



CANNOCK CHASE COUNCIL

COUNCIL MEETING

WEDNESDAY, 5 AUGUST, 2020 AT 6:00 P.M.

MEETING TO BE HELD VIA REMOTE ACCESS

PART 1

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

1. Apologies

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

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

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

3. Minutes

To confirm the Minutes of the Annual Council Meeting held on 24 June, 2020, Minute Nos. 1 – 17; Page Nos. 1 – 8.

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

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

“Following news that the McArthur Glen shopping outlet has been delayed until 2021, what plans do the Council have to regenerate our town centres?”

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

“What is the Council’s Policy on dogs fouling our footpaths?”

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

“As a resident of Bridgtown for 35 years, I was under the impression that we had plain rules stating that businesses could trade between the hours of 7am till 7pm Monday to Friday, and 8am to 1pm on a Saturday. These times were negotiated with the then BRAG (Bridgtown Residents Action Group). There was exceptions to this rule, those being shops and pubs. Can you tell me when these rules were lifted?”

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

“As Cannock Chase District Council is a member of the SAC Partnership and party to the commissioning of ‘The Cannock Chase Special Area of Conservation (SAC) Access Management and Monitoring Measures Detailed Implementation Plan: Car Parking’, can the Cabinet member confirm the view of the administration in respect to the report and confirm the full details of the oversight, governance and accountability arrangements for the SAC Partnership?”

5. The Chairman's Announcements and Correspondence

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

6. The Leader's Announcements and Correspondence

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

7. Questions Received under Council Procedure Rule 8

No Questions have been received under Council Procedure Rule 8.

8. Recommendations Referred from Cabinet, Committees etc.

- (i) To consider the following recommendation to Council, made by Cabinet at its meeting held on 16 July 2020, in respect of:

Priority Delivery Plans – Outturn for 2019/20 and Revisions for 2020/21

“That Council, at its meeting to be held on 5 August 2020, be recommended to approve the revised Priority Delivery Plans for 2020/21, as detailed in Appendices 3a to 3d of the 16 July 2020 Cabinet report.”

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

www.cannockchasedc.gov.uk/council/meetings/agendas-reports-minutes/102/2020-07-16

9. Motions Received under Council Procedure Rule 6

- (i) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor P.D. Startin, Deputy Leader of the Opposition:

“The Covid-19 pandemic continues to have a profound impact in our local communities, this impact is not only on health, it is also socially and economically damaging. The repercussions may be felt for a long time.

The sheer nature of a public health pandemic means much of the recovery is beyond our control. However, we can have a positive influence over our town centres. They are the responsibility of this Council.

I propose a review be undertaken in respect of car parking charges and, whilst that review takes place, a parking charge holiday of 3 months. This would increase footfall and help to attract people back into our local towns. It would show traders that we are on their side and it would encourage people to visit the markets, go for a coffee, have lunch and help the shops that are in desperate need of customers. It would encourage residents to shop locally.

It is noted that the Council is under a heavy financial burden, but that burden will be significantly worse if we fail to support the local shops, cafes and pubs across the District. It is our duty to help them to weather the storm and provide a supportive boost.

Not only would this support local businesses, it would also help residents who have been financially affected by the crisis. It would encourage people to safely adjust to this new way of life, helping to provide some sense of normality, improve mental wellbeing and increase social engagement whilst taking the necessary social distancing precautions.

Therefore, we move that as a matter of urgency that Cabinet reviews car parking charges and implements a holiday period whilst this review takes place. I hope this Council will help to better facilitate use of our town centres by supporting this motion and help the various and numerous traders in recovery from this horrendous situation.

This Motion may have financial consequences for the Council and so if approved in current form or amended, it will need to be subject to a report to Cabinet setting out the financial and other issues that will also require Member approval before the Motion can be implemented.

- (ii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor Mrs. C.E. Martin, Health and Wellbeing Portfolio Leader.

“The Managing Director writes to Staffordshire County Council asking that they consider a three month amnesty (i.e. waiving all charges) on disposal of trade waste at the recycling centres.

This will encourage the use of the sites and discourage illegal fly-tipping. This period will also allow for information to be gathered re: businesses that need to dispose of trade waste and the data used for analysis in later investigations in concert with the Environment Agency and Environmental Health, should the problems start to re-occur.

Businesses could also be approached as to their views. For example, are the charges too high or the opening hours not long enough, is there a presumption that the illegal fly-tipping is a concomitant factor to illegal trade waste services anyway?"

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

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

11. Constitution Amendments

Report of the Monitoring Officer (Item 11.1 – 11.17).

12. New Pavement Licensing Scheme

Report of the Head of Economic Prosperity (Item 12.1 – 12.5).

13. Exclusion of the Public

The Chairman to move the following motion:-

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

CANNOCK CHASE COUNCIL

COUNCIL MEETING

WEDNESDAY, 5 AUGUST, 2020 AT 6:00 P.M.

MEETING TO BE HELD VIA REMOTE ACCESS

PART 2

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

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



T. McGovern,
Managing Director

28 July, 2020

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

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

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

A PECUNIARY INTEREST is a personal interest where the matter

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

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

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

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

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

DECLARING INTERESTS AT FULL COUNCIL

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

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

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

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

CANNOCK CHASE COUNCIL
MINUTES OF THE ANNUAL MEETING OF THE COUNCIL
HELD VIA REMOTE ACCESS
AT 6:00 P.M., WEDNESDAY, 24 JUNE, 2020
PART 1

PRESENT: Councillors:

Stretton, Mrs. P.Z., M.B.E. (Chairman)	
Dudson, A. (Vice-Chairman)	
Adamson, G. (Leader)	Jones, Mrs. V.
Alcott, G.	Kraujalis, J.T.
Allen, F.W.C.	Layton, A.
Bennett, C.	Lyons, Miss O.
Boucker, A.S.	Martin, Mrs. C.E.
Buttery, M.S.	Mitchell, Mrs. C.
Cartwright, Mrs. S.M.	Molineux, G.N.
Crabtree, S.K.	Muckley, A.M.
Davis, Mrs. M.A.	Newbury, J.A.A.
Dudson, A.	Pearson, A.R.
Dunnett, Ms. A.J.	Preece, J.P.T.L.
Fisher, P.A.	Smith, C.D.
Fitzgerald, Mrs. A.A.	Startin, P.D.
Freeman, Miss M.A.	Sutherland, M.
Hewitt, P.M.	Sutton, Mrs. H.M.
Hughes, R.J.	Thompson, Mrs. S.L.
Johnson, J.P.	Todd, Mrs. D.M.
Johnson, T.B.	Wilkinson, Ms. C.L.
Jones, B.	Woodhead, P.E.

The Chairman welcomed Members to the 'remote' Annual Meeting of the Council, which was being held under the 'Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('The Regulations').

As it was a public meeting, Members and Officers were reminded that members of the press and public may be watching or listening in. The Regulations required that the meeting be broadcast live; therefore, it may be recorded or replayed at some future date. , Members were asked to be mindful of the Council's Rules of Conduct and Debate, including etiquette at remote meetings, and to ensure that the meeting was conducted in a professional manner.

Members were also asked that when not speaking, they ensured microphones were on 'mute' and mobile phones switched off.

Before proceeding further with the meeting, the Chairman took a moment to acknowledge the unprecedented times everyone had been part of, and continued to be affected by, following the Coronavirus outbreak across the Country.

It had been heart-warming to see how local communities had pulled together in support of one another during the crisis, and thanks were given to the residents of the District, along with Members and Officers, for the help that had been offered. The number of volunteers that came forward so quickly to offer assistance with tasks such as shopping for those who were isolating or shielding, collecting prescriptions, giving advice, to name a few, was overwhelming, and many would not have managed without that support.

Sadly, there were also people who had lost their lives to the virus and families that had lost their loved ones. The Chairman also noted that, sadly, two Health Care Workers, who were from within the District, had lost their lives whilst working through the pandemic. As a Council, sincere condolences were sent at this very sad and difficult time to all families affected by the loss of a loved one.

Members were then asked to join the Chairman in a minutes silence as a mark of respect.

1. Chairman's Outgoing Remarks

The Chairman advised that it had been a great pleasure to represent the District of Cannock Chase as Chairman of the Council. This was her third term as Chairman, and every occasion had always been most enjoyable and a great opportunity to meet some wonderful people. The enjoyment and honour of holding this position was something that would always be cherished. Thanks were given to her Consort (and husband) for sharing the experience with her.

Members and Officers were thanked for the support they had given whilst as Chairman of the Council, which was invaluable in making the role a success. Finally the soon to be newly-elected Chairman was wished great success in the role, and hoped that they would enjoy the experience just as much.

In May 2019, it was announced that the Birmingham Children's Hospital had been chosen as the organisation the Chairman wished to fundraise for during her term in office. In total, £1,674.18 had been raised, and arrangements would be made for the donation to be sent to the hospital.

2. Apologies

None.

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

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

4. Election of Chairman of the Council

Councillor A.R. Pearson nominated Councillor A. Dudson, to be the Chairman of the Council for the 2020-21 municipal year, which was seconded by Councillor Mrs. C.E. Martin.

The Chairman asked if there were any other nominations.

Councillor B. Jones nominated Councillor Mrs. A.A. Fitzgerald to be the Chairman of the Council for the 2020-21 municipal year, which was seconded by Councillor J.P. Johnson.

The matter was put to the vote.

RESOLVED:

That Councillor A. Dudson, be elected Chairman of the Council to hold office for the ensuing municipal year.

Councillor A. Dudson thereupon read and signed the Acceptance of Office.

Councillor A. Dudson, the newly appointed Chairman, thanked Members for electing him to office and took the Chair.

(Councillor A. Dudson, in the Chair)

5. Election of Vice-Chairman of the Council

Councillor J.T. Kraujalis nominated Councillor P.T. Witton to be Vice-Chairman of the Council for the 2020-21 municipal year, which was seconded by Councillor A.R. Pearson.

The Chairman asked if there were any other nominations.

Councillor B. Jones nominated Councillor Mrs. A.A. Fitzgerald to be the Vice-Chairman of the Council for the 2020-21 municipal year, which was seconded by Councillor J.P. Johnson.

The matter was put to the vote.

The vote was tied and the Chairman used his casting vote.

RESOLVED:

That Councillor P.T. Witton be appointed Vice-Chairman of the Council to hold office for the ensuing municipal year.

(Councillor P.T. Witton thereupon declared and signed the Acceptance of Office).

6. Minutes

RESOLVED:

That the Minutes of the meeting held on 26 February, 2020, be approved as a correct record.

7. Chairman's Announcements and Correspondence

(i) Armed Forces Day

The Chairman advised Members that Saturday 27 June was national Armed Forces Day; an occasion for the whole nation to show its appreciation for the contributions made by those who serve, or had served, in Her Majesty's Armed Forces.

For a number of years now, local authorities across the nation had been invited to fly a specially commissioned Armed Forces Day flag, to show support to the Forces, and this year was no exception. Unfortunately, due to Covid-19, the Council had not been able to host its usual flag-raising ceremony; however the flag was raised on 22 June, and would remain flying at the front of the Civic Centre until Armed Forces Day.

8. Leader's Announcements and Correspondence

The Leader presented the following announcements / updates:

"First of all, can I congratulate you Mr Chairman on your election and I hope that you have an enjoyable year.

2020 has, to say the least, been a terrible year, the only bright spot for me personally was my wedding in January, of course. After that the year has not been good for anyone.

The Covid-19 pandemic has had a devastating effect on the whole world, with the UK being one of the worst affected. Here in Cannock Chase we have had 71 deaths in hospitals and care homes attributed to Covid-19 and 217 people admitted to hospital. Our thoughts and prayers are with those who have lost someone close or who are still suffering.

I know that we all pay tribute to our incredibly brave key workers who have risked their lives to keep us safe. That includes not only our incredible NHS but also shop workers, refuse collectors, police, fire, care workers and many more.

Not only has Covid-19 had a devastating effect on the health of our district it is also having and will continue to have, a devastating effect on our economy.

Cannock Chase is forecast to be one of the worst affected areas economically in the West Midlands.

Helping our district cope with the dreadful health issues and trying to ensure as quick as possible an economic recovery have to be the top priorities of this Council and administration during 2020 and beyond.

Our staff have done an incredible job throughout the pandemic to keep services going and many have gone above and beyond the call of duty, working 7 days a week to get grants out to businesses, food parcels to residents and even helping with post-mortems. They've ensured that frontline services continued during the crisis.

We set up a community hub to help the most vulnerable in our communities and in a matter of days the staff there went from nothing to a slick organisation that is still helping the most vulnerable. They have been amazing and I thank each and every one of them.

One of the few positives to come out of this pandemic is the wonderful community spirit that has been shown by hundreds of volunteers who stepped forward back in March. New friendships have been formed, neighbours have got to know neighbours, and we've seen wonderful examples of kindness - I really hope that this continues going forward.

We are moving from the Response phase to the Recovery phase and to this end I have invited the other Group Leaders to sit with Labour cabinet members on the

newly-created Recovery Overview Board to try and ensure that we have all party consensus. We are in the middle of a pandemic and at the start of an economic crisis and I hope that all Members will put aside party politics in the Council Chamber and enable us all to work collectively for the benefit of our district.

We face a daunting challenge. Not only do we need to protect the health of our residents, and work with partners to help to rebuild the local economy, but we also need to deal with the huge financial problems that this council, and, indeed, our partners, face. We are facing an unprecedented loss of income, and we will need to maintain as many services as possible within that budget.

We may choose to provide services in a different way to that done previously and that may be one of the few benefits of this wretched pandemic. A new, smarter, way of working must result.

As a Council we will need to review our previously agreed priorities and amend them where necessary. We have to act quickly.

This will be a difficult year ahead for Cannock Chase Council, as for all other local authorities and businesses, but I am sure that we, like our staff, will rise to the occasion, put political differences aside, and work for all of our residents and businesses at this very difficult time.”

9. Form and Composition of the Cabinet

The Leader of the Council notified the Council of the form and composition of the Cabinet:

Cllr. G. Adamson	Leader of the Council
Cllr. G. Alcott	Deputy Leader of the Council and Town Centre Regeneration Portfolio Leader
Cllr. J.P.T.L. Preece	Corporate Improvement Portfolio Leader
Cllr. A.R. Pearson	Community Safety and Partnerships Portfolio Leader
Cllr. Mrs. C. Mitchell	Culture and Sport Portfolio Leader
Cllr. T.B. Johnson	Economic Development and Planning Portfolio Leader
Cllr. J.A.A. Newbury	Environment and Climate Change Portfolio Leader
Cllr. Mrs. C.E. Martin	Health and Wellbeing Portfolio Leader
Cllr. J.T. Kraujalis	Housing Portfolio Leader

10. Leader of the Opposition

The Chairman called upon the Leader of the largest opposition group to confirm the acceptance of office as the Leader of the Opposition.

Councillor Miss O. Lyons (Conservative) confirmed her acceptance of office as Leader of the Opposition.

11. Form and Composition of the Shadow Cabinet

The Leader of the Opposition, Councillor Miss O. Lyons, notified the Council of the form and composition of the Shadow Cabinet:

Cllr. Miss O. Lyons	Leader of the Opposition
Cllr. P.D. Startin	Deputy Leader of the Opposition and Economic Development and Planning Shadow Portfolio Leader
Cllr. M. Sutherland	Corporate Improvement Shadow Portfolio Leader
Cllr. B. Jones	Community Safety and Partnerships Shadow Portfolio Leader
Cllr. M.S. Buttery	Culture and Sport Shadow Portfolio Leader
Cllr. J.P. Johnson	Environment and Climate Change Shadow Portfolio Leader
Cllr. Mrs. V. Jones	Health and Wellbeing Shadow Portfolio Leader
Cllr. Mrs. A.A. Fitzgerald	Housing Shadow Portfolio Leader
Cllr. P.M. Hewitt	Town Centre Regeneration Shadow Portfolio Leader

12. Allocation of Seats to Political Groups to Committees and Other Bodies

Consideration was given to the Report of the Managing Director (Item 11.1 – 11.4 of the Official Minutes of the Council).

RESOLVED:

That the allocation of seats to the different Political Groups to the Council's Committees and Other Bodies as set out in Appendix 1 to the report be confirmed.

13. Appointment of Members, Chairmen and Vice-Chairmen to the Council's Committees, Sub-Committees and Other Bodies 2020-21

A schedule setting out the nominations provided by each of the Political Group Leaders for Members to be appointed to the Council's Committees, Sub-Committees and Other Bodies, together with nominations for the appointment of Chairman and Vice Chairman (Item 12.1 – 12.4 of the Official Minutes of the Council) was moved by the Leader of the Council.

RESOLVED:

That:

- (A) The membership of the Council's Committees, Sub-Committees and Other Bodies for the 2020-21 municipal year, as set out in the schedule, be agreed.
- (B) The Chairmen and Vice-Chairmen of the Council's Committees, Sub-Committees and Other Bodies for the 2020-21 municipal year, as set out in the schedule, be agreed.

14. Representatives on Outside Bodies 2020-21

Consideration was given to the Report of the Managing Director (Items 13.1 – 13.4 of the Official Minutes of the Council).

A schedule of outside bodies, together with the nominations received by each of the Political Groups, was circulated in advance the meeting (Item 13.5 – 13.9 of the Official Minutes of the Council)..

RESOLVED:

That:

- (A) The Council's representatives on Outside Bodies for the 2020-21 municipal year, as detailed in the schedule circulated in advance of the meeting, be agreed.
- (B) The Managing Director, in consultation with the Political Group Leaders, be authorised to make additional appointments and amendments, to any new or existing outside bodies, as necessary, throughout the municipal year.
- (C) In the event of the Political Group Leaders failing to agree on a nomination(s) to an outside body (as referred to in (B) above) the appointment be a matter for determination by the Council.
- (D) Subject to (B) above, the Managing Director when appointing representatives to Outside Bodies, be authorised to determine which of the appointments should be classed as an 'approved duty' for the purposes of claiming travelling and subsistence expenses.

15. Recommendations Referred from Cabinet, Committees etc.

- (i) Consideration was given to the following recommendation to Council agreed by Cabinet at its meeting held on 27 February, 2020, in respect of:

Social Media Policy for Employees and Members (Minute No. 109)

"That Council be recommended to approve the Social Media Policy for Employees and Members, as attached at Appendix 1 of the 27 February 2020 Cabinet report."

RESOLVED:

That the Social Media Policy for Employees and Members be approved.

- (ii) Consideration was given to the following recommendation to Council agreed by Cabinet at its meeting held on 18 March, 2020, in respect of:

Communications Strategy 2020-23 (Minute No. 122)

"That a supplementary estimate of £5,000 per annum be approved to support the continued provision and production of the 'Chase Matter' magazine."

RESOLVED:

That a supplementary estimate of £5,000 per annum be approved to support the continued provision and production of the 'Chase Matter' magazine.

- (iii) Consideration was given to the following recommendation to Council agreed by Cabinet at its meeting held on 21 May, 2020, in respect of:

Development of New Cemetery, Norton Road / Hednesford Road, Norton Canes (Minute No. 143)

“That Council be requested to approve the revised capital programme for the Scheme, amounting to £1.411 million.”

RESOLVED:

That a the revised capital programme for the Scheme, amounting to £1.411 million, be approved.

16. Appointment of Council Solicitor and Monitoring Officer

Consideration was given to the Report of the Leader of the Council (Item 15.1 – 16.3 of the Official Minutes of the Council).

RESOLVED:

That Ian Curran be confirmed on a permanent basis the Council Solicitor and Monitoring Officer for Cannock Chase District Council.

17. Revised Calendar of Meetings 2020-21

Consideration was given to the Report of the Managing Director (Item 16.1 – 16.11 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The revised Calendar of Meetings 2020-21 be approved.
- (B) The Managing Director, in consultation with the Chairman of the Council, the relevant Chairman of Committees and / or the Leader of the Council, as appropriate, be authorised to amend the Calendar of Meetings through convening additional meetings, or the postponement or cancellations of meetings, if required.

The meeting closed at 6:50 p.m.

CHAIRMAN

Report of:	Monitoring Officer
Contact Officer:	Matt Berry
Telephone No:	01543 464 589
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 05/08/20

COUNCIL
5 AUGUST 2020
CONSTITUTION AMENDMENTS

1 Purpose of Report

- 1.1 To present to Council for consideration proposed amendments to the Constitution.

2 Recommendation

- 2.1 That the proposed amendments to the Constitution, as detailed in Appendix 1, be approved.

3 Key Issues and Reasons for Recommendations

Key Issues

- 3.1 The current version of the Constitution was approved by Council on 12 August, 2015, and came into effect on 1 September, 2015.
- 3.2 Under Section 12 of the Constitution (Review and Revision of the Constitution), the Monitoring Officer, in conjunction with the Constitution Working Group, is required to monitor and review the Constitution on an annual basis.
- 3.3 The Constitution Working Group met on 3 February 2020 to undertake its latest review and considered a number of amendments for approval by Council, which are outlined in report paragraph 5.

Reason for Recommendations

- 3.4 In order to ensure the Constitution remains up-to-date, Council is requested to approve the proposed amendments as detailed in Appendix 1.

4 Relationship to Corporate Priorities

- 4.1 The Constitution provides for the proper governance of the Council and cuts across all priorities.

5 Report Detail

- 5.1 The process for reviewing the Constitution on an annual basis was adopted as part of the review undertaken in 2015 to ensure that it would remain up-to-date and allow for amendments to be made in a timely manner if the need was identified during the year.
- 5.2 The latest review undertaken by the Monitoring Officer, in conjunction with the Constitution Working Group, considered the following proposed amendments to the Constitution, along with the reasons for why the amendments had been put forward. The amendments are shown as tracked changes in [Appendix 1](#).

Part/Section Amended	Amendment	Reasons for Amendments
Part 2, Section 5 (The Chairman of the Council): <i>Paragraph 5.1(a)</i>	Insert the wording shown in bold : The Chairman of the Council is the civic head of the Council and will represent the Council at such civic and ceremonial functions, including at the funerals of past or serving Members (subject to the wishes of the families) , as the Council and he/she determine appropriate and will also act as the Council's ambassador within and outside the District.	Non-attendance by the Chairman of the Council at funerals of past or serving Members (subject to the wishes of the families) may be seen as a lack of respect toward past or serving Members who had given their service to the Council.
Part 3, Section 16 (Scrutiny Committees) <i>Paragraph 16.2(i)</i>	Delete reference to 'Health and Social Care Act 2001' and replace with 'National Health Service Act 2006.'	To ensure the correct legislation was referenced in the Committee's functions.
Part 3, Section 22 (Appeals and Complaints Panel) <i>Paragraph 22.10</i>	Insert the following wording at the end of the paragraph: 'The Panel does not have the power or authority to award financial compensation to appellants and / or complainants.'	To provide additional clarity as to what the Panel's delegated powers are.

Part/Section Amended	Amendment	Reasons for Amendments
<p>Part 3, Section 25 (Substitution Scheme) <i>Paragraph 25.2(a)</i></p>	<p>After 'meeting', insert: 'or act in their capacity as a Committee member for part or all of that meeting'.</p>	<p>In instances where a Member may have a pecuniary interest in an agenda item, to allow them to appoint a substitute for the whole meeting, but still attend to exercise their rights to speak as a member of the public (if procedure rules allow).</p>
<p>Part 3, Section 26 (Scheme of Delegations) <i>Annex 5, Page 3-26-34</i></p>	<p>Insert new bullet point at top of page: 'Protection from Eviction Act 1977'</p>	<p>To ensure the correct legislative references were included in the delegation scheme.</p>
<p>Part 4, Section 27 (Council Procedure Rules) <i>Rule 6</i></p>	<p>Insert new sub-paragraph (4): Motions Having Financial Impact Motions containing proposals which would:-</p> <ul style="list-style-type: none"> (a) Increase the capital and/or revenue expenditure of the Council and/or, (b) Reduce the income of the Council, <p>must first be referred to the Cabinet by the Managing Director, prior to consideration by Council.</p>	<p>Council is required by law to set a balanced budget and to monitor it throughout the year, and it also has a fiduciary duty to its ratepayers and Council Tax payers.</p> <p>Cabinet has a role within the budget setting process to put forward costed proposals, and should also have a role in assessing the impact of any budgetary amendments in-year.</p> <p>Officers would be able to provide professional advice and ensure any financial decisions are made in a considered way and based upon all relevant information.</p>

Part/Section Amended	Amendment	Reasons for Amendments
Part 4, Section 27 (Council Procedure Rules) <i>Rule 6</i>	In current Rule 6(4), insert the wording shown in bold : If the subject matter of any motion of which notice has been duly given comes within the province of the Cabinet or any Committee of Sub-Committee, or falls within rule 6(4) above...	To ensure the new rule 6(4) is covered within the provision for motions that are automatically referred to Cabinet etc.
Part 4, Section 27 (Council Procedure Rules) <i>Rule 6</i>	Insert new sub-paragraph (8): Motions that are referred to Cabinet by virtue of rule 6(4), above, shall be considered at the next practicable Council meeting following its consideration by Cabinet, and the following procedures will have effect: (a) The motion will already be deemed to have been moved and seconded at the previous Council meeting. (b) The mover of the motion will present the motion again. (c) The relevant Cabinet Portfolio Holder, or other Cabinet member if unavailable, shall present the report or recommendations of Cabinet, but may also speak again during the debate on the motion. (d) The original motion will then be discussed under the normal rules of debate.	The process would still allow Members to present their motions to Council, but would suspend any decision until the budgetary implications have been appropriately considered.
Part 4, Section 27 (Council Procedure Rules) <i>Rule 10</i>	In Rule 10(12)(b), delete the word 'original' and replace with 'procedural'.	To ensure that the correct motion is being voted on at that point in proceedings.

- 5.3 Furthermore, any updates to the Scheme of Delegations approved by Cabinet or Council since April 2019 will also be inserted into the Constitution as part of this update.

6 Implications

6.1 Financial

None.

6.2 Legal

Keeping the Constitution under regular review ensures that it complies with any relevant legal requirements currently in force.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality and Diversity

None.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1: Tracked changes amendments to the Constitution.

Background Papers

Notes of the meetings of the Constitution Working Group.

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Section 5

The Chairman of the Council

5.1 ROLE AND FUNCTION OF THE CHAIRMAN

The Chairman and Vice-Chairman will be elected at the Annual Meeting of the Council. The Chairman and Vice-Chairman may not be members of the Executive.

The Chairman of the Council and, in his/her absence, the Vice-Chairman, will have the following roles and functions:

- (a) the Chairman of the Council is the civic head of the Council and will represent the Council at such civic and ceremonial functions, including at the funerals of past or serving Members (subject to the wishes of the families), as the Council and he/she determine appropriate and will also act as the Council's ambassador within and outside the District;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and effectively having regard to the rights of Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members determine strategic objectives, policies and programmes to be followed;
- (d) to promote public involvement in the Council's activities;
- (e) to maintain the dignity of the office and at no time bring discredit to it or the Council;
- (f) to be available for consultation on any matter upon which consultation with the Chairman of the Council is required under this Constitution.

5.2 CHAIRMAN'S FUNDRAISING

- (i) The Chairman may organise, engage in or otherwise be involved in events for the purposes of fund raising for their chosen charities as determined at the start of the municipal year.
- (ii) The Managing Director shall, in consultation with the Chairman of the Council, determine the distribution of the Chairman's fundraising and all matters including events, town twinning arrangements and monies raised throughout the year.

Section 16

Scrutiny Committees

16.1 STATUS

The Council will appoint such Overview & Scrutiny Committees as it considers appropriate (referred to as “Scrutiny Committees”). The current Scrutiny Committees are listed in the APPENDIX to this Section with their membership and Terms of Reference.

16.2 MEMBERSHIP AND METHOD OF APPOINTMENT

Every Member of Cannock Chase District Council is eligible to be member of Scrutiny Committees except those who are members of the Executive.

Membership of Scrutiny Committees will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

Each Scrutiny Committee will have 13 members except that:

- (i) The Wellbeing Scrutiny Committee shall, when and only when the Committee is carrying out the Statutory Functions of the Council’s Health Scrutiny Committee under the ~~National Health Service Act 2006~~ ~~Health and Social Care Act, 2001~~ and Regulations made under that Act, have an additional member nominated by Staffordshire County Council who shall have full participating and voting rights during that business only.

The Council’s ‘Substitution Scheme for Committees (Part 3, Section 25 of this Constitution) shall apply, with each political group entitled to nominate one named substitute.

Scrutiny Committees shall be entitled to appoint individuals and/or representatives of organisations as non-voting co-optees.

16.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairmen and Vice-Chairmen will be appointed by Council.

16.4 FREQUENCY OF MEETINGS

The meetings of each Scrutiny Committee will be held in accordance with the schedule of meetings agreed by the Council and other arrangements regarding the calling of meeting.

The Chairman of a Scrutiny Committee shall convene additional meetings of that Scrutiny Committee as required to deal with ‘call-ins’ and matters referred

Section 22

Appeals and Complaints

Panel

22.1 STATUS

The Appeals and Complaints Panel is a committee of the Council with the purpose of:

- (a) hearing employee appeals in respect of Chief Officers of the Council, with the exception of the Managing Director, the Section 151 Officer and the Monitoring Officer for whom other national and local procedures take precedence;
- (b) hearing requests for review of decisions delegated to officers in respect of various Housing issues;
- (c) dealing with official complaints under Stage 3 of the Council's Complaints Procedure;
- (d) dealing with Ombudsman complaints where these cannot be settled by Officers in accordance with delegated powers.
- (e) dealing with requests for review of decisions made by Officers in the Urban Forestry Section in response to requests to carry out work to Council owned trees.

The Panel shall not hear any matters where the decision on the matter is delegated to another body within the Council. If a matter brought before the Panel includes such matters, or it becomes apparent during the hearing that it includes such matters, the Panel will refer that aspect of the matter to the appropriate body for decision.

22.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Appeals and Complaints Panel will comprise not more than 5 eligible Members of the Council, appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance. A Member should not hear an appeal or complaint in circumstances which might give rise to doubt as to their impartiality. Accordingly, a Member should not sit at the hearing of a case if he or she has any prejudicial or professional interest in the case or had involvement in the original decision against which an appeal or complaint is being made.

22.3 CHAIRMAN AND VICE-CHAIRMAN

At each meeting of the Appeals and Complaints Panel the Chairman shall be appointed by and from the Members of the Council present.

22.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

Council Procedure Rules 6(6) and 19 will apply.

22.5 FREQUENCY OF MEETINGS

Meetings of the Appeals and Complaints Panel will be convened by the Managing Director normally within 30 working days following receipt of notice of an appeal or complaint except where statute requires otherwise e.g. homelessness appeals. The Managing Director will give notice in writing at least 10 working days in advance of the time and place of the hearing.

22.6 AGENDA

Prior to the meeting of the Panel, the Managing Director will circulate to all Members on the Panel (and appellants or complainants where relevant) the Agenda and Reports to be considered.

22.7 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk of the Panel.

The provisions of Schedule 12A of the Local Government Act 1972, as amended, in respect of exempt information will apply.

22.8 EXCHANGE OF DOCUMENTS

At least 8 working days before the date of the hearing the parties will exchange statements and relevant documents which it is intended shall be presented to the Appeals and Complaints Panel. Copies of these documents should also be sent to the Managing Director.

22.9 FUNCTIONS AND PROCEDURE

To undertake the following functions in accordance with the scheme of delegation and codes of conduct:

- to be responsible for and to hear matters in accordance with Annexes 1, 2 and 3 as appropriate to the appeal or complaint being considered it (the Panel).

22.10 DELEGATED POWERS

The Appeals and Complaints Panel is empowered to deal with any of its functions and has delegated authority to resolve any appeal or complaint referred to it for determination by Council. In the case of equality of votes, the

Chairman shall give a casting vote provided he/she has already voted in his/her capacity as a member of the Appeals and Complaints Panel.

The Panel does **not** however have the power or authority to award financial compensation to appellants and/or complainants.

22.11 OTHER MATTERS

Where not already provided for above, the Council's Procedure Rules for the regulation of proceedings and business will apply.

Section 25

Substitution Scheme for Committees

25.1 INTRODUCTION

In addition to appointing usual Members to Serve on Committees, the Council may also appoint the number of Councillors shown below, on the nomination of the Political Groups, to act as the substitute members for the following Committees:-

- (i) Planning Control Committee – one substitute for each political group represented on the committee.
- (ii) Scrutiny Committees – one substitute for each political group represented on each of the committees.
- (iii) Licensing and Public Protection Committee – one substitute for each political group represented on the committee when it is acting in its remit as the Licensing Committee.
- (iv) Licensing and Public Protection Committee – one substitute for each political group represented on the committee when it is acting in its remit as the Public Protection Committee.

The substitute members of the Planning Control Committee and the Licensing and Public Protection Committee shall have had the relevant training before sitting on the committee as a substitute member.

25.2 PROCEDURE

- (a) If a usual member of the Committee is unable to attend a meeting, or act in their capacity as a Committee member for part or all of that meeting, he/she may make the necessary arrangements with the named substitute members for that Committee from that Political Group.
- (b) The usual member will either give, or arrange for the Group Leader (or his/her nominee) to give, written notice (or by e-mail) of the substitution to the Managing Director by 5:00pm on the day before a meeting scheduled to commence before 3:00pm and by 10:00am on the day of a meeting scheduled to commence at 3:00 pm or later. The Managing Director or his appointee will record the substitution in a book kept for the purpose.

Annex 5 Legislation – Environmental Health and Environmental Protection

- Animal Health & Welfare Acts 1981 and 1984
- Animal Welfare Act 2006
- Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018
- Anti Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Charities Acts 1992 and 2006
- Clean Air Act 1993
- Clean Neighbourhoods & Environment Act 2005
- Control of Pollution Act 1974
- Criminal Justice and Police Act 2001
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Acts 1989 and 1991
- Dangerous Wild Animals Act 1976
- Energy Act 2013
- Environment Act 1995
- Environmental Protection Act 1990
- Food & Environment Protection Act 1985

- [Protection from Eviction Act 1977](#)
- Public Health Act 1875, 1936 and 1961
- Public Health (Control of Diseases) Act 1984
- Radioactive Substances Act 1993
- Refuse Disposal (Amenity) Act 1978
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- Rent (Agriculture) Act 1976
- Road Traffic Act 1988
- Slaughter of Poultry Act 1967
- Sunday Trading Act 1994
- Town Police Clauses Act 1847
- Traffic Management Act 2004
- Transport Act 1985
- Scrap Metal Dealers Act 2013
- Vehicles (Crime) Act 2001
- Water Industry Act 1991
- Zoo Licensing Act 1981

and all Regulations or Orders made or deemed to be made under those Acts or relating to the foregoing or having effect by virtue of the European Communities Act 1972; and any amendments, modifications or re-enactment to the foregoing.

Section 27

Council Procedure Rules

1. MEETINGS OF THE COUNCIL

- (1) The annual meeting of the Council must be held as provided by the Local Government Act 1972 on a date and at a time fixed by the Council.
- (2) Other meetings of the Council shall be held at such other days as the Council may fix.
- (3) An extraordinary meeting of the Council may be called at any time by the Chairman, Managing Director, Chief Finance Officer or the Monitoring Officer.
- (4) An extraordinary meeting of the Council may also be called provided that at least 5 Members have signed a requisition to that effect and have passed that to the Chairman of the Council. If, at the expiry of 5 clear working days from the receipt of the request the Chairman fails to call the requested extraordinary meeting within 10 clear working days then any 5 Members (which can be the same Members as made the initial request) may call an extraordinary meeting of the Council to which the Proper Officer shall so arrange.
- (5) The date, time and place of meetings will be determined by the Proper Officer.
- (6) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules and current regulations. The Proper Officer will send a summons by post or electronic means to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

2. CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

- (1) The election of the Chairman of the Council shall be the first business to be transacted at the annual meeting of the Council.
- (2) The Council shall at the annual meeting appoint, by election, a Vice-Chairman.
- (3) The Chairman of the Council or if he is absent, the Vice-Chairman preside. If the Chairman and Vice-Chairman are absent a Member who is not a Member of the Executive, shall be appointed, by election, by those present to preside.

- (b) To consider the business specified in the summons for which the extraordinary meeting was called.

5. MINUTES

- (1) The Chairman will move that the minutes of the previous Council meeting be signed as a correct record.
- (2) No discussion shall take place on these minutes, except as to their accuracy. The Chairman shall sign the minutes when they have been agreed.
- (3) Extraordinary Meetings shall not be used to sign minutes. Minutes of Council Meetings shall only be approved by the Annual Meeting or an ordinary meeting of the Council.

6. NOTICES OF MOTION

(1) Delivery of Notice of Motion

- (a) Notice of a motion other than one referred to in Rule 7 must be given in writing and signed by the Member(s) giving notice. It must be delivered to the Proper Officer at least 7 clear working days before the meeting of the Council at which it is to be considered;
- (b) The Proper Officer must ensure a record is kept of notices of motion received. Members are entitled to see this record.

(2) Motions to be set out in Summons

The summons to a meeting of the Council must set out motions in the order in which they have been received unless they have been withdrawn in writing or relate to a later meeting.

(3) Motions not Moved

Unless postponed with the consent of the Council a motion in the summons which is not moved (by the person who has given notice or a Member on his behalf) is deemed to be withdrawn.

(4) Motions Having Financial Impact

Motions containing proposals which would:-

(a) -Increase the capital and/or revenue expenditure of the Council and/or,

(b) -Reduce the income of the Council,

must first be referred to the Cabinet by the Managing Director, prior to consideration by Council.

(45) Automatic Reference to Cabinet, Committee or Sub-Committee

If the subject matter of any motion of which notice has been duly given comes within the province of the Cabinet or any Committee or Sub-Committee, or falls within rule 6(4), above, it shall formally be moved and seconded and stand referred without discussion to the next (where practicable) Cabinet or to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine for consideration and report; provided that the Chairman may, if the Chairman considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(56) Scope of Motions

Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the district.

(67) Mover of Motion may attend Cabinet, Committee or Sub-Committee

A Member of the Council who has moved a motion which has been referred to the Cabinet or any Committee or Sub-Committee shall have notice of the meeting at which it is proposed to consider the motion. The Member shall have the right to attend the meeting and speak but shall not vote upon that motion unless the Member is a Member of the Cabinet, Committee or Sub-Committee considering the motion.

(8) Motions Considered Under Rule 6(4)

Motions that are referred to Cabinet by virtue of rule 6(4), above, shall be considered at the next practicable Council meetings following its consideration by Cabinet, and the following procedures will have effect:

- (a) The motion will already be deemed to have been moved and seconded at the previous Council meeting.
- (b) The mover of the motion will present the motion again.
- (c) The relevant Cabinet Portfolio Holder, or other Cabinet member if unavailable, shall present the report or recommendations of Cabinet, but may also speak again during the debate on the motion.
- (d) The original motion will then be discussed under the normal rules of debate.

7. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice:-

- (1) appointment of a Chairman of the meeting at which the motion is made;

(12) Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting;
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the motion or the amendment the right of reply and then put the procedural ~~original~~ motion to the vote without further debate or discussion.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote without further debate or discussion. If it is passed he/she will give the mover of the motion or the amendment the right of reply before putting the motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving any right of reply and without further debate or discussion.
- (e) Items of business not dealt with prior to the meeting being adjourned shall be considered at the re-convened meeting of Council which shall take place 14 calendar days following the decision to adjourn.

(13) Points of Order and Personal Explanations

- (a) A Member may raise a point of order at any time. The Chairman will hear the argument immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken without which the alleged breach shall be disregarded. Unless the Member refers explicitly to the relevant Rule of Procedure or law they shall not be heard.
- (b) A Personal Explanation shall be confined to some material part of a former speech made by that Member which may have been

Report of:	Head of Economic Prosperity
Contact Officer:	Dean Piper
Telephone No:	4223
Portfolio Leader:	Health & Wellbeing
Key Decision:	No
Report Track:	Council: 05/08/20

COUNCIL
5 AUGUST 2020
NEW PAVEMENT LICENSING SCHEME

1 Purpose of Report

- 1.1 The Business and Planning Act 2020 amongst other things creates a new licensing scheme to allow premises to place tables and chairs and associated furniture outside of their premises under 'pavement licences'. This report sets out recommendations on the authorisation of Officers to carry out the duties under the Act, and to authorise officers to produce policies and/or procedures.
- 1.2 Furthermore, the Act allows for a fee to be set for the issuing of Pavement Licence subject to a maximum of £100.

2 Recommendations

- 2.1 That all the functions, powers and duties contained within the Business and Planning Act 2020 in respect of pavement licences be delegated to the Head of Economic Prosperity.
- 2.2 The Head of Economic Prosperity is given delegated authority to determine applications for licences under this legislation including the duration of licences and any conditions attached.
- 2.3 The Head of Economic Prosperity can delegate the power to determine applications for licences under this legislation to other appropriate Officers who have suitable knowledge, qualifications and experience of licensing regimes.
- 2.4 The Head of Economic Prosperity is authorised to produce policies and procedures for the issuing of Pavement Licences.
- 2.5 Council considers whether the fee for the granting of a Pavement Licence is to be set at £100 or whether to waive the setting of a fee.

3 Key Issues and Reasons for Recommendation

- 3.1 The Business and Planning Act is now in force. The Act enables applications to be made to the Council for pavement licences. The Council needs a mechanism in place for determining pavement licensing applications. This is a matter reserved for full Council. It is recommended that this function is delegated to the Head of Economic Prosperity owing to the expertise of dealing with licensing matters within the Licensing service and the need for decisions to be made within a strict timescale to avoid deemed approvals being granted.

4 Relationship to Corporate Priorities

- 4.1 This Policy supports the Council's Corporate Priorities of Community Wellbeing and Promoting Prosperity through supporting local businesses and ensuring that the town centre environment remains safe and welcoming.

5 Report Detail**Background**

- 5.1 The Act introduces a new licence – a 'pavement licence'. Operator businesses selling food and drink may apply to their local authority for authorisation to put furniture such as tables and chairs on the highway adjacent to their premises to sell food and drink from and/or for their customers to use.
- 5.2 As the country emerges from lockdown, pavement cafes have assumed a new importance given the scientific evidence of a lower risk of spreading coronavirus outdoors. With the re-opening of restaurants, cafes, bars and public houses from 4 July 2020, the pavement licensing regime set out in the Act, offers the hospitality sector a simpler administrative route to providing an outdoor environment for customers. The Government hopes this will give a boost to the hospitality sector, which is particularly badly hit by coronavirus, allowing premises to trade to as full an extent as possible given the constraints placed on capacity by social distancing.
- 5.3 The new licensing regime in the Bill provides a fast track procedure for the grant of a pavement licence which bypasses the existing regulatory regimes. Trading pursuant to a pavement licence does not need a Highways Act permit; is deemed to have planning permission; and is not street trading for the purposes of street trading legislation.
- 5.4 Pavement licences are a temporary measure. No licence will extend beyond 30 September 2021 or on such a later date as the Secretary of State may prescribe (but no earlier).
- 5.5 The pavement licensing regime is operated by District Councils in Staffordshire, with a requirement to consult with Staffordshire County Council as the Highways Authority.

- 5.6 The grant of a pavement licence will not alter the permitted operational hours of premises on an associated planning permission or premises licence.
- 5.7 There can be an application fee of up to £100 for a pavement licence to cover the administrative cost of issuing the application, and the ensuring compliance. The maximum fee will mean that the Council will make a loss on these applications, because the fee cap does mean that we are not able to operate on a full cost recovery basis. Officers understand that some, if not all Staffordshire LAs are going to apply a £100 fee. It is considered that it is more suitable to support businesses for the length of time that the licence is granted to afford them security and certainty. For this reason, officers are recommending that the licences run until 30 September 2021. This reduces the burden on businesses having to renew a licence and further reduces the time officers spend on this licensing regime.
- 5.8 The timescales for consultation and determination of a licence application are tight. The applicant must post a notice on the premises on the same day as the application is made. The notice must be in place for a consultation period of 7 days beginning with the day after the day the application is submitted. The Council must publish the application on its website and allow people to comment during the 7-day consultation period. The Council must consult with the highway authority and 'such other persons as the local authority considers appropriate' e.g. police, residential neighbours. The Council must determine the application within a period of 7 days beginning with the first day after the consultation period. If the Council does not determine the application within this period, the pavement licence will be deemed as granted.
- 5.9 The Council can either grant the licence application, with or without conditions, or reject it. There is no right of appeal. The Council must act reasonably in determining pavement licence applications in accordance with normal public law principles e.g. it must have regard to relevant considerations and disregard irrelevant considerations.
- 5.10 It is noted that there is no formal route of appeal set out in the legislation. It is recommended that decisions are made by officers under the Economic Prosperity Service, and any appeals are considered by the Head of Economic Prosperity.
- 5.11 In determining the application, the Council will need to evaluate whether the proposal is reasonably acceptable in the particular location, having regard to the temporary nature of the licence and the objectives of the Act. The Council must take into account any representations received and will have regard to Government guidance.
- 5.12 It is recommended that the Council adopt a new policy and/or procedure to assist in processing applications and decision making. Adopting a policy and/or procedure enables the Council to include conditions that will manage the impact and help guide applicants on the suitability of proposals. It is recommended that the production of any policy and/or procedure is delegated to the Head of Economic Prosperity and should follow Government Guidance, and emerging best practice.

Alternative options available to the Council

- 5.13 The Council could decide not to delegate powers in relation to pavement licensing, or to delegate powers to a different Officer or a Committee, or to the Licensing and Public Protection Committee. This is not recommended given the tight timescales for the processing of licence applications and deemed approvals in the event of failure to determine on time. The Council's Licensing team, within the remit of the Head of Economic Prosperity, supported by the Council's Legal Services Manager has the expertise to process and determine these applications.
- 5.14 The Council could decide that appeals against refusal of pavement licences could be heard by the Licensing and Public Protection Committee rather than the Head of Economic Prosperity.
- 5.15 The Council could also decide not to charge businesses a fee for applying for a pavement licence to support the Council's economic recovery agenda.

6 Implications**6.1 Financial**

The Council can charge a fee of up to £100 per pavement licence application. This is unlikely to cover the full cost of administering the service.

6.2 Legal

Since the issue of pavement licences is a function of Council, it is the Council that must decide how this function is exercised, and the Council that must make any delegation of these powers.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

The risk of not accepting the recommendation is that the Council will not have in place an appropriate mechanism of determining applications for pavement

licences, which must be determined within strict timescales to avoid deemed licences being granted without the merits of the proposals being properly assessed.

6.8 Equality & Diversity

An equality impact assessment will be completed as part of the development of the policy/process for pavement licences.

6.9 Best Value

None.

7 Appendices to the Report

None

Previous Consideration

None

Background Papers

None