



Cannock Chase Council

Council Meeting

Wednesday 4 December 2024 at 6:00pm

In the Council Chamber, Civic Centre, Cannock

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 as 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 as included as part of this agenda.

3. Minutes

To approve the Minutes of the meeting held on 9 October 2024, minute numbers 29 - 38, page numbers 28 - 47.

4. Chair's Announcements and Correspondence

To receive any announcements and correspondence from the Chair of the Council.

5. Leader's Announcements and Correspondence

To receive any announcements and correspondence from the Leader of the Council.

6. Recommendations Referred from Cabinet

Council is requested to consider recommendations from the Cabinet meeting held on 24 October 2024 in respect of the following matters:

(i) Gambling Act 2005 - Statement of Principles (Cabinet 24/10/24, Minute Number 60)

"That Council, at its meeting to be held on 4 December 2024, be recommended to adopt the Gambling Act 2005-Statement of Principles (Policy Statement) as attached at appendix 1 of the 24 October 2024 Cabinet report."

(ii) Statement of Licensing Policy 2025-2029 (Cabinet 24/10/24, Minute Number XX)

"That Council, at its meeting to be held on 4 December 2024, be recommended to adopt the Statement of Licensing Policy 2025-2029 as attached at appendix 1 of the 24 October 2024 Cabinet report."

The accompanying reports for the above recommendations can be viewed on the [24 October 2024 Cabinet](#) meeting page on the Council's website.

7. Motions Received Under Council Procedure Rule 6

(i) Roads Emergency

Submitted by Councillor Mawle (Item 7.1)

8. Street Trading Policy

Report of the Head of Regulatory Services (Item 8.1 - 8.28).

9. Pavement Licensing

Report of the Head of Regulatory Services (Item 9.1 - 9.17).

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

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

11. Exclusion of the Public

The Chair 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, 3, and 7, of Part 1, Schedule 12A, of the Local Government Act, 1972."

Part 2

12. Recommendations Referred from Cabinet

Council is requested to consider a recommendation from the Cabinet meeting held on 28 November 2024 in respect of the following matter:

(i) Revenues and Benefits Computer System (Cabinet 28/11/24, Draft Minute Number XX)

To follow.

13. 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. Clegg
Chief Executive

26 November 2024

Guidance on Declaring Interests at Meetings

Declaring Interests at Full Council

The Code of Conduct requires that where you have an interest in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the 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.

The following interests must be disclosed where they may be affected by any matter arising at the meeting:

- (a) 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.
- (b) A **Registerable Interest** includes any unpaid directorships or any body of which you are a member, or are in a position of general control, and (i) to which you are appointed by the Council, or (ii) which exercises functions of a public nature, or (iii) which is directed to charitable purposes, or (iv) one of whose principal purposes includes the influence of public opinion or policy.
- (c) A **Non-Registerable Interest** is any other matter affecting your financial interest or well-being, or a financial interest or well-being of a relative or close associate.

Where the matter **directly relates** to the interest, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where the matter **affects** the interest, but does not **directly relate** to it, you can remain in the meeting and take part **unless** the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision, and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

Please make the nature of the interest clear to the meeting

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.

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 in the Council Chamber, Civic Centre, Cannock
On Wednesday 9 October at 6:00 p.m.

Part 1

Present

Councillors:

Thornley, S. (Chair)

Prestwood, F. (Vice-Chair)

Aston, J.	Jones, V.
Bishop, L.	Johnson, J.
Boulton, C.	Johnson, T. (Leader)
Bullock, L.	Lyons, N.
Cartwright, S.	Lyons, O.
Craddock, R.	Mawle, D.
Dunnett, M.	Muckley, A.
Elson, J.	Newbury, J.
Fisher, P.	Page, H.
Fitzgerald, A.	Preece, J.
Freeman, M.	Prestwood, J.
Gaye, D.	Samuels, G.
Haden, P.	Thornley, S.J.
Hill, J.	Williams, D.
Hughes, G.	Wilson, L.

29. Apologies

Apologies for absence were received from Councillors J. Bancroft, J.O. Hill, M. Sutherland, and D. Todd.

30. 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.

31. Minutes

Councillor Dunnett sought clarification on why no Conservative Councillors had thanked the former MP for Cannock Chase, Dame Amanda Milling, for her service as MP from 2015-2024.

Councillor O. Lyons advised that as those thanks had been given under the Chair's and Leader's announcements, there was no opportunity for other Members to provide a comment or response.

Councillor Preece advised that under minute number 20.(i), the second sentence of his response to Mr Hewitt's supplementary question should read as follows:

"I should point out that part of the reason the matrix was created was because we would otherwise have a situation that fifteen separate **groups of** councillors, now thirteen separate **groups of** councillors would all be vying to get their parks looked after..."

Resolved:

That the Minutes of the meeting held on 24 July 2024 be approved as a correct record, subject to the above amendment.

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

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

"I've been involved supporting asylum seekers housed locally by the Home Office. Volunteers have been assisting with issues including access to healthcare and dental carer, access to local ESOL classes, participation in sports activities, access to local college courses, support for those aged under 18 who weren't recognised as minors by the Home Office, social support through get-together events within the local community, support for interpreting official letters & documents, support with securing local accommodation once their refugee status was confirmed, support with practicing English conversation in local community groups - and, more recently, support with the lengthy application process for mandatory digital ID documentation.

Local community volunteers have been providing a huge amount of ongoing support to these people.

Please can Council explain the ways in which you have utilised the Government funding which was allocated to you to facilitate support for asylum seekers temporarily housed in the Cannock Chase District?"

The Community Wellbeing Portfolio Leader, Councillor Williams, provided the following response:

Thank you for your dedicated support of asylum seekers in our District. Your efforts, along with those of many residents, have provided a warm welcome to people who arrived with very little. The people who were housed in Cannock Chase on a temporary basis came with very little and it is heartwarming to see the welcome they got from residents who assisted them in their time of need.

The Council played a varied role in working directly with the asylum seekers in the hotel, we also worked with Serco, who ran the hotel and with Refugee Action, the voluntary sector contracted service who were commissioned to support the residents during their time in contingency accommodation.

We used the funding allocated to us in a number of ways. During the use of contingency accommodation within the District, the Community Safety Team committed very high levels of staff resource to ensuring that community cohesion was maintained and that integration was fostered.

The Community Safety Team widely advertised a £5,000 Community Change Grant to all organisations, including a provision that organisations could apply where their activities could benefit community integration. However, there were no bids into the fund for this purpose.

Regular meetings with Serco led to effective information exchange between partners, and community tensions were robustly monitored during the period, with the Community Safety Team working in direct contact with the local policing team and intelligence analysts at Staffordshire Police.

During times of increased tension, the Community Safety Team committed significant additional resources to Tactical Planning meetings and assistance with protest management, whilst also delivering bespoke education sessions to Elected Members.

In terms of integration, the Community Safety Team conducted a thorough mapping exercise of all organisations across the District who were able and willing to provide activities to those residing in contingency accommodation. The results of this were then fed to Support Staffordshire who facilitated a working group of all interested parties which, in turn, led to a plan of activities. The Community Safety Team also worked with colleagues in neighbouring districts to ensure cross-border provision.

63% of asylum seekers get a positive initial decision on their claim for asylum, and of those who appeal their decision, 48% are allowed. When they have been staying in the district and get a positive decision, Cannock Chase Council picks up the homelessness duty when they have to leave their contingency accommodation. Funding was used to provide advice and guidance on a person's housing options, this was tailored to each individuals' specific circumstances, and what their future intentions were. We used translation services to ensure our advice was fully understood. Where an individual is in, what is legally called, "priority need," we have a duty to place them in emergency accommodation if they are homeless while they are looking for suitable alternative accommodation.

Due to the number of people within the Holiday Inn and the unknown cost of this accommodation duty, we ensured we had sufficient funding available to provide this legal homelessness duty to all those who needed it. For this reason, we set aside much of the funding for this purpose as we did not want this to reduce the budget the homelessness team had to spend on the existing residents of Cannock Chase District. This enabled us to maintain the high level of service we are able to give to residents in the District.

As a result of the hotel closing at short notice earlier this year and people being transferred to other locations outside of Cannock Chase District, the funding we had reserved for this homelessness and housing duty wasn't fully utilised. We fully intend to use the remaining funding that was allocated to the council in line with the purpose of the grant.

We appreciate the community's support during this process and remain dedicated to fostering an inclusive environment for all residents of Cannock Chase District."

Sharon Jagger then asked the following supplementary question:

"You'll appreciate it's a bit difficult to prepare a supplementary question when you don't know the response you were going to get, but it's the small things, like you mentioned they were being moved without notice, the community came together to supply holdalls and luggage and bags for them, as it was a matter of hours they were told they would need to leave, so we wanted to make the point that community volunteers are already embedded in and proactive across the communities.

We're often very reactive to local situations in a responsive way that public bodies for example, can't be. We're a diverse and scattered tribe, but we can cohesively and efficiently bring an effective, dynamic response into local situations.

On ground level we have our ear to the ground so we can quickly identify the needs that arise as you've pointed out, and we did exactly that, and I said, the luggage is an example. I can stand here right now and tell you what these people need right now,

but we weren't asked and I was surprised to hear you refer to a grant that I didn't know anything about.

We're asking for you to acknowledge the volunteers in your community and how they can help you achieve your objectives at the Council and to include community volunteers in your conversations in the future, and in particular, will you please liaise with community volunteers when you are decided how to spend the rest of the asylum dispersal grant in future?"

The Community Wellbeing Portfolio Leader, Councillor Williams, provided the following response to the supplementary question:

"We worked with you when the hotel was open and we had a grant scheme. I've been told that people in the community were aware of this scheme, but unfortunately you weren't aware of it. Officers have made assurances to me that it was targeted to groups and that was advertised and we received no applications. As far as that's concerned, yes I'm happy to do that, however it's a decision obviously for officers in the Council to make. It goes without saying really that's what we're about, working with the community."

33. The Chair's Announcements and Correspondence

(i) Launch of Domestic Violence Support Group

The Chair advised that he had been invited to attend the launch of a domestic violence support group, noting that although he was an ex-social worker, it was heart wrenching to hear the stories from the person setting up the support group, which was based from a small church in Cannock.

At the launch, a member of the support group shared her sad experiences and what she had been subject to from her previous partners.

The launch was also attended by the Chair of the County Council and the County Police Commissioner who both made useful and heart-rending contributions.

Whilst it was good to see the support group take off, it was sad that it was even needed.

(ii) Funeral of Elsie Holston

The Chair advised that along with the Leader of the Council, he attended the funeral of Elsie Holston. Elsie and her partner had played a very important role in setting up the town twinning process in Datteln, and in fact were both signatories to the town twinning agreement.

Shortly after the funeral the Chair met with Elsie's family and had quite a discussion about her history and her involvement. The family left the Council with the original copy of the signed agreement which would be displayed in the Datteln Room and also lots of memorabilia which had been handed to them from officers in Datteln.

(iii) Datteln Visit and Town Twinning

The Chair advised that along with four other councillors, he attended the festival of light in Datteln. This was a festival of live music and bands held outside the council house in Datteln and lasted for three days.

This was the Chair's second visit to Datteln, the District's town twinning town and as usual, the hosts were more than welcoming, they were very keen to re-establish town twinning activities and visits with Cannock Chase and re-develop those closer links.

The Chair then advised he was looking to establish a town twinning committee that could help organise activities and events. It was hoped that several members of the public could join and take part. Anyone interest was encouraged to contact the Chair or the Leader of the Council.

There would be no additional cost or expense to the Council via this committee.

(iv) Civic Service

The Chair gave thanks to Council officer Louise Griffiths for the work she had done in organising his Civic Service held last Sunday. Many civic heads were in attendance, including the Deputy Lord Lieutenant, the High Sheriff and the Chair of the County Council.

Thanks were also given those who attended and fully supported the event and helped mark the Chair's year of my office.

(v) Council Meetings Etiquette

The Chair advised Members that if they wished to raise a point of order, they should stand and state the point of order so as to avoid any misunderstanding.

As it was a full agenda for tonight's meeting, Members were asked to concise, succinct and to the point on any matters they wished to raise.

34. Leader's Announcements and Correspondence

(i) Funeral of Mrs Elsie Holston

The Leader advised just over two weeks ago, along with the Chair of the Council he attended the funeral of Mrs Elsie Holston.

Mrs Holston was the widow of the former Chair of Cannock Urban District Council (CUDC), Walter Holston. Walter was Chair of the CUDC in 1971 when the Town Twinning Agreement with Datteln was formalised and it was his signature on the original document. In the years that followed both were supporters of the partnership with Datteln, and following Walter's death, Mrs Holston continued to visit our twin town, staying with friends and hosted her German friends when they visited our District.

Her commitment to the cause was recognised in Datteln and in Cannock Chase. She was a well-respected and formidable lady and would be missed.

(ii) Cannock Chase Can Showcase Event

The Leader advised that on 25 September, along with several other Councillors from all parties, he attended the Cannock Chase Can showcase event. It was funded by Staffordshire County Council and the Covid Outbreak Management Fund.

The event highlighted the outstanding health and wellbeing initiatives which had taken place across the District through the nationally recognised Cannock Chase Can programme. Further, the showcase demonstrated how our local communities were involved in promoting wellbeing in all its forms, including physical health, mental wellbeing, community connection and active living.

The event was very well attended with strong support from local partners, all of whom were dedicated to improving the quality of life for all the residents of Cannock Chase. Thanks were given to all those involved.

(iii) Cannock Chase Boost Your Business Event

The Leader advised that on 2nd October, along with Councillor O. Lyons, he attended the Boost Your Business event at the Aquarius in Hednesford which was organised and hosted by the Council. The free event, which took place in partnership with Stoke-on-Trent and Staffordshire Growth Hubs, showcased the support available to existing businesses to help them grow and provide support for people starting up new businesses. Thus, bringing skilled and well-paid jobs to Cannock Chase.

The type of practical support available included:

- Moving toward becoming Net Zero.
- Digital Innovation.
- Staff Training and Development.
- Grants and Loans available.

Thanks were given to the following partners:

- The Growth Hubs as previously mentioned.
- Staffordshire University.
- Staffordshire County Council.
- Birmingham City Council.
- Jobs 22.
- Cannock Chase Chamber of Commerce.
- Federation of Small Businesses.
- Barclaycard.

And finally, the UK Shared Prosperity Fund Investment Plan which was funded by central government.

Thanks were also given to the Council staff who put on such an outstanding and informative event.

(iv) Potential Devolution Deal / Combined Authority

The Leader advised that as Members would be aware, the Staffordshire and Stoke-on-Trent Leaders Board met regularly to discuss the issues that were relevant to the whole of the County and the City of Stoke-on-Trent. It was a cross-party group that sought to move forward based on consensus.

One of the plans of the previous Government and the present Government was to extend the option of setting up combined authorities.

The Leaders Board wanted to start a conversation with central government as to what a devolution deal would look like for Staffordshire and Stoke-on-Trent and from our point of view, what were the benefits for the people of Cannock Chase?

Working with our respective Chief Executives the Board would be looking to obtain a transfer of powers and investment to our area to boost our local economies and improve the living standards of our people.

The potential of a devolution deal was that it could give us the freedom and flexibilities to make a better Cannock Chase.

This could include greater powers regarding regeneration. Not only regarding our plans for our town centres, but also our ambitions around the former Rugeley Power Station site. Giving us an opportunity for major investment in homes, businesses, and education.

There would be opportunities for us in the District to improve even further on our work to enhance the skills and training of our workforce. Thus, supporting our plans for the future of our local economy. There could also be powers available to help with the major problems we face due to climate change.

We as local leaders knew our areas and as democratically elected representatives, did not see the need for another level of local government when there was a proven structure in place via the Leaders Board that could administer a potential devolution deal that could lead to a Combined Authority.

This was however in no way a precursor to local government reorganisation.

The Government had work to do in several areas before it could even think of reorganising councils.

This was about having a conversation on the potential benefits of a devolution deal. The benefits it could bring to Staffordshire and Stoke-on-Trent in a wider sense, and the people of Cannock Chase in particular, regarding transport, housing, the environment, skills and training, and economic development.

There would be formal reports coming before the Cabinet and Council before a deal could be agreed.

35. Form and Composition of the Shadow Cabinet

Councillor O. Lyons, Leader of the Opposition, notified Members that Councillor Bancroft had stood down from his position of Housing and Corporate Assets Shadow Portfolio Leader owing to work reasons.

As a result, Councillor Haden had agreed to take on the Housing and Corporate Assets Shadow Portfolio alongside her existing roles of Deputy Leader of the Opposition and Regeneration & High Streets Shadow Portfolio Leader.

36. Recommendations Referred from Cabinet

Consideration was given to the following recommendations to Council, made by the Cabinet at its meetings held on 22 August and 26 September 2024, in respect of:

(i) Flaxley Road Play Area - Refurbishment (Cabinet 22/08/24, Minute Number 33)

“That Council be recommended to approve a new capital budget of £141,770, to be added into the 2024/25 General Fund capital programme, to be financed by an existing S106 receipt and approve permission to spend said funds.”

(Councillor Bullock left and returned to the meeting during the debate on this item.)

Resolved:

That:

- (A) A new capital budget of £141,770 be approved and added into the 2024/25 General Fund capital programme, to be financed by an existing S106 receipt.
- (B) Permission to spend the funds as set out in decision (A), above, be approved.

(ii) Laburnum Avenue - Art Project (Cabinet 26/09/24, Draft Minute Number 45)

“That Council be recommended to increase the capital spend on Laburnum Avenue phases 2 and 3 by £7,500 and include the additional spend into the capital programme for 2024/25. This funding would be sourced from Cannock Longford and Bridgtown ward Community Infrastructure Levy funds, in order to deliver the proposed improvements as set out in report appendix 1.”

Resolved:

That:

- (A) The capital spend on Laburnum Avenue phases 2 and 3 be increased by £7,500, and that the additional spend be included into the capital programme for 2024/25.
- (B) It be noted the funding would be sourced from Cannock Longford and Bridgtown ward Community Infrastructure Levy funds to deliver the proposed improvements as set out in appendix 1 of the 26 September 2024 Cabinet report.

(iii) Local Development Scheme 2024 (Cabinet 26/09/24, Draft Minute Number 48)

“That Council be recommended to approve the revised Local Development Scheme as set out in report appendix 1, covering the period September 2024 to September 2027, and that it be brought into effect on 16 October 2024.”

Resolved:

That the revised Local Development Scheme covering the period September 2024 to December 2027, as set out in appendix 1 of the 26 September 2024 Cabinet report be approved, and that it be brought into effect on 16 October 2024.

(iv) Cannock Chase Local Plan 2018-2040: Regulation 22 Submission (Cabinet 26/09/24, Draft Minute Number 49)

“That Council be recommended to submit the Cannock Chase District Local Plan Regulation 19 document (report appendix A) together with the policies map (report appendix B) and other prescribed documents and evidence base documents to the Secretary of State for examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).”

In accordance with Council Procedure Rule 15(4)(a), a named vote was then requested on the Motion and supported by the required number of Members.

For

Aston, J.

Bishop, L.

Against

Fitzgerald, A.

Haden, P.

Abstain

For	Against	Abstain
Boulton, C.	Hughes, G.	
Bullock, L.	Johnson, J.	
Cartwright, S.	Muckley, A.	
Craddock, R.	Page, H.	
Dunnett, M.		
Elson, J.		
Fisher, P.		
Freeman, M.		
Gaye, D.		
Hill, J.		
Johnson, T.		
Jones, V.		
Lyons, N.		
Lyons, O.		
Mawle, D.		
Newbury, J.		
Preece, J.		
Prestwood, F.		
Prestwood, J.		
Samuels, G.		
Thornley, S.		
Thornley, S.J.		
Williams, D.		
Wilson, L.		
26	6	0

In addition, Councillors Bancroft, J.O. Hill, Sutherland, and Todd were absent from the meeting.

Resolved:

That the Cannock Chase District Local Plan Regulation 19 document, together with the policies map (as included at appendices A and B of the 26 September Cabinet report) and other prescribed documents and evidence base documents be submitted to the Secretary of State for examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

37. 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 O. Lyons:

Winter Fuel Payments

“The new Labour Government has announced plans to cut Winter Fuel Payments. The Chancellor of the Exchequer, Rachel Reeves, has confirmed that pensioner households in England will no longer be entitled to Winter Fuel Payments this Winter (2024/2025) unless they receive Pension Credit.

There is increasing evidence that this policy is dangerous and could force pensioners to choose between ‘heating’ or ‘eating.’

Council should take note of the following comments made by experts in the field:

- Age UK estimate that 2 million pensioners could be forced into fuel poverty.
- Warm This Winter data suggests that a further 2.9m pensioners will now face financial difficulty due to the decision.
- Independent Age said “*the decision to end the Winter Fuel Payment for those not receiving Pension Credit risks driving hundreds of thousands of older people into further financial hardship;*” and
- Jonathan Bean, spokesperson for Fuel Poverty Action states: “*Making heating even more unaffordable for those trying to survive on basic pensions is a cruel and reckless move that will cause widespread suffering, and increased NHS admissions this winter.*”

On 10th September 2024, the Conservative Party put forward a motion to block the Government’s plans. Conservative Members of Parliament, alongside all other opposition parties, voted to block the cut and support the continuation of Winter Fuel Payments.

The Labour Government, with a majority of 120, won the vote and are pushing on with their plan to restrict Winter Fuel support for all but the poorest of pensioners. Every Member of Parliament that voted to scrap the Winter Fuel Payments represented the Labour Party, including the new Member of Parliament for Cannock Chase and Cannock Chase District Councillor, Josh Newbury.

According to official Government data published by the DWP, 16,725 local pensioners across Cannock Chase will be impacted as a result of Labour’s proposal to remove Winter Fuel Payments.

The local context should also be noted by this Council (in accordance with Cannock Chase District Council’s own District Profile published only last year, 2023):

- 15.3% of people aged 60 and over live in income deprived households within Cannock Chase; and

- 16.5% of Cannock Chase households were estimated to be in fuel poverty in 2020, above the national average (13.2%).

These figures illustrate that Winter Fuel payments are a lifeline for low-income pensioners across Cannock Chase, many of whom will lose their Winter Fuel Payments due to the fact that their annual income exceeds the threshold to claim Pension Credit (approx. £11,400). Many others are entitled to claim Pension Credit, but are not currently doing so.

With this in mind, I propose that this Council:

(1) Ask the Cabinet at Cannock Chase District Council to consider:

- (a) Launching a local awareness campaign to encourage uptake of Pension Credit;
- (b) Through Council partnerships, promote wider efforts to raise awareness of Pension Credit; and
- (c) Consider implementing a support process to assist local, eligible residents who may require practical help in order to complete the Pension Credit application process.

AND

(2) Ask the Leader of the Council, Tony Johnson, to write to our Member of Parliament, Josh Newbury, to:

- (a) Express great concern over this recent decision;
- (b) Highlight the detrimental impact many local residents of pension age will face as a result; and
- (c) Ask that Josh Newbury MP relay points 2(a) and 2(b) to Rachel Reeves, Chancellor of the Exchequer.

(The text within this my motion is my own, with the exception of the quotes which are from various charitable organisations, as outlined, and the statistics which have been ascertained from DWP Statistics Online, Cannock Chase District Profile 2023 and Staffordshire Observatory)."

Councillor Preece moved the following Amendment to the Motion, which was duly seconded:

"The new Labour Government has announced plans to cut Winter Fuel Payments. The Chancellor of the Exchequer, Rachel Reeves, has confirmed that pensioner households in England will no longer be entitled to Winter Fuel Payments this winter (2024/2025) unless they receive Pension Credit, Universal Credit, income related Employment Support Allowance, income-based Jobseekers Allowance, Income Support, Child Tax Credit, and Working Tax Credit.

This council notes that over the past 14 years, beginning with the austerity drive of the after the 2010 General Election, those in fuel poverty, including pensioners, but also the disabled, those on zero-hour contracts, and those on low incomes amongst others have been forced to choose between 'heating' or 'eating'.

This council recognises that the Winter Fuel Allowance, in its original form, meant an allowance to was paid to all pensioners regardless of their wealth, income, or financial status.

This council accepts that the Winter Fuel Payment system needed reform, and furthermore accepts that because there is a need to plug a £22 billion hole in the nation's finances and that Winter Fuel Allowance reform was a tough choice that needed to be made.

This council accepts that at the present time the Winter Fuel Allowance is an essential means by which to ensure that the most vulnerable of pensioners who are claiming those benefits mentioned above can get out of fuel poverty. Furthermore, we believe that the Winter Fuel Allowance should not be needed, fuel poverty should be eradicated, and our energy system should be cheaper, greener, and fairer for users.

On 10th September 2024, the Conservative Party put forward a motion to return the Winter Fuel Allowance to a universal payment made to all pensioners regardless of wealth and income. We note that this motion was not passed and MPs, including Cannock Chase's Josh Newbury MP, agreed that the Winter Fuel Allowance could not return to being a universal benefit paid to the wealthiest pensioners in this country. We note that the Conservative Party declined to offer any other meaningful options to reform the Winter Fuel Allowance system.

We also note that the government has argued that those that are struggling the most will still receive support via the Winter Fuel Allowance and the Household Support Fund, but this council accepts that as with any means tested benefit there will be those who will miss out by the smallest of amounts.

Council should take note of the following comments made by experts in the field:

- Age UK estimate that 2 million pensioners could be forced into fuel poverty.
- Warm This Winter data suggests that a further 2.9m pensioners will now face financial difficulty due to the decision.
- Independent Age said *"the decision to end the Winter Fuel Payment for those not receiving Pension Credit risks driving hundreds of thousands of older people into further financial hardship;"* and
- Jonathan Bean, spokesperson for Fuel Poverty Action states: *"Making heating even more unaffordable for those trying to survive on basic pensions is a cruel and reckless move that will cause widespread suffering, and increased NHS admissions this winter."*

As such this council would urge the government to consider increasing the threshold for the Winter Fuel Allowance to encompass disabilities, health conditions, fuel poverty matrices in determining the future levels of payments.

We also note that tackling fuel poverty doesn't always mean giving more money to pay the bills of those suffering from it. Energy advice organisations, insulation, and heating system grants, low cost measures, and putting pressure on energy providers can also help drastically cut the cost of energy for millions of households across the county. We also note there are social tariffs in place for water and broadband and communications companies, but none to the same extent from energy companies.

We must recognise that locally this council is beginning to retrofit council homes to bring up their energy performance certificate to a more energy efficient level. We must also recognise that the government has recently begun to set up GB Energy to help transform our energy supply to be more sustainable and cheaper for consumers.

According to official Government data published by the DWP, 16,725 local pensioners across Cannock Chase will be impacted because of the removal of Winter Fuel

Payments, and therefore we would urge all pensioners to check if they would qualify for any of the benefits above.

The local context should also be noted by this Council (in accordance with Cannock Chase District Council's own District Profile published only last year, 2023):

- 15.3% of people aged 60 and over live in income deprived households within Cannock Chase; and
- 16.5% of Cannock Chase households were estimated to be in fuel poverty in 2020, above the national average (13.2%).

The above figures quoted by the Leader of the Opposition show a damning legacy of how the previous government has failed both pensioners and ordinary households in Cannock Chase. This council welcomes the Leader of the Opposition's honesty in highlighting the Conservative party's failure in dealing with the cost-of-living crisis.

Therefore, I propose that this Council:

(1) Ask the Cabinet at Cannock Chase District Council to consider:

- (a) Launching a local awareness campaign to encourage uptake of Pension Credit.
- (b) Through Council partnerships, promote wider efforts to raise awareness of Pension Credit; and
- (c) Approach Beat the Cold to explore ways we and other local groups and charities can work with them to offer energy advice, support, and signposting.

AND

(2) Accept that although the Leader of the Council has already spoken with Josh Newbury about this issue, write again to reiterate the following points:

- (a) Urge the Chancellor of the Exchequer to increase the threshold at which the Winter Fuel Allowance is paid in the future.
- (b) Highlight the fact that in 2023, 15.3% of pensioners in Cannock Chase are income deprived and urge the Chancellor to stick to the triple lock in the upcoming budget.
- (c) Highlight that in 2020, 16.5% of all households were estimated to be in fuel poverty in Cannock Chase and urge the Chancellor to reverse this trend.
- (d) Encourage the Chancellor to recognise the value in home insulation installations and low-cost measures, as some of the most important step that households, especially those in fuel poverty, can take in reducing energy costs in their homes and provide funding for local organisations such a Beat the Cold to help advise on, distribute, or install such measures.
- (e) Write to the Secretary of State for Energy Security and Net Zero to investigate the concept of a social energy tariff with energy suppliers for those pensioners living in fuel poverty.
- (f) Ask that Josh Newbury MP relay points 2(a), 2(b), 2(c), 2(d) to Rachel Reeves, the Chancellor of the Exchequer, and point (e) to Ed Miliband – the Secretary of State for Energy Security and Net Zero."

A short adjournment was held to allow for Members to read through the full text of the Amendment.

Councillor O. Lyons advised she was prepared to accept the Amendment subject to (2) being amended to read:

- “(2) Ask the Leader of the Council to again reiterate the points to Josh Newbury.
- Re-insert point (2)(a) from the original Motion.
- At the end of (d) include - ‘and recognise the work that Staffordshire Warmer Homes has undertaken through Staffordshire County Council’.
- *(If the second bullet point was accepted, the remainder of (2) would be re-numbered (b) to (g)).*

Councillor Preece advised he was happy to accept all the proposed changes other than the re-inclusion of (2)(a) as referenced in the original Motion.

The proposed Amendment was therefore not accepted by Councillor O. Lyons and so a debate was held on the Amendment.

Following debate, a vote was held on the Amendment which was carried and therefore became the Substantive Motion.

Resolved:

That:

(1) Ask the Cabinet at Cannock Chase District Council to consider:

- (a) Launching a local awareness campaign to encourage uptake of Pension Credit.
- (b) Through Council partnerships, promote wider efforts to raise awareness of Pension Credit; and
- (c) Approach Beat the Cold to explore ways we and other local groups and charities can work with them to offer energy advice, support, and signposting.

AND

(2) Accept that although the Leader of the Council has already spoken with Josh Newbury about this issue, write again to reiterate the following points:

- (a) Urge the Chancellor of the Exchequer to increase the threshold at which the Winter Fuel Allowance is paid in the future.
- (b) Highlight the fact that in 2023, 15.3% of pensioners in Cannock Chase are income deprived and urge the Chancellor to stick to the triple lock in the upcoming budget.
- (c) Highlight that in 2020, 16.5% of all households were estimated to be in fuel poverty in Cannock Chase and urge the Chancellor to reverse this trend.
- (d) Encourage the Chancellor to recognise the value in home insulation installations and low-cost measures, as some of the most important step that households, especially those in fuel poverty, can take in reducing energy costs in their homes and provide funding for local organisations such as Beat the Cold to help advise on, distribute, or install such measures, and recognise the work Staffordshire Warmer Homes had undertaken through Staffordshire County Council.

- (e) Write to the Secretary of State for Energy Security and Net Zero to investigate the concept of a social energy tariff with energy suppliers for those pensioners living in fuel poverty.
- (f) Ask that Josh Newbury MP relay points 2(a), 2(b), 2(c), 2(d) to Rachel Reeves, the Chancellor of the Exchequer, and point (e) to Ed Miliband – the Secretary of State for Energy Security and Net Zero.”

- (ii) Consideration was given to the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor Mawle:

Roads Emergency

“The state of our District highways is now at breaking point. Road users risk damage to their vehicles and injury to themselves travelling on our roads and this is unacceptable. It is now time for all of us to hold the County Council and their contractors to account and demand that our roads need to take a higher priority and the work done to them must be of a higher quality. Research by the LGA has calculated that to catch-up with the backlog of existing pothole repairs across England and Wales would need a cash injection of £12 Billion, and take 12 years to complete – by comparison, the government has recently announced a £200 Million ‘Pothole Fund’. The annual local authority road maintenance survey reveals that potholes now account for around 70% of all requests reported to Local Authorities for repairs.

The District Council Believes:

- That we have roads in a worryingly poor state of repair across our County.
- Concern about the state of our roads is one of the top priorities and worries amongst our residents, as expressed in the feedback being received weekly by Councillors.
- By declaring a roads emergency, we need to place pressure on the County Council and Government to act on our residents’ concerns (see final paragraph)
- Investing in our road network is not just a benefit to motorists, cyclists, wheelchair users and pedestrians, but a vital component of our local infrastructure, supporting local businesses, public transport, and our tourism sector.
- Residents regularly report that repairs are executed, followed by more repairs on the same stretch of the road, whilst other nearby sections of the same road are left untouched.
- That encouraging cycling on our roads is important, and to encourage cyclists to be confident using roads local authorities need to review all roads regularly and bring them up to a standard of safety required for cycling.
- The poor state of repair of the roads are causing damage to vehicles, injuries to cyclists and are causing numerous safety risks from users veering across carriageways to avoid road defects.
- Some roads are close to impassable due to defects, with motorists opting for alternative, longer routes, with the associated environmental and climatic impacts.
- Pothole/road repairs when conducted are of poor quality and require further repairs in a very short period of time.

- Equal priority needs to be given for A-roads, B-roads, unclassified rural and urban roads that the majority of residents live on or along.

Should the motion be passed today our District council will write to the Chief Executive of Staffordshire County Council, Patrick Flaherty, and the Secretary of state for Transport, Louise Haigh expressing our above concerns and ask for a response.

(The original motion presented to the September 2024 Stafford Borough Full Council meeting has had some editing from myself (Cllr Mawle) but the majority of points and comments remain the same.)."

Councillor Williams moved the following Amendment to the Motion which was duly seconded:

"The state of our highways throughout Staffordshire, including the district of Cannock Chase, has reached a breaking point.

Staffordshire County Council (SCC), as the Highway Authority, is responsible for maintaining all publicly funded roads and footways within Staffordshire. However, this council considers that SCC is **'asleep at the wheel'** as we are gravely concerned that the County Council is failing in its duty to proactively maintain the condition of our highways.

The scale of this crisis is staggering, impacting every level of our community and aligning with alarming national trends. Examining the evidence, 19,200 potholes were reported in Staffordshire between 1st January to 1st August 2024 with 10,903 repaired between the 11th of January to the 1st of August. There continues to be a backlog with 1,947 potholes that were reported in 2023 still requiring repair.

Cannock Chase bears a disproportionate burden, with **17%** of unrepaired potholes from 2023 (n= 330) within our district. These local figures reflect a national crisis, with the RAC reporting that 73% of drivers perceive road conditions to have worsened from last year. The annual local authority road maintenance survey indicates that potholes now account for approximately 70% of all repair requests, demonstrating the widespread nature of this issue.

While we acknowledge the Leader of SCC's recent pledge to 'super-charge' road maintenance with a £30,000,000 allocation for 2025/26 to 2026/27 and £4,456,400 from the national pothole fund, these measures pale in comparison to the scale of the problem. The Local Government Association estimates that addressing the backlog across England and Wales would require a £12 billion investment over 12 years, dwarfing the government's recent £200 million 'Pothole Fund'. In Staffordshire, the financial implications are already severe, with 2,628 compensation claims for road defects in 2023 alone, resulting in £376,063 in payouts

This situation is exacerbated by a concerning lack of transparency. Despite significant expenditure, Staffordshire County Council has been unable to provide basic information such as the average cost or time required to repair a pothole. Recent press releases, while highlighting repair numbers, fail to provide context on general trends, outstanding repairs, or performance metrics. This lack of crucial data suggests an absence of effective management and cost controls, hindering our ability to address this crisis efficiently and hold contractors accountable. The extension of SCC's contractor's contract for 5 years, despite these issues, further underscores the need for improved oversight and transparency in road maintenance operations.

The factors outlined above have resulted in increasing deterioration to the fabric of our highways due to poor maintenance practices and ineffective contract management and scrutiny. We have reached a critical point, with the risk to vehicles, road users, and pedestrians becoming intolerable. Therefore, we are left with no choice, Cannock Chase District Council (CCDC), cannot allow this issue to continue, a line must be drawn in the sand, we declare a **'Roads Emergency'** in Staffordshire.

This Council Believes:

- Our roads are in an alarmingly poor state of repair across our District and County.
- Investing in our road network is not just a benefit to motorists, cyclists, wheelchair users and pedestrians, but a vital component of our local infrastructure, supporting local businesses, public transport and our tourism sector.
- That encouraging cycling on our roads is important, and to encourage cyclists to be confident using roads local authorities need to review all roads regularly and bring them up to a standard of safety required for cycling.
- The poor condition of the highways and an ineffective maintenance regime poses a significant safety risk, with an increasing danger to vehicles, road users, and pedestrians, who often veer across carriageways to avoid road defects.
- Road repairs, when conducted, are often of poor quality and require further repairs in a very short period, whilst other nearby sections of the same road are left.
- Therefore, some roads are close to impassable due to defects, with motorists opting for alternative, longer routes, with the associated environmental and climatic impacts.
- The public have great concern regarding the state of our roads. Residents frequently express concerns about the poor condition of the roads, poor transparency, uncoordinated works, and defective maintenance in feedback to Councillors. Therefore, this is a high priority of our residents and is frequently expressed in feedback to Councillors.
- A holistic approach must be used when assessing works to ensure that equal priority is required for all roads, including A-roads, B-roads and unclassified rural and urban roads which the majority of resident live on or along.
- The ongoing deterioration of our roads, lack of maintenance combined with ineffective scrutiny and performance management is unacceptable.
- By declaring a 'Roads Emergency', we will highlight this urgent issue and pressure SCC and the government to urgently address our residents' concerns.
- Staffordshire, and the District of Cannock Chase, due to all the factors outlined above, declares a **'Roads Emergency'**.

With this in mind, I propose that this Council requests:

- (1) That all members of Cannock Chase District Council:
 - (a) Support the call for a **'Roads Emergency'**.
 - (b) For Councillors to sign an ePetition titled: Road Emergency Declaration:
Demanding Transparent and Effective Maintenance for Staffordshire's Highway Network. This ePetition address the same concerns and sentiments of this motion and includes similar request.

- (c) For Councillors to encourage the community and residents of Cannock Chase to promote and sign this ePetition.

AND

(2) That Staffordshire County Council:

- (a) Heed our call and declares a 'Road Emergency' on receipt of correspondence from CCDC.
- (b) Encourage other Local Authorities to follow suit and declare a 'Road Emergency' within their district.
- (c) Urgently debate this issue within 30 days of receipt of correspondence from CCDC, or at the next available meeting, and provide a clear and transparent improvement programme within 90 days to resolve the issues, outlined above, it in a timely, logical, and
- (d) This improvement plan must include the establishment of a Highways Maintenance and Performance Overview and Scrutiny Committee.
- (e) We propose that this committee will oversee the performance of highway maintenance and other related issues, will scrutinise the performance of the improvement plan and be a forum to address and convey the public's feedback on this issue.
- (f) This committee must be organised similar to the Health and Care Overview and Scrutiny Committee' at SCC which includes representatives from all affected districts.
- (g) That SCC commit to transparency with their efforts concerning highway maintenance and adopt methods to report metrics, including key performance indicators, with a minimum requirement of publishing quarterly reports to the public.
- (h) That SCC hold their contractor accountable and increase the frequency of quality control inspections. Poor workmanship must be reported publicly and acted upon, with penalties levied if appropriate.
- (i) That all repairs be completed in a timely manner within specified timeframes, with breaches publicly reported.
- (j) That all repairs be completed in a timely manner within specified timeframes, with breaches publicly reported.

AND

(3) That the Leader of the Council and Chief Executive of CCDC:

- (a) Write to, the individuals list below, to convey this motion, express our above concerns and heed our requests.
 - (i) Mr Patrick Flaherty (Chief Executive of Staffordshire County Council)
 - (ii) Cllr Mark Deaville (Cabinet Member for Strategic Highways)
 - (iii) Cllr Keith Flunder (Cabinet Support Member for Highways Operations North)
 - (iv) Cllr Robert Prichard (Cabinet Support Member for Highways Operations North)

(b) Write to, the individual listed below, to express our above concerns, and request support for our call of a Roads Emergency

(i) Cllr Josh Newbury MP (Member of Parliament for Cannock Chase)

(c) Write to, the individual listed below, to request Central Government to provide additional funding to enable councils to eliminate the backlog of road maintenance.

(i) Rt Hon Louise Haigh MP (Secretary of State for Transport)

Further Information:

Link to ePetition:

www.fixourroads.co.uk

[This link will be live when the ePetition is accepted by SCC]

References used to inform this motion:

- <https://www.rac.co.uk/drive/advice/driving-advice/rac-pothole-indexstatistics-data-and-projections/?n=@>
- <https://www.nao.org.uk/reports/the-condition-and-maintenance-of-local-roadsin- england/>
- https://www.whatdotheyknow.com/request/pothole_repair_information_reque#in c oming-2777851
- https://www.whatdotheyknow.com/request/cost_of_pot_hole_repairs#outgoing - 1737551
- <https://media.rac.co.uk/pressreleases/driven-to-despair-concern-about-the-dire- state-of-the-nations-local-roads-reaches-record-levels-33368055>
- https://www.asphaltuk.org/wp-content/uploads/ALARM_Survey_2024.pdf
- <https://www.staffordshire.gov.uk/Newsroom/Articles/2024/08August/County's - pothole-focus-sees-more-than-11000-fixed-in-threemonths.aspx>
- <https://www.bbc.co.uk/news/articles/crgg824v1r7o>
- <https://transportactionnetwork.org.uk/20bn-backlog-as-potholes-grow/>

Opposition and Green Group Members raised concern that the length of the Amendment meant they could not give it proper consideration without having had prior sight of it. Councillor Williams advised he had tabled the Amendment in accordance with the provisions of the Council Procedure Rules.

(Councillors Craddock, Fitzgerald, Haden, Hughes, Jones, N. Lyons, and O. Lyons left the meeting at this point.)

The Monitoring Officer confirmed that the Amendment had been presented in accordance with the Council Procedure Rules, but Members could request this process be reviewed by the Constitution Working Group if they so wished. Members were happy to support this request.

Following debate, Councillor Mawle moved that his Motion be deferred to the 4 December 2024 Council meeting for discussion instead.

The deferral was agreed, and Members asked that Councillor Williams liaise with Councillor Mawle to determine whether a joint Motion could be agreed for Council to consider.

(Councillors Craddock, Fitzgerald, Haden, Hughes, Jones, N. Lyons, and O. Lyons returned to the meeting at the end of this item.)

38. Comments and Questions on Part 1 and Part 2 Minutes of Cabinet, Committees, Sub-Committees and Panels under Rule 9

None received.

The meeting closed at 8:58 pm

Chair

Motion 1 - Roads Emergency

Submitted by Councillor Darrell Mawle:

The state of our District highways is now at breaking point. Road users risk damage to their vehicles and injury to themselves travelling on our roads and this is unacceptable. It is now time for all of us to hold the County Council and their contractors to account and demand that our roads need to take a higher priority and the work done to them must be of a higher quality. Research by the LGA has calculated that to catch-up with the backlog of existing pothole repairs across England and Wales would need a cash injection of £12 Billion, and take 12 years to complete – by comparison the government has recently announced a £200 Million ‘Pothole Fund’. The annual local authority road maintenance survey reveals that potholes now account for around 70% of all requests reported to Local Authorities for repairs.

The District Council Believes:

- That we have roads in a worryingly poor state of repair across our County.
- Concern about the state of our roads is one of the top priorities and worries amongst our residents, as expressed in the feedback being received weekly by Councillors.
- By declaring a roads emergency, we need to place pressure on the County Council and Government to act on our residents’ concerns (see final paragraph)
- Investing in our road network is not just a benefit to motorists, cyclists, wheelchair users and pedestrians, but a vital component of our local infrastructure, supporting local businesses, public transport and our tourism sector.
- Residents regularly report that repairs are executed, followed by more repairs on the same stretch of the road, whilst other nearby sections of the same road are left untouched.
- That encouraging cycling on our roads is important, and to encourage cyclists to be confident using roads local authorities need to review all roads regularly and bring them up to a standard of safety required for cycling.
- The poor state of repair of the roads are causing damage to vehicles, injuries to cyclists and are causing numerous safety risks from users veering across carriageways to avoid road defects.
- Some roads are close to impassable due to defects, with motorists opting for alternative, longer routes, with the associated environmental and climatic impacts.
- Pothole/road repairs when conducted are of poor quality and require further repairs in a very short period of time.
- Equal priority needs to be given for A-roads, B-roads, unclassified rural and urban roads that the majority of residents live on or along.

Should the motion be passed today our District council will write to the Chief Executive of Staffordshire County Council, Patrick Flaherty and the Secretary of state for Transport, Louise Haigh expressing our above concerns and ask for a response.

(The original motion presented to the September 2024 Stafford Borough Full Council meeting has had some editing from myself (Cllr Mawle) but the majority of points and comments remain the same.)

Revised Street Trading Policy

Committee:	Council
Date of Meeting:	04 December 2024
Report of:	Head of Regulatory Services
Portfolio:	Environment & Climate Change

1 Purpose of Report

- 1.1 To consider an updated Street Trading Policy (“the Policy”).

2 Recommendations

- 2.1 Council approves and adopts the Policy at Appendix 1 to this report.
- 2.2 The Head of Regulatory Services be authorised to administer and enforce all aspects of this Policy;
- 2.3 The Head of Regulatory Services be authorised to make required amendments to the Policy due to changes in legislation or government guidance and minor variations to the Policy in the interests of operational efficiency / service improvement.

Reasons for Recommendations

- 2.4 Members are asked to approve and adopt the Policy to ensure that the Council complies with its statutory responsibilities.
- 2.5 The current Street Trading Policy was first adopted in 2014 and with revision from time to time, remains fit for purpose. Many of the changes made during the 2025 revision are minor and going forward it is recommended that the Head of Regulatory Services be authorised to make such minor amendments.

3 Key Issues

- 3.1 Members are asked to note that the Council’s Street Trading Policy (The Policy) has been updated to ensure it remains up to date and enforceable. A copy of the Policy following amendment is attached as Appendix 1.
- 3.2 The opportunity has also been taken to make amendments which reflect changes in practices and requirements as well as reflecting changes in behaviour of the trade.

4 Relationship to Corporate Priorities

- 4.1 The Policy sets out how the Council will exercise its street trading functions. The implementation of the Policy contributes to the Council’s ‘Economic Prosperity’ and ‘The Community’ priorities in that a well-managed street trading regime:
- Provides employment and business opportunities.

- Prevents the uncontrolled proliferation of street traders which potentially pose a safety risk to the general public.
- Ensures that street trading is dealt with fairly.
- Ensures unimpaired access into our town centres for all, including those with disabilities, and emergency vehicles.
- Makes a positive contribution to the local amenity by adding interest, vitality, colour and life to our town centres.
- Ensures all traders are screened using a Disclosure and Barring Service (DBS) check to identify those with history of theft or fraudulent trading.
- Implements risk-based, proportionate controls, ensuring all businesses are treated equitably.
- Ensures non-compliant businesses do not gain unfair competitive advantage.

5 Report Detail

- 5.1 The whole of the Cannock Chase District and every street within it (except for Cannock Shopping Centre) is designated as a Consent Street. This designation includes private land to which the public have access without payment and, on this basis, it is intended that no street trading may take place within the area without first obtaining the appropriate Street Trading Consent. This includes both mobile and static street traders as well as ice cream vans and those traders who travel the district selling goods (including foodstuffs and sandwiches etc.).
- 5.2 The Council's Street Trading Policy has successfully regulated street trading activity and remains substantively unchanged since initially adopted in July 2014.
- 5.3 Key Policy changes proposed:
- The Council now requires street traders who sell food to have a food hygiene rating of 5 (very good).
 - There is a change to the definition of "recognised organisation"
 - Confirmation that the McArthur Glen Designer Outlet is added to the exemption from the Council policy
 - Confirmation that street markets will always require street trading consent. This includes markets which are part of a larger events managed by recognised organisations.
 - Confirmation that where there is no street market at an event controlled by a recognised organisation, individual food traders will not normally require street trading consent
 - Additional information on street trading during the evening in association with a licensed premises.
- 5.4 The above changes required consultation with the trade and other interested parties. A revised document was consulted on between 19 August 2024 and 15 September 2024. Every effort was made to bring it to the attention of everyone with an interest in street trading. A link on the Council's website also brought it to the attention of the wider public with details of how they could comment on it.

- 5.5 The Council's Licensing Unit received three responses to the consultation process. All responses were from elected members of the Council and were supportive of the revised Policy. None of the responses required significant amendment to the final policy document however, an additional link has been added to the Fees and Charges page on the Council website.
- 5.6 A summary of the changes made to the made to the Policy prior to consultation is attached to this report as Appendix 2. If approved, the adopted Policy will be reviewed regularly to ensure its effectiveness in meeting its objectives.

6 Implications

6.1 Financial

None identified; Every effort is made when setting fees and charges to ensure full recovery of costs for all administration and compliance activity relating to street trading.

6.2 Legal

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

6.3 Human Resources

None

6.4 Risk Management

The Policy ensures the Council is able to effectively discharge its licensing functions. Failure to regularly review the Policy could leave the Council open to challenge or sanctions.

6.5 Equalities and Diversity

An Equality Impact assessment has been carried out for the Policy The Policy Document will be made available in large print, Braille and as an audio version, on request.

6.5 Health

The Policy 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.

6.6 Climate Change

None

7 Appendices

Appendix 1: Revised Street Trading Policy

Appendix 2: Summary of changes made to the Policy prior to consultation

8 Previous Consideration

Review of Street Trading Policy - Council - 18 October 2017.

9 Background Papers

None

Contact Officer: David Prosser-Davies

Telephone Number: 01543 464 202

Ward Interest: All

Report Track: Council: 04/12/24



Cannock Chase District Council

Street Trading Policy

Revised January 2025

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AMENDMENT RECORD

Amendment No.	Date of Amendment	Revision made
1	October 2021	Minor changes in order to ensure that the policy remains relevant and up to date.
2	January 2025	Revision of the Policy in order that it reflect good practice, ensures compliance with legislation and remains relevant and up to date.

APPENDIX 1**1. Introduction and scope of the policy**

- 1.1 This Policy will be applied to all street trading activities within the Cannock Chase District Council area. This includes town centre traders and those who trade on industrial estates and business parks as well as ice cream vans and those traders who travel the district selling goods (including ice cream, sandwiches and coffee etc.).
- 1.2 The Policy is intended to assist in the consistency of decision making and enforcement. The aim is to ensure that the Council acts consistently in their dealing with street trading and that traders operate within the law and act fairly in their dealings with the public.
- 1.3 Each street trading application will be considered on its own merits so that individual circumstances may be considered and exception may be made where appropriate.
- 1.4 The Policy is intended to be read in conjunction with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.5 With the exceptions outlined in Section 6 of this policy, the whole of the Cannock Chase District Council area and every street within it is designated as a Consent Street. The scope of the Policy includes private land to which the public have access without payment. It is intended that no street trading may take place within the Cannock Chase area without obtaining the appropriate Street Trading Consent. The Council does not issue Street Trading Licences.
- 1.6 Street traders selling foodstuffs (including burgers, breakfasts, sandwiches, ice cream and coffee etc.) must hold a food hygiene rating of at least 5 for their business before any street trading consent can be issued.
- 1.7 There are several exemptions to this street trading policy as well as some activities which are out of scope. Details can be found in Section 6 of this Policy.
- 1.8 Those who street trade within the Cannock Chase District without appropriate Consent will be dealt with having regard to the Environmental Health Service Enforcement Policy which is available at: <http://www.cannockchasedc.gov.uk/residents/environmental-health/environmental-health-enforcement-policy>
- 1.9 For the avoidance of doubt, no living thing shall be sold on any street. Nor shall any second hand electrical goods, counterfeit goods, DVD's or similar merchandise be sold on any street. Only those items specifically permitted by the Street Trading Consent may be sold by the consent holder.
- 1.10 Utility providers and those who are simply promoting goods, services or events where no sales of goods takes place, will not require street trading permission from the Council.

APPENDIX 1

2. Consultation on submitted applications

2.1 Before a Street Trading application or renewal application can be granted, the Council will consult with appropriate organisations and agencies. In particular, the following organisations or agencies may be consulted:

- Staffordshire Police
- Staffordshire Fire & Rescue Service
- Staffordshire County Council Development Services Directorate (Highways)
- Staffordshire County Council Trading Standards
- CCDC Food & Safety Team
- CCDC Environmental Protection Team
- CCDC Planning Department
- CCDC Property Services Department
- Any appropriate Parish or Town Council
- Chamber of Commerce
- Other Local Authorities

2.2 The above list is not exhaustive and others may be consulted as appropriate. Written observations will be sought within a **7 working day period** and responses will be taken into consideration when determining an application. In some cases, where applications are made for street trading upon highways such as main roads etc., it may be necessary to extend the consultation period to **14 working days**.

3. Exchange of information and data protection

3.1 When an individual or an organisation provides information to the Council, it is held in accordance with the General Data Protection Regulations 1998. Data provided to the Council is used for processing applications, recording consent holders permissions and for regulatory and enforcement purposes.

3.2 The Council may share data with other departments and partners of the Council and other agencies where required by the licensing/registration procedure, and for regulation /enforcement but data will not otherwise be passed on to any other party. The Council's Fair Processing Notices can be found at Annex 2 of this Policy and here: <https://www.cannockchasedc.gov.uk/council/about-us/data-protection/data-protection-privacy-notices>

3.3 The Council is required to disclose certain information under the Freedom of Information Act and some information may also be held on a publicly available register or posted onto the Council website however, personal data will be protected unless it is also official business data (e.g. a trader whose registered business address is also his home).

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- 3.4 The Council has a duty to protect the public funds it administers and to this end, may use the information provided for the prevention and detection of fraud. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.
- 3.5 The Council holds and uses data in accordance with the General Data Protection Regulations 1998. Stakeholders should be aware that information provided to the Council may be used and shared with other departments and agencies in order to assist in the prevention and detection of crime and to protect public funds.

4. Equality and diversity

- 4.1 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
- 4.2 A link to the Council's Equalities and Diversities Policy can be found here:
<https://www.cannockchasedc.gov.uk/council/about-us/equality-diversity-and-inclusion>

5. Definitions of terms used in these guidelines

- 5.1 Within the terms of the Cannock Chase District Council's Street Trading Consent Scheme, the following definitions apply:

The Council:	Cannock Chase District Council
Street Trading:	The selling or exposing or offering for sale of any article (including a living thing) in any street.
Street:	Includes: <ul style="list-style-type: none"> (a) any road, footway, or other area to which the public have access without payment; (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street:	Means a street in which street trading is prohibited without the consent of the Council.
Consent:	Consent to trade on a street granted by the Council, pursuant to Paragraph 7, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder:	The person or company who having made appropriate application and to whom the Consent to trade has been granted by the Council.

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Authorised Officer:	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Recognised organisations:	Means district, town and parish councils as well trade associations and organisers of established events held on Council owned parks and land.

6. Exclusions from the policy

- 6.1 This Policy does not apply to those trading with the benefit of a Pedlars Certificate granted under the Pedlars Act 1871 & 1881; nor does it apply to roundsmen or mobile canteens which are dedicated to a work site to which the public have no access.
- 6.2 This policy is not intended for those who are simply promoting services or events within the Cannock Chase area. Further, it will not apply to specific areas of private land known as the Cannock Shopping Centre in Market Hall Street, Cannock and the McArthur Glen West Midlands Designer Outlet in Cannock. The Policy will not apply to land and parks owned by Cannock Chase Council.
- 6.3 Street trading consents issued to ice cream vans and similar traders will allow operators to trade throughout the Cannock Chase District. This will include any private land where consent holders are invited to trade at organised events etc. No additional charge will be made. The Consent will not however, permit operators to trade within Council owned land or parks.
- 6.4 Council owned parks and open spaces may be subject to a separate franchise agreement with the Parks and Open Spaces Department. Any persistent non-compliance with this policy requirement may result in the revocation or non-renewal of a street trading consent.
- 6.5 Street markets will always require street trading consent from the Council's Licensing Unit. This will include any street market which is part of a larger fete, festival or carnival etc which are managed by a recognised or non-recognised organisations.
- 6.6 Where there is no street market at events controlled by recognised organisations, individual food traders will not normally require street trading consent.
- 6.7 Registered food traders e.g. fast food catering units such as ice cream vans etc trading as individuals at any event organised by a non-recognised organisation, (see Paragraph 5.1) will require street trading consent.
- 6.8 Event organisers must notify the Licensing Unit 3 months in advance of any proposed event so as to ensure referral to the Council Safety Advisory Group (SAG) where appropriate.

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- 6.9 Where organised events are intended to take place within Council owned parks, permission must be sought from the Council's Parks and Open Spaces Department. Where the organised event is intended to take place on other Council owned land, permission must be sought from the Council's Property Services Department. Permission must be obtained before the event takes place. Both can be contacted on 01543 462621.
- 6.10 Individual traders who wish to trade upon Council owned parks or land will also need to seek similar permission from either the Council's Parks and Open Spaces Department or the Council's Property Services Departments.
- 6.11 Organisers must ensure that their events are notified to the Staffordshire Police Force Events and Operations. They are contactable at: events@staffordshire.police.uk

7. Procedure for determining street trading consent applications

- 7.1 The application approval procedure stages are set out at Annex 1 of this Policy.
- 7.2 Applicants who are considering street trading for the longer term, may wish to consider becoming a market trader at one of the Council's markets. More information can be obtained from the Council's Property Services Department.
PropertyServices@cannockchasedc.gov.uk

8. Submission of the application

- 8.1 An application for a Street Trading Consent must be made in writing to the Council. The Application form is available online at:
<http://www.cannockchasedc.gov.uk/business/licensing-permits/application-forms-licensing>
- 8.2 When making application for street trading consent, the following documents and information will be required:
 - (a) A completed and signed application form.
 - (b) The appropriate fee as for the period of trading applied (see Section 9 of this Policy.) Please note that cash payments cannot be accepted.
 - (c) An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks with a minimum cover of £5,000,000 (Five million pounds).
 - (d) A recent passport size photograph of the applicant.
 - (e) A recent Basic Disclosure from the Disclosure and Barring Service (DBS). This is to ensure that the Council properly exercises its duty under s17 of the Crime and Disorder Act 1998 and to ensure applicants' propriety in respect of unspent convictions for matters such as theft or fraud. The Certificate must be issued by DBS within a reasonable period of the initial

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application (3 to 6 months) being made to the Council and will need to be renewed from time to time.

- (f) For traders applying to trade on private land, a letter from the land owner giving their permission for the applicant to trade on their land.

Where the Council considers it appropriate, the following must also be provided:

- (g) Where the proposed street activity is from a fixed position outside any of the three town centres (Cannock, Hednesford or Rugeley), a copy of a map of at least 1:1250 scale is required. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- (h) Details of the local authority with which the applicant has registered their food business and the date of the last food hygiene inspection and the food hygiene rating.
- (i) A photograph of the pitch/stall/vehicle etc.
- (j) A completed risk assessment where a large or complex street trading event is proposed. The risk assessment must be completed by a competent person.
- (k) Evidence that the applicant is entitled to reside and work within the UK
- (l) Certificate of Inspection for LPG and gas appliances.
- (m) If a portable generator is to be used, it must be a silent generator. Details of the make and model should be provided on the application form.

8.3 A new applicant for an initial Street Trading Consent should give a minimum of 15 working days' notice of the application. This will allow for a proper consultation period to be undertaken.

8.4 Applicants should have a reasonable command of the English language and be aware that false statements or misrepresentation may result in the refusal of the application or revocation of the Street Trading Consent.

8.5 Where appropriate, shorter term consents may also be issued on either a daily, weekly or monthly basis. Where new applicants intend to trade in non-established goods or within an area new to them, they will be encouraged by the Council to apply for the minimum duration and thereafter on a basis that meets the requirements.

8.6 Short term consents will be encouraged by the Council, particularly where new applicants intend to trade in non-established goods or within an area which is new to them.

8.7 Support for new businesses or for business growth may be available from the Council's Planning and Economic Development Department at: EconDev@cannockchasedc.gov.uk

8.8 Consents will expire on the date specified and care should be taken to ensure that applications for renewal are submitted in sufficient time for a proper consultation to take

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place and a new Consent to be issued. The Street trading fee structure reflects the possibility of consents being granted for a trial period.

- 8.9 Renewals will normally take 5 working days unless the consent holder has been the subject of complaint to the Council, in which case a further consultation with appropriate agencies may be required and the time for processing the application may be extended.

9. Fee structure

- 9.1 The Council will employ a three tiered fee structure in the administration of its Street Trading Policy. Please note that cash payments cannot be accepted.

Tier 1

Encompasses all those who are street trading within the District as a whole or those on private land to which the public have access without payment. The fee payable to trade within this environment is a one off fee per annum. This includes those who trade on industrial estates, ice cream vans and others who travel within the Cannock Chase District selling goods (including foodstuffs) and are not defined as rounds men.

Tier 2

Includes all those who street trade on highways land such as main roads, side roads and laybys. The fee payable to trade within this environment is payable on a daily basis.

Tier 3

Is available for those who wish to street trade within the town centres. The fee to trade within this environment is payable on a daily basis.

- 9.2 All street trading fees are reviewed on an annual basis and are published on the Council's website: <https://www.cannockchasedc.gov.uk/search/node?keys=fees+and+charges>
- 9.3 Registered charities and non-profit making organisations who wish to street trade, may be exempt from paying a fee. A written request for a fee exemption must be provided to the Licensing Unit on the Charity's letter headed paper which must be signed by a responsible person such as a Director or Trustee of the Charity.

10. Site assessment

- 10.1 Street Trading Consents from static locations will **not** normally be granted where there is one or more of the following:
- A valid objection;
 - A significant detrimental effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
 - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity is proposed to be sited;

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- There would be a loss of amenity caused by traffic, noise, litter, rubbish, vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes;
- There is a conflict with a Traffic Order such as waiting restrictions;
- The proposed site/pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The proposed trading site/pitch would obstruct the safe passage of users of the footway or carriageway;
- The site/pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The proposed site/pitch does not allow the Consent Holder, staff or customers to park in a safe manner;
- The street trading activity is proposed to be carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

11. Inspection of the street trading unit

- 11.1 The vehicle, van, trailer, stall or other unit to be used for the proposed street trading activity may need be inspected by an authorised officer of the Council prior to the issue of any street trading consent. This will particularly be the case where officers from the Food Safety Team need to inspect trailers etc. from which it is proposed to sell food items.
- 11.2 The vehicle, van, trailer, stall or other unit used for the street trading activity shall comply in all respects with the legal requirements relating to the type of street trading activity proposed. Where issued, the street trading consent holder or food business operator must clearly display their food hygiene rating sticker upon the consented mobile unit.
- 11.3 Any vehicle, van, trailer, stall or other unit to be used shall comply with the following legislation and any other regulations made thereunder or relating to or modification or re-enactment:
- Food Safety Act 1990
 - General Food Regulations 2004
 - Food Safety & Hygiene (England) Regulations 2013
 - Regulation (EC) No.852/2004.
 - Health and Safety at Work etc. Act 1974
 - Environmental Protection Act 1990.
 - Licensing Act 2003
 - Health Act 2006

12. Determination of the application

- 12.1 Council officers, using delegated powers, will use the criteria listed below to determine any street trading application. The criteria will assist in the determination of what is in the best interests of the Council when making a decision but is not exhaustive in this respect.

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12.2 Any objections received will be considered against these criteria. All of the said criteria should normally be satisfied with appropriate weight applied to the criteria listed. Each case will be assessed on its own merits.

- a) **Public Safety:** The location of the proposed street trading activity shall not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to customers availing themselves of any street trading activity, as well as other members of the public using the street. In particular, reference will be made to the guidelines set out in Section 10 on site assessment criteria.
- b) **Public Order:** The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations and comments from Staffordshire Police will be taken into consideration.
- c) **Avoidance of Nuisance:** The street trading activity must only take place in the area designated by the Licensing Unit. This will normally be by means of a plan provided with the street trading consent.

Trading must not cause unnecessary obstruction and must not present a significant risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council licensing officers, other enforcement officers and the Police shall be taken into consideration.

Traders should be aware that the Health Act 2006 prohibits smoking within substantially enclosed premises. Where a vehicle, van, trailer, stall or other unit used for street trading is not substantially enclosed, the Council strongly discourages smoking within them. This will help avoid unnecessary complaints.

- d) **Visual Amenity:** The Council expects a high standard of presentation and appearance from its street traders. Tables or stalls used for street trading shall not normally be more than 4 metres in length and 1 metre in width. The size of specialist or bespoke stalls will be considered on their own merit.

The stall shall be covered with an appropriate clean and non-patterned sheet or other covering in order to ensure they are not cause for complaint to the Council because of the poor visual amenity they afford.

No items shall be placed on the floor or within half a metre of it. Bread trays/baskets or similar containers must not be used to provide storage, shelving, support or display for goods. Any items placed next to the stall or table must be immediately adjacent to it.

- e) **Needs of the Area:** The sufficiency of other trading outlets will be taken into consideration in relation to:

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- The presence of like outlets (mobile or otherwise) already existing in the immediate locality of the proposed street trading site. This is normally a distance of 50 metres within town centres but may be much further in other areas such as on roadsides or industrial estates.
- The general needs of a locality, where no comparable outlets exist.

Under normal circumstances, no two street traders selling the same goods will be permitted to trade in the same location on the same day. Where problems arise, applicants may have to demonstrate to the Council the need for the proposed street trading activity in relation to the 2 bullet points above.

There is limited space available for street trading within the district town centres. The trading spaces vary in size, shape and suitability for a variety of different types of stalls etc. Therefore, it might be necessary to refuse an application because an appropriately sized trading pitch is not available. For this reason, it is important that all consent holders trade in the position allocated to them.

Consent holders may be asked to move their trading position from time to time if it is considered necessary to do so by the Council. On occasions, this may be with immediate effect. Traders are also encouraged to work with other traders when setting up should there be an event taking place or an unusual vehicle, van, trailer, stall or unit, for example, where a children's fairground ride is present in the town centre.

- f) **Compliance with legal requirements:** The proposed street trading activity should only be carried out from a trading unit which complies with the relevant legislation set out in Section 11 of this Street Trading Policy.
- g) **Consultee Observations:** In relation to points (a) – (e) above, consideration will also be given to written observation from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.
- h) **Permitted Trading Hours:** The Council will generally only permit street trading between 0700 hours and 1700 hours on any day. The Council, however, retains the right to specify permitted hours of trading that are less than those given above if local circumstances dictate. The individual needs of the applicant will be considered on every occasion and in particular where evening events such as turning on the Christmas lights are taking place within the town centres.

Where appropriate, the Licensing Unit will consider applications by individuals for street trading during the evening time. Any proposed street trading must be within a town centre and be connected to an open licensed premises outside of which the street trading must take place. This necessary connection to a licensed premises is

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intended to help prevent public nuisance and ensure the safety and security of the trader as well as the patrons and the public.

Street trading late at night will be assessed in terms of the criteria detailed above as well as the requirements of the Licensing Act 2003 in relation to late night refreshment between the hours of 23.00 hours and 05.00 hours.

- i) **Market days:** Street Markets will take priority over street trading consent holders.

Cannock: A large street market visits Cannock town centre every Tuesday and Friday and no individual street traders are permitted to trade in Cannock town centre on those days except for a very small number of already established food traders.

Any trader who wishes to enquire about trading in Cannock on a Tuesday or Friday should contact the market provider Bescot Promotions Ltd, either by telephone on 07875 655875 or by email at info@bescotpromotions.co.uk

Rugeley: A street market visits Rugeley town centre every Thursday and one Saturday of every month. No individual street traders are permitted to trade in Rugeley town centre on those days.

Should other independent street market providers wish to visit any of the town centres, care will be taken to ensure that both street traders and market traders can be accommodated wherever possible.

13. Approval of applications

- 13.1 Council officers, using their delegated powers may approve or refuse applications using the criteria contained within these guidelines.
- 13.2 On approving an application, the Council will issue a Street Trading Consent to which conditions will be attached. The consent will also contain specific terms such as days, hours and place that street trading is permitted as well as the goods that may be sold.
- 13.3 Care must be taken by the applicant when listing the goods which are to be sold. **No goods may be sold or displayed which are not specified on the Street Trading Consent.**
- 13.4 Changes to the consented goods may require a new application to be made and further consultation to be sought. Minor amendments such as the addition of related items to the Consent may be made however, the current administration fee will be charged.
- 13.5 Standard conditions are attached to all street trading consents however, additional conditions may be attached where it is appropriate to do so.

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- 13.6 The conditions attached to the Consent or printed upon the back of it, form part of the Council approval. The conditions must be complied with at all times. Failure to do so could lead to the Street Trading Consent being either revoked, or not renewed.
- 13.7 Consent holders are encouraged to take time to familiarise themselves with the conditions attached to their Street Trading Consent.

14. Issue of street trading consents

- 14.1 Street trading consents for any particular pitches in town centres and industrial estates/business parks will be issued for a maximum period of 12 months. Consents may be issued on an annual basis and invoiced on a quarterly basis. In some circumstances they may also be paid for in monthly or bi-monthly instalments.
- 14.2 A Street Trading Consent will normally be issued for a minimum of four days during a one month period. Non-payment of fees or instalments will lead to the Consent being revoked.
- 14.3 Where the Consent has expired and an application has not been submitted for renewal at least 5 days earlier, a new application will have to be made. In such cases, the applicant may be required to go through the full consultation process outlined in this Policy.
- 14.4 Normally, street trading consents will be posted to the applicant. By agreement in other cases, the Consent can be collected from the Civic Centre on the morning of the day of trading.
- 14.5 Street trading consents may be revoked without notice if it is considered in the best interests of the Council to do so.

15. Refusal of applications for street trading consent

- 15.1 If the application for a Street Trading Consent is refused, the applicant will be notified in writing of the decision and the reason for the refusal within 7 working days.
- 15.2 The Local Government (Miscellaneous Provisions) Act 1982 does not facilitate any legal appeal against the decision of the Council in relation to the refusal of a Street Trading Consent. Any decision to refuse an application will involve consideration of what is in the best interests of the Council. Council officers will use this policy as well as the criteria given in Section 12 in determining what is in the best interests of the Council. Any person aggrieved by a decision of the Council may seek a Judicial Review of the decision.

16. Decision not to renew or to revoke a street trading consent.

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- 16.1 Complaints which relate to nuisance, obstruction or non-compliance with legislation or Council policy will be taken into account when considering renewal or revocation of a street trading consent.
- 16.2 If Council officers determine not to renew or to revoke an existing Street Trading Consent, the applicant/consent holder will be notified in writing of the decision within 7 working days giving reasons for not renewing or revoking the Consent.
- 16.3 The Local Government (Miscellaneous Provisions) Act 1982 does not facilitate any legal appeal against the Council in relation to a decision not to renew or to revoke a Street Trading Consent. However, any person aggrieved by a decision of the Council may seek a Judicial Review of the decision.

17. General information on street trading consents

- 17.1 **Reimbursement of Fee:** Fees will not normally be reimbursed to consent holders because they are unable to trade on a given day. Fees may be reimbursed where traders cease to trade and surrender their Consent to the Council. Any reimbursement will be from the date the Consent is surrendered to the Council. A small administration fee may be deducted from the final settlement. Refund of any fee paid to the Council in connection with the granting of a Street Trading Consent will be based on the number of trading days remaining, divided by the daily fee paid, less an administration fee.
- 17.2 **Alcohol:** The sale of alcohol will not normally be permitted by Street Trading Consent. Occasional permission may be sought however, under the authority of a Temporary Event Notice (TEN) in respect of the sale or supply of alcohol as part of community events. The TEN should be served by the individual street trader or stall holder rather than the market organiser and forms are available from the Gov.uk website.
- 17.3 **Persons under the age of 17 years:** In accordance with the Local Government (Miscellaneous Provisions) Act 1982, the Council is unable to grant a Street Trading Consent to any person under the age of 17 years.
- 17.4 **Access/inspection by Council and Police Officers:** Consent holders must allow access to authorised officers of the Council and police officers at all reasonable times for the purposes of assessing and ensuring compliance with the Street Trading Consent.
- 17.5 **Street Trading Consents:** The conditions attached to all street trading consents stipulate that a Consent Holder shall not transfer, assign, sub-let or part with his interest or possession of a Street Trading Consent. The Consent Holder will normally be expected to be in attendance at his/her vehicle, van, trailer, stall, unit or other device used for street trading at all times when the Consent is valid. Consents are non-transferable and no sub-letting is permitted.
- 17.6 **Variation of conditions:** The Council may at any time vary the conditions of a Street Trading Consent if it is considered necessary.

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- 17.7 **Complaints:** Consent holders are expected to conduct themselves in a clean, honest and business-like manner. Any complaint made by any person to the Consent Holder about their business must be referred to the Council's Licensing Unit as soon as possible after it is made.
- 17.8 **Display of Permits:** The Street Trading Consent which details the permit holders name **MUST** be clearly displayed on the vehicle, van, trailer, stall or other device used for street trading. Failure to comply may result in consents being revoked or not renewed. The address of the consent holder, along with a photograph of themselves will be printed on the rear of the Consent issued and must be made available for inspection by the police or other authorised officers upon requested.
- 17.9 **Litter and Waste Disposal:** Provision must be made for the proper disposal of waste. There shall be no discharge to drains and no unauthorised depositing of either solid or liquid matter. Street traders should actively prevent windblown or other litter occurring and must not use public litter bins to dispose of their waste.
- 17.10 **Vehicles:** are only permitted to stay within the town centre if they form part of the Street Trading Consent. Traders should be aware that some town centres are pedestrianised and that vehicle movement must therefore be kept to an absolute minimum. Every effort should be made to enter and leave the town centres before and after the area becomes busy and generally, vehicle movements for the unloading and loading of goods should not take place between the hours of 09.00hrs and 16.30hrs.
- 17.11 It must be noted that the Street Trading Consent does not override existing Traffic Regulation Orders and all vehicles must be parked safely and not upon double yellow lines etc. If the vehicle does not form part of the Street Trading Consent then it must be legally parked elsewhere.
- 17.12 If the vehicle itself is licensed, for example as an Ice Cream Van, then the Council may wish to ensure that the vehicle is taxed and has an appropriate MOT.
- 17.13 **Highways:** It is not permitted under any circumstances to damage the highway, for example, by hammering into it to provide securing points. Further, it is not permitted to secure notices or advertising boards to street furniture or highway infrastructure by means of chains etc.
- 17.14 **Planning:** All applicants are encouraged to seek advice from the Planning Department on the proposed location of their Pitch. Street trading consent does not override the need for planning permission. More information at: DevelopmentControl@cannockchasedc.gov.uk

18. Enforcement principles

- 18.1 The Council will endeavour to avoid duplication with other regulatory regimes and will work closely with other agencies. The aim is to promote the policy objectives by targeting known high risk premises following Government guidance around better regulation.

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18.2 In carrying out its enforcement duties relating to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will have regard to the Regulators Code and our aim will 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.

18.3 The Council will adopt a risk-based inspection programme in line with Government recommendations around better regulation and the principles of the Regulators Code which can be found here: <https://www.gov.uk/government/publications/regulators-code>

18.4 This Policy will be applied to all street trading activities within the Cannock Chase District Council area. It is intended to assist in the consistency of decision making and enforcement. The aim is to ensure that the Council acts consistently in their dealing with street trading and that traders operate within the law and act fairly in their dealings with the public. Our contact details are given below:

Licensing Unit, Civic Centre, Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG
Phone: 01543 462621 Email: licensingunit@cannockchasedc.gov.uk

19. Complaints against the service

19.1 The Council has a Corporate Complaints Procedure copies of which are available from the Council Offices or on the Council's website www.cannockchasedc.gov.uk.

NOTES FOR APPLICANTS

The Council will normally attach Standard Conditions to a street trading consent.

APPENDIX 1**Fees and Charging Structure**

The 3 tier fee structure is outlined within Section 9 of the Policy. The fees are reviewed in April each year. Applications must be accompanied by the full fee. Consent will not be issued for longer than 12 calendar months.

Exemptions from consent street charging fees

Street trading consents issued to registered charities and non-profit making organisations may be exempt from the consent street trading charges (see Section 9 relating to fee structure).

Safe Use of Liquefied Petroleum Gas (LPG) in mobile catering units

Industry guidance notes are available on the safe use of LPG and applicants will be expected to comply with the advice contained therein. Applicants must have a recent Certificate of Inspection for LPG and gas appliances.

Electricity

Mains electricity is not readily available within the town centres. Special requests for use of this facility at a daily rate must be made to the Council at the time of application. Only quiet running generators may be used to provide power.

Noise

The operators of ice cream vans must comply with the Code of Practice on Noise from Ice Cream Van Chimes etc. 2013. Sound amplification will not be permitted unless in relation to matters specified in the Control of Pollution Act 1974 and in compliance with Codes of Practice. Further advice may be sought via the Council's Licensing Unit.

Enforcement Policy – Refusal or Revocation

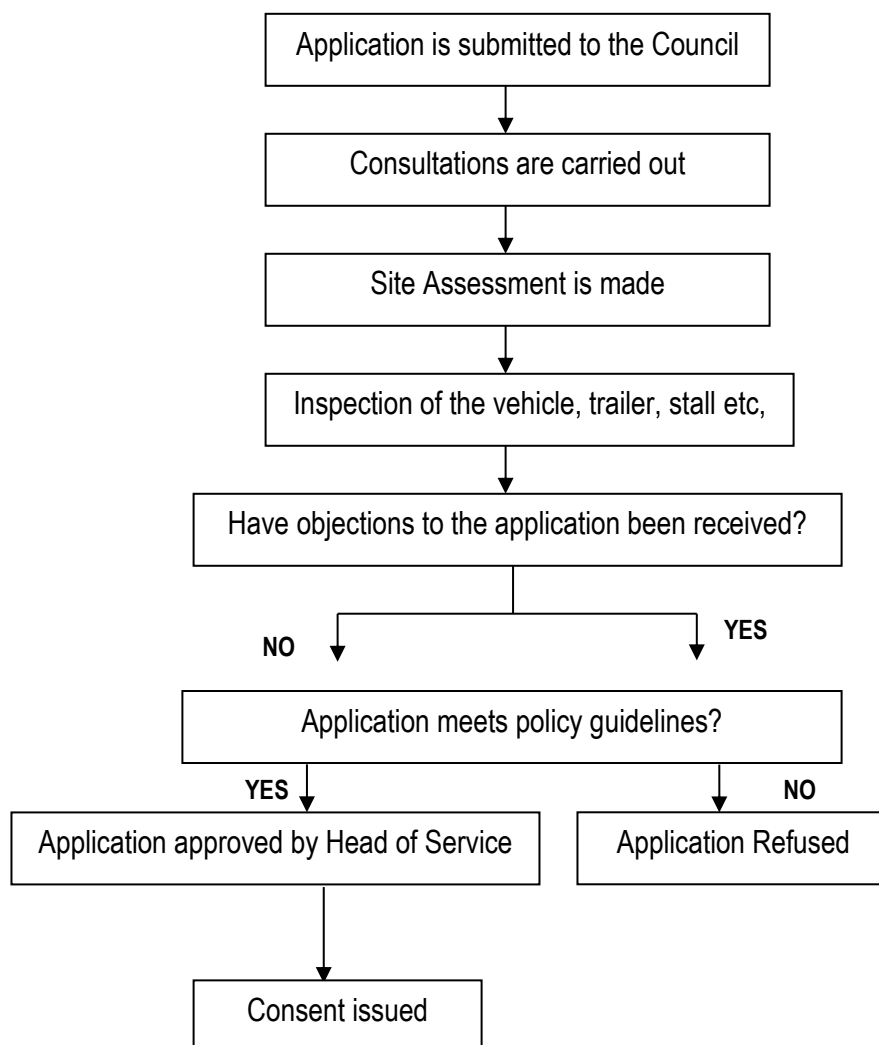
The following grounds will be considered for refusing an application or revoking a Consent:-

1. It is in the best interest of the Council to do so.
2. That the applicant/consent holder has, without reasonable excuse, failed to avail themselves of a previous or current street trading consent.
3. That there is not enough space in the street for the applicant/consent holder to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons using the street. This is a relevant consideration even if the circumstances have arisen since the granting of a consent.
4. That the applicant/consent holder has failed to comply with the conditions of the consent or any statutory requirement relevant to street trading (e.g. hygiene or safety requirements).
5. That the applicant/consent holder is unsuitable to hold a Consent by reason of having been convicted of a relevant offence.
6. That the consent holder's vehicle, van, trailer, stall or other device has been the focus for incidents involving public disorder or nuisance.

ANNEX 1

APPENDIX 1**PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS**

The application and approval procedure comprises of the following stages:

**FAIR PROCESSING NOTICE****ANNEX 2**

APPENDIX 1**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 Licences. 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 a licence or other authorisation with this authority.

If you are a hackney carriage/private hire driver, we may also use your data to enable the maintenance of a national revocations and refusals register (NR3) to strengthen hackney carriage / private hire vehicle licensing for the benefit and safety of passengers and drivers. The introduction of this NR3 register will help other licensing authorities to make decisions on whether or not you are a fit and proper person to hold a licence with that authority. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority.

The recipients or categories of recipients of the personal data in the case of the NR3 National Register of Refusals or Revocations will be the National Anti-Fraud Network and Licensing Authorities

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
- The Local Government (Miscellaneous Provisions) Act 1976 & 1982
- The Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- 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. In the case of your personal data which is held on the NR3 data base the retention period will be 25 years

Data protection law provides you with certain rights, however not all of these rights will be

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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. www.cannockchasedc.gov.uk

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at www.ico.org.uk

You can also find details of how we handle your personal information by visiting www.cannockchasedc.gov.uk/DataProtection



CHANGES TO CANNOCK CHASE DISTRICT COUNCIL'S STREET TRADING POLICY 2024

PAGE / PARAGRAPH / SECTION	AMENDMENTS TO EXISTING POLICY	REASON
Page 1.	Update of policy Amendment Record to highlight the changes made. All paragraphs are now numbered.	For information and clarification.
Page 2. Paragraph 1.5	Reference to an additional policy exemption in Section 6 and confirmation that the Council does not issue street trading licences.	For information and clarification purposes.
Page 2. Paragraph 1.6	The Council now requires street traders who sell food to have a food hygiene rating of 5.	To ensure high standards of food hygiene.
Page 3. Section 3.1 & 3.5	Change wording from Data Protection Act 1998 to General Data Protection Regulations 1998	To reflect changes to current legislation.
Page 3. Paragraph 3.2	Addition of a weblink to the Fair Processing Notice	For information and compliance with legislation
Page 3. Paragraph 3.3	Changes to the wording in connection with the use of information/data provided to and by the Council	To ensure the policy remains relevant and to reflect current legislation.
Page 5. Paragraph 5.1	Change to the definition of "recognised organisation"	To ensure the policy remains relevant.
Page 5. Paragraph 6.2	Confirmation that the McArthur Glen Designer Outlet is exempted from the Council policy	For the avoidance of doubt and to ensure the policy remains relevant.

Appendix 2

PAGE / PARAGRAPH / SECTION	AMENDMENTS TO EXISTING POLICY	REASON
Page 5. Paragraph 6.3	Removal of the requirement to notify the Council where a consent holder attends an organised event.	In order to ensure the policy remains relevant and enforceable.
Page 5. Paragraphs 6.5	Confirmation that street markets will always require street trading consent. This includes markets which are part of a larger events managed by recognised organisations.	For clarification and the avoidance of doubt as well as ensuring compliance with legislation.
Page 5. Paragraph 6.6	Confirmation that where there is no street market at an event controlled by a recognised organisation, individual food traders will not normally require street trading consent	For clarification and the avoidance of doubt.
Page 5. Paragraph 6.7	Confirmation that food traders at events managed by non-recognised organisations will normally require a street trading consent.	To reflect good practice and make stakeholders aware of Council expectations.
Page 6. Paragraph 6.12	Change to the Staffordshire Police contact details for use by event organisers	To ensure the policy remains relevant.
Page 7. 8.2 (e)	Change to requirement for applicants to provide disclosure from the Disclosure & Barring Service	To reflect legislative changes and ensure the policy remains relevant.
Page 12. Paragraph (h)	Additional information on street trading during the evening in association with a licensed premises.	To ensure the policy remains relevant and enforceable.
Page 12. Paragraph (i)	Additional and updated information on street markets in Cannock & Rugeley	To ensure the policy remains relevant.
Page 13. Section 14	Removal of reference to payment by cheque.	To ensure the policy remains relevant.
Page 14. Paragraph 17.2	Clarification of the requirement to serve a Temporary Event Notice and who should serve the TEN	For clarification, the avoidance of doubt and compliance with legislation.

PAGE / PARAGRAPH / SECTION	AMENDMENTS TO EXISTING POLICY	REASON
Page 14. Paragraph 16.1	Confirmation that complaints of nuisance, obstruction and non-compliance will be consider upon application for renewal or revocation of a street trading consent.	For the avoidance of doubt and to ensure the policy remains enforceable.
Page 17.	Change to the provision and use of the electricity supply within the town centres	For clarification and the avoidance of doubt.
Page 19.	Addition of the Fair Processing Notice as Annex 2 to the policy.	For information and compliance with legislation

Consultation: Autumn 2024

Pavement Licensing

Committee:	Council
Date of Meeting:	4 December 2024
Report of:	Head of Regulatory Services
Portfolio:	Environment & Climate Change

1 Purpose of Report

- 1.1 Council is asked to note that on the 31 March 2024, The Levelling Up and Regeneration Act 2023 (LURA) made permanent the provisions for Pavement Licences originally set out in Business and Planning Act 2020 (BPA).
- 1.2 To note the changes to legislation and the latest Government guidance in respect of the pavement licensing regime.
- 1.3 To approve a fee chargeable for new and renewal applications and to delegate decision making to the appropriate officers.

2 Recommendations

Council is asked to:

- 2.1 Note the Government's introduction of permanent legislation and revised guidance to support local businesses in relation to the granting of Pavement Licences, enabling those businesses selling food or drink to better utilise outside space for seating/serving areas.
- 2.2 Approve the revised guidance at Appendix 1 in respect of Pavement Licensing and delegate to the Head of Regulatory Services authority to make any amendments or additions.
- 2.3 Approve fees of £200 for both new applications and renewals under the regime.
- 2.4 Delegate authority to grant and / or revoke licences, refuse applications, attach conditions, and serve relevant notices to the Head of Regulatory Services.

Reasons for Recommendations

- 2.5 As the provisions in the BPA have now been made permanent by the LURA, the Council needs a mechanism for determining pavement licence applications and for ensuring businesses are supported in this process. The above recommendations set out the measures necessary to support the Council's adoption and implementation of a new pavement licensing regime.
- 2.6 This is a non-executive matter and it is therefore recommended that this function be delegated to the Head of Regulatory Services, due to the service's experience and expertise in dealing with licensing matters and the need for decisions to be made within a strict timescale to avoid deemed approvals being granted.

3 Key Issues

- 3.1 The pavement licensing process is more streamlined and is intended to be cheaper, quicker, and less onerous than the existing pavement café licensing scheme under Part 7A of the Highways Act 1980. The updated legislation expressly requires applicants to apply under the LURA if they can meet the criteria.
- 3.2 The permanent regime is intended to help businesses maximise capacity and revenue by utilising outside space safely and provide support to hospitality businesses during the current challenging economic period. The application is simple, expedient and value for money, and is intended to remove unnecessary obstacles in the application process.
- 3.3 The new regime will be controlled by an application process and subject to officer approval and compliance checks, for which a fee is payable, based on full cost recovery.

4 Relationship to Corporate Priorities

- 4.1 The licensing process contributes to the Council's priorities of Economic Prosperity and The Community.

The permanent regime is intended to help businesses maximise capacity and revenue by utilising outside space safely and to provide support to hospitality businesses. The application is simple, expedient and intended to remove unnecessary obstacles in the application process.

Greater consideration will be given to street furniture that is in keeping with the local environment. Regulated outdoor spaces will ensure safety for those with mobility issues or physical or sensory disabilities and ensure the outdoor environment is clean, safe and welcoming for both residents and visitors to the District.

5 Report Detail

- 5.1 On 31 March 2024, The Levelling Up and Regeneration Act 2023 (LURA) made permanent the provisions set out in the Business and Planning Act 2020 (BPA) for pavement licences.
- 5.2 The BPA introduced a temporary pavement licensing regime, designed to support businesses to operate safely while social distancing measures remained in place during reopening following the COVID-19 pandemic. The original legislation was introduced in July 2020 with a view to granting licences with a maximum expiry date of 30 September 2021. The then government introduced three subsequent provisions extending this legislation for a further 12 months each time, meaning that current licences are valid until 30 September 2024.
- 5.3 This now permanent regime retains the key features of the 2020 process, but also incorporates some changes to ensure the long-term sustainability of the model.
- 5.4 The purpose is to provide an easier and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway.

This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

- 5.5 Businesses eligible for licences are those which use (or propose to use) premises for the sale of food or drink for consumption (on or off the premises). This includes public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.
- 5.6 A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.
- 5.7 Licences, once issued, will be valid for two years, after which a renewal is required. The Council's licensing section has determined, based on full cost recovery, that a fee of £200 will be applied to both new and renewal applications.
- 5.8 At a meeting of the Council's Licensing & Public Protection Committee (L&PPC) held on 29 August 2024, Members of the Committee were asked to note the permanent provisions for pavement licensing and make comment on the Government guidance and conditions. L&PPC Members made no adverse comments and noted that a report would be taken to full Council in the Autumn of 2024 for approval and adoption.
- 5.9 Guidance materials, including a web page, with links to the application form, a flow chart of the process, terms and conditions and a site notice, have been produced and will be made available once the fee has been approved by full Council.

6 Implications

6.1 Financial

Officers have used experience gained when processing previous applications to estimate the likely time, and therefore costs, involved in processing new licence and renewal applications. Based on full cost recovery, a fee of £200 is proposed, which will be subject to annual review.

6.2 Legal

The statutory provisions relating to pavement licences have now been made permanent by the Levelling Up and Regeneration Act 2023 (LURA). The government has issued statutory guidance to local authorities in relation to pavement licences and the Council can only depart from this guidance where there is reasonable justification for doing so on a case-by-case basis. An example would be if the management of a particular business caused nuisance to neighbours or the wider public. Further legal advice will be given as necessary on individual cases to ensure that the public interest is protected.

6.3 Human Resources

There are no additional human resource requirements. Applications, compliance and enforcement will be managed within existing resources. An online portal has been developed to allow applicants to submit applications online and to complete all questions, upload relevant documents and make payment in a streamlined

manner. This will ensure that employees are processing applications in the most efficient way without the need for constant follow-up queries.

6.4 Risk Management

As stated in the guidance, there are risks that applications are deemed granted if they are not determined within the 28-day period. This will be mitigated by ensuring appropriate resources are allocated to process the numbers of applications received.

6.5 Equalities and Health

The new legislation requires that separate areas are set aside for smoking and that full consideration is given to accessibility requirements when considering applications.

6.6 Climate Change

None

7 Appendices

Appendix 1: Guidance

8 Background Papers

[Levelling-Up and Regeneration Act 2023](#)

[Pavement Licences Guidance - GOV.UK](#)

Contact Officer: David Prosser-Davies

Telephone Number: 01543 464 202

Ward Interest: All

Report Track: Council: 28/11/24



Pavement Licences

Guidance Notes, Application Form and Notice Template

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Appendix 1**1 Introduction**

The Levelling Up and Regeneration Act 2023 (the Act) makes permanent the provisions set out in Business and Planning Act 2020 which streamlined the process to allow businesses to secure pavement licences quickly.

On 31 March 2024, the Government commenced the pavement licensing provisions laid out in the Act. This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes to ensure the long-term sustainability of the model.

The purpose of the Act is to provide an easier and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

Anything that is done by a licence-holder pursuant to a pavement licence does not need a Highways Act permit; it is deemed to have planning permission; and it is not street trading for the purposes of any of the various statutes regulating that activity.

The following guidance should answer all queries and questions on how to apply for a Pavement Licence with Cannock Chase District Council, please carefully read it through and complete the application form at the end of the document.

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2 Permissions

Who operates the pavement licensing regime?

Cannock Chase District Council is responsible for issuing “pavement licences”.

Who can apply?

Any business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence.

Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

3 Licences

Does an applicant need a premises licence under the Licensing Act 2003?

Applicants do not need a premises licence to apply for a pavement licence. All that's needed is to propose to use the premises for a use that includes sales of food or drink for consumption on or off the premises.

What is authorised on the highway?

The placement and use of removable furniture for defined purposes.

The licence authorises the placement of removable furniture on part of a relevant highway adjacent to the premises for either or both of defined purposes which are:

- (a) to sell or serve food or drink supplied from, or in connection with relevant use of the premises and/or
- (b) by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of the premises.

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licences and the need to comply with registration and hygiene requirements for food businesses, health and safety for employees and members of the public, etc.

Where a licence is in force, no offence of obstructing the highway is committed, provided the use of the highway is in accordance with the licence conditions.

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

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If the applicant has a licence to serve alcohol on-premises, temporary amendments to the Licensing Act 2003 contained in the Act will generally allow the sale of alcohol for consumption off the premises without needing to apply for a variation of their licence. This is in place until March 2025.

The grant of a pavement licence will not alter the permitted hours on an associated planning permission and/or a premises licence for the relevant premises. The Act does not say anything about the hours that the furniture can be out on the highway, but a pavement licence holder would not be entitled to serve food and drink using that furniture otherwise than in accordance with what the associated planning permission and / or licence permitting the food and drink already allows.

4 Furniture

What does “furniture” mean?

Furniture is defined as:

- (a) counters or stalls for selling or serving food or drink
- (b) tables, counters or shelves on which food or drink can be placed,
- (c) chairs, benches or other forms of seating, and
- (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;

This is a comprehensive definition – no other types of furniture are permitted. “Counters or stalls for selling or serving food or drink” encompass bars, and the permitted use includes the sale and service of food or drink from furniture placed on the highway under the authority of the licence.

There is no standard style for furniture, but quality and appearance are key issues. When considering applications, the Council will look closely at the safety, quality and description of the furniture. Cheap plastic, damaged or dirty furniture is not acceptable.

This furniture is required to be removable; this means it is not a permanent fixed structure, and is able to be moved easily, and stored away at the end of use for the day.

Furniture that is not removable and / or is not used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.

Advertising boards (A-Boards) are not included in the definition of furniture within the pavement licensing regime. As well as needing separate consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

Applications that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

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In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, local authorities can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence. (see section 15 for Enforcement)

5 Highways**In respect of which highways can pavement licences be granted?**

A pavement licence only grants an authorisation in relation to a “relevant highway”.

This means licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over Crown land are exempt (so a licence cannot be granted).

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under the Town and Country Planning Act 1990 is required.

If an applicant has already applied for permission to place furniture on the highway under the existing regime and their application has not yet been determined, they may proceed with that application. However, that applicant may opt to make a fresh application for a pavement licence under the new process. In these circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application has already been paid the authority will not charge a fee for the new application for a pavement licence.

6 Applications**How is an application made?**

An application must be made electronically.

An application to the local authority must:

- contain full details of the applicant;
- specify the premises to which it relates;
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified;
- specify the part of the relevant highway to which it relates;
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown which must include the barriers surrounding the proposed area.
- specify the statutory purpose (or purposes) to which it relates;
- specify the days of the week on which, and the hours between which it is proposed to put furniture on the highway;
- describe the type of furniture to which the application relates;

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- specify the date on which the application is made;
- provide a copy or photograph of the notice being displayed;
- be accompanied by evidence of public liability insurance for the area to be used in respect of anything to be done pursuant to the licence

7 Operating Schedules

Does the applicant have to lodge an operating schedule?

No. The applicant does not have to propose conditions with the application. There is nothing equivalent to an “operating schedule” for a premises licence application under the Licensing Act 2003. It is up to the local authority to set out standard conditions and choose to add extra conditions to a pavement licence if required.

8 Application Fees

Is there an application fee?

Yes. The application fee for a new Pavement Licence is £200*, which is valid for 2 years.

A renewal application for existing licences is £200*.

**please note that fees are subject to annual increases, in line with the Council's fees and charges.*

9 Once application is submitted

What does the applicant have to do once the application is made?

A notice of the application must be fixed to the premises.

The applicant must post a notice of the application on the premises to which it relates, on the same day that they submit the application to the local authority. The notice should be affixed after the application is made.

The notice must be on paper easily visible and legible to the public. The applicant must ensure the notice remains in place for the public consultation period which is a period of 14 calendar days beginning with the day after the day the application is submitted to the local authority.

The Notice must contain the following:

- Name of applicant
- Date the application is made (i.e. submitted)
- Name of the local authority
- Postal address of the premises
- Name premises is known by
- Brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink)

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- indicate that representations relating to the application may be made to The Licensing Unit, Cannock Chase District Council, Civic Centre, Beecroft Road, Cannock, WS11 1BG, or via email to licensingunit@cannockchasedc.gov.uk, during the public consultation period and when that period comes to an end;
- the website address where the application can be reviewed www.cannockchasedc.gov.uk/business/licensing-permits/notice-pavement-licence-applications
- Date the notice was placed (must be the same date as the application made)

The applicant is required to affix the notice to the premises, so it is easily visible and legible to the public. They must ensure the notice remains in place for the duration of the public consultation period (14 days). Applicants are encouraged to engage with any services operated in the vicinity for vulnerable customers, i.e. care home or disability organisations nearby where individuals may be at risk.

All applicants are encouraged to talk to neighbouring businesses and occupiers *prior* to applying to the local authority and to consider issues around potential noise and nuisance as part of their proposal.

To assist applicant, Cannock Chase District Council will provide a template that sets out the requirements for notices on their website.

It is sensible for applicants to record and retain evidence that they have complied with all requirements, including posting the notice at their premises.

10 Receipt of an application

What must the local authority do when it receives an application?

Cannock Chase District Council will publish it and invite public representations.

Cannock Chase District Council is required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, this will be on their website.

Once the information is submitted, the Council has 28 days from the day after the application is made to consult on and determine the application. This consists of 14 calendar days for public consultation and then 14 calendar days to consider and determine the application.

11 Consultation Period

How long is the consultation period?

Public consultation is 14 calendar days, beginning with the day after that on which the application is made (not counting Christmas Day, Good Friday or bank holidays).

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Who must local authorities consult?

The Council must consult the Highways authority; this is Staffordshire County Council. The Council must also consult other such persons as they consider appropriate.

12 Representation**Can members of the public make representations about the application?**

Yes; members of the public (including residential neighbours) can contact the local authority to make representations about an application.

Local authorities must take into account any representations received from members of the public during the “public consultation” period.

13 Determinations**When does the local authority have to decide the application?**

At the end of the public consultation period. The local authority may grant (wholly or in part) or reject an application at the end of the public consultation period.

How long does the local authority have to decide the application?

The Council has 14 calendar days to determine the application.

The local authority must decide the application within the “determination period”, being the period of 14 calendar days beginning with the first day after the public consultation period has ended. As with the public consultation period, no account is taken of Christmas Day, Good Friday or bank holidays in reckoning this period.

If the local authority does not decide the application within the determination period, the licence which was applied for is deemed to be granted by the authority to the applicant.

What are the local authority’s powers in determining the application?

The local authority may only grant (wholly or in part), with or without conditions, or reject.

Cannock Chase District Council will consider several factors, when determining whether to approve the application. These include the scope for setting national or local conditions on the licence to make it possible to approve an application which would otherwise be unacceptable, for example:

- Proportionality - the number of tables being put out in relation to the outside size / foot print of the premises;
- public health and safety – for example, any reasonable crowd management measures needed as a result of a licence being granted;

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- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter;
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
- considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people.
- whether there are other permanent street furniture or structures in place on the footway that already reduce access;
- the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility guidance, Inclusive mobility: making transport accessible for passengers and pedestrians - (<https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>) and
- other users of the space, for example if there are high levels of pedestrian or cycle movements.

National Conditions

The 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted; these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people.

Section 4.2 of the above Inclusive Mobility

sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.

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Any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users.

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

Can local authorities impose conditions which are not published?

Yes. When they grant a licence, the Council may impose reasonable conditions that may limit the maximum number of chairs and tables, or type of furniture, and / or times and days of operation, with justification for this.

Conditions imposed by a local authority should be proportionate and tailored to the applicant's premises or location.

14 How long will the new process be in place?

The pavement licence regime has been made permanent by commencement of the Levelling Up and Regeneration Act 2023.

15 Enforcement

In what circumstances can the Council enforce or revoke a licence?

If a condition imposed on a licence (either by the local authority or nationally) is breached, the local authority will be able to issue a notice requiring the breach

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to be remedied. If the licence-holder fails to do so, the local authority may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing. Local authorities are encouraged to regularly review licences and enforce any breaches.

The authority may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

1. If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licenced area (or road adjacent) is no longer to be pedestrianised.

2. Or if there is evidence that:

- there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
- this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or
- the use is causing, or risks causing, anti-social behaviour or public nuisance; for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.

The local authority may revoke a licence in the following circumstances:

1. For a breach of condition, (whether a remediation notice has been issued or not) or
2. It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
3. The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period.

It is good practice for local authorities to give reasons where these powers are used.

If furniture continues to be placed on the highway, in violation of a notice served by the Council, the authority may remove and store the furniture, recover the

Appendix 1

costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid.

If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.