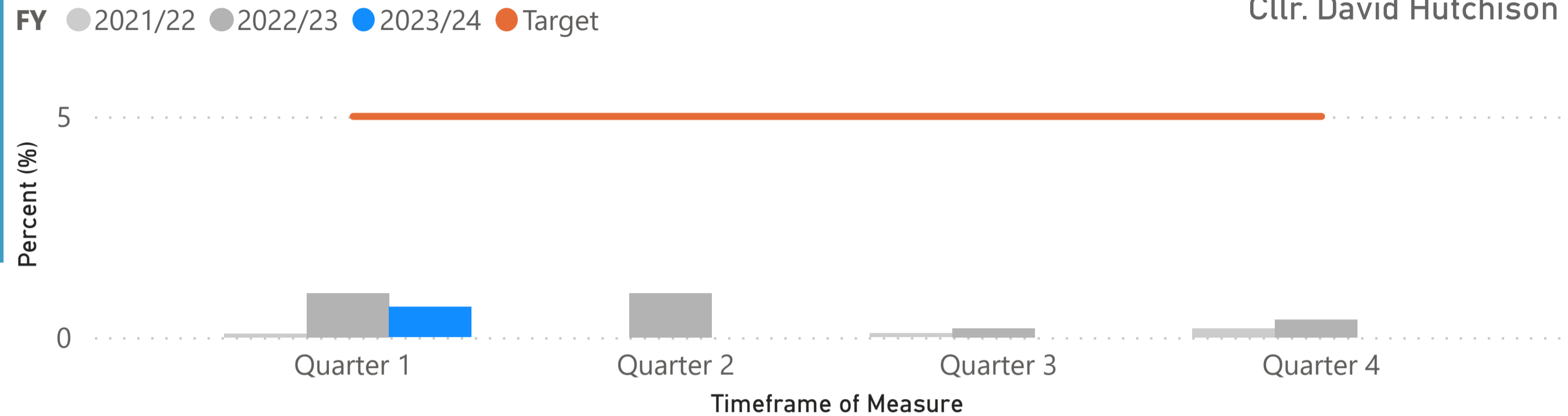
● Deterioration of Previous Year ● Improvement of Previous Year



ID1.1 - Percentage of food premises that have a zero or one national food hygiene rating **Current Status** **SMART Actions if Off Target**

Low
Is Good
Per
Quarter
(Snapshot)

Cllr. David Hutchison



0.69✓

Not Required as Target Met

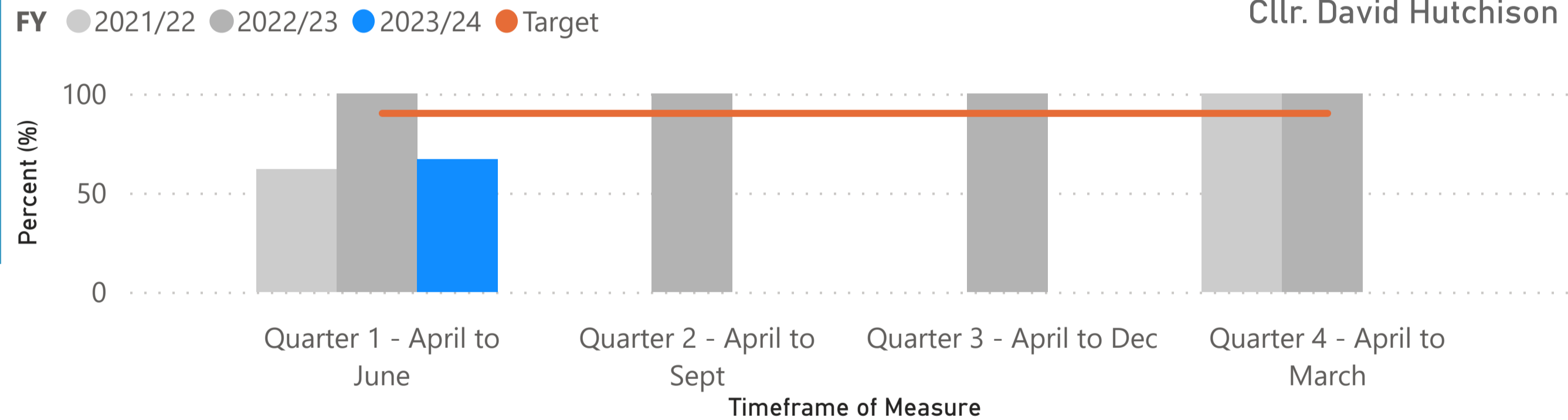
Target:
5.00

Positive
Yearly Trend

ID1.2 - Percentage of category A and B food business inspections completed on time **Current Status** **SMART Actions if Off Target**

High
Is Good
Cumulative
(Per
Annum)

Cllr. David Hutchison



67.00!

We did not achieve the target within quarter 1, however the overdue inspection was completed within 5 days of the quarter ending. 3 inspections were planned with 1 unable to be completed which resulted in the high percentage drop seen in quarter 1. Unfortunately this was due to staff absence and delays in obtaining access to the premises.

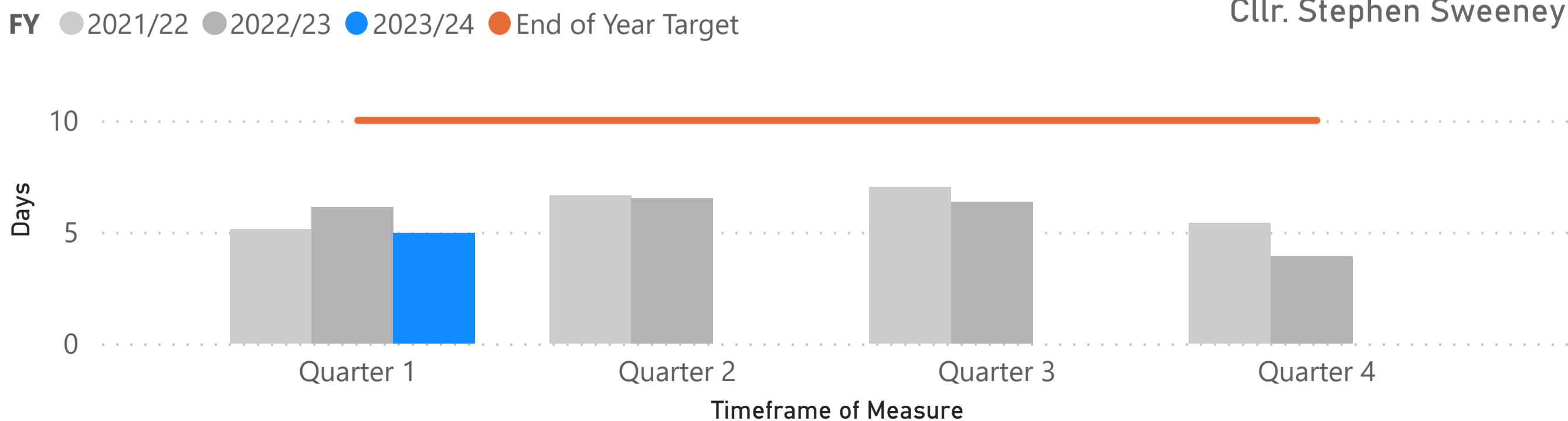
Target:
90.00

Negative
Yearly Trend

ID1.10 - Time taken to process Housing Benefit new claims/change events (Days) **Current Status** **SMART Actions if Off Target**

Low
Is Good
Cumulative
(Per
Annum)

Cllr. Stephen Sweeney

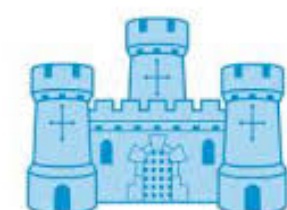


4.96✓

Not Required as Target Met

End of Year Target:
10.00

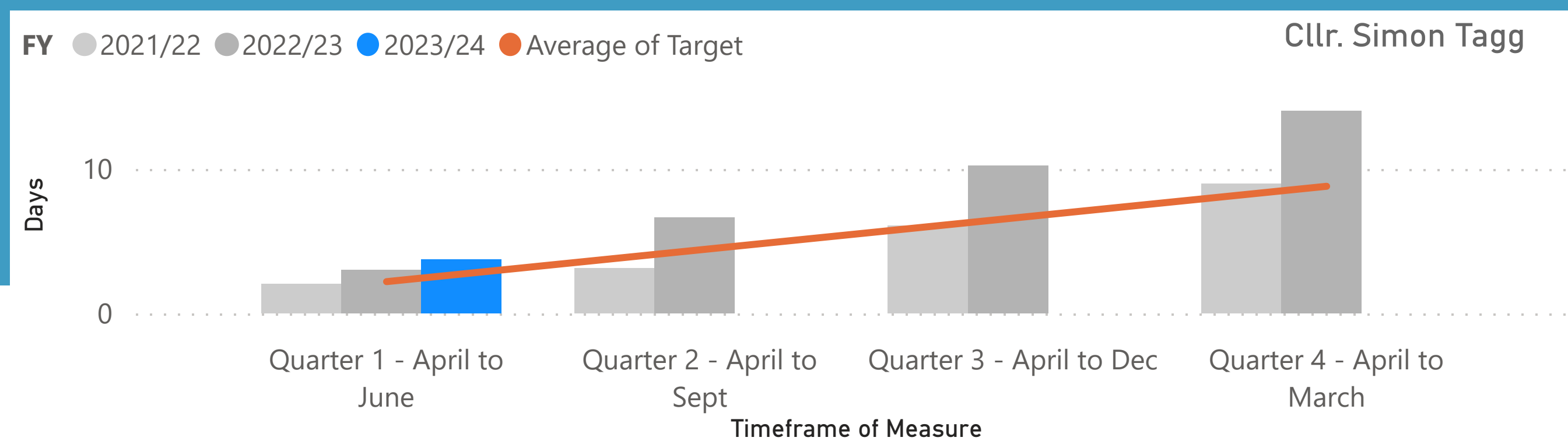
Positive
Yearly Trend



ID1.13 - Average number of days per employee lost to sickness - Per Employee Current Status SMART Actions if Off Target

Low
Is Good
Cumulative (Per Annum)

Negative
Yearly Trend



3.71!

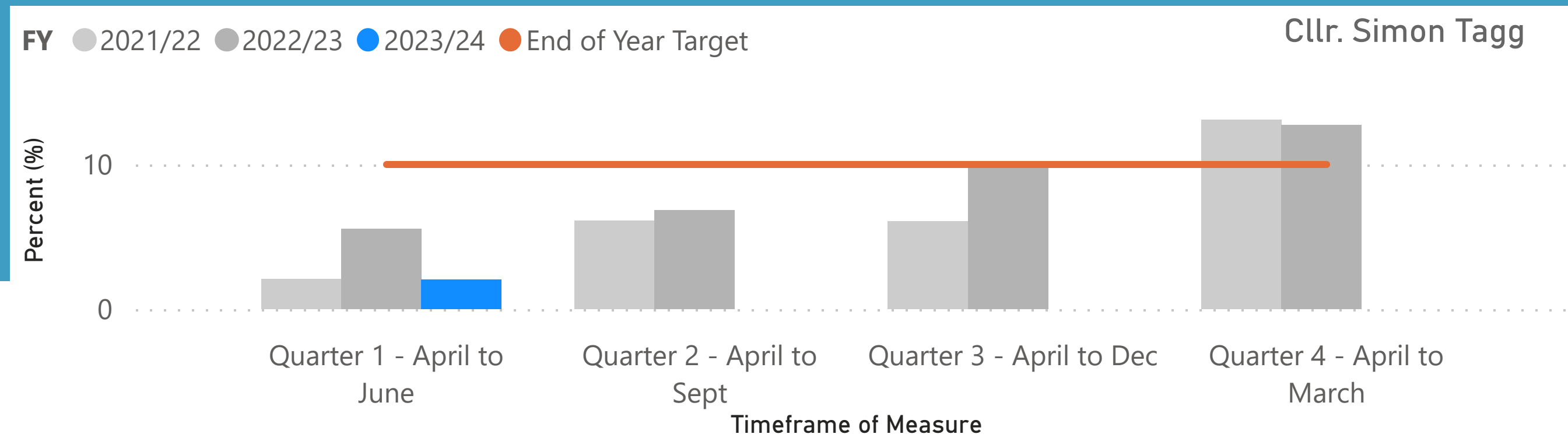
Target:
2.20

Sickness absence continues to remain above target, this mirrors the national picture and we have an action plan designed to try and address some of the challenges

ID1.14 - Staff Turnover Current Status SMART Actions if Off Target

Low
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



2.03✓

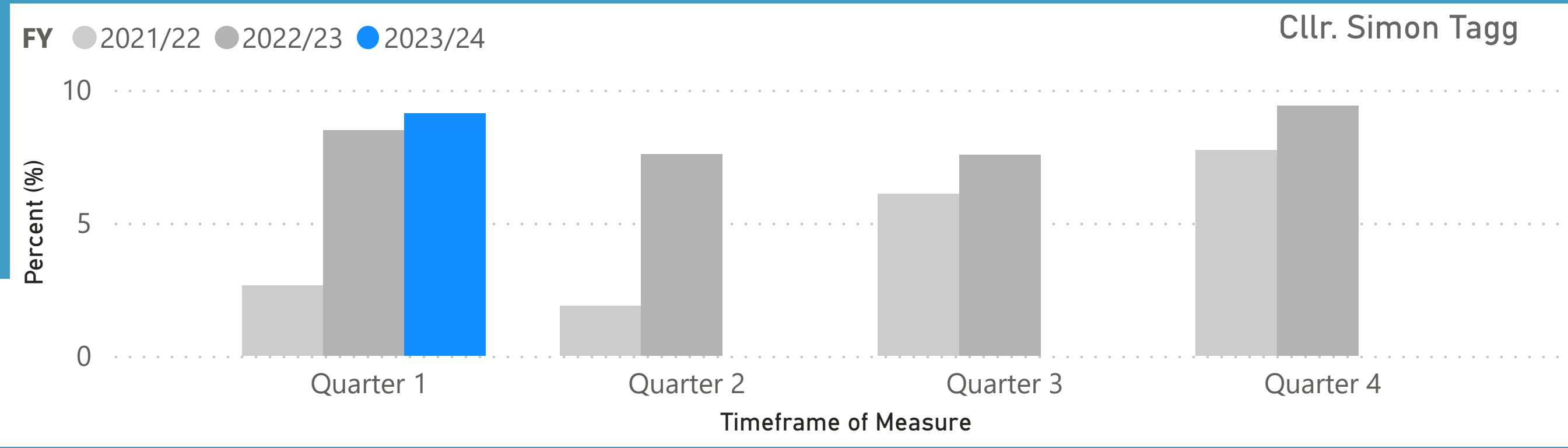
End of Year Target:
10.00

Not Required as Target Met

ID1.15 - Staff Vacancy Rate Current Status SMART Actions if Off Target

Low
Is Good
Per Quarter (Snapshot)

Negative
Yearly Trend



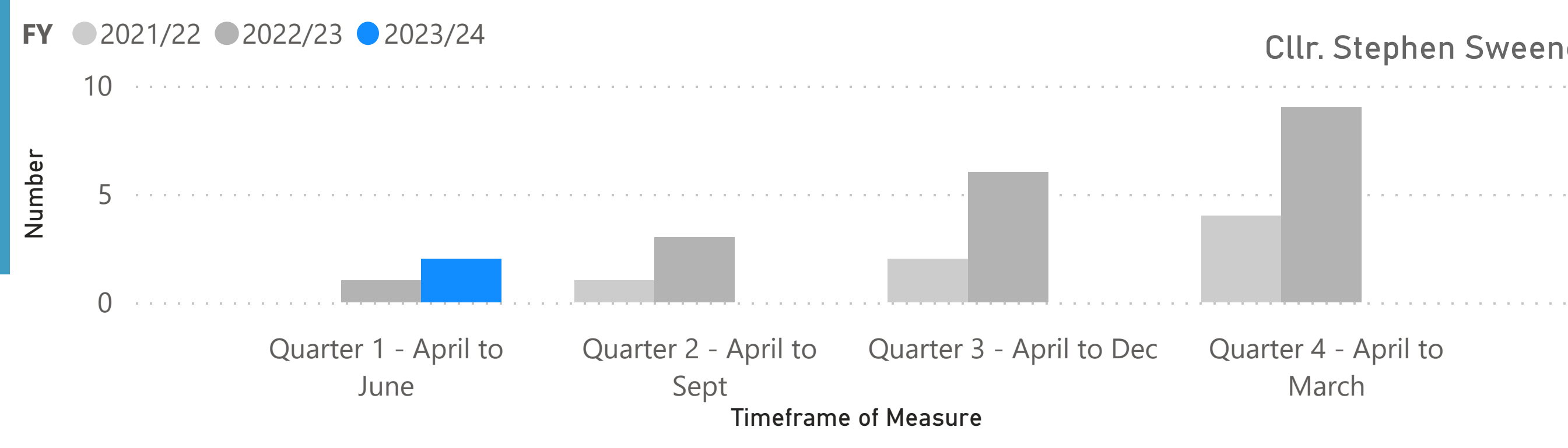
9.11

Vacancy rates remain above baseline value of 6.6, however some of this relates to restructures and cost saving exercises

ID1.3 - No. Accidents/Incidents reported (RIDDOR) Current Status SMART Actions if Off Target

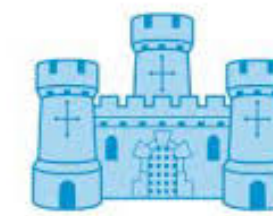
Low
Is Good
Cumulative (Per Annum)

Negative
Yearly Trend



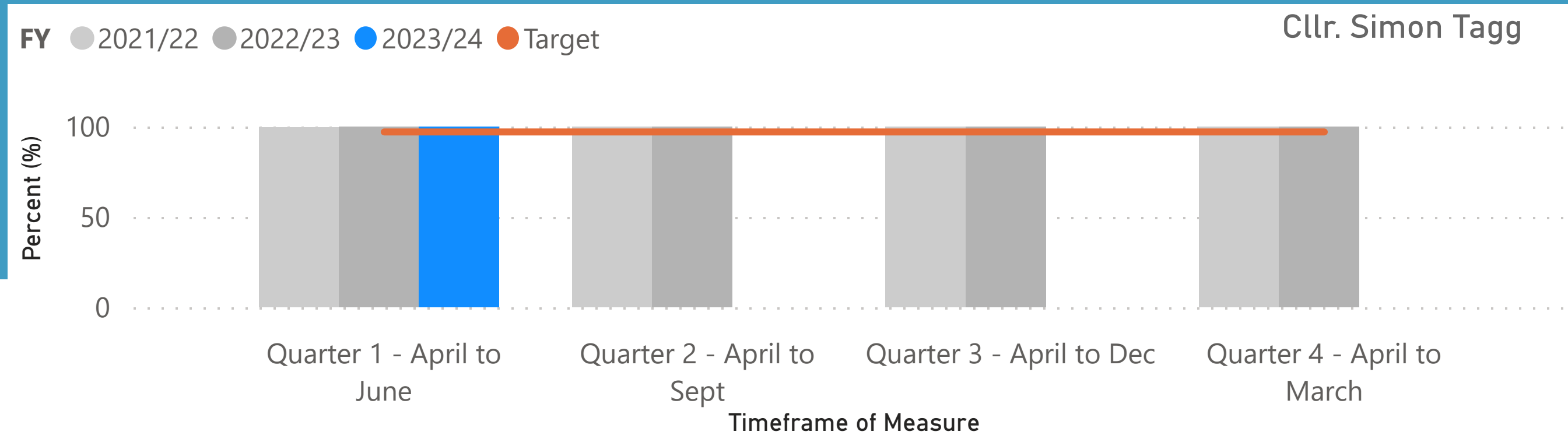
2.00

There has been 1 more accident reported when comparing against Quarter 1 of 2022/23 however if accidents remain this low over future quarters then it is anticipated that measure will fall below last year's outturn. Measure will be monitored to ensure that there are no abnormal spikes.



High ID1.6 - Percentage of Customer Hub requests resolved at first point of contact **Current Status** SMART Actions if Off Target

Is Good
Cumulative (Per Annum)



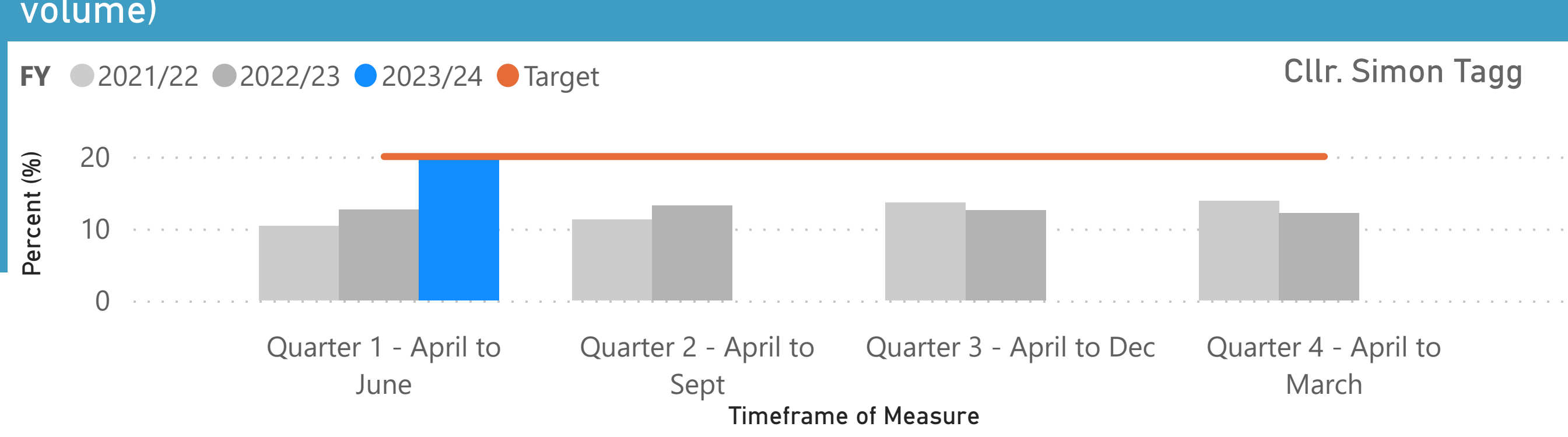
100.00 ✓
Target: 97.00

Not Required as Target Met

Positive
Yearly Trend

Low ID1.7 - % Unmet demand (number of calls not answered as a % of total call handling volume) **Current Status** SMART Actions if Off Target

Is Good
Cumulative (Per Annum)



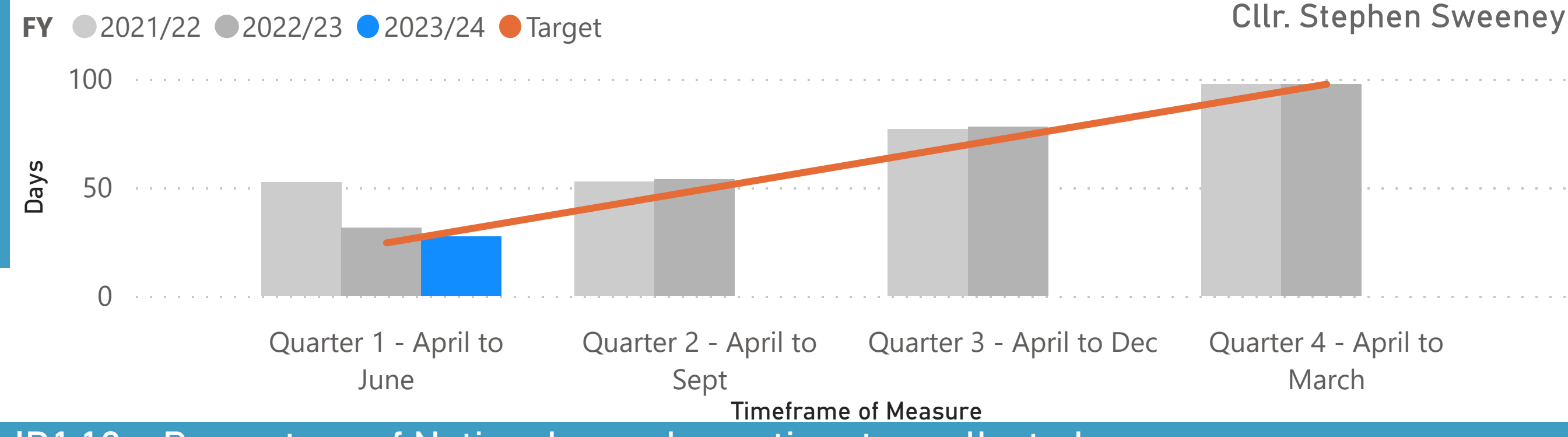
19.50 ✓
Target: 20.00

Target Met however to further improve measure 3 staff members have been diverted to the NHA project for the next 3 months which impacts on call handling. Elections have dispatched registrations forms which creates additional short term demand

Negative
Yearly Trend

High ID1.11 - Percentage of Council Tax collected **Current Status** SMART Actions if Off Target

Is Good
Cumulative (Per Annum)



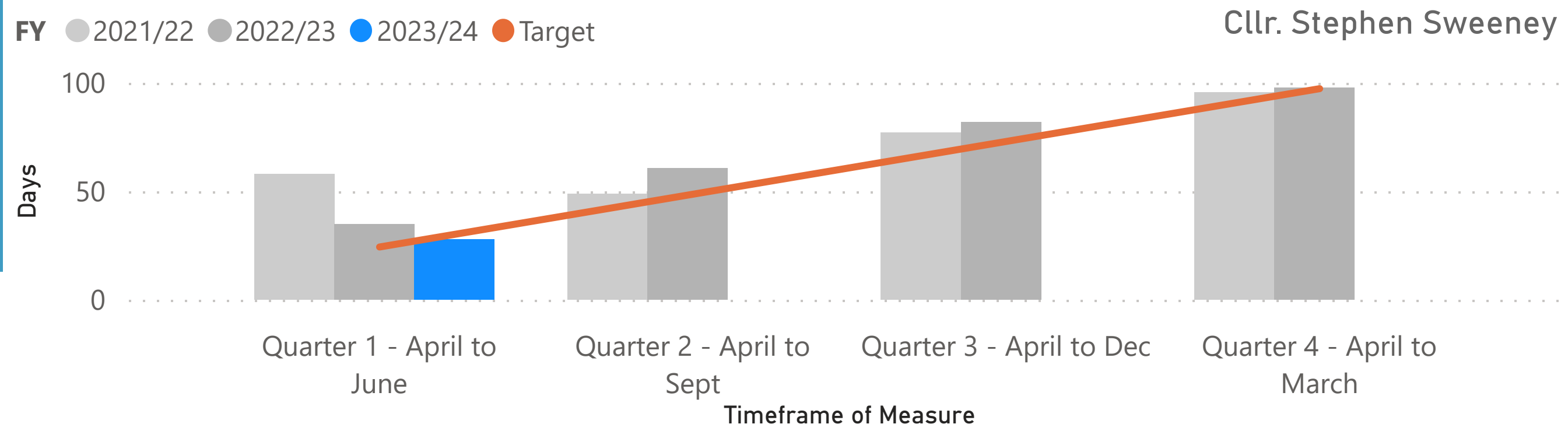
27.30 ✓
Target: 24.38

Not required as Target Met - Should be noted that measure is 4.1% lower than last year for same period

Negative
Yearly Trend

High ID1.12 - Percentage of National non-domestic rates collected **Current Status** SMART Actions if Off Target

Is Good
Cumulative (Per Annum)



27.70 ✓
Target: 24.33

Not required as Target Met - Should be noted that measure is 7% lower than last year for same period

Negative
Yearly Trend



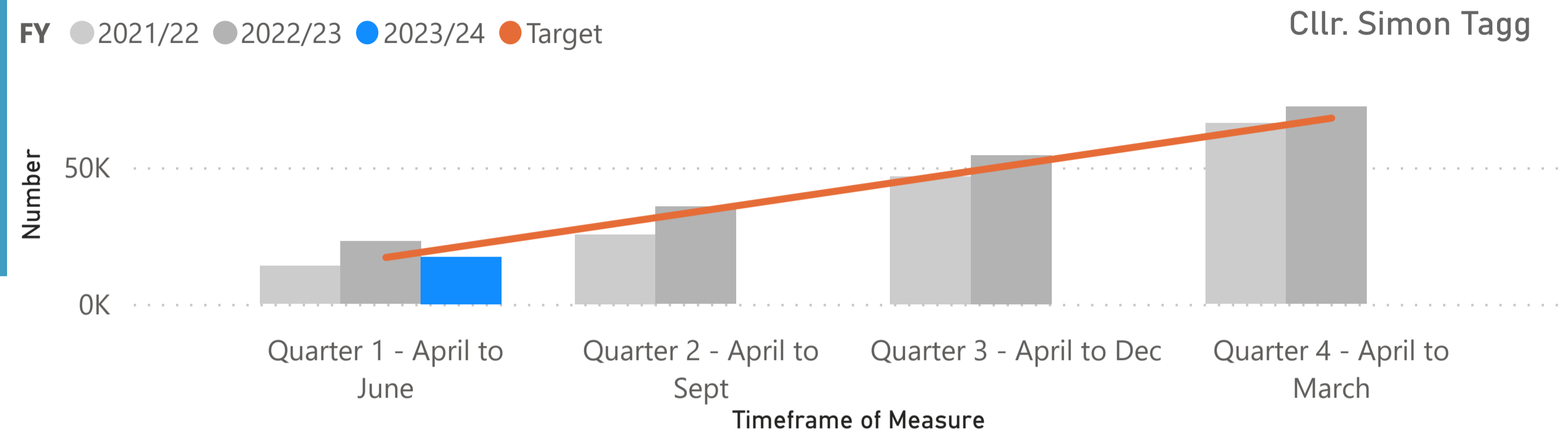
ID1.8a - Total number of digital online transactions

Current Status

SMART Actions if Off Target

High
Is Good
Cumulative (Per Annum)

Negative
Yearly Trend



17.28K ✓

Target:
17.00K

Target Met - Information Advice and Guidance has been reviewed, updated and standardised over the past 12 month with back end processes vastly improved. Number of Jadu Forms now being ran in Citizens Access. Jadu Forms account for 14040 and Citizens Access Transactions account for 3237 for Q1. Citizens Access Transactions were lower than expected in April due to NEC being down during this period.

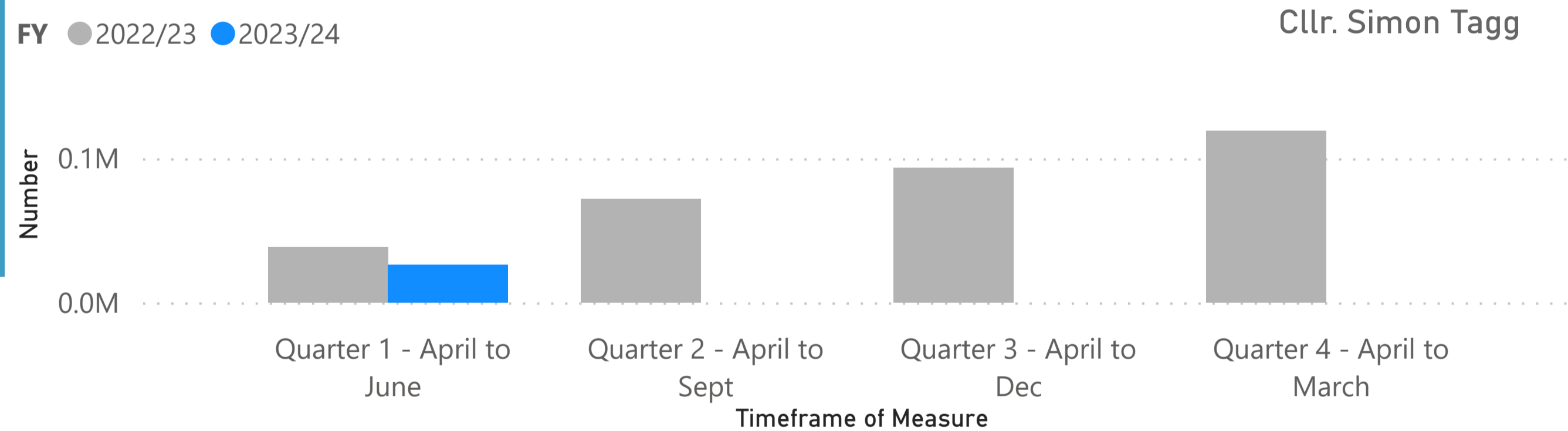
ID1.8b- Total number of calls offered into the Customer Hub

Current Status

SMART Actions if Off Target

Low
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



26.15K

Number of calls offered have dropped by 12439 when comparing against Quarter 1 from 2022/23. The improved digital forms and improved citizens access functionality will have had some impact as this can be related to the council providing better digital customer experiences than compared to a year ago. The large drop however is likely to have been impacted by other factors such as implementing of "5 a day" to remove work backlog and reduce failure demand into the council for customer chasing for updates.

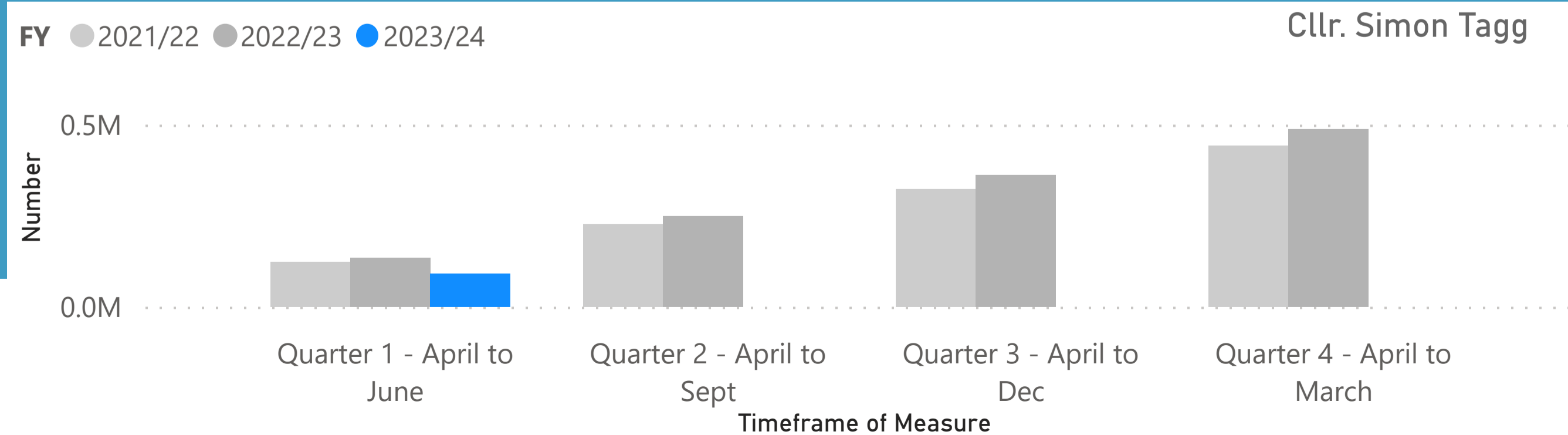
ID1.9 - Total number of unique users to the website

Current Status

SMART Actions if Off Target

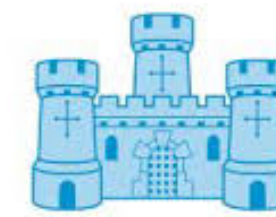
High
Is Good
Cumulative (Per Annum)

Negative
Yearly Trend



90.74K

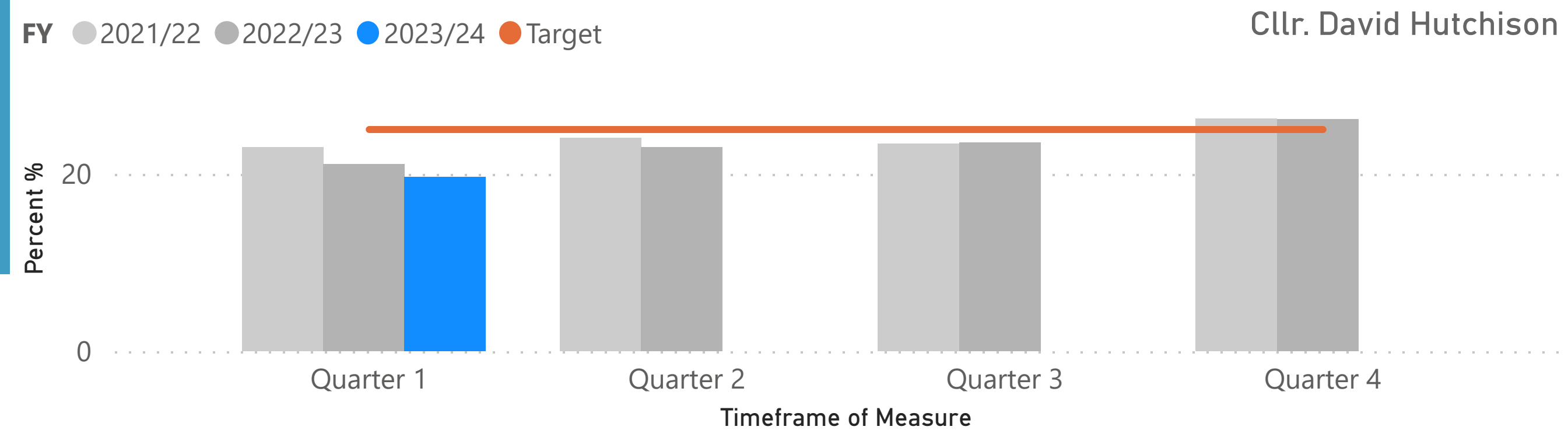
Google Analytics new version GA4 went live on the 1st July 2023 with the old version stopped recording new data. This new version is different to the original Google Analytics setup which has required new set up and an understanding on what what can be extracted out of it. Following investigations on GA4, we have been able to view active users for our website at particular date ranges. These figures are consistent and appropriate, but are significantly lower to the figures that we thought were correct previously. Looking at the dashboard figures in particular and Google's explanation behind the figures, we believe that the old report was not a true reflection of the users and was giving significant higher values than the actual figure. It is also worth noting that the change in Google Analytics versions has also impacted how certain metrics are calculated, so there may be some slight variation on figures while we adjust over to the new GA4 version.



ID1.4a - Dry Recycling:- Household collections from the kerbside (%) Current Status SMART Actions if Off Target

High
Is Good
Per Quarter (Snapshot)

Negative
Yearly Trend



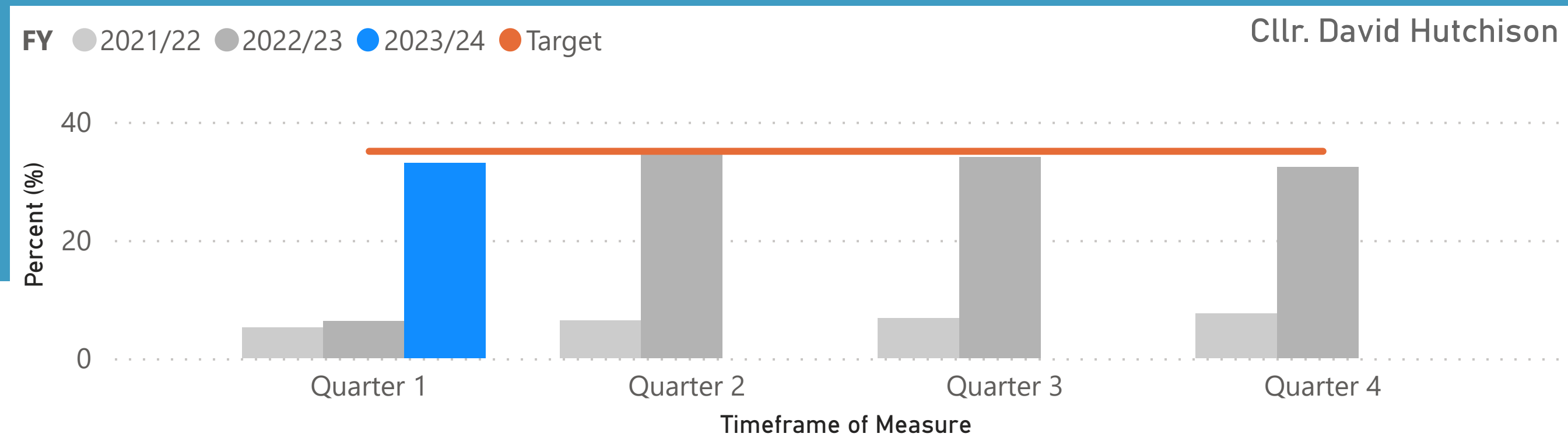
19.67!
Target: 25.00

Garden waste tonnage has increased disproportionately with better growing conditions. As this takes a bigger proportion of the whole, it has the effect of lowering the dry recycling percentage. That said tonnages of recycling and general waste are dropping probably due to cost of living crisis. This is being seen across the country.

ID1.4b - Food:- Household collections from the kerbside (%) Current Status SMART Actions if Off Target

High
Is Good
Per Quarter (Snapshot)

Positive
Yearly Trend



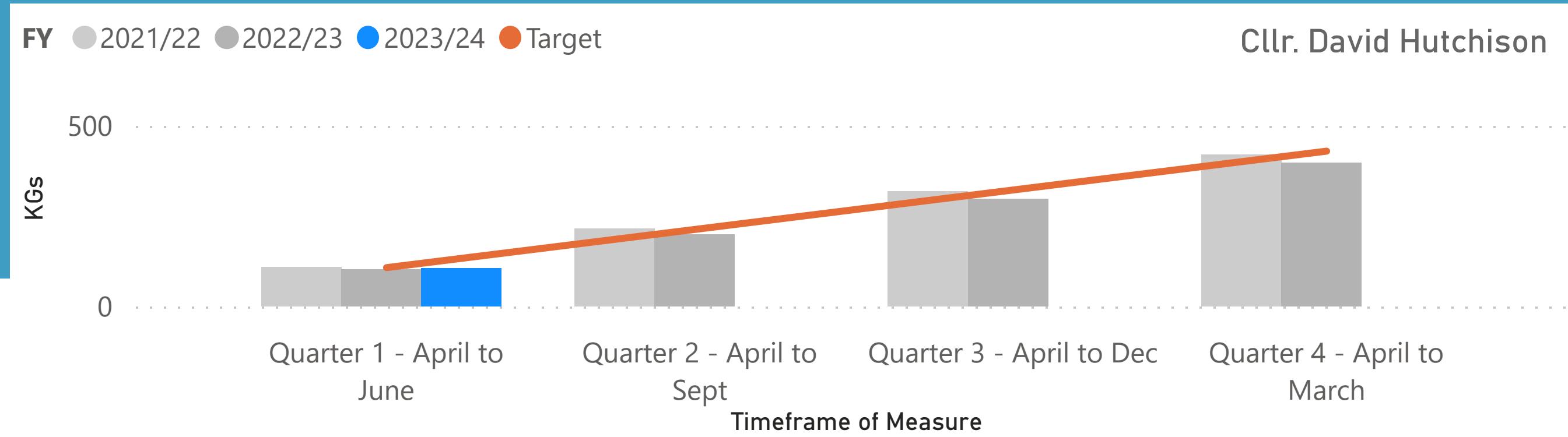
33.00.
Target: 35.00

Measure is under target by 2% however is vastly improved upon from Quarter 1 in financial year 22/23 and also showing improvements from last year's outturn. Under Target due to new targets set for 23/24 to help drive councils performance with measure heading in the right direction to meet this.

ID1.4c - Residual Waste per household:- Household collections from the kerbside (Kgs) Current Status SMART Actions if Off Target

Low
Is Good
Cumulative (Per Annum)

Negative
Yearly Trend



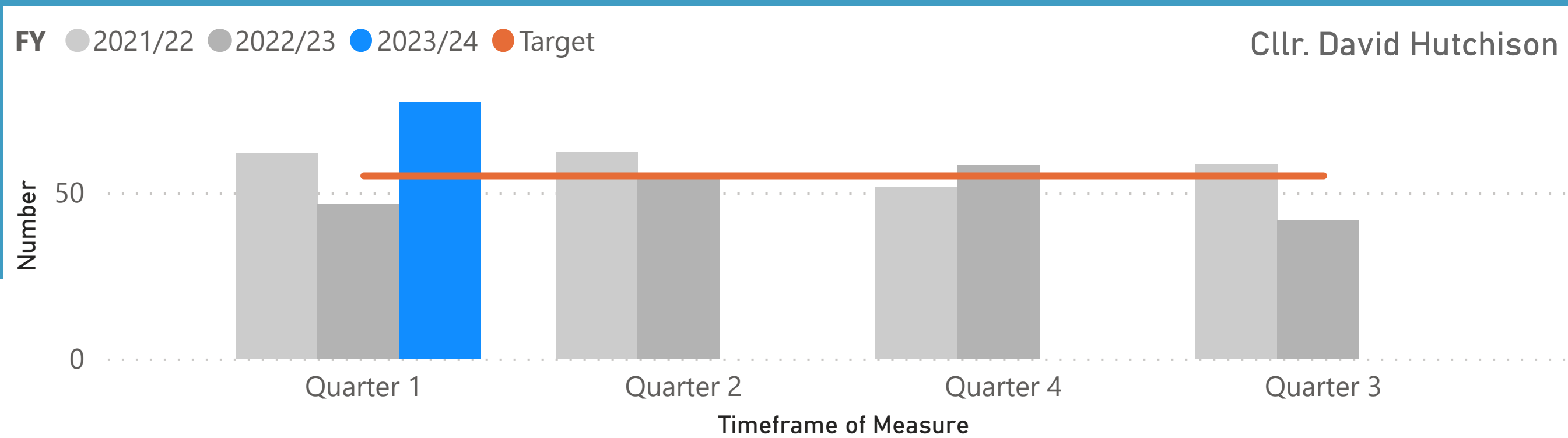
106.20✓
Target: 107.50

Not Required as Target Met

ID1.4d - Number of missed kerbside collections:- Total (per 100,000 collections) Current Status SMART Actions if Off Target

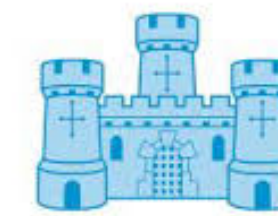
Low
Is Good
Per Quarter (Snapshot)

Negative
Yearly Trend



77.05!
Target: 55.00

High sickness level and other vehicle issues have affected collections across all services. This unfortunately has had a knock on effect on missed collections

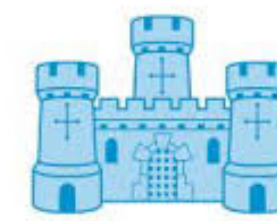


Project Status Split for Priority 1.

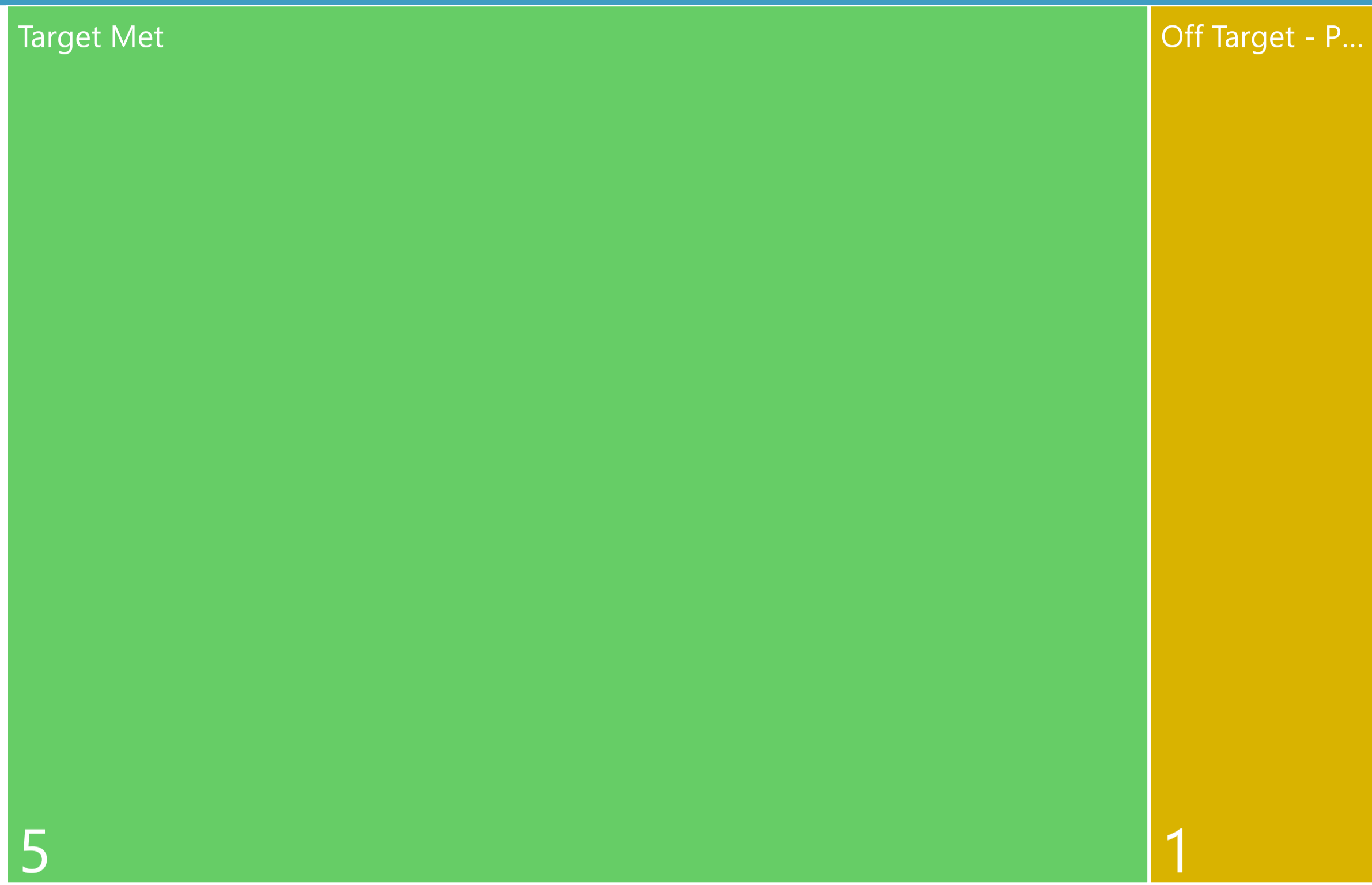
Project/Action is Progressing as Expected

5

Portfolio Holder	Service Area	Action	Corporate Objective	Status report	Commentary on progress
Cllr. Simon Tagg	1. Strategy, People and Performance 2. All services	Deliver a Workforce Strategy	Develop professional talent across the Council and provide opportunities for staff to grow their careers	✔ Project/Action is Progressing as Expected	Work has begun on development of a People Strategy which aims at ensuring resourcing and talent management, culture and performance goals are realised long term through development of our people and capability.
Cllr. Simon Tagg	1. Strategy, People and Performance 2. IT and Digital 3. Neighbourhoods 4. All (digital enablement)	Deliver the One Council Programme	Ensure our services are efficient and accessible	✔ Project/Action is Progressing as Expected	The One Council programme remains on target for benefit delivery within timescales. Work continues across services and consideration is being given as to how continuous improvement can be embedded post programme.
Cllr. Stephen Sweeney	1. Commercial Delivery 2. Finance 3. Legal & Governance	Identify and deliver opportunities to generate income from commercial development	Ensure strong financial discipline across the Council	✔ Project/Action is Progressing as Expected	1. The museum is continuing to run a range of events, many of which are 850 focussed to increase visitor numbers and spend. 2. Bereavement services are promoting the availability of services and burials, plus looking at increasing the range of memorial options available. 3. Initial species surveys for the land at Keele are being undertaken as part of the investigations into the potential solar scheme.
Cllr. Simon Tagg	1. Strategy, People and Performance 2. All services	Work with our communities to ensure services reflect local need	Work with our communities to ensure services reflect local need	✔ Project/Action is Progressing as Expected	An element of the People Strategy focusses on ensuring inclusivity and equal opportunity of recruitment processes aiming for a workforce which mirrors the local population.
Cllr. Simon Tagg	1. Strategy, People and Performance 2. neighbourhoods 3. Regulatory	Work with partners to deliver the best for our communities	Work with partners to deliver the best for our communities	✔ Project/Action is Progressing as Expected	The Newcastle Partnership Board are meeting regularly to address key themes facing our residents. Work is ongoing to provide cost of living support and guidance, employment opportunities and community safety initiatives.



Priority 2: Performance Indicators Current Status



Corporate Aim (Priority)	Number of Indicators
Priority 2: A Successful and Sustainable Growing Borough	6

Smart Narrative

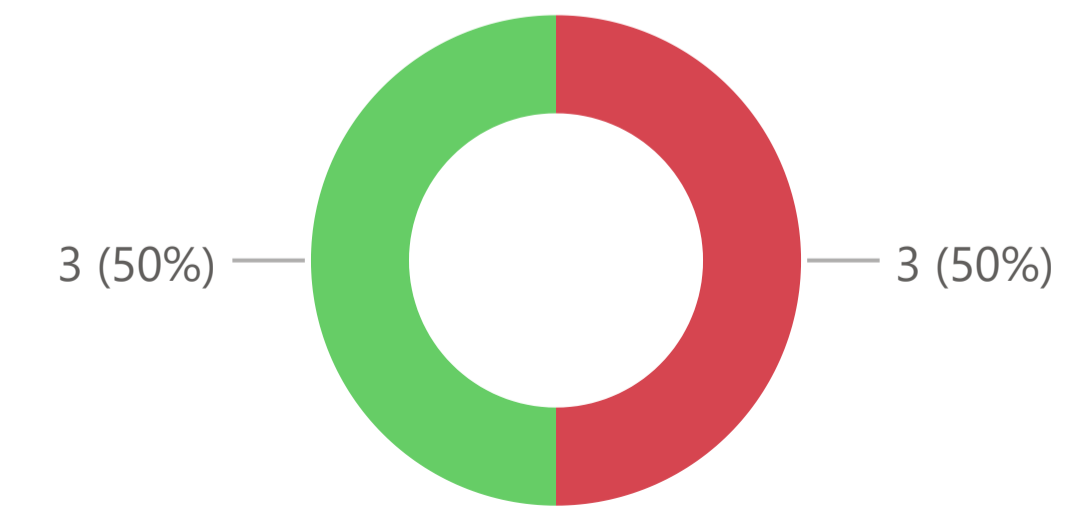
- There are 6 Indicators which have set targets this quarter within Priority 2.
- 83% met their targets within Quarter One. 2 Indicators which met their target showed improvement when compared to the same time period last year. 3 Indicators which met their target showed a negative trend when being compared to last year.
- There is 1 measure (2.6) shown as off target this qquarter which equates to 17% overall. This measure however did show an improvement when compared to the previous financial year.
- All Projects/Actions within Priority 2 are classed to be progressing as expected.

Priority 2: Qtr. 1 Summary Project Status Split

● Project/Action is Progressing as Expected



Priority 2: Qtr.1 Trend Status of PI's Compared On Same Qtr in the Previous Financial Year



● Deterioration of Previous Year ● Improvement of Previous Year



ID2.1 - Percentage of investment portfolio vacant (NBC owned)

Current Status

SMART Actions if Off Target

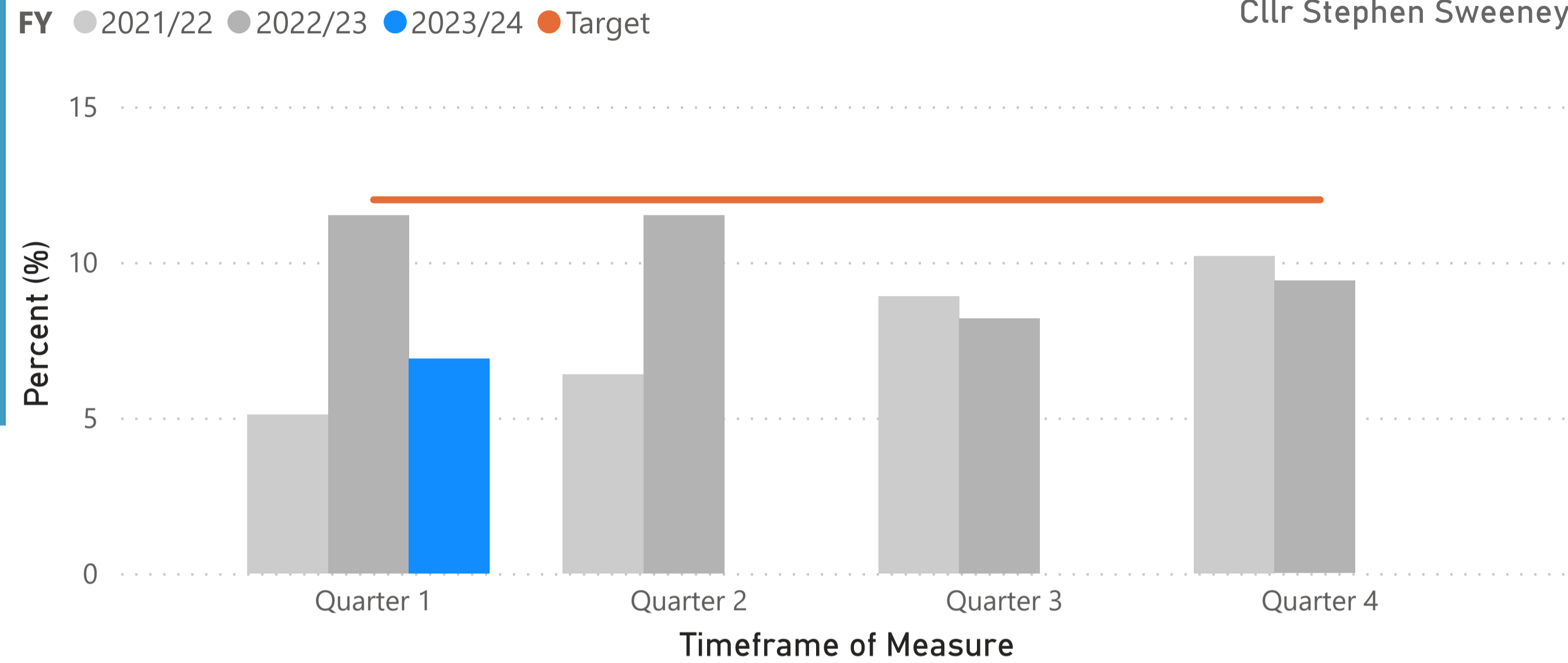
Low

Is Good

Per Quarter (Snapshot)

Positive

Yearly Trend



Cllr Stephen Sweeney

6.90✓

The number of properties % vacant is below target

Target:

12.00

ID2.6 - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control

Current Status

SMART Actions if Off Target

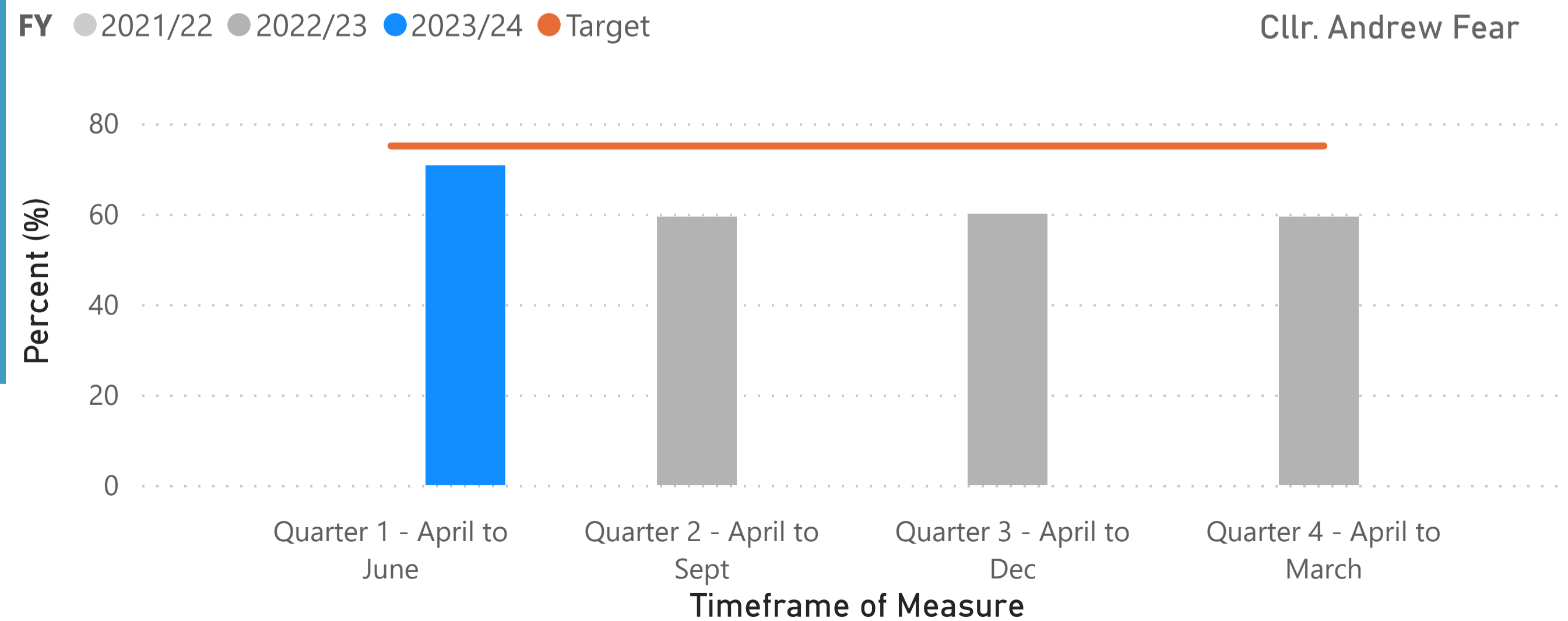
High

Is Good

Cumulative (Per Annum)

Positive

Yearly Trend



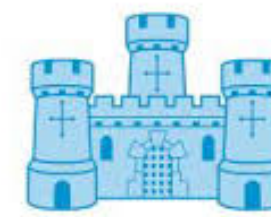
Cllr. Andrew Fear

70.70•

This is a significant improvement from the previous quarter but the number of complaints received remains high. A review is currently being undertaken of the enforcement policy and procedures including the resource implications arising from this. The service is also currently under review as part of the 'One Council' approach

Target:

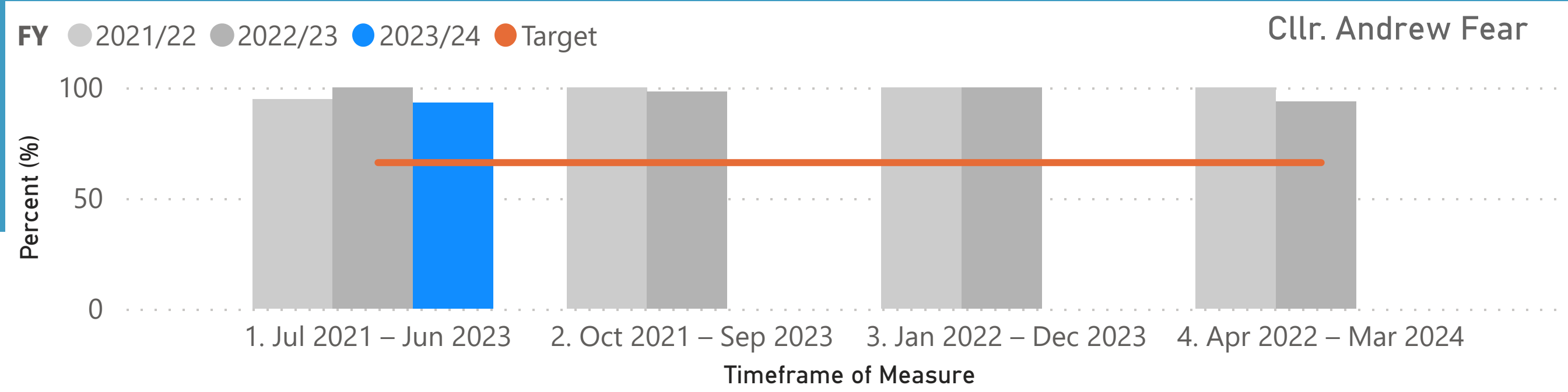
75.00



High ID2.2 - Speed of major development applications (P151a - 24 Month Rolling Period up to End of Each Quarter) Current Status SMART Actions if Off Target

Is Good
Planning

Negative
Yearly Trend



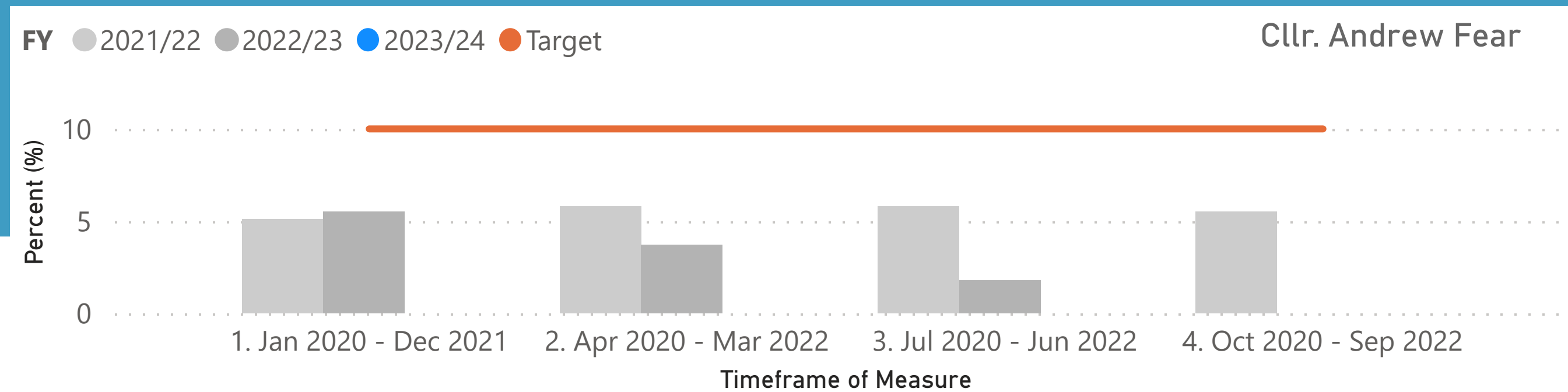
Cllr. Andrew Fear
93.00 ✓
Target: 66.00

Measure shown is the % within 13 weeks or within agreed time - Central Gov metric which measures a rolling time period of 24 months - Newest metric shows the following time period July 2021 - June 2023

Low ID2.3 - Quality of major development applications (P152a - 24 Month Rolling Period - See SMART Actions) Current Status SMART Actions if Off Target

Is Good
Planning

Positive
Yearly Trend



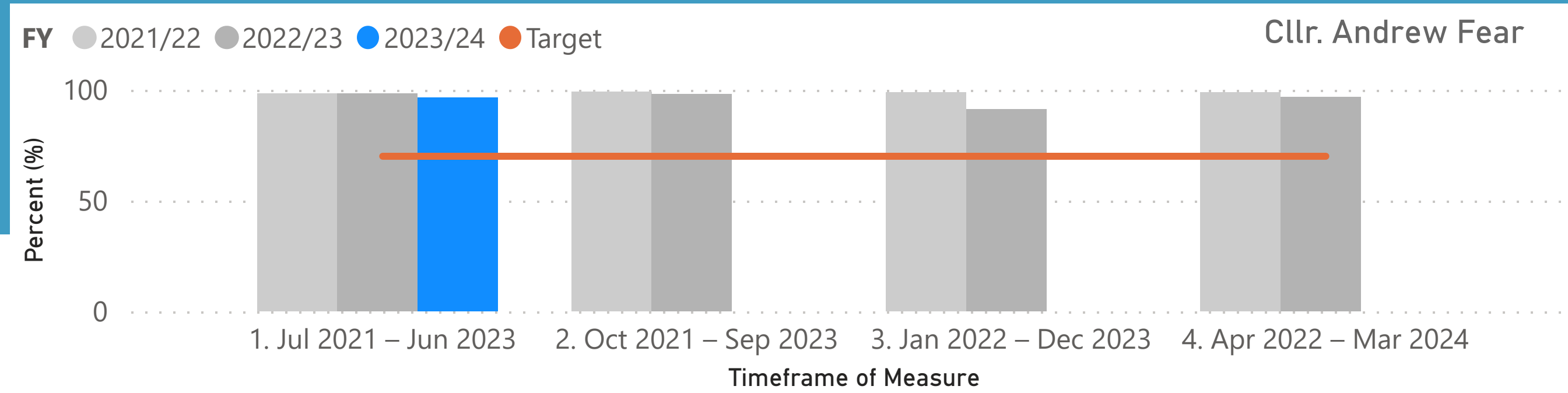
Cllr. Andrew Fear
0.00 ✓
Target: 10.00

Measure shown is the Quality of decisions (% overturned at appeal) - Central Gov metric which measures a rolling time period of 24 months - They have currently advised they are behind schedule. Newest metric shows the following time period January 2020 - December 2021

High ID2.4 - Speed of non-major development applications (P153 - 24 Month Rolling Period up to End of Each Quarter) Current Status SMART Actions if Off Target

Is Good
Planning

Negative
Yearly Trend



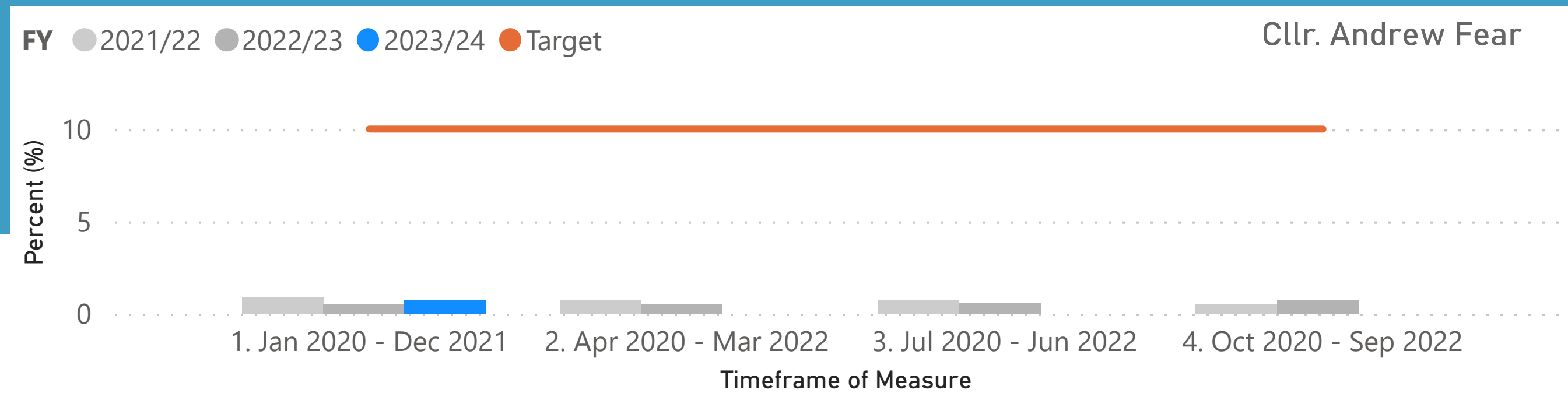
Cllr. Andrew Fear
96.40 ✓
Target: 70.00

Measure shown is the % within 8 weeks or within agreed time - Central Gov metric which measures a rolling time period of 24 months - Newest metric shows the following time period July 2021 - June 2023

Low ID2.5 - Quality of non-major development applications (P154 - 24 Month Rolling Period - See SMART Actions) Current Status SMART Actions if Off Target

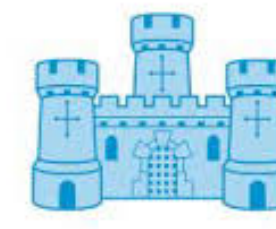
Is Good
Planning

Negative
Yearly Trend



Cllr. Andrew Fear
0.70 ✓
Target: 10.00

Measure shown is the Quality of decisions (% overturned at appeal) - Central Gov metric which measures a rolling time period of 24 months - They have currently advised they are behind schedule. Newest metric shows the following time period January 2020 - December 2021

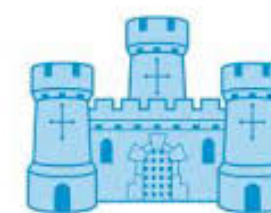


Project Status Split for Priority 2.

Project/Action is Progressing as Expected

10

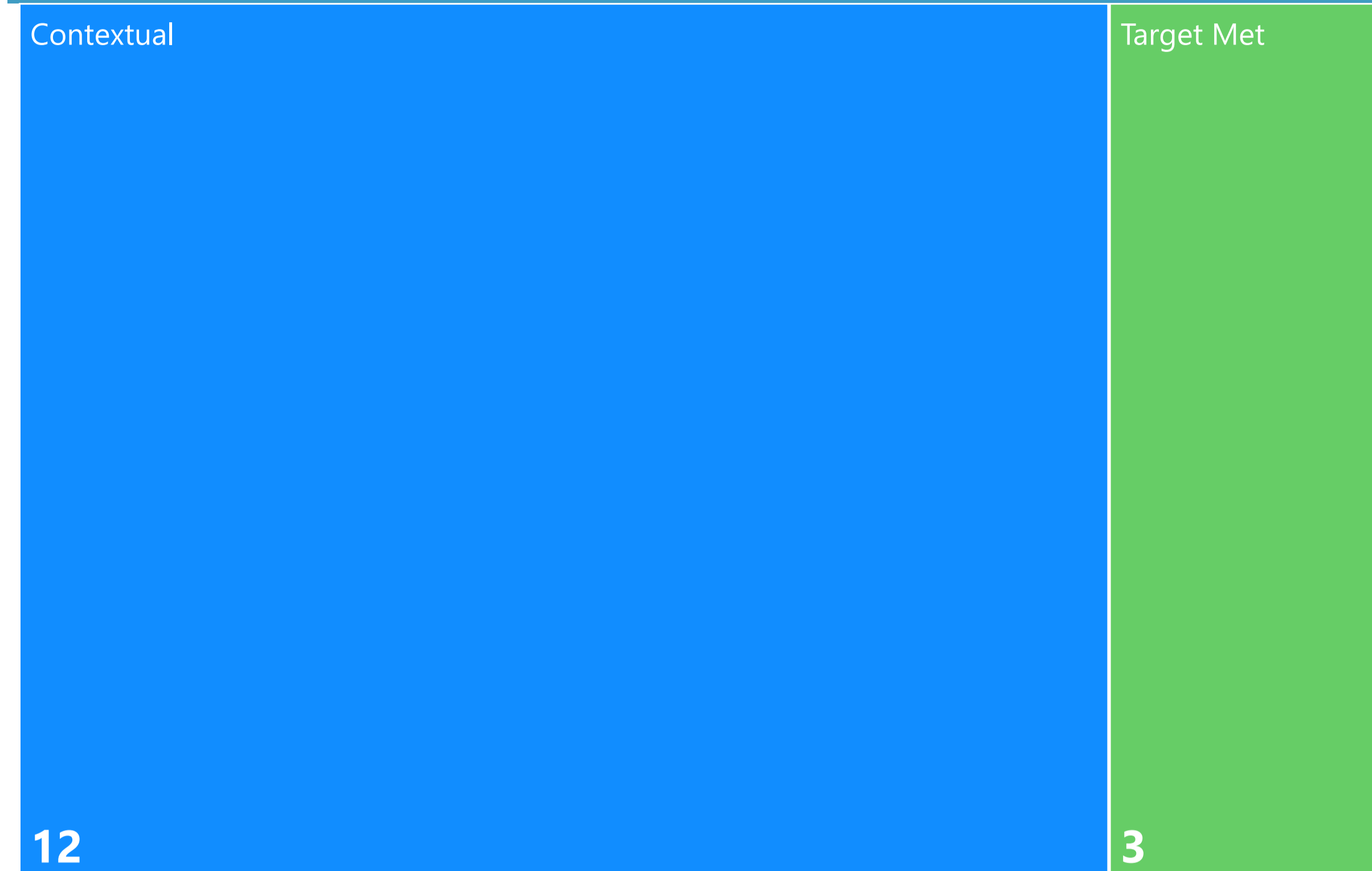
Portfolio Holder	Service Area	Action	Corporate Objective	Status report	Commentary on progress
Cllr. Andrew Fear	1. Planning 2. Legal & Governance	Delivering the Newcastle Local Plan	Support the sustainable development of our towns and villages	✔ Project/Action is Progressing as Expected	Public consultation on the Regulation 18 (First Draft) Local Plan started on the 19 June and lasts until the 14 August 2023. The 8 week consultation process is supported by consultation events taking place across the Borough. The team will consider all the responses received to the consultation process, alongside any additional evidence and will look to prepare the next stage of the Local Plan, in line with the timeframe of the Local Development Scheme.
Cllr. David Hutchison	1. Neighbourhoods	Protect our parks and green spaces for future generations	Ensuring that the Council's operations are carbon neutral by 2030	✔ Project/Action is Progressing as Expected	Phase 4 of the Urban Tree Planting Strategy is complete, including the 850 Lyme Forest at the former Keele Golf Course. Phase 5 is being planned for planting in winter 2023/24. Wildflower meadows have been planted at Sandy Lane and Winchester Drive open spaces.
Cllr. David Hutchison	1. Regulatory 2. Neighbourhoods	Secure a successful resolution to the Walley's Quarry odour problem.	Protecting our communities by improving how we use our enforcement powers.	✔ Project/Action is Progressing as Expected	Complaints of odour increased in April and May but have reduced in June. Monitoring and visits are continuing to support the investigation. A community event was attended along with partners from EA and UK-HSA. Project prioritisation is identification of the root cause of recent episodes.
Cllr. David Hutchison	1. Sustainable Environment 2. All	Deliver the Sustainable Environment Strategy	Ensuring that the Council's operations are carbon neutral by 2030	✔ Project/Action is Progressing as Expected	RoadMap contract in final stages of completion. Scheduled for Cabinet along with updated Sustainable Environment Strategy for October 23.
Cllr. David Hutchison	1. Sustainable Environment 2. All	Play an active role in the Staffordshire Sustainability Board	Secure a carbon neutral Borough by 2050	✔ Project/Action is Progressing as Expected	The Council is playing a leading role in the SSB. we have taken a number of reports and updates for information / consideration of the board .
Cllr. Gill Heesom	1. Regulatory 2. Legal & Governance	Ensure that there are good homes for everyone and that every citizen has a safe and secure place to live	Ensure that there are good homes for everyone and that every citizen has a safe and secure place to live	✔ Project/Action is Progressing as Expected	The Disabled Facilities Grant service transferred from being a commissioned service to being provided in house on 1st April 2023. A backlog of cases had built up which the service is working through and has an aim to reduce the time from enquiry through to completion of works.
Cllr. Stephen Sweeney	1. Commercial Delivery 2. Strategy, People and Performance 3. Finance	Continue to bid for government funding to support the borough's ambitions, including the further development of Keele Science and Innovation Park and the University Growth Corridor.	A strong and sustainable economy where everyone benefits	✔ Project/Action is Progressing as Expected	Successful bids for Future High Street Funding, two Town Deals and the delivery plan for the Shared Prosperity Fund has been approved. Levelling Up Fund 2 bid was unsuccessful. Awaiting news on Levelling Up Fund 3.



Portfolio Holder	Service Area	Action	Corporate Objective	Status report	Commentary on progress
Cllr. Stephen Sweeney	Commercial Delivery	Delivering the £16m Kidsgrove Town Deal, including: Facilitating the Chatterley Valley Enterprise Zone development to deliver 1700 quality jobs for local people; Enhancing Kidsgrove Railway Station and access to the local canal network; Developing a Shared Service Hub with key partners.	A strong and sustainable economy where everyone benefits	✔ Project/Action is Progressing as Expected	All projects have been approved for delivery by DLUHC. Kidsgrove Sports Centre project is complete. Town Deal funded element of Chatterley Valley link road is complete with delivery continuing through other funding sources. Grant funding agreement with Canal & River Trust now complete with delivery due to commence later this year. The Railway Station and Shared Service Hub projects remain under development with partners.
Cllr. Stephen Sweeney	Commercial Delivery	Delivering the £23m Newcastle Town Deal, including: Development of key gateway sites including the 'Zanzibar' and Midway; Connecting residents and businesses to skills training for the digital world; Improving bus, cycling and walking infrastructure; Delivering a circus-themed performing arts Centre; Building more than 400 homes in Knutton and Chesterton.	A strong and sustainable economy where everyone benefits	✔ Project/Action is Progressing as Expected	Eight of the nine Newcastle TD projects have been approved for delivery. The remaining one has been submitted and is awaiting approval. Grant funding agreements for the improved bus, cycling and walking infrastructure are at the final stage of development. Delivery of digital elements has progressed with the signing of a grant funding agreement for one element of delivery. Work continues with partners to deliver on the remaining projects for Knutton, Chesterton and key gateway sites.
Cllr. Stephen Sweeney	1. Commercial Delivery 2. Neighbourhoods	Delivering the £4.8m Uk Shared Prosperity Fund programme, including: Improving the town centre; Supporting culture and heritage; Skills development for local people; Supporting the most vulnerable people.	A strong and sustainable economy where everyone benefits	✔ Project/Action is Progressing as Expected	The delay in receiving confirmation of funding from Government created several reviews of the projects in line with meeting outcomes agreed in July 2022, this review meant operational delivery was either delayed with planning for operational delivery was affected. The communities and place projects revolved around the natural environment and over 8000 trees have been planted across the borough to support the biodiversity targets. The museum received investment as the external refurbishment took place and support to purchase internal provisions such as chairs, tables all adding to an increase of rental income and a more welcoming venue for tourists or visitors to the Borough. The UKSPF has invested in people in skills as the partnership with support Staffordshire has enabled the recruitment of a volunteer coordinator creating the opportunity for work experience and tackling confidence and mental wellbeing barriers. In April 2023 we saw the employment of two roles which will support the homeless as a Mental Health counsellor and Discharge officers were appointed to tackle the needs of those most vulnerable in the locality. The grant payment to BES (Business Enterprise Support) was seen as an investment in people and providing them with skills to register official as self-employed or as a SME business enterprise. The guidance and professional advice took the side hustle idea to reality with mentoring along the way and currently 8 people have taken on a business venture.



Priority 3: Performance Indicators Current Status



Corporate Aim (Priority)	Number of Indicators
Priority 3: Healthy, Active and Safe Communities	15

Smart Narrative

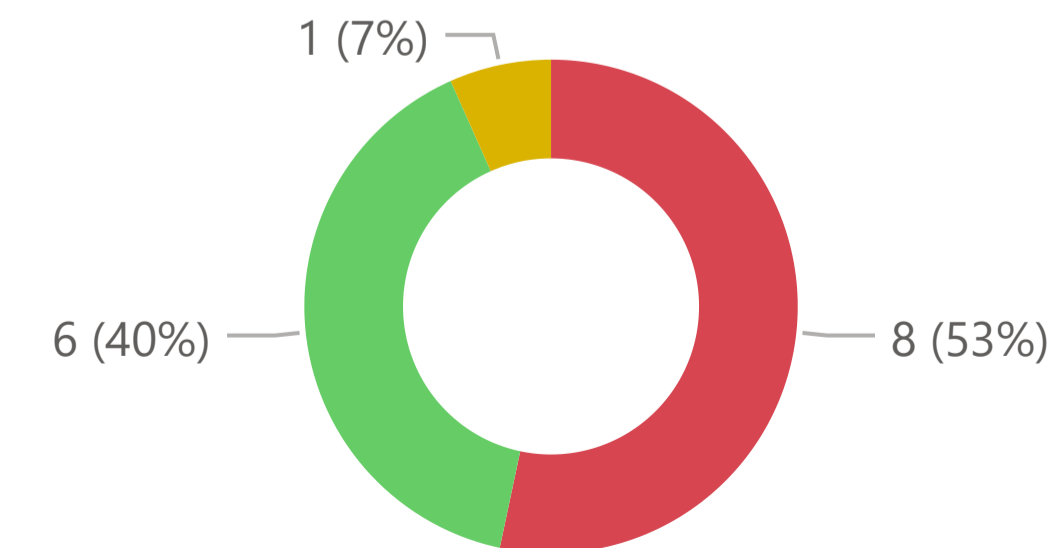
- There are 3 Indicators which have set targets this quarter within Priority 3.
- 100% met their targets within Quarter One. All 3 Indicators which met their target also showed improvement when compared to the same time period last year.
- No Indicators were classed as off target this quarter.
- There are 12 Indicators which are contextual this quarter and do not have a target to meet. When compared to last year, 8 measures had showed a negative trend, 3 measures demonstrated an improvement when comparing to 22/23; 1 contextual measure did not change.
- Within Priority 3, there was 1 Projects/Actions which was raised to not be progressing as expected and related to the following; "Further increasing recycling rates across the borough with a particular focus on food waste"

Priority 3: Qtr. 1 Summary Project Status Split

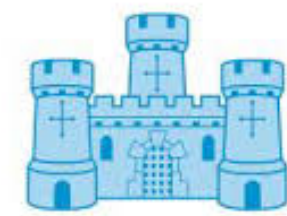
● Project/Action is Not Progressing as Expected ● Project/Action is Progressing as Expected



Priority 3: Qtr.1 Trend Status of PI's Compared On Same Qtr in the Previous Financial Year



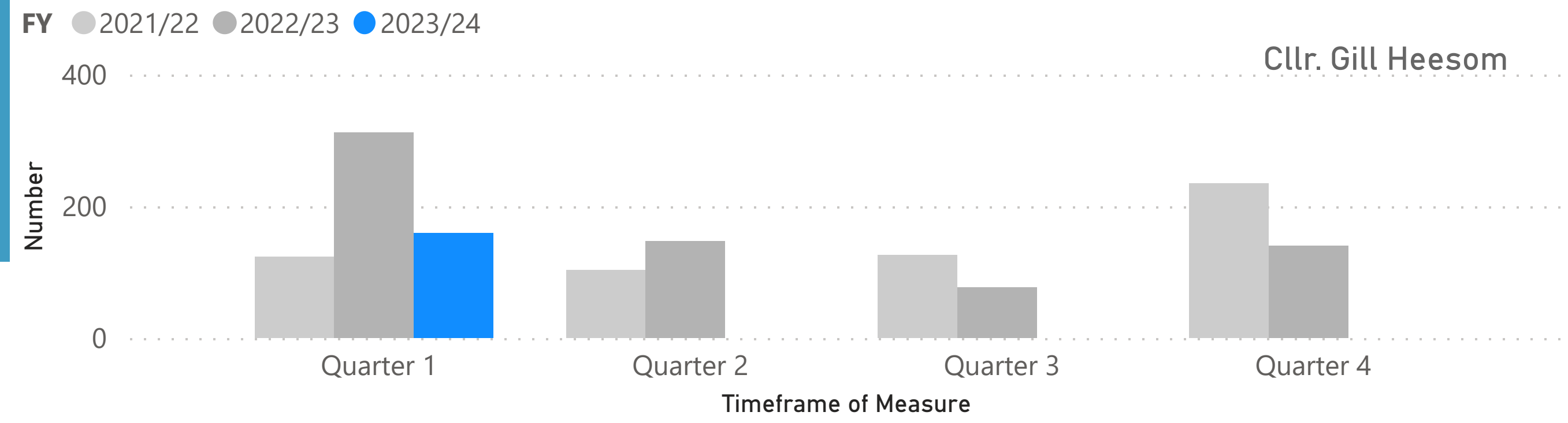
● Deterioration of Previous Year ● Improvement of Previous Year ● No Change



ID3.1a - Anti-Social Behaviour (ASB) cases - New cases received during the quarter Current Status SMART Actions if Off Target

Low
Is Good
Per
Quarter
(Snapshot)

Positive
Yearly Trend



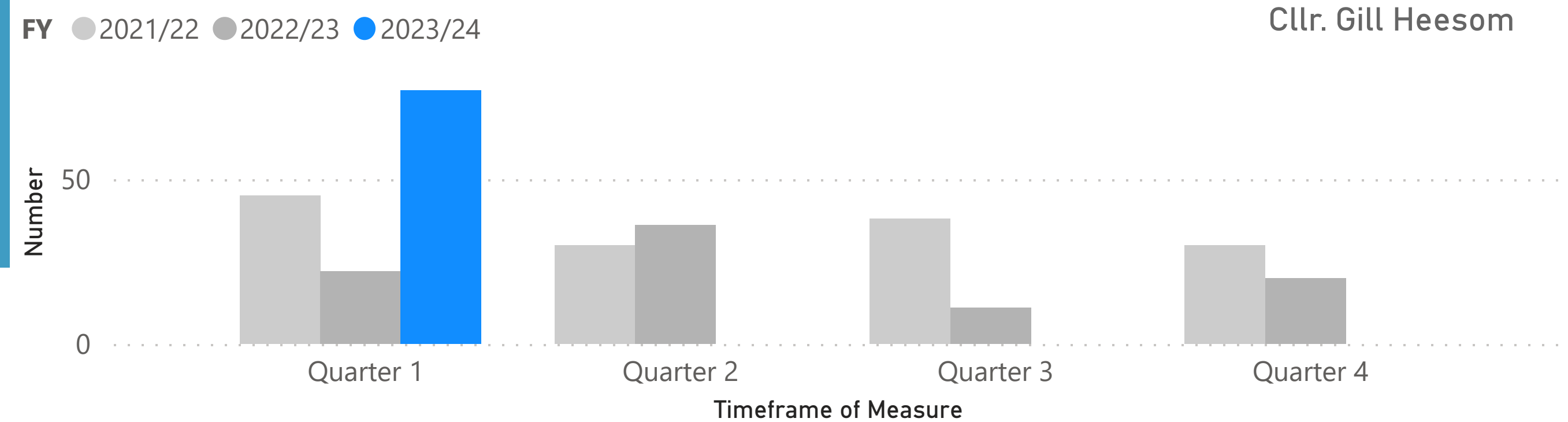
159.00

This measure is roughly on target with work continuing with a range of partner agencies to address ASB efficiently and effectively. We are also working on ways to encourage reporting of ASB to ensure that this is a fair reflection on ASB problems.

ID3.1b - (ASB) cases - Current open cases at the end of the quarter Current Status SMART Actions if Off Target

Low
Is Good
Per
Quarter
(Snapshot)

Negative
Yearly Trend



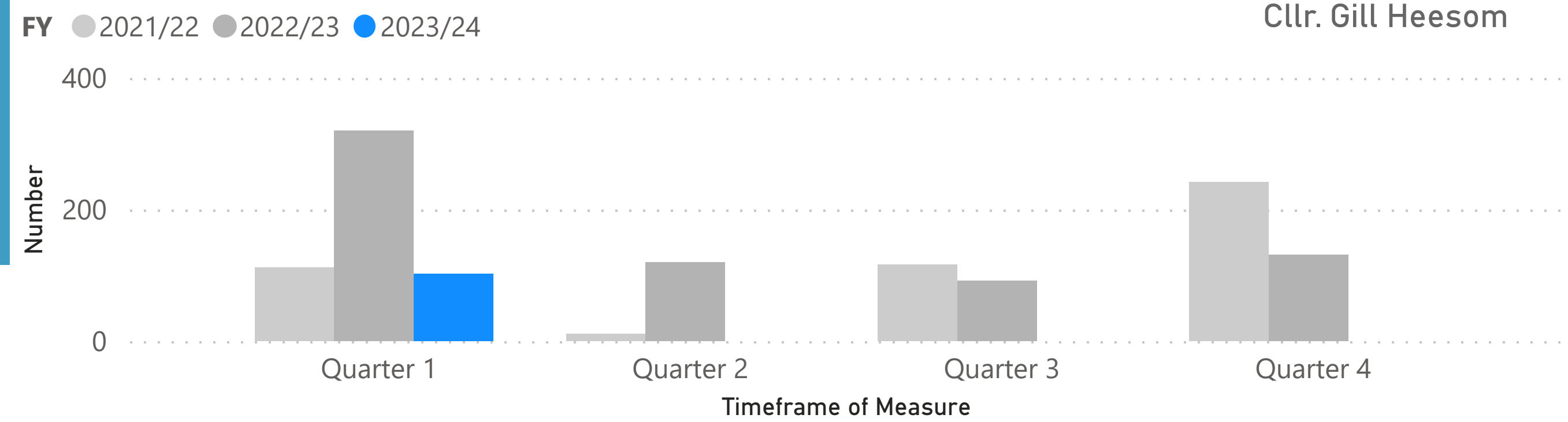
77.00

We continue partnership working to reduce ASB and ensure any complaints are dealt with efficiently and effectively in a timely manner. We are also working on ways to encourage reporting of ASB to ensure that this is a fair reflection on ASB problems.

ID3.1c - (ASB) cases - Cases closed in the quarter Current Status SMART Actions if Off Target

High
Is Good
Per
Quarter
(Snapshot)

Negative
Yearly Trend



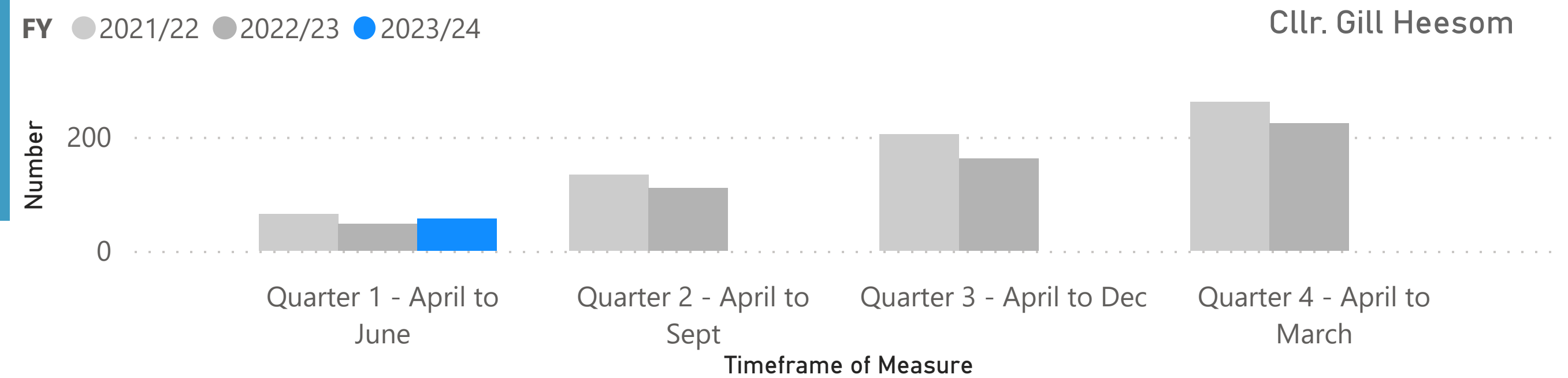
102.00

Value is also relative to the measure of new cases received. We continue partnership working to reduce ASB and ensure any complaints are dealt with efficiently and effectively in a timely manner.

ID3.2 - Number of referrals made regarding vulnerability by participating organisations at the Daily Hub Current Status SMART Actions if Off Target

Low
Is Good
Cumulative
(Per
Annum)

Negative
Yearly Trend



56.00

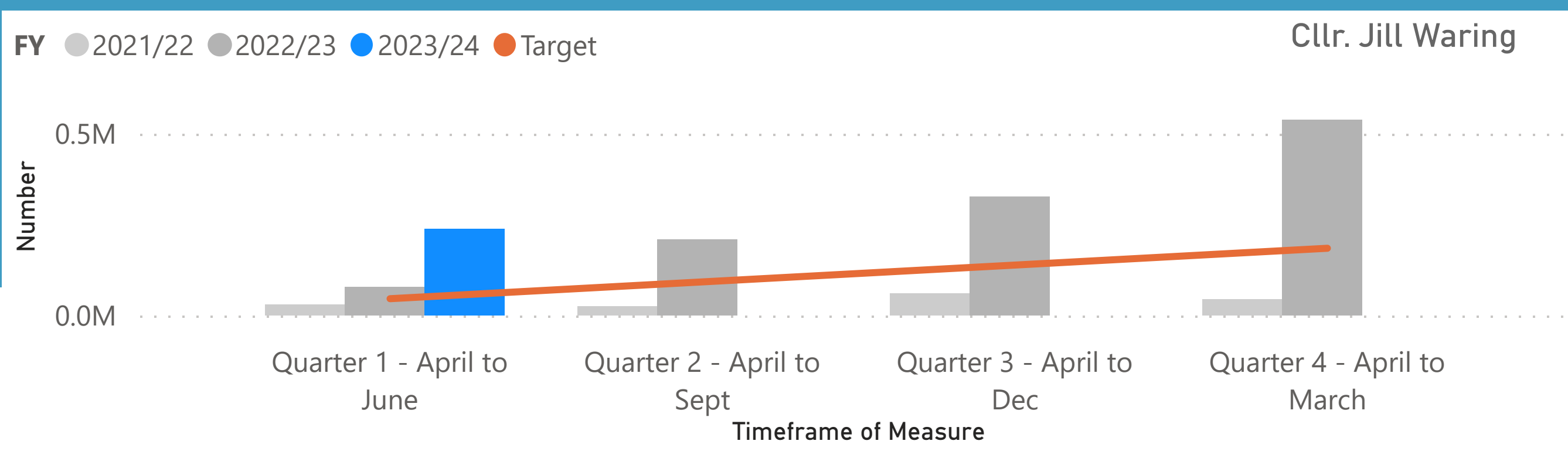
Quarter 2 and 3 of monitoring will identify any trends



ID3.3 - Number of People Accessing the Museum's collections online and in person Current Status SMART Actions if Off Target

High
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



237.24K ✓

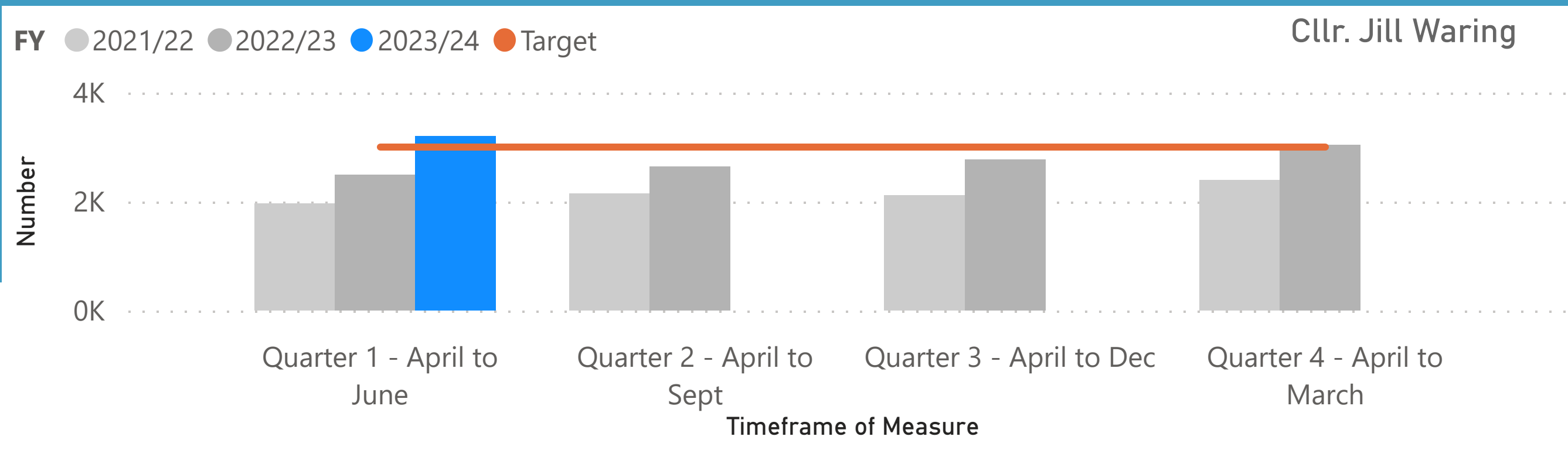
Not Required as Target Met

Target:
46.25K

ID3.4 - J2 Membership growth Current Status SMART Actions if Off Target

High
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



3.20K ✓

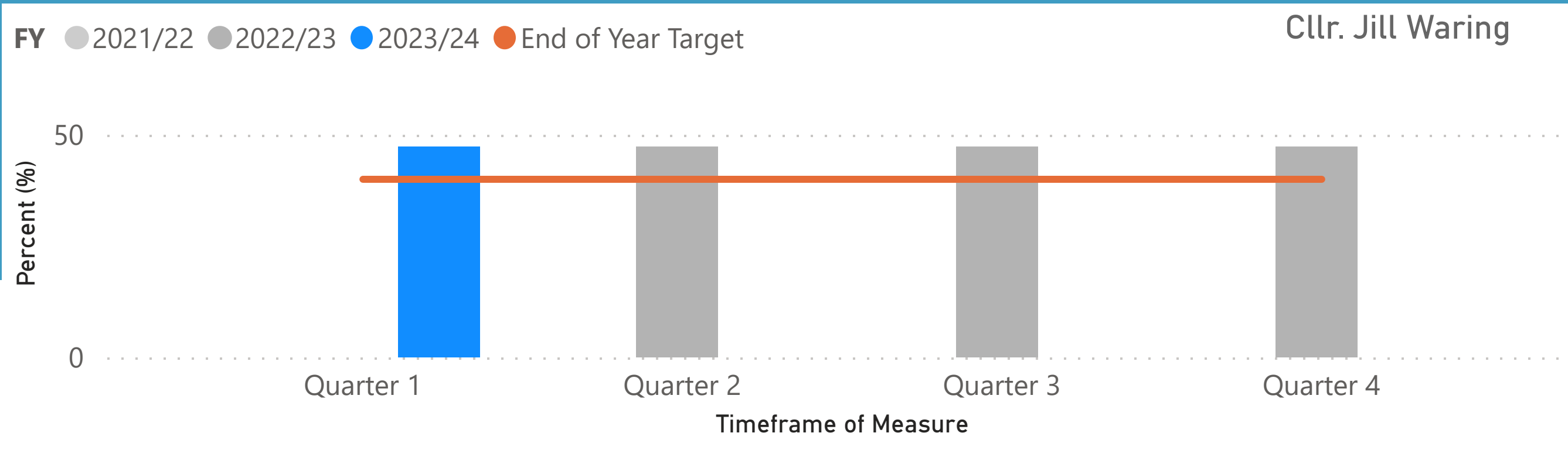
Not Required as Target Met

Target:
3.00K

ID3.5 - Jubilee 2 Customer Satisfaction – Net Promotor Score Current Status SMART Actions if Off Target

High
Is Good
Per Quarter (Snapshot)

Positive
Yearly Trend



47.30 ✓

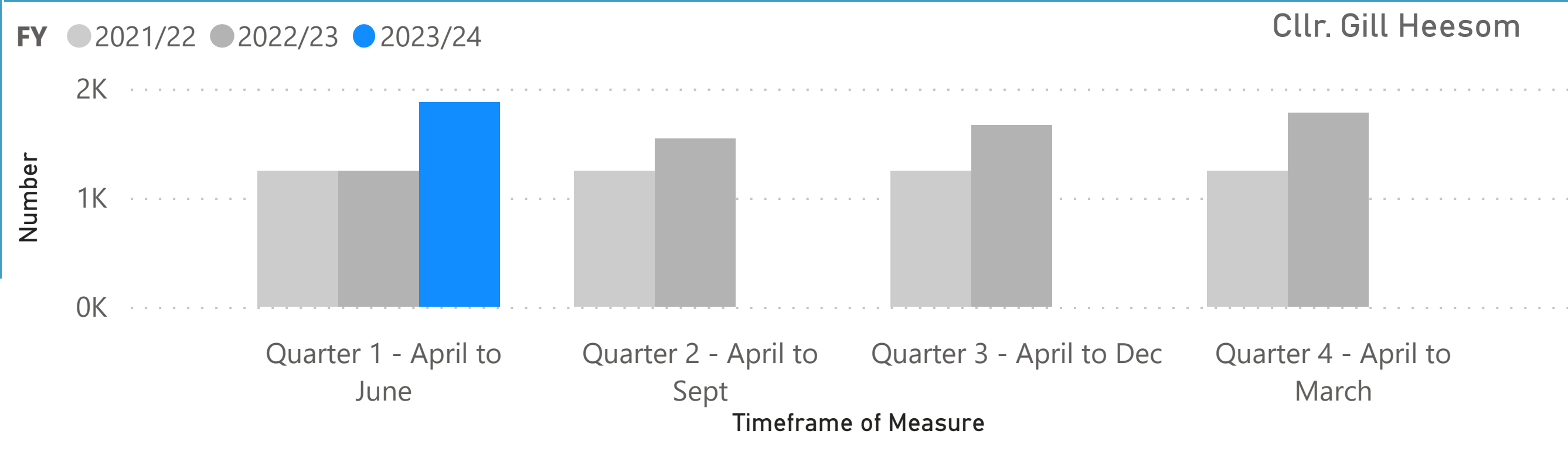
Not Required as Target Met

End of Year Target:
40.00

ID3.6 - Live application on the housing register Current Status SMART Actions if Off Target

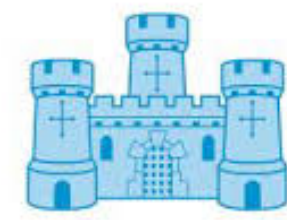
Low
Is Good
Per Quarter (Snapshot)

Negative
Yearly Trend



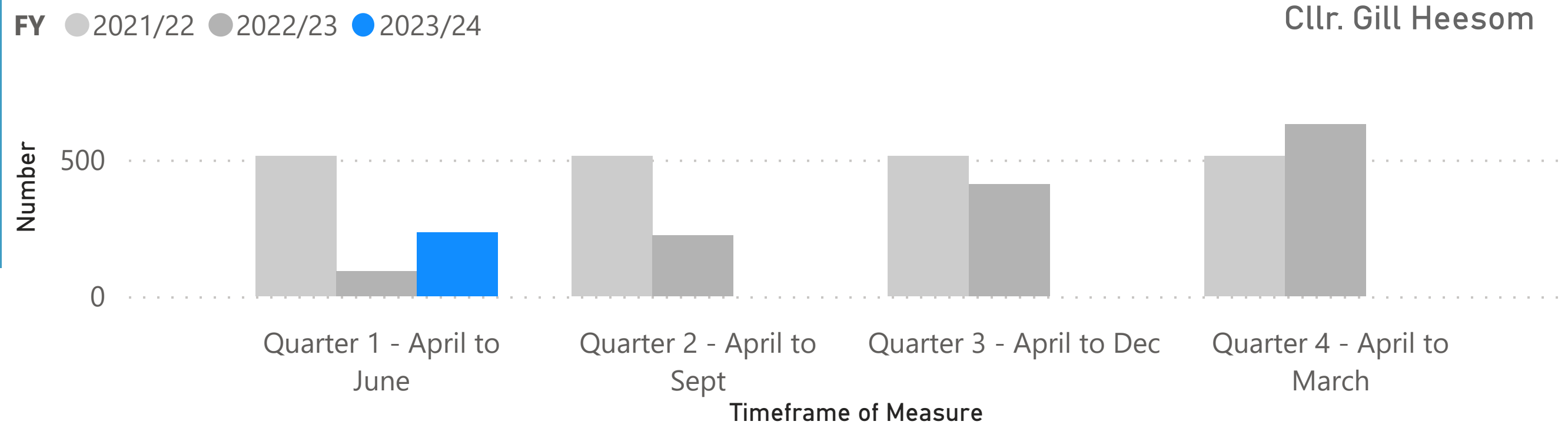
1.87K

Live application numbers reflects the increasing demand for social housing at a time of increasing housing costs



ID3.7 - Number of lets to registered providers from the housing waiting list Current Status SMART Actions if Off Target

High
Is Good
Per Quarter (Snapshot)



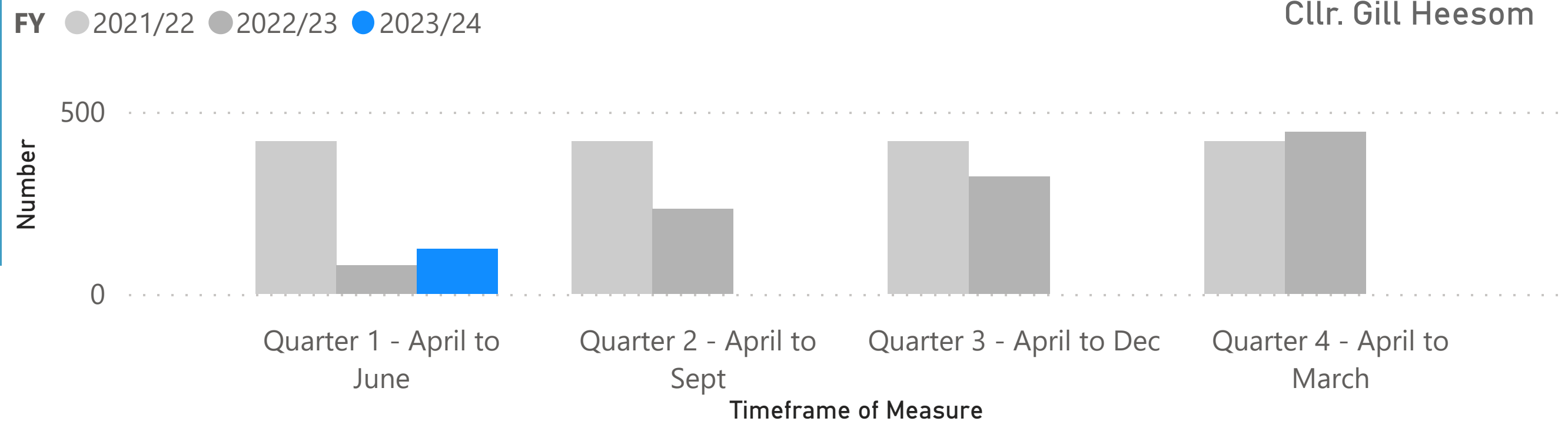
233.00

Depends on partnership working with registered providers in the borough

Positive
Yearly Trend

ID3.8 - Emergency homeless presentations Current Status SMART Actions if Off Target

Low
Is Good
Cumulative (Per Annum)



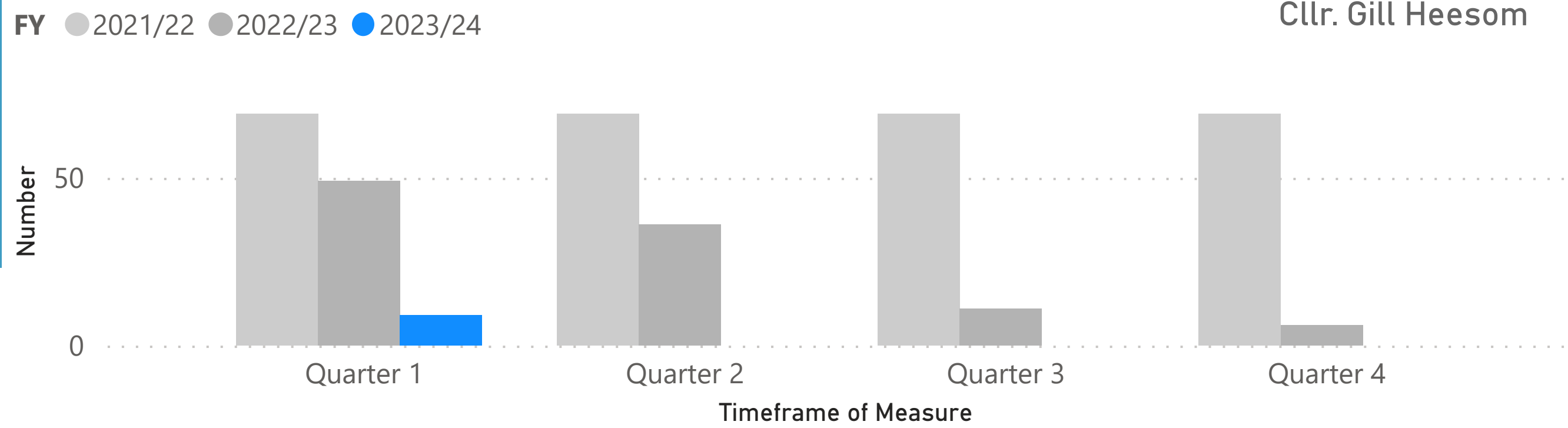
124.00

Second quarter of monitoring will identify any trends

Negative
Yearly Trend

ID4.4 - Total Rough Sleepers Verified in Quarter Current Status SMART Actions if Off Target

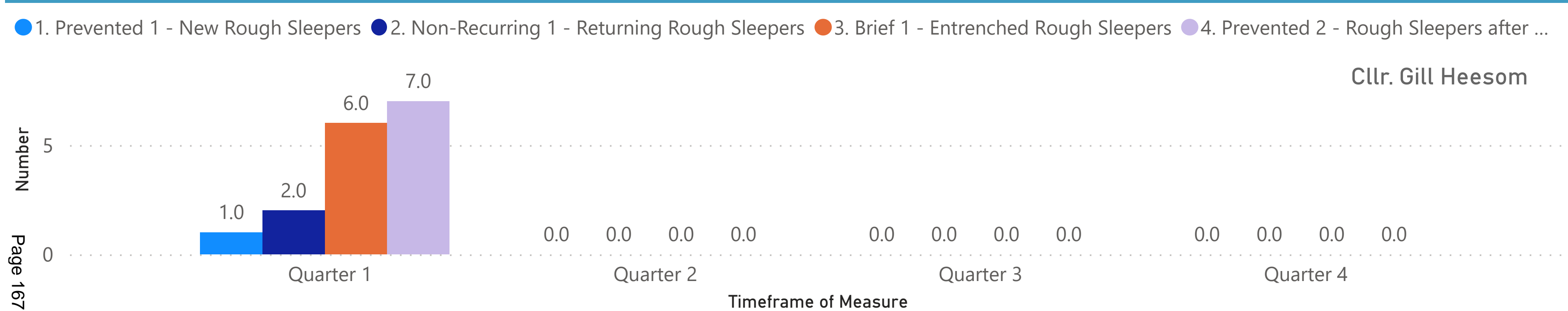
Low
Is Good
Per Quarter (Snapshot)

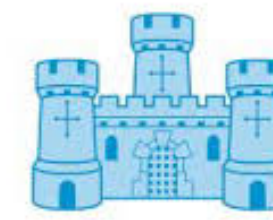


9.00

Our rough sleeper figures for a single night have increased this month. Out of the 9 rough sleeping, 5 have Stoke connection. The 6 that are entrenched are our target priority group. They have been offered accommodation outside the area, but they refuse to accept it as they only want Newcastle. They do not meet the criteria for the temporary accommodation pathway created with Aspire, as they require 24/7 staffed accommodation, something we do not have in the Borough.

ID4.4a, 4.4b, 4.4c and 4.4d - Breakdown of Rough Sleepers Verified in Quarter





Project Status Split for Priority 3.

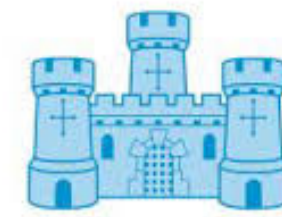
Project/Action is Progressing as Expected

5

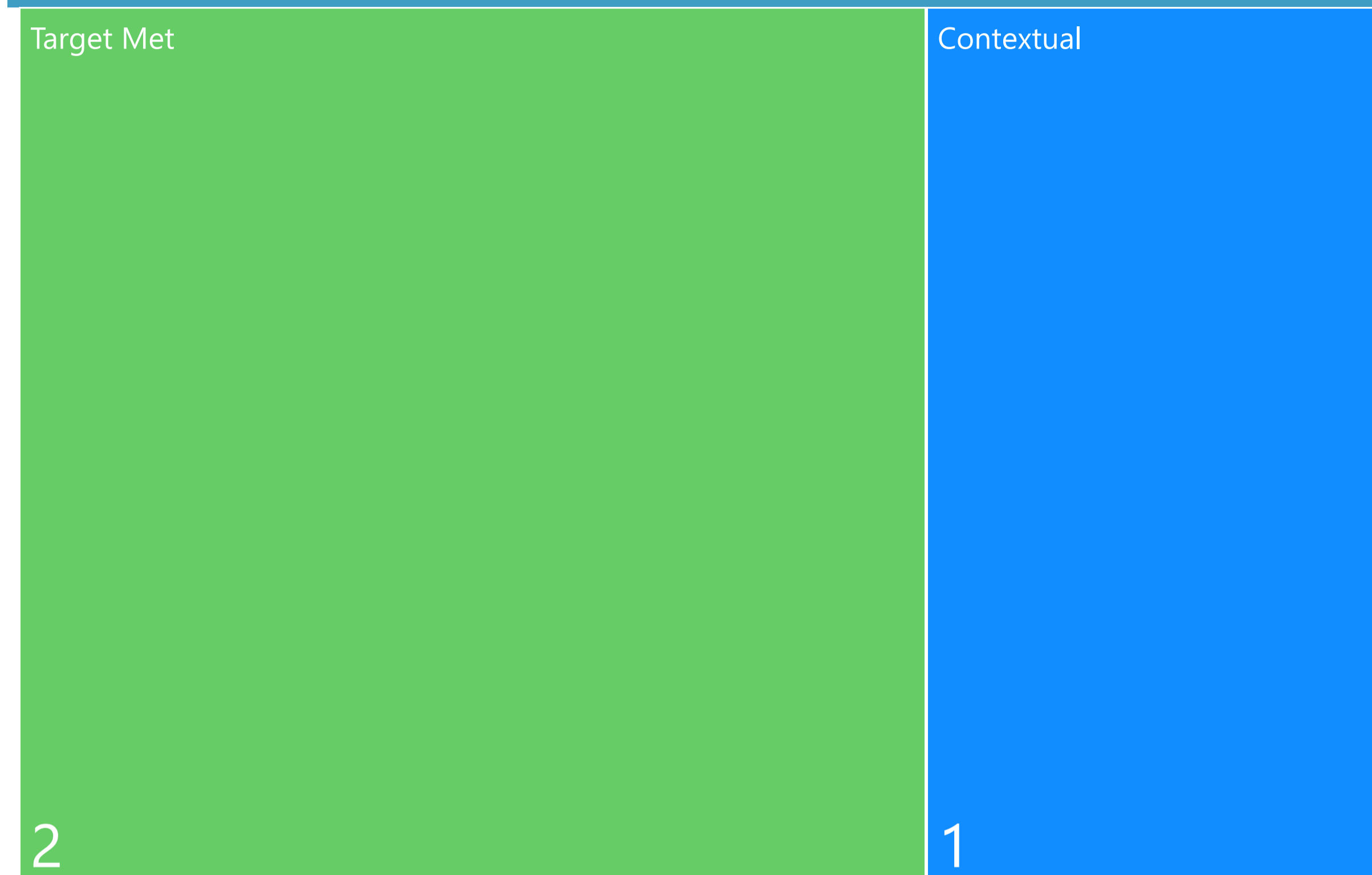
Project/Action is Not Progressi...

1

Portfolio Holder	Service Area	Action	Corporate Objective	Status report	Commentary on progress
Cllr. Gill Heesom	Neighbourhoods	Build on our work with Staffordshire Police	Reduce anti-social behaviour and crime in our communities	✔ Project/Action is Progressing as Expected	Work is in progress with the Local Policing Team to plan an enforcement campaign for the Public Space Protection Order in Newcastle Town Centre. The Safe Space and Street Pastor scheme continues to operate on Friday evenings and the Safer Streets Round 4 project to improve gating, lighting and CCTV is progressing.
Cllr. Jill Waring	1. Commercial Delivery 2. Neighbourhoods	Delivering an economic and cultural legacy from the celebration of the borough's 850th anniversary in 2023.	Delivering an economic and cultural legacy from the celebration of the borough's 850th anniversary in 2023.	✔ Project/Action is Progressing as Expected	3,000 people attended the medieval Celebrate Castle fun day, local talks are continuing at the museum, schools and youth groups participated in a make your own castle competition, 850 plates and mugs were launched alongside the maquette of the Queen.
Cllr. David Hutchison	1. Neighbourhoods 2. Sustainable Environment	Expansion of the street warden scheme and the creation of neighbourhood delivery teams.	Secure a step change in street cleanliness and the quality of the public domain	✔ Project/Action is Progressing as Expected	Consultation is in progress with the team regarding the new operating model and roles. Training is also in progress to cross-skill the team. System and process redesign is underway to streamline and improve customer journeys and drive efficiencies.
Cllr. David Hutchison	Sustainable Environment	Further increasing recycling rates across the borough with a particular focus on food waste	Further increasing recycling rates across the borough with a particular focus on food waste	⚠ Project/Action is Not Progressing as Expected	Proving difficult to achieve with a background nationally of falling recycling rates in England. The cost of living crisis is one of the main factors behind falling recycling rates. Governments delay in releasing Consistency in collections is of concern to the industry as its purpose is to boost recycling rates nationally.
Cllr. Simon Tagg	1. Strategy, People and Performance 2. Neighbourhoods	Work collaboratively with the Newcastle Partnership	Ensure that our most vulnerable residents are supported through the impact of the rising cost of living.	✔ Project/Action is Progressing as Expected	The Financial Wellbeing service has been re-commissioned and is operating to provide support for residents. Performance of the service is monitored through review meetings.
Cllr. Jill Waring	Neighbourhoods	Work with partners to develop effective community bodies	Support the development of community solutions to local problems	✔ Project/Action is Progressing as Expected	Support and advice is being provided to community groups to develop local projects.



Priority 4: Performance Indicators Current Status



Corporate Aim (Priority)	Number of Indicators
Priority 4: Town Centres for All	3

Smart Narrative

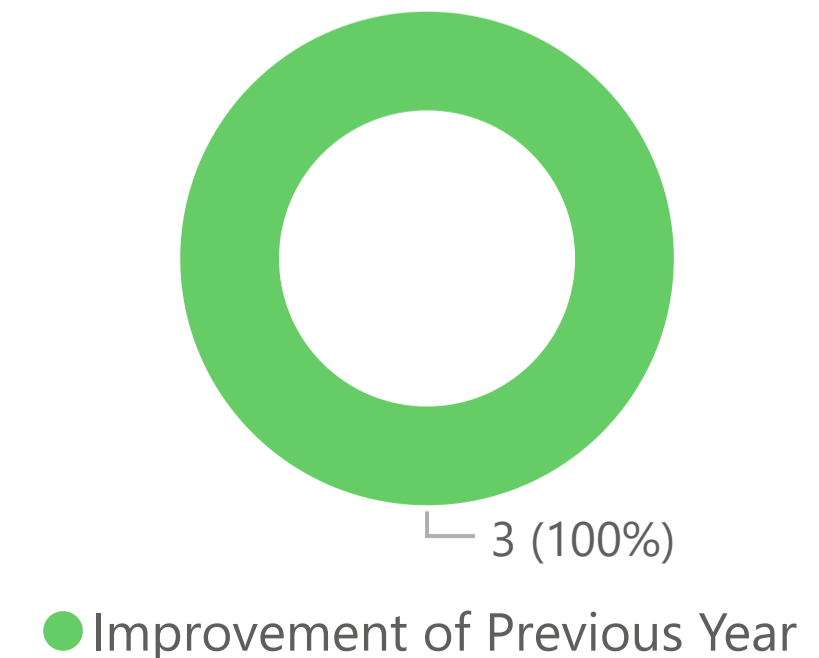
- There are 3 Indicators which have set targets this quarter within Priority 4.
- 100% of measures with set Target. met them within Quarter One. With both indicators which met their target also showed improvement when compared to the same time period last year; the remaining 2 showed no change.
- There is 1 Indicators which are contextual this quarter and does not have a target to meet. When compared to last year, this measure demonstrated an improvement in terms of performance. 3.
- Within Priority 4, All Projects/Actions were identified to be progressing as expected.

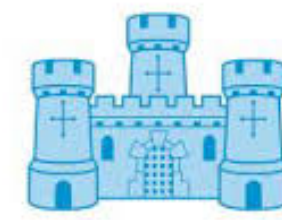
Priority 3: Qtr. 1 Summary Project Status Split

● Project/Action is Progressing as Expected



Priority 4: Qtr.1 Trend Status of PI's Compared On Same Qtr in the Previous Financial Year

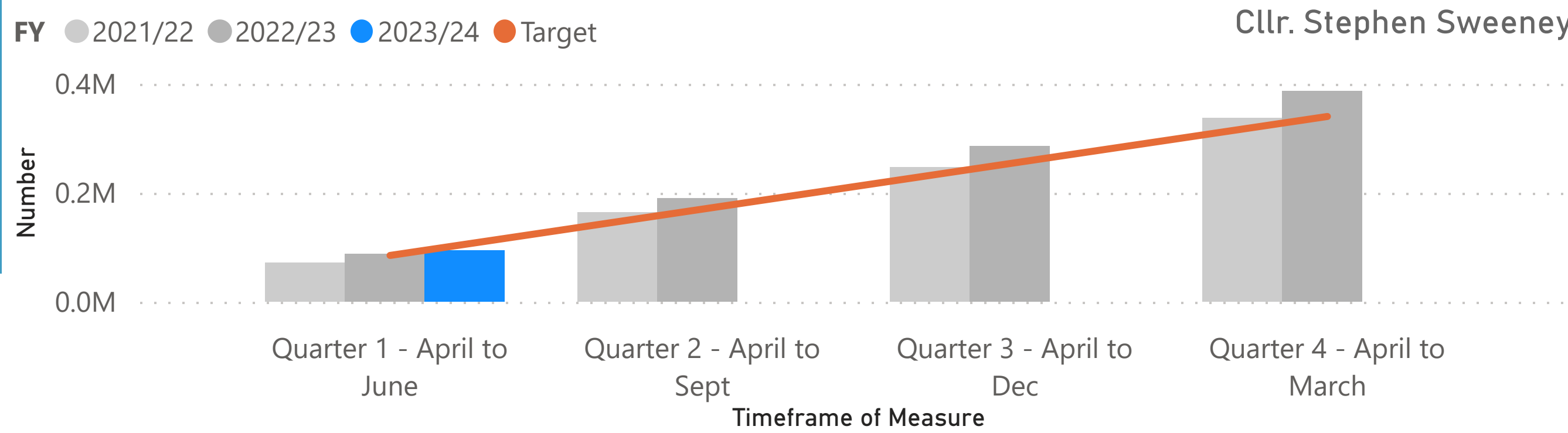




ID4.1 - Car parking usage:-Number of tickets purchased Current Status SMART Actions if Off Target

High
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



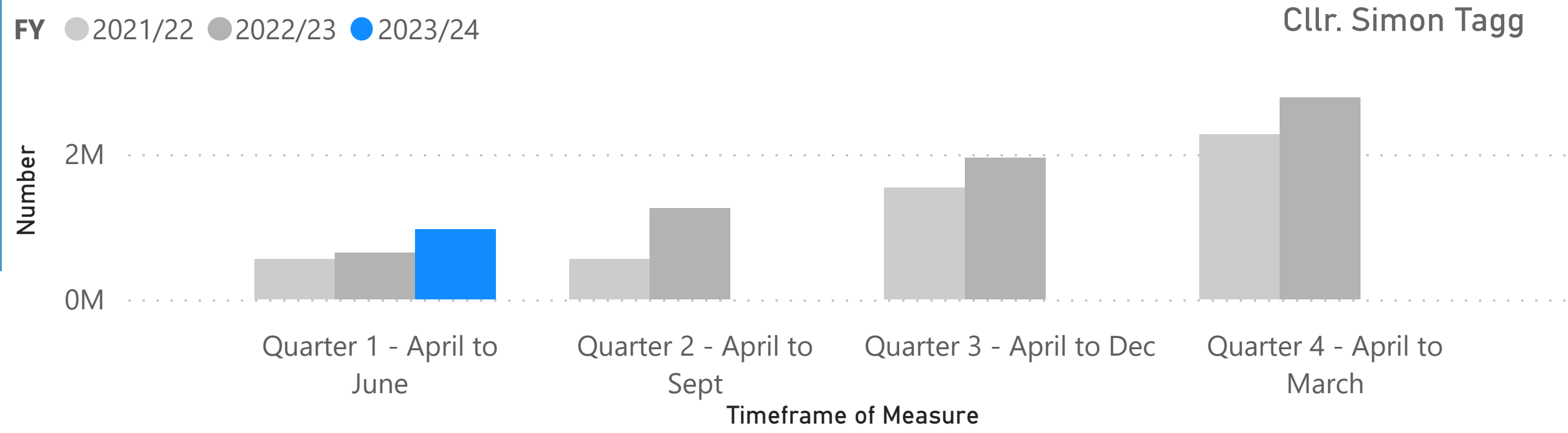
93.71K ✓
Target: 85.00K

Not Required as Target Met

ID4.2 - Town Centre Footfall - Newcastle Current Status SMART Actions if Off Target

High
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



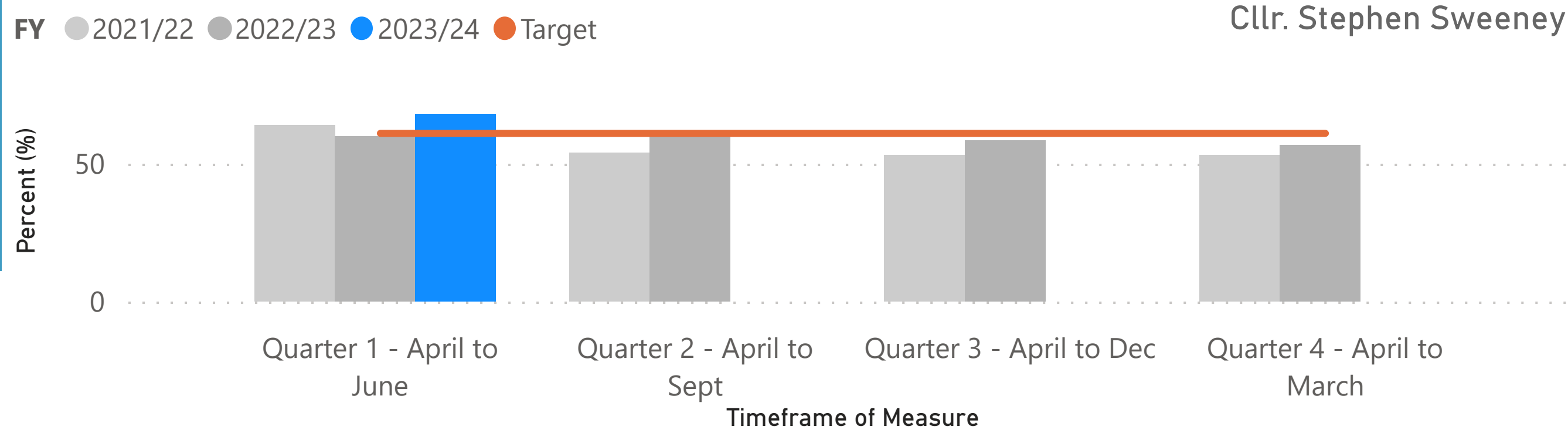
960.59K

Footfall figures have been provided by the BID monthly and currently for end of Quarter 1 are showing much higher figures than seen by the end of Quarter 1 in 2022/23 year.

ID4.3 - Average stall occupancy rate for markets - Overall Current Status SMART Actions if Off Target

High
Is Good
Cumulative (Per Annum)

Positive
Yearly Trend



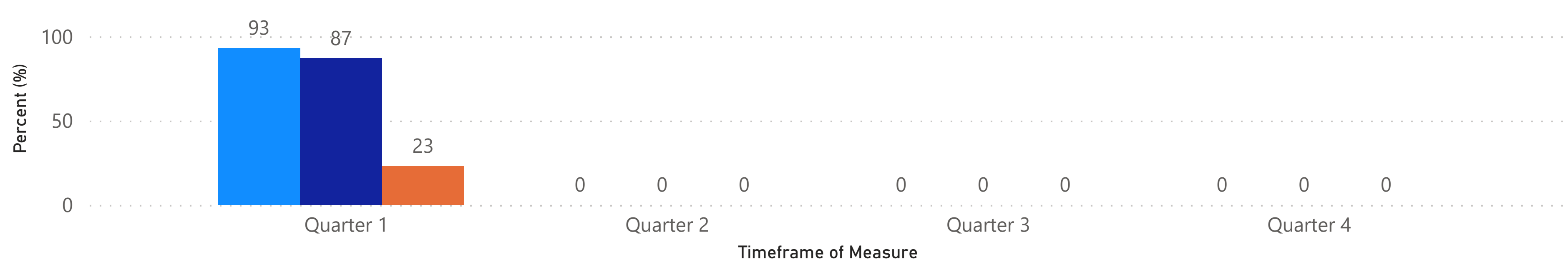
68.00 ✓

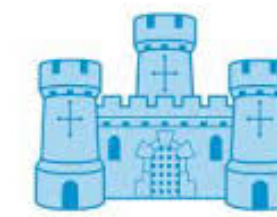
Target: 61.00

An under-performing General market is adversely affecting the overall stall occupancy average on which no days meet the 61% target: Monday General Market 12%, Wednesday General Market 15%, Friday General Market 37%, Saturday General Market 26%. A stall rationalisation review is underway with consideration given to a review of the General Market operating days.

ID4.3a, 4.3b and 4.3c- Average stall occupancy rate for Specific Markets

● 1. Specialist event markets - Average stall occupancy rate for markets ● 2. Antique Forum Group Licensed Market - Average stall occupancy rate ● 3. General market - Average stall occupancy rate





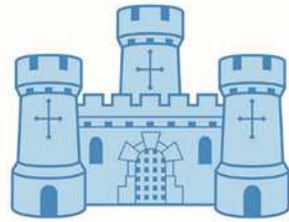
Project Status Split for Priority 4.

Project/Action is Progressing as Expected

5

Portfolio Holder	Service Area	Action	Corporate Objective	Status report	Commentary on progress
Cllr. Stephen Sweeney	1. Commercial Delivery 2. Planning	Redeveloping Midway car park to provide aspirational town centre residential accommodation	Increasing the number of people living, working and using Newcastle town centre	✔ Project/Action is Progressing as Expected	This is a longer term project that is expected to commence in the latter part of 2023/24
Cllr. Stephen Sweeney	1. Neighbourhoods 2. Commercial Delivery	Developing a Town Centre Strategy for Kidsgrove	Encourage visitors and support local businesses in Kidsgrove	✔ Project/Action is Progressing as Expected	A draft "Experience Kidsgrove" strategy has been prepared in consultation with Go Kidsgrove and Kidsgrove Town Council. A survey has been conducted with local businesses and residents to gauge ideas to increase footfall and proposals are being developed for a potential pilot artisan market event and music event, subject to funding.
Cllr. Stephen Sweeney	Commercial Delivery	Redevelopment of Ryecroft Site	Continuing to work with key partners to deliver the redevelopment of opportunities across the borough	✔ Project/Action is Progressing as Expected	Planning consent has been granted for construction of a new multi storey car park at Ryecroft. progress continues on work to develop a hotel on Ryecroft. Work with partners continues on development of housing on the remaining area of Ryecroft.
Cllr. Stephen Sweeney	Commercial Delivery	Redevelopment of York Place	Continuing to work with key partners to deliver the redevelopment of opportunities across the borough	✔ Project/Action is Progressing as Expected	Plans for the redevelopment of York Place are progressing well with planning consent granted for its demolition and construction of a replacement building. Work continues to ensure that existing tenants are relocated from York place to enable demolition to commence.
Cllr. Stephen Sweeney	Neighbourhoods	Further enhance the historic market and public realm and boost our signature specialist market programme	Further enhance the historic market and public realm and boost our signature specialist market programme	✔ Project/Action is Progressing as Expected	Work is in progress to develop a project to improve the market using the Future High Streets Fund. Consultation is underway with specialist market operators and proposals are being drawn up to improve the appearance of the current stalls.

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NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Cabinet Forward Plan: Newcastle under Lyme Borough Council

Notice of Key Decisions to be taken under the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 between 1 September 2023 and 31 December 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 a Joint Venture Development Partner	To consider a report on the procurement of a Joint Venture Development Partner	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 19 September 2023	Finance, Assets and Performance	All Wards	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Planning Enforcement Plan	To consider a report on the Planning Enforcement Plan	Cabinet Portfolio Holder - Strategic Planning	Cabinet 19 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 19 September 2023	Finance, Assets and Performance	All Wards	N/A	No
Walleys Quarry Update Report	To consider an update report on Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 19 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 19 September 2023	Health, Wellbeing and Environment, Economy and Place	All Wards	N/A	Yes
Asset Management Strategy	To consider a report on the Asset Management Strategy	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 19 September 2023	Finance, Assets and Performance	All Wards	N/A	Yes
Quarter One-Finance and Performance Report 2023/24	To consider a report on the Finance and Performance figures for Quarter 1 of 2023/24	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 19 September 2023	Finance, Assets and Performance, Audit and Standards	All Wards	N/A	No

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
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 19 September 2023		All Wards	N/A	Yes
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
Ryecroft Redevelopment	To consider an update report on the Ryecroft redevelopment	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
Kidsgrove Town Deal Contract Award - Shared Services and	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 -	Cabinet 17 October 2023	Economy and Place	Kidsgrove & Ravenscliffe	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)	
Garage Replacement		One Council, People and Partnerships				person (including the authority holding that information)	
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
Keele Solar Farm Proposals	To consider a report on the Keele Solar Farm proposals	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - Sustainable Environment	Cabinet 17 October 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
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

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
Future High Street Fund Market Improvement	To consider a report on the Future High Street Fund Market Improvement	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 17 October 2023	Economy and Place	Town	N/A	Yes
Newcastle Town Deal - Projects in Knutton	To consider a report on projects in Knutton as part of the Town Deal	Cabinet Portfolio Holder - Finance, Town Centres and Growth, Cabinet Portfolio Holder - Sustainable Environment	Cabinet 7 November 2023	Economy and Place	Knutton	N/A	No
Walleys Quarry Update Report	To consider an update report on Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 7 November 2023	Health, Wellbeing and Environment	All Wards	N/A	No
Temporary Accommodation Policy	To consider a report on the Temporary Accommodation Policy	Cabinet Portfolio Holder - Community Safety and Wellbeing	Cabinet 7 November 2023	Health, Wellbeing and Environment	All Wards	N/A	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 7 November 2023	Economy and Place	Kidsgrove & Ravenscliffe	3 Information relating to the financial or business affairs of any particular person (including the authority	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
						holding that information)	
Quarter Two - Finance and Performance Report 2023/24	To consider a report on the Finance and Performance figures for Quarter Two of 2023/24	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 7 November 2023	Finance, Assets and Performance, Audit and Standards	All Wards	N/A	No
Council's Annual Report 2022/23	To consider the Council's Annual Report for 2022/23	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 5 December 2023	Finance, Assets and Performance	All Wards	N/A	No
Draft Savings Proposals 2024/25	To consider a report on Draft Savings Proposals for 2024/25	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 December 2023	Finance, Assets and Performance	All Wards	N/A	No
Walleys Quarry Update Report	To consider an update report on Walley's Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 5 December 2023	Health, Wellbeing and Environment	All Wards	N/A	No

