



**Please ask for:** Matt Berry  
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6 September 2023

Dear Councillor,

**Cabinet**

**6:00pm on Thursday 14 September 2023**

**Meeting to be held in the Esperance Room, Civic Centre, Cannock**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,

**T. Clegg**  
**Chief Executive**

**To: Councillors:**

Johnson, T.B.	Leader of the Council
Newbury, J.A.A.	Deputy Leader of the Council and Regeneration & High Streets Portfolio Leader
Elson, J.S.	Community Wellbeing Portfolio Leader
Muckley, A.M.	Environment and Climate Change Portfolio Leader
Thornley, S.J.	Housing Portfolio Leader
Preece, J.P.T.L.	Parks, Culture, and Heritage Portfolio Leader
Prestwood, J.	Resources and Transformation Portfolio Leader
Fisher, P.A.	<i>Non-voting Observer</i>

# Agenda

## Part 1

### 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 and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

### 3. Minutes

To approve the Minutes of the previous meeting held on 10 August 2023 (enclosed).

### 4. Updates from Portfolio Leaders

To receive and consider oral updates (if any), from the Leader of the Council, the Deputy Leader, and Portfolio Leaders.

### 5. Forward Plan

Forward Plan of Decisions for September to November 2023 (Item 5.1 - 5.3).

### 6. Quarter 1 Performance Report 2023/24

Report of the Head of Transformation and Assurance (Item 6.1 - 6.34).

### 7. Proposed District-wide Smoke Control Order

Report of the Deputy Chief Executive - Place (Item 7.1 - 7.27).

### 8. Proposed Charging Scheme for Development Management Pre-Application Advice

Report of the Head of Economic Development and Planning (Item 8.1 - 8.9).

### 9. Kerbside Waste Collection Contract Procurement

Report of the Head of Operations (Item 9.1 - 9.13).

### 10. Introduction of Chargeable Garden Waste Collection Service

Report of the Head of Operations (Item 10.1 - 10.12).

### 11. Exclusion of the Public

The Leader to move:

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

# Agenda

## Part 2

### **12. Former Tenants' Arrears Recommended for Write-off**

Report of the Head of Housing and Corporate Assets (Item 12.1 - 12.6).

The report is confidential due to the inclusion of:

- Information relating to any individual, and
- Information which is likely to reveal the identity of an individual.



**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Cabinet**

**Held on Thursday 10 August 2023 at 6:00 p.m.**

**In the Esperance Room, Civic Centre, Cannock**

**Part 1**

**Present:**

Councillors:

Johnson, T.B.	Leader of the Council
Newbury, J.A.A.	Deputy Leader of the Council and Regeneration and High Streets Portfolio Leader
Elson, J.S.	Community Wellbeing Portfolio Leader
Thornley, S.J.	Housing Portfolio Leader
Preece, J.P.T.L.	Parks, Culture, and Heritage Portfolio Leader
Prestwood, J.	Resources and Transformation Portfolio Leader
Fisher, P.A.	<i>Non-voting Observer</i>

**19. Apologies**

Apologies had been submitted from Councillor A.M. Muckley, Environment & Climate Change Portfolio Leader.

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

No other Declarations of Interest were made in addition to those already confirmed by Members in the Register of Members' Interests.

**21. Minutes**

**Resolved:**

That the Minutes of the meeting held on 13 July 2023 be approved.

**22. Updates from Portfolio Leaders**

**(i) Parks, Culture, and Heritage**

The Portfolio Leader updated in respect of the following:

- **Anti-Social Behaviour in Cannock Park**

The Portfolio Leader advised that further to the matters reported at the last meeting of Cabinet, local residents and Friends of Cannock Park had met earlier that day with the Police to discuss their concerns. Amongst these was the question of

signage relating to, and enforceability (i.e. by the Police) of, the Alcohol Restriction Zone Public Space Protection Order (PSPO).

- **Elmore Park Toilets**

An important milestone had been reached with respect to the redevelopment of the Elmore Park toilets. The tendering process had been completed and awarded to a contractor. However, discussions of the schedule of the works programme were still ongoing and although no completion date could yet be confirmed, it was anticipated that the project would be completed by the end of November.

The project would require part of the toilet unit to be prefabricated offsite, so work on the building itself would not be immediate.

**(ii) Regeneration and High Streets**

The Portfolio Leader updated in respect of the following:

- **Levelling Up Fund Project Board**

The Levelling Up Fund Project Board has been reconstituted and a meeting was scheduled for Thursday, 24 August, 2023. Membership was on a cross-party basis.

As the project progresses to a more detailed level, designs had been updated and at the meeting the RIBA Stage 3 design reports for the scheme would be considered; particularly revised designs for the theatre / cultural hub.

An outline planning application would be presented to the Planning Control Committee soon, possibly hopefully this month.

A Compulsory Purchase Order (CPO) had been formally made and all relevant documents served to the Secretary of State. The Council currently awaited a case officer from the Department to be allocated and for notification of whether there had been any formal objections to the Order from affected landowners.

The Council remained open to negotiations with affected parties in order to avoid the need for the full CPO process

- **Shared Prosperity Fund Board**

A reformed Investment Plan Board, including the Chair of the Economic Prosperity Scrutiny Committee, held a very positive meeting on 14 July, 2023. Several projects were discussed including initiatives at Cannock College which had expanded in scope in order to pick up projects which had not progressed.

A press release was due to be issued about one of the new projects, and others would follow in the coming weeks. These would enable the Council to show the public the fantastic work being done by partners and how the Council was maximising the benefits of the Government funding.

- **Local Plan Working Group**

Work on the latter stages of the Local Plan was progressing, particularly around plans to proceed with a 'Regulation 19' public consultation on the final draft of the plan.

A meeting of the Local Plan Member-Officer Working Group had been held on Wednesday, 2 August, 2023. The working group was an excellent long-standing and ongoing example of productive cross-party working.

New members of the group had been brought up to speed with the Local Plan process and the position of the emerging Local Plan. Members had also discussed the next steps regarding the public consultation and outstanding work on collating and updating the necessary evidence documents, in addition to the local implications of proposed changes to legislation governing the Local Plan process and the National Planning Policy Framework.

- **Amazon**

Amazon's consultation period with staff at the Rugeley fulfilment centre would soon be coming to a close and the outcome was awaited.

Jointly with Staffordshire County Council, the Council had sent letters to both Amazon and Cannock Chase's Member of Parliament, Amanda Milling, setting out a support offer to any affected staff who did not wish to redeploy to the new Sutton Coldfield site. Further details were still awaited from Amazon on timescales and how the offer could be progressed, e.g., jobs fairs.

Discussions also continued with other local employers who had come forward to highlight their vacancies, as well as with the landowner of the Amazon Rugeley site, as it was felt that there was demand for logistics sites, such as the fulfilment centre.

The Leader of the Council added that he, along with the Deputy Leader and the Chief Executive, had met with Amanda Milling, MP, and had been encouraged by her offers of support.

## **23. Forward Plan**

### **Resolved:**

That the Forward Plan of Decisions for the period August to October 2023 (Item 5.1 – 5.3) be noted. The Leader pointed out that while August was a relatively quiet month for business, September and October would most definitely not be with several major items scheduled to come forward to those meetings.

## **24. Approval of Food Law Enforcement Service Plan 2023-25**

Consideration was given to the Report of the Deputy Chief Executive-Place (Item 6.1 - 6.25).

### **Resolved:**

That:

- (A) The Food Law Enforcement Service Plan, as attached at Appendix 1 to the report, be endorsed.
- (B) Council, at its meeting to be held on 6 September 2023, be recommended to:
  - (i) Approve the Food Law Enforcement Service Plan, and
  - (ii) Delegate authority to the Head of Regulatory Services to review, amend, update, and approve future Food Law Enforcement Service Plans.

### **Reason for Decisions:**

The Council was required by the Food Standards Agency to approve, and regularly revise, a Food Law Enforcement Service Plan.

**25. Approval of Environmental Health & Public Protection Service Enforcement Policy 2023**

Consideration was given to the Report of the Deputy Chief Executive-Place (Item 7.1 - 7.46).

**Resolved:**

That:

- (A) The Environmental Health & Public Protection Service Enforcement Policy 2023 and associated annexes, as attached at Appendices 1 and 2 to the report, be endorsed.
- (B) Council, at its meeting to be held on 6 September 2023, be recommended to:
  - (i) Approve the Environmental Health & Public Protection Enforcement Policy, and
  - (ii) Delegate authority to the Head of Regulatory Services to review, amend, and / or update the Environmental Health & Public Protection Enforcement Policy as necessary, due to changes in legislation, government guidance, and in the interests of operational efficiency.

**Reason for Decisions:**

In order to effectively carry out its regulatory functions, the Council and its Officers required a framework to guide decision making. The Environmental Health & Public Protection Enforcement Policy provided this and sought to ensure that decision making was transparent and that a graduated approach to enforcement was adopted wherever possible.

**26. Revenues and Benefits Collection Report - Quarter 1 2023/24**

Consideration was given to the Report of the Deputy Chief Executive-Resources (Item 8.1 - 8.10).

**Resolved:**

That:

- (A) The information regarding collections be noted.
- (B) The arrears listed in the confidential appendices be written off.

**Reason for Decisions:**

Whilst the Council's collection rates were traditionally good, regrettably not all the monies owed to the Council could be collected, and so the report recommended the write-off of bad debts that could not be recovered.

**Note: Exclusion of the Public**

**Resolved:**

As a Member had asked questions about information contained in the confidential appendices, the Leader moved that the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

The meeting closed at 6:28 p.m.

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**Leader**



## Forward Plan of Decisions to be taken by the Cabinet: September to November 2023

For Cannock Chase Council, a key decision is as an Executive decision that is likely to:

- Result in the Council incurring expenditure or making savings at or above a threshold of 0.5% of the gross turnover of the Council.
- Affect communities living or working in two or more Council Wards.

Representations in respect of any of matters detailed below should be sent in writing to the contact officer indicated alongside each item via email to [membersservices@cannockchasedc.gov.uk](mailto:membersservices@cannockchasedc.gov.uk)

**Copies of non-confidential items will be published on the Council's website 5 clear working days prior to the relevant meeting date.**

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representations Received
<b>September 2023</b>						
Quarter 1 Performance Report 2023/24	Head of Transformation & Assurance / Resources & Transformation Portfolio Leader	14/09/23	No	No		
Proposed District-wide Smoke Control Order	Deputy Chief Executive-Place / Environment & Climate Change Portfolio Leader	14/09/23	Yes	No		
Proposed Charging Scheme for Development Management Pre-Application Advice	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	14/09/23	Yes	No		
Kerbside Waste Collection Contract Procurement	Head of Operations / Environment and Climate Change Portfolio Leader	14/09/23	Yes	No		
Introduction of Chargeable Garden Waste Collection Service	Head of Operations / Environment and Climate Change Portfolio Leader	14/09/23	Yes	No		
Former Tenants' Arrears Recommended for Write-off	Head of Housing & Corporate Assets / Housing Portfolio Leader	14/09/23	No	Yes	Information relating to any individual. Information likely to reveal the identity of an individual.	

**Item No. 5.2**

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representations Received
<b>October 2023</b>						
Energy Management Strategy	Head of Housing & Corporate Assets / Housing Portfolio Leader	12/10/23	No	No		
Replacement Bridges at Anglesey Nature Reserve and Rawsley Wood	Head of Housing & Corporate Assets / Housing Portfolio Leader	12/10/23	No	No		
Housing Revenue Account - Creation of New Post	Head of Housing & Corporate Assets / Housing Portfolio Leader	12/10/23	No	No		
Rent and Income Collection Policy	Head of Housing & Corporate Assets / Housing Portfolio Leader	12/10/23	Yes	No		
Housing Ombudsman Complaint Handling Code - Self Assessment	Head of Housing & Corporate Assets / Housing Portfolio Leader	12/10/23	No	No		
LTA Tennis Courts Concessions Scheme	Head of Operations / Parks, Culture, and Heritage Portfolio Leader / Community Wellbeing Portfolio Leader	12/10/23	Yes	No		
Permission to Spend - Conversion to Wireless CCTV in Cannock Town Centre	Head of Wellbeing / Community Wellbeing Portfolio Leader	12/10/23	No	Yes (Appendix only)	Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.	
Business Growth Programme	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	12/10/23	No	No		
Amazon-Rugeley	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	12/10/23	No	No		

**Item No. 5.3**

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representations Received
Local Development Scheme 2023	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	12/10/23	No	No		
Local Plan Update and Regulation 19 Consultation	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	12/10/23	No	No		
Cannock Town Centre Levelling Up Fund - Permission to Spend	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	12/10/23	Yes	TBC		
<b>November 2023</b>						
Strategic Risk Register	Head of Transformation & Assurance / Resources & Transformation Portfolio Leader	09/11/23	No	No		
Stadium Site Phase 2 Works Revision 2B - Toilet and Community Room	Head of Operations / Parks, Culture, and Heritage Portfolio Leader	09/11/23	No	No		



<b>Report of:</b>	<b>Head of Transformation and Assurance</b>
<b>Contact Officer:</b>	<b>Adrian Marklew</b>
<b>Contact Number:</b>	<b>01543 464 598</b>
<b>Portfolio Leader:</b>	<b>Resources &amp; Transformation</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 14/09/23</b>

**Cabinet**  
**14 September 2023**  
**Quarter 1 Performance Report 2023/24**

**1 Purpose of Report**

- 1.1 To advise Members on the progress of the Priority Delivery Plans (PDPs) and Council's performance at the end of the first quarter of 2023-24.

**2 Recommendation(s)**

- 2.1 To note the progress at the end of the first quarter relating to the delivery of the Council's priorities as detailed at Appendices 1a-1d and the performance information set out at Appendix 2.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 The Priority Delivery Plans set out the key projects and actions for delivery in 2023/24. These are based on the Corporate Plan 2022-26 and the supporting four-year delivery plans.
- 3.2 Overall, 65% of the projects have been delivered or are on schedule to be completed. Progress in delivering the PDPs is summarised in section 5 of the report and set out in detail in Appendices 1a to 1d.
- 3.3 With regard to the operational performance of the key services of the Council, 83% of targets have been met or exceeded. Further details can be found at 5.7 and in Appendix 2.

## Reasons for Recommendations

- 3.3 The performance information allows Cabinet to monitor progress in delivery of the Council's corporate priorities and operational services.

### 4 Relationship to Corporate Priorities

- 4.1 The indicators and actions contribute individually to the Council's priorities and objectives as set out in the Corporate Plan 2022-26.

### 5 Report Detail

- 5.1 The Council's Corporate Plan 2022-26 was approved by Council on 27 April 2022, setting out the priorities and strategic objectives. The supporting four-year delivery plans were approved on 16 November 2022.
- 5.2 The Priority Delivery Plans (PDPs) set out in Appendices 1a to 1d to this report are the annual documents that set out how the Council will achieve progress against its strategic objectives; these plans establish the actions and timetable for delivery that are the basis of the Council's performance reporting framework.
- 5.3 In addition to the PDPs, performance is also reported against the delivery of key operational services; Key Performance Indicators (KPIs) for these services are set out in Appendix 2.
- 5.4 Where applicable, we will also report on new or additional duties undertaken by the Council during the quarter, as part of this report.

## Priority Delivery Plans

- 5.5 A commentary on performance and a rating for each of the projects/actions set out in the PDPs is given in Appendices 1a-1d. A summary of progress, by rating, is given in the table below.

Corporate Plan Priority					N/A	Total Number of Projects
	Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	Work not yet due to be started	
<b>Economic Prosperity</b>	1	16	2		1	<b>20</b>
<b>Health and Wellbeing</b>	1	9	1	0	5	<b>16</b>
<b>Community</b>		8		2	8	<b>18</b>
<b>Responsible Council</b>		9	4			<b>13</b>
<b>Total</b>	<b>2</b>	<b>42</b>	<b>7</b>	<b>2</b>	<b>14</b>	<b>67</b>

5.6 At the end of quarter 1, of the 67 actions planned for delivery in 2023/24:

- 3% have been completed;
- 63% are on target to be completed;
- 10% have slipped slightly;
- 3% are more than 3 months behind schedule; and
- 21% are not yet due.

#### **Key Performance Indicators (KPIs)**

5.7 A dashboard of key performance indicators for the Council's operational services is set out in Appendix 2. In summary:

- 10 indicators show performance above target (55%);
- 5 indicators show performance on target (28%); and
- 3 indicators show performance below target (17%)

The reasons for underperformance and the corrective action to be taken is set out in Appendix 2.

## **6 Implications**

### **6.1 Financial**

There are no direct financial implications arising from the report.

The financial management of the PDPs is standard in accordance with Financial Regulations and any measure to address a performance shortfall as reflected in a PDP report will require compensatory savings to be identified in the current year and be referred to the budget process for additional resources in future years.

### **6.2 Legal**

None

### **6.3 Human Resources**

None

### **6.4 Risk Management**

The Council's Strategic Risk Register sets out the risks the Council faces in delivering its priorities.

### **6.5 Equality & Diversity**

Equality and diversity matters are addressed in individual services areas and by undertaking equality impact assessments for projects and programmes of work where this is necessary and appropriate.

## 6.6 Climate Change

There are specific objectives within all of the priority areas which address the challenge of climate change.

### 7 Appendices to the Report

Appendix 1a: Economic Prosperity PDP

Appendix 1b: Health and Wellbeing PDP

Appendix 1c: Community PDP

Appendix 1d: Responsible Council PDP

Appendix 2: Key Performance Indicators

### Previous Consideration

None

### Background Papers

Corporate Plan 2022-26 - Council 27 April 2022

4-Year Delivery Plans 2022-26 - Cabinet 15 September 2022

## Priority Delivery Plan for 2023-24

### PRIORITY 1 - ECONOMIC PROSPERITY “To reinvigorate the economy and create a District that thrives”

#### Summary of Progress as at end of Quarter 1

				N/A	Total Number of Projects
Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
<b>1</b>	<b>16</b>	<b>2</b>		<b>1</b>	<b>20</b>

#### Summary of Successes as at Quarter 1

- Progress continues to be made with the Levelling Up Fund scheme, the Council has now developed detailed designs for the scheme and has formally made a Compulsory Purchase Order to support land assembly.
- UK Shared Prosperity Fund - good progress made in establishing governance and initiating first tranche of projects to be funded by UKSPF.

#### Summary of Slippage as at Quarter 1

- Levelling Up Fund - whilst good progress has been made during Q1, it should be noted that the CPO process has delayed the delivery of the overall programme and the Council will need to seek from DLUHC an extension to the project timeframe.
- Cannock Railway Station - while further work has been undertaken in relation to the design and feasibility of achieving a transformational upgrade to the station, the Council is not yet in a position to develop a detailed business case, and there are no active opportunities to bid for external funding to fund the project.

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Attract investment to develop the District's economy</b>							
Deliver the Levelling Up Fund regeneration scheme for Cannock Town Centre, creating a new cultural hub and high-quality public realm	<ul style="list-style-type: none"> <li>Secure outline planning consent for LUF scheme</li> </ul>	X				<p>The LUF scheme is progressing with detailed designs now worked up to RIBA Stage 3.</p> <p>The cost plan has been reviewed to take account of adjustments to the project design. The Council is currently working on a Project Adjustment Request (PAR) to submit to the DLUHC to seek an extension to the project timeframe.</p> <p>The outline planning application is on track to be determined during August and the Council has formally made the CPO and submitted this to the Secretary of State.</p>	
	<ul style="list-style-type: none"> <li>Approval of design and cost plan</li> <li>Commence demolition and clearance of existing sites</li> <li>Compulsory Purchase Order approval from Secretary of State</li> </ul>	X			X		
Work in partnership to secure investment in major projects to create confidence in our district	<ul style="list-style-type: none"> <li>Participate in the UKReIFF 2023 event to promote the district to developers/investors</li> </ul>	X				Head of Economic Development & Planning attended UKReIFF event as part of the 'We are Staffordshire' team. Promotion of LUF Cannock town centre scheme as part of a Staffordshire wide prospectus.	
	<ul style="list-style-type: none"> <li>Re-development of former Rugeley Power Station as a Zero Carbon community - owner to commence build out of development scheme</li> </ul>				X	Awaiting further details on ownership of site and programme for development.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
	<ul style="list-style-type: none"> <li>Cannock Railway Station - transformational upgrade. Detailed business case and funding strategy.</li> </ul>	X				<p>The Council continues to work with West Midlands Railways and Staffordshire County Council (the client team) to progress design and feasibility work for a transformation to the station.</p> <p>Further design and feasibility work has now been completed by Network Rail on behalf of the client team, with a decision to be taken on next steps for the project.</p> <p>Part of this will be to identify potential funding streams and further work needed to develop the business case.</p>	
Identify a pipeline of future projects to support economic growth opportunities and the rejuvenation of our town centres across Rugeley, Hednesford, Cannock and the surrounding villages and maximise investment and funding into the district	<ul style="list-style-type: none"> <li>Delivery of projects set out in the Council's approved UK Shared Prosperity Fund (UKSPF) Investment Plan</li> </ul>	X	X	X	X	<p>West Midlands Grant Programme, Net Zero Pathfinder, Go Digital Accelerator &amp; Cannock Construction Excellence Initiative project sponsors have all signed their grant agreements with launch of the programmes imminent.</p> <p>Cannock Construction Excellence construction work is nearing completion with provision of learning and training opportunities starting in September.</p> <p>Agreement from the UKSPF Project Board to progress the Enterprise Advice &amp; Support Programme with Staffordshire County Council (SCC) and to competitively tender for the Youth Aspiration Project.</p> <p>The Beat the Cold initiative is also at draft grant agreement stage.</p>	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
						<p>A meeting has been arranged with SCC to discuss next steps to invest in the UKSPF People and Skills reserve budget.</p> <p>Request to roll over funding from 22/23 to 23/24 approved by DLUHC.</p>	
<b>Encourage entrepreneurship, promote apprenticeships, and support business</b>							
Seek to identify and promote employment sites for new and growing businesses	<ul style="list-style-type: none"> <li>New employment allocations to be identified via new Local Plan</li> </ul>		X	X	X	<p>Regulation 19 version of the Local Plan will be presented to Cabinet in October: ahead of a public consultation.</p> <p>Consultation will consider proposed new employment allocations.</p>	✓
	<ul style="list-style-type: none"> <li>Develop proposal for business workspace in Levelling Up Fund project</li> </ul>		X			<p>The requirements for business workspace have been built into the LUF RIBA stage 3 design work. Demand assessment identifies potential market for small business workspace and lack of existing provision.</p> <p>Officers are currently reviewing potential model for management and operation of the facility and will work up a business plan for consideration by Cabinet.</p>	✓
Work with established Growth and Skills Hubs to streamline and simplify access to business support services, access to training and apprenticeships	<ul style="list-style-type: none"> <li>Promote availability of support from existing Growth and Skills Hubs to increase business referrals</li> </ul>	X	X	X	X	E-bulletins sent to businesses on our database as and when information is shared with the Economic Development Team.	✓

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Continue to work with partners to secure additional funding to be able to continue business growth and start-up schemes	<ul style="list-style-type: none"> <li>Commission and procure new start up support provision utilising UKSPF funding</li> </ul>		X			<p>UKSPF Project Board in July agreed that Staffordshire County Council would be commissioned to deliver the Enterprise &amp; Advice Service which covers start-ups and young businesses.</p> <p>West Midlands Grant Programme, which provides grants for start-up and growing businesses, will also provide diagnostic support for existing businesses seeking to grow. This will be a variation to their existing grant agreement.</p>	
<b>Attract modern, green and skilled industries, and create jobs</b>							
Work with our colleges and training providers to equip young people and all residents with skills they need to access employment opportunities	<ul style="list-style-type: none"> <li>Commission and fund Cannock Construction Excellence project (South Staffordshire College) utilising UKSPF allocation</li> </ul>	X	X	X	X	<p>Cannock Construction Excellence Initiative is underway with the construction of the new facility nearing completion.</p> <p>The training elements of the project will commence in September.</p>	
Work with partners to identify and support businesses to become more carbon efficient and identify opportunities to create green jobs in our district	<ul style="list-style-type: none"> <li>Commission and fund Staffordshire Net Zero pathfinder project</li> </ul>	X	X	X	X	<p>Grant Agreements with Staffordshire University have now been signed - start of the project is imminent.</p> <p>Officers are awaiting the launch date, PR / comms will be prepared to accompany the launch.</p>	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Rejuvenate our town centres</b>							
Identify opportunities to improve public realm in our town centres	<ul style="list-style-type: none"> <li>Cannock Town Centre - LUF investment in public realm enhancements - sign off of detailed scheme and cost plan</li> </ul>		X			Public realm enhancements included as part of RIBA Stage 3 design work; these include proposed new connection into the town centre (Northern Gateway) and creation of new public square adjacent to the refurbished Prince of Wales Theatre and wider cultural hub.	
	<ul style="list-style-type: none"> <li>Rugeley Boardwalk - replacement scheme - review inflation and construction cost pressures and present options to Cabinet</li> </ul>				X		N/A
Work with town and parish councils, local businesses and traders to support the development of initiatives to increase vibrancy of our town centres and increase footfall	<ul style="list-style-type: none"> <li>Regular liaison meetings with town and parish councils to identify opportunities for joint working</li> </ul>	X	X	X	X	Officers are seeking to arrange meetings during September to meet with town and parish councils to discuss progress and future projects using UKSPF Thriving Communities funds.	
	<ul style="list-style-type: none"> <li>Launch the Thriving Communities project and invite town and parish councils to bid for funding</li> </ul>	X	X	X	X	Thriving Communities project launched in early 2023 and an allocation of funds have been set aside for 7 town and parish council areas. Each area is using the funds to enhance their local area and arrange events to encourage more footfall into the high street.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Support the development of our visitor economy</b>							
Work with Destination Staffordshire (DMP) to promote our key attractions, accommodation providers and events	<ul style="list-style-type: none"> <li>Work with DMP to deliver the county-wide visitor economy strategy</li> </ul>	X	X	X	X	To support delivery of the county wide strategy, the DMP is currently seeking formal accreditation as a Local Visitor Economy Partnership with Visit England, an application is being prepared to Visit England in September 2023.	✓
	<ul style="list-style-type: none"> <li>Participate in joint marketing initiatives and development of themed campaigns</li> </ul>	X	X	X	X	<p>Cannock Chase participates in Enjoy Staffordshire marketing campaign as part of its membership of the DMP.</p> <p>The DMP is currently promoting a number of campaigns including '£30 days out under £30' to coincide with the summer holiday period. Cannock Chase Forest is featured as part of this campaign.</p>	✓
	<ul style="list-style-type: none"> <li>Evaluation of Destination Staffordshire investment</li> </ul>				X	The DMP has commissioned an Economic Impact assessment for Staffordshire and the model will track and monitor the number and types of visitors attracted to the county along with associated spend and consumer behaviour; these figures will be broken down at district level and enable the Council to review the impact of its investment in the DMP.	✓
	<ul style="list-style-type: none"> <li>Work with McArthurGlen on encouraging overnight stay packages in the district</li> </ul>	X	X	X	X	Discussions to be held with McArthurGlen to identify whether marketing information can be expanded to encourage people from further afield to visit and book a short break.	✓

**Item No. 6.12**

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<p>Maximise the legacy of the 2022 Commonwealth Games by using the event to help boost the district's profile</p>	<ul style="list-style-type: none"> <li>Explore options for new visitor accommodation/ eco accommodation to encourage those visiting Cannock Chase Forest to stay in the district</li> </ul>			X	X	<p>Discussions are ongoing with Forestry England regarding early-stage feasibility work/ design work.</p>	

Priority Delivery Plan for 2023-24

**PRIORITY 2- HEALTH & WELLBEING “To encourage and support residents to lead healthy and independent lives”**

**Summary of Progress as at end of Quarter 1**

				N/A	Total Number of Projects
Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
1	9	1		5	16

**Summary of Successes as at Quarter 1**

The Cannock Chase Can health and wellbeing app was recognised as a finalist in the Innovation category at this year’s LGC Awards held in June.

The Chase Creatures augmented reality trail has been launched within Cannock Chase Forest. This partnership project links to Cannock Chase Can with various challenges aimed at young people and encourages younger visitors to be aware of, and to follow, the Cannock Chase Code when visiting the forest.

A grant of £87,120 has been awarded by the National Lottery Heritage Fund to help digitise the collections at the Museum of Cannock Chase.

**Summary of Slippage as at Quarter 1**

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Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Provide opportunities for residents to lead healthy and active lifestyles and recognise the importance of mental health and wellbeing</b>							
Work with Inspiring Health Lifestyles (IHL) leisure trust and other stakeholders to deliver campaigns/ programmes to promote the benefits of being active and living healthily	<ul style="list-style-type: none"> <li>Work with IHL, partners, stakeholders and schools on increasing participation in sports and wellbeing activities and bid for funding where appropriate</li> </ul>	X	X	X	X	<p><b>Leisure Centres</b></p> <p>Chase and Rugeley Leisure centres have organised a variety of gym member challenges during the quarter.</p> <p><b>Wellbeing</b></p> <p>A range of activities have been delivered this quarter including:</p> <ul style="list-style-type: none"> <li>- Trained volunteer walk leaders to enable delivery of new walks.</li> <li>- Worked with cardiac rehab, Staying Well Service, Diabetes Prevention Programme.</li> <li>- Health promotion events for prostate cancer awareness, stroke awareness and Steps to Living delivered.</li> <li>- With grant funding received from the AONB, took delivery of inclusive bikes and storage for bikes.</li> </ul> <p><b>Bids</b></p> <ul style="list-style-type: none"> <li>- £87,120 from National Lottery Heritage Fund for creation of an online catalogue that can be used as a basis for new displays, engagement activities and research.</li> </ul>	

Item No. 6.15

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
						<ul style="list-style-type: none"> <li>- £45,000 from 'Know your Neighbourhood' – an 18- month district wide project to tackle loneliness.</li> <li>- Funds secured to deliver SPACE summer offer.</li> </ul>	
<p>Promote the use of the Cannock Chase Can online app to support people in leading healthy lifestyles</p>	<ul style="list-style-type: none"> <li>• Develop evaluation tool - Cannock Chase Can Portal</li> <li>• Develop new app features and functionality</li> <li>• Deliver activities within the community - bespoke projects</li> <li>• Organise Cannock Chase Can showcase event</li> <li>• Establish a Cannock Chase Can zone at Hednesford's annual festival</li> <li>• Embed Cannock Chase Can into the infrastructure of IHL (Wellbeing offer)</li> <li>• Create a Cannock Chase Can Wellbeing Hub using existing leisure and cultural venues</li> </ul>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>Funds have been secured and the Wellness Wheel Tool is now in development.</p> <p>The Cannock Chase Can health and wellbeing app was recognised as a finalist in the Innovation category at this year's LGC Awards held in June.</p> <p>Several projects have been completed including Chase Creatures and the Stadium Bug Explorer Trail which are now on the app.</p>	

Item No. 6.16

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Encourage residents to walk or cycle to and from work and school	<ul style="list-style-type: none"> <li>Adopt and work towards the objectives within the Council's green travel strategy</li> </ul>		X	X	X		N/A
	<ul style="list-style-type: none"> <li>Work with partners to create attractive and safe walking and cycling routes</li> </ul>	X	X	X	X	<p>Council officers working with IHL to look at installing secure cycle storage at our leisure centres.</p> <p>Works have been completed on pathways through Laburnum Avenue open space encouraging more people to cycle across the site.</p>	
	<ul style="list-style-type: none"> <li>Work with schools to promote walking and cycling to school</li> </ul>		X	X			N/A
	<ul style="list-style-type: none"> <li>Opportunities to be identified as part of the planning application process</li> </ul>			X			N/A
Deliver lasting legacy projects from the Commonwealth Games' mountain biking event (i.e. Perry's Trail and Pedal and Play trail)	<ul style="list-style-type: none"> <li>Encourage and incorporate cycle and wheeled sports play and areas into play areas/parks where possible</li> </ul>	X	X	X	X	Designs for the Council's first Bike Play Plaza at Cannock Chase Stadium will be consulted on with the public during Q2/Q3.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Embed health and wellbeing into all of our policies and everything that we do</b>							
Develop a Health and Wellbeing Strategy (HWB)	<ul style="list-style-type: none"> <li>Present strategy to Cabinet for adoption</li> </ul>	X	X			HWB strategy under review.	
	<ul style="list-style-type: none"> <li>Integrate strategy actions/milestones into mainstream service delivery</li> </ul>			X	X		N/A
<b>Work with partners to address health inequalities across the District</b>							
Work with Staffordshire County Council to deliver the Better Health Staffordshire (BHS) Pilot Project	<ul style="list-style-type: none"> <li>Provide constructive input, advice and assistance with the project to SCC and other partners</li> </ul>	X	X	X	X	BHS project actions currently under review with SCC to identify synergies with CCDC projects	
	<ul style="list-style-type: none"> <li>Ensure opportunities for the Cannock Chase Can initiative and app to contribute to BHS continue to be aired and maximised.</li> </ul>	X	X	X	X	Meeting held with BHS to demonstrate work of Cannock Chase Can. Further work ongoing to share the impact of the app with wider health partners.	
<b>Support residents that need our help</b>							
Work with partners to encourage the take up of benefits by residents with low incomes	<ul style="list-style-type: none"> <li>Ensure Service Level and Grant Agreements include support for residents on low incomes</li> </ul>	X				The Citizens Advice Bureau provides a range of support for residents on low incomes and for those in financial difficulty, including benefit take up.	

Item No. 6.18

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
						Support Staffordshire's work for the year includes ensuring support is provided to residents as a result of the cost of living crisis.	
Work with Support Staffordshire and Staffordshire County Council to support residents who need our help	<ul style="list-style-type: none"> <li>Engage in partnership working to ensure Cannock Chase residents benefit from support available from county wide organisations and schemes.</li> </ul>	X				Distribution of slow cookers to residents who need them has taken place during Q1.	
Work on fuel poverty with partners, such as Staffordshire Warmer Homes	<ul style="list-style-type: none"> <li>Project Team to identify and assist households suffering fuel poverty, through awareness campaigns and promotion activity</li> </ul>	X	X	X	X	Charity Beat The Cold has now been engaged for a two year period to work on this project.	
Work with partners to safeguard the most vulnerable people within our district	<ul style="list-style-type: none"> <li>Deliver partnership campaigns to raise awareness of key issues and support pathways for key issues affecting the district.</li> </ul>	X	X	X	X	Campaigns are now being delivered by the Commissioner for Police, Fire & Rescue and Crime and no longer in-house.	N/A
Provide funding to voluntary organisations to provide free independent, impartial, and confidential advice to our residents	<ul style="list-style-type: none"> <li>Grant Agreement in place</li> </ul>	X				Funding provided to Citizens Advice	

**Priority Delivery Plan for 2023-24**

**PRIORITY 3 - THE COMMUNITY “To ensure Cannock Chase is a place that residents are proud to call home”**

**Summary of Progress as at end of Quarter 1**

				N/A	Total Number of Projects
Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
	<b>8</b>		<b>2</b>	<b>8</b>	<b>18</b>

**Summary of Successes as at Quarter 1**

The Council continues its ongoing work around sustainability, internally and with partners, including a number of its schools. It also continues to look to interlink its sustainability and health and wellbeing work together where it can.

**Summary of Slippage as at Quarter 1**

Work on the LDS has slipped due to delays in obtaining evidence. Proposed changes to NPPF and Levelling Up and Regeneration Bill may impact on Local Plan timetable and further report to Cabinet programmed October 2023 with proposed new LDS.

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Ensure our neighbourhoods are safe, clean, and tidy</b>							
Engage with young people at risk of engaging in ASB through targeted diversionary activities across the district	Deliver annual programme of diversionary activities across the district	X	X	X	X	Achieving Goalz and Dreams has been commissioned through Locality Deal Funding to deliver this initiative.  Areas for engagement are determined based upon known peaks/hotspots, with additional flexibility to respond to emerging themes and trends as required.	
<b>Maintain our local parks and green spaces</b>							
Undertake a review of all our play areas	<ul style="list-style-type: none"> <li>Carry out capital play area refurbishments as per the programme</li> </ul>	X	X	X	X	The Council has continued to work on the play areas and open play spaces as identified in its 4-year capital programme.	
Provide support and opportunities to community groups wishing to take on more responsibility for improving and developing open spaces and play areas	<ul style="list-style-type: none"> <li>Improve links with existing Friends Groups and create a 'Friends of Parks Groups' Strategy</li> </ul>	X	X	X	X	Council officers are continuing to liaise with a number of friends groups and build stronger relationships with them.	
<b>Encourage residents to live a sustainable lifestyle</b>							
Work with partners and the local community to support appropriate tree and planting schemes	<ul style="list-style-type: none"> <li>Work with internal and external partners, local schools etc to identify suitable sites for community planting schemes</li> </ul>		X	X	X		N/A

Item No. 6.21

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
	<ul style="list-style-type: none"> <li>Carry out community planting at suitable identified sites</li> </ul>			X	X		N/A
	<ul style="list-style-type: none"> <li>Look to create wild planting areas on parks and open spaces</li> </ul>	X	X	X	X	Wild planting and the establishment of nature areas continues to be a theme around play area and open space development.	
Undertake campaigns to raise awareness of the ways in which residents can reduce their impact on the environment	<ul style="list-style-type: none"> <li>Carry out annual waste reduction/recycling/ climate change campaigns</li> </ul>	X	X	X	X	Work has begun on the 2023/24 annual waste annual waste reduction/recycling/ climate change campaigns, once again including working alongside a number of schools across the district.	
	<ul style="list-style-type: none"> <li>Work with schools, other educational establishments and partners, to promote sustainability, environment, and climate change awareness</li> </ul>		X	X			N/A
Develop a Sustainability Strategy and action plan to reduce the Council's impact on the climate	<ul style="list-style-type: none"> <li>Adopt a Council Sustainability Strategy</li> </ul>			X			N/A
	<ul style="list-style-type: none"> <li>Work towards the objectives of the Council's sustainability strategy</li> </ul>			X	X		N/A

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Encouragement of District wide Sustainability	<ul style="list-style-type: none"> <li>Work with local government and external partners on improving the district's sustainability and lowering its carbon emissions</li> </ul>	X	X	X	X	<p>The Council continues to work with Staffordshire Sustainability Board and a number of other partners on sustainability, including local schools.</p> <p>Partners from a number of organisations are to be invited to the Council's planned 'Let's Talk - Our Environment' event to be held during Q3.</p>	
<b>Improve the housing offer across the District</b>							
Increase housing choice	<ul style="list-style-type: none"> <li>Deliver sufficient supply of homes to provide for housing choice and ensure all people are able to live in a decent home</li> </ul>	X	X	X	X	<p>Policies on housing choice and a proposed uplift in the delivery of affordable housing have been included in the Regulation 19 Local Plan.</p> <p>New timetable to be devised and Cabinet report to approve next stage of consultation.</p>	
	<ul style="list-style-type: none"> <li>Help meet local need for a wide variety of housing, including: <ul style="list-style-type: none"> <li>affordable dwellings;</li> <li>and</li> <li>aspirational housing</li> </ul> </li> </ul>	X	X	X	X	<p>Affordable Housing policies are set out within Reg19 Local Plan. Consultation has been delayed (see below in relation to the new Local Plan).</p>	
Work with other housing providers and landlords to ensure that their properties are safe and healthy	<ul style="list-style-type: none"> <li>Review and update policies and procedures, as legislation is updated, changes and/or is created in relation to health and safety in public and private sector housing</li> </ul>	X	X	X	X	<p>Review of relevant policies completed; extensively revised private sector housing enforcement policy prepared, which will be presented to Cabinet in Q2.</p>	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Ensure our communities are well designed, accessible, and have inclusive environments</b>							
Adopt a new Local Plan for the district	<ul style="list-style-type: none"> <li>Council approval and Submission to Secretary of State for examination spring 2023</li> </ul>	X				Dates reflect LDS 2022 timetable that were not achieved due to delays in obtaining evidence. Proposed changes to NPPF and Levelling Up and Regeneration Bill may impact on Local Plan timetable and further report to Cabinet programmed October 2023 with proposed new LDS.	
	<ul style="list-style-type: none"> <li>Examination in Public summer 2023</li> </ul>		X			To be revised.	N/A
<b>Support and build strong connections within our local communities</b>							
Work with partners to support community events	<ul style="list-style-type: none"> <li>Regular meetings with town and parish councils</li> </ul>		X		X		N/A
	<ul style="list-style-type: none"> <li>Identify options for supporting community events</li> </ul>				X		N/A



### Priority Delivery Plan for 2023-24

#### PRIORITY 4 - RESPONSIBLE COUNCIL “To be a modern, forward thinking and responsible Council”

##### Summary of Progress as at end of Quarter 1

				N/A	Total Number of Projects
Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
	<b>9</b>	<b>4</b>			<b>13</b>

##### Summary of Successes as at Quarter 1

The foundations for sharing services with Stafford Borough Council are being established with the legal arrangements first to be put into place. A joint Leadership Team has been established and there is just one post, pending recruitment, to be filled. There is still further work needed regarding the managers’ structure and to bring teams together. A transformation strategy is being prepared which will provide a framework for the work needed over the next 2-3 years.

Good progress is being made in setting up the new customer portal.

##### Summary of Slippage as at Quarter 1

There has been some minor slippage on the IT strategy. Whilst it has been drafted, it is undergoing a review prior to it being considered by Leadership Team and Cabinet for approval.

With regard to the trial of the hybrid working, a survey has been undertaken and the results are to be reported to Leadership Team in Quarter 2. In the meantime, the trial is continuing to operate.

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Improve our customers' access to services</b>							
Develop a new customer portal to deliver better access to services online	Implementation of new system - Phase 1		X			The new system is currently being built and is due to go live later in the year. A small number of e-forms are being created as part of the first phase to allow us to test and develop the system.  The focus is on those forms that have the highest usage.	
	Development of new e-forms and processes - Phase 2			X	X	A plan is being developed for Phase 2.	
<b>Enhance the use of technology and new ways of working</b>							
Update our digital technology strategy and plan future improvements	Review of digital strategy and development of action plan	X				A digital strategy has been drafted and is currently being reviewed prior to it going to Leadership Team and Cabinet for approval.	
<b>Develop our workforce to ensure they are suitably skilled</b>							
Develop and deliver a workforce plan	Overarching framework for workforce plan to be developed		X			Work has not yet commenced on this and is now likely to be delayed to later in the year. The vision and culture work for the organisation needs to be completed first	
	Review of the trial of the hybrid working model and policy development	X				A survey has been undertaken to assess the effectiveness of the trial of hybrid working. The results of this will be reported to Leadership Team in Q2.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Be a responsible Council that lives within its means and is accountable for its actions</b>							
Set a Medium-Term Financial Strategy (MTFS)	<ul style="list-style-type: none"> <li>A rolling MTFS produced each year</li> </ul>	X	X	X	X	<p>While the budget is legally set in February/early March the process is ongoing throughout the year.</p> <p>At present, work is ongoing to assess the results of the outturn position and use this information to inform budget setting which is anticipated to begin in September.</p>	
	<ul style="list-style-type: none"> <li>Delivery of savings for the budgets for 23/24 and 24/25</li> </ul>	X	X	X	X	<p>These are currently under review, informed by the outturn position.</p> <p>Due to challenges with the system effective quarterly monitoring has not yet been possible.</p> <p>The system is now in place and savings reporting is anticipated to begin in Q2. The current delivery will then inform future savings needs/delivery as many of the savings identified are permanent reductions in base budget need.</p>	
	<ul style="list-style-type: none"> <li>Implementation and transformation of shared services, including the delivery of savings</li> </ul>	X	X	X	X	<p>The governance arrangements for sharing services with Stafford Borough Council have been put in place and a joint Leadership Team has been established. A transformation strategy is being developed.</p>	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Make the best use of our assets</b>							
Undertake a corporate wide review of our assets and develop a new Asset Strategy	<ul style="list-style-type: none"> <li>Undertake a programme of strategic review of the Council's non-HRA land and property assets</li> </ul>	X	X			Through the Asset Management Group asset reviews are now starting to progress. This will now be an ongoing process.	
	<ul style="list-style-type: none"> <li>Develop the business case to create a new Civic Hub in Cannock town centre as part of the Levelling Up Fund scheme</li> </ul>		X			Business case and RIBA 1 design work currently being finalised.	
Identify opportunities for funding for green initiatives to improve energy efficiency of our buildings	<ul style="list-style-type: none"> <li>Develop an Energy Management Strategy</li> </ul>	X				An Energy Management Strategy has been drafted and is under the consideration of LT.	
	<ul style="list-style-type: none"> <li>Develop asset management plans</li> </ul>			X	X	Asset Management plans will be developed off the back of the asset review process (see above). This will now be an ongoing exercise.	
	<ul style="list-style-type: none"> <li>Identify `green` funding opportunities to support asset requirements</li> </ul>	X	X	X	X	Initial research into opportunities for green funding has been undertaken.  Current funding opportunities tend to have restricted bidding windows and hence for a funding application to be successful, a project will need to be already developed and specified, ready for submission at the requisite time.	

**Key Performance Indicators (KPIs) for 2023/24 - as at end of Quarter 1**

<b>Symbol</b>	<b>Description</b>	<b>Number of KPIs</b>
	Performance exceeds target	10
	Performance on target	5
	Performance below target	3

### KPIs for Priority 1 - The Economy

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year End	Symbol	Comments
<b>Planning</b>								
Major Planning Applications determined within time	60%	N/A					N/A	No majors determined in period
Non-major Planning Applications determined within time	70%	96.6%					★	
<b>Building Control</b>								
Applications registered and acknowledged within 3 days of valid receipt	90%	100%					★	
Full plans applications with initial full assessment within 15 days of valid receipt	70%	95%					★	

## KPIs for Priority 2 - Health and Wellbeing

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Leisure</b>								
Number of leisure and wellbeing service users	Out-turn (2022/23) 795,897	214,714					✓	This figure includes visits to Chase and Rugeley Leisure Centre, Cannock Park Golf Course, Fives Pavilion, Museum of Cannock Chase, Prince of Wales Theatre and Wellbeing activities.
Number of individuals engaged through Cannock Chase Can activities and initiatives, including the App	N/A	1,092 app users					N/A	446 attendances to events during the quarter

### KPIs for Priority 3 - The Community

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Waste Collection</b>								
% Household waste sent for re-use, recycling and composting <i>Breakdown:</i> <i>Recycling (dry)</i> <i>Composting (garden)</i>	50%	50.07%					★	
		19.86%						
		30.21%						
Missed bin collections (including assisted)	2021-22 out-turn 732	140					✓	
<b>Environmental Health</b>								
% of food businesses inspected which are broadly compliant (rating of 3 or better)	N/A	98%					N/A	
<b>Homelessness</b>								
% of homeless cases resolved through prevention assessed under prevention duty	N/A	71%					N/A	
% of homeless cases assessed under relief duty	N/A	29%					N/A	

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Housing</b>								
Rent collected as proportion of rent due	100%	98.74%						Working towards, by year-end target should be achieved. Cost of living crisis impacts some tenant's ability to pay, but proactive work of Income Management team tries to mitigate to increase rent collection rate.
Rent arrears - former tenants (FTA)	£500,000	£401,345						
Average re-let time for Voids	52	46.10						
% emergency repairs completed in time	100%	100%						

## KPIs for Priority 4 - The Council

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Local Taxation and Benefits</b>								
Days taken to process new HB/CT Claims	20 days	37.6						A backlog has arisen due to a recent turnover in staff, at our busiest time. 4 FTE new recruits have recently been identified and will go through the pre-employment process and then be trained.  This process will require some time before performance returns to target level but agency support is also being applied to clear this so that the whole year average can achieve target.
Days taken to process new HB/CT change of circumstances	9 days	8.3						Performance remains on target notwithstanding the high levels of staff turnover.
% of Council Tax collected annually	98% by year end	28.0%						Whilst not yet back to pre-pandemic levels, in-year recovery is improving. Prior year arrears needs more attention.
% National non-domestic rates (NNDR) collected	98% by year end	25.7%						Whilst not yet back to pre-pandemic levels, in-year recovery is improving. Prior year arrears needs more attention.

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year	Symbol	Comments
<b>Land Charges Searches</b>								
Turnaround time for land charges searches (excluding personal searches) – average no. of working days	10 working days	12.54						Performance has improved considerably compared to last year's average of 22.64 days. The resourcing issues at the County Council have been addressed; however we have experienced some technical issues accessing the data from their system following an upgrade.
<b>Calls, Complaints and FOI requests</b>								
% of calls answered	94%	94.9%						
Average call wait time	2 min	1.02min						
Complaints received and upheld:								
<b>Total stage 1 complaints</b>		15						
<i>Upheld in full</i>		3						
<i>Upheld in part</i>		0						
<b>Total stage 2 complaints</b>		3						
<i>Upheld in full</i>		0						
<i>Upheld in part</i>		1						
FOI requests within time i.e. 20 working days	85%	89%						



<b>Report of:</b>	<b>Deputy Chief Executive (Place)</b>
<b>Contact Officer:</b>	<b>David Prosser-Davies</b>
<b>Contact Number:</b>	<b>01543 464 202</b>
<b>Portfolio Leader:</b>	<b>Environment &amp; Climate change</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 14/09/23</b>

**Cabinet**  
**14 September 2023**  
**Proposed District-wide Smoke Control Order**

## **1 Purpose of Report**

- 1.1 To present, for Members' consideration, proposals for the approval and adoption of a new District-wide Smoke Control Order. The proposed Order (see Appendix 2) will consolidate the 15 Orders already in force within the District and will, for the first time, bring moored vessels within scope for smoke control. The proposed Order does not impose any new or additional requirements in respect of fuels burned or appliances used in domestic premises or commercial / industrial buildings.
- 1.2 This report discusses the following:
- Background to smoke control in the UK.
  - Existing Smoke Control Orders.
  - Proposed Smoke Control Order.
  - Rationalé for the proposal.

## **2 Recommendation**

- 2.1 Cabinet considers the Order at Appendix 2 and determines whether to:
- (a) adopt the Order as proposed
  - (b) amend the Order prior to its adoption (for example, by excluding narrowboats / moored vessels from scope)
  - (c) reject the proposed Order and continue with the existing 15 Orders.

### 3 Key Issues and Reasons for Recommendations

#### Key Issues

- 3.1 Smoke Control Orders create Smoke Control Areas, where there's a limit on how much smoke can be released from the chimney of any building (domestic or commercial / industrial). A building means any structure with a roof and walls. This includes wooden domestic structures such as sheds and summerhouses.
- 3.2 These Orders also restrict types of fuel used, so only fuels from the [list of authorised fuels](#) can be burned, unless a DEFRA-exempt appliance is used. These exempt appliances reduce emissions and minimise soot build up, keeping the flue clearer, allowing gas to escape easily. Under The Clean Air Act 1993, wood cannot be burned in smoke control areas unless using an [exempt appliance](#).
- 3.3 Between 1988 and 1998, the Council made 15 Smoke Control Orders. In aggregate, these cover the entire District. However, many of the defined boundaries no longer exist or are otherwise unclear. The proposed new Smoke Control Order will remedy these issues, as the entire District will be covered by one Order.
- 3.4 New legislation has provided the Council with the discretion to extend the scope of Smoke Control Orders to moored vessels (i.e., narrowboats). The proposed Smoke Control Order therefore applies to moored vessels, which will then be subject to the same rules as buildings.
- 3.5 Little Wyrley Hall has a partial exemption from Smoke Control Order (Cannock No. 8), whereby occupiers are allowed to burn wood from the estate. It is proposed to update this exemption.
- 3.6 It is proposed to withdraw current exemptions for the use of kindling and dry paper, as well as exemptions which are no longer necessary.

#### Reasons for Recommendations

- 3.7 To improve air quality in the District.
- 3.8 To provide additional enforcement powers when investigating complaints about the emission of smoke from moored vessels.
- 3.9 To update the exemption for Little Wyrley Hall.
- 3.10 To simplify the District's current Smoke Control framework.

### 4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:

- a. **Health and Wellbeing**

- The proposed Smoke Control Order extends the scope of smoke control to moored vessels. This will result in reduced smoke emissions and consequential improvements in local air quality.

## b. The Community

The proposed Smoke Control Order will enable Council officers to respond to complaints about smoke from moored vessels and to act where significant emissions from other premises are observed.

<b>5 Report Detail</b>
------------------------

### Environmental Background

- 5.1 Local authorities are expected to work towards reducing emissions and/or concentrations of PM<sub>2.5</sub> (particulate matter with a diameter of 2.5µm or less). Particulates of this size can get into the deep parts of lungs — or even into the bloodstream. There is clear evidence that PM<sub>2.5</sub> has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases.

(Note: µm is the symbol for a micrometre, or micron, which is one thousandth of one millimetre (0.001mm) - an average human hair has a diameter of 100 microns).

- 5.2 Domestic combustion was a major source of particulate matter in 2021, accounting for 16% of UK PM<sub>10</sub> emissions and 27% of UK PM<sub>2.5</sub> emissions. Most of the particulate emissions from domestic combustion come from households burning coal / wood in closed stoves / log burners and open fires.
- 5.3 Modelled background concentrations of atmospheric PM<sub>2.5</sub> in 2022 suggest that the highest levels are found in the South of the District, particularly in Bridgtown (11.2µg/m<sup>3</sup>) and in Norton Canes (10.2µg/m<sup>3</sup>).

### Legal Background

#### *Clean Air Act 1993*

- 5.4 The Clean Air Act 1993 (as amended in 2021) provides local authorities with powers to make and enforce Smoke Control Orders (which in turn create and define a 'smoke control area').
- 5.5 The emission of smoke from a chimney attached to a building in a smoke control area is a civil offence which carries a penalty of between £175 and £300. The Council's approach to enforcement is set out in the recently revised Environmental Health and Public Protection Enforcement Policy agreed by Cabinet, which will be supplemented by additional guidance regarding smoke control enforcement.
- 5.6 A Smoke Control Order may (subject to consultation) apply to moored vessels.
- 5.7 It is an offence to acquire a controlled solid fuel for use in a smoke control area unless it will be used in an approved appliance. DEFRA provides a list of approved appliances, [here](#).

#### *Related Legislation*

- 5.8 Part IV of The Environment Act 1995 sets out the legal obligations of local authorities on local air quality management. The declaration and enforcement of a Smoke Control Order is one way in which the Council can meet this duty.

- 5.9 Particulate matter is now the focus of Government efforts to improve air quality. The recently enacted Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 established air quality targets for PM<sub>2.5</sub> of:
- 10µg/m<sup>3</sup> annual mean (to be achieved by 2040).
  - A 35% reduction in population exposure by 2040 (2016-2018 baseline).

- 5.10 The Environmental Protection Act 1990 places the Council under a duty to investigate complaints of a statutory nuisance; the definition of nuisance was amended in 2021, to include chimney smoke in a smoke control area.

#### **Existing Smoke Control Orders**

- 5.11 The Council made 15 Smoke Control Orders between 1988 and 1998; in aggregate, these cover the entire District. The existing Smoke Control Orders do not apply to moored vessels.
- 5.12 Little Wyrley Hall is subject to an exemption which permits the use, in existing fireplaces, of 'clean, dry logs derived from the Little Wyrley Estate'.
- 5.13 The existing Smoke Control Orders include an exemption allowing some properties to use kindling; some properties in the District are fully exempt.

#### **Proposed Smoke Control Order**

- 5.14 The proposed Smoke Control Order will, if adopted:
- Simplify the existing framework of controls, replacing 15 Smoke Control Orders with a single Smoke Control Order.
  - Extend the scope of smoke control to moored vessels.
  - Update Little Wyrley Hall's exemption.
  - Remove all other exemptions.

The proposed order is submitted as Appendix 2.

- 5.15 Cabinet can resolve to:
- a) adopt the Order as proposed.
  - b) amend the Order prior to its adoption (for example by excluding narrowboats / moored vessels from scope).
  - c) reject the proposed Order.

#### **Public Consultation**

- 5.16 The proposed Smoke Control Order was subject to public consultation between 3 February 2023 and 31 March 2023 (eight weeks).
- 5.17 The consultation was publicised as follows:
- A notice was placed in the London Gazette.
  - A notice was placed in the Chronicle on two consecutive weeks.

- A notice was posted on the Trent and Mersey Canal, adjacent to the Leathermill Lane bridge, Rugeley. Two further notices were posted adjacent to private canal moorings at Norton Canes.
- The proposal was available for inspection at the Civic Offices, Hednesford Library and Rugeley Library.
- A consultation page was published on the Council website.
- Posts were made across the Council’s social media accounts.

The consultation documents are submitted as Appendix 1. Please note that this differs from the proposed Smoke Control Order (attached as Appendix 2).

5.18 The following organisations were consulted directly:

- The National Bargee Travellers Association (NBTA, objection received see paragraph 5.21).
- The Canal and River Trust (acknowledgement received).
- HETAS (acknowledgement received).
- Solid Fuel Association (no response).
- The Boat Safety Scheme (acknowledgement received).
- The Environment Agency (no response).
- Staffordshire County Council (no response).
- Norton Canes Parish (no response).
- Rugeley Town Council (no response).
- Brereton and Ravenhill Council (no response).
- Norton Canes Boatbuilders (no response).
- Canal Transport Services (in person, no response).
- Wyrley Estate (response received and discussed from paragraph 5.34).

5.19 Consultation responses are enclosed as Appendix 3.

5.20 As of 28 June 2023, no relevant comments were noted on the Council’s social media posts.

5.21 The NBTA objects as follows:

<b>Ground of Objection</b>	<b>Officer Response</b>
Inadequate time given for consultation and response.	The public consultation on the proposal exceeds the six-week timescale required by the Clean Air Act 1993.
Failure to target consultation at those most likely to be affected or to take account of the groups being consulted.	The public consultation exceeds the legal requirement. DEFRA guidance was followed when identifying appropriate persons to contact directly. All consultation responses are provided in this report and considered as appropriate.

Ground of Objection	Officer Response
Insufficient reasons provided to permit of intelligent consideration and response to the proposals.	The public consultation meets the requirements of the Clean Air Act 1993; justification for the proposed Smoke Control Order is considered in this report. The enforcement of Smoke Control Orders falls under the Environmental Health and Public Protection Enforcement Policy.
No alternative options proposed.	The public consultation meets the requirements of the Clean Air Act 1993. The options available to the Council are considered in this report.
No evidence that DEFRA Guidance has been followed.	That the Council consulted the NBTA is itself evidence that DEFRA guidance was followed.
Disproportionate impact compared to population.	A 'boat dweller' is not a protected characteristic as defined in law and therefore this is not a valid basis for objection.
Significant adverse impact on boat dwellers.	A 'boat dweller' is not a protected characteristic in law and therefore this is not a valid basis for objection.
No Equality Impact Assessment or welfare assessment carried out.	An equality impact assessment has been carried out and is available on request.
Article 8 ECHR	The legality of the Clean Air Act 1993 is not a matter for the Council.

5.22 Seven objections were received from members of the public. Grounds of objection not already made above include (*officer comments in italics*):

- That the proposed Order is being made without justification.
- That there will be an adverse impact on trade in Rugeley.
- That moored vessels may have no alternative forms of heating.
- That mobile homes/caravans are not mentioned.

*The above are outside the legal framework for smoke control.*

- That retailers selling wood should be monitored.

*Issues relating to the sale of controlled solid fuel is a matter for Trading Standards at Staffordshire County Council.*

### **Proposed Extension of Scope to Moored Vessels**

5.23 The proposed Smoke Control Order provides additional powers to officers to investigate complaints about smoke emissions from moored vessels.

5.24 If adopted, signage will be erected on each canal at the District boundary to inform boaters that they are entering a smoke control area.

*Trent and Mersey Canal, Rugeley*

- 5.25 The canal is lined with residential properties, at least two of which appear to have a moored vessel on the latest available aerial photography; temporary moorings are widely available for transient vessels.
- 5.26 Between 2015 and 2023, the Council received four separate complaints about smoke from moored vessels. One of these complainants made three separate complaints over a one-year period; this complaint was resolved following officer liaison with the Canal and River Trust.

*Cannock Extension Canal, Norton Canes*

- 5.27 The canal terminates at North Lanes where there are approximately 30 private moorings. The nearest residential property to the moorings is approximately 50m distant.
- 5.28 We are unaware of any complaints about smoke emissions.
- 5.29 Low traffic on this canal has resulted in the establishment of rare plants, and subsequent legal protection of the habitat.

*Discussion*

- 5.30 The proposed Smoke Control Order should improve air quality, particularly for residents adjacent to the canal in Rugeley, as moored vessels must use smokeless fuels or (if using wood) an exempt appliance; further air quality improvements across the wider District as a result of the Order are unlikely to be significant since, as discussed, the District is already subject to extensive controls.
- 5.31 The proposed Order provides officers with new powers to address complaints about smoke from moored vessels; currently available powers are limited:
- Statutory nuisance usually takes time to establish; vessels in Rugeley use temporary moorings and are likely to move before the Council can take action.
  - Dark smoke restrictions do not apply to smoke from burning (damp) wood.
- 5.32 The proposal introduces a degree of equity, as moored vessels will be subject to the same controls as housed residents of the District.
- 5.33 Nevertheless, Members may wish to consider exempting the Cannock Extension Canal from the proposed Order for the following reasons:
- It is set in a predominantly rural area, with no permanent dwellings in the immediate vicinity of the private moorings.
  - The Council has not received any complaints about emissions of smoke in this area.

## **Proposed Update to Little Wyrley Hall Exemption**

### *Current Situation*

- 5.34 Little Wyrley Hall dates to late medieval times and is Grade II\* listed; an associated barn to the south is listed at Grade II.
- 5.35 The Hall lies in a rural setting; the nearest houses not associated with the estate are about 90m to the south.
- 5.36 The Hall may acquire and burn wood from their estate; the (substantial) emission of smoke is an offence.
- 5.37 The consultation version of the proposed Smoke Control Order withdraws this exemption.

### *Consultation Response*

- 5.38 Little Wyrley Hall wish to retain their exemption on the following grounds:
- Wood fires contribute to maintenance by promoting good ventilation.
  - Altering the chimneys or fireplaces (by installing an approved appliance) will damage the building character.
  - Smoke emissions are unlikely to impact other residents.
  - The area around the Hall has good air quality; retaining the exemption is unlikely to change this.
  - Chimneys are swept at least once a year and are well maintained.
  - The Estate provides a sustainable supply of wood (which is seasoned before use), which has climate change benefits.

### *Discussion*

- 5.39 DEFRA guidance states that local authorities may exempt historic houses from smoke control rules. The Council needs to consider the balance between the conservation of two historic buildings against the impact on air quality.
- 5.40 Your officers consider retaining the exemption in an amended form to be reasonable in the circumstances.
- 5.41 Removing the exemption is unlikely to result in significant improvements to air quality. We are not aware of any complaints about smoke from the Hall.
- 5.42 The proposed exemption is more precise; it also removes the restriction to wood derived solely from the Little Wyrley Estate.
- 5.43 The Council will retain the power to issue a financial penalty where smoke emissions from the Hall are witnessed.

### **Kindling Exemption**

- 5.44 The existing Smoke Control Orders allow the use of 'kindling sticks and clean paper', for buildings that do not have a gas supply and were in existence when

the Order was made. The exemption therefore does not apply to properties built after 1988-1998 (subject to the specific order), nor does it apply to properties with a gas supply.

- 5.45 The proposed withdrawal of this exemption will remove ambiguity regarding the purchase of firewood.

### **Simplify Existing Arrangements**

- 5.46 The existing Smoke Control Orders, in aggregate, cover the entire District. However, their age creates potential issues:

- Smoke control order boundaries were originally hand drawn and are imprecise.
- The original plans have faded to the extent that some of the smoke control order boundaries are unclear.
- Boundaries follow map features which may no longer exist (such as field boundaries which have since been developed).

- 5.47 When enforcing the Smoke Control Orders, officers must identify the applicable Smoke Control Order, which takes time and is a potential source of error.

- 5.48 Some properties have exemptions which are no longer necessary as:

- The building no longer exists; or
- There is no other justification for their retention.

- 5.49 Adoption of the proposed Smoke Control Order will remove this ambiguity; one Smoke Control Order will apply across the entire District, to all buildings and moored vessels.

### **Summary and Conclusions**

- 5.50 The entire District is covered by a patchwork of 15 Smoke Control Orders, introduced 25-35 years ago, which prohibit smoke emissions from domestic, commercial and industrial chimneys. The adoption of a single, new Order provides an opportunity to update and simplify these controls and, at the same time, to consider whether to extend such controls to narrowboats / moored vessels.

- 5.51 As stated at paragraph 5.15, members have the option to adopt the new Order as drafted, to amend the proposals (for example by excluding narrowboats, or some locations, from scope) or to reject the proposed Order and retain existing Orders.

- 5.52 In making their decision, members may wish to consider how, and to what extent, boaters will be affected by this proposal. The Council receives very few complaints associated with emissions from narrowboats. Conversely, air quality is a key priority and there is financial assistance available to boat owners, providing up to 70% of the cost of installing a suitable appliance (subject to eligibility criteria).

- 5.53 Officers use wide discretion in carrying out regulatory enforcement and there are mechanisms in place to ensure all laws are applied proportionately. There are

also provisions in legislation to allow challenge and appeals and against penalty notices.

5.54 In conclusion the proposed Smoke Control Order as drafted will:

- Demonstrate the Council's commitment to improving air quality.
- Reduce smoke emissions from moored vessels.
- Provide your officers with additional powers to investigate complaints about smoke from moored vessels, should any arise.
- Simplify existing arrangements.
- Remove existing exemptions for kindling and some properties.
- Update the exemption for Little Wyrley Hall.

## 6 Implications

### Financial

6.1 Vessel owners with mooring rights which are valid for at least six months after the Order has come into effect, and whose moorings do not have access to gas or electricity, are legally entitled (Clean Air Act 1993, Section 26) to reimbursement for 70% from the Council of the cost of making adaptations to their vessel if those adaptations are necessary to comply with the new Smoke Control Order.

6.2 The above expenditure **must** be incurred **prior** to the commencement of the Order, be pre-approved by the Council, and works carried out to the Council's satisfaction. DEFRA has made funding available to local authorities through a targeted system which will enable LAs to cover these costs in advance and an application for appropriate funding has been made. Response from DEFRA is awaited.

6.3 The Council will liaise with the Canal and River Trust to erect appropriate signage to alert canal users that they are entering a smoke control area. The Council will need to cover these costs which are estimated to be in the region of £1,000 and will be met from within existing budgets.

### Legal

6.4 The Council has followed the appropriate legal requirements in consulting on and proposing the new Smoke Control Order.

6.5 It should be noted that, since 01 May 2023, the sale of loose house coal (also known as bituminous coal) has been prohibited (the sale of bagged house coal has been prohibited since 2020). The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 acknowledged house-coal as the most polluting fuel used in Britain's homes.

### Human Resources

6.6 The Smoke Control Order will continue to be enforced by the Environmental Health & Public Protection service.

### **Risk Management**

6.7 None.

### **Equality & Diversity**

6.8 An Equality Impact Assessment has been carried out in respect of these proposals and is available on request.

### **Climate Change**

6.9 The Council's Smoke Control Order is compatible with climate change mitigation.

## **7 Appendices to the Report**

Appendix 1 - Consultation Notice

Appendix 2 - Proposed Smoke Control Order

Appendix 3 - Public Consultation Responses

### **Previous Consideration**

None

### **Background Papers**

- [Clean Air Act 1993 \(as amended\)](#)
- [Statutory Guidance](#)
- [DEFRA Smoke Control Rules](#)
- Environmental Health and Public Protection Enforcement Policy 2023 (awaiting formal adoption by Council).
- 2023 Air Quality Annual Status Report (awaiting link)



## Consultation Notice

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# Clean Air

## Cannock Chase District Council

### PROPOSAL FOR A CONSOLIDATED SMOKE CONTROL ORDER TO BE MADE UNDER SECTION 18 OF THE CLEAN AIR ACT 1993

1. Notice is hereby given that Cannock Chase District Council ("the Council") of Civic Centre, Beecroft Road, Cannock, Staffordshire WS11 1BG proposes to make an Order, in the exercise of its powers under Section 18 of the Clean Air Act 1993 ("the Act") to revoke previous Smoke Control Orders as listed in Schedule 1 below and to declare its area to be a Smoke Control Area.
2. The proposed Order entitled "the Cannock Chase District Council Smoke Control Order 2023" would come into operation by or before autumn 2023.
3. The area covered by the proposed Order is the whole of the District of Cannock Chase.
4. If, on any day after the proposed Order comes into operation, smoke is emitted from a chimney of any building or moored vessel within the area covered by the Order, the occupier of that building or moored vessel will be liable to a financial penalty of between £175 and £300.
5. If, on any day after the proposed Order comes into operation, any person acquires for use in a fireplace other than an exempted fireplace, or sells by retail for delivery, unauthorised fuel within the area covered by the Order, he will be guilty of an offence and liable to a fine, unless, in the case of an offence consisting of the sale of unauthorised fuel for delivery, he proves he believed and had reasonable grounds for believing that the fuel was acquired for use in an exempted fireplace. The authorised fuels and exempted fireplaces for the purposes of Section 19B of the Act are those published in lists by the Secretary of State and updated from time to time on the Defra website on gov.uk.
6. The proposed Order will revoke the Smoke Control Orders listed in Schedule 1 below to consolidate them into one Smoke Control Order covering the whole of the area of the Council, and will extend the scope of the Smoke Control Order to moored vessels.
7. Copies of the proposed Order and accompanying plan may be inspected free of charge during normal office hours from 3 February 2023 to 31 March 2023 at:

Cannock Chase District Council, Civic Centre, Beecroft Road, Cannock, Staffordshire WS11 1BG

Hednesford Community Library, Market Street, Hednesford, Staffordshire WS12 1AD

Rugeley Library, Anson Street, Rugeley, Staffordshire WS15 2BB

8. Within this period, any person who will be affected by the proposed Order may object by writing to the following address:

Environmental Health, Cannock Chase District Council, Civic Centre, Beecroft Road, Cannock, Staffordshire WS11 1BG

or alternatively, please refer to the Council's website  
[www.cannockchasedc.gov.uk/smokecontrol](http://www.cannockchasedc.gov.uk/smokecontrol)

All objections should be clearly headed 'Objection to revision to Smoke Control Orders'.

## **SCHEDULE 1**

### **LIST OF SMOKE CONTROL ORDERS TO BE REVOKED**

The Cannock Chase District Council (Cannock No. 1) Smoke Control Order, 1988

The Cannock Chase District Council (Cannock No. 2) Smoke Control Order, 1990

The Cannock Chase District Council (Cannock No. 3) Smoke Control Order, 1991

The Cannock Chase District Council (Cannock No. 4) Smoke Control Order, 1993

The Cannock Chase District Council (Cannock No. 5) Smoke Control Order, 1994

The Cannock Chase District Council (Cannock No. 6) Smoke Control Order, 1995

The Cannock Chase District Council (Cannock No. 7) Smoke Control Order, 1996

The Cannock Chase District Council (Cannock No. 8) Smoke Control Order, 1997

The Cannock Chase District Council (Cannock No. 9) Smoke Control Order, 1998

The Cannock Chase District Council (Cannock Wood and Prospect Village) Smoke Control Order, 1997

The Cannock Chase District Council (Rugeley No.1) Smoke Control Order, 1992

The Cannock Chase District Council (Rugeley No.2) Smoke Control Order, 1993

The Cannock Chase District Council (Rugeley No.3) Smoke Control Order, 1994

The Cannock Chase District Council (Rugeley No.4) Smoke Control Order, 1995

The Cannock Chase District Council (Rugeley No.5) Smoke Control Order, 1996

**Draft Smoke Control Order 2023**



CLEAN AIR ACT 1993

THE CANNOCK CHASE DISTRICT COUNCIL

SMOKE CONTROL ORDER 2023

CANNOCK CHASE DISTRICT COUNCIL ("the Council") of Civic Centre, Beecroft Road, Cannock, Staffordshire WS11 1BG, in the exercise of its powers under the Clean Air Act 1993 ("the Act") hereby make the following Order:

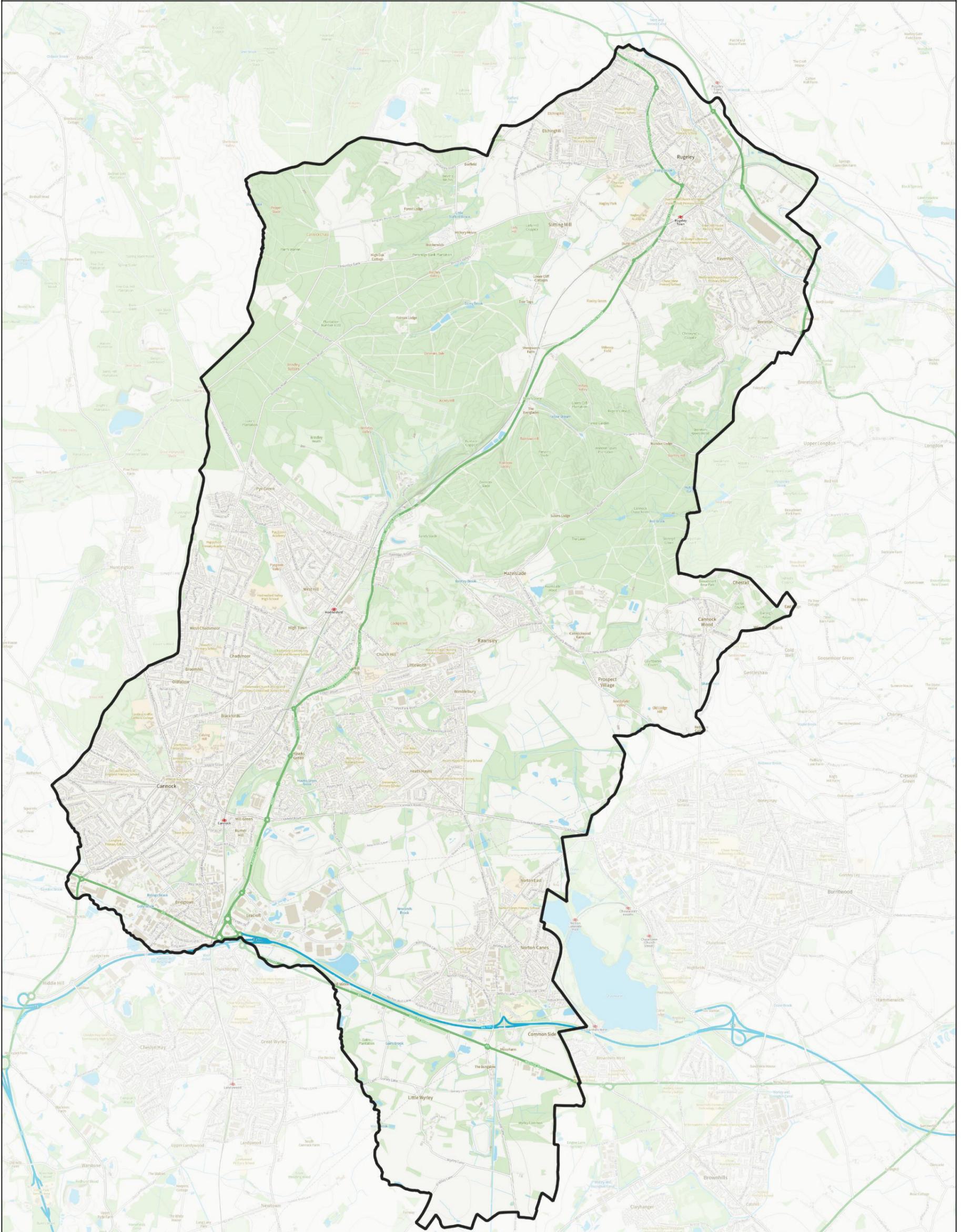
1. This Order may be cited as "The Cannock Chase District Council Smoke Control Order 2023". It will come into operation on                    2023.
2. The Council declares the whole of its district to be a Smoke Control Area ("the Smoke Control Area"). The extent of the Smoke Control Area is shown on the plan annexed at Schedule 1 to this Order.
3. All of the existing Smoke Control Orders listed in Schedule 2 are hereby revoked on the day that this Order comes into operation.
4. In the whole of the Smoke Control Area created by this Order, the operation of Section 19A and Schedule 1A of the Clean Air Act 1993 shall be applicable to all buildings and to all moored vessels.
5. Other than exemptions made by the Secretary of State under Section 19C and Section 19D of the Act, and Exemption 1 as detailed in Schedule 3 below, there are no other moored vessels, buildings or classes of buildings or fireplaces or classes of fireplaces in the Smoke Control Area that are exempt from the operation of Section 19A of the Act (the prohibition on emissions of smoke).

Dated this        day of                    2023.

The COMMON SEAL of CANNOCK CHASE DISTRICT  
COUNCIL was hereunto affixed in the presence  
of:

Authorised Officer

# SCHEDULE 1 PLAN OF THE DISTRICT OF CANNOCK CHASE



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Date Created:  
14-04-2023



SCHEDULE 2

LIST OF SMOKE CONTROL ORDERS TO BE REVOKED

- The Cannock Chase District Council (Cannock No. 1) Smoke Control Order, 1988
- The Cannock Chase District Council (Cannock No. 2) Smoke Control Order, 1990
- The Cannock Chase District Council (Cannock No. 3) Smoke Control Order, 1991
- The Cannock Chase District Council (Cannock No. 4) Smoke Control Order, 1993
- The Cannock Chase District Council (Cannock No. 5) Smoke Control Order, 1994
- The Cannock Chase District Council (Cannock No. 6) Smoke Control Order, 1995
- The Cannock Chase District Council (Cannock No. 7) Smoke Control Order, 1996
- The Cannock Chase District Council (Cannock No. 8) Smoke Control Order, 1997
- The Cannock Chase District Council (Cannock No. 9) Smoke Control Order, 1998
- The Cannock Chase District Council (Cannock Wood and Prospect Village)  
Smoke Control Order, 1997
- The Cannock Chase District Council (Rugeley No.1) Smoke Control Order, 1992
- The Cannock Chase District Council (Rugeley No.2) Smoke Control Order, 1993
- The Cannock Chase District Council (Rugeley No.3) Smoke Control Order, 1994
- The Cannock Chase District Council (Rugeley No.4) Smoke Control Order, 1995
- The Cannock Chase District Council (Rugeley No.5) Smoke Control Order, 1996

SCHEDULE 3

EXEMPTIONS UNDER SECTION 18 OF THE CLEAN AIR ACT 1993

EXEMPTION 1

This exemption only applies to Little Wyrley Hall and associated buildings as identified in the plan below.

Only approved fuels, or wood with a maximum moisture content of 20% and containing no wood-preservatives or coatings, shall be used.

SCHEDULE 3

Buildings to Which Exemption 1 Applies are Hatched



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13-04-2023





## Public Consultation Responses

### National Bargee Travellers Association

Objection to revision to Smoke Control Orders: Response to Cannock Chase Council consultation on amendment of smoke control area

#### **General**

This consultation response is from the National Bargee Travellers Association (NBTA).

The NBTA is a volunteer organisation formed in 2009 that campaigns and provides advice for Bargee Travellers: itinerant boat dwellers on Britain's inland and coastal waterways. This includes anyone whose home is a boat and who does not have a permanent mooring for their boat with planning permission for residential use. The NBTA is the only national organisation in Britain dedicated to upholding and defending the rights of itinerant boat dwellers. The NBTA has 1,500 members who travel on all the major navigation authorities' waterways and beyond. The NBTA deals with approximately 200 individual cases each year.

#### **Objections**

The NBTA objects to the revision to the Smoke Control Orders for the following reasons.

#### ***Inadequate time given for consideration and response***

The timescale of the consultation is unclear but it appears that the consultation runs from 2nd February to 31st March 2023, some eight weeks and one day. The consultation gives insufficient time for proper consideration of the proposals and inadequate time to formulate a response. Eight weeks is not sufficient for proper consideration of such serious proposals. The duration of this consultation is too short and is not in accordance with good practice. The consequence of a consultation period that is too short is that it disenfranchises those whose views ought to be taken into account. This is the case here, as Bargee Travellers who moor their homes in Cannock Chase for part of the time may not be in the area during the consultation period and will not have been contacted directly by the Council to take part. Bargee Travellers on Canal & River Trust (CRT) waterways are required to travel a range of at least 20 miles in their licence period, usually 12 months. This means they are likely to be outside the Cannock Chase local authority area for the majority of the year. The timescale is severely skewed towards enabling the participation of local housed residents and the exclusion of itinerant boat dwellers.

#### ***Failure to target consultation at those most likely to be affected or to take account of the groups being consulted***

There are significant barriers that prevent itinerant liveaboard boaters from taking part in local consultations. No information has been provided regarding how the consultation will reach boat dwellers, whether itinerant or permanently moored. The Council has not explained what efforts have been made to obtain itinerant boat dwellers' opinions and comments on the impact and practicality of bringing moored vessels into the ambit of its Smoke Control Areas. The timescale of the consultation is a barrier to the inclusion and participation of itinerant boat dwellers.

***Insufficient reasons provided to permit of intelligent consideration and response to the proposals***

No evidence has been provided that there is a problem with smoke emissions from moored boats in Cannock Chase. The Council has not provided any information regarding whether it has received complaints from residents about smoke emissions from moored boats on the Trent and Mersey Canal, the Cannock Extension Canal or the marina at Norton Canes.

The lack of data about complaints means there is no clarity regarding whether the proposals are driven by hostility of local housed residents to boat dwellers or whether the proposed Smoke Control Order is likely to be used as a tool to remove boat dwellers from areas where the local authority or the housed population is opposed to boat dwellers.

No information has been provided regarding the number of moored boats and the total level and amount of smoke emissions from moored boats in the local authority area compared either to overall air pollution or to the quantity and type of emissions from bricks and mortar homes; industrial premises; construction sites; road transport; or the M6 Toll motorway which is used by tens of thousands of NOx and Particulate emitting vehicles every day.

No definition has been provided in the consultation of what the Council considers to be a 'significant quantity of smoke from a chimney'. No information has been provided about how smoke emissions from chimneys will be measured, in relation to Ringelman Charts or otherwise.

No information has been provided regarding how the Council will ensure that itinerant boat dwellers will be able to tell whether they are entering the proposed Smoke Control Area or not, as these areas are not generally signposted either at the boundaries or elsewhere. Boaters could enter a Smoke Control Area with their stove alight, not knowing that smoke controls are in force or that they have crossed a local authority boundary, and be fined, especially if they have no smokeless fuel on board.

No cost benefit analysis or Impact Assessment has been carried out regarding the costs to the Council or the impact of fining people who will typically not be able to pay the fine and may thus be vulnerable to being imprisoned or to their possessions being seized.

***No alternative options proposed***

Paragraphs 28 and 41 of the Supreme Court judgement in R(Moseley) v London Borough of Haringey [2014] UKSC 56 state:

*"28. But, even when the subject of the requisite consultation is limited to the preferred option, fairness may nevertheless require passing reference to be made to arguable yet discarded alternative options..."*

*41. ... Nevertheless, enough must be said about realistic alternatives, and the reasons for the local authority's preferred choice, to enable the consultees to make an intelligent response in respect of the scheme on which their views are sought."*

Despite the existence of alternative options, including the availability of other enforcement powers, there is not even a brief reference to any possible alternatives to the proposed revision of the Smoke Control Orders in this consultation.

***No evidence that DEFRA Guidance has been followed***

There is no evidence that the consultation has been carried out in line with the DEFRA

Guidance to local authorities on the application of smoke control areas to moored vessels under the Environment Act 2021. The short timescale means that itinerant boat dwellers who will be affected are likely to be excluded and will not have an opportunity to respond. The absence of an Equality Impact Assessment means that the needs of vulnerable groups, such as boat dwellers on low incomes, or who have mental health issues or physical disabilities, have not been properly considered.

***Disproportionate impact compared to population***

No information has been provided regarding the numbers of boat dwellers likely to be affected, or to compare the level of emissions from moored boats with the total level of air pollution. The estimated percentage of boat dwellers in the overall population of England and Wales is between 0.05% and 0.1% (from the Office for National Statistics 2021 Census data). This suggests that the level of smoke emissions from moored boats is de minimis compared to the domestic, industrial and transport emissions from the rest of the population of Cannock Chase. It is therefore disproportionate to include moored vessels in the proposed revision to the Smoke Control Orders.

***Significant adverse impact on boat dwellers***

The proposed revision to the Smoke Control Orders will have a severe adverse effect on the quality of life of boat dwellers, especially Bargee Travellers: people who live on their boats without a permanent mooring. This is likely to penalise and punish people for the simple act of heating their homes, and in some cases for cooking and heating water. These are essential domestic activities without which people's homes are uninhabitable. Bargee Travellers are on some of the lowest incomes in the population, and most boat dwellers have so far been excluded from the Government's Energy Bills Support Scheme and Alternative Fuels payments of £400 and £200 in 2022 and 2023. This means that many simply cannot afford to heat their homes using smokeless fuels; kiln dried wood and/or DEFRA-approved stoves. Smokeless coal and kiln dried wood are the most expensive forms of solid fuel. At present due to the steep increases in the price of all solid fuels, many boat dwellers have resorted to burning fallen or scrap wood or even old clothes to keep warm. Some boat dwellers have always heated their homes using scrap or fallen wood because that is all they can afford.

***No Equality Impact Assessment or welfare assessment carried out***

The Council is bound by the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires public authorities to have due regard to a number of equality considerations when exercising their functions. However, the Council has not provided an Equality Impact Assessment of the effect of the proposed revised Orders with this consultation. This means that insufficient evidence has been provided regarding the impact of the proposed revision to the Smoke Control Orders on boat dwellers and Bargee Travellers who have protected characteristics such as disability, old age or pregnancy, which may mean that they need to stay within the local

authority boundary for longer in order to access medical and other services. In these cases the proposed application of the Smoke Control Order to moored vessels would have a greater impact on their ability to live in their homes.

The Council does not appear to have carried out a welfare assessment regarding the proposal, or an assessment of the impact of the proposal on the number of boat dwellers who may as a consequence seek support from the Council's Household Support Fund. Therefore insufficient information has been provided, contrary to the Government's Consultation Principles.

### **Article 8 ECHR**

No account has been taken of the right to respect for private, family life and home under Article 8 of the European Convention on Human Rights (ECHR). This is not even referred to. The proposed revision of Smoke Control Orders would penalise boat dwellers for the simple act of heating their homes, cooking and heating water. Unlike houses and flats, most boats do not have any gas or electric heating. The solid fuel stove is, for the vast majority of boat dwellers, the only way of heating their homes and for some also the only way to cook and heat water. Without solid fuel stoves, boat dwellers' homes would effectively become uninhabitable. This is a grossly disproportionate proposal and would violate the rights of boat dwellers to respect for their home under Article 8. The fines of £175 to £300 would impoverish Bargee Travellers, who are typically on the lowest incomes.

### **Conclusion**

The proposed revision to the Smoke Control Orders will have a disproportionate adverse impact on boat dwellers, thus violating their rights under Article 8 ECHR and the Equality Act 2010. There is a danger that, if implemented, the proposed Smoke Control Order may be used as a tool to remove boat dwellers from the local authority area.

The consultation does not meet criteria in the Government Consultation Principles 2018; in *R(Moseley) v London Borough of Haringey* [2014] UKSC 56; and in *R v Brent LBC ex parte Gunning* [1986] 84 LGR 168. The consultation does not meet the DEFRA Guidance to local authorities on the application of smoke control areas to moored vessels under the Environment Act 2021.

The consultation is therefore flawed and thus challengeable by way of Judicial Review. For the reasons stated above, the proposed revision to the Smoke Control Orders should not be implemented.

### **Member of Public 1**

Dear Sirs,

I object to the proposed change to the Smoke Control Orders.

There is nothing on the Council website to justify this proposal, other than stating you now have power to extend the orders to include moored vessels.

When the Orders were first established many coal fires existed and the Orders were sensible, but as most homes have gas heating and/or electric surely the general

situation on smoke from domestic properties is vastly better than in the years between 1988 and 1996.

Have there been complaints about canal boats emitting smoke?

Have measurements been taken recently of the effect of smoke in areas outside the existing Smoke Control Orders? If so, are those emissions greater than those in the existing Smoke Control Areas?

If not, why are you wasting time and money with this process?

Purely changing the Orders because you now have the power to do so is not a sound reason to proceed.

**Member of Public 2**

I object to the revised policy regarding smoke pollution as your guidelines are contradictory ie; Officers of the council can issue a financial penalty of between £175 and £300 where they witness the emission of a 'significant quantity of smoke from a chimney', regardless of the appliance being used or the type of fuel burned. Wood, timber or logs will need to be used in a DEFRA approved stove or smokeless fuel should be used.

So Smoking fires will get find but as you read on, DEFRA approved stoves etc should be used. May I point out they all smoke at some point, I hope your environmental fine collection officers understand that point.

**Member of Public 3**

I disagree with moored craft being included as many have no other form of effective domestic heating.

**Member of Public 4**

Hi I would like to object to the revision of smoke control in the area as you want to include canal boats which are moored in your area but all the boats moored on the Trent and Mersey canal are visitors to the area who all stop at Rugeley to shop and that brings funds to a declining area just a walk down their high street would tell you that most shops are closed the market is closed and now you want to take away the passing trade from the canal boats would have to travel from stone all the way to burton for a major supermarket that's over 2 weeks in our world it's crazy to ask about to stop but not have a fire overnight when it's cold as most of our community are elderly a fire burning approved material in an approved device should be acceptable because you can't have a fire without smoke also beyond our control it could burn fine till the fog comes in the it smokes more even the frost effects the smoke and one last thing why are mobile homes and caravans not mentioned in this report you said 15 orders were issued back in 93 tell me how many have been done in the last 5 years and how many cases locally of lung disease have been confirmed and connected to smoke from a chimney.

[Following a telephone conversation between your officer and this member of the public, a further email was received].

Hi there I have just spoken to canal river trust about burning smokeless fuel on our fire their message is clear we can burn it and you are not allowed to tell us otherwise it's a

case of bullying boaters smoke is irrelevant as it's smokeless fuel if you have issues with itinerant boaters in Rugeley then tell them and not put pressure on us your clean air policy isn't in yet and they said they will help block it if you bully boaters into changing fires or not burning to heat their boats for some reason they new your name so it must of already been reported to them hope you sort it as I said to you we need to know where we stand what is allowed and so on

**Member of Public 5**

Hi,

I am narrow boat owner who occasionally passes through the area.

The change to include boats seems potentially unfair, Stoves are the only form of heating on many boats.

Even using smoke less coal and correctly dried wood there is still some smoke when lighting fire.

What does significant smoke mean? How is this measured?

**Member of Public 6**

I wish to comment on your plans to extend the smoke free order to moored narrowboats. I live in the Cannock Chase district on a narrowboat on which I pay council tax. Whilst I understand the issues I am objecting on a number of grounds as outlined below.

A principle of environmental regulation is that it has to be proportionate. I note that the council has 40,664 households and under existing smoke orders issues notices around 15 times per year. I do not know how many moored boats are present in the council's area but suspect it is well below 100. The proportion of boat households is therefore very small. It would be interesting to know how many smoke notices have been issued to moored boats who pay council tax in the council's area. It appears that including moored boats is not proportionate legislation.

I personally only burn kiln dried logs and 99% of the time generate little or no smoke. However, when added more wood to the fire, even with full air flow, there is a short period of light smoke generation as the new wood heats up before burning. This is unavoidable. I recall under old smoke regulations industrial furnaces were allowed to generate smoke for a short period on start up. Small wood burners like my DEFRA approved wood burner have this sort of start up period every time it is re-fuelled.

Within the council's area no high density of moored boats are present, such as in a marina, and therefore the concentration of smoke emissions is low. Should a marina in the area be proposed the issue of concentrated smoke emissions could be controlled under a planning condition.

I chose to live on a narrowboat for the lifestyle and low carbon footprint. This is only possible by using as a primary heat source kiln dried wood. I feel applying this regulation to residential boat owners is discriminating against this group of people. I have not kept full records of the amount of wood I buy in a year as I buy a few bags as and when I need them. My carbon footprint from the electricity I get from a 16 amp supply is minimal compared to a house. In 2022 I consumed only 891 kW/hr, and some of this was to charge my fully electric car.

I would suggest that whilst air quality regulations are needed they should only include types of dwellings that are significant in respect to their potential overall emissions.

A more beneficial action would be to monitor retailers selling kiln dried wood. I only buy from National shop chains and it never ceases to amaze me none of the bags ever state the nominal quantity of wood contained. Since the turn of the year one supplier's bags of wood I estimate has reduced in weight by about 25%. I have stopped buying from another chain as recently it is clear their wood has not been kiln dried or after being dried has been stored in wet conditions making them for me impossible to burn.

I also note that you state burning green waste for a business in the council's are is illegal. Does this mean a D7 exemption obtained from the Environment Agency is no longer valid in your area of jurisdiction?

Kind Regards

**Member of Public 7**

To Whom It May Concern,

I have been made aware that you are wishing to impose stricter regulations upon boaters that reside and may pass through your district.

Many partake in the boating lifestyle as they have a love for nature and understand that resources are limited. Our water, waste, heating and power have to be closely monitored and conserved unlike most properties. On this basis alone it could be questioned that this consultation and any further development on this pathway would be a waste of precious council funding. If pursued it would be very unworkable to enforce. How would you enforce this for itinerant boaters with no fixed abode? How can you sanction those that are using regulated fuel but are still kicking out smoke from our short chimneys? Can you as due diligence first address the smokeless coal companies and determined why their coal is getting smokier, frequently more smoky than wood burning? How would the council define and measure excessive smoke and make that clear to boaters so that we could avoid any issues. With such steep fines proposed, what happens to those already struggle to heat and cook on one source who cannot afford to pay?

Please note that boaters have very limited choices on how their boats are heated. Unless you were to offer local moorers a grant to update their stoves there is very little that could change and all that would be achieved is victimisation of an already marginalised community. Once again rather than addressing the largest sources of pollution as a whole, central government are forcing local authorities into punishing the little guy, the overall low impact individuals. I appreciate you are looking to create an umbrella policy but how is comparing my visit to the rural extension canal comparable to a full sized open fire, full heigh chimneys on 2 story buildings or an place of industry?

I hope by reading these points and the views of others that you will see a change in policy in this way would be misguided, expensive to all parties and fairly unenforceable. I look forward to hearing that you have redirected precious resources and focus to areas that are in more need of attention.

Yours faithfully,

## **Wyrley Estate**

### ***Subject:***

- Response to formal consultation on recent legislative amendments to the Clean Air Act 1993.

### ***Current position:***

- Little Wyrley Hall and associated buildings within its curtilage currently benefit from an exemption from Section 18 of the Clean Air Act 1993 upon the conditions contained with the document in Appendix 1, hereinafter referred to as the “Exemption”.

### ***Response to Consultation:***

- On behalf of the Little Wyrley Hall Estate (beneficiary of the current Exemption) hereinafter referred to as the “Estate”, we object to the proposed change by the Council to remove the Exemption and wish to carry forward the existing Exemption and any other Exemptions the Estate may benefit from.

### ***Grounds for Objection:***

- The properties included within the existing Exemption currently benefit from solid fuel heating appliances which provide heating to the property, in addition the current Exemption:
  - Contributes to the effective ventilation of the property, alternative heating systems may not provide the same consistent level of heat to the property.
  - Contribute to the air flow throughout the property, reducing damp, helping to maintain the fabric and structure of the property. The current chimney openings, structures and condition of the same help to reduce condensation throughout the property supporting the overall property health and its occupants.
  - Changing the ventilation of the property may adversely impact the long-term condition of the property structure and condition. This may also impact on the Listed status of the property, where a Listing applies.
- Changing the current heating appliances may impact on the character and amenity of the property and where a Listing applies, the property Listing may also be negatively impacted.
- Air quality: The properties benefitting from an Exemption sit within a sparsely populated rural area, the impact created by any smoke particulates is arguably low, due to the rural location. There are no major urban conurbations within 0.5 miles, with the nearest A road being the A5 over 0.5 miles away. The nearest built-up area not owned by the Estate is at least 0.3 miles away from the Exemption area. Please see Appendix 4 for an image showing the rural location of the property within the context of the Exemption location.
- The background air particulate matter (PM) in the area of the Estate was estimated at  $6.96\mu\text{g m}^{-3}$  based on an average of  $1\text{km}^2$  (2021 data). On the basis that the air

quality is generally considered to be good and the surrounding area around Wyrley hall is rural, the impact on the immediate community is arguably small.

- The Estate chimneys are well maintained and swept at least annually, mitigating any smoke impact where possible.
- At the Estate's own cost, sustainable woodland management is carried out across the wider Estate woodland and within Wyrley Hall Grounds, which supports biodiversity, healthy woodlands and which in turn creates public benefit. Sustainable woodland management is proved to have a positive impact on CO<sub>2</sub> reduction. The woodlands create clean, dry logs burnt for heating Estate property. In the event the Exemption was removed to prevent this taking place, the demand for firewood would decrease potentially having an impact on woodland management and the benefits currently being produced.
- Some of the occupants heavily rely on this form of sustainable heating and lifting the Exemption would drastically impact on the cost of living.
- Depending on alternative fuel supplies and sources, it is arguably more damaging for carbon emissions should replacement fuel be bought into and burnt on the Estate for heating (taking into account travel and production), rather than wood grown and produced on the Estate where it is cleaned, dried and burnt close to its original source. The carbon footprint for the existing system is arguably less damaging than the alternative, should the Exemption be removed.
- The properties that currently benefit from the Exemption have strong character and amenity appeal, contributing to the positive visual impact of the area. Changing heating appliances may risk adversely impacting on the overall amenity impact on the wider community.

[The full response contains information in an appendix which the Wyrley Estate wishes to remain confidential, but otherwise refers to the existing exemption, the listed status of the buildings and aerial photography demonstrating the distance to the A5/Watling Street].



<b>Report of:</b>	<b>Head of Economic Development and Planning</b>
<b>Contact Officer:</b>	<b>Sushil Birdi</b>
<b>Contact Number:</b>	<b>01543 464 326</b>
<b>Portfolio Leader:</b>	<b>Regeneration and High Streets</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet 14/09/23</b>

**Cabinet**  
**14 September 2023**  
**Proposed Charging Scheme for Development Management Pre-Application Advice**

**1 Purpose of Report**

- 1.1 To obtain Cabinet approval for the extension of the Development Management fee charging scheme to include pre-application advice for minor and householder applications.

**2 Recommendations**

That:

- 2.1 Cabinet approve the extension of the current pre-application planning advice service to include minor and householder applications.
- 2.2 Cabinet approve the implementation of the fee charging schedule as set out in Appendix A.
- 2.3 The Head of Economic Development and Planning in consultation with the Cabinet Member for Regeneration and High Streets be authorised to review and update the Development Management Pre-application Charging Schedule as necessary.
- 2.4 Cabinet agree to delegate the date of implementation to be agreed by the Head of Economic Development and Planning in consultation with the Cabinet Member for Regeneration and High Streets.

### 3 Key Issues and Reasons for Recommendations

#### Key Issues

- 3.1 Cannock Chase Planning Service has been providing chargeable pre-application advice for major applications for several years. Pre-application advice for minor and householder applications has been provided free of charge.
- 3.2 Pre-application advice is a discretionary service although most local authorities provide this service at a charge. Cannock Chase is one of few authorities within the West Midlands that does not charge a fee for minor and household applications. The Council has the power to set fee charges under Section 93 of the Local Government Act 2003 for discretionary services. The Planning and Compulsory Purchase Act 2004 extended the powers to fee charging for local planning authority activities.
- 3.3 The Development Management team has seen a rise in the number of planning applications since the pandemic including general inquires and requests for advice at pre application as well as post application stage. This places great demands on the service and impacts on the quality of planning applications being received which in turn can affect performance. Staff resources are finite and ad hoc requests are a drain on the team making it difficult to manage workloads and workstreams.

#### Reasons for Recommendations

- 3.4 The introduction of a comprehensive pre-application charging scheme will provide a means to improve the quality and consistency of advice provided and this should lead to better quality applications. Requests can be better managed and staff resources allocated appropriately.
- 3.5 There are no charging models provided by the Planning Advisory Service or Central Government so Local Authorities have discretion to set their own fee levels. In setting the proposed charging schedule, an analysis of neighbouring authorities has been undertaken in order to set a clear structure that complies with Government guidance in that charges should not exceed the cost of providing the service. In addition, the charging rates are set at levels that should not discourage the take-up of the service.
- 3.6 The pre-application advice service will recognise the value offered by Development Management Officers to the development process. The current practice of free advice enables the use of Development Management Officers as free planning consultants which is a burden to the team and unfair to those applicants that obtain this support from elsewhere at their own cost which assist the planning process.

### 4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:
  - (i) **Priority 1 - Economic Prosperity** - attract investment to develop the districts economy, rejuvenate our town centres.

- (ii) **Priority 2 - Health and Wellbeing** - provide opportunities for residents to lead healthy and active lifestyles and recognise the importance of mental health and wellbeing.
- (iii) **Priority 3 - The Community** - ensure our communities are well designed, accessible, and inclusive environments.

## 5 Report Detail

- 5.1 Current practice within Cannock Chase Planning Service encourages applicants to engage in pre-application discussions in order to inform a planning application. At this time only major development proposals attract a fee; all other proposals are free. Major developments are split into small scale majors (10 to 49 dwellings or 1,000 to 2,999 sqm commercial floorspace), medium scale majors (50-199 dwellings or 3000 to 9,999 sqm of commercial floorspace) and large-scale majors (200+ dwellings or 10,000+ sqm of commercial floorspace) charged at £1,000 +VAT, £2000 + VAT and £4,000 + VAT respectively.
- 5.2 Pre-application discussions assist the applicant in clarifying the information required to support the planning application; planning policy considerations; likely planning obligations (Section 106 and Community Infrastructure Levy); relevant consultees on the application; site constraints and the view of other statutory and non-statutory consultees that can be approached separately for their views. Anecdotal evidence supports the view that these discussions assist the development process and are valued by potential applicants as they can save time and additional expenditure. The planning portal provides further information on planning matters and there are other sources of information available at no cost and for the more basic queries, users will be signposted to these sites.
- 5.3 The authority benefits from positive pre-application discussions as they should lead to a submission that complies with the validation requirements to allow the application to be registered and consultation to commence promptly. Where details are missing, the applicant is advised to submit the required information and the application is on hold until the information is provided. On occasions, applications have needed amendment after submission, sometimes on more than one occasion. These are normally accepted by officers, but the determination period remains the same unless a time extension is agreed. The amendment may require further consultation and assessment all without an additional fee. This delay can impact on the overall timeframe where government targets require minor applications to be determined within 8 weeks and majors within 13 weeks.
- 5.4 Paragraph 38 of the National Planning Policy Framework (NPPF) encourages Local Planning Authorities to "...work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area". The Planning Service has worked with and supported applicants over many years through formal and informal channels. This has also been supplemented by Planning Performance Agreements for major applications where an agreement between the applicant and the Planning Service is reached to set out the level of resource, timescales, and actions necessary to progress a planning application. PPA's would cover the entire process from initial pre-application discussions through to decision as well as post decision stages.

- 5.5 Development Management Officers carry a large application workload and deal with pre-application queries as part of their day-to-day work. These queries could range from basic requests to a more detailed consideration, and they can be received at any time from any source. As such, they are often not able to be managed and co-ordinated and can divert officers from other pressing matters such as meeting Committee deadlines or other agreed targets.
- 5.6 Pre-application advice requests are recorded whenever a formal request is received. Informal or ambiguous requests are not registered as a request for pre-application advice, and this only becomes clear once the case officer has made initial contact. The introduction of the pre-application service will require all requests to be submitted by a formal request form with the appropriate fee. These will then be tracked and monitored.
- 5.7 In 2021, the post logging system identifies 491 development enquiries. 2022 approximately 322 inquiries were received and 165 to date in 2023. It has not been possible to break these down into the development categories in accordance with Appendix 1 but it can be assumed that a proportion of these will pre-application inquiries that would potentially attract a fee.
- 5.8 The 2023/24 budget setting process identified the pre-application advice service as a potential contribution to revenue streams in order to address wider budgetary pressures. The package of measures was agreed at both Cabinet and Council meetings.
- 5.9 The Planning Service offers a development 'management' service as opposed to a development 'control' service. This change is reflective of the approach to advise potential applicants designed to streamline the process and remove delays and to also manage development within the district. In that respect, all references to the Development Control Service will revert to Development Management and Planning Control Committee will also need to be reviewed along similar lines.
- 5.10 It will be necessary to set out service standards to manage expectation of customers. It is proposed that users of the service should expect a written response within 20 working days (30 working days for a major application) of the request being registered following payment. This would also include a short consultation by way of a virtual meeting with a planning officer. It may be necessary for the planning officer to make a site visit and an additional fee would be charged at the hourly rate quoted and only accommodated in exceptional circumstances. Similarly face-to face meetings would only be arranged in special circumstances and would be available for major applications. Further consultation through subsequent meetings will be charged out at the hourly rate for each meeting organised if further meetings are agreed to be necessary by both parties.
- 5.11 Permitted Development (PD) queries can only be responded to officially through the submission of a Lawful Development Certificate (LDC) application. A LDC establishes whether a proposed or existing development accords with PD rights as set out in legislation. Informal, verbal advice cannot be relied upon and as PD regulations continue to change and evolve, they have become more complicated and as a consequence legal professionals require formal advice. PD inquiries will therefore be directed to the planning portal and a LDC application can be submitted if required.

- 5.12 Enquiries relating to Listed Buildings, works to trees, requests from Parish Councils, applications where the development is directly related to the needs of a registered disabled resident, planning discussions relating to an enforcement investigation and telecommunications would be exempt from the charging schedule.
- 5.13 A comparison of Staffordshire Local Planning Authorities has been carried out and Appendix 2 identifies the charges imposed by each of them. The assessment was used to inform proposed fees for minor applications and the fees for major applications remain the same. They will be raised in line with inflation in future years. The fees gradually increase in accordance with the scale of proposal but also reflects the seniority of officer and any additional views to be obtained from consultees.
- 5.14 A number of options were considered in setting the charging schedule. The Planning Service could continue with current practice in providing free advice for minor applications. An alternative was to set an hourly rate for each type of application and charge on the basis of time and seniority of officer. An option of written advice only, written and face to face meeting and a combination of these alongside a site meeting were also considered. Each of these options were dismissed as they were convoluted, not easy to understand and would potentially interfere with performance and other targets. The aim of setting out a clear and transparent charging schedule could not be achieved through these options.
- 5.15 The Development Management Service has worked to attain and maintain high performance standards over the past year during which a number of key members of staff have left and recruitment has been underway to fill vacancies. Consultancy support has been secured that has been instrumental in streamlining processes, delivering service improvements, and maintaining high performance which has also benefitted team morale.

## **6 Implications**

### **6.1 Financial**

It is anticipated that the expansion of Pre-application charging will bring in an additional revenue stream to supplement the current income received from major schemes; the proposal is estimated to produce an additional income stream in the region of £15,000 per annum.

The implementation of an expanded pre-application charging regime would realise an estimated £7,500 during the current financial year.

Costs proposed would not exceed the cost of providing the service as stipulated in guidance. Payment will be required before officers engage in discussions and will be a fee for an initial first consultation, after this a further meeting will be charged at the identified rate. The pre-application charging schedule will be reviewed each year and amended where needed as informed by monitoring of the service.

Any additional costs associated with the revised charging scheme will need to be contained within existing budgets.

## 6.2 **Legal**

Section 93 of the Local Government Act 2003 gives the Council powers to set out a charging schedule for discretionary services that it provides these services on a not-for-profit basis. The Planning and Compulsory Purchase Act 2004 extended fee charging to local planning authority activities.

Pre-application advice will be issued with a disclaimer that the advice relates to the views of planning officers and cannot be construed as a decision of the Council. The advice will not influence the decision of the Local Planning Authority on any application submitted. The advice offered will be dependent on the detail provided at the time as aspects of the proposal could change at a later date that would require a new consultation. There may also be the need to obtain specialist advice such as from the Highway Authority that may affect the proposal and that may incur an additional fee that would be outside of the Cannock Chase service.

## 6.3 **Human Resources**

There are no staffing implications however, in order to resource a pre-application service there must be sufficient capacity within the Development Management team. This will need to be kept under review.

The Development Management Team has limited capacity to deal with impromptu requests for information and these requests will need to be co-ordinated and a system introduced whereby they can be submitted formally, monitored, and responded to appropriately. This may impact on other areas of the Council and further discussions will be required.

## 6.4 **Risk Management**

The introduction of the pre-application service will increase expectation among fee-paying customers. It will be necessary to set out a service standard that can be monitored as well as internal processes to ensure that the advice provided is clear and consistent.

Poor quality submissions may continue to be received where pre-application advice is not obtained. These schemes incur delays while further details are awaited and can affect service performance. Whilst charging rates have been set so that they are affordable, submissions lacking key detail will be returned to the applicant or refused should unreasonable delays be experienced.

## 6.5 **Equality & Diversity**

None

## 6.6 **Climate Change**

None

**7 Appendices to the Report**

Appendix 1: Cannock Chase Development Management Pre-Application Advice  
- Fee Charging Schedule

Appendix 2 - Staffordshire Authorities Pre-application Fees and Charges

**Previous Consideration**

None

**Background Papers**

None



### Pre-Application Planning Advice Charging Schedule

Cannock Chase Council welcomes discussions with prospective applicants to discuss their development proposals prior to submission.

The intention is to improve the quality of submissions and to assist the applicant in ensuring that the necessary information is provided in order to expedite the process from submission to decision.

<b>Application Type</b>	<b>Initial Meeting</b>	<b>Subsequent meeting</b>	<b>Hourly rate for additional services/travel</b>
Householder Advert	£60	£40	Not applicable
Change of Use	£150	£60	£60
1 to 4 dwellings	£250	£100	£60
5 to 9 dwellings Up to 999sqm commercial floorspace	£500	£150	£60
10 to 49 dwellings or 1,000 to 2,999 sqm commercial floorspace	£1000	£250	£60
50 to 199 dwellings 3000 to 9,999 sqm of commercial floorspace	£2000	£250	£60
200 dwellings or more 10,000+ sqm of commercial floorspace	£4000	£250	£60

The Council will respond within 20 working days of receipt of the request and payment of the corresponding fee for minor developments and 30 days for major developments. Reasons for any time extension will be explained and agreed in consultation with the applicant where it is not possible to meet the 20/30-day target.

Staffordshire Authorities Pre-applications Fees and Charges - Obtained from information on Local Authority Websites August 2023

	H/h Advert	Change of Use	1-4 dwellings	5-9 dwellings	10-49 dwellings	50-199 dwellings	200+ dwellings	
<b>Lichfield</b>	£63 +£42 additional	£270 +£60 additional	£270 +£60 <sup>1</sup> additional	£360 + £100 <sup>2</sup>	£720 + £150	£1440 + £200	£2160 + £300	<sup>1</sup> 0.49 ha; up to 499 sqm <sup>2</sup> sites of 0.5ha to 0.99ha; 500 to 999 sqm floor area
<b>South Staffs (2023)</b>	£103 £126	£126	£498.78	£498.78	£1323 <sup>3</sup>	£2646 <sup>4</sup>	£4242	<sup>3</sup> 10-30 dwellings <sup>4</sup> 31-199 dwellings
<b>East Staffs</b>	£69 + £46	£69+ £46	£188 + £92	£375 + £138	£938 + £138	£1250 + £275	10% application fee +£375	
<b>Tamworth</b>	£50	£125	£125	£125	£250	£750	£1000	
<b>Newcastle Under Lyme</b>	£28 up to 30 mins £40 >30mins	£66	£125 - 1 dwelling £185 <sup>5</sup> - 2-9 dwellings	£262	£410	£410	£810 <sup>6</sup>	<sup>5</sup> Site area <0.5ha; <1000 sqm non-residential; < 1ha site area <sup>6</sup> Site area >2ha; >10000 sqm non-residential
<b>Stafford</b>	No Information available							Pre-app service suspended
<b>Stoke</b>	£0	£250 + £125 £150*	£250 + £125 £150*	£250 + £125 £150	£750+ £375 £375*	£1200+ £600 £750*	£1200+ £600 £750*	*Written advice only
<b>Staffs Moorlands</b>	£0	£0	£570 £285*	£570 £285*	£845 £425*	£1130 £565*		*Written advice only

NOTES:

A	Less than 1,000 square metres non-residential floorspace	G/H/I	100 to 999 sqm commercial floorspace; up to 100 sqm retail floorspace; one to nine homes or sites less than one hectare; telecommunications developments; Section 73 variation of condition (excluding retail); change of use (excluding retail); public realm work and engineering work; minerals, waste and energy projects (small-scale projects not within the above categories)
B	Site area between 0. hectares and 2 hectares		
C	1,000–3,000 square metres non-residential floorspace	J	1,000 sqm to 9,999 sqm commercial floorspace; 100 to 999 sqm retail floorspace; one to one-and-half hectare site area
D	Site area between 0.5 hectare and 2 hectares	K	10,000 sqm-plus of commercial floorspace; major infrastructure projects (roads and utilities); sites bigger than 1.5 hectares; drilling operations (energy projects)
E	More than 3,000 square metres non-residential floorspace	L	1,000 sqm-plus retail floorspace; variation of conditions (retail restriction)
F	Site area greater than 2 hectares		

<b>Report of:</b>	<b>Head of Operations</b>
<b>Contact Officer:</b>	<b>Craig Royall / Joss Presland</b>
<b>Telephone No:</b>	<b>01543 456 822</b>
<b>Portfolio Leader:</b>	<b>Environment &amp; Climate Change</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 14/09/23</b>

**Cabinet**  
**14 September 2023**  
**Procurement of Kerbside Waste and Recycling Collection Contract (2025-2032)**

**1 Purpose of Report**

- 1.1 To seek Cabinet approval to commence the procurement of the Kerbside Waste and Recycling Collection Contract for a specified fixed term.
- 1.2 To provide relevant information and update Cabinet on the impact of potential legislation changes and current municipal kerbside waste collection industry standards, to enable informed decision making.
- 1.3 To recommend options to Cabinet around the principles of the kerbside waste collection contract and its specification to enable best value to be achieved.

**2 Recommendation(s)**

- 2.1 Cabinet consider the content of the report, and -
  - (i) Agree to the commencement of the procurement for the kerbside waste collection service for a specified fixed term.
  - (ii) Agree the principles of the procurement and specification and the rationale behind them.

**3 Key Issues and Reasons for Recommendations**

- 3.1 Cannock Chase District Council has a statutory duty to collect household waste and recycling from its approximate 45,870 domestic properties within the district.
- 3.2 The Council is currently within a negotiated two-year extension of its original 7-year kerbside collection contract (2016-2023). This arrangement with the incumbent contractor is due to expire on 31<sup>st</sup> March 2025.

- 3.3 The Government's Resource and Waste Strategy (RWS2018) was published at the end of 2018 for consultation. The long-awaited results of the final consultation are expected at some point during 2023 and should provide Councils across England with a resource and waste management pathway for the coming years. However, it is not considered that the Council can wait any longer for the outcomes of RWS2018 before it goes out to procurement.
- 3.4 The proposed contract will run from 1<sup>st</sup> April 2025 until 31<sup>st</sup> March 2032 with an option to extend up until 31<sup>st</sup> March 2038 (7+6 years).
- 3.5 The procurement is due to start during the autumn and will be supported by the County Council's procurement team. The new kerbside collection contract must be awarded within timescale to allow for a 12-month mobilisation period.
- 3.6 As part of the procurement of the kerbside waste collection service, bidders will be required to demonstrate how they will manage the introduction of the Resource and Waste Strategy 2018.
- 3.7 The Council will emphasise the requirement for bidders to demonstrate how they intend to improve waste reduction, reuse, and recycling, across the district.
- 3.8 The current kerbside waste and recycling collection contract value stands at approximately £2.8m p.a., plus additional payments, and annual indexation, until 31<sup>st</sup> March 2025, making it one of the Council's largest contracts.
- 3.9 Mandatory food waste collections, that look likely to be introduced as part of RWS2018, will have a significant impact upon the cost of the Council's kerbside waste and recycling collection service, however, central government's financial contribution towards such a service is yet to be fully determined.
- 3.10 It is considered likely that the overall value for the contract may increase, given current market pressures and specification requirements, including the bidder's requirement for new RCV's, rises in fuel and labour costs, and increases in other operational and associated costs.

### **Reasons for Recommendations**

- 3.11 The Council has a requirement to ensure best value and comply with procurement legislation. The procurement of this contract, as per the details contained within this report assist with the above, by aiming to achieve value for money, an up-to-date cost-effective stable service, within specified / contracted terms and conditions, while allowing for some level of flexibility around some of the industry / market variables that offer risk and may occur during its term.
- 3.12 Cabinet require an understanding of the associated risks and the main issues that have the potential to impact upon the Council's kerbside waste and recycling collection service contract during its term. In addition, the recommendations also assist the Council in the attainment of its corporate priorities.
- 3.13 The recommendations, at this time, ensure that the kerbside waste collection service procurement takes place in good time and are concluded within a timescale that allows for a full mobilisation period. This will allow the best opportunity for successful contract / operational arrangements to be achieved prior to the start of the contract.

## 4 Relationship to Corporate Priorities

4.1 This report supports the Council's Corporate Priorities as follows:

(i) **Priority 2 - Health and Wellbeing**

"To encourage and support residents to lead healthy and independent lives".

An appropriate waste collection and disposal service assists residents in leading healthy lives and helps in the improvement of their wellbeing. Its assisted collection and additional provisions should also support our most vulnerable residents.

(ii) **Priority 3 - The Community**

"To ensure that Cannock Chase is a place that residents are proud to call home".

Well operated and managed waste and recycling services have a visible impact on communities, keeping spaces clean and tidy for residents to live, and people to visit, in and around Cannock Chase. In addition, they also assist with resource recovery through recycling good quality materials and contribute toward the districts carbon emission reduction ambition.

The Councils waste collection service is designed to encourage residents to live a sustainable lifestyle and consider each households creation of waste. It allows its residents to dispose of waste and recycling materials appropriately and provides education and guidance on how to reduce overall household waste generally and increase reuse, and recycling, through education and engagement.

(iii) **Priority 4 - Responsible Council**

"To be a modern, forward thinking and responsible Council"

The Council will continue to look at ways to improve its customers access to services by reviewing, updating, and improving communication channels where possible. Where the Council can evidence that technological advances improve our service, we will endeavour to adopt them to deliver a better, more efficient service for our residents.

The re-procurement of the Councils waste service is designed to test the market and ensure both best value and legal compliance, allows for the setting of sustainable budgets, and the appointment of a suitably experienced and stable contract partner.

## 5 Report Detail

5.1 As a Waste Collection Authority (WCA), Cannock Chase District Council has a statutory duty to collect the residual waste and recycling from its current 45,870 domestic properties.

5.2 The Council is currently within a negotiated two-year extension of its original 7-year kerbside collection contract (2016-2023). This arrangement with the

incumbent contractor is due to expire on 31<sup>st</sup> March 2025. The original contract had an additional 7-year extension option, however, due to changes in market conditions and costing, it was agreed with the incumbent contractor not to exercise that option in full.

- 5.3 The local government and the waste and recycling sector is still awaiting the final version of DEFRA's Resource and Waste Strategy 2018 (RWS2018). Not having this in full makes it difficult to determine exactly what the Councils kerbside collection service will look like for the duration of the contract; however, it is considered that the Council needs to go out to the market at this time. To mitigate against this lack of final detail it is proposed that the contract will call for a number of options to be costed for possible inclusion during its lifetime. It is also considered that RWS2018 will have a general impact upon the types of waste arisings and their amounts.
- 5.4 It is proposed that the contract will run from 1<sup>st</sup> April 2025 until 31<sup>st</sup> March 2032, with an option to extend up until 31<sup>st</sup> March 2038 (7+6 years). The reason this contract and extension period is preferred is around the lifespan of refuse collection vehicles (RCV's), further and expected industry changes, changes in technology and waste types, and opportunities to jointly procure contracts in the future, especially across the CCDC / SBC shared service arrangement.
- 5.5 As per the above, the procurement process will allow for a number of potential options to be enacted during its term in addition to the main body, such as the possible provision of a weekly food waste collection service. These options should enable the Council to modify the service during the term of the contract, provided that any such change is permitted under procurement legislation, without the need to renegotiate the settlement, or face unknown/un-estimated costs. However, these may still require a formal Deed of Variation to be drawn up, if required.
- 5.6 The main body of the contract will include the collection of:
- Residual waste
  - Dual stream dry mixed recycling
  - Garden waste
  - Bulky waste
  - Small Waste Electronic and Electrical Equipment (WEEE)
  - Assisted collections
  - Bin and bag deliveries and bin repairs

Additional options will include:

- Food waste
- Larger recycling
- Textiles
- Kerbside litter bins

## Timeline

- 5.7 The procurement is due to start during the autumn and will be supported by the County Council's procurement team. Due to the nature of the contract and its requirements the timing of the contract award will have to allow for a suitable pre-contract mobilisation period (Appendix 2).
- 5.8 The new kerbside collection contract must be awarded within timescale to allow for a 12-month mobilisation period for the awarded supplier, to purchase and have new refuse collection vehicles built, if required. NB: New refuse collection vehicles (RCVs), especially those with non-standard body configurations, usually must be built to order.

## Waste and Resources Strategy 2018

- 5.9 The Government's Resource and Waste Strategy (RWS2018) was published at the end of 2018 for consultation. The long-awaited results of the final consultation are expected at some point during 2023 and should provide Councils across England with a pathway for the coming years. However, it is not considered that the Council can wait any longer for the RWS2018 outcomes before going out to the market for procurement. The strategy should provide the waste sector with direction and clarity regarding a number of Government directives, notably, two of which include, Deposit Return Scheme (DRS) and Extended Producer Responsibility (EPR).
- (i) DRS - The DRS is due to be introduced at differing timescales across the UK (England, Scotland, Wales, and Northern Ireland). The scheme will allow for certain recyclable items to be returned to a place of purchase in return for an agreed sum (a deposit).
  - (ii) EPR - The EPR scheme is a strategy that makes the manufacturer of a product responsible for its entire life cycle, particularly the take back, recycling, and final disposal of the product.
- 5.10 There is an expected impact to kerbside waste collection services when DRS and EPR are introduced, notably:
- (i) DRS - There is a likely reduction in the amount of recyclable glass that will be collected. It is predicted that a large amount of glass that would have usually been collected at kerbside, will be diverted back through the deposit return scheme for the financial reward of the holder. This will have an impact upon recycling collection tonnages and reduce income levels associated with recycling credits and rebates.  
  
Depending upon the level of success that DRS achieves it could mean a reduction in the amount of collection rounds that are required, this could result in variations to the kerbside waste collection contract during its term. This could further result in a reduced requirement for resources and refuse collection vehicles that have been procured for the work.
  - (ii) EPR - Producers may decide to re-introduce one-use plastics as has been seen as a result of the introduction of EPR in Germany. Producers may wish to pass on any costs associated with the introduction of EPR to the consumer, making it more likely that they will look to purchase non-affected

products, resulting in increased use of the DRS scheme or one-use plastics (or other similar materials). This may also have an impact upon recycling collection tonnages and reduce income levels associated with recycling credits and rebates.

- 5.11 Both DRS and EPR schemes will require increased robustness and accuracy of reporting the Council's waste arisings to DEFRA via waste dataflow or similar mechanisms. They will be used to establish the central payments to waste collection and disposal authorities and will be subject to private sector (producer) scrutiny, as they will ultimately be paying for the scheme.
- 5.12 As part of the procurement of the kerbside waste collection service, bidders will be required to demonstrate how they will manage the introduction of both DRS and EPR and other directives introduced in the Resource and Waste Strategy 2018 and the ongoing challenges that may be presented.

### **Food Waste**

- 5.13 It is very likely that mandatory food waste collections will be introduced into the municipal waste sector, by DEFRA as part of RWS2018, during the proposed contract period. Staffordshire Councils have already been working with WRAP (Waste & Resources Action Programme) on modelling service delivery to determine service requirements. In addition to extra vehicles, there will also be a requirement for an additional one or two food waste containers (caddies) for each property.
- 5.14 At present it is unclear how the mandating of food waste collections will be funded; however, it is felt prudent to include it in the proposed contract procurement, at this time.
- 5.15 It is expected that mandatory food waste collections services will be launched during 2025 with the accepted allowance, that within reason services will begin at each local authority's discretion. This is attributed to the potential impact of the draw on the market and industry that introducing food waste collections nationally at the same time, would have on vehicle and container manufacturers, labour, etc.
- 5.16 The Council will expect bidders to demonstrate assurances that they will be able to deliver the food waste collection service within the timescale (once informed) without detriment to the wider service, which will include the following.
  - (i) Purpose built vehicle procurement or vehicle adaptations
  - (ii) Operative recruitment
  - (iii) Container delivery(ies)
  - (iv) Provision of round details
  - (v) Appropriate communications in conjunction with the Council.

### **Garden Waste**

- 5.17 Garden waste collection services are offered by Councils across the country on a discretionary basis, as they are a non-statutory function. The majority of Councils across the country now charge their residents for their garden waste collection service.

- 5.18 The Council has proposed that from 1<sup>st</sup> January 2024 it will introduce a subscription-based garden waste collection service. An estimated 40% uptake of the service would be in line with other Staffordshire councils, that currently operate a subscription-based service.
- 5.19 It is not expected that a subscription-based garden waste collection service will have a significant impact upon the current kerbside waste collection service once established or following the award of the new contract.
- 5.20 Bidders will be informed that due to the Council operating a subscription-based service, they will be provided with a targeted customer base for this waste stream. Where this results in smaller rounds and smaller crew requirements the Council would expect the provider to allocate those vehicles and/or operatives to more demanding areas of the service to ensure best value.
- 5.21 It is not intended that the successful bidder will benefit directly from any income received by the Council related to the subscription-based garden waste service.

### **Bidder Requirements**

- 5.22 All bidders will be required to demonstrate that their proposed collection service can fully support all areas of the Council's requirements, including all waste streams, as listed in Appendix 1.
- 5.23 Toward the end of the procurement process a shortlist of bidders will be drawn up with the intension that they will be invited to attend a bid presentation day, where they will be required to present the full details of their bid, to a select panel of officers and members.

### **ICT**

- 5.24 Bidders will be asked to demonstrate to the Council that their ICT systems will be capable of aligning to the Council's systems (and partners), to ensure service provision efficiencies are maintained and improved upon.

### **Health and Safety**

- 5.25 The Council prides itself on its health and safety management of its waste collection and other contracts. As previously, the procurement process will include health and safety requirements and will again look towards the latest technology to be part of the solution, such as in the previous contract, in the installation of live and recorded CCTV camera feeds from refuse collection vehicles, GPS vehicle tracking, etc.

### **Collection frequencies**

- 5.26 Bidders will be allowed to specify their preferred collection frequencies for each of the waste streams, to allow for the demonstration of efficiency savings that could be achieved. These will be subject to the Council's approval and scrutiny around the potential cost of the proposed service change, i.e., the additional cost of making changes to waste container configurations, etc.

### **Reduction, reuse, and recycling targets**

- 5.27 Learning from its previous contracts, the Council will emphasise the requirement for bidders to demonstrate how they intend to improve reduction, reuse, and recycling, across the district, especially given changes in legislation that are proposed and have taken place in recent years, and the potential impacts associated with the full introduction of RWS2018. In addition, it will also require bidders to provide an annual waste reduction, reuse, and recycling campaign.
- 5.28 It is considered that Councils operating similar waste arrangements to those of Cannock Chase, will only see significant improvement on their target levels via the introduction of new services, such as food waste, or following service transformation, such as modifying the frequency of collections or the size of containers. This will be acknowledged within the procurement specification; however, it may prove difficult to fully cost. Should the option/s ever be enacted it would require a Deed of Variation/s to the contract to be created, while still allowing compliance with financial regulations.

### **Added annual social and environmental value**

- 5.29 In addition to the above, as part of the procurement process the Council will also ask bidders to specify, and look for, what added annual social, and environment value / benefit they will bring to the district each year.

## **6 Implications**

### **6.1 Financial**

The 2023/24 budget for waste and recycling collection excluding additional payments which are payable depending on property numbers and deliveries is approximately £2.892 million. This is subject to annual indexation, until 31<sup>st</sup> March 2025, making it one of the Councils largest contracts.

Mandatory food waste collections will have a significant impact upon the cost of the Council's kerbside waste and recycling collection service, however, as highlighted above central government funding for such services is yet to be fully determined.

It is considered likely that the overall value for the contract may increase, given current market pressures and specification requirements, including the bidder's requirement for new RCV's, rises in fuel and labour costs, and increases in other operational and associated costs.

The introduction of a national Deposit Return Scheme and changes to Extended Producer Responsibility may have an impact on recycling credits, however that will not be due to the new contract, as those changes are coming from government policy and would have applied regardless of the new contract.

### **6.2 Legal**

The procurement of the kerbside collection contract must comply with procurement legislation, which at present is the Public Contracts Regulations 2015, as well as the Council's internal Procurement Regulations.

Due to the need to include additional options to the service specification for the kerbside collection contract, in case any or all of these become a requirement as a result of the RWS2018 outcomes, (as set out in paragraphs 5.5 and 5.6 of this report), it is necessary to also include these options to the pricing document so that bidders can price for them as part of their tender submissions which will allow the Council to incorporate any future required options into the collection contract during the term of the contract without having to go back out to tender.

New procurement legislation is expected to come into force sometime during 2024, which is likely to impose even tighter control over the circumstances in which public contracts can be modified once they have been awarded. Any modifications to a public contract that are not accounted for within the tender could carry the possible risk of legal challenge to the Council that could result in substantial costs and disruption to the collection contract.

Although it is not possible to mitigate all risks to the Council associated with modifying the collection contract in the future, especially prior to the introduction of new legislation, it is possible to provide for the likely additional future services by including as much detail as is possible into the collection service specification and the tender pricing document to ensure all bidders are aware of the potential for future changes to the service and can price accordingly. In theory, this will lessen the likelihood of any challenge to the Council.

### **6.3 Human Resources**

The provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) are expected to apply to any future transfer of employees assigned to the current contract, subject to the outcome of the tender process.

Dialogue has commenced with the incumbent contractor in advance of the issue of the Invitation to Tender in an aim to ensure that timely, anonymised staffing data regarding those individuals assigned to this contract can be shared with bidders in that document. This will ensure that prospective bidders are able to provide an accurate staffing cost in their tender submissions.

Subject to the outcome of the tender process, the Council will seek to ensure a seamless transfer of employee liability data (if required) between the current contractor and any new provider, in line with the requirements of the TUPE Regulations.

#### ***Internal Resourcing***

Due to the size and nature of the procurement exercise and contract mobilisation, it will have an additional impact on internal employee workload in certain areas, such as, finance, legal, and waste and engineering services. It is proposed that this additional workload will be undertaken by service areas without the requirement for additional resourcing, other than procurement support which will be provided by Staffordshire County Council's procurement team.

### **6.4 Risk Management**

The efficient and affective procurement of the Council's kerbside waste and collection contract offers assurances around the corporate risks associated with a

contract of this nature, size, and value. Assurances will be gained on a number of elements including, organisational and financial stability, ability to operate a municipal waste collection contract at the required level, and business continuity plans.

Allowing the procurement to go to market prior to the full publication of RWS2018 does present some risks to the Council, however, it is proposed to mitigate against those risks by including a number of potential additional future options in the specification and pricing schedule, that can be used during the life of the contract. That said, due to the changing nature of the waste industry, it would be extremely difficult to mitigate against every possible risk that may present itself during the contract term.

## **6.5 Equality & Diversity**

All bidders will be required to fulfil their statutory requirement relating to equality and diversity. All major service changes during the lifespan of the contract will be subject to an Equality Impact Assessment (EIA).

## **6.6 Climate Change**

The Council's kerbside waste and recycling collection contract plays a significant role in its net carbon zero ambitions, from the efficiency of the collection service, the type and amounts of materials collected, to the operation of its refuse collection vehicle fleet.

The costs and infrastructure requirements for the required number of a full fleet of electric refuse vehicles makes their specification impracticable at this time. An electric RCV costs double the amount of a traditional RCV, at circa £450-£500k each.

However, alternative fuels are available that offer significant reductions in carbon dioxide equivalent emissions (CO<sub>2</sub>e), compared with even the cleanest burning diesel engines, and it is intended to allow for an option to use alternative fuels. Diesel heavy goods vehicles and RCVs will not cease production until 2040 according to current government policy, which is two years after the end of the full extended contract period (2025-2032 + 2032-2038). However, there may be an option to respecify vehicle types to electric or other alternative fuel sources at the end of the first 7-year contract period, should the Council wish to do so.

Vehicle requirements for the delivery of the kerbside waste collection service will be considered against the Council's net carbon reduction ambitions. Vehicle requirements will include:

- (i) All collection vehicles must comply with the Euro emissions standards as defined by EEC 1970 Directive 70/220/EEC and subsequent amendments and comply with Low Emission Zone (LEZ) standards.
- (ii) Light commercial vehicles (max 3,500kg gross) and large commercial vehicles (3,500kg gross and above) shall comply with the latest (current) Euro 6 standard, as a minimum.
- (iii) Provision to support the use of HVO (hydrotreated vegetable oil) fuel in all RCV's and associated fleet\*\*

\*\* Industry evidence suggests that HVO fuels reduce CO<sub>2</sub>e emissions by up to 90%.

## **7 Appendices to the Report**

Appendix 1: Material Types Collected

Appendix 2: Contract Procurement & Mobilisation Timeline

### **Previous Consideration**

None

### **Background Papers**

- Kerbside Waste Collection Contract Post 2023 - Extension Renegotiation - Cabinet - Feb 2022
- Kerbside Waste Collection Contract - Post 2023 - Cabinet - Feb 2022



## Waste Material Types Collected

Waste Material Type	Currently Collected?	Frequency	To be Introduced?	Expected Frequency	Additional Comments
Residual (General) Waste	Yes	Fortnightly	n/a	Fortnightly	Green bin collections
Dual Stream Recycling (card/paper/plastics/ glass etc.)	Yes	Fortnightly	n/a	Fortnightly	Blue bin and bag collections
Garden Waste	Yes*	Fortnightly	n/a	Fortnightly	Brown bin collections - *A chargeable garden waste collection service will be introduced at CCDC during 2024. The fundamentals of the service will remain the same as the current service.
WEEE (Waste electrical, electronic equipment)	Yes	Fortnightly	n/a	Fortnightly	
Waste covered under Control of Waste Regulations 2012	Yes	Various	n/a	n/a	Covers waste such as from none academy type schools, churches, cemeteries etc.
Food Waste	No	n/a	Yes	Weekly?	Awaiting Government direction on when food waste will be introduced, almost certainly during the contract period.
Textiles	No	n/a	Option	TBC	CCDC currently has no Bring Sites in the District. Consideration to be given to providing this area of service and associated costs.
Larger recycling	No	Various	Option	TBC	
Kerbside litter bins	No	Various	Option	TBC	
Commercial/Trade Waste	No	n/a	No	n/a	CCDC has previously delivered a commercial/trade waste collection service, but this is not a part of the current contracted service. Cabinet to consider if it wishes to reintroduce this area of service and associated costs.
Construction/Trade Waste	No	n/a	No	n/a	

### Contract Procurement & Mobilisation Timeline

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	1	
Task	Time	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	
Start Project																														
Establish Team																														
Engage SCC Procurement																														
Implement meetings																														
Set Timeframes																														
Review Specification																														
Cabinet Report																														
Soft Market Testing																														
TUPE/Employee Info																														
Financial Analysis																														
Legal Input																														
Finalise Specification																														
Out to Market																														
Score																														
Award																														
Cooling Off Period																														
Mobilise	12 months																													
Contract Start																														

<b>Report of:</b>	<b>Head of Operations</b>
<b>Contact Officer:</b>	<b>Joss Presland</b>
<b>Telephone No:</b>	<b>01543 456 822</b>
<b>Portfolio Leader:</b>	<b>Environment and Climate Change</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 14/09/23</b>

**Cabinet**  
**14 September 2023**  
**Introduction of Chargeable Garden Waste Collection Service**

**1 Purpose of Report**

- 1.1 To seek Cabinet approval to proceed with the introduction of a subscription based, chargeable garden waste collection service from 1<sup>st</sup> January 2024, as agreed at full Council on 15 February 2023.
- 1.2 To inform Cabinet of the general details of the scheme and its principles.

**2 Recommendation(s)**

- 2.1 Cabinet consider the content of the report, and -
- (i) Agrees to proceed with the introduction of a subscription based, chargeable garden waste collection service from 1st January 2024.
  - (ii) Agrees the general details of the scheme and the principles of it.

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 Garden waste collection services are offered by Councils on a discretionary basis, as they are a non-statutory function. The majority of Councils across the country now charge their residents for their garden waste collection service. The Council is only one of two across Staffordshire that does not charge for its garden waste collection service.
- 3.2 Due to the forecasted substantial funding shortfall in the medium-term budget, identified as part of the 2023/24 budget setting process, it was proposed that from 1<sup>st</sup> January 2024 the Council would introduce a subscription-based garden waste

collection service. This was agreed by full Council at their annual budget setting meeting on 15 February 2023, as part of a suite of savings.

3.3 In summary, it is proposed that:

- (i) The Council will launch the service at a cost of £38.50 per container per household for a period of 46 out of 52 weeks (23 collections).
- (ii) The subscription period will start from 1st January 2024 until 31st December 2024.
- (iii) Subscriptions will be required to be renewed on an annual basis, online, or over the phone. Annual subscription renewal will begin each year in the autumn season, for the following year.

3.4 It is anticipated that the introduction of a charge will generate a net saving of £600,000 in a full year.

3.5 Residents not wishing to subscribe to the service will still have other options and will be encouraged to home compost in the first instance or take their garden waste to their local Household Waste and Recycling Centre (HWRC).

3.6 The proposed scheme is based on learning from other Councils who have introduced a subscription-based garden waste collection service.

#### **Reasons for Recommendations**

3.7 The Council is required to produce an annual balanced budget. As part of the 2023/24 budget setting process a significant financial gap was highlighted. Following a potential savings review, a package of saving options was proposed. The introduction of a subscription-based chargeable garden waste service was one of those options.

3.8 Garden waste collections are a non-statutory undertaking and are therefore a discretionary service provided by the Council, which it has the right to withdraw. Rather than withdrawing the service the Council has decided to offer an annual subscription-based service to its residents. Residents have the choice as to whether they wish to sign-up for the subscription service. If they choose not to, they can dispose of their garden waste via different methods, either by home composting or at their local Household Waste and Recycling Centre (HWRC).

3.9 Council officers have worked with colleagues from across Staffordshire, the wider region, and from within the waste industry to ensure that the final scheme as detailed in this report is fit for purpose and consistent with national practice.

## **4 Relationship to Corporate Priorities**

4.1 This report supports the Council's Corporate Priorities as follows:

(i) **Priority 2 - Health and Wellbeing**

“To encourage and support residents to lead healthy and independent lives”.

An appropriate waste collection and disposal service assists residents in leading healthy lives and helps in the improvement of their wellbeing.

The Council's waste collection service is designed to encourage residents to live a sustainable lifestyle and consider each households creation of waste. It allows its residents to dispose of waste and recycling materials appropriately and provides education and guidance on how to reduce overall household waste arisings and increase reuse, and recycling, through education and engagement.

(ii) **Priority 3 - The Community**

"To ensure that Cannock Chase is a place that residents are proud to call home".

Well operated and managed waste and recycling services have a visible impact on communities, keeping spaces clean and tidy for residents to live, and people to visit, in and around Cannock Chase. In addition, they also assist with resource recovery through recycling good quality materials and contribute toward the district's carbon emission reduction ambition.

(iii) **Priority 4 - Responsible Council**

"To be a modern, forward thinking and responsible Council"

The move to a subscription-based chargeable garden waste service for a non-statutory function of the Council is consistent with prudent financial management and best practice.

<b>5 Report Detail</b>
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**General**

- 5.1 Garden waste collection services are offered by Councils on a discretionary basis, as they are a non-statutory function. The Council first introduced the garden waste collection service in 2005 as part of the introduction of kerbside waste and recycling and the move to alternate weekly collections. These changes were made to improve recycling rates and sustainability.
- 5.2 The majority of Councils across the country now charge their residents for their garden waste collection service. The Council is only one of two across Staffordshire that does not charge for its garden waste collection service.
- 5.3 Not all residents across the district have gardens (i.e. residents in flats or houses of multiple occupation), or create garden waste, especially given the upward trend over the last few years in hard landscaping of outdoor areas in domestic settings.
- 5.4 A forecast budget deficit within CCDC of circa £2.8m (2023/24) has resulted in the Council looking at cost savings across all departments, including waste services. It was identified that introducing a subscription-based garden waste collection service would provide a long-term income stream that would assist in reducing the Council's budget deficit.
- 5.5 Due to the forecasted substantial funding shortfall in the medium-term budget, identified as part of the 2023/24 budget setting process, it was proposed that from 1<sup>st</sup> January 2024 the Council would introduce a subscription-based garden waste

collection service. This was agreed by full Council at their annual budget setting meeting on 15 February 2023, along with several other saving options.

- 5.6 Chargeable garden waste collections services have become an accepted practise nationally for some years. Within the Staffordshire Waste Partnership (comprising of nine district and borough waste collection authorities) only Cannock Chase and East Staffs, are yet to introduce chargeable garden waste collections (Appendix 1). Staffordshire Moorlands District Council cannot introduce chargeable garden waste as they collect food waste alongside their garden waste, in the same container, therefore making its collection a statutory waste requirement.
- 5.7 Council officers have consulted colleagues from across Staffordshire, the wider region, and within the industry, to enable best practice to be adopted and for their lessons to be assimilated.
- 5.8 The Council has been mindful of the current cost of living crisis, when setting the fee for its subscription-based garden waste collection service.
- 5.9 Residents not wishing to subscribe to the service will still have other options and will be encouraged to home compost in the first instance or take their garden waste to their local Household Waste and Recycling Centre (HWRC).
- 5.10 Evidence from other councils across Staffordshire would suggest that there will be an estimated 40% uptake of the subscription-based service across the district, during the first year (approx. 18,350 properties).
- 5.11 It is not expected that a subscription-based garden waste collection service will have a significant impact upon the current kerbside waste collection service once set up or following the award of the new contract.

### **Communications**

- 5.12 Appropriate and timely communications will play a vital role in the introduction of the Council's chargeable garden waste service.
- 5.13 A communications plan has been drafted and will be launched following approval, that will notify Cannock Chase residents of the changes to the Council's garden waste collection service.
- 5.14 Due to the expected numbers of residents/properties wishing to sign-up to the service (18,350) the Council will encourage online sign-up, via its new web portal, that is set for introduction as part of the new customer relations management system (CRM). The effective operation of the Council's new CRM system will be crucial to the process and ongoing management of the scheme. However, residents will still have the option to call the Council's Contact Centre and sign up over the phone, should they wish to do so.
- 5.15 It is expected that during the initial rollout and at certain times of the year, the Council's Contact Centre and Waste Management teams will experience extremely high call volumes, and this may impact upon other Council customers / contact centre users. It is proposed to bring in some temporary staffing to assist with the additional work. Calls into the Contact Centre will be monitored, and contingency plans will be in place to mitigate against extreme call volumes, should they overwhelm call handlers for any significant period.

- 5.16 A dedicated webpage will be set up on the Council's website, containing all the information residents may initially require, along with a frequently asked questions page and the associated links, such as for signing up to the service.
- 5.17 The webpage and associated links will include (but not be limited too):
- (i) Clarity on why the Council has introduced a chargeable garden waste collection service and the non-statutory nature of garden waste collections.
  - (ii) A clear list of what is, and is not, accepted as garden waste.
  - (iii) Guidance on what will happen if a garden waste container is found to be contaminated.
  - (iv) Details of the defined collection period along with an explanation of why the collections will only occur during that period.
  - (v) Details of the subscription fee per container.
  - (vi) Options around joining and / or leaving the subscription service.
  - (vii) The environmental benefits of home composting.

### **Comparisons and Lessons Learnt**

- 5.18 As a member of the Staffordshire Waste Partnership, discussions have been held with the other local authorities across the county that have introduced a chargeable garden waste service over recent years. This has been done to assist with the implementation of the Council's service. Officers from Stafford Borough Council's Waste Management, Contact Centre, and Communications teams have provided Cannock Chase colleagues with valuable information and guidance, as part of the shared service arrangement.
- 5.19 All Staffordshire partners have reported and confirmed similar experiences, for example, that residents do become accustomed to chargeable garden waste services, and the importance of effective communications with residents via a variety of channels.
- 5.20 Newcastle-under-Lyme Borough Council, South Staffordshire District Council and Stafford Borough Council, have provided additional details of their chargeable garden waste services, including around its launch, lessons learnt, charge rates, uptake, and initial income / expenditure modelling. Some of the lessons learnt have included, being clear on the number of collections per year to avoid confusion, allowing for a 'clear-up' round during the introduction phase, and the use of QR coding/security measures on permits to assist residents. This has allowed Council officers to appropriately model and benchmark its proposed service.

### **Service Costs and Headline Detail**

- 5.21 It is intended that CCDC will launch the service at a cost of £38.50 per container per household for a period of 46 out of 52 weeks (23 collections). This has been measured against, and modelled on, current service tonnage profiles and our Staffordshire Waste Partners services.

- 5.22 Across the country it is reported that the average cost of a garden waste subscription-based collection service is £50 per annum, with the most expensive being around £96 per annum. The proposed fee for the Council's garden waste collection service, priced at £38.50, is below the national average cost and equates to £0.74 per week.
- 5.23 The subscription period will start from 1st January 2024 until 31st December 2024.
- 5.24 The proposed number of collections, standing at 23, takes into account the significant reduction in tonnages experienced every year during December and January. The first collection of the year will take place towards the end of January, with the final taking place during the middle of December, the exact dates of which will be confirmed each year as part of the signup process.
- 5.25 The subscription cost of £38.50, with an estimated sign-up rate of 40% does not cover the full cost of providing the Council's garden waste service. It does, however, offer a significant contribution toward the service cost, and will allow the Council to continue to offer a service.
- 5.26 Where a household currently holds two or more containers (from previous trials) and they wish for those additional containers to continue to be collected, they will be required to purchase the appropriate number of subscriptions in full.
- 5.27 The subscription is a flat fee and there is no adjustment to consider when the resident signs up for the service. Where a subscription is purchased by a resident after the start of the subscription period, the subscription will only be for the period up until the 31st December of that year.
- For example:
- A subscription purchased on 1st January 2024 expires on 31st December 2024 with the subscription cost of £38.50.
  - Where a subscription is purchased on 25th July 2024, it will expire on 31st December 2024 with the same subscription cost of £38.50.
- 5.28 Due to the high levels of administration involved, limitations within the on-line sign-up system, the low cost of the subscription and the net income falling short of the actual service cost, the Council is unable to offer a concession scheme for the service. This is in line with the practice at all other Staffordshire Councils' that operate a subscription-based garden waste service.
- 5.29 Subscriptions will be required to be renewed on an annual basis, online, or over the phone. Annual subscription renewal will begin each year in the autumn season for the following year.
- 5.30 A full set of customer Terms and Conditions will be issued to residents each year as part of the subscription sign-up process.
- 5.31 An annual permit (sticker) with in-built security features, will be provided to residents subscribing to the service, which must be attached to the body of the bin on the outside to signify that the bin is eligible for collection. In addition to the visible permit, real-time data will be available to refuse collections crews, via their in-cab technology devices.

- 5.32 The Council does not intend to collect unrequired garden waste containers from properties where residents do not subscribe to the service. It will recommend that residents find an alternative use for their containers if they wish to do so.
- 5.33 A summary of the proposed scheme for charging for the collection of garden waste is set out in Appendix 3.

## 6 Implications

### 6.1 Financial

The current approved budget for 2023/24 and 2024/25 includes the introduction of chargeable garden waste from the 1 January 2024 giving a saving of £100,000 and £600,000 respectively. Even after these savings there is still a deficit position for 2023/24 of £902,000 and 2024/25 £1,180,000.

The operation of the garden waste scheme has been reviewed including anticipated income levels, ongoing and one-off implementation costs. The estimated number of properties to subscribe from the 1 January 2024 is 18,350 (40% of the total properties). This is considered to be a realistic number based on experience from other authorities. This would be expected to rise year on year.

The subscription cost per property from the 1 January 2024 is set out at £38.50.

The table below sets out the anticipated income and costs for the 2024/25 financial year:

<b>Chargeable Garden Waste 2024/25</b>	<b>£000</b>
Income (18,350 properties at £38.50 per property)	706
Label costs for bin per property (estimated £1.23 per property)	(23)
Communications (year 1 only)	(10)
Contact centre cover (year 1 cost only)	(30)
Integration costs (year 1 and 2 cost)	(5)
Contingency (year 1 cost only)	(10)
<b>Total</b>	<b>628</b>

The table above shows an anticipated net income of £628,000 for the 2024/25 financial year. A number of the items included in the table are anticipated to be a one-off cost to facilitate the introduction of the chargeable garden waste service which will include:

- (i) External contracted support to supply communications to all residents, subscription permits (stickers) for containers and ICT system support for CCDC and the current waste collection contractor.
- (ii) Internal communications support including website notifications, magazine content, press release(s), noticeboard posters, social media, vehicle advertising, local radio advertising, website animations, collection calendar redesign, departmental scripting, follow up campaigns, etc.

- (iii) ICT integration costs between the systems of CCDC, current waste collection contractor, and other service providers.
- (iv) Additional temporary staffing (if required) for Contact Centre / Waste Management.

There will be no additional financial impact to the Council for repair or replacement of containers in conjunction with the chargeable garden waste collection service as this is already accounted for in the current waste collection service contract.

## **6.2 Legal**

A contract variation will be required between the Council and its current incumbent supplier until the Council's new kerbside waste and recycling collection contract becomes live on 1<sup>st</sup> April 2025. Any such variation to the existing contract will need to be compliant with Regulation 72(1)(c) of the Public Contracts Regulations 2015 which allows for the modification of existing contracts in cases where unforeseen circumstances have necessitated the change provided that the change does not:

- (a) alter the overall nature of the contract; and
- (b) any increase in price does not exceed 50% of the original collection contract value.

Notice of such a modification under Reg 72(1)(c) would need to be published in the Find a Tender service.

The introduction of a chargeable garden waste collection has come about due to the need for the Council to make savings as set out in this report. While the change to the existing waste collection contract will not alter the overall nature of the collection contract, there may be a reduction in the charges payable to the incumbent supplier, which equally could result in a risk to the Council of a legal challenge, albeit that the risk is low/unlikely.

## **6.3 Human Resources**

None

## **6.4 Risk Management**

There are limited risks associated to the introduction of the chargeable garden waste collection service. The financial risks are limited to initial outgoings and forecasted take up of the service, but this has been benchmarked against neighbouring authorities, their residents' take up of the service and any annual growth of the service thereafter. CCDC has indicated prudent provisional growth to the service which is in keeping with neighbouring Local Authorities realised growth.

## **6.5 Equality & Diversity**

An Equality Impact Assessment has been completed and there are no significant implications for any of the protected characteristics. The key impact will be on lower income households, and this has been taken into account in setting the fee to ensure that it is affordable.

## 6.6 Climate Change

The introduction of this service can be identified as a part of the contribution towards CCDC's Climate Change target. Residents not wishing to take up a subscription will be encouraged to home-compost in the first instance. The monitoring of the reduction of CO<sup>2</sup>e emissions, reducing the waste collection services carbon footprint, will form part of the current and later kerbside waste collection contracts.

## 7 Appendices to the Report

Appendix 1: Staffordshire Waste Partnership Comparisons Table

Appendix 2: Summary of the Proposed Scheme for Charging for the Garden Waste Collection Service

### Previous Consideration

None

### Background Papers

Council 2023/24 Budget Setting Report - 15 February 2023 and  
Cabinet Report 26 January 2023

Staffordshire Waste Partnership Comparisons Table (2023/24)

Council	CCDC* (from 24/25)	SBC	SSC	SMDC**	NuLBC	ESBC***	LDC	TBC	SOTCC
No. of Weeks Collected	23	26	24		25		23	23	11
Months Collections Held	Feb - Dec (11)	Jan - Dec (12)	Jul - Jun (12)		Jan - Dec (12)		Feb - Dec (11)	Feb - Dec (11)	Nov - Mar (5)
Cost per subscription	£38.50	£36.00	£43.60		£38.50		£36	£36	£15
Cost of additional subscriptions	£38.50	£36.00	£43.60		£38.50		£36	£36	£15
Concessions?	No	No	No		No		No	No	No
Cost of additional bin	N/A	£25	£30.00		£28.50		N/A	N/A	N/A

\*CCDC - All items listed are proposals for decision from 2024/25

\*\*SMDC do not deliver a chargeable garden waste service because they currently collect garden and food waste together

\*\*\*ESBC have not yet implemented a chargeable garden waste service

**Summary of Proposed Scheme for Charging for  
Garden Waste Collection Service**

1. It is intended that CCDC will launch the service at a cost of £38.50 per container per household for a period of 46 out of 52 weeks (23 collections).
2. The subscription period will start from 1st January 2024 until 31st December 2024.
3. Residents will be encouraged to sign-up to the service online via the Council's website but there will also be the option to call the Council's Contact Centre and sign up over the phone.
4. The proposed number of collections will be 23 per annum. The first collection of the year will take place towards the end of January, with the final taking place during the middle of December. The exact dates of which will be confirmed each year as part of the sign-up process.
5. The subscription will be a flat fee and there is no adjustment to take into consideration when the resident signs up for the service. Where a subscription is purchased by a resident after the start of the subscription period, the subscription will only be for the period up until the 31st December of that year.
6. For example:
  - A subscription purchased on 1st January 2024 expires on 31st December 2024 with the subscription cost of £38.50.
  - Where a subscription is purchased on 25th July 2024, it will expire on 31st December 2024 with the subscription cost of £38.50.
7. Subscriptions will be required to be renewed on an annual basis, online, or over the phone. Annual subscription renewal will begin each year in the autumn season for the following year.
8. Where a household requests more than one container they will be expected to pay for an additional subscription in full.
9. Where a household currently holds two or more containers (from previous trials) and they wish for those additional containers to continue to be collected, they will be required to purchase the appropriate number of subscriptions in full.
10. A full set of customer Terms and Conditions will be issued to residents each year as part of the subscription sign-up process.
11. An annual permit (sticker) with in-built security features, will be provided to residents subscribing to the service, which must be attached to the body of the bin on the outside to signify that the bin is eligible for collection.
12. Residents not wishing to subscribe to the service will still have other options and will be encouraged to home compost in the first instance or take their garden waste to their local Household Waste and Recycling Centre (HWRC).

13. The Council does not intend to collect unrequired garden waste containers from properties where residents do not subscribe to the service. It will recommend that residents find an alternative use for their containers if they wish to do so.
14. Residents will be advised of the introduction of charges for the garden waste collection service via a bespoke Council information leaflet and/or bin-hanger delivered to each property.
15. A dedicated webpage will be set up on the Council's website, containing all of the information residents may require, along with a frequently asked questions page and the associated links, such as for signing up to the service.