

CABINET

Tuesday, 6th February, 2024
Time of Commencement: 2.00 pm

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Present: Councillor Simon Tagg (Chair)

Councillors: Sweeney Fear
Heesom Hutchison

Apologies: Councillor(s) Skelding

Officers:	Martin Hamilton	Chief Executive
	Geoff Durham	Civic & Member Support Officer
	Simon McEneny	Deputy Chief Executive
	Sarah Wilkes	Service Director - Finance / S151 Officer
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Paul Dutton	Senior Media Officer
	Georgina Evans-Stadward	Service Director - Strategy, People and Performance
	Craig Jordan	Service Director - Planning

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

2. **MINUTES OF PREVIOUS MEETINGS**

Resolved: That the Minutes of the meeting held on the 16 January,2024 be agreed as a correct record.

3. **WALLEYS QUARRY - ODOUR ISSUES**

The Leader introduced the report on Walleys Quarry problematic odours and the recent increase in complaints received.

The Chief Executive provided an update on the situation, stating that the figures in the report for November 2023 to January 2024 showed a significant downturn in local conditions with regard to the odours from the Walleys Quarry site. January saw 668 complaints, the highest number seen for many months.

Council officers were out and about both during and outside of office hours as odours were most prevalent early morning or late into the night. Thirty five assessments were conducted during January on 9 different days and on 24 of those occasions, distinct or strong landfill odours were noted.

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The Mobile Monitoring Facilities had now been recalibrated and were therefore now providing a more accurate set of information.

There had been instances, in some weeks, where the annoyance threshold had been exceeded for a third of the week at MMF1. Also, for a long time, MMF9 had been the site giving the highest readings but it appeared to be giving way to MMF1, possibly due to changes in the topography of the site and wind direction.

The Council engaged with Walleys Quarry formally following the November-December data and Walleys had advised that they were doing more work around temporary capping and extending the gas management infrastructure.

Arrangements had been made for the Council's and Walleys Landfill experts to compare notes.

The Leader tasked if there was any indication when the third monitoring station (by Silverdale Pumping Station) would be returned which had been removed whilst works had been carried out by the water company.

The Chief Executive confirmed that the Environment Agency (EA) had identified a site but was not sure if that had come to fruition yet.

Councillor Fear stated that action needed to be seen coming from the EA. Cabinet had previously discussed closure notices and Councillor Fear felt that the EA should be asked for reasons why they were not going to issue a closure notice.

Councillor Sweeney stated that the third monitoring station should be put back as soon as possible and also, why not put one back onto the Fire Station site.

The Leader referred to the Special Council meeting on 14 February which included a Motion to suspend the Operators Licence and works to be carried out by the operator. The EA had been called upon to issue a closure notice which would end operations on the site, the Leader felt, therefore that the Motion did not go far enough and an amendment would be submitted.

The Leader proposed two additional recommendations, which are recorded at numbers (ii) and (iii) below.

- Resolved:**
- (i) That the contents of the update report be noted.
 - (ii) That, as a matter of urgency, officers be asked to take up with the Environment Agency the timescale for the return of the third monitoring station and to encourage the EA to make a public statement on that as soon as possible.
 - (iii) That it be noted that there is a motion from the Labour Group going to a Special Council Meeting on 14 February and that the Cabinet does not think that it goes far enough. Cabinet reiterated a call on the EA to issue a closure notice on Walleys Quarry.

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4. TOWN CENTRE REGENERATION UPDATE

The Leader introduced a report providing an update on progress made with Capital&Centric on York Place, the Midway Car Park and the Ryecroft projects and to make recommendations to Council to progress to the next stage. The car park, which was the key starting block on the Ryecroft was now taking place and would be completed by the end of the year.

The Portfolio Holder for Finance, Town Centres and Growth stated that the report was asking for permission to take the three schemes up to planning permission delivery. Once the new car park was completed the Midway would be closed. In addition, York Place would be stripped out and build around the existing frame. The development would create 47 units on York Place, 106 on the Midway and at least 55 on the Ryecroft.

Members welcomed the redevelopment stating that it would be good for the town and that this was the way to move forward.

The Leader proposed an amended recommendation (ii) and an additional recommendation (iii) as written below.

- Resolved:**
- (i) That the progress made to date by Capital&Centric on the York Place, Midway Car Park and The Ryecroft projects in Newcastle Town Centre be noted;
 - (ii) That, subject to Council approval of the funding as set out in Recommendation 3:
 - a. The Deputy Chief Executive, in consultation with the Portfolio Holder for Finance, Town Centres and Growth, and the Portfolio Holder for One Council, People and Partnerships, be authorised to progress legal agreements to enable the appointment of Capital&Centric under three Pre-Development Services Agreements (PDSA) for the development of the three schemes through a direct award under the Pagabo Development Management Framework.
 - b. That 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, be authorised to enable re-development works to commence on York Place, through Capital&Centric's PDSA, at a cost not exceeding £500,000 (the cost of which is included in the overall budget).
 - (iii) Recommends that Council approve expenditure of up to £2,649,000 to develop the three schemes to the end of RIBA Stage 3, and the submission of planning applications.

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5. REVENUE AND CAPITAL BUDGETS AND STRATEGIES 2024/25

The Deputy Leader/Portfolio Holder for Finance, Town Centres and Growth presented the 2024/25 General Fund Revenue Budget and the 2024/25 Capital Programme to be presented to Full Council on 14 February.

This was an updated medium term financial strategy and the proposals to be recommended towards a balanced 2024/25 General Fund Revenue Budget along with the Capital Program for 2024/25 to 2025/26. It also included the flexible use of Capital Receipts Strategy (updated for 2023/24), the Capital Strategy for 2024/34, the Treasury Management Strategy for 2024/25, the Investment Strategy for 2024/25 and the Commercial Strategy for 2024/25 for approval by Full Council.

The Leader made reference to the Borough Growth Fund at paragraph 2.17, listing recommendations that would be put to Full Council on the 14th February.

The Cabinet considered the report and expressed their agreement with the recommendations put forward.

The Portfolio Holder for Finance, Town Centres and Growth advised members of an additional £0.138m that had been received following the Local Government settlement. £0.100m would be put into the General Fund reserve and £0.038m would be put into a Small Repairs Fund. Recommendation (xiii) was added below in respect of this.

- (i) That the Revenue and Capital Budgets as detailed in this report and in the report to Cabinet dated 16 January 2024 be recommended to Full Council for approval.
- (ii) That the updated Medium Term Financial Strategy 2024/25 to 2028/29 (Appendix 2) be recommended to Full Council for approval.
- (iii) That the strategy for ensuring a balanced revenue outturn position for 2023/24 be approved.
- (iv) That the calculation of the Council Tax base and the Council Tax increase to be proposed for 2024/25 of 1.99% per Band D equivalent property be recommended to Full Council for approval.
- (v) That the risk assessment at Appendix 3 and the Section 151 Officer's recommendation on the level of reserves and contingencies provisionally required to be maintained in 2024/25 be recommended to Full Council for approval.
- (vi) That the Borough Growth Fund Priorities for 2024/25 be approved.
- (vii) That the Capital Strategy (Appendix 5) for 2024/34 be recommended to Full Council for approval.
- (viii) That the Treasury Management Strategy (Appendix 6) for 2024/25 be recommended to Full Council for approval.
- (ix) That the Investment Strategy (Appendix 7) for 2024/25 be recommended to Full Council for approval.

- (x) That the Commercial Strategy (Appendix 8) for 2024/25 be recommended to Full Council for approval.
- (xi) That the Local Council Tax Reduction Scheme (Appendix 9) for 2024/25 be recommended to Full Council for approval.
- (xii) That the Council Tax Premiums Policy (Appendix 10) be recommended to Full Council for approval.
- (xiii) That the additional minimum funding guarantee of £0.138m, announced in the final local Government Settlement for 2024/25 be utilised as follows:
 - £0.100m be transferred to the General Fund Reserve in order to further enhance the Council's financial resilience and financial sustainability, as per the recommendation of the Value for Money element of the external auditors Annual Report for 2022/23.
 - That a Small Repairs Fund be established with a balance of £0.038m, and that this fund be utilised for repairs to Council owned footpaths, structures and playgrounds.

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6. IT DATA CENTRE REPLACEMENT

The Leader introduced a report seeking Cabinet approval to retire the Council's on-premises Data Centres and to migrate to Microsoft Azure.

- Resolved:**
- (i) That the migration of the Councils applications, servers, and infrastructure to Microsoft Azure be approved.
 - (ii) That the Service Director for IT and Digital in consultation with the Portfolio Holder for One Council, People and Partnerships be authorised to enter into a contract by direct award with a suitably qualified Microsoft Azure partner to provide consultancy, training and support.

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7. PROCUREMENT OF THE COUNCIL'S LONG TERM AGREEMENT INSURANCE PROVIDERS

The Deputy Leader introduced a report asking Cabinet to note the process for re-procurement of the Council's insurance providers and to authorise officers to approve the formal award contracts following completion of the procurement process.

- Resolved:**
- (i) That the procurement process adopted by officers, be noted;
 - (ii) That officers be authorised to award contracts via the Council's insurance broker Marsh Limited to the successful providers following a compliant procurement process utilising the 'Yorkshire Purchasing Organisation' (YPO) Insurance Placement DPS - 978 framework based on the 'Most Economically Advantageous Tender(s)'.

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8. PROCUREMENT OF STREETSCENE AND MOBILE MULTI FUNCTIONAL (MMF) VEHICLES & PLANT

The Portfolio Holder for Sustainable Environment introduced a report seeking approval to replace the Council's current fleet of Streetscene 3.5 and 4.5 tonne vehicles and to procure additional ride on mowing equipment.

Electric vehicles were not an option in 2016 but would be this time. The current fleet generated approximately 51.8 tonnes of CO2 each year, the new fleet would be six electrically powered vehicles and six vehicles using the hydro treated vegetable oil. This would give a carbon reduction of 48.67 tonnes each year.

- Resolved:**
- (i) That the direct award process for 12 (3.5 & 4.5 tonne) pickup vehicles utilising the TPPL procurement framework, be approved.
 - (ii) That the procurement of ride on mowers through a mini competition process utilising the ESPO procurement framework, be approved.
 - (iii) That our Streetscene and two MMF 3.5 tonne pickups, be replaced by electrically driven vehicles.

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9. WAR AND WAR WIDOW(ER)S PENSION DISREGARD TOP UP

The Portfolio Holder for Finance, Town Centres and Growth introduced a report notifying members of the continuing disregard of War Pensions and War Widow(er)s Pension in calculating Housing Benefit entitlement and Council Tax Reduction and to offer the report to Council for approval.

This process had been in existence for years but due to the extent of the years, nothing in writing could be found. The Council's Auditors had therefore requested that it be put in writing.

- Resolved:**
- That the report be noted and referred to Council to approve the disregard of War Pensions and War Widow(er)'s pensions:-
 - (a) in full as income above the statutory £10.00 per week disregard in the calculation of Housing Benefit entitlement and
 - (b) in full as income in relation to the means tested assessment of Council Tax Reduction Scheme discount.

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10. CORPORATE ENFORCEMENT POLICY 2024

The Leader introduced a report seeking approval of the Council's Corporate Enforcement Policy 2024 which had been updated to reflect current regulatory practices. A separate Planning Enforcement Policy was already in place.

Councillor Sweeney drew members' attention to paragraph 4.1 which outlined the reasons for the required update.

- Resolved:**
- (i) That the Corporate Enforcement Policy 2024 for the Borough as attached at Appendix A to this report, be approved.
 - (ii) That the Enforcement Policy 2024 be presented to Council for formal approval and adoption.

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11. FINANCIAL AND PERFORMANCE REVIEW REPORT - THIRD QUARTER 2023-24

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

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

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

72% of indicators were meeting their targets. The Leader went through each set of priorities, inviting portfolio holders to comment.

- Resolved:** That the contents of the report and appendices be noted, and continue to monitor and challenge the Council's service and financial performance for this period.

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12. FORWARD PLAN

The Leader went through the Cabinet Forward Plan.

- Resolved:** That the Forward Plan be received and noted.

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13. URGENT BUSINESS

There was no Urgent Business.

14. DISCLOSURE OF EXEMPT INFORMATION

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

15. IT DATA CENTRE REPLACEMENT - CONFIDENTIAL APPENDIX

Consideration was given to the confidential appendix relating to the IT Data Centre Replacement item.

Resolved: That the confidential appendix be received.

**Councillor Simon Tagg
Chair**

Meeting concluded at 3.00 pm