



CANNOCK CHASE COUNCIL

COUNCIL MEETING

WEDNESDAY, 25 NOVEMBER, 2020 AT 6:00 P.M.

MEETING TO BE HELD VIA REMOTE ACCESS

PART 1

Notice is hereby given of the above mentioned meeting of the Council which you are summoned to attend for the purpose of transacting the business set out below:-

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any interests in accordance with the Code of Conduct.

Members should refer to the guidance included as part of this agenda.

3. Minutes

To confirm the Minutes of the Council Meeting held on 9 September, 2020, Minute Nos. 31 – 41; Page Nos. 24 – 36.

4. Questions Received from the Public under Council Procedure Rule 4B(c)

(i) To receive the following question submitted in accordance with Council Procedure Rule 4B(c) by Jacquie Prestwood:

“Is there a progress report on the new cemetery?”

(ii) To receive the following question submitted in accordance with Council Procedure Rule 4B(c) by Jacquie Prestwood:

“Cannock Stadium, are there any updates on future plans for the park?”

(iii) To receive the following question submitted in accordance with Council Procedure Rule 4B(c) by Les Bullock:

“In view of the current level of job losses due to the Coronavirus pandemic, what are Cannock Chase District Council doing to try to offset these losses wherever possible?”

(iv) To receive the following question submitted in accordance with Council Procedure Rule 4B(c) by Les Bullock:

“Will the ‘Green Agenda’ help to create new job opportunities in the area, with hopefully, a resultant ‘upskilling’ into more high tech jobs for our community?”

(v) To receive the following question submitted in accordance with Council Procedure Rule 4B(c) by Natasha Chiles:

“Given the Council has awarded a change to the operator of the outdoor market in Cannock, what measures specifically related to traders’ current locations, rent protection, and competition, are the council taking to safeguard the businesses and livelihoods of existing traders to ensure these small businesses are protected in order that they may continue to serve the community of Cannock in the future?”

5. The Chairman's Announcements and Correspondence

To receive any Announcements and Correspondence from the Chairman of the Council.

6. The Leader’s Announcements and Correspondence

To receive any Announcements and Correspondence from the Leader of the Council.

7. Changes to Members of Committees etc. 2020/21

To receive notification from Group Leaders of changes to Committees’ membership which require approval by Council (Item 6.1).

8. Questions Received under Council Procedure Rule 8

No Questions have been received under Council Procedure Rule 8.

9. Recommendations Referred from Cabinet, Committees etc.

(i) To consider the following recommendation to Council, made by Cabinet at its meeting held on 12 November 2020, in respect of:

2019/20 Infrastructure Funding Statement (draft Minute No. 46)

“That Council, at its meeting to be held on 25 November 2020, be recommended to adopt the annual infrastructure funding statement for the financial year 2019/20, as attached at Appendix 1 to the 12 November 2020 Cabinet report, and that it be approved for publication on the Council’s website.”

A copy of the related Cabinet report for the above recommendation can be viewed via the following link:

www.cannockchasedc.gov.uk/council/meetings/agendas-reports-minutes/102/2020-11-12

10. Motions Received under Council Procedure Rule 6

(i) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor Mrs. C. Mitchell, Culture and Sport Portfolio Leader:

“Council will be aware that we retained all six Green Flag awards in Cannock Chase again this year with a special award for Castle Ring. It is becoming increasingly obvious how important our green spaces, parks and leisure facilities are for our health and wellbeing, mental and physical.

Due to Covid our leisure facilities have come under increased financial pressure due to closures and with cancellations of memberships and lack of public confidence. It is also reported that one in four community clubs state that they will close, with more than half of those most at risk located in deprived areas.

Health conditions such as diabetes and obesity, which we have major problems with in Cannock Chase, can be managed and prevented through physical activity, but lockdown highlighted that not everyone has access to a garden, online classes or parks and open spaces.

As facilities reopen we must work as Councillors and play a key role in articulating sport and physical activity’s contribution to national and local priorities, such as reducing obesity, mitigating climate change, high street regeneration and reducing pressures on adult social care service.

I know that the Managing Director has written to the Member of Parliament for Cannock Chase already. I move further that he write to the Secretary of State to express the urgency for an emergency funding package for this Council, so that our parks, open spaces and leisure facilities can continue to be kept to the standard that our residents want and deserve.”

(ii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor A.M. Muckley, Member for Rawnsley Ward:

“A recently convened appeal panel requested that this motion is brought before Council in light of some concerns that arose as part of the appeal.

Consequently, this Council notes that a clear and fair complaints process is needed, particularly with regards to Stage Three complaints.

Therefore this Council:

- Resolves to ensure a best practice complaints procedure.
- Proposes that a cross-party working group is formed to fully discuss best practice for Stage Three complaints.
- That the findings of the working group be reported back to full Council.”

“I, Andrea Muckley, confirm that this motion was drafted by myself and I have no external references to make.”

(iii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor Miss O. Lyons, Leader of the Opposition:

“The devastating consequences of Climate Change need no explanation; we are surrounded by evidence of the unwelcome changes to our environment. In July 2019, this Council committed to become net carbon neutral by 2030. Indeed, councillors receive an update on that commitment only last week.

Climate Change is complex and to reach carbon neutrality, we must develop a multifaceted approach. The problem is complicated, contributory factors are entwined into modern life and, sadly, there is no silver bullet. Yet one thing is simple, we must act now.

We live in Cannock Chase and have an entire forest on our doorstep. We are lucky because every tree helps but we must not use this to lessen our own level of responsibility. We could go further in and around our towns and strive to make a larger impact.

Planting trees is one of the cheapest, most cost-effective means of reducing carbon.

- Trees purify the air and a single tree can absorb almost 1 tonne of carbon during its lifetime;
- A single tree can provide enough oxygen for two people per year;
- Trees support our environment, protect wildlife and help restore vital habitats;
- They help our own wellbeing and mental health by allowing us to take a moment to enjoy the great outdoors.

Science supports the amazing benefits of ‘afforestation’, or simply put ‘planting more trees’. Nationally, there is a range of tree planting schemes and the Forestry Commission’s report ‘Government supported new planting of trees in England’ released in June 2020 confirms that 1,956 hectares, or 3,281,000 trees were planted in 2019/2020 as a result.

Elsewhere, local authorities are embarking upon more localised initiatives and utilising schemes such as the Government’s ‘Woodland Carbon Fund’ which provides capital funding for Council’s to create new green, wooded areas.

It should be recognised that this Council have in the past planted trees alongside the Countryside Volunteers and Staffordshire Wildlife and have a remove one, replace one policy. Cannock Chase District Council’s own Urban Forestry Strategy identifies and promotes community involvement in both tree management and tree planting. I have received requests from community groups who wish to help locally by planting trees themselves. We should be enabling tree planting projects as they bring together communities, encourage residents to spend time outdoors and, longer term, help us to fight Climate Change.

I was therefore disappointed to find a stumbling block – this Council does not have a ‘land bank’ or indeed any areas that have been surveyed, prepared and protected for tree planting. Given the increasing development in the area, I feel strongly that land should be protected for this purpose.

I understand the financial pressures this Council faces and I know that it is not always as simple as planting trees. There will be costs, such as planting materials, ground preparation, fencing and ongoing maintenance, but we cannot ignore the

cost to our planet by postponing this action.

I propose that this Council begins to look at identifying a 'land bank' for the purpose of planting trees, assessing the potential cost to the Council and further explore the various funding opportunities and incentives on offer."

(iv) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor B. Jones, Community Safety and Partnerships Shadow Portfolio Leader:

"This motion proposes that council directs the Managing Director of CCDC, Mr Tony McGovern to write to the Minister for Business, Energy and Industrial Strategy Kwasi Kwartang MP, requesting a change in legislation relating to the sale and use of fireworks.

This motion has been prepared based on the research undertaken by the RSPCA and contained within its report titled 'Bang out of Order'. For those wishing to read the report in detail, please follow the below link:

<https://www.rspca.org.uk/documents/1494939/0/Bang+out+of+order+-+fireworks+frighten+animals+%28PDF+706KB%29.pdf/ebcfb65c-40f4-58a0-88d2-0896845a3127?t=1571669349793>

We are all aware that the use of fireworks has substantially increased in recent years. What was once a yearly occurrence shortly before and on bonfire night has now become a year-round event. As well as the lead up to bonfire night, fireworks are now routinely used during the New Year, Diwali, Chinese New Year, Birthdays, Weddings and other celebrations. Whilst many people enjoy fireworks, sadly this has led to an increase in anti-social behaviour and considerable distress being caused to domestic pets, horses, farm animals and other wildlife.

Fireworks can be a source of fear and distress for many animals, particularly the sudden, loud noises. For example, it is estimated that 45 percent of dogs show signs of fear when they hear fireworks and a New Zealand survey recorded 79 percent of horses as either anxious or very anxious around fireworks over the period of Bonfire Night. Animals affected not only suffer psychological distress but can also cause themselves injuries, sometimes very serious ones as they attempt to run or hide from the noise.

The impact of the Covid-19 Pandemic has also affected many people causing increased isolation and mental health issues. The constant impact of fireworks being discharged has the potential to have a detrimental effect on many people's wellbeing. Many councillors share the concerns of many pet owners, farmers and other people who are adversely affected by the constant use of fireworks and hope that members across the chamber do too.

There is already a range of legislation regulating the sale, display and safety of fireworks. The Fireworks Act 2003 and the Fireworks Regulations 2004 (as amended) are the main pieces concerned with regulating fireworks usage in England, Scotland and Wales.

The 2003 Act was introduced with the aim of reducing the noise, nuisance and injuries caused by the misuse of fireworks. Section 2 of the Act conferred powers on the Secretary of State to make regulations to ensure there is no, or minimal, risk that fireworks will cause death, injury, alarm, distress or anxiety to people, or death,

injury or distress to animals, and destruction of or damage to property. The main relevant provisions of the 2004 Regulations provide:

1. A prohibition of the possession of fireworks in a public place by anyone under the age of 18 years (Regulation 4).
2. A curfew on the use of fireworks between 11pm and 7am (though this starts later November 5th) (12 midnight), New Year's Eve, Chinese New Year and Diwali (1 am)) (Regulation 7).
3. A ban on the possession of category 4 fireworks (i.e. those whose noise level exceeds 120 dB) by the public (Regulation 5).
4. A prohibition of the supply of excessively loud category 3 fireworks (i.e. over 120 dB) (Regulation 8).
5. A ban on the sale of fireworks to private individuals outside of certain dates 15th October-10th November, 26th-31st December, three days before Diwali and Chinese New Year, unless from certain licensed shops (Regulation 9).
6. An exception to these prohibitions is for professionals who use fireworks in their work (for example putting on professional displays, special effects in theatre, film or television, etc) (Regulation 6).

Schedule 1 of the Pyrotechnic Articles (Safety) Regulations 2015 also sets out a categorisation system for fireworks in the UK. Category F1, F2 and F3 fireworks must not exceed a maximum noise level of 120 dB. The report by the RSPCA as highlighted above gives further details on noise levels and the type of firework in each category.

This is an issue that resonates with people and thousands of RSPCA supporters and the wider public have significant concerns about fireworks. For example, in 2016 over 104,000 people signed an e-petition calling for tighter regulation of fireworks and in 2017 a further e-petition was supported by over 113,000 people. In 2018, in less than four weeks 330,000 people signed a petition on the matter. It is clear there is very strong public feeling on this situation.

As stated, it is clear from the available information that fireworks can impact negatively on animals as well as people. The RSPCA believes the law is failing as it does not prevent or reduce the risk of fireworks causing distress or anxiety to people or death, injury or distress to animals. They believe that updating the law would improve the situation for animals and people. Many councillors agree with this view and support all the recommendations highlighted in the RSPCA report. These are as follows:

1. **Limit the public sale and use of fireworks to on or close to specific dates and times.** The RSPCA supports the current restrictions on the sale of fireworks to the public on or close to agreed traditional dates, i.e. November 5th, New Year's Eve, Chinese New Year and Diwali. These dates are already recognised as being exceptional in the Regulations and we believe that the existing prohibition on sales at all other times could and should be extended to include use as well. We believe this could be enforced by a licensing system for private displays outside of these dates (see point 4 below).
2. **Tighter restrictions on the sale of fireworks in the run up to November 5th.** We feel that tighter restrictions should be placed on the sale of fireworks in the

run up to November 5th. At present they can be sold from 15th October through to 10th November, whereas the restrictions for the sale of fireworks for the other traditional dates are much tighter. Based on the experience of New Zealand we believe the sales permission should be limited to 29th October through to 5th November.

3. **Reduce the maximum noise level of fireworks available to the public and ensure they are labelled accurately.** We would like to see the maximum permitted noise level of fireworks for public sale (i.e. those that fall within categories F1, F2 or F3) reduced from 120 dB to 90 dB and the introduction of a labelling system identifying the noise level of fireworks (e.g. 'loud' or 'low noise') to allow consumers to make an informed decision. Setting the limit at 90 dB would be consistent with the approach in other countries and encourage manufacturers to design and produce quieter fireworks.
4. **Licensing of all public fireworks displays.** We would like to see all public fireworks displays licensed by the relevant licensing authority, with information about the proposed display provided in the local area several weeks in advance (allowing mitigating measures to be put in place) and a process for local residents to appeal against the granting of the licence. This process should also apply to people seeking to hold private displays at special events (such as weddings). The licensing process should require due consideration of the potential negative impact on animals and, where possible, mitigation measures to reduce this impact.
5. **Raising awareness.** In addition to changes in the law, we believe there is a real need to raise awareness amongst pet owners about fireworks phobia and that it can be treated (in dogs at least) in the long term, rather than being something that they and their pets have to suffer every year. The importance of needing to prepare themselves and their pets in advance in order to be most effective, rather than just before the fireworks season occurs also needs to be emphasised and could have a significant benefit to dogs and their owners. In addition, there is a need to raise awareness about the impact of fireworks on animals to the wider public to encourage them to be more considerate of pets, horses and livestock as well as local wildlife.
6. **Further research is needed to properly understand the impact of fireworks noise on animals.** We have reached our position based on the limited research we have identified but acknowledge that there is a need to have a better understanding of the impact of fireworks noise (including the contribution of factors such as loudness and audio spectrum frequencies produced) on animal welfare, so that future developments can be more effectively informed.

In conclusion, this District Council already has a very robust anti-social behaviour policy. By working in conjunction with Staffordshire Police and Staffordshire Fire and Rescue Service this authority will continue to act against those individuals who use fireworks illegally or inconsiderately. This motion is intended to compliment that strategy and tighten the law still further, I commend it to all members of this council."

"Citation: This motion has been prepared based on the report of the RSPCA titled 'Bang Out of Order'."

(v) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor A.S. Boucker, Member for Western Springs Ward:

The Coronavirus pandemic has made a lot of necessary changes in our lifestyle, work and politics. Cannock Chase Council officers and staff have risen to this challenge remarkably in every way, and Councillors too have played their part by continuing to host and participate in meetings and committees via video. Also, by broadcasting those parts appropriate to the public.

The public of Cannock Chase have a right to attend meetings, and to see their councillors representing them. We must accept that with Cannock Chase being such a wide area, it is sometimes not possible for people to attend meetings, and as such, they miss a basic right to see their local representatives.

Having been forced to broadcast our meetings due to current restrictions we have had a chance to see that more people are engaging with us and watching us online than do in the chamber. We can only expect this number to grow as more people become aware that we are broadcasting. The Conservative Group believe that this engagement should be encouraged after lockdown when we re-enter the chamber.

The Conservative Group propose:

- 1) That Cannock Chase District Council resolve to continue broadcasting meetings for as long as lockdown is in place.
- 2) That a review be undertaken, to both the cost and feasibility of placing several cameras within the council chamber to broadcast meetings of council online.
- 3) That consideration is given to allowing access to all councillors (or elected groups that require them) to allow them to broadcast on their own social media, or websites.

“Citation: While this idea has been around a while from several parties, it was recently put forward to Lichfield District council.”

(vi) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor A.S. Boucker, Member for Western Springs Ward:

“The outbreak of Covid-19 has impacted and changed many aspects of our life; the way we work, the way we conduct business, and, particularly at the moment, the way we enjoy our social and private life. I am sure that we would all agree that the staff of this Council, both those employed directly and indirectly, have risen remarkably to the task and challenges at hand and have managed to maintain the great standards of service that our officers deliver.

While we would like to be able to go further than this, the Conservative Group feel that a gesture of appreciation should be made to all directly employed Council staff. Therefore, the Conservative Group put forward that a letter be written to all staff directly employed by the Council explaining our gratitude for their efforts during these incredible times. The cost of this letter should be covered by a donation from all councillors, meaning that there is no direct cost to this Council or the Taxpayer.

While we appreciate that this is a small gesture, it is at times like these that small gestures of appreciation and gratitude go the furthest.”

(vii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor J.A.A. Newbury, Environment and Climate Change Portfolio Leader:

“This Council notes that:

- The current process of obtaining a Gender Recognition Certificate is onerous, intrusive and can be distressing for those having to undergo it.
- Transgender people have been calling for the right to self-identify their own gender for many years.
- Many countries already allow for self-identification, including Ireland, Malta, Portugal, Belgium, Norway and Argentina.
- The Minister for Women and Equalities pledged to look into this issue and held a National LGBT Survey in 2018 which received more than 100,000 responses.
- Despite the survey demonstrating widespread support for self-identification, the Minister indicated in September 2020 that this reform would not be pursued.
- The Government is instead proposing to lower the £140 fee to apply for a Gender Recognition Certificate and move the process online.

This Council believes that:

- Transgender people have a right to self-declare their own gender and have this officially recognised by government at all levels.
- Transgender people have waited long enough for reform of the Gender Recognition Act 2004 and are tired of their status being debated in the public sphere.
- Local government should do what it can to support the right of transgender people to have their gender recorded as they see fit.

This Council resolves to:

- Ask the Managing Director to write to the Minister for Women and Equalities to affirm the Council’s support for self-identification and request that the Government Equalities Office reconsider its stance on this.
- Conduct a review into the information it collects on the gender of residents, tenants and staff and present a report to Cabinet on the practical implications of allowing self-identification.”

11. Comments and Questions on Part 1 Minutes of Cabinet, Committees, Sub-Committees and Panels under Rule 9

To receive any comments or questions submitted under Rule 9 on Part 1 Minutes of meetings of Cabinet, Committees, Sub-Committees or Panels as included in the Minutes Record circulated alongside this agenda.

12. Annual Treasury Management Report 2019/20

Report of the Head of Finance (Item 12.1 – 12.13).

13. Review of Licensing Policy

Report of the Head of Economic Prosperity (Item 13.1 – 13.45).

14. Exclusion of the Public

The Chairman to move the following motion:-

"That the public be excluded for the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1, Schedule 12A, Local Government Act, 1972."

CANNOCK CHASE COUNCIL

COUNCIL MEETING

WEDNESDAY, 25 NOVEMBER, 2020 AT 6:00 P.M.

MEETING TO BE HELD VIA REMOTE ACCESS

PART 2

15. Comments and Questions on Part 2 Minutes of Cabinet, Committees, Sub-Committees and Panels under Rule 9

To receive any comments or questions submitted under Rule 9 on Part 2 Minutes of meetings of Cabinet, Committees, Sub-Committees or Panels as included in the Minutes Record circulated alongside this agenda.



**T. McGovern,
Managing Director**

17 November, 2020

GUIDANCE ON DECLARING PERSONAL, PECUNIARY AND DISCLOSABLE PECUNIARY INTERESTS AT MEETINGS

DEFINITION OF WHAT IS A PERSONAL, PECUNIARY AND DISCLOSABLE PECUNIARY INTEREST

A PERSONAL INTEREST is one where your well-being or financial position, or those of a member of your family or any person with whom you have a close association would be affected to a greater extent than the majority of Council Tax payers, ratepayers, or inhabitants of the electoral ward(s) affected by the decision. You automatically have a personal interest if you have given notice in the Register of Members' Interests, e.g. if you are appointed to an outside body by the Council.

A PECUNIARY INTEREST is a personal interest where the matter

- a) affects your financial position or that of a member of your family or any person with whom you have a close association or a body in which you have registered in the Register of Members Interests or
- b) relates to the determining of any consent, licence, permission or registration in relation to you or any person with whom you have a close association or a body in which you have registered in the Register of Members Interests

and, in either case, where a member of the public knowing the facts would reasonably regard the interest as so significant it is likely to affect your judgement of the public interest

A DISCLOSABLE PECUNIARY INTEREST is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) in respect of employment, office, trade, profession or vocation carried out for profit or gain; sponsorship; contracts; land; licences; corporate tenancies; or securities, as defined with the Localism Act, 2011.

PLEASE MAKE IT CLEAR WHETHER IT IS A PERSONAL, PECUNIARY OR DISCLOSABLE PECUNIARY INTEREST.

It would be helpful if, prior to the commencement of the meeting, Members informed the Monitoring Officer of any declarations of interest, of which you are aware. This will help in the recording of the declarations in the Minutes of the meeting.

DECLARING INTERESTS AT FULL COUNCIL

The Code of Conduct requires that personal interests where you have a personal interest in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that

meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Some items will be mentioned in the papers for full Council but are not actually being considered by Full Council. In such circumstances the Monitoring Officer's advice to Members is that there is no need to declare an interest unless the particular matter is mentioned or discussed. As a general rule, Members only need to declare an interest at full Council in the following circumstances:

- Where a matter is before the Council for a decision and/or
- Where the matter in which the Member has an interest is specifically mentioned or discussed at the Council meeting.