

CABINET

Wednesday, 2nd February, 2022
Time of Commencement: 2.00 pm

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Present:	Councillor Simon Tagg (Chair)	
Councillors:	Stephen Sweeney	Trevor Johnson Jill Waring
Apologies:	Councillor(s) Gill Heesom and Paul Northcott	
Officers:	David Adams	Executive Director Operational Services
	Martin Hamilton	Chief Executive
	Simon McEneny	Executive Director - Commercial Development & Economic Growth
	Daniel Dickinson	Head of Legal & Governance /Monitoring Officer
	Denise French	Democratic Services Team Leader
	Sarah Wilkes	Head of Finance / S151 Officer

30. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

31. **MINUTES OF PREVIOUS MEETINGS**

Resolved: that the minutes of the meeting held on 12 January 2022 be approved as a correct record.

32. **WALLEYS QUARRY ODOUR ISSUES**

Cabinet considered an update report on odour issues from Walley's Quarry. Cabinet was informed that during 2021 the Council had received over 22,000 complaints and the Environment Agency had received in excess of 43,000 complaints. Although complaint levels had decreased towards the latter part of 2021, in January 2022 complaints regarding odours had increased alongside increases in H2S levels recorded at monitoring stations.

The Health Improvement Agency had undertaken assessments of the impact on health including due to long term exposure.

Cabinet discussed next steps including involving the County Council, the Department for Environment, Food and Rural Affairs and making a formal complaint.

Resolved: that:

- (a) The report be noted;
- (b) A formal complaint be made to the Environment Agency (EA) expressing the Council's dissatisfaction with the way in which they are regulating Walley's Quarry in view of the recent increase in odours and corresponding complaints to the Council; if there is no satisfactory outcome, then the assistance of Aaron Bell, MP be sought to refer the matter to the relevant Health and Parliamentary Ombudsman; and
- (c) A meeting be sought with representatives from the Department for Environment, Food and Rural Affairs (DEFRA) to involve the County Council in their public health role and other relevant health partners and in conjunction with Aaron Bell MP regarding the EA regulation of Walley's Quarry and the ongoing detrimental impact on residents' health.

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33. URBAN TREE PLANTING STRATEGY UPDATE AND DESIGNATION OF URBAN CARBON CAPTURE AREAS

Cabinet considered a report updating progress on the Urban Tree Planting Strategy which had been approved at Cabinet on 7 July 2021.

Resolved: that:

- (a) Cabinet notes the Phase 1 sites already planted to coincide with the national tree planting week initiative.
- (b) The phase 2 of tree planting through the Urban Tree Planting Strategy is approved for immediate implementation, subject to consultation responses, and the Executive Director – Operational Services is authorised to seek and accept quotations for the work.
- (c) Cabinet notes progress with other linked initiatives.
- (d) The list of future sites for tree planting is approved and work is progressed, with a view to implementation of further phases starting with planting sites for Phase 3 in the autumn/winter planting season of 2022/23.
- (e) Cabinet remove the 2 ha. limit to allow larger sites to be considered.
- (f) All Council owned sites in phases 1, 2 and 3 and future phases outlined in appendix 1 are designated as Urban Carbon Capture Areas in the Open Space and Green Infrastructure Strategy and considered for an appropriate designation in the developing Local Plan; and
- (g) The Council be recommended to endorse the creation of Urban Carbon Capture Areas as outlined in (f) above and their protection in the developing Local Plan and all relevant policies.

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34. REVENUE AND CAPITAL BUDGETS AND STRATEGIES 2022/23

Cabinet considered the 2022/23 General Fund Revenue Budget and the 2022/23 Capital Programme following consideration by the Finance, Assets and Performance Scrutiny Committee on 20 January 2022. Cabinet also considered the Flexible Use of Capital Receipts Strategy (updated for 2022/23), the Capital Strategy for 2022/32, the Treasury Management Strategy for 2022/23 and the Investment Strategy for 2022/23. The Budget, Capital Programme and all Strategies would be submitted to Full Council on 23 February 2022 for approval.

Resolved: that:

- (a) the Revenue and Capital Budgets as detailed in this report and in the report to Cabinet dated 12 January 2022 be recommended to Full Council for approval.
- (b) The updated Medium Term Financial Strategy 2022/23 to 2026/27 (Appendix 2) be recommended to Full Council for approval.
- (c) The strategy for ensuring a balanced revenue outturn position for 2021/22 be approved.
- (d) The calculation of the Council Tax base and the Council Tax increase to be proposed for 2022/23 of 1.99% per Band D equivalent property be recommended to Full Council for approval.
- (e) 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 2022/23 be recommended to Full Council for approval.
- (f) The Flexible Use of Capital Receipts Strategy (Appendix 6) for 2022/23 be recommended to Full Council for approval.
- (g) The Borough Growth Fund Priorities for 2022/23 be approved.
- (h) The Capital Strategy (Appendix 7) for 2022/32 be recommended to Full Council for approval.
- (i) The Treasury Management Strategy (Appendix 8) for 2022/23 be recommended to Full Council for approval.
- (j) The Investment Strategy (Appendix 9) for 2022/23 be recommended to Full Council for approval.
- (k) The Local Council Tax Reduction Scheme (Appendix 10) for 2022/23 be recommended to Full Council for approval; and
- (l) The designation of the Carbon Capture Areas as discussed in minute 33 above be endorsed.

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35. APPOINTMENT OF EXTERNAL AUDITOR FOR THE FIVE YEAR PERIOD FROM 2023/24

Cabinet considered a report on the appointment of an External Auditor for the five year period from 2023. The current auditor appointment arrangements covered the period up to and including the audit of the 2022/23 accounts. Authorities could arrange their own procurement and make an appointment themselves or in conjunction with other bodies, or join and take advantage of the national collective scheme administered by Public Sector Audit Appointments.

Resolved: that Cabinet recommends to full Council that the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

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36. FORMATION OF STAFFORDSHIRE LEADERS BOARD

Cabinet considered a report on the formation of a Staffordshire Leaders' Board which would enable the Borough Council to work ever more closely with the County Council and other Borough and District Councils in Staffordshire.

Resolved: that:

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- (a) The establishment of, and Newcastle under Lyme Borough Council's participation in, the Staffordshire Leaders Board be agreed on the basis of the Terms of Reference set out in Appendix 1 to the report.
- (b) The Leader be appointed as the Council's representative on the Leaders' Board.
- (c) The Deputy Leader be appointed as the named substitute for the Leader on the Leaders' Board.

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37. ENVIRONMENTAL PROTECTION ACT 1990 PART 2A - CONTAMINATED LAND STRATEGY 2022

Cabinet considered a report on a review of the council's Contaminated Land Strategy. It was a requirement of Statutory Guidance that local authorities periodically reviewed their strategies, the council's current Strategy had been approved in 2014.

Resolved: that the Contaminated Land Strategy for 2022-2027 be approved and adopted.

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38. FORWARD PLAN

Consideration was given to the Forward Plan listing upcoming key decisions to be made by Cabinet.

Resolved: that the Forward Plan be received.

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39. URGENT BUSINESS

There was no Urgent Business.

**Councillor Simon Tagg
Chair**

Meeting concluded at 2.48 pm