

Cabinet - 19/03/24

potential Judicial Reviews; firstly, the EA's decision not to bring forward a Suspension Notice. However, this had now been done, with work ceasing for just over one week whilst remediation works were undertaken. The second potential Judicial Review was around the Secretary of state's decision to not grant a public inquiry into the performance of the EA. The Council's Monitoring Officer had outlined the complexities of this and the information was appended to the report.

Paragraph 2.26 outlined the process that would need to be undertaken in terms of the Abatement Notice.

Councillor Fear expressed his disappointment at the increase in complaints during February and asked, if that were to happen again, was that evidence that Best Practical Means were not being used.

The Chief Executive advised that there were two aspects of a challenge of Best Practical Means, one being that they only applied to 'normal' operations. The other issue, by the nature of Best Practical Means, it meant that there was the prospect of the operator using the best techniques available at the time but there still being an odour off-site. There was also the issue of affordability.

Councillor Fear stated that an adverse event would be presumptive evidence that Best Practical Means was not happening. Councillor Fear commented on the notion that if the operator claimed that it was too expensive to put it right then they did not have to and asked if there was any documentation that would give a sense of proportionality, giving the limit of expenditure that was deemed to be excessive.

The Council's Service Director – Regulatory Services advised that in terms of the cost element there were industry standards guides in relation to what constituted Best Practical Means. The economics of it also had to be taken into account; the available technology available and the practicality of delivery.

The Leader stated that the EA had not listened and had not dealt with Walleys Quarry and the Council had been let down by them. The Leader referred to paragraph 2.26 – the Council's enforcement policy stating that people had a right to know at what position the Council was on the chart and asked for an update.

Referring to the report, the Chief Executive stated that the odours off-site at the current stage could be consistent with a breach in the abatement notice and the question was whether that was an actionable situation, if it was a one off event, where it fitted with Best Practical Means and whether it had been resolved.

The Leader stated that the Council would have to make a decision at some point to enforce its enforcement policy on the operator and would continue to press for a public inquiry on the EA and DEFRA.

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

[Watch the debate here](#)

4. NEWCASTLE TOWN DEAL DIGITAL INFRASTRUCTURE PROJECT UPDATE

The Leader introduced a report giving update on progress made with the Newcastle Town Deal Digital Infrastructure Project. The rollout was going at pace and the report outlined the process for bringing it about. There would be a series of digital hubs around the Borough, hopefully based around community centres.

The Portfolio Holder for Leisure, Culture and Heritage stated that having the discussions with community centres was currently being looked at and the capacity to facilitate the project.

- Resolved:**
- (i) That the progress on the Digital Infrastructure project as part of the Newcastle Town Deal, be noted;
 - (ii) That the Deputy Chief Executive in conjunction with the Portfolio Holders for Finance, Town Centres & Growth and One Council, People & Partnerships, be authorised to progress the Digital Infrastructure project to the next steps of procuring a partner to deliver a fibre network within the Newcastle Town Deal area;
 - (iii) That the Deputy Chief Executive in conjunction with the Portfolio Holders for Finance, Town Centres & Growth and One Council, People & Partnerships, be authorised to examine the invest to save potential of connecting key Borough Council sites to the fibre network to release the full benefit from this investment;
 - (iv) That a further report on the digital inclusion element of the project be considered by a future meeting of Cabinet.

[Watch the debate here](#)

5. ELECTRIC VEHICLE CHARGING POINTS FOR CASTLE CAR PARK

The Portfolio Holder for Finance, Town Centre's and Growth introduced a report awarding the contract for the provision of Electric Vehicle Charging Points at Castle Car Park to Zest Eco Ltd.

Zest Eco would be liable for the provision, management, maintenance and replacement of the EV chargers with no cost to the Council.

The Leader stated that the existing car park at the Midway did not facilitate EV charging or 'pay on exit' and that had been a key driver for the building of the new car park.

- Resolved:** That the Deputy Chief Executive in consultation with the Portfolio Holder for Finance, Town Centres and Growth, be authorised to enter into a contract with Zest Eco Ltd for the installation, management and maintenance of electric vehicle charging points at Castle Car Park.

[Watch the debate here](#)

6. TREE AND BIODIVERSITY MANAGEMENT PLAN

The Portfolio Holder for Sustainable Environment introduced a report seeking approval for the adoption of the tree and biodiversity management plan, setting out the Council's approach to managing its tree stock.

Members' were advised of the six main objectives of the plan which were outlined at paragraph 2.6 of the report and the current progress was outlined at paragraph 2.9.

The Leader stated that the plan set out how the trees and wildflower meadows in the Borough would be maintained. The Leader also stated that it was worth noting that a percentage of newly planted trees would not take or could be damaged within their first year and would need to be replaced.

Resolved: That the Tree and Biodiversity Management Plan be approved.

[Watch the debate here](#)

7. CONTRACT AWARD FOR WAMMY FOOTBALL CHANGING ROOM DEVELOPMENT

The Portfolio Holder for Finance, Town Centre's and Growth introduced a report giving an update on the new changing facilities and, to recommend the awarding of a construction contract to the successful bidder as outlined in the confidential appendix which would be considered in closed session at the end of this meeting.

- Resolved:**
- (i) That the progress on the project to deliver Football Changing facilities at the Wammy, be noted.
 - (ii) That the Deputy Chief Executive, in consultation with the Portfolio Holders for Finance, Town Centres & Growth and One Council, People & Partnerships, be authorised to complete post tender negotiations and to progress all legal agreements to enable appointment of a contractor to construct the Football Changing Facilities at the Wammy.
 - (iii) That the Deputy Chief Executive, in consultation with the Portfolio Holders for Finance, Town Centres & Growth and One Council, People & Partnerships, be authorised to construct the Football Changing Facilities at the Wammy.

[Watch the debate here](#)

8. SPORT ENGLAND SWIMMING POOL SUPPORT GRANT TO KIDSGROVE CIO

The Leader introduced a report outlining the awarding of grant funding for Kidsgrove Sports Centre from the Sport England Swimming Pool Fund.

The Portfolio Holder for Leisure, Culture and Heritage welcomed the funding and stated that the fitting of solar panels at the Sports Centre would go a long way to working towards net zero carbon emissions in the Borough and would also provide energy savings and reduce running costs.

- Resolved:**
- (i) That the Sport England capital grant from the Swimming Pool Fund is in principle accepted by the Council to support the eligible projects at Kidsgrove Sports Centre, be noted.

- (ii) That the Deputy Chief Executive in consultation with the Portfolio Holder for One Council, People & Partnerships be authorised to sign all necessary agreements to enable the grant to be passported to Kidsgrove Sports Centre.

[Watch the debate here](#)

9. FORWARD PLAN

The Leader went through the Cabinet Forward Plan.

Resolved: That the Forward Plan be received and noted.

[Watch the debate here](#)

10. URGENT BUSINESS

Members were advised that this was the last meeting of the outgoing Chief Executive, Martin Hamilton. The Leader thanked him for everything he had done and wished him well for the future.

Cabinet Members added their thanks and best wishes to Martin.

[Watch the debate here](#)

11. 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.

12. CONTRACT AWARD FOR WAMMY FOOTBALL CHANGING ROOM DEVELOPMENT PART TWO - CONFIDENTIAL

Consideration was given to the confidential appendix relating to the Contract Award for Wammy Football Changing Room Development item.

Resolved: That the confidential appendix be received.

**Councillor Simon Tagg
Chair**

Meeting concluded at 3.02 pm