

CANNOCK CHASE COUNCIL
NOTES OF THE
SCRUTINY WORKING GROUP -
REVIEW OF POLICY FOR COMMERCIAL USE OF THE HIGHWAY
THURSDAY 26 JULY, 2018 AT 4.00 P.M.
HELD IN THE DATTELN ROOM, CIVIC CENTRE,
BEECROFT ROAD, CANNOCK

Present:

Councillor M. Sutherland (Chairman)
Councillor Mrs. M. Davis
Councillor A. Dudson
Councillor P. Hewitt

By Invitation:- Councillor Mrs. C. Martin
(Health and Wellbeing Portfolio Leader)

Officers: P. Beckley, Interim Head of
Economic Prosperity

David Prosser-Davies, Food,
Safety and Licensing Manager

1. Appointment of Chairman

The Group agreed that Councillor M. Sutherland would be Chairman of the Working Group.

2. Declarations of Interests from Members

Councillors A. Dudson, P. Hewitt and M. Sutherland declared that they were Staffordshire County Councillors.

3. Review of Policy for Commercial Use of the Highway

The Chairman advised that the Working Group had been established to review the Policy for the Commercial Use of the Highway. The Group would consider whether the Policy was fit for purpose and if it was not working, consideration should be given to why this was. The Group would also look at what could be added to make it work better or whether to pull it completely.

Councillor Mrs. Davis added that when the Policy had been approved back in

October 2017 it was agreed that it would be reviewed at a later date. However, there was now concern that there may be a few problems arising. She asked for clarification as to why Staffordshire County Council adopted a Policy in 2007 and Cannock Chase did not adopt it until 2017. The Food, Safety and Licensing Manager confirmed that the Policy stems from an action plan in the 2016-17 Better Jobs and Skills PDP to review the Street Trading Policy. The Policy was developed having regard to Staffordshire County Council's Commercial Obstructions Policy 2007. The County Council (as Highway Authority) created a Policy framework to allow District Councils to regulate and control "commercial obstructions". The County Council will not get involved in administration and enforcement unless the District Council have adopted a policy first.

The Interim Head of Economic Prosperity added that during the consultation process the County Council advised that they would be reviewing their 2007 Policy, as part of their Highway Policy Review, in 18 months time. These 18 months have now nearly passed and, as yet, the District Council has not had any feedback on the County's review of their Policy. He questioned whether their review of the Policy would alter the path the District Council took. The Chairman asked why there had been a 10 year gap and why the District Council agreed to implement an old policy that was up for a review. The Food, Safety and Licensing Manager explained that it was the only policy that was available to implement; in order to complete an action that was included in a PDP the Council implemented this Policy.

Councillor Hewitt explained that this Policy has been aggressively challenged across the District. He asked why it had not been implemented in Heath Hayes, Norton Canes etc (only the main three town centres) and questioned whether it was to make money or whether the County Council had asked us to adopt it.

The Food, Safety and Licensing Manager advised that when the Council had debated the Policy in October, Members were asked whether it should be a District wide policy. It had been agreed that it would be implemented in the main three town centres and a review be undertaken within 12 months after initial implementation, with a view to evaluating the impact and to determine whether to extend the policy beyond the largest three town centres and/or District wide. He confirmed that it was not an income generating thing - District Councils could only recover from businesses their reasonable costs in administering the Policy.

Members questioned the health and safety aspect of allowing the obstructions in the highway. Councillor Dudson added that making businesses pay for a licence to allow them to display an 'A Board' or erect tables and chairs did not improve the health and safety aspect. For example the 'A Board' would still be in the way of someone who was blind.

The Interim Head of Economic Prosperity explained that it was illegal to erect obstructions in the Highway and some Council's had banned them all together. The RNIB do not want them at all. However, the District Council had decided to follow the County Council and adopt a Policy which allowed controls to be in place to stipulate that the 'A Boards' should be erected in certain places and be of a specific size. He added that the Policy covered the erection of café tables and

chairs along with gazebos selling electricity etc. in addition to the display of 'A Boards'. The Policy made it clear what the traders could have, where they should be positioned and what size they should be.

Members considered that the enforcement of the Policy would be difficult to manage. They questioned who was responsible for enforcement as there was no revenue to pay for it. The Food, Safety and Licensing Manager confirmed that the County Council enforce the conditions of the Policy. In order to achieve a uniform approach across the County each District Council could adopt the Policy and the County Council undertake to take action where necessary. The Policy states that County Council will take action where a District Council has implemented a scheme. The County are the highways authority and it is a statutory duty on them.

The Chairman asked where the money generated from the implementation of the Policy goes to. The Food, Safety and Licensing Manager confirmed that the money went towards the District Council's costs of administering the scheme. He confirmed that the Policy was a mechanism to allow businesses to use the highway to advertise legally. The Council was not permitted to raise revenue through the process, only to recover reasonable costs.

Councillor Hewitt considered that larger businesses could afford the costs involved to display 'A Boards' and erect tables and chairs, whereas it was another burden on the smaller businesses who were already struggling to make money. He added that town centres only flourished if the businesses were doing well.

The Interim Head of Economic Prosperity suggested that the Group may want to look at what other Local Authorities were doing and whether they had adopted the Policy. The Policy had been about since 2007 in other Districts and the Chairman considered that it would be a good idea to obtain information from these Councils on a like for like comparison.

The Group considered that as the County Council was due to be reviewing their Policy contact should be made with them to establish what the latest position was with regards to the review.

Councillor Dudson asked what was defined as a town centre. There was concern that in some areas the town centre could be on one side of the road whereas the other side of the road did not form part of the town centre. The Interim Head of Economic Prosperity explained that this was defined in the Local Plan and the Policy was based on the main three town centres. Councillor Dudson added that Traders could have hanging advertising boards outside their premises and pay nothing. The Officer clarified that a Trader would need to pay for and obtain planning permission in order to have an advertising board outside their premises. He commented that Tamworth Borough Council made Traders pay for planning permission in order to display an 'A Board' and then they had to pay for a licence as well. However, the District Council had had not pursued this course of action.

Members questioned what would happen if a member of the public was injured after bumping into an 'A Board'. The Food, Safety and Licensing Manager advised that this would be covered by the Traders public liability insurance (if they

had it). However, the Trader would not be covered if the 'A Board' was erected illegally (without a licence). Traders were required to provide proof of their public liability insurance in order to obtain a licence. The Interim Head of Economic Prosperity referred Members to paragraph 3.10 of the Report which outlined the figures for the number of traders who had been granted licenses. Officers would be contacting traders who were either displaying 'A Boards' or erecting tables and chairs without a permit and advising them of the policy and persuading them to apply for a licence.

Councillor Dudson raised the issue of enforcement again and considered that if the County Council was responsible for enforcing the policy they would have to employ an Enforcement Officer to police the policy. He questioned who would be paying for the Enforcement Officer and asked whether the County Council would try to retrieve the costs from the District Council. The Food, Safety and Licensing Manager confirmed that the County Council would pay for an Enforcement Officer. They would recover their fees from the businesses not the District Council. The Group asked that the County be asked to clarify this.

The Chairman then asked the Portfolio Leader, Councillor Mrs. C. Martin if she had anything to add. She commented that the cost of a 3 year permit was £85; that amounted to 54p a week. For tables and chairs it was £85 per year for 2 units and for 7-10 units it was £500. She clarified that there was not one trader in the District that had a large enough frontage to cater for 7-10 units. She considered that the cost of 54p per week for a trader to display an 'A Board' and to allow Officers to control where they were situated was not excessive. It was better to control where they were positioned so that access for emergency vehicles was not impeded. She acknowledged that the health and safety aspect was important but added that common sense should prevail.

Councillor Hewitt asked whether there were any records of injuries in the District as a result of the displaying of an 'A Board'. The Officer confirmed he was not aware of any injuries. Councillor Hewitt added that the District Council did not have a policy prior to 2017 and the 'A Boards' would have been displayed before then and yet there was no record of any injuries even though no policy was in place.

The Chairman commented that Hednesford town centre was not pedestrianised and buggies or wheelchairs may have to go into the road if an 'A Board' was in the way. He therefore considered that control of where they were placed was important.

The Interim Head of Economic Prosperity suggested that Members may wish to visit the town centres to see for themselves what was in place. He asked them to bear in mind that some traders had removed their 'A Boards' or tables and chairs as they did not want to pay for the permit. Therefore there were less of them in place than there were 12 months ago. Members may also wish to ask the traders how the policy had affected them.

The Group agreed that they would visit the town centres and assess what was in place in each and liaise with traders.

The Group noted that it may be useful to contact disability groups, such as the RNIB, shoppers and wheelchair/buggy users to seek information on any particular issues they may have. Councillor Hewitt agreed to pick this up and feed back to the Group.

Councillor Hewitt considered that the public were massively involved in this as if all tables and chairs and advertising boards were removed from a town centre it would look terrible. They added to the vibrancy of the towns and improved the appearance.

The Interim Head of Economic Prosperity asked whether the Group would like to obtain a view of the Economic Development team on the Policy. The Group agreed this was a sensible suggestion.

The Officer also asked Members if they could review the template attached to the agenda at Item 4.4 as this would form the basis of the review and record the key tasks and timescale. The Chairman agreed to look at this once the minutes had been circulated.

The Group agreed that the date for the next meeting would be Tuesday 21 August, 2018 at 3.00pm. However Members of the Group would talk between themselves in the meantime and advise the Interim Head of Economic Prosperity of anything they wished to be included on the agenda.

AGREED:

- (A) That other Local Authorities be contacted to establish what they were doing and whether they had adopted the Policy (like for like comparison).
- (B) That Councillors Sutherland and Hewitt contact County Council to establish the latest position with regards to their review of the 2007 Policy.
- (C) That the County Council be asked to clarify the position with regards to the enforcement of the Policy.
- (D) That Members of the Group undertake a visit of the District to assess what was in place in each town centre and liaise with traders to establish how the policy had affected them.
- (E) That Councillor Hewitt make contact with disability groups, such as the RNIB, shoppers and wheelchair/buggy users to seek information on any particular issues they may have and provide feedback to the Group.
- (F) That the Economic Development team be contacted to seek their views on the Policy.
- (G) That details of how the charges are established will be provided to the Working Group.

- (H) That details of planning permission requirement will be provided to the Working Group.
- (I) That the Chairman would complete the review template once the minutes had been circulated.
- (J) That the next meeting of the Working Group be held on Tuesday 21 August, 2018 at 3.00pm and Members advise the Interim Head of Economic Prosperity of any items for the agenda.

The meeting finished at 5.05pm.