

CABINET

Tuesday, 15th October, 2024
Time of Commencement: 2.00 pm

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Present:	Councillor Simon Tagg (Chair)		
Councillors:	Sweeney Heesom	Fear Skelding	Hutchison
Officers:	Gordon Mole Simon McEneny Anthony Harold Sarah Wilkes Geoff Durham Sam Clark	Chief Executive Deputy Chief Executive Service Director - Legal & Governance / Monitoring Officer Service Director - Finance / S151 Officer Civic & Member Support Officer Service Director - IT & Digital	

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 10 September, 2024 be agreed as a correct record.

3. **WALLEYS QUARRY UPDATE**

The Leader introduced an update report on Walleys Quarry looking at the complaints, monitoring information, actions of the Environment Agency (EA) and the Borough Council.

The Chief Executive advised that odour complaints in August and September had been lower than in previous months but, in the first week of October, complaints had risen significantly. There had been three 'odour events' in September where, over ten complaints had been received in a single day.

In terms of monitoring, officers had completed both five minute odour assessment and spot assessment. Both of which identified a range of odour intensities.

The percentage exceedance of the World Health Organisation's annoyance level per week were shown in the report at table 2.12, showing that the level of hydrogen sulphide was variable – with the week commencing 1 September showing 18.7% exceedance.

Complaints continued to correlate well to air quality data. The graph at table 2.13 of the report showed good correlation throughout that period.

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At its last meeting, Cabinet was updated on the actions arising from the Committee of Inquiry which was presented to Full Council on 25 September and the recommendations were shown at paragraph 2.10 of the report.

The Chief Executive highlighted the EA's CAR (Compliance Assessment Report) forms which were published by the EA and shown in the report at paragraph 2.17. Reference was made to the form dated 31 March, 2024 where a 16.1 compliance score was given. The EA had stated that they were concerned that non-compliances from 2023 had continued into this year. Walleys Quarry Ltd (WQL) had been issued with a warning in respect of the Quarter 4 2023 Environmental Monitoring Report non-compliances but had failed to take appropriate remedial action.

On 10 September WQL published an information update into their investigations following the fire at the site in August which was available on their website and shown at paragraphs 2.22 and 2.33 of the report.

The Leader stated that complaints were edging up again as the cooler weather approached with some of the monitoring equipment showing an increase.

No concrete action from the EA had still yet been seen. This Council agreed that the site should be appropriately closed, with capping off and restoration taking place.

There was a Walleys Quarry Liaison Meeting taking place later today which the Leader would be attending and it was highlighted that there had been some director-level changes at the company.

The Minister for Nature had responded to the Leader's letter of July, refusing a public inquiry at this stage. However, the Leader and Chief Executive had met with the Health Minister- via Teams, who was keen to try and support the community and to get the message to his colleagues in DEFRA that the EA needed to take urgent action.

The latest position on the legal action that the Council was taking had, as far as possible, gone public with more information being available towards the end of this month.

Councillor Fear stated that the notion that the EA was taking 'robust measures' was bizarre but the evidence proved that it was not the case. The Council should continue to press hard for a public inquiry.

Councillor Sweeney asked the Chief Executive about reference to the smell being different on a couple of days. Councillor Sweeney had noticed this but it had been over more than two days and asked if there was any further information on this.

The Chief Executive stated that the point had been that officers had been looking at whether there were concurrent events happening such as spreading on nearby fields for example, as there had been an intense smell in the town on 20 and 21 August. However, for those living near to the site it was a personal experience and highly variable in terms of atmospheric conditions. The odour was affecting people's lives both physically and mentally. The Council would continue working with the UK Health Security Agency and others to bring the matter to a conclusion.

The Leader stated that since the last meeting of Cabinet, the Committee of Inquiry report had been taken through Full Council and the Chief Executive was moving forward on implementing the recommendations which sat with the Council. The

pressure needed to be kept up on the desire for a public inquiry and the legal action progressed.

There had been an upsurge in complaints regarding lorry movements around the site, particularly at early hours in the morning. The County Council and Police had been made aware and would take joint action on that.

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

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4. **CONTRACT AWARD FOR THE DIGITAL INFRASTRUCTURE PROJECT**

The Portfolio Holder for Finance Town Centres and Growth introduced a report providing an update on the procurement of a partner for the delivery of a fibre network in the Newcastle Town Deal Area and sought authority to appoint the selected delivery partner.

The deployment of a fibre network would bring substantial benefits, enabling businesses and the community-digital connectivity in areas that were not being served by the commercial market or where there was potential to overcome digital exclusion in local communities.

The Leader welcomed this which would cover the Newcastle Town Deal Area urban wards. It was key to increase connectivity in a sustainable way. The Town Deal money was an opportunity to get a good, fast internet connection for residents and businesses. Using Community Centres as hubs could give them a new lease of life and would also create connectivity in the local area.

There was a confidential report attached to this item that would be discussed in closed session at the end of the meeting.

- Resolved:**
- (i) That the appointment of ITS Technology Group as a delivery partner for the delivery of a fibre network in the Newcastle Town Deal area, be approved.
 - (ii) That the Deputy Chief Executive, in consultation with the relevant portfolio holder be authorised to sign any such agreements as may be necessary to enable the deployment of a fibre network in the Newcastle Town Deal area and to establish an Indefeasible Right of Use agreement with the selected provider.
 - (iii) That a further report be received to consider the option to invest in further provision as part of the Council's commercialisation programme.
 - (iv) That the Deputy Chief Executive, in consultation with the relevant portfolio holder be authorised to take forward development of the digital hubs in our communities and is authorised to sign any

agreements that are necessary between the respective parties to enable their development.

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5. BOROUGH LOCAL PLAN EXAMINATION COSTS AND FUNDING

The Portfolio Holder for Strategic Planning introduced a report regarding funding of the Local Plan Examination Process.

When the Local Plan arrives at the Planning Inspectorate at the beginning of next year it would go forward to examination and the examiners charge a large fee per day. In addition, very detailed information could be asked for, from consultants outside of the Council.

Attention was drawn to paragraph 2.3 of the report which pointed out that the figures shown in paragraph 2.2 were only an estimate and at paragraph 2.5, a successful bid of £100,000 had been allocated to the Council from the previous government's Planning Skills Delivery Fund.

The Leader said that the grant was good news. The Council had met the required deadline, following consultation, of the Full Council meeting in July which had proved important as, a day later, the Deputy Prime Minister had raised the housing figures.

The Leader proposed a second resolution – to recognise receipt of the grant from the Planning Skills Delivery Fund.

- Resolved:**
- (i) That the allocation of up to £200,000 from the Budget Support Fund to fund the Local Plan programme and examination, be approved.
 - (ii) That the allocation of £100,000 received from the previous government's Planning Skills Delivery Fund, be noted.

[Watch the debate here](#)

6. PROPOSED ANIMAL WELFARE CHARTER

The Portfolio Holder for Sustainable Environment introduced a report presenting a draft Animal Welfare Charter for Newcastle-under-Lyme.

The Charter put into writing actions that the Council was already undertaking. It would be ongoing and therefore change as time went on. It had been to the Health, Wellbeing and Environment Scrutiny Committee on 16 September with positive comments. It would be taken to Full Council for formal approval on 20 November.

Councillor Richard Gorton asked if the Charter would be used to reinforce the message to allotment holders that the use of pesticides had dire consequences for wildlife. Also, what plans had been put in place to promote awareness of the Charter which would be of interest to a range of groups. Finally, Councillor Gorton asked if any thought had been given to doing a version for schools.

The Portfolio Holder had previously checked with the Service Director for Sustainable Environment regarding pesticides on Borough Council land and they would no longer

be used. Allotments, however, had not been considered but would be discussed with the Service Director for Neighbourhood Delivery and would inform Councillor Gorton, in writing, of the outcome. A press release would be going out on the Charter, following this meeting and the Charter would be on the Council's website. The Portfolio Holder would enquire as to other means of promoting the Charter.

The idea of doing a Charter for schools was an excellent idea and the Portfolio Holder was sure that the Sustainable Environment Team would also welcome the idea and would report back when that had been done.

The Leader, referring to the use of pesticides, stated that the Council had passed the Nature Recovery motion a couple of years ago which included that the Council would phase out the use of pesticides from its own operations. Publicity for the Charter could be achieved through the Council's many channels of communication. In addition, a Civic Pride initiative was soon to be launched and the Charter could be included in that also.

- Resolved:**
- (i) That the draft Animal Welfare Charter, be received and the comments from the Health Wellbeing and Environment Scrutiny Committee, be noted.
 - (ii) That the draft Animal Welfare Charter be forwarded to Full Council, for approval and adoption, subject to any proposed further amendments.
 - (iii) That officers be authorised to canvas other local authorities to establish the appetite for collectively writing to the UK Government urging a ban on the giving of live animals as prizes on public and private land.

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7. **FORWARD PLAN**

The Leader went through the Cabinet Forward Plan

Resolved: That the Forward Plan be received and noted.

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8. **URGENT BUSINESS**

There was no Urgent Business. However, the Leader referred to the statue of Queen Elizabeth II that was unveiled in the Queens Gardens last Friday and urged people, coming into town, to go and see it.

9. **DISCLOSURE OF EXEMPT INFORMATION**

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

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10. **CONTRACT AWARD FOR THE DIGITAL INFRASTRUCTURE PROJECT
(CONFIDENTIAL REPORT)**

Cabinet considered the report that was an element of the Contract Award for the Digital Infrastructure Project at item 5 on the agenda.

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

**Councillor Simon Tagg
Chair**

Meeting concluded at 2.40 pm