



CANNOCK CHASE COUNCIL

COUNCIL MEETING

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

MEETING TO BE HELD VIA REMOTE ACCESS

PART 1

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

1. Apologies

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

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

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

3. Minutes

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

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

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

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

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

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

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

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

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

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

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

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

5. The Chairman's Announcements and Correspondence

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

6. The Leader’s Announcements and Correspondence

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

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

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

8. Questions Received under Council Procedure Rule 8

No Questions have been received under Council Procedure Rule 8.

9. Recommendations Referred from Cabinet, Committees etc.

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

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

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

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

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

10. Motions Received under Council Procedure Rule 6

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

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

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

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

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

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

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

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

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

Therefore this Council:

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

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

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

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

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

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

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

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

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

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

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

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

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

cost to our planet by postponing this action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Conservative Group propose:

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

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

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

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

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

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

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

“This Council notes that:

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

This Council believes that:

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

This Council resolves to:

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

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

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

12. Annual Treasury Management Report 2019/20

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

13. Review of Licensing Policy

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

14. Exclusion of the Public

The Chairman to move the following motion:-

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

CANNOCK CHASE COUNCIL

COUNCIL MEETING

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

MEETING TO BE HELD VIA REMOTE ACCESS

PART 2

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

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



**T. McGovern,
Managing Director**

17 November, 2020

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

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

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

A PECUNIARY INTEREST is a personal interest where the matter

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

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

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

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

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

DECLARING INTERESTS AT FULL COUNCIL

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

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

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

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

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE COUNCIL
HELD VIA REMOTE ACCESS
AT 6:00 P.M., WEDNESDAY, 9 SEPTEMBER, 2020
PART 1

PRESENT: Councillors:

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

31. Apologies

None.

32. 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.

33. Minutes

RESOLVED:

That the Minutes of the meeting held on 5 August, 2020, be approved as a correct record, subject to the following amendments being made:

- Delete the word 'annual' at top of page 9; and
- Under minute no. 26(ii), delete the words 'The vote was tied and the Chairman used his casting vote' (this motion was agreed unanimously, therefore the Chairman did not need to use his casting vote).

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

(i) The following question was submitted in accordance with Council Procedure Rule 4B(c) by member of the public, Stuart Haynes:

"Please could you advise, outside of necessary infrastructure changes, how much money has McArthurGlen provided to the Council as part of its Mill Green development and how has it been spent / allocated?"

Councillor T.B. Johnson, Economic Development and Planning Portfolio Leader provided the following response:

"The McArthurGlen Designer Outlet West Midlands is due to open in February 2021 and on opening will be a major visitor destination for the West Midlands region and provide a massive contribution to the economic recovery of the District, creating 1,000 much needed jobs.

The Council is working with McArthurGlen and Walsall College to ensure that local residents can access these new jobs via a Retail Skills Academy. Furthermore, the Council is working with McArthurGlen to organise a jobs fair which will take place later this year, to directly connect local people with the available job opportunities.

In terms of the specific question from Mr Haynes:

The Council will receive three allocations of funding arising from the sale of Mill Green site.

The site was acquired from the Council for £7million. This consisted of a non-refundable deposit of £400,000 followed by an instalment of £3.2million (which has been received) and £3.4million to be paid on completion of the scheme.

I can confirm that £237,000 from the deposit was spent by the Council on professional advice linked to the sale of the site, with a further £825,000 repaying the loan undertaken by the Council to acquire outright ownership of the land in 2012.

All remaining monies have been allocated to the Council's District Investment Fund and will be invested to support the economic recovery of the District.

I can confirm that the Council has received £1.355million in Community Infrastructure Levy (CIL) monies. Such monies are aggregated as part of the overall CIL regime and allocated to projects that are eligible to be reflected in the CIL Infrastructure List. Initial CIL allocations were made as part of the 2020/21 budget process to two projects as follows:

- Rugeley leisure centre ATP extension;
- Rugeley Town train station access route

Furthermore, CIL monies have been received for the Cannock East ward and these totalled £210,326 at the end of the 2018/19 financial year. There is £70,881 identified in the 2019/20 financial year. None of this funding is so far allocated but will be retained for community projects. The CIL income can be spent on infrastructure within the local community such as transport facilities, sport/recreation facilities and open spaces or anything else that addresses the demands that development places on the area.

Finally, the Council is in receipt of £370,000 of Section 106 monies that are specifically required to fulfil planning obligations to support the Mill Green development, this includes £90,000 for improvements at Cannock railway station.”

(Cllr. F.W.C. Allen joined during the presentation of this response.)

Stuart Haynes asked the following supplementary question:

“The figures suggested there was still room for direction for some of that money not as yet allocated; how can residents influence that spend?”

The Economic Development and Planning Portfolio Leader provided the following response to the supplementary question:

“I would reiterate that this information is all in the public domain and would suggest that local residents lobby and use their local Councillors. Speak to them and any community organisations that want to put a bid in, as long as criteria met. District Investment Fund monies will be needed significantly in future to reform local economy for the benefit of Cannock Chase.”

- (ii) The following question was submitted in accordance with Council Procedure Rule 4B(c) by member of the public, Darrell Mawle:

“I read on Cannock Chase Life (the Council’s Facebook page) stories of rejected dry recycling loads due to contamination (Nappies, Toasters, food waste etc). It’s very frustrating for committed recycling members of the public to see this happen so frequently.

What are the council doing about these inconsiderate people who are costing us all extra money for this contamination to go to landfill and what percentage of the overall total of dry recycling is getting contaminated?”

Councillor J.A.A. Newbury, Environment and Climate Change Portfolio Leader, provided the following response:

“I welcome Mr Mawle’s question.

It is a fact that the coronavirus outbreak has placed a big strain on waste and recycling services not only in Cannock Chase but in Councils all over the Country. This is not only a local problem but a national one. The levels of waste have increased significantly because more people are at home and this has unfortunately had a knock on effect on the levels of contaminated waste being placed in residents blue recycling bins.

It is not only about the quality of the items being recycled there are also serious

health and safety concerns with some of the items being disposed of in blue bins, particularly during the pandemic. Items such nappies, food and animal waste, and used tissues have to go through hand picking processes at the plant as well as mechanical ones, putting the health and safety of operators at risk of infection.

Every blue bin is checked at the roadside for any obvious signs of contamination. If contamination is seen, the bin gets tagged and is left unemptied. Working with our waste partner, Biffa, we have clamped down on contamination. Since 23 March, over 25,000 bins in Cannock, Hednesford and Rugeley have been tagged for contamination and 285 tonnes of dry recycling waste have been sent for incineration. This represents just over 7% of the total dry recycled waste tonnage recycled for the 21 week period.

Mr Mawle asks what the Council is doing to tackle this problem.

We, as a Council are committed to improving the quality of the waste that can be recycled but we can only do this with our residents help and support. The majority of our residents have been fantastic through these difficult times and we understand that it can sometimes be confusing for our residents to know exactly what can be recycled.

That is why we are currently undertaking a new Sticker campaign on all blue bins throughout the District. The new sticker, which has been designed following feedback from our residents, will hopefully help. All we ask is for our residents to think twice about everything they throw out and to follow the clear guidance on our new sticker. If it's on the sticker put it in the blue bin. If it's not on the sticker leave it out." Residents can also use our 'whichbin' search engine on our waste and recycling web pages if they are not clear as to the items that can be placed in their blue bin.

At the same time our bin wagons driving around the District are displaying the sticker on the side of the wagon for all to see.

Our approach going forward is to continue with a strong communications plan and visual support to engage with our residents in ways that they can relate to. That is why alongside the new sticker campaign regular messages and an animated information video has been produced and is available for all to see on the Council's website and other social media channels such as Facebook and Twitter

And it is not just about us; our waste contractor, our Mixed Recycling Facility (MRF) operator in Aldridge and re-processors; also have their part to play too and we will continue to work with them to tackle this problem. ...

Following our new sticker campaign we will continue to monitor the situation and if necessary we will utilise more targeted communications and campaigns in poor performing areas and streets. We will also consider taking firmer action such as, carrying out random kerbside inspections of residents' bins and removing blue bins completely for those continual offenders who display a total disregard for the information and instructions being provided.

I trust this answers Mr Mawle's question and gives him some assurance that the Council is tackling this problem and will continue to do so. And I even more pleased that he raised his question after seeing it on the Council's Facebook Page - confirmation that we are getting the message out there."

Darrell Mawle asked the following supplementary question:

“At the end of the statement, you were talking about repeating offenders – how many times does repeating tagging have to happen before collection is revoked?”

The Environment and Climate Change Portfolio Leader provided the following response to the supplementary question:

“This was being looked at the moment. A ‘three strikes and out’ process was being considered, which could consist of a warning letter, follow up visit and then removal of service.”

(iii) The following question was submitted in accordance with Council Procedure Rule 4B(c) by member of the public, Emma Hunneyball:

“I received a leaflet on 18 July from the Leader of the Council stating that demolition of the multi storey car park in Cannock Town Centre would “soon begin”. I was delighted to hear this as redevelopment of the site will be important for the regeneration of Cannock. Can the Cabinet member please tell me when demolition is scheduled to begin, the estimated cost and duration of the demolition work and the plans for redevelopment of the site?”

Councillor G. Alcott, Deputy Leader of the Council and Town Centre Regeneration Portfolio Leader, provided the following response: /

“The regeneration of Cannock town centre is a key priority for this Council and the redevelopment of the Multi-Storey Car Park (MSCP) site is identified as a priority in the Cannock Town Centre Development Prospectus which was approved by Cabinet in July 2019.

Officers are currently working to achieve vacant possession of the MSCP / Market Hall site, and as part of this work, the Cannock Indoor Market Hall will close in November 2020. I can also confirm that Cabinet, on 13 August 2020, agreed that the Council should seek to progress technical work to inform the business case to progress the full demolition of the MSCP / Market Hall site. This work will identify the proposed technical details including estimated costs of demolition, duration and will be the subject of further reporting back to Cabinet in due course. Officers are currently working to commission the technical work and £40,000 of revenue funding has been allocated for this purpose. It is considered that a cleared site will be potentially more attractive to the market place once the economic climate improves and demolition could help to address the Council’s risks associated with the ongoing maintenance of the MSCP.”

Emma Hunneyball asked the following supplementary question:

“What are the timescales for completion of the business case and what are the criteria set for the improvement in market conditions and when are they scheduled to be reviewed?”

The Town Centre Regeneration Portfolio Leader provided the following response to the supplementary question:

“The Council considered the report put before the Cabinet (13 August, 2020), and we are in the process of going out to consultants to advise us on various issues

including costs, demolition and duration work. Once known, a report will be taken back to Cabinet for a decision on what course of action needed to be taken.

Whilst Members have a number of ideas in mind for what they would like to see on the site, no criteria have been set yet, and they will have to wait to and see what proposals prospective developers come up with. There are a number of issues we could consider for site, but only once site marketed and interest from developers has come in, Councillors and Cabinet can make a decision on what action to be taken.”

35. Chairman’s Announcements and Correspondence

(i) Don Mincher

The Chairman advised Members that it was with sadness that he had to inform them Don Mincher, a former Head Architect for the Council, had passed away. Don was most memorable for the drawings and development of some of the key architecture in and around Cannock in the 1970s and 80s.

In particular, Don designed the Civic Centre building; Prince of Wales theatre; Chase leisure centre and the first phase redevelopment of Cannock town centre around the Church Street area. He also designed the Civic crests that could be seen in the Council Chamber and on the front of the Civic building.

In Don’s honour, his family had offered to donate a bench that would be sited at the Council offices for use by staff and Members.

Don left a lasting legacy with the Council and District and would be greatly missed by his friends and family, with whom the Council’s thoughts were at that sad time.

Cllr. Alcott gave a short speech in memory of Mr. Mincher.

(ii) Chairman’s Correspondence – Chairman’s Charity Fundraising

The Chairman advised that he had received the following correspondence from Councillor Doug Smith in respect of fundraising for the Chairman’s charity:

“Every year the Chairman of Cannock Chase District Council nominates their charity of the year. Councillors contribute to this charity at each Council meeting, as well as attending events run in aid of the charity. In these unprecedented times of Zoom meetings and restrictions on events, this way of fundraising is becoming increasingly difficult. The Conservative Group on Cannock Chase District Council would like to propose that each Councillor supports the chosen charity this year in undertaking to contribute by way of a donation. I am heavily involved with several charities and am aware just how hard it is for them to fundraise now, indeed many have already folded. I am sure all Councillors will support this.”

In response, the Chairman proposed that all Members make a £15 donation to the Chairman’s charity by way of a one-off deduction from their allowances payment each year.

Members debated the Chairman’s proposal and it was recommended that the Democratic and Resilience Services Manager should write to all Members reminding them of the discussion and asking them to confirm in writing:

- (i) if they wished to make a one-off donation to the Chairman's Charity;
- (ii) if appropriate, the value of the donation they wished to make.

(iii) Presentation of a Petition

The Chairman received a petition from Councillor P.E. Woodhead on behalf of residents requesting the replacement of a footbridge removed from Anglesey Nature Reserve in July 2020. The Chairman advised that the petition would be forwarded to Councillor Mrs. C. Mitchell, Culture and Sport Portfolio Leader, for review.

36. Leader's Announcements and Correspondence

(i) Covid-19 Testing Site at Civic Centre

The Leader advised that in respect of the Covid-19 testing facility located adjacent to the Civic Centre in Cannock, the latest usage figures available from Staffordshire County Council were worrying low. As at the end of August, the highest usage was 42% of capacity, and 15% the lowest. (The facility had capacity for 288 tests daily.) The Leader advised of a constituent who wanted a test for her daughter. The lady tried for days on the phone and could not get one and was eventually offered a test in Scotland. Instead, she took her daughter to the Cannock site and walked straight in. This reflected news reports that people were being sent all over the country for testing.

It was understood from a meeting Councillor Martin had attended that there appeared to be a problem with different NHS systems not talking to each other and not always knowing where testing locations were based, which was also a cause for concern. While it was great that we had such a facility in Cannock, it was frustrating to see not being used and it was hoped that the system improved. The Leader urged Members to pass on the message to encourage those who needed a test to use the local facility.

(ii) Formation of New Political Party

The Leader advised that he was aware of correspondence between the Managing Director and Councillor Layton that had been published on social media in respect of the Council's response to the Covid-19 pandemic. In responding to specific written questions that had been submitted by Councillor Layton, the Managing Director had provided an email response that he was not aware that the Council's response to the pandemic had been disrupted by the formation of the new [Chase Community Independents] political Party. The Leader said he begged to differ with the view for the following reasons:

"As Members were aware, while many were helping the community during the pandemic some people were also playing politics. A new Party was set up with T shirts, social media, a website, registered with the Electoral Commission and a new constitution that pretty much guarantees automatic re-selection for their Councillors, regardless of their performance.

As the Council approached its Annual Meeting in June, the Labour and Green Parties agreed to form a formal coalition to ensure stability for the Council, residents and staff. Two Members of the Green Party joined the Cabinet.

No mention was made of the Chase Independents until the weekend prior to the Annual Meeting., even though attempts had been made to persuade Members of all Parties to join them in the preceding months. Only one decided on the honourable course, which was to stay in the Party upon whose platform they were elected.

On the Sunday morning prior to the Annual Meeting I received a text from Cllr. Woodhead in which he stated that the new Group were considering pulling out of the coalition, with all of the confusion that would have entailed if the Council had been unable to agree on an administration to run the Council at a time of crisis. This threat was made because of an unauthorised e-mail from a Labour Party member, who has since been removed from his post. He is entitled to his views but they did not represent the official view of Cannock Chase Labour.

The Council was facing a period of instability just at a time when stability and leadership were needed because some people chose to put politics before people.

I reached out to other Members who agreed that stability and continuity was vital at a time of crisis and agreed to support the administration.

The moral of this tale is that Members should not try to involve Officers in politics and that Officers should ensure that they know all of the facts before they become involved in the world of politics.”

37. Questions Received under Council Procedure Rule 8

No Questions under Council Procedure Rule 8 were received.

38. Recommendations Referred from Cabinet, Committees etc.

No Recommendations were referred.

39. Motions Received under Council Procedure Rule 6

- (i) Consideration was given to the following Motion, submitted in accordance with Council Procedure Rule 6, by Councillor P.E. Woodhead, Leader of the Chase Independents and Green Group:

“Homelessness Charter

This motion will complement the Homelessness and Rough Sleeping Strategy and Action Plan that was updated in October/November 2019 with regard to Rough Sleeping provision. The revised Strategy incorporates the new outreach service which is based on Housing First principles and is designed to assist entrenched rough sleepers exit homelessness permanently, ending the cycle of homelessness. It will also seek to build on the work undertaken during the Covid-19 pandemic as part of the Government’s “Everyone’s In” Programme.

Council commits to adopting the following Homelessness Charter, and notes that when it refers to those who are ‘homeless’ it includes those who are without shelter of any kind - ‘rough, or street sleepers’ as well as individuals and families who have a roof over their head but no security of tenure, such as sofa surfers and those in temporary accommodation. The terms Roofless or homeless at home are also common terms used to refer to homeless people.

Cannock Chase Council believes that everyone has the right to a warm and secure home that they can afford to live in.

The Council does, and will continue, to respect and uphold the rights of anyone who is experiencing homelessness of any kind.

The Council does not and will not contribute in any way to the harsh and inhumane conditions too often experienced by people who do not have a place to call home and commits to improving the living conditions of people who are homeless and to lessen the impact of the negative effects of homelessness.

This council believes that it is essential to re-state that every person who is experiencing homelessness is entitled to the same treatment as any other resident in the District. No one should be denied rights because they are experiencing homelessness.

To this end Cannock Chase Council will make effective the following rights where it is within its legal powers to do so: -

1. Homelessness prevention

Each person has the right to access the help and support they need, including financial planning, to avoid homelessness. All individuals have the right to access any support services to which they are eligible and meet the criteria that may help them stay in their home be it due to a mental or physical health, financial or addiction issue.

2. The Right to Housing

If a person does find themselves without a home, their most important right is to exit homelessness. Services supporting access to appropriate housing must be accessible to all homeless people who are eligible and meet the relevant criteria for assistance.

3. The Right to Shelter

Where housing cannot be immediately provided, there must be access to decent emergency accommodation for anyone finding themselves without shelter. The Council is committed to ensuring that emergency accommodation will be sourced so that no one is forced to sleep rough.

4. The Right to Use Public Space

People who find themselves without a home will have the same right to use public space. Like all other citizens these public spaces can only be accessed for the purposes for which they are intended and in accordance with any appropriate bylaws. They have the right to move freely within it, to rest in it and expect to stay safe whilst there.

This includes, but is not limited to, access to pavements, parks, public transport and public buildings.

5. The Right to Equal Treatment

All Council employees and services uphold the right to equal treatment for all including those who find themselves homeless.

6. The Right to a Postal Address

The Council shall work with other agencies and organisations to secure that

homeless people who need one have an accessible address such as an electronic address e.g. e-mail address

7. The Right to Emergency Services

The right to emergency services (where the Council has influence) – social services, health services, the police and the fire service without fear of being discriminated against because of their housing situation or their physical appearance.

8. The Right to Vote

Homeless people are entitled and able to register to vote. If they do not have a correspondence address a specific registration form is available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711758/Register-to-vote-if-you-havent-got-a-fixed-or-permanent-address-England-and-Wales.pdf

This form can be made available in hard copy by the Council.

9. The Right to Data Protection

People who find themselves homeless have the right to data protection. Their data will only be shared by public and other services with their consent, or only for other lawful purposes allowed by law. People who find themselves homeless have the right to exercise control over their personal details.

10. The Right to Privacy

The right to privacy must be respected and protected to the fullest extent possible. The Council is committed to working to ensure that all emergency accommodation provided can deliver on this right.

11. The Right to Survival Practices

The right to carry out practices necessary to survival within the law. While the Council strives for a District in which such practices are not necessary, The Council will proactively signpost those in need to specific services, voluntary support agencies and foodbanks etc. as circumstances dictate.

12. The Right to Respect for Personal Property

People who are homeless should have their belongings, including tents and sleeping bags, respected by everyone including public servants.

13. The Right to Life

The right to life requires public authorities to take measures to preserve life. If a person who is homeless dies, in each case there should be a public investigation in order to understand the causes of death, what might have prevented it and following this the Council will work with partners to put processes in place to effect any necessary change. The Council will make all reasonable efforts to trace family and friends in these circumstances.

The following amendment was moved by Councillor J.T. Kraujalis, Housing Portfolio Leader, which was duly seconded:

“That the motion and existing Homelessness and Rough Sleeping Strategy be referred to the appropriate Scrutiny Committee to develop a comprehensive strategy

and policy to address local needs to which Members from all parties can contribute.”

A vote was then taken on the amendment, which was carried. This then became the substantive motion.

An amendment to the new substantive motion was then moved by Councillor Miss O. Lyons, Leader of the Opposition, which was duly seconded:

“That the Council further resolves to commit to hold a stakeholder event to bring together local voluntary organisations, other local public authorities and partners to consider local issues and help deliver relevant elements of the Housing, Homelessness and Rough Sleeping Strategy.”

A vote was then taken on the amendment, which was carried.

(Cllr. C. Bennett lost his connection to the meeting at 7:15pm so did not take part in the vote on this item.)

RESOLVED:

That:

- (A) The motion and existing Homelessness and Rough Sleeping Strategy be referred to the appropriate Scrutiny Committee to develop a comprehensive strategy and to address local needs to which Members from all parties can contribute.
- (B) The Council further resolves to commit to hold a stakeholder event to bring together local voluntary organisations, other local public authorities and partners to consider local issues and help deliver relevant elements of the Housing, Homelessness and Rough Sleeping Strategy.

- (ii) Consideration was given to the following Motion, submitted in accordance with Council Procedure Rule 6, by Councillor A.S. Boucker, which was seconded:

“This Council recognises that integrity and transparency are fundamental elements of democracy. The increasing popularity of both the internet and various social media platforms allows pressure groups and parties promoting single issue campaigns to accelerate, which can have many benefits. However, broad motions designed at a national level do not always suit Cannock Chase or meet the needs of local residents.

In an effort for this Council to improve transparency and to enable Members within this Council to understand any wider persuasions or influences to a Motion brought forward locally and to informatively analyse any potential implications, I move that:

Future Motions be signed by the proposer as confirmation that, to the best of their knowledge, the motion is original and comprises of their own work; or the provenance of any borrowed Motion be cited.”

(Cllr. C. Bennett re-joined the meeting at 7:25pm.)

RESOLVED:

That future Motions be signed by the proposer as confirmation that, to the best of their knowledge, the motion was original and comprised of their own work; or the provenance of any borrowed Motion be cited.

- (iii) Consideration was given to the following Motion, submitted in accordance with Council Procedure Rule 6, by Councillor J.A.A. Newbury, Environment and Climate Change Portfolio Leader, which was seconded:

“We move that Councillor Newbury be authorised in his role as Portfolio Leader for the Environment and Climate Change to write on behalf of this Council to the Special Area of Conservation Partnership’s Joint Strategic Board to request action on the following points:

Transparency

- That any documentation related to future plans for the Cannock Chase SAC are available in one place on the haveyoursaycannockchase.org.uk website.
- That this website provides an ongoing opportunity for the public to submit their views and questions regarding the plans as they develop, even if these are not responded to until the next formal consultation.

Conservation

- That a comprehensive assessment of the state of the heathland in the SAC be undertaken to ascertain the level of erosion it may be suffering and the extent to which different areas are affected.

Car Parking

- That an impact assessment be undertaken to ascertain the potential effects on visitors of car park closures in the SAC.
- That no further closures or fencing of car parking areas be put in place until this impact assessment has been completed and further consultation on more detailed proposals is held.”

The following amendment was moved by Councillor P.E. Woodhead, Leader of the Chase Community Independents & Green Group, which was duly seconded:

“Under the ‘Transparency’ heading, insert a third bullet point that reads: “That a visitor and / or resident representative as an Independent Person be appointed to the Special Area of Conservation Partnership’s Joint Strategic Board”.”

Councillor Newbury accepted the amendment as part of his Motion.

The following further amendment was moved by Councillor G. Adamson, Leader of the Council, which was duly seconded:

“That the Chairman of Friends of Cannock Chase, June Jukes, be put forward as the visitor and / or resident representative Independent Person for the Special Area of Conservation Partnership’s Joint Strategic Board.”

Councillor Newbury accepted the amendment as part of his Motion.

The matter was put to the vote.

RESOLVED:

That Councillor Newbury be authorised in his role as Portfolio Leader for the Environment and Climate Change to write on behalf of this Council to the Special Area of Conservation Partnership’s Joint Strategic Board to request action on the

following points:

Transparency

- That any documentation related to future plans for the Cannock Chase SAC are available in one place on the haveyoursaycannockchase.org.uk website.
- That this website provides an ongoing opportunity for the public to submit their views and questions regarding the plans as they develop, even if these are not responded to until the next formal consultation.
- That a visitor and / or resident representative as an Independent Person be appointed to the Special Area of Conservation Partnership's Joint Strategic Board, and that the Chairman of Friends of Cannock Chase, June Jukes, be put forward for this role.

Conservation

- That a comprehensive assessment of the state of the heathland in the SAC be undertaken to ascertain the level of erosion it may be suffering and the extent to which different areas are affected.

Car Parking

- That an impact assessment be undertaken to ascertain the potential effects on visitors of car park closures in the SAC.
- That no further closures or fencing of car parking areas be put in place until this impact assessment has been completed and further consultation on more detailed proposals is held.”

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

No comments or questions on Part 1 Minutes had been submitted in accordance with Council Procedure Rule 9.

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

No comments or questions on Part 2 Minutes had been submitted in accordance with Council Procedure Rule 9.

The meeting closed at 8:08 p.m.

CHAIRMAN

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Council
25 November 2020
Notification of Changes to Memberships of Committees etc. 2020/21 for
Approval by Council

Labour Group (changes shown in bold text):

Constitution Working Group	
<u>Current Membership</u>	<u>Proposed Membership</u>
Allen, F.W.C. Bennett, C. Cartwright, Mrs. S.M..	Alcott, G. Cartwright, Mrs. S.M. Johnson, T.B.

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Report of:	Head of Finance
Contact Officer:	Bob Kean
Telephone No:	01543 464 334
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 25/11/20 Audit & Gov Cttee: 30/11/20

Council
25 November 2020
Annual Treasury Management Report 2019/20

1 Purpose of Report

- 1.1 To update Members on treasury management activity and performance during the 2019/20 financial year.

2 Recommendations

- 2.1 To note the annual treasury management report for 2019/20;
- 2.2 To approve the actual 2019/20 prudential and treasury indicators set out in **Appendix 1.**

3 Key Issues and Reasons for Recommendation

- 3.1 Treasury management activity and performance during the 2019/20 financial year.

4 Relationship to Corporate Priorities

- 4.1 Treasury management and investment activity link in with all of the Council's priorities and spending plans.

5 Report Detail

Background

- 5.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2018/19. This report meets the

requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

- 5.2 During 2019/20 the minimum reporting requirements were that the full Council should receive the following reports:
- an annual treasury strategy in advance of the year
 - a mid-year (minimum) treasury update report
 - an annual review following the end of the year describing the activity compared to the strategy (this report)
- 5.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 5.4 The submission of the above reports to the Audit and Governance Committee, to give prior scrutiny before they were reported to the full Council, ensures that this Council complies with the codes requirement. Training has been undertaken by members of the Audit and Governance Committee and further training will be arranged as required.

The Council's Capital Expenditure and Financing

- 5.5 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
 - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.
- 5.6 The actual capital expenditure forms one of the required prudential indicators. This is detailed in Appendix 1.

The Council's Overall Borrowing Need

- 5.7 The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).
- 5.8 **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2018/19) plus the estimates of any additional capital financing requirement for the current (2019/20) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital

needs in 2019/20. The table in Appendix 1 highlights the Council’s gross borrowing position against the CFR. The Council has complied with this prudential indicator.

- 5.9 **The authorised limit** - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table in Appendix 1 demonstrates that during 2019/20 the Council has maintained gross borrowing within its authorised limit.
- 5.10 **The operational boundary** – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.
- 5.11 **Actual financing costs as a proportion of net revenue stream** - this indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream.

Treasury Position as at 31 March 2020

- 5.12 At the beginning and the end of 2019/20 the Council’s treasury, (excluding borrowing by PFI and finance leases), position was as follows:

TABLE 1	31 March 2019 Principal £'000	Rate/ Return	Average Life (yrs.)	31 March 2020 Principal £'000	Rate/ Return	Average Life (yrs.)
Total debt (PWLB)	81,605	3.89%	36.49	81,605	3.98%	35.56
CFR	93,453			92,088		
Over / (under) borrowing	(11,848)			(10,483)		
Total investments	27,000	0.66%	0.13	36,500	0.75%	0.05
Short term borrowing	0			0		
Net investments	27,000			36,500		
Net debt	54,605			45,105		

5.12.1 The table below sets out the maturity profile of the external debt held by the Council.

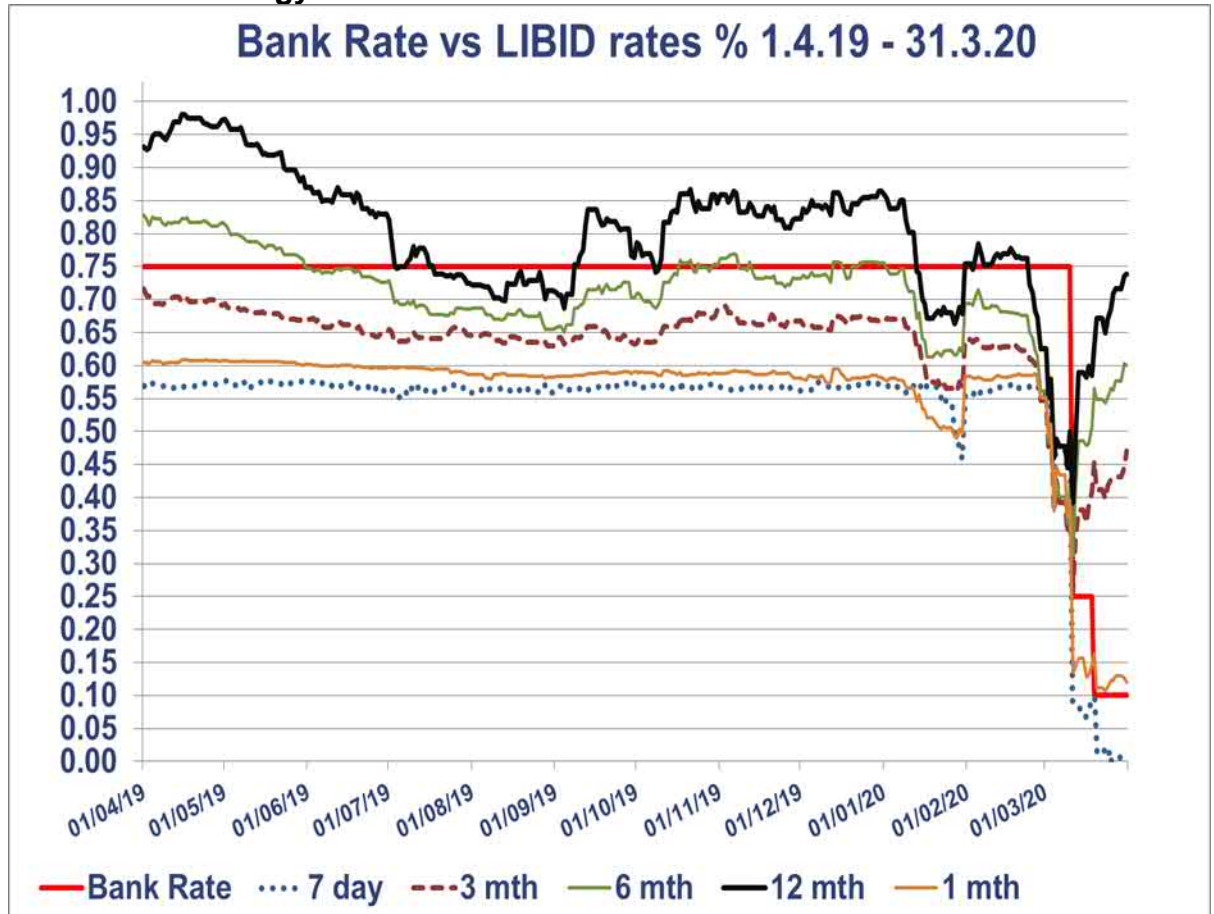
Debt Maturity Profile	31 March 2019 Actual	2019/20 original limits	31 March 2020 Actual
	£m	£m	£m
Under 12 months	0	0	0
12 months and within 24 months	0	0	0
24 months and within 5 years	0	0	1.4
5 years and within 10 years	4.4	4.4	3.0
10 years and within 20 years	12.60	12.60	12.60
20 years and within 30 years	0	0	
30 years and within 40 years	5.36	5.36	5.36
40 years and within 50 years	59.245	59.245	59.245
Total Debt	81.605	81.605	81.605

5.12.2 The following table sets out the Council's investments held at 31 March 2020:

Counterparty	Start Date	End Date	Value (£)	Rate %
Santander UK	180 Day Notice		3,500,000	1
Aberdeen GBP Liquidity Fund	Money Market Fund		6,000,000	0.46
Federated Prime Fund Class	Money Market Fund		6,000,000	0.54
Deutsche Bank	Money Market Fund		5,000,000	0.50
Invesco	Money Market Fund		6,000,000	0.54
Morgan Stanley	Money Market Fund		5,000,000	0.48
Handelsbanken	Call Account		5,000,000	0.55
			36,500,000	

5.13 All investments in the portfolio have a maturity of under 1 year.

Investment strategy and control of interest rate risk



5.14 Investment returns remained low during 2019/20. The expectation for interest rates within the treasury management strategy for 2019/20 was that Bank Rate would stay at 0.75% during 2019/20 as it was not expected that the MPC would be able to deliver on an increase in Bank Rate until the Brexit issue was finally settled. However, there was an expectation that Bank Rate would rise after that issue was settled, but would only rise to 1.0% during 2020.

5.15 Rising concerns over the possibility that the UK could leave the EU at the end of October 2019 caused longer term investment rates to be on a falling trend for most of April to September. They then rose after the end of October deadline was rejected by the Commons but fell back again in January before recovering again after the 31 January departure of the UK from the EU. When the coronavirus outbreak hit the UK in February/March, rates initially plunged but then rose sharply back up again due to a shortage of liquidity in financial markets. As longer term rates prior to the COVID pandemic were significantly higher than shorter term rates during the year, value was therefore sought by placing longer term investments where cash balances were sufficient to allow this.

5.16 While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the

financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

- 5.17 Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

Borrowing strategy and control of interest rate risk

- 5.18 During 2019-20, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.
- 5.19 A cost of carry remained during the year on any new long-term borrowing that was not immediately used to finance capital expenditure, as it would have caused a temporary increase in cash balances; this would have incurred a revenue cost – the difference between (higher) borrowing costs and (lower) investment returns.
- 5.20 The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.
- 5.21 Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Deputy Managing Director therefore monitored interest rates in financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risks:
- if it had been felt that there was a significant risk of a sharp FALL in long and short term rates, (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings would have been postponed, and potential rescheduling from fixed rate funding into short term borrowing would have been considered.
 - if it had been felt that there was a significant risk of a much sharper RISE in long and short term rates than initially expected, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position would have been re-appraised.

Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.

5.22 Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2019/20 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.

Link Asset Services Interest Rate View 31.1.20													
	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.25	1.25	1.25	1.25
3 Month LIBID	0.70	0.70	0.80	0.80	0.90	1.00	1.00	1.10	1.20	1.30	1.30	1.30	1.30
6 Month LIBID	0.80	0.80	0.90	1.00	1.00	1.10	1.20	1.30	1.40	1.50	1.50	1.50	1.50
12 Month LIBID	0.90	0.90	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.70	1.70	1.70
5yr PWLB Rate	2.30	2.30	2.40	2.40	2.50	2.60	2.70	2.80	2.50	2.60	2.70	2.80	3.10
10yr PWLB Rate	2.50	2.50	2.60	2.60	2.70	2.80	2.90	3.00	2.70	2.80	2.90	3.00	3.30
25yr PWLB Rate	3.00	3.00	3.10	3.20	3.30	3.40	3.50	3.60	3.30	3.40	3.50	3.60	3.90
50yr PWLB Rate	2.90	2.90	3.00	3.10	3.20	3.30	3.40	3.50	3.20	3.30	3.40	3.50	3.80



5.23 PWLB rates are based on, and are determined by, gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. There was much speculation during the second half of 2019 that bond markets were in a bubble which was driving bond prices up and yields down to historically very low levels. The context for that was heightened expectations that the US could have been heading for a recession in 2020, and a general background of a downturn in world economic growth, especially due to fears around the impact of the trade war between the US and China, together with inflation generally at low levels in most countries and expected to remain subdued; these conditions were conducive to very low bond yields.

While inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation expectations, the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years.

We have therefore seen, over the last year, many bond yields up to 10 years in the Eurozone turn negative. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. The other side of this coin is that bond prices are elevated as investors would be expected to be moving out of riskier assets i.e. shares, in anticipation of a downturn in corporate earnings and so selling out of equities.

- 5.24 Gilt yields were on a generally falling trend during the last year up until the coronavirus crisis hit western economies. Since then, gilt yields have fallen sharply to unprecedented lows as investors have panicked in selling shares in anticipation of impending recessions in western economies, and moved cash into safe haven assets i.e. government bonds. However, major western central banks also started quantitative easing purchases of government bonds which will act to maintain downward pressure on government bond yields at a time when there is going to be a huge and quick expansion of government expenditure financed by issuing government bonds; (this would normally cause bond yields to rise). At the close of the day on 31 March, all gilt yields from 1 to 5 years were between 0.12 – 0.20% while even 25-year yields were at only 0.83%.
- 5.25 However, HM Treasury has imposed two changes in the margins over gilt yields for PWLB rates in 2019-20 without any prior warning; the first on 9 October 2019, added an additional 1% margin over gilts to all PWLB rates. That increase was then partially reversed for some forms of borrowing on 11 March 2020, at the same time as the Government announced in the Budget a programme of increased spending on infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; this ends on 4 June. It is clear that the Treasury intends to put a stop to local authorities borrowing money from the PWLB to purchase commercial property if the aim is solely to generate an income stream.
- 5.26 Following the changes on 11 March 2020 in margins over gilt yields, the current situation is as follows: -
- PWLB Standard Rate is gilt plus 200 basis points (G+200bps)
 - PWLB Certainty Rate is gilt plus 180 basis points (G+180bps)
 - PWLB HRA Standard Rate is gilt plus 100 basis points (G+100bps)
 - PWLB HRA Certainty Rate is gilt plus 80bps (G+80bps)
 - Local Infrastructure Rate is gilt plus 60bps (G+60bps)

There is likely to be little upward movement in PWLB rates over the next two years as it will take national economies a prolonged period to recover all the

momentum they will lose in the sharp recession that will be caused during the coronavirus shut down period. Inflation is also likely to be very low during this period and could even turn negative in some major western economies during 2020-21.

Borrowing Outturn

- 5.27 **Borrowing** - Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.

Investment Outturn

- 5.28 **Investment Policy** - the Council's investment policy is governed by MHCLG guidance, which has been implemented in the annual investment strategy. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc).
- 5.29 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
- 5.30 **Resources** – the Council's cash balances comprise revenue and capital resources and cash flow monies. The Council's core cash resources comprised as follows:

Balance Sheet Resources	31 March 2019	31 March 2020
	£'000	£'000
Earmarked Fund balances / reserves		
General Fund	10,835	15,977
General Fund working balance	2,916	1,000
HRA	5,225	8,445
HRA working balance	1,573	1,663
Sub Total	20,549	27,085
Capital receipts		
GF	7,371	7,408
HRA	1,006	2,047
Sub Total	8,377	9,455
Provisions	3,238	2,077
Major Repairs Reserve	2,433	4,509
Other - grants receipts in advance	664	1,036
Total core funds	35,261	44,162

5.31 **Investments held by the Council**

- The Council maintained an average balance of £37.6m of internally managed funds.
- The internally managed funds earned an average rate of return of 0.75%.
- The comparable performance indicator is the average 7-day LIBID rate, which was 0.53%.
- Total investment income was £283,863 compared to a budget of £174,200.

5.32 Due to the unforeseen Government grants to assist in dealing with the coronavirus outbreak, balances were held with Barclays (main bank account) temporarily in excess of £6m to ensure the council had adequate liquidity to make the grant payments out swiftly.

6 Implications

6.1 **Financial**

The financial implications have been referred to throughout the report.

6.2 **Legal**

The legal implications have been referred to throughout the report.

6.3 **Human Resources**

There are no human resource implications arising from this report.

6.4 **Section 17 (Crime Prevention)**

There are no implications arising from this report.

6.5 **Human Rights Act**

There are no identified implications in respect of the Human Rights Act 1998 arising from this report.

6.6 **Data Protection**

There are no implications arising from this report.

6.7 **Risk Management**

Treasury management is a high risk area due to the large amounts of money dealt with on a daily basis. However, the Council has a Treasury Policy and Strategy in place which is approved each year for the following 12 months. The Council also has advice on investment and lending from the leading company in the field and has instituted a strict control and delegation of duties regime which reduces risk to a minimum.

6.8 Equality & Diversity

There are no identified implications arising from this report.

6.9 Best Value

The strategy ensures that best value is provided to the Council.

7 Appendices to the Report

Appendix 1: Prudential and Treasury Indicators.

Appendix 2: Analysis of Investments held at 31 March 2020.

Previous Consideration

None

Background Papers

Available in Financial Services.

1. PRUDENTIAL INDICATORS	2018/19	2019/20	2019/20
	Actual	Estimate	Actual
	£'000	£'000	£'000
Capital Expenditure (HRA)	6,349	3,902	2,678
Capital Expenditure (GF)	2,907	1,465	1,113
Notional Capital expenditure – Finance Leases			
Ratio of financing costs to net revenue stream (HRA)	16.74%	16.92%	16.56%
Ratio of financing costs to net revenue stream (GF)	2.8%	2.2%	1.9%
Gross borrowing requirement (GF) - Finance Leases	1,105	674	674
Gross debt	81,605	81,605	81,605
Capital Financing Requirement as at 31 March (HRA)	82,504	82,496	82,494
Capital Financing Requirement as at 31 March (GF)	10,949	9,594	9,594
Annual change in Cap. Financing Requirement (HRA)	995	-8	-10
Annual change in Cap. Financing Requirement (GF)	-4,022	-1,355	-1,355
2. TREASURY MANAGEMENT INDICATORS			
Authorised Limit for external debt -	109,385	107,812	107,812
Operational Boundary for external debt	97,885	96,312	96,312
Actual external debt	81,605	81,605	81,605

Maturity structure of fixed rate borrowing during 2019/20	upper limit	lower limit
under 12 months	100%	0%
12 months and within 24 months	100%	0%
24 months and within 5 years	100%	0%
5 years and within 10 years	100%	0%
10 years and above	100%	0%

Appendix 2

The following table sets out an analysis of investments held at 31 March 2020 (together with a comparator at 31 March 2019).

INVESTMENT PORTFOLIO	Actual 31.3.19	Actual 31.3.19 %	Actual 31.3.20	Actual 31.3.20 %
Money Market Funds	£17.5m	65%	£28.m	77%
Banks	£9.5m	35%	£8.5m	23%
TOTAL TREASURY INVESTMENTS	£27.0m	100%	£36.5m	100%

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Report of:	Head of Economic Prosperity
Contact Officer:	David Prosser-Davies
Telephone No:	01543 464202
Portfolio Leader:	Health & Wellbeing
Key Decision:	No
Report Track:	Council: 25/11/20

Council
25 November 2020
Review of Licensing Policy

1 Purpose of Report

- 1.1 To seek approval and adoption of Cannock Chase District Council's revised Licensing Policy in respect of functions under the Licensing Act 2003 (the Act), following consultation on statutory five year review.

2 Recommendation

- 2.1 That the Cannock Chase District Council approves and adopts the revised Licensing Policy shown in Appendix 1 to this report.
- 2.2 That the Head of Economic Prosperity be authorised to make any amendments to the Policy required due to changes in legislation or government guidance and minor variations to the Policy in the interests of operational efficiency.

3 Key Issues and Reasons for Recommendation

- 3.1 When it was implemented, the Licensing Act 2003 modernised several licensing regimes. It integrated alcohol, public entertainment, cinema, theatre, late night refreshment and night café licensing within a single, simpler system.
- 3.2 The Act requires Licensing Authorities (LAs) to prepare and publish a Statement of Licensing Policy having regard to guidance issued by the Secretary of State. The Policy explains how the Council administers licensing for the benefit of the local community, including residents, visitors, the trade, elected members and officers. The Policy ensures that crime and disorder is prevented, people, particularly children, are kept safe and free from harm, and nuisance is minimised.
- 3.3 At the core of the Policy is the statutory requirement to promote the four Licensing objectives:

- Prevention of Crime and Disorder
 - Public safety
 - Prevention of Public Nuisance
 - Protection of Children from harm
- 3.4 The Policy will ensure equal consideration is given to each of these objectives when making decisions about licensing matters. The most important feature of the Policy is the balance to be struck between making sure alcohol is supplied and used responsibly, people are safe, and that businesses and the night time economy are successful, creating revenue and employment in the District.
- 3.5 The Act also requires LAs to review their Statements of Licensing Policy whenever necessary and, in any case, every five years. The current Statement of Licensing Policy was last reviewed and approved in December 2015 and came into effect in 2016.
- 3.6 The new Statement of Licensing Policy has been produced in partnership with Stafford Borough Council. The reason for this is that both authorities share the same Legal Service and therefore the statutory and legal principles are the same.
- 3.7 The Policy has been subject to wide public consultation, involving a significant number of organisations and individuals including: other local authorities, trade bodies, licence holders, Police, Fire & Rescue and the other responsible authorities, Security Industry Authority, licensing solicitors, town and parish councils and Elected Members. The Policy was also published on the Councils website during this period. A full list of consultees is available within the Licensing Unit if required.
- 3.8 The Council's Licensing Unit received 5 consultation responses and the said responses, together with our appraisal of the comments made are attached as Appendix 2 to this report.

4 Relationship to Corporate Priorities

- 4.1 Implementation of the Licensing Act Policy and the associated Enforcement Policy contributes to the 'Promoting Prosperity' priority through:
- implementing risk-based, proportionate regulation;
 - ensuring high standards of regulatory compliance;
 - tackling non-compliant businesses, so these do not gain unfair competitive advantage;
- 4.2 The Policy contributes to the 'Community Wellbeing' priority through the Act and Policy Objectives of:
- the prevention of crime and disorder;

- ensuring public safety;
 - the prevention of public nuisance;
 - the protection of children from harm;
- 4.3 The Policy also aims to support local business growth and employment, through promoting advice on compliance with legislation and adopting a light touch with responsible operators. The implementation of a fair but robust Licensing Policy ensures responsible, compliant businesses are not disadvantaged by unfair competition from those who seek to undermine legal standards.
- 4.4 The policy also confirms that the Council is committed to a Health in All Policies (HIAP) approach. This will help identify how best to tackle the health inequalities within our District and ensure that all our policies and services include consideration of the health impact that can be made; notwithstanding that Public Health is not a specific objective of the Licensing Act.

5 Report Detail

- 5.1 The Act gives Councils responsibility for controlling certain activities including:
- retail sales of alcohol;
 - supply of alcohol by or on behalf of a club;
 - provision of regulated entertainment (e.g. playing of music, dancing, indoor sporting events etc.);
 - provision of late night refreshment (sale of hot food or drink between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises);
- 5.2 These activities are primarily controlled by the issuing of premises licences, with certain conditions attached to promote the licensing objectives. There are around 450 premises licensed in the District, including restaurants, pubs, clubs, take-aways and cafes. .
- 5.3 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries greater responsibility than the provision of regulated entertainment or late night refreshment. Sales of alcohol cannot be made unless the premises has a Designated Premises Supervisor (DPS). The DPS is responsible for the day to day management of the premises and must hold a personal licence. The Council has so far issued approximately 1370 personal licences.
- 5.4 The Statement of Licensing Policy at Appendix 1 explains how the Council, as Licensing Authority, administers the legislation governing all of these issues.
- 5.5 The Council will take account of the statutory guidance and use the Policy in making decisions under the Act. The Policy seeks to ensure the Council will take decisions that help to advance the following:

- improving the quality of life for local residents through a reduction of the crime and disorder;
 - protection of children from sexual exploitation;
 - reducing anti-social behaviour in and around licensed premises;
 - encouraging responsible retailing and consumption of alcohol and preventing alcohol related health issues;
 - encouraging more family-friendly premises;
 - improving quality of life by bringing greater choice to residents, consumers, tourists and businesses about where, when and how they spend their leisure time;
 - developing a culture of live music, theatre and sport;
 - encouraging a diverse range of premises for both the day time and night time economy;
 - giving licence holders greater flexibility to meet their customers' needs and expectations.
- 5.6 Under the Act the Council is required to establish a Licensing Committee. Section 7 of the Act provides that most of the Licensing functions are to be carried out by this Licensing Committee. At Cannock Chase Council, this Committee is the Licensing & Public Protection Committee, though certain functions are delegated to the Licensing Sub-Committee.
- 5.7 An important feature of the Policy, and of legislation, is the facility for members of the public, police, trading standards, or indeed the Council itself (through for example Environmental Health) to apply for a review of a premises licence. Reviews are used where there are concerns that the premises are not promoting the four objectives, for example by causing nuisance, anti-social behaviour, or selling to under age children.
- 5.8 The Licensing Authority, through the Licensing Sub-Committee, then considers the application for review at a Hearing. The Sub-Committee may then place further conditions on the licence (for example Challenge 25, introduction of CCTV), remove the DPS from the licence, or in extreme cases suspend or even revoke the licence.
- 5.9 In the last only 12 months there have been 2 applications for premises licence reviews in Cannock Chase District. Both application were bought by the Police in respect of breaches of the Coronavirus legislation. This suggests that the generally, our licensed premises are well managed and that the four licensing objectives are being promoted.

6 Implications**6.1 Financial**

None identified; the fees for processing and issuing all licences are currently set by the Government.

6.2 Legal

The revised Policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurances that decisions made are able to withstand challenge and scrutiny by outside bodies including the Courts.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

As detailed in the report

6.5 Human Rights Act

None

6.6 Data Protection

None.

6.7 Risk Management

The Policy ensures the Council is able to effectively discharge its statutory licensing functions.

6.8 Equality & Diversity

An Equality Impact assessment has been carried out for the Policy.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1: Revised Statement of Licensing Policy

Appendix 2: Consultation responses and appraisal

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Statement of Licensing Policy for Licensing Act 2003

2021-2025

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1. Foreword by Cllr Christine Martin

I am pleased to introduce Cannock Chase Council's Licensing Policy 2021-2025. This Policy has been prepared in accordance with the Licensing Act 2003 and Guidance issued under Section 182 of the Act. The Policy sets out how the Council administers its licensing functions under the Act, and how decisions will be made. The Policy is valid for a period of 5 years and will be subject to review and further consultation prior to any substantial changes.

The general principles of the Policy focus on the Licensing Act's four licensing objectives, namely:

- the prevention of crime and disorder;
- ensuring public safety;
- the prevention of public nuisance;
- the protection of children from harm;

Whilst promoting Public Health is not a specific licensing objective, the Council is committed to adopting a Health in All Policies approach and recognises that the Licensing function has a role to play in reducing the harms caused by excessive alcohol consumption. The Council will therefore seek to work with partners and operators wherever possible to identify and address health inequalities and achieve better local health outcomes.

The Council recognises that well run licensed premises make our town centres and wider environment safe and enjoyable places to visit, whilst also making a valuable contribution to the local economy. We will therefore ensure that responsible operators receive the right guidance and help to promote the licensing objectives.

We are also aware that some licensed premises, particularly those offering late night / early morning entertainment and alcohol / refreshment can be associated with crime, disorder and anti social behaviour. The Council will use its powers under the Act to ensure our District is free from nuisance and crime and, particularly for our more vulnerable visitors and residents, kept safe.

Whilst the licensing function is one means of promoting the above objectives, it should not be seen as the solution for all problems within the community. The Council will therefore continue to work with partners and all responsible authorities to ensure the Licensing Act objectives are effectively promoted.

I hope you will find the Policy useful and informative.



Councillor Christine Martin
Cabinet Member for Health & Wellbeing

2. Introduction

Consultation

- 2.1 A licensing policy consultation process took place between 27 July and 30 August 2020 and followed the Cabinet Office Guidance on Consultation Principles first published in July 2012 and last updated in March 2018.

This document is available at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

- 2.2 The Council consulted widely on the Licensing Policy before finalising and publishing. A list of persons and agencies consulted during the 2020 consultation exercise, is provided within paragraph 3.6 below.
- 2.3 The Council approved and adopted this Licensing Policy at full Council on 25 November 2020. The finalised document will be published on the Council's website at: www.cannockchasedc.gov.uk
- 2.4 Should you have any comments on this Licensing Policy, please email licensingunit@cannockchasedc.gov.uk or write to the Council's Licensing Unit address:

Licensing Unit
Cannock Chase District Council
PO Box 28
Beecroft Road
Cannock
Staffordshire
WS11 1BG.
Phone 01543 462621

- 2.5 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation and/or developments affecting the local area. It will consult with stakeholders at the time it is considering any such changes. The Council must review and publish this statement of principles at least every 5 years.

Commencement

- 2.6 This policy will come into force in January 2021.

Future Changes

- 2.7 The Council will continue to monitor the effectiveness of the policy in promoting the licensing objectives and will consider further reviews as and when appropriate.

- 2.8 The Council will also consider changes to the policy in the light of new legislation and developments affecting the local area, and will consult with stakeholders at the time it is considering such changes.

Data Protection

- 2.9 The Licensing Authority will exchange information with bodies responsible for auditing and administering public funds and for the prevention and detection of crime, such as the Home Office, other Government agencies, public bodies such as the Staffordshire Police and Staffordshire Fire & Rescue Service, other Council departments and Enforcement agencies when appropriate and the National Fraud Initiative.
- 2.10 Information held by Cannock Chase Council (the data controller), to allow it to carry out its statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District, may be shared with agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so. For further information, please see the Council's Fair Processing Notice at Annex 1 of this document or: <https://www.cannockchasedc.gov.uk/council/about-council/data-protection/data-protection-privacy-notice>
- 2.11 While certain information may be disclosed under the Freedom of Information Act, and some information will be held on a publicly available register, and may be posted onto the Council website, personal data will be protected unless it is also official business data (e.g. a trader whose registered business address is also his home).

Equality and Diversity

- 2.12 Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:
- Eliminate unlawful discrimination
 - Promote equality of opportunity
 - Promote good relations between diverse communities
- 2.13 A link to the Council's Equalities and Diversities Policy can be found here- <https://www.cannockchasedc.gov.uk/council/about-council/equality-and-diversity>

Crime and Disorder Act 1998

- 2.14 Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns about criminal activity such as fraud and money laundering and modern slavery.
- 2.15 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting awareness of such matters.

- 2.16 The Council will look to the Police as the main source of advice on crime and disorder. The Council will also liaise with our Partnerships and Community Safety Team in respect of issues related to anti-social behaviour and crime and disorder.

3. The Licensing Objectives, Responsible Authorities & Licensable Activities

The Licensing Act 2003

- 3.1 The Licensing Act 2003, its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk The statutory instruments include regulations setting out the content and format of application forms and notices.

Statutory Guidance Published Under Section 182 Licensing Act 2003

- 3.2 The Home Office publishes statutory guidance for the Licensing Act 2003, which is updated from time to time and can be found by searching for “section 182 guidance” at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Licensing Objectives

- 3.3 Whenever the Council acts as the Licensing Authority it must ensure it promotes the four licensing objectives of the Act. These objectives are:-
- the prevention of crime and disorder
 - ensuring public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 3.4 The Act makes it clear that none of these objectives are to be given priority over the others. All four objectives should be considered to have equal importance.
- 3.5 Further details on the Licensing Objectives can be found in the statutory guidance for the Licensing Act at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Responsible Authorities

3.6 The following organisations are Responsible Authorities (RAs), and may make representations where appropriate in cases where licensable activities may impact on the promotion of the licensing objectives -

- This Council
- Staffordshire Police
- Staffordshire Fire & Rescue Service
- Staffordshire County Council Trading Standards
- The Council as Local Planning Authority
- The Council's Environmental Protection Team
- The Council's Health & Safety Team (or the Health & Safety Executive)
- Staffordshire County Council Children Services
- Director of Public Health
- Home Office Immigration Service

3.7 A number of these organisations meet on a regular basis as part of the Council's Responsible Bodies Group. At times, they will also meet as the core members of the Council's Event Safety Advisory Group (SAG).

3.8 Contact details for all of the authorities can be found at

https://www.cannockchasedc.gov.uk/sites/default/files/responsible_authorities_licensing_act_as_o_march_2020.pdf

Licensable Activities

3.9 The definition of the "licensable activities" is set out in the Act. The Council is required to regulate all licensable activities, and such activities will require the benefit of an appropriate authorisation obtained from the Council - either a Premises Licence, a Club Premises Certificate or a Temporary Event Notice.

3.10 Licensable activities are defined by the Act as:-

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of late night refreshment between 11pm and 5am.
- the provision of regulated entertainment

3.11 A further explanation of licensable activities is available at-

<https://www.gov.uk/alcohol-licensing>

4. How to Use This Policy Statement

Licensing Act 2003

4.1 Licensing is about regulating licensable activities on licensed premises, including qualifying clubs and at temporary events within the terms of the 2003 Act. The Licensing Act 2003 and the statutory guidance issued under section 182 of the Act provide for fundamental principles of licensing. The Council's Statement of Licensing Policy is intended to add to these fundamental principles and to give general guidance as to how it will approach issues arising under the Act. No part of the Council's Statement of Licensing Policy is intended to be inconsistent with or to undermine the provisions of the Licensing Act 2003.

Decision Making

4.2 This policy is to be taken into account when the Council makes decisions relating to the Act, although the Council will also have regard to the Act and the guidance issued by the Secretary of State under Section 182 of the Act. The Policy is intended to show how decision making will be approached, and how the Council will work with others to promote the Licensing Objectives. The Policy is taken into account when decisions are made by the Licensing Committee, the Licensing Sub Committee and authorised officers.

4.3 Nothing within this Policy is intended to remove the discretion of the Licensing Sub Committee once engaged. Any application, review or representation will be considered on its own merit.

Applications and Representations

4.4 Applicants, Responsible Authorities and other parties should refer to this policy when making applications or representations under the Act. A Glossary of terms, and their definitions, is included at Chapter 11.

Contents of This Policy

4.5 The first part of this policy details the Council's approach, and explains some of the matters that have to be considered when applications are made under the Licensing Act 2003. The policy then goes on to explain how to make applications and how people can raise concerns. The latter part of the Policy explains how certain issues are to be considered, including the admission of children to premises, the licensing of petrol stations and the licensing of premises that provide adult entertainment. The last two parts of the Policy address some wider licensing considerations and explain how the Council delegates responsibility for the functions it has to carry out under the Act.

5. Our Approach

The Licensing Authority

- 5.1 Under the Licensing Act 2003 the Council is called the “Licensing Authority”. As Licensing Authority the Council is responsible for the licensing of restaurants, pubs, cafes, and takeaways etc. Throughout this document, all references to Licensing Authority mean the Council.

Responsibilities for Functions

- 5.2 The Licensing Authority’s functions are carried out by the Licensing Committee, the Licensing Sub Committee and authorised officers of the Council. Some of the most important functions and details of the persons with responsibility for the functions and decision making are set out in Chapter 10.

Training of Members

- 5.3 Before sitting as members of the Licensing Sub Committee Council members will need to attend a Licensing Act 2003 training session with officers from Legal Services and the Licensing Unit . Members will need to attend refresher training every year that they remain as a member of the Licensing Committee.

Decision Making

- 5.4 In carrying out its functions under the Act, the Licensing Authority will seek to ensure that any decision it makes is evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 5.5 It should be noted that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 5.6 Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.
- 5.7 The Council will take account of the statutory guidance when it makes decisions under the Act. The Council will also seek to take decisions that help to advance the following issues –
- Improving the quality of life for local residents through a reduction of the crime and disorder
 - The protection of children from sexual exploitation
 - Reducing anti-social behaviour in and around licensed premises

- Encouraging responsible retailing and consumption of alcohol and preventing alcohol related health issues
- Encouraging more family-friendly premises
- Improving quality of life by bringing greater choice to residents, consumers, tourists and businesses about where, when and how they spend their leisure time
- Developing a culture of live music, theatre and sport
- Encouraging a diverse range of premises for both the day time and night time economy
- Giving licence holders greater flexibility to meet their customers' needs and expectations
- Encouraging responsible retailing and consumption of alcohol by helping to prevent underage sales and alcohol related health issues

5.8 The Council recognises that its decisions can have significant effects on local businesses, local communities and individuals. The Council will often have to assess competing interests and will have to try to make a decision that is balanced and fair to all parties involved.

5.9 The Council is therefore keen to encourage a dialogue not only with local licence holders, Pubwatch and Responsible Authorities, but also with community groups and individuals. The Council supports local partnership working and is keen to encourage regular liaison between the licensed trade, local communities and Responsible Authorities. If there is a regular forum for discussion between these groups of people then it is more likely that people will have their voices heard.

Licensed Venues and Local Communities

5.10 Whilst it is important to support a vibrant economy, the balance has to be struck between an uncontrolled expansion of licensed premises and the need to ensure public safety and quality of life for local people

5.11 The Licensing Policy will respect the individual characteristics of all premises and recognise that pubs, nightclubs, restaurants, hotels, theatres, and other clubs may all wish to sell alcohol and serve food to patrons with contrasting characteristics and different styles of entertainment. Proper regard will be given to those differences and the differing impact they are likely to have on the promotion of the licensing objectives.

5.12 The Licensing Authority will seek to encourage the provision of a wide range of high quality and well-managed venues in the Cannock Chase District. The Licensing Authority will seek to ensure that premises are safe, vibrant meeting places for people who live, work and visit the area.

5.13 The Council recognises that a thriving well managed night time economy can bring many benefits and wishes to create a vibrant prosperous economy that encourages growth as well providing a safe and healthy environment that people want to be a part of.

Links With Other Policies

- 5.14 This Licensing Policy is intended to help ensure the proper integration of the licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy.
- 5.15 The Council is committed to a Health in All Policies approach which helps to identify how best to tackle the health inequalities in our District and ensures all our policies and services include consideration of the health impact that can be made, notwithstanding that Public Health is not a specific objective of the Licensing Act.
- 5.16 The Council will ensure that from time to time it is kept informed on issues relating to all these matters in order that they can be reflected within their considerations.

6. How to Make An Application

Applications

- 6.1 Applicants cannot assume that their applications will be successful as applications under the Licensing Act 2003 have to be considered in terms of whether the Operating Schedule contained with the application is appropriate and that the Licensing Objectives are promoted. In many cases the suitability of an applicant and the suitability of premises are part of such considerations.

On Line Applications

- 6.2 Applications can be made using the forms on the Home Office website.

<https://www.gov.uk/alcohol-licensing>

- 6.3 Online applications can also be made via the government website

www.gov.uk.

- 6.4 The Council's web site has links to these government web sites

www.cannockchasedc.gov.uk

On Line Payments

- 6.5 In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council supports and encourage applications and payments made online.

Personal Licences

- 6.6 Applicants for personal licences must be free from police objection and be able to demonstrate that they have the right to live and work in the UK.
- 6.7 Between 2005 and 2015, personal licences were issued for a period of 10 years. However, in 2015 the law was changed so as to ensure that personal licences no longer expire. In consequence, personal licences no longer need to be renewed.
- 6.8 Licence holders must however, contact the Licensing Unit for a replacement licence where there has been a change of circumstances in respect of the licence holders name or address, or they have committed a relevant offence. It is also necessary to replace an old or lost licence. More information on relevant offences can be found here:

<https://www.legislation.gov.uk/ukpga/2003/17/schedule/4>

Minor Variations

- 6.9 Licence holders can apply to make small changes to premises licences or club premises certificates through the minor variation process. This process is cheaper, easier and quicker than the full variation process.
- 6.10 A minor variation is defined as one that will not impact adversely on any of the four licensing objectives. Examples might include an amendment to the layout of the premises or the removal of outdated or obsolete licence conditions
- 6.11 The Minor Variations process cannot be used to add the sale or supply of alcohol to a licence.
- 6.12 The minor variation application form and further guidance on minor variations can be found on the Home Office website at:

<https://www.gov.uk/government/publications/minor-variations-to-premises-licence-application-form>

Temporary Event Notices

- 6.13 The Licensing Act 2003 provides that a Temporary Event Notice (TEN) can temporarily authorise licensable activities upon premises, such as the sale or supply of alcohol, the provision of regulated entertainment or the supply of late night refreshments which are not already authorised by either a premises licence or a club premises certificate. The TEN process is one of notification to the licensing authority and the police by the giver of the notice.
- 6.14 It should be noted that temporary event notices (TEN's) do not seek permission to carry on licensable activity and nor do they make application for it. TENs are a system of notification which the s182 guidance confirms is a light touch process.

- 6.15 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; a late notice is given not before nine and not later than five working days before the event.

www.gov.uk/government/collections/alcohol-licensing-temporary-events-notices

Standard Temporary Event Notices

- 6.16 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event. A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- 6.17 The Police and the Council’s Environmental Health Service (EHS) are the only bodies that can object and make representations regarding standard temporary event notices.
- 6.18 The Police and the EHS have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. At any time before a hearing is held or dispensed with, the Police or Environmental Health Department may, with the agreement of the premises user, modify the temporary event notice by making changes to it.

Late Temporary Event Notices

- 6.19 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified are not exceeded. There is no right of appeal in respect of police or EH objections relating to a late TEN.

Event Management

- 6.20 It is the policy of Cannock Chase District Council to provide a forum within which the local authority and other agencies may develop a co-ordinated approach to public safety when the local authority becomes involved in, or is made aware of, certain large scale or high risk events. In liaison with the Council’s Parks & Open Spaces Manager, this may include events which take place on land owned by the Council.
- 6.21 The local authority will maintain the Safety Advisory Group (SAG) with the intention of upholding reasonable standards of public safety and to encourage the wellbeing of the public, operatives and competitors.

- 6.22 Determining whether or not to refer an event to a SAG requires a risk-based approach and be determined by considering a combination of:
- Numbers attending (at any one time);
 - Levels of risk with the event: and
 - Events of an unusual nature
 - Other events at the same time that may increase the impact and risk
- 6.23 Events which include White Collar Boxing are of concern to the SAG and organisers must advise the Council's Licensing Unit in good time of any proposed event. The owners of the venue, even if it is hired out to the promotor of the event, also have a duty to assess the risk of the event and ensure that it can take place safely.

7. How to Raise Concerns

Contact the Council

- 7.1 Anyone with concerns about premises or a particular event can contact the Council. It may also be advisable to speak to their local councillor if they have such concerns.
- 7.2 If you have concerns regarding premises, or a new application for a specific event or premises you should contact the Council's Licensing Unit, who will be able to advise you.

Advice for Residents

- 7.3 Government have published a Factsheet for local residents concerned about problem premises. The Factsheet can be found at:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/118372/advice-local-residents.pdf

Child Sexual Exploitation

- 7.4 Licensing authorities must consider the need to protect children from sexual exploitation when undertaking licensing functions. If members of the public have concerns about child sexual exploitation in connection with premises licensed under the Act then they should contact the Police in the first instance, also notifying the child protection department of Staffordshire County Council.
- 7.5 The local Safeguarding Board also provides advice on how to prevent child sexual exploitation. The Staffordshire Safeguarding Children Board web site provides safeguarding information for the public, parents and carers and is at:
<http://www.staffsscb.org.uk/Home.aspx>

Problem Premises

- 7.6 The expectation of the Council is that licensed premises shall be well run and well managed. The emphasis of the policy is on ensuring the promotion of the licensing objectives and proper management and control of licensable activities.
- 7.7 The focus of the policy is:-
- to ensure that the licensing objectives are met;
 - to ensure individual licensees have proper control over the premises;
 - on the suitability of premises or places being used for licensable activities;
 - on the direct impact of licensable activities on those living, working or otherwise engaged in the area concerned; and,
 - on the impact of those activities on the amenity of the immediate residential area and the wider community.
- 7.8 The transfer of a Premises Licence from one operator to another is a simple and inexpensive process. However, the prospective licence holder must be aware that an original Premises Licence was tailored for the business activity of the previous operators and may not accurately reflect the new operator's requirements.
- 7.9 Licence holders must ensure that a simple change of management does not lead to a change in the complexion of the premises. Intensification of the use of the premises or of the licensable activities may lead to complaint and a possible breach of the licence conditions.

Enforcement Principles

- 7.10 The Council will engage with the licensed trade through Pubwatch, in tackling under age sales and we will help to ensure that there are robust age verification schemes in place at venues that sell alcohol, tobacco or provide adult entertainment. The Council will discourage irresponsible advertising and drinks promotions, in a way that is consistent with the mandatory conditions referred to in Chapter 11 of the statutory guidance.
- 7.11 In carrying out its enforcement duties with regard to the licensable activities and the powers to institute criminal proceedings under the above Act, the Council will have regard to the Regulators' Code. <https://www.gov.uk/government/publications/regulators-code>
- 7.12 The Council will aim to be:

Proportionate:

Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.

Accountable:

Regulators must be able to justify decisions, and be subject to public scrutiny.

Consistent:

Rules and standards must be joined up and implemented fairly.

Transparent:

Regulators should be open and keep regulations simple and user friendly.

Targeted:

Regulation should be focused on the problem and minimise side effects.

- 7.13 The Council will endeavour to avoid duplication with other regulatory regimes.
- 7.14 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business, Energy and Industrial Strategy in its consideration of the regulatory functions of local authorities.
- 7.15 The Council's Enforcement Policy, which explains how the Council makes decisions in the event of non-compliance and criminal offences can be found at: www.cannockchasedc.gov.uk/ehenforcementpolicy
- 7.16 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation, case law, statutory guidance and best practice. It will consult with stakeholders at the time it is considering any such changes.

Risk Based Inspections

- 7.17 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the licensing officers charged with this role as judged necessary using a risk based approach.
- 7.18 This will ensure that the Licensing Authority manages its resources efficiently and that effective enforcement is directed at problem premises.

Reviews

- 7.19 Ready access to the review process provides a key protection for the local community where a licensed premises is undermining the licensing objectives. This essential safeguard can allow the licensing authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate but sanction a more robust approach if problems arise at a later date.
- 7.20 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority, or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. Licensing Unit contact details are provided in Paragraph 2.4 of this policy.

7.21 When dealing with applications for review of a premises licence, the Licensing Authority will accept initial email applications from responsible authorities. This does not however, negate the requirement for them to serve paper copies on all parties, including the licensing authority.

Powers of Licensing Sub Committee on a Review

7.22 The Licensing Sub-Committee must, under section 52(4) of the LA03 having had regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives namely;

- a) to modify the conditions of the licence
- b) to exclude a licensable activity from the scope of the premises
- c) to remove the Designated Premises Supervisor
- d) to suspend the licence for a period not exceeding 3 months
- e) to revoke the licence.

7.23 It should be noted that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- For the sale and distribution of illegal firearms;
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- For prostitution or the sale of unlawful pornography;
- By organised groups of paedophiles to groom children;
- As the base for the organisation of criminal activity, particularly by gangs;
- For the organisation of racist activity or the promotion of racist attacks;
- For employing a person who is disqualified from that work by reason of their immigration status in the UK;
- For unlawful gambling; and
- For the sale or storage of smuggled tobacco and alcohol

- 7.24 Where sanctions have been imposed by the Council following review of the Premises Licence and the same operator applies some time later for the grant of a new premises licence or a variation to an existing licence, the applicant must be able to demonstrate that there has been a significant change to the management structure of the business operation or that the application includes significant positive steps that will improve the promotion of the licensing objectives and effectively prevent the recurrence of the problems that arose previously. If the applicant cannot demonstrate such changes or improvements, then the application may be refused.
- 7.25 Any conditions offered by the applicant in support of their application must also demonstrate that sufficient changes have been made to the business operation and where there has been a previous revocation of the premises licence, that the new applicant is not associated with the holder of the previous premises licence. If the applicant cannot demonstrate such changes, or improvements then the application may be refused.
- 7.26 In serious cases of crime or significant mismanagement of premises, the licensing authority and their responsible authorities are also likely to require that the premises has a new designated premises supervisor and new licence holder who are not associated to the previous licence holder.
- 7.27 The Licensing Act 2003 defines associate as:
- A relative or business partner;
 - The spouse or civil partner of that person;
 - A child, parent, grandchild, grandparent, brother or sister of that person;
 - An agent or employee of that person; or
 - The spouse or civil partner of a person listed in either of the two preceding bullet points.

Adjournments of Sub Committee Hearings

- 7.28 On occasion, applications are made to the Council that have particularly pressing time limits – for example temporary event notices and premises licence review applications.
- 7.29 In some cases a party will ask for additional time to consider their position and sometimes all parties make a request for an adjournment of the Licensing Sub Committee hearing.
- 7.30 In consequence the Council's Head of Law and Administration in consultation with the Chairman of the Licensing & Public Protection Committee, has delegated powers to make certain decisions where it is in the public interest to do so. These are:
- To adjourn hearings
 - To extend time limits

- To dispense with the need for some hearings where all parties have agreed to this ; and
- To take steps to address any irregularities arising from failure to comply with regulations made under the Act.

8. Premises Licences and Club Premises Certificates

Conditions

- 8.1 The licensing regime, established by the Licensing Act 2003, concerns itself with regulating licensable activities on licensed premises such as public houses, restaurants, qualifying clubs and with temporary event notices.
- 8.2 As Licensing Authority the Council wishes to emphasise that any conditions that are attached to various authorisations should be focussed on matters which are within the control of individual licence holder. The Council will seek to avoid attaching blanket conditions or conditions which duplicates other regulatory regimes. The Council will seek to ensure that conditions applied to licences are appropriate, necessary and proportionate.
- 8.3 The Institute of Licensing has previously produced a consultation document on licence conditions. Applicants and licence holders may find the document helpful. This can be found at:
- https://www.cannockchasedc.gov.uk/sites/default/files/04-ioi_consultation_guidance_on_premises_licence_conditions_rpt_-_lppc_230915.pdf
- 8.4 Premises that hold a Club Premises Certificate under the Act must ensure that they comply with their own club rules; the statutory general conditions in respect of qualifying clubs and general admissions to the premises.

The general conditions are outlined in the legislation as follows:

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not—
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership,

without an interval of at least two days between their nomination or application for membership and their admission.

- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

Mandatory Conditions

8.5 The Licensing Act 2003 states that there are certain mandatory conditions. These have to be included in every licence and/or club premises certificate in specified circumstances. Some of the mandatory conditions relate to premises licences that authorise the sale of alcohol, while others relate to conditions for door supervisors and exhibition of films. Details of these mandatory conditions can be found at:

<http://www.legislation.gov.uk/ukxi/2014/2440/resources> and

<http://www.legislation.gov.uk/ukxi/2014/1252/schedule/made>

Licensing Hours

8.6 The Licensing Authority acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Licensing Authority will consider the individual merits of any application or representation. It is clear that longer licensing hours with regard to the sale of alcohol may be an important factor in avoiding a concentration of customers leaving premises simultaneously, however, it must also be recognised that even smaller numbers of patrons leaving licensed premises over a longer period of time, may still lead to significant and persistent problems of disorder and/or public nuisance.

8.7 The Licensing Authority acknowledges that greater consumer choice and flexibility is an important consideration when it comes to encouraging a thriving night time economy. This is important for local investment and employment opportunities. However longer licensing hours should not be permitted if evidence demonstrates that there would be an adverse impact upon the promotion of the licensing objectives.

8.8 In some circumstances flexible licensing hours for the sale of alcohol can help to ensure that large numbers of customers do not leave various premises simultaneously, and this can help to promote the Licensing Objectives.

Capacity within Licensed Premises

8.9 Capacity and fire safety issues are covered in a useful guide found at:

- Fire Safety Risk Assessment - Small to Medium Places of Assembly
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-small-and-medium-places-of-assembly>
- Fire Safety Risk Assessment - Larger Places of Assembly
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly>
- Fire Safety Risk Assessment - Theatres, cinemas and similar places
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-theatres-cinemas-and-similar-premises>
- Fire Safety Risk Assessment - Open air events and venues
<https://www.gov.uk/government/publications/fire-safety-risk-assessment-open-air-events-and-venues>

Alcohol Sold for Consumption at “Off Licence” Premises

- 8.10 Licence holders and DPS' with particular responsibility for town centre Off Licence premises are reminded of their responsibility in ensuring that sales of alcohol from their premises do not create a direct link to town centre anti-social behaviour or crime and disorder.
- 8.11 In particular, the sale of single cans of alcohol to those who have a tendency to drink alcohol in the street or within our town centres should be avoided. Where a direct link can be established between sales of alcohol from a premises and any anti-social behaviour or crime and disorder caused by those to whom the alcohol has been sold, then formal action may be taken against the licence holder.
- 8.12 Licence holders and DPS are also reminded that it is an offence under Section 141 of the Act to knowingly sell alcohol or allow alcohol to be sold to a person who is drunk.

Children in Premises

- 8.13 The Council recognises the great variety of premises for which a Premises Licence may be sought and wishes to make it clear that there are a range of alternatives available for limiting the access of children where that is appropriate for the objective of the protection of children from harm.
- 8.14 Measures that may assist in the promotion of the objective relating to the protection of children from harm include:-
- restrictions on the hours when children may be present; restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place

- restrictions on the parts of the premises to which children may have access; age restrictions (under 18)
 - restrictions or exclusions when certain activities are taking place
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and,
 - full exclusion.
- 8.15 The admission of children into licensed premises will normally be at the discretion of the licence holder/management and this should be reflected in the operating schedule submitted to the Council upon application.
- 8.16 The Council will not seek to limit the access of children to any premises unless it receives representations to that effect. However, where premises give film exhibitions, the licensing authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification, or the licensing authority itself.
- 8.17 Through the local Pubwatch sessions, the Council will engage with the licensed trade in tackling under age sales and we will help to ensure that there are robust age verification schemes in place at venues that sell alcohol, tobacco or provide adult entertainment. The Council will discourage irresponsible advertising and drinks promotions, in a way that is consistent with the mandatory conditions referred to in Chapter 11 of the statutory guidance.

Live Music

- 8.18 As a result of recent changes made to the Act no licence is required for the following activities -
- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - A performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- A performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Adult Entertainment

- 8.19 Adult entertainment is only authorised where the Premises Licence or Club Premises Certificate (CPC) clearly states that such entertainment is permitted. New applicants must make clear on the application form that adult entertainment may take place at the premises.
- 8.20 Existing licence holders should be aware that if adult entertainment is not mentioned within their current Premises Licence or CPC, then a variation to the licence or a Temporary Event Notice (TEN) will be required before adult entertainment can take place. The TEN form makes specific reference to the provision of adult entertainment.
- 8.21 The Council has adopted a Sex Establishment Policy which deals with the interface between the adult entertainment and the Licensing Act 2003. The provision of adult entertainment within the Licensing Act 2003 licensed premises can only take place in accordance with the exemptions stated within the Council's Sex Establishment Policy.
- 8.22 This exemption permits adult or "relevant entertainment" to take place only on an "infrequent basis". "Infrequent" means on no more than 11 occasions in any 12 month period; is no more frequently than once a month and with each event lasting no longer than 24 hours.
- 8.23 An explanation and definition of sexual entertainment can be found in the Council's Sex Establishment Policy here:

https://www.cannockchasedc.gov.uk/sites/default/files/microsoft_word_-_9b-sev_policy_document_final.pdf

Suspension of Licence/Certificate

- 8.24 Premises Licence or Club Premises Certificate annual fees are due to be paid to the Licensing Authority on the anniversary of the grant of the said authorisation.
- 8.25 When annual fees fail to be paid, the Licensing Act 2003 requires licensing authorities to suspend the Premises Licence or Club Premises Certificate.
- 8.26 The Premises Licence or Club Premises Certificate is to be suspended unless the holder has failed to pay the fee at the time it became due because of an administrative error, or before or at the time the fee became due, the

licence holder notified the authority in writing that the licence holder disputed liability for, or the amount of, the fee.

- 8.27 The suspension can only take place after a 21 day period of grace is afforded to the licence holder which begins on the day after the fee became due. After that 21 day period expires a suspension notice will be served by the licensing authority giving at least two working days' notice of the suspension.
- 8.28 The suspension notice will be lifted on the day that the annual fee is paid.

<http://www.legislation.gov.uk/ukpga/2011/13/section/120/enacted>

Petrol Stations s176

- 8.29 Where a licence application is made which may be affected by the "excluded premises" section 176 of the Act, the Council will determine the application in accordance with the information and evidence provided by the applicant.
- 8.30 All premises licences issued to petrol station forecourts will have the following statement included within the licence:

"This premises licence has no effect to authorise the sale by retail or supply of alcohol on or from an excluded premises under section 176 of the Licensing Act 2003. 'Excluded premises' means premises used primarily as a garage or which forms part of a premises which is primarily so used. Premises are used as a garage if they are used for... the retailing of petrol or retailing of derv (section 176(4) (c) (i) and (ii))"

- 8.31 Where the applicant provides little or no evidence that the premises is not "excluded premises" under section 176 of the Act, then the Premises Licence may be granted, issued with the above statement endorsed upon it and monitored for compliance by the licensing authority and / or Police.
- 8.32 In the event of representations being made in respect of this type of application by responsible authorities then the application will be referred for determination by the Licensing Sub Committee at a hearing.

9. Wider Licensing Considerations

Reduction of Alcohol Harm

- 9.1 Health bodies have been able to act as responsible authorities under the Licensing Act 2003 since April 2012. Since the health reforms in April 2013 which saw the formal transfer of public health responsibilities to Local Authorities, health bodies are Directors of Public Health (in England) and they have unique access to data not available to other responsible authorities which may inform licensing decisions.

- 9.2 Public Health is not currently a licensing objective and there is not a specific licensing objective related directly to health within the current legislation but 'Health and Care Staffordshire' (HCS) at Staffordshire County Council has much to add in reducing health harms within the current licensing framework.
- 9.3 This licensing authority envisages an effective working relationship with the Director of Public Health (DPH) and HCS, working together to ensure that the health impacts of alcohol licensing is considered. Although the DPH will be notified of all licence applications, it is acknowledged not every application will need a response from HCS. However, any representations must be considered relevant by the licensing authority and relate to one or more of the licensing objectives.
- 9.4 Health bodies when making representation are most likely to relate such representations to the objectives on public safety and protecting children from harm but any health evidence will need to relate to a specific premises.
- 9.5 The role of the DPH is to help promote the health and wellbeing of the local populations they serve and in the DPHs annual report '*Reducing alcohol-related harm: everyone's responsibility*' 3 strategic priorities were identified:
- i) Prevention and early intervention
 - ii) Treatment and recovery
 - iii) Regulation and enforcement
- 9.6 The above three objectives are also underpinned by the cross cutting theme of 'taking responsibility' in that individuals, families, communities and organisations will all need to take various forms of responsibility if alcohol problems are to be reduced.
- 9.7 The health reforms along with the publication of '*The Government's Alcohol Strategy*' in 2012 and the development of local structures, lends itself to a joined up approach in taking the right action locally to tackle alcohol related harm. Given this, an Alcohol Strategy for the District has been developed which focuses on the harm associated with alcohol misuse to individuals, families and communities in Cannock Chase and the collective cross cutting efforts put in place to reduce these harms and improve health and wellbeing outcomes of local residents.

The Licensing Authority as a Responsible Authority

- 9.8 Although the Licensing Authority is a responsible authority, it will not usually need to duplicate representations or applications made by other responsible authorities and other persons. However, if these parties are unable to respond because they, as a single authority, have insufficient grounds to do so, the licensing authority may, where it has relevant grounds to do so, make a representation in its capacity as a responsible authority.

- 9.9 The Licensing Authority may sometimes be in a better position than other responsible authorities position to “see the full picture” and connect apparently unrelated reports from different sources.
- 9.10 Where appropriate, the licence authority may seek to impose licence conditions onto applications for new premises licences or to amend or replace conditions on existing premises licences which are considered insufficient to deal with issues which arise at the premises. In most cases the changes to existing premises licences will be by means of Minor Variation and the Licensing Authority will encourage and support the licence holder in making such a minor application.

Planning Decisions

- 9.11 Licensing & Planning are discrete regulatory systems.
- 9.12 There are several key differences between licensing and planning control, and their respective approaches to applications. It could be said that the consideration of a planning application involves looking into how land or buildings are to be used, whereas licensing considers the behaviour of people in terms of the proposed use of the buildings or land and the impact on the licensing objectives.
- 9.13 In some cases, a premises may have different hours of operation (in particular closing times) upon its planning permission and premises licence. This is because the considerations for obtaining planning consent are different from those for obtaining an authorisation under the Licensing Act 2003.
- 9.14 The distinction between planning and licensing functions needs to be clear, but it is also important that the functions are aligned operationally to provide a joined up and customer focussed service to businesses
- 9.15 Councils are already exploring opportunities to improve customer service for businesses in this area, for example by joining up planning, licensing and other advice at an early stage through pre-application advice services.

Cumulative Impact

- 9.16 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 9.17 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to

problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

9.18 To date the Council has not published a cumulative impact assessment.

Early Morning Alcohol Restriction Orders (EMRO)

9.19 Under Section 172 A to E of the Act, the licensing authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to a specific premises.

9.20 It is acknowledged by the licensing authority that an EMRO may be restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified .

9.21 In taking any decision to make an EMRO, the licensing authority will follow the statutory process and will invite representations. An EMRO could only be made if the evidence demonstrated that it was justified as appropriate for the promotion of the licensing objectives.

9.22 Chapter 16 of the Section 182 statutory guidance deals with EMROs. See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Late Night Levy

9.23 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy, following a consultation process, outlined by the Home Office.

9.24 The Late Night Levy allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) between 24:00 and up to 06:00 in order to cover the additional costs associated with late night alcohol trading.

9.25 Legislation allows the prescribed time to start from midnight but it is up to the Council to decide when they wish to apply it.

- 9.26 The Council will consider implementing a Late Night Levy if this is shown to be justified as appropriate for the promotion of the licensing objectives.

Town Centres and Public Spaces

- 9.27 The Council has licensed some of its public spaces in order to encourage a wide range of licensable activities, subject to prior notification and agreement by the Council.

- 9.28 The public spaces which are currently licensed by the Council are listed below:

- Cannock Town Centre
- Cannock Park
- Rugeley Town Centre
- Elmore Park, Rugeley
- Ravenhill Park, Brereton, Rugeley
- Hednesford Town Centre
- Hednesford Park

- 9.29 Performers or entertainers who wish to use land which is licensed by the Council, will need to obtain permission to do so by contacting the Council's Licensing Unit. There is no fee payable but it will be necessary to complete a simple application form. If the proposed land is not already licensed then it will be necessary for the performers to authorise licensable activities by means of a Temporary Event Notice for which a fee may be payable.

10. Functions and Decision Making

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence / club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

11. Glossary

'Responsible authorities' are public bodies, including the police and fire service etc., that must be made fully aware of applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate.

'Licensing Authority' is Cannock Chase District Council

'Designated Premises Supervisor' is the person designated as such and who is responsible for the day to day running of the premises and responsible for the sale of alcohol at the premises concerned.

'Premises Licence' is a licence granted under the Act, in respect to any premises, which authorises the premises to be used for one or more licensable activities.

'Club Premises Certificate' means a Certificate granted under the Act in respect of a premises which is compliant with section 62 of the Act and is habitually used for the purposes of a Club.

'Personal Licence' is a licence granted to an individual by the Licensing Authority that authorises that individual to sell or supply alcohol in accordance with the premises licence.

FAIR PROCESSING NOTICE

How we use your personal information:

At Cannock Chase District Council we take your privacy seriously and will only keep and use your personal information for reasons that the law requires or allows. We are a data controller for the personal information we hold about you in relation to the processing and renewals of your Licenses. In order to comply with data protection legislation we want to be sure you understand how we use this information.

The purpose for which your data will be used is to establish your identity and other necessary information about you which will help us determine your fitness, propriety and suitability to hold an licence or other authorisation with this authority.

The following is a generic, non exhaustive list of relevant legislation which may apply to your particular licensing application or renewal. The information we collect about you will permit us to process your application in compliance with the legislation.

- Licensing Act 2003
- Gambling Act 2005
- Animal Welfare Act 2006
- The Local Government (Miscellaneous Provisions) Act 1976 & 1982
- The Town Police Clauses Act 1847
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- House to House Collections Act 1939
- Scrap Metal Dealers Act 2013

Cannock Chase District Council is required by law to protect the public funds it administers. We may share information provided to us with other agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so.

We may share information about you for the purposes of auditing and administering public funds, preventing and detecting fraud and the prevention and detection of crime. Otherwise, we will only share your data if you ask us to.

We only keep this data for the time specified in our retention schedule or as required by law. Data protection law provides you with certain rights, however not all of these rights will be available to you in all situations, particularly where we process your information as part of one of our statutory duties. Where we are under a legal duty to use data for a particular purpose you will not have the right to prevent it being used in that way.

A full list of the rights you may have, under data protection law, is given in the 'Your Rights' section of this webpage. For specific enquiries regarding personal data which we process you can contact the Data Protection Officer on email: infomanager@cannockchasedc.gov.uk or at Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG.

If you wish to complain about how your personal information has been handled by Cannock Chase District Council then please contact the Data Protection Officer in the first instance using the details above. If you are not satisfied you can submit a formal complaint to the Council via our website <http://www.cannockchasedc.gov.uk/council/about-council/customer-feedback-help-us-get-it-right>

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at ico.org.uk. You can also find details of how we handle your personal information by visiting www.cannockchasedc.gov.uk/DataProtection

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
LICENSING ACT 2003

REVISED STATEMENT OF LICENSING POLICY 2021-2025

Reference number:

LA03Policy2021/03

Date received:

27 August 2020

Name and address of respondent

Cllr Justin Johnson
Cannock Chase District Council

Comments/observations made by respondent:

Cllr Johnson makes a number of comments and observation in respect of the draft licensing policy: These are given below:

(1) It says that none of the 4 objectives should be prioritised, but there seems to be an awful lot about crime and disorder.

(2) 6.9 I think the description of what is considered a minor variation is not quite detailed enough for my liking.

Appraisal of comments by the Authority:

The Council's Licensing Unit is grateful for Cllr Johnson's comments. Our response is as follows:

(1) All 4 licensing objectives are mention with regularity throughout the draft document. The term crime and disorder is also used in a wider sense because crime might include harming children, causing significant nuisance and endangering the safety of the public. Further, section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area.

(2) Paragraph 6.10 has been amended to include examples of what might constitute a minor variation. At Paragraph 6.12, under the same heading "Minor Variations" there is a link to the Gov.uk website which gives a comprehensive guide to minor variations.

Response by the Authority:

Paragraph 6.10 has been amended to reflect the necessary change. No changes are considered necessary to the finalised licensing policy.

Signed:

Agreed:

Date:

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CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
LICENSING ACT 2003

REVISED STATEMENT OF LICENSING POLICY 2021-2025

Reference number:

LA03Policy2021/04

Date received:

30 August 2020

Name and address of respondent

Cllr Bryan Jones
Cannock Chase District Council

Comments/observations made by respondent:

Cllr Jones makes a number of comments and observation in respect of the draft licensing policy: These are given below:

a) Confidentiality - Point 2.7 - Regarding confidentiality the term 'may be circumstances in which we will be required to disclose information to third parties on request'. This is very vague and probably off putting to those wishing to contribute. It may be worth giving an example to offer reassurance.

b) Commencement - Point 2.11 - 'The Council will continue to monitor its effectiveness'. What is the process for this? Ad hoc or structured?

c) Decision Making - Point 5.9- How does the council encourage dialogue between local community groups and Individuals ? The regular forum for discussion you refer to, how can it be accessed ?

d) Personal Licence - Point 6.8 - There is no explanation or link to define what is a relevant offence.

e) Adult entertainment - Point 8.18 - There is no definition of the individual aspects of Adult entertainment.

f) Cumulative Impact - Point 9.18 - To date the Council has not published a C.I.A. We have a large number of drinking establishments particularly in Cannock Town Centre, what would necessitate the implementation of one? I.e. what would be the tipping point?

Appraisal of comments by the Authority:

The Council's Licensing Unit is grateful for Cllr Jones comments. Our response is as follows:

a) Confidentiality - Point 2.7 – Data protection legislation can be complex and challenging. The wording within the document is not intend to deter those who may wish to contribute to the consultation process but intends to invite those with concerns

to clarify the reasons for disclosure with the Council's Licensing Unit. It is possible that providing examples may give rise to a false sense of reassurance.

b) Commencement - Point 2.11 - 'The Council monitors the effectiveness of the policy and will review the document at least every 5 years. Powers to make minor changes to the policy are delegated to the Head of Service in order to reflect changes in legislation or guidance or in the interests of operational efficiency.

c) Decision Making - Point 5.9- The Council's Licensing Unit regularly engages with trade associations, licence holders and the general public. The draft licensing policy has been consulted upon widely and was sent to a number of organisations and individuals through our Policy & Communications Team.

Matters related to licensed premises have been discussed regularly at previous Community Forum meetings at which elected members play an important role and our Licensing Sub-Committee hearings are generally held within the public domain.

Once a licence application is made to the Licensing Unit, it is posted on the Council's website and published in a local newspaper. Local notices are also posted at the premises concerned. All of these publications and notices offer the right of representation or objection to the application which has been made.

Further, both, environmental health officers and licensing officers are also regularly dealing with local residents who are experiencing issues which arise at licensed premises. These matters are generally referred to the Council's Licensing Unit for some involvement.

d) Personal Licence - Point 6.8 – This comment is noted and a web link to the Schedule 4 relevant offences will be inserted into the finalised policy document.

e) Adult entertainment - Point 8.18 – The policy highlights the need for applicants to be clear about their intentions in providing adult entertainment. A web link to the Council's Sexual Entertainment Policy is given at paragraph 8.22 (now paragraph 8.23 in the finalised licensing policy) of the draft document and its usefulness with respect to providing a definition of sexual entertainment will be made clear.

f) Cumulative Impact - Point 9.18 – The only mechanism available to the licensing authority in restricting the number of licensed premises within the district is the introduction of a Cumulative Impact Policy. In order to publish such a policy the authority must firstly have evidence that there is an underlying problem which is undermining the licensing objectives.

If an underlying problem is thought to exist, the Council may commission and publish a Cumulative Impact Assessment (CIA) which will help the licensing authority to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Currently there is no evidence that the licensing objectives are being significantly compromised within our town centres.

Response by the Authority:

The licensing policy will be amended to reflect the changes required to Paragraph 6.8 and Paragraph 8.23 of the finalised licensing policy. No other changes are considered necessary to the finalised licensing policy

Signed:

Agreed:

Date:

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CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
LICENSING ACT 2003

REVISED STATEMENT OF LICENSING POLICY 2021-2025

Reference number:

LA03Policy2021/02

Date received:

24 August 2020

Name and address of respondent

Cllr Olivia Lyons
Cannock Chase District Council

Comments/observations made by respondent:

Cllr Lyons makes a number of comments and observation in respect of the draft licensing policy. These are given below:

(1) The Act states that none of the 4 objectives should be prioritised, yet the Foreword appears to concentrate mainly on crime and disorder;

(2) 5.9 - It would be helpful to signpost readers to where they can find further information regarding the Forum for Discussion and how to be involved. Those reading the policy may be those interested and willing to engage;

(3) 6.9 - The explanation as to what may constitute a 'minor variation' is lacking and potentially ambiguous;

(4) 7.19 - This clause states that 'reviews can be requested by a Responsible Authority, or by any other person' yet 7.20 states that initial applications for reviews will only be accepted from Responsible Authorities. It would be helpful to provide clarity on how individuals therefore request a review;

(5) 7.24 - This clause states that new applicants in such circumstances cannot be 'connected to the previous licence holder'. The term 'connected' does not appear to be defined, it is ambiguous and could potentially be interpreted as worked with, related to or even know of. It would be helpful if it were defined as succinctly as 'associated' is defined in Clause 7.25.

(6) 8.17 - Not directly related to the policy, but are there examples of how the Council has previously 'discouraged irresponsible advertising and drinks promotions'?

(7) 9.15 - I think the prospective of the Council looking to provide joined up planning and licensing advice at the outset of an application is very encouraging. I believe it would greatly assist businesses and minimise confusion when residents are considering new applications.

Appraisal of comments by the Authority:

The Council's Licensing Unit is grateful for Cllr Lyons comments. Our response is as follows:

(1) The Foreword lists all 4 licensing objectives and does not intend to concentrate on any particular one. The foreword also mentions safety, crime and disorder and nuisance in a wider context. The term crime and disorder is also used in a wider sense because crime might include harming children, causing significant nuisance and endangering the safety of the public. Further, section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area.

(2) This comment is noted. A more significant response to a similar comment is provided in the appraisal of Cllr Bryan Jones consultation response.

(3) Paragraph 6.10 has been amended to include examples of what might constitute a minor variation. At Paragraph 6.12, under the same heading "Minor Variations" there is a link to the Gov.uk website which gives a comprehensive guide to minor variations.

(4) Paragraph 7.19 (now paragraph 7.20) is correct. Paragraph 7.21 is intended to assist responsible authorities specifically and has now been slightly amended. It reminds them that although initial email applications for reviews will be accepted by the licensing authority, it does not negate the need for them to comply with the legal requirements in respect of serving paper copies of the document.

(5) Paragraph 7.24 does use the words 'connected to the previous licence holder'. Its intention is to reflect the wording with the Licensing Act which provides a definition of those who may be associated with the previous licence holder. The term 'connected' in paragraph 7.24 is clearly confusing and will be amended to say "associated". The word "associate" is defined in paragraph 7.26 (now paragraph 7.27 in the finalised document).

(6) The Council's Licensing Unit along with its partner enforcement agencies remain vigilant for any premises which acts unlawfully and/or irresponsibly in its advertising and promotional activities. Premises licence holders who do not comply with the legislative requirements are reminded of their responsibilities and the Licensing Unit will then ensure compliance. Enforcement action may be taken where appropriate. These interventions are recorded but rarely publicised.

(7) This comment is noted and agreed. It must be noted however that the two regulatory regimes are separate as well as complimentary.

Response by the Authority:

The finalised licensing policy will be amended to reflect the changes required to paragraph 7.20 (paragraph 7.21 in the finalised document) and paragraph 7.24 (paragraph 7.25 in the finalised document). No other changes are considered necessary to the finalised licensing policy.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
LICENSING ACT 2003

REVISED STATEMENT OF LICENSING POLICY 2021-2025

Reference number:

LA03Policy2021/05

Date received:

30 August 2020

Name and address of respondent

Cllr Doug Smith
Cannock Chase District Council

Comments/observations made by respondent:

Cllr Smith makes observation that there is an absence of any reference to the Health In All Policies (HIAP) document and that Council is committed to this Policy.

Cllr Smith suggests that reference to the HIAP might be made in several paragraphs of the finalised licensing policy. These are:

Licensing Objectives: 3.4

Decisions making: 4.2

Decision making: 5.8

Links with other Policies: 5.15

Appraisal of comments by the Authority:

The Council's Licensing Unit is grateful for Cllr Smith's observation. Our response is as follows:

Cllr Smith is correct that the draft Licensing Policy omitted to make mention of this important document. The finalised licensing policy will be amended to insert appropriate HIAP wording.

Response by the Authority:

Appropriate HIAP wording will be inserted into the Foreword and Paragraph 5.15 of the finalised licensing policy.

Signed:

Agreed:

Date:

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
LICENSING ACT 2003

REVISED STATEMENT OF LICENSING POLICY 2021-2025

Reference number:

LA03Policy2021/01

Date received:

19 August 2020

Name and address of respondent

Hilary Goodreid
Town Clerk
Rugeley Town Council

Comments/observations made by respondent:

Rugeley Town Council raises some concern about the number of licensing premises within the Rugeley town centre and asks Cannock Chase Council to consider capping the number of licensing premises within the town.

Appraisal of comments by the Authority:

The only mechanism available to the licensing authority in restricting the number of licensed premises within the district is the introduction of a Cumulative Impact Policy. In order to publish such a policy the authority must firstly have evidence that there is an underlying problem which is undermining the licensing objectives.

If an underlying problem is thought to exist, the Council may commission and publish a Cumulative Impact Assessment (CIA) which will help the licensing authority to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

Response by the Authority:

Currently there is no evidence that the licensing objectives are being significantly compromised by our licensed premises.

Signed:

Agreed:

Date: