



**Please ask for:** Wendy Rowe  
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14 March 2023

Dear Councillor,

**Economic Prosperity Scrutiny Committee**  
**6:00pm Wednesday 22 March 2023**  
**Council Chamber, Civic Centre, Cannock**

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

Yours sincerely,

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

To: Councillors:

Vacant (Chair)  
Pearson, A.R. (Vice-Chair)  
Arduino, L.            Kenny, B.  
Cartwright, S.M.    Kruskonjic P.  
Crabtree, S.K.        Lyons, N.  
Dunnett, M.J.        Thompson, S.L.  
Fisher, P.A.          Thornley, S.J.  
Haden, P.K.

# Agenda

## Part 1

### 1. Apologies

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

(i) To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

(ii) To receive any Party Whip declarations.

### 3. Minutes

To approve the Minutes of the meeting held on 30 November 2022 (enclosed).

### 4. Economic Prosperity Priority Delivery Plan Q3 2022/23 Performance Report

To receive the latest performance information for the Economic Prosperity PDP 2022/23 (Item 4.1 - 4.10)

*Relevant documents included as presented to Cabinet on 2 March 2023.*

### 5. Scrutiny Reviews - Briefing Notes

#### (a) Review of Markets

Briefing Note of the Head of Economic Prosperity (Item 5. - 5. 3)

#### (b) Review of Planning Enforcement

Briefing Note from the Head of Economic Prosperity (Item 5.4 - 5.6)

### 6. Exclusion of Public

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

# Agenda

## Part 2

### 7. Levelling Up Fund Update

To receive a confidential verbal update from the Head of Economic Prosperity.

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Economic Prosperity Scrutiny Committee**  
**Held on Wednesday 30 November 2022 at 6:00pm**  
**in the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:** Councillors:

Wilson, L.J. (Chair)

Arduino, L.	Kenny, B.
Dunnett, M.J.	Kruskonjic, P.
Fisher, P.	Lyons, N.
Frew, C.L. (substitute)	Thompson, S.L.

**14. Apologies**

An apology for absence was received from Councillor P. Haden. Notification had been received that Councillor C. Frew would be acting as substitute for Councillor P. Haden.

**15. Declarations of Interests of Members in Contracts and Other Matters and Restrictions on Voting by Members and Party Whip Declarations**

No declarations of interests in addition to those already confirmed by Members in the Register of Members Interests were made.

**16. Minutes**

**Resolved:**

That the Minutes of the meeting held on 4 October 2022 be approved as a correct record.

**17. Economic Prosperity Priority Delivery Plan Q1 and Q2 2022/23 Performance Update**

Consideration was given to the Economic Prosperity PDP (Quarters 1 and 2) (Item 4.1 – 4.6 of the Official Minutes of the Council).

The Head of Economic Prosperity led Members through the information outlining some of the projects and actions that had been achieved. He advised Members that several of the projects would be funded by the UK Shared Prosperity Fund (UKSPF). The Investment Plan was due to be signed off in Quarter 3 and funding would then be available to support the projects.

With regard to the Rugeley Boardwalk replacement scheme, he confirmed that a further report would be presented to Cabinet in January, rather than November, as indicated in the papers.

Members were then given the opportunity to ask questions. A Member referred to the current economic climate and asked whether any projects would fall behind as a result. The Head of Economic Prosperity commented that Officers would endeavour to keep projects on track; however, there was potential for slippage, particularly in relation to those actions that were dependent upon the UKSPF. It had been anticipated funding would have been received by now, but this had been delayed and these projects had therefore been moved to Quarter 3.

With regard to the Levelling Up Fund project, Members noted that Officers were hoping to achieve the actions identified this year and the planning application would be submitted before Christmas. However, the current economic climate was having an impact on the budget and costs were increasing due to rising inflation.

He confirmed that, irrespective of the current climate, trading at the McArthur Glen Designer Outlet continued to be positive and new stores were opening. Phase II was progressing, and more information would be submitted to the Planning Control Committee in due course. The Council would continue to work with McArthur Glen to promote the Outlet.

## **18. Update of Scrutiny Reviews**

The Chair of the Markets Review, Councillor Arduino, provided Members with an update on the Review. He advised that the Working Group had recently met at the Rugeley Indoor Market Hall where they had the opportunity to meet the Markets Officer and visit the market hall. The Group discussed ways to attract traders to the Rugeley Indoor Market Hall and Members provided feedback from the traders on their views of the markets currently operated. He confirmed that a consultation exercise on the future of the Indoor Market Hall in Rugeley was currently being undertaken, and he encouraged everyone to complete the survey and offer their views. However, he confirmed that the nature of the lease limited the use of the market to retail. The next meeting had been arranged for 17 January when the feedback on the Market Hall consultation would be submitted, and Members would have the opportunity to offer their views alongside the Cabinet report.

The Head of Economic Prosperity confirmed that Bescot Promotions, the current operator of the Street Market in Cannock, had been invited to the next meeting to provide a presentation to Members.

It was noted that Councillor Kenny would replace Councillor Bancroft on the Markets Review.

In terms of the Planning Enforcement Review, the Head of Economic Prosperity advised that the Working Group had held their first meeting in October and Members had been provided with a comprehensive presentation on Planning Enforcement. The new Enforcement Officer had been in attendance along with the Planning Services Manager and Interim Development Control Manager. A further meeting had been arranged for early January when the Group would look at the Planning Enforcement Protocol and Scheme of Delegation. The Protocol determined how cases should be prioritised but there had been a significant increase in workload recently. The Group would be able to provide input into the review of the Protocol as it had become difficult to deal with cases in line with the Protocol. The Group would also look at the Scheme of Delegation that

outlined which cases should be taken to Committee. Members would be able to review this and suggest some ideas for improvement.

The Head of Economic Prosperity advised that the planning enforcement workload had increased over the last few years, particularly during lockdown; however, the resources had not increased. It had therefore been challenging over recent years and Member's complaints may not have been dealt with in line with the agreed response times. However, the new Enforcement Officer was now in post, and she was dealing with the backlog of cases along with any new cases, whilst trying to prioritise the workload. She provided a visible presence in the district and would assist Members if they had any complaints.

## **19. Exclusion of Public**

### **Resolved:**

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in paragraph 3 of the Local Government Act, 1972.

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Economic Prosperity Scrutiny Committee**  
**Held on Wednesday 30 November 2022 at 6:00pm**  
**in the Council Chamber, Civic Centre, Cannock**  
**Part 2**

**20. Levelling Up Fund Update**

Members were reminded that some of the information contained in the update was strictly confidential.

The Head of Economic Prosperity provided Members with an update on the Levelling up Fund and referred to the recent drop-in sessions that had been held in Cannock Town Centre. These sessions had provided the public with information on the proposed scheme and had been held for 3 days in October. There had been a good response with over 500 people visiting the sessions. The perception survey, which had also been available online, had been handed out and over 40 responses had been received. There had also been 1000 online responses. These responses would be reviewed and shared with Members in due course.

Members noted that it was clear that the public were interested in the proposals and keen to see improvements to the town centre environment which would assist in tackling ASB. The Head of Economic Prosperity confirmed that the details of the scheme would now be prepared, and he was hopeful this would be shared with Members at the next meeting.

The Committee noted that budget and cost would be the main issues in delivering the scheme. With construction costs being high and inflation rising, it may be that the scheme would need to be scaled down from the scheme that had been included in the bid. Members were advised that it was a tough climate nationally and all Local Authorities who had been awarded Levelling Up funding were dealing with the same issues.

Following the presentation, Members were offered the opportunity of asking questions and making comments.

Members would receive a further update on the project at the next meeting.

The meeting closed at 6:47 p.m.

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**Chair**

<b>Report of:</b>	<b>Head of Governance &amp; Corporate Services</b>
<b>Contact Officer:</b>	<b>Adrian Marklew</b>
<b>Contact Number:</b>	<b>01543 464598</b>
<b>Portfolio Leader:</b>	<b>Innovation &amp; Resources</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 02/03/23</b>

**Cabinet**  
**2 March 2023**  
**Quarter 3 Performance Report 2022/23**

**1 Purpose of Report**

- 1.1 To advise Members on the progress of the Priority Delivery Plans (PDPs) and Council's performance at the end of the third quarter of 2022-23.

**2 Recommendation(s)**

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

**3 Key Issues and Reasons for Recommendations**

**Key Issues**

- 3.1 The Priority Delivery Plans set out the key projects and actions for delivery in 2022/23. These are based on the Corporate Plan 2022-26 and the supporting four-year delivery plans.
- 3.2 Overall, 89% of the projects have been delivered or are on schedule to be completed. Progress in delivering the PDPs is summarised in section 5 of the report and set out in detail in Appendices 1a to 1d.
- 3.3 With regard to the operational performance of the key services of the Council, 68% of targets have been met or exceeded. Further details can be found at 5.7 and in Appendix 2.

**Reasons for Recommendations**

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

#### 4 Relationship to Corporate Priorities





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

#### 5 Report Detail

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

#### Priority Delivery Plans

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

Delivery of Projects as at end of Quarter 3							
Corporate Plan Priority					Total Projects due as at Q3	N/A	Total Number of Projects
	Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule		Work not yet due to be started	
<b>Economic Prosperity</b>	4	10	2	0	<b>16</b>	0	<b>16</b>
<b>Health and Wellbeing</b>	6	14	1	0	<b>21</b>	1	<b>22</b>
<b>Community</b>	3	10	2	0	<b>15</b>	2	<b>17</b>
<b>Responsible Council</b>	4	3	2	0	<b>9</b>	3	<b>12</b>
<b>Total</b>	<b>17</b>	<b>37</b>	<b>7</b>	<b>0</b>	<b>61</b>	<b>6</b>	<b>67</b>



5.6 At the end of quarter 3, of the 61 actions due for delivery:

- 28% of have been completed,
- 61% are on target to be completed,
- 11% have slipped slightly.

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

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

- 9 indicators show performance above target (47%),
- 4 indicators show performance on target (21%), and
- 6 indicators show performance below target (32%).

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

#### **New / Additional Duties**

5.8 There were no new or additional duties required of the Council during quarter 3 of 2022/23 though the Council has continued to deliver the new duties reported in quarter 2 i.e.:

- Supporting Ukrainian families
- Payment of Energy Rebates

## **6 Implications**

### **6.1 Financial**

There are no direct financial implications arising from the report.

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

### **6.2 Legal**

None

### **6.3 Human Resources**

None

### **6.4 Risk Management**

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

## 6.5 **Equality & Diversity**

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

## 6.6 **Climate Change**

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

# **7 Appendices to the Report**

Appendix 1a: Economic Prosperity PDP

Appendix 1b: Health and Wellbeing PDP

Appendix 1c: Community PDP

Appendix 1d: Responsible Council PDP

Appendix 2: Key Performance Indicators

## **Previous Consideration**

None

## **Background Papers**





Corporate Plan 2022-26 - Council 27 April 2022



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



## Priority Delivery Plan for 2022-23




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




## Summary of Progress as at end of Quarter 3





				N/A	Total Number of Projects
Action completed	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
4	10	2	0	0	16

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Attract investment to develop the District's economy</b>							
Deliver the Levelling Up Fund regeneration scheme for Cannock Town Centre, creating a new cultural hub and high-quality public realm	<ul style="list-style-type: none"> <li>Sign off scheme design for main build i.e. leisure and culture hub</li> </ul>			X		RIBA Stage 2 design report has been produced for Leisure and Culture Hub, public realm and Northern Gateway, design output signed off by Project Delivery Team in December 2022. Design work is now progressing to RIBA Stage 3 (detailed design).	
	<ul style="list-style-type: none"> <li>Submit planning application</li> </ul>			X		Outline planning application expected to be submitted during quarter 4.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Work in partnership to secure investment in major projects to create confidence in our District	<ul style="list-style-type: none"> <li>McArthurGlen phase 2 - planning applications submitted</li> </ul>			X		Phase 2 planning application (reserve matters) has been submitted by McArthurGlen	
	<ul style="list-style-type: none"> <li>Cannock Railway Station - transformational upgrade. Detailed business case and funding strategy.</li> </ul>					X	Design and engineering review completed by Network Rail on behalf of Council, West Midlands Rail and Staffordshire County Council. Awaiting final report and recommendations with next steps.
Identify a pipeline of future projects to support economic growth opportunities and the rejuvenation of our town centres across Rugeley, Hednesford, Cannock and the surrounding villages and maximise investment and funding into the District	<ul style="list-style-type: none"> <li>Establish strategic priorities for pipeline of projects</li> </ul>		X			As part of the work to develop the Council's UKSPF Investment Plan, a priority list of projects has been established and the Council's Economic Prosperity Strategy has been refreshed and was approved by Cabinet last August	
	<ul style="list-style-type: none"> <li>Investment Plan approved for UK Shared Prosperity Fund and implementation of projects</li> </ul>				X		Cannock Chase UKSPF Investment Plan was approved by Government on 5 December 2022

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Encourage entrepreneurship, promote apprenticeships, and support business</b>							
Seek to identify and promote employment sites for new and growing businesses	<ul style="list-style-type: none"> <li>Develop proposal for business workspace in Levelling Up Fund project</li> </ul>				X	Proposal being developed as part of RIBA Stage 3 design work currently being taken forward. Current design allows for 1,300 sqm of managed workspace units to be created as part of the LUF project.	
Work with established Growth and Skills Hubs to streamline and simplify access to business support services, access to training and apprenticeships	<ul style="list-style-type: none"> <li>Promote availability of support from existing Growth and Skills Hubs to increase business referrals</li> </ul>	X	X	X	X	As per the quarter 2 update, UKSPF will change District provision and support provider - where support is still available from LEPs we continue to promote via existing communication channels	
Continue to work with partners to secure additional funding to be able to continue business growth and start-up schemes	<ul style="list-style-type: none"> <li>Identify schemes to be funded via UKSPF</li> </ul>		X	X	X	UKSPF Investment Plan has now been approved, officers will work with partners to support business growth and start up schemes identified in the Investment Plan	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
<b>Attract modern, green, and skilled industries and create jobs</b>							
Work with our colleges and training providers to equip young people and all residents with skills they need to access employment opportunities	<ul style="list-style-type: none"> <li>Delivery of Apprenticeship and Training initiatives with local colleges; identifying opportunities to develop green skills and green jobs</li> </ul>	X	X	X	X	As per the quarter 2 update, future provision is included within the UKSPF Investment Plan and will establish new partnership arrangements with Staffordshire University, South Staffordshire College - and local initiatives also planned to help raise aspirations of young people	
Work with partners to identify and support businesses to become more carbon efficient and identify opportunities to create green jobs in our District	<ul style="list-style-type: none"> <li>Identify appropriate net zero schemes to be funded via UKSPF</li> </ul>		X	X	X	UKSPF Investment Plan includes provision of a Net Zero Pathfinder project to support local businesses to transition to net zero	
<b>Rejuvenate our town centres</b>							
Identify opportunities to improve public realm in our town centres	<ul style="list-style-type: none"> <li>Rugeley Boardwalk - replacement scheme</li> </ul>		X	X	X	Design work for replacement boardwalk now completed with report to be presented to Cabinet in Q4.	

Projects	Actions and Milestones	Qtr 1	Qtr 2	Qtr 3	Qtr4	Progress Update	Symbol
Work with town/parish councils, local businesses, and traders to support the development of initiatives to increase vibrancy of our town centres and increase footfall	<ul style="list-style-type: none"> <li>Regular liaison meetings with town and parish councils to identify opportunities for joint working</li> </ul>		X	X	X	UKSPF Investment Plan includes a 'Thriving Communities' project which will make funding available to town and parish Councils to support and enhance their local communities. Officers to progress discussions with town and parish councils during Q4.	
	<ul style="list-style-type: none"> <li>Implement local initiatives using UKSPF funding</li> </ul>			X	X	As above	
<b>Support the development of our visitor economy</b>							
Work with Destination Staffordshire to promote our key attractions, accommodation providers and events	<ul style="list-style-type: none"> <li>Work with DMP to develop a county-wide visitor economy strategy</li> </ul>	X	X			County-wide visitor economy strategy has been developed and approved by the DMP Board	
	<ul style="list-style-type: none"> <li>Participate in joint marketing initiatives and development of themed campaigns</li> </ul>	X	X	X	X	The Council has agreed to provide funding to the DMP for a further 12 months (2023-24 financial year). Report will be brought forward to Cabinet during 2023-24 to evaluate return on investment and set out options for future participation in the DMP.	

### Key Performance Indicators (KPIs) for 2022/23 - as at end of Quarter 3

#### KPIs for Priority 1 - Economic Prosperity “To reinvigorate the economy and create a District that thrives”

Indicator	Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Symbol	Comments
<b>Planning</b>							
Major Planning Applications determined within time	60%	50%	100%	100%		★	
Non-major Planning Applications determined within time	70%	87.4%	90.5%	93.8%		★	
<b>Building Control</b>							
Applications registered and acknowledged within 3 days of valid receipt	90%	63%	96%	97%		★	
Full plans applications with initial full assessment within 15 days of valid receipt	70%	87%	91%	94%		★	



<b>Briefing Note of:</b>	<b>Head of Economic Prosperity</b>
<b>Contact Officer:</b>	<b>Dean Piper</b>
<b>Telephone No:</b>	<b>01543 464 223</b>

**Economic Prosperity Scrutiny Committee**  
**22 March 2023**  
**Review of Markets**

**1 Purpose of Briefing note**

- 1.1 The purpose of this briefing note is to provide Members with details of the work carried out by the Economic Prosperity Scrutiny Review Group - Review of Markets.

**2 Key Issues**

- 2.1 At the meeting of the Economic Prosperity Scrutiny Committee held on 5 July 2022, Members agreed to review the Council run Markets.
- 2.2 A separate smaller group of Members was established forming a Working Group to carry out the review. The Working Group met on 22 September 2022, 17 November 2022 and 17 January 2023.

**3 Detail**

- 3.1 A Working Group of six Members chaired by Councillor Louis Arduino was established to carry out a review of the Markets. The Working Group would then bring its findings back to a future meeting of the Economic Recovery Scrutiny Committee.
- 3.2 The Working Group met on three formal occasions. Agendas, papers and minutes are included as appendices to this Briefing Note.
- 3.3 At the Working Group meeting held on 22 September, Members received a presentation providing an overview of all the Council run markets within the district, presented by the Corporate Asset Manager and the Principal Estates Surveyor. There was then an opportunity for Members to ask questions. Members were tasked with considering what the markets added to the prosperity of the town centres and to bring ideas back to the next meeting of the Working Group.
- 3.4 The Working Group meeting on 17 November 2022 was held at Rugeley Market Hall. It was noted that there were very few stalls occupied and correspondingly

footfall was low. The situation within Rugeley Market Hall reflected the national position in that indoor market halls were not popular and in general decline. By contrast, the street markets in both Rugeley and Cannock were thriving. Consultation was about to commence in relation to the future of Rugeley Indoor Market Hall and Members were asked to feed back any ideas they had to increase the popularity of this market.

- 3.5 By request, Bescot Promotions attended the Working Group meeting on 17 January 2023. Bescot provided a background to their company and answered questions from Members. It was noted the Cannock Street Market run by Bescot was popular and brought additional footfall into Cannock Town Centre on the days it operated. At the meeting, feedback was also given with respect to the findings of the consultation exercise relating to Rugeley Market Hall and feedback from Members with respect their own investigations.
- 3.6 The Working Group determined that the following observations and suggestions be recommended to the Economic Recovery Scrutiny Committee for consideration:
- (a) That the Rugeley Outdoor market and the Cannock Street market should continue to be supported as they were operating well.
  - (b) That small, online businesses, currently selling on Etsy, E-Bay and other social media platforms be approached to ascertain if there was any interest in taking on a stall in the Rugeley indoor market hall. It should be noted that since the 17 January 2023 meeting, Cabinet has determined that the Rugeley Indoor Market Hall be closed and hence this item is no longer valid.
  - (c) That Bescot Promotions Ltd., be approached to establish if they had any interest in operating the Rugeley indoor market hall. It should be noted that since the 17 January 2023 meeting, Cabinet has determined that the Rugeley Indoor Market Hall be closed and hence this item is no longer valid.

#### **4 Implications (if applicable)**

- 4.1 Not applicable.

#### **5 Appendices**

Appendix 1: Markets Scrutiny Review Working Group Full Papers - 22 September 2022.

Appendix 2: Markets Scrutiny Review Working Group Full Papers - 17 November 2022.

Appendix 3: Markets Scrutiny Review Working Group Full Papers - 17 January 2023.

Appendix 4: Minutes of the Markets Scrutiny Review Working Group - 17 January 2023.

# Review of Markets Scrutiny Task & Finish Group

**Time:** 4:00pm

**Date:** Thursday 22 September, 2022

**Venue:** Remote meeting via MS Teams

## 1. Apologies

## 2. Declarations of Interest from Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

## 3. Review of Markets

- (i) To receive a presentation providing an overview of Cannock Street Market and Rugeley Indoor Market and the national picture regarding markets.
- (ii) To agree the scope of the review.

### Councillors:

J. Bancroft (Chair)  
L. Arduino  
S.M. Cartwright  
M. Dunnett  
P. Kruskonjic  
N. Lyons  
S.L. Thornley  
L. Wilson

### Officers:

R. Holland	Principal Estates Surveyor
A. Laight	Corporate Asset Manager
D. Piper	Head of Economic Prosperity
W. Rowe	Senior Committee Officer

Date Despatched: 15 September 2022

# Review of Markets Scrutiny Task & Finish Group

- Time:** 3:00pm - There will be a visit to Rugeley market hall which will be followed by the Working Group meeting
- Date:** Thursday 17 November, 2022
- Venue:** Rugeley Indoor Market Hall, Bees Lane, Rugeley (Members should meet inside the market hall by the Brook Square entrance)

## 1. Apologies

## 2. Declarations of Interest from Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

## 3. Review of Markets

- (i) Visit of Rugeley Indoor Market Hall and meet the Markets Officer
- (ii) Rugeley Market Hall Public Consultation
- (iii) Members to feedback their findings of their discussions with Market Traders and shopkeepers

### *Councillors:*

J. Bancroft (Chair)  
L. Arduino  
S.M. Cartwright  
M. Dunnett  
P. Kruskonjic  
N. Lyons  
S.L. Thornley  
L. Wilson

### *Officers:*

R. Holland	Principal Estates Surveyor
A. Badman	Corporate Asset Manager
D. Piper	Head of Economic Prosperity
W. Rowe	Senior Committee Officer
L. Shaw	Markets Officer

Date Despatched: 9 November 2022

**CANNOCK CHASE COUNCIL**  
**NOTES OF THE**  
**SCRUTINY REVIEW WORKING GROUP - MARKETS**  
**THURSDAY 22 SEPTEMBER 2022 AT 4.00 P.M.**  
**REMOTE MEETING VIA MS TEAMS**

Present:

Councillor L. Wilson (in the Chair)  
Councillor L. Arduino  
Councillor. M. Dunnett  
Councillor. P. Kruskonjic

Officers: D. Piper, Head of Economic Prosperity  
A. Laight, Corporate Asset Manager  
R. Holland, Principal Estates Surveyor  
W. Rowe, Senior Committee Officer

**1. Appointment of Chair**

In the absence of the Chair, Councillor J. Bancroft, Councillor L. Wilson was appointed Chair for the meeting.

**2. Apologies**

An apology for absence was received from Councillor J. Bancroft.

**3. Declarations of Interests from Members**

Nothing declared.

**4. Market Scrutiny Review**

Amanda Laight, Corporate Asset Manager provided Members with a presentation in relation to the Scrutiny review of Markets. She advised that the Council has 4 markets, 2 indoor and 2 outdoor. The two indoor markets were run by the Council and the two outdoor markets were run under licence by external organisations. Nationally, indoor market halls are not currently popular with either the public or traders. Cannock Indoor Market Hall closed in November 2020 as it was not popular and was therefore not viable to keep it open. The Council's operates a Street market in Cannock which was currently thriving. A Farmers and Craft Market operates in Hednesford Town Centre on the last Saturday of the month. This was run by Hednesford Town Council. Rugeley Town Council run an Artisan Market in Rugeley. This operates on the first Saturday of the month in Rugeley Town Centre.

## **Cannock Street Market**

In 2013 a weekly street market started operating on a trial basis on a Friday in Cannock Town Centre. The initial trial, run by Bescot Promotions, was successful and, following a formal tender exercise, Sketts then ran the Friday Street market from 2014 to 2020.

In 2018 footfall figures showed more visitors to Cannock Town Centre on a street market day (Friday) than any other day of the week. In 2019 the Promoting Prosperity Scrutiny Committee reviewed Cannock Street market and following this, Cabinet resolved to trial a Tuesday Street market in addition to the existing Friday market. In 2020 the Street market contract was re-tendered on the basis of a Tuesday and Friday Street market. It was originally run by Sketts with the Tuesday having limited interest. The Street Market was currently run by Bescot Promotions, Tuesday remains less popular with both the public and traders.

She confirmed that, following the closure of Cannock Indoor Market, the Tuesday market fulfilled the Council's obligation to provide a "Charter Market" within Cannock Chase district on a Tuesday.

## **Prince of Wales Indoor Market**

The Prince of Wales Market was located beneath the Prince of Wales Theatre and operates on a Tuesday, Friday and Saturday. Although there were 27 stalls in the market, there has been only one stallholder since the covid pandemic - Centre Flowers. They occupy 16 stalls and use the Prince of Wales Market Hall to operate their wholesale flower business. Centre Flowers have been in occupation since 2001 and are an established business, selling to other businesses and selling cut flowers and plants in the town centre. The remaining stalls are available for rent, but the Council receives little interest from potential stallholders and has had no new traders since 2014.

## **Rugeley Indoor Market Hall**

Rugeley Indoor Market Hall was constructed in the early 1980's as part of a larger development, which included three retail units and a rooftop car park. The market operates on a Tuesday, Friday and Saturday and was managed by two members of staff - a Markets Officer and an Assistant. They also cover the Prince of Wales Market.

In 2019, as part of the agreement to sell Anson Street, ten of the stalls were converted into office space for the Taxation and Benefits team. The offices were briefly occupied prior to covid but have been closed since.

Currently there were 35 stalls in the market and only 3 traders - a butcher, a tearoom and a hairdresser. The Council receives little interest in the Market Hall from potential stallholders. Incentives have been offered to try and attract new traders, but none have stayed beyond their incentive period.

## **Rugeley Outdoor Market**

Rugeley Outdoor Market was a small general market of 6-8 traders which operates on a Tuesday, Thursday and Saturday and was managed under licence by one of the traders.

## **National Picture**

Studies undertaken between 2009 - 2015 indicate that Indoor markets were in general decline (in line with the general decline of the high street). Many reasons were given for the fall in popularity of markets including reduced footfall, reduced takings by traders, an inability to pay by credit card and a lack of investment in the building fabric. Many indoor markets were typically local authority run and many of the buildings were in a substandard condition with poor toilet facilities. Privately owned markets were slightly more successful but do still struggle.

A few years ago, Market Harborough fully refurbished their indoor market hall, but the popularity did not significantly improve.

However, outdoor markets, farmers markets and other specialist/niche markets were increasingly popular.

Following the presentation, Members were afforded the opportunity to ask questions and raise any issues. In response to a question, the Principal Estates Surveyor confirmed that the markets were widely promoted with hundreds of pounds being spent on adverts in national magazines but to no effect.

A Member asked if the footfall from street markets had any effect on the number of people visiting the shops. The Head of Economic Prosperity suggested that Members may wish to invite Bescot Promotions, who currently run the Street market in Cannock, to attend a meeting to discuss the Street markets and they could also offer their opinion on whether the Street market benefited the wider town centre. He further suggested that another meeting could be held on site at Rugeley Indoor market so that Members had the opportunity to meet the Markets Officer and visit the market hall.

Councillor Dunnett suggested she could speak to the Hednesford Market Manager and ascertain the trader's opinion on why the Hednesford street market was so popular.

The Chair indicated that she could seek feedback from the traders and shop owners in Cannock town centre.

The Group agreed with these suggestions.

A Member queried the lease in respect of Rugeley Indoor Market. The Head of Economic Prosperity confirmed that the Council was tied into a 56 year long lease in respect of Rugeley Indoor Market that had been agreed back in the



1980's. The lease was very limited in terms of what was classed as an acceptable use. It was difficult to get traders in and there was therefore no income, and the Council was making a loss. However, it would be very expensive for the Council to extract itself from the lease.

The Group noted that the privately owned Brewery Street market always seemed well used. The Principal Estates Surveyor confirmed it was open 6 days per week. The traders had been offered a stall on Rugeley market when the Brewery Street market was up for sale. However, the Council could only offer 4 days per week without employing any additional staff. Therefore, most of the traders stayed at Brewery Street once it was sold.

The Group discussed the popular Hednesford Farmers Market which attracted 60/70 stalls and had a waiting list of potential traders. It offered a very different type of produce/goods and brought a lot of people into the town. It was noted that when the market was run alongside events it made a marked difference in trade. The Principal Estates Surveyor confirmed that this enforced the findings of the Promoting Prosperity Scrutiny review back in 2019, that when a market was run alongside another event it was very popular. She added that monthly crafty type markets that offered more specialist/unusual products were always well visited, with people travelling from a much wider area to attend. It was more of a destination event and the customers that came had money to spend. This was a very different offering to the Cannock Street market which appealed to people on lower incomes.

Councillor Dunnett agreed to mention the Rugeley Indoor Market stalls to the Hednesford traders to see if any were interested in moving inside in the colder months.

The Group noted that outdoor market traders had previously been offered a stall in the indoor market, but they were not interested in moving indoors. Similarly, Cannock indoor market traders had been offered a stall on the Rugeley Indoor market, but no one had taken up the offer.

Members discussed the market rates to see how they compared and noted the various incentives that had been offered to attract new traders. The Principal Estates Surveyor confirmed that any new traders had left after the initial 6 month rent free period. She added that there were no restrictions on what traders could sell and they were even able to set up a stall as a collection point for online sales. She confirmed that the Council had tried numerous things over the years to encourage take up of stalls but there had been no impact.

The Group noted that Bescot Promotions do their own advertising in respect of the Cannock Street market. There was a website and Facebook page which was linked to the Council's website. Additionally, Staffordshire Highways has allowed several signs to be erected on the day of the market, given that the Street Market was not visible from the highways.

Councillor Dunnett confirmed that Hednesford Town Council set up the brand "Visit Hednesford" which had numerous followers on social media sites such as

Facebook and was used to promote the town, local businesses, and any events such as the street markets.

Following a lengthy debate the following actions were AGREED :-

- (A) That Bescot Promotions be invited to attend a future MS Teams meeting to provide a presentation and discussion.
- (B) That the next meeting of the Working Group be arranged on site at Rugeley Indoor market so that Members had the opportunity to meet the Markets Officer and visit the market hall.
- (C) That the dates of the two further meetings of the Working Group be arranged by officers in consultation with the Chair.
- (D) Members of the Group would speak to market traders and shop keepers to ascertain their views on the markets currently operated. Councillor Wilson agreed to speak to those in Cannock, Councillor Dunnett would speak to those in Hednesford and Councillors Kruskonjic and Arduino would speak to those in Rugeley. Members would feedback their findings to the next meeting.
- (E) Councillor Dunnett would seek the views of Hednesford market traders on whether any of them would be interested in a stall on Rugeley Indoor Market.
- (F) Officers would prepare the scope of the Review.

The meeting ended at 5.00pm.

# Review of Markets Scrutiny Task & Finish Group

**Time:** 4:00pm

**Date:** Tuesday 17 January, 2023

**Venue:** Esperance Room, Civic Centre, Cannock

## 1. Apologies

## 2. Declarations of Interest from Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

## 3. Notes of meeting held on 17 November 2022

To agree the notes the meeting held on 17 November 2022 (*attached*)

## 3. Review of Markets

- (i) Presentation from Bescot Promotions
- (ii) Feedback on Rugeley Indoor Market Hall consultation
- (iii) Scope of the Review (*attached*)

### *Councillors:*

L. Arduino (Chair)  
S.M. Cartwright  
M. Dunnett  
B. Kenny  
P. Kruskonjic  
N. Lyons  
S.L. Thornley  
L. Wilson

### *Officers:*

R. Holland	Principal Estates Surveyor
A. Badman	Corporate Asset Manager
D. Piper	Head of Economic Prosperity
W. Rowe	Senior Committee Officer

Date Despatched: 10 January 2023

**CANNOCK CHASE COUNCIL**  
**NOTES OF THE**  
**SCRUTINY REVIEW WORKING GROUP - MARKETS**  
**THURSDAY 17 NOVEMBER 2022 AT 3.00PM**  
**HELD AT RUGELEY INDOOR MARKET HALL**

Present:

Councillor L. Arduino (in the Chair)  
Councillor S. Cartwright  
Councillor N. Lyons  
Councillor. P. Kruskonjic  
Councillor S. Thornley

Officers: D. Piper, Head of Economic Prosperity  
A. Badman, Corporate Asset Manager  
R. Holland, Principal Estates Surveyor  
L. Shaw, Markets Officer  
W. Rowe, Senior Committee Officer

**1. Appointment of Chair**

In the absence of Councillor J. Bancroft, Councillor L. Arduino was appointed Chair for the meeting. Members noted that Councillor Bancroft was no longer a Member of the Economic Prosperity Scrutiny Committee having been replaced by Councillor B. Kenny at the Council Meeting on 16 November 2022.

**2. Apologies**

An apology for absence was received from Councillor L. Wilson.

**3. Declarations of Interests from Members**

Nothing declared.

**4. Notes of meeting held on 22 September 2022**

The notes of the meeting held on 22 September 2022 were noted.

**5. Market Scrutiny Review**

**Visit of Market Hall**

Prior to the meeting Members were taken on a visit of the Market Hall. Following this, the Markets Officer, Linda Shaw introduced herself to the Group and explained that she had been employed as the Markets Officer for 9 years. She

was now based at Rugeley, having been based at Cannock market hall up until 2 years ago, when that market closed. It was a challenging role and despite widespread advertising it was increasingly difficult to let the market stalls. There were only two traders remaining now that the Butcher had retired. However, one new trader had recently taken on a stall. The trader was a car boot seller but had decided to take on a market stall in addition to selling at car boots. Additionally, a phone call had been taken today from someone showing potential interest in a stall.

### **Rugeley Market Hall Public Consultation**

Reference was made to the public consultation on the review of the Market Hall which was generating lots of interest. Leaflets were being distributed in the district and the survey went live online on Monday. 324 responses had already been received. Officers would also be conducting surveys in Rugeley Town Centre for 4 days in December. There had also been numerous comments on the recent social media post.

The Head of Economic Prosperity commented that various initiatives had been explored to promote the Market Hall during recent years. The Market Hall had 45 stalls and, in 2019, 10 of these had been converted into offices for the Revenues and Benefits Team. The idea behind this was that the staff based in the offices would increase footfall in the Market Hall. However, in early 2020 the Covid pandemic hit and the way the organisation worked has now changed. The staff based in the offices were now working from home and only 3 traders remained in the Market Hall (this had now reduced to 2). He clarified that the lack of traders meant the Market Hall was operating at a significant loss. However, the Council was a tenant of the Market Hall under a long lease which commenced in the 1980's. The Council's landlord is a billionaire property owner with no interest in engaging with the Council regarding potential redevelopment of the Market Hall site. There are approximately 56 years left on the lease and it would cost the Council a premium payment to the landlord in the region of £4.75 - £5 million to surrender the lease. The Council will pay around £12million in rent over the remaining 56 years of the lease term. The Council does not have the money to buy the lease and redevelop the site. It was confirmed that the lease was restrictive and limited the use of the Market Hall to offices, markets, retail, and car parking.

Reference was made to the privately owned Brewery Street market which was well used. The Principal Estates Surveyor confirmed it was open 6 days per week as opposed to the Market Hall which was open 4 days - Tuesday, Thursday, Friday, and Saturday. The Council could only offer 4 days per week without employing any additional staff.

The Group discussed the advertising previously undertaken and it was confirmed that leaflets had been distributed in the free newspapers and specialist magazines (e.g., The Antiques Gazette), Community Centres, Libraries and Leisure Centres, in addition to the Council's website and social media sites. The Principal Estates Surveyor confirmed that, even in previous years when the Market Hall had more stalls occupied, most visitors had left by 2pm.

Members referred to several indoor markets they had visited, such as York and Stevenage, which were thriving. The Head of Economic Prosperity commented that the Cannock Chase area was very different to the city regions which were tourism hubs. Rugeley was a small market town, and it was very difficult to be viable when people were shopping in different ways. Additionally, the Brewery Street market added to the problem as the town was not big enough for the two to survive.

The Chair commented that traders who had an online presence may wish to take up a stall to use as a base or for click and collect purchases. Online sites such as Etsy had numerous small businesses who were currently selling from home. A market stall offered more than they had by selling from home. However, Members noted that the market stalls needed to be more than just a storage facility; stalls would need to have a frontage and a shop.

The Principal Estates Surveyor commented that the public consultation was running until 12 December. She had yet to read the 324 surveys that had been received but explained that the comments on the Facebook post included suggestions for alternative uses for the site, such as a bowling alley or soft play area. Not many were keen to see the Market Hall remain open. The results of the survey would be analysed, and a report presented to Cabinet in January. The Head of Economic Prosperity added that any ideas that were deliverable and affordable would be considered. Should Members be aware of any Indoor Markets that were thriving in towns that were similar to Rugeley, he asked that they speak to the operators.

The Principal Estates Surveyor added that Consultants had been used to help improve Cannock Market Hall back in 2014/15. This had cost £40k and a new entrance and some new stalls had been created but this had made no difference to footfall. The restrictive lease in respect of Rugeley Market Hall requires consent from the landlords to make any changes. Aldridge Motor Museum had approached the Council for a licence to display some of their vehicles in the Market Hall, but consent had been refused by the Landlords as this use was not within the user clause of the lease. They had also charged £300 for a letter of consent to enable a defibrillator to be put up on the external wall of the Market Hall.

Members noted that, in view of the restrictive lease arrangement and the unrealistic costs involved for the Council to extract itself from the lease, the options for the site were very limited. The best option would be to achieve a thriving market hall. Even if all the stalls were occupied, there would be no profit, but at least it would provide a facility for the town centre which was viable and would reduce costs.

Officers would provide Members on the Group with a supply of leaflets/surveys in respect of the consultation for them to hand out.

**Feedback from Members on their discussions with market traders and shopkeepers**

Councillor Kruskonjic reported that Rugeley traders considered the Artisan Markets that were held once per month helped to increase trade, but the Rugeley Market Hall made no difference to their trade. The cafes in the town saw no benefit from the markets, unlike Cannock, where cafes owners considered trade increased on market days. There was concern regarding ASB/drugs/safety in terms of the car park on top of the market - the public did not feel safe as it was not a busy space. It was noted that the stairwell to the roof top car park above the market was in a poor state and the lift had not worked for decades. Therefore, its use was limited as it was not accessible to those in wheelchairs and those with pushchairs.

Members suggested that if 2 hours free parking could be offered, as was available the other side of town, this may attract the public who would then walk through the market to go into town. Officers confirmed car parking charges applied on this car park and there would need to be a Cabinet decision to revoke the parking order. The Group noted that the Asset Management Group would be reviewing car parks in the future to determine whether car parking charges should still apply. After the review a report would be prepared for Cabinet to consider.

The Chair commented that the car park by Home Bargains was well used by the public and this helped the Brewery Street market as the public could pop in whilst there. However, the Indoor Market Hall was located the other end of the town centre and it did not benefit from being near to the bus station or taxi rank. It was noted that several bus services had been taken off recently which meant that older persons, who used the bus service and tended to visit the Market Hall, were now not able to get into town.

Councillor Kruskonjic explained that Councillor Wilson had provided him with some feedback in terms of Cannock, but he was unable to access it on his phone. However, the shop keepers considered the outside street market to be a threat to their trade, selling goods at a cheaper price than their competitors who were in a shop unit.

It was agreed that, in the absence of Councillors Wilson and Dunnett their feedback would be provided at the next meeting.

A Member asked whether Artisan/Farmers markets had been considered for the Market Hall. The Principal Estates Surveyor advised that this had been considered and traders had been approached, but there was no interest. The traders preferred trading on the outdoor stalls on their usual pitches. The Chair suggested approaching car boot sellers to offer them an indoor stall on the market. The Officer commented that casual traders were welcome for £5 per day, but only if they had insurance. It was noted that car boot sellers did not tend to have insurance.

The Chair also commented that there were several Groups and Forums on social media sites, such as Facebook, that small businesses owners may have joined. He suggested that the Indoor Market Hall could be promoted on these Groups or Forums.

## Items for Next meeting

The Group noted that Bescot Promotions would be invited to the next meeting to provide a presentation. The meeting would be arranged for early January 2023, and it would be held in the Civic Offices rather than on MS Teams. Members would also be provided with feedback on the Indoor Market Hall consultation. The Cabinet report would be drafted by then and there may be an opportunity for the views of the Group to be considered alongside the report.

The Group agreed that Councillor Arduino would Chair any future Working Group meetings now that Councillor Bancroft was no longer a Member of the Scrutiny Committee.

Following a lengthy debate it was **AGREED** that:-

- (A) Consideration be given to approaching car boot sellers to ascertain whether there was any interest in taking on a stall in the Indoor Market.
- (B) Consideration be given to promoting the Indoor Market on relevant Groups and Forums on social media sites such as Facebook.
- (C) Councillors Wilson and Dunnett would provide feedback of their discussions with traders/shop keepers at the next meeting.
- (D) Bescot Promotions be invited to the next meeting which would be held in the Civic Offices, early January 2023.
- (E) Feedback on the Market Hall consultation be submitted to the next meeting, and Members views would be put forward alongside the Cabinet report.
- (F) Councillor L. Arduino would Chair future Working Group meetings.

The meeting ended at 4.30pm.



## Scrutiny Review Template

### Review Title

Review of Markets

### Scope of the Review / Terms of Reference

To undertake a review of markets operated directly by the Council or under licence by external operators on behalf of the Council.

Review will cover the following markets:

- Cannock Street Market
- Prince of Wales Indoor Market
- Rugeley Outdoor Market
- Rugeley Indoor Market Hall

The review will examine the performance of these markets and look at how well they contribute to the vitality of the town centres and how they perform in terms of attracting footfall. The review will also look at the performance of the market operators and long term sustainability. The Task and Finish Group will also seek to identify ways in which the markets can continue to develop and improve and build on their existing customer base.

### Reason(s) for Scrutiny

The review of Markets was selected by the members of the Economic Prosperity Scrutiny Committee and forms part of its Work Programme for 2022-23.

### Membership of the Review Group

Councillor L. Arduino (Chair)  
 Councillor S. Cartwright  
 Councillor. M. Dunnett  
 Councillor B. Kenny  
 Councillor. P. Kruskonjic  
 Councillor N. Lyons  
 Councillor S. Thornley  
 Councillor L. Wilson

### Key Tasks / Review Plan

- Overview of Council run markets
- Visit to Rugeley Indoor Market

- Presentation from Bescot promotions (Cannock Street market operator)
- Review of information obtained during review and agreement of findings/recommendations.

**Sources of Evidence**

Information from market operators, existing traders  
Financial information from CCDC.

**Timescale**

Review to be completed during 2022/23 municipal year.

**CANNOCK CHASE COUNCIL**  
**NOTES OF THE**  
**SCRUTINY REVIEW WORKING GROUP - MARKETS**  
**THURSDAY 17 JANUARY 2023 AT 4.00PM**  
**HELD AT CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

Present:

Councillor L. Arduino (Chair)  
Councillor M. Dunnett  
Councillor B. Kenny  
Councillor. P. Kruskonjic  
Councillor S. Thornley  
Councillor L. Wilson

Officers: A. Badman, Corporate Asset Manager  
R. Holland, Principal Estates Surveyor  
W. Rowe, Senior Committee Officer

Also present: Scott Evans, Director Bescot Promotions  
Spencer Evans, Director Bescot Promotions

**1. Apologies**

Apologies for absence were received from Councillor N. Lyons and D. Piper, Head of Economic Prosperity.

**2. Declarations of Interests from Members**

Nothing declared.

**3. Notes of meeting held on 17 November 2022**

The notes of the meeting held on 17 November 2022 were noted.

**4. Market Scrutiny Review**

**Bescot Promotions Presentation**

Scott and Spencer Evans, the representatives from Bescot Promotions Ltd., were welcomed to the meeting. The Principal Estates Surveyor invited them to provide Members with a brief history of the business and to confirm how long they had been operating in Cannock.

The representatives advised that Bescot Promotions had been a family run

business since 1989 and they took pride in providing a thriving, busy street market in the town centre.

Members noted that Bescot Promotions ran the initial two-year street market trial in 2013. Following the trial, Cabinet agreed a permanent street market should be held. However E.G. Sketts and Co. won the contract and ran the market from 2014-2020. The contract went back out to tender in November 2020 and Bescot Promotions won the contract. They now operate a street market in Cannock town centre on Tuesdays and Fridays.

The representatives from Bescot Promotions advised Members that, since taking over the contract in 2020, the uptake of stalls had increased on both days. Tuesday was not as busy as Friday and covid had hindered the markets success. However, rent incentives were offered to try and increase the take up of stalls on a Tuesday. More recently, a Christmas market had been held in the run up to the festive period which had been successful. It was noted that some traders had a stall on both days, others only did the Tuesday or Friday. A number a traders ran stalls in the surrounding area and therefore, some already did a Tuesday market elsewhere.

A Member asked whether the representatives had any experience in operating an indoor market. They advised that they had not operated an indoor market but would be open to considering it.

Another Member asked if Bescot Promotions had any experience of farmers/artisan type markets. The representatives advised that they do have experience of running monthly farmers' markets in Stone and Stafford and had been considering running a farmers or antiques market in Cannock, but not on a weekly basis. They could investigate this further to get an idea of interest.

Members noted that most traders had been trading for a long time but there were also some new traders. In terms of rent, Members noted that the rent for a casual stall was £35 with a regular stall being £30. Stalls on a Tuesday were currently available at a discounted rent of £15.

The Chairman commented that he had recently visited the market and had been impressed by how busy it was.

The Principal Estates Surveyor explained that this time last year, Bescot Promotions had offered a stall free on a Tuesday, if a trader had a stall on a Friday. This had been offered from January to March and had helped to increase stall take up. She further commented that the contract to operate the street market was for a 3-year period from November 2020 to November 2023 with the option to extend for two further 12-month periods. The contract would then go back out to tender in 2025.

The representatives explained that they operated other markets in the area - a market at Walsall FC on a Sunday which had operated for 30 years, a farmers' market in Stafford, and further markets in Halesowen and Willenhall. They confirmed that the vibe of these markets was similar, there were good and bad

days, and they were all weather dependent as they could not open in high winds or snow.

Members noted that Bescot Promotions had arranged the Christmas Winter Wonderland event in Cannock this year having only had 3 weeks' notice. They confirmed the event had been successful and they had worked with Cannock Chase Radio to advertise the event. The representatives would be meeting with Cannock Chase Radio to discuss future advertising of the Tuesday market and any events that were proposed to be held, with the aim of attracting custom.

The Chairman thanked the representatives for their attendance before they left the meeting.

### **Feedback on Rugeley Indoor Market Hall Consultation**

The Corporate Asset Manager provided Members with feedback from the public consultation that had ran from 14 November until 13 December. As part of the consultation there had been an online survey and officers had been conducting surveys in Rugeley town centre for 4 days in December. The consultation had been advertised on the Council's website and had been promoted on various social media platforms. Copies of the survey were available in the market hall and in the reception area at the Council offices. There had been a total of 893 responses - 102 paper replies and 791 online replies. There was a slight issue in that one question had been missing from the online survey. Advice had been sought from the Consultation Institute and a separate online survey incorporating the missing question had been prepared. This was also included on the website and on social media. The closing date for receipt of this question had therefore been extended to 16 December.

She then summarised the feedback/responses to the survey, as follows:

- Most respondents lived in the Rugeley area (80%).
- Most respondents stated they used or had used the indoor market hall (80%).
- Various reasons were given for no longer visiting the indoor market, including lack of stalls, premises being old, tired, and unwelcoming.
- A variety of suggestions to improve the popularity of the market had been proposed. Within the scope of the lease the suggestions included opening six days per week rather than four, redecorating the market hall, running themed one-off markets, re-opening the Rugeley Area Office and advertising more locally. Outside the scope of the current lease the suggestions were to provide a soft play area for young children and a community hub.
- Most responses expressed concern for the remaining traders if it were to close but there was support for closure if it was no longer viable.

- Most of the potential alternative uses were leisure related (bowling alley/cinema/ice skating rink). However, these would be outside the terms of the current lease.
- Other comments generally referred to issues outside the scope of the consultation, including Rugeley requiring updating and investment.

A Member put forward an idea to let the stalls to “street food” operators. She had recently visited similar street food type places in London, Lichfield and Birmingham and these were very popular and well attended, particularly between the hours of 11am-3pm. The Group discussed this suggestion and the Chair referred to a similar place he had visited in Derby, where food was being served from trailers in the courtyard of an old factory. The Principal Estates Surveyor commented that this option would require some investment as the interior of the market hall may need to be altered to accommodate the selling of hot food.

Another suggestion that had been discussed at the previous meeting, was to offer a stall to car booters. Members noted that any traders would require public liability insurance and, although the cost to the individual traders of obtaining a public liability insurance policy was not a huge amount, it appeared to put people off.

Officers confirmed that the indoor market hall had been extensively advertised and promoted over the years. Members were reminded that the Markets Officer attended the last meeting, and she had spoken about the various ways in which the market had been advertised.

Reference was made to the popular Brewery Street market which was in a good position and was visually attractive. The Group noted that this market added to the problems being experienced with the indoor market, which was not well located or visually attractive. It was noted that it was probably difficult for the two to survive in such a small town.

Reference was made to the very restrictive lease which had 56 years remaining. Members noted at the previous meeting that the terms of the lease limited the use of the market hall to offices, markets, retail, and car parking and that it would cost in the region of £5 million to surrender the lease.

A Member referred to the discussions held earlier in the meeting with the representatives from Bescot Promotions. The representatives had indicated they would be interested in considering operating the Rugeley indoor market hall. The Principal Estates Surveyor commented that it may be challenging for Bescot Promotions to find tenants who would want to trade 4 days per week, but she could have a conversation with the representatives about this.

The Chairman referred to the previous meeting where there had been a discussion about whether small business who currently traded on sites such as Etsy or eBay would be interested in taking up a stall in the market hall. However, it was acknowledged that traders selling from home had very little expense and, as the market hall had hardly any footfall, trading would be challenging.

Members considered that the internet, and the ability to sell online from home, had impacted on markets.

Other possible options which had been suggested at the previous meeting were discussed. In addition, a member suggested that local charities or art clubs could be approached to see if they had any interest in a stall.

The Chairman commented that the consultation had not revealed anything that the Council was not already aware of. There was a restrictive lease in place which made it difficult to come up with any new ideas or proposals for the future of the indoor market hall. Members considered that the only viable option was to approach Bescot Promotions to ascertain if they had any interest in operating the indoor market hall. The Corporate Asset Manager commented that operating an indoor market was completely different to operating an outside market as different rules existed. However, officers would speak with Bescot Promotions to ascertain their interest.

### **Feedback from Councillors Wilson and Dunnett on their discussions with market traders and shopkeepers**

Councillor Dunnett advised that she had spoken to Hednesford traders to establish their thoughts on the Hednesford market. She confirmed that there was general support amongst the traders for the Hednesford market and she handed her findings to the Chairman.

Councillor Wilson commented that the overall view of traders with regards to the Cannock Street market was positive. However, there was some concern that goods were being sold cheaper on the market. The Principal Estates Surveyor confirmed that competition was not discouraged but any trader selling similar goods to those available in one of the shops could not have a stall directly outside the shop.

### **Scope of the Review**

The Corporate Asset Manager took Members through the Scope of the Review which was attached to the agenda.

### **Conclusions**

The Group noted that Cabinet would be considering a report on the future of the Indoor Market Hall at a future meeting and the Working Group's views would be passed on for information alongside the report. In addition, a briefing note summarising the work of the Group would be prepared by officers and submitted to the Economic Prosperity Scrutiny Committee on 22 March 2023 for consideration.

To summarise, the Chairman commented that the markets in Cannock, Hednesford and Rugeley were operating fairly well with the exception of Rugeley Indoor market hall. The current lease restricted the uses for which the Council could use the premises. The Council had tried various initiatives to improve the

viability of the market, including extensive advertising. Members therefore considered that there were limited options available in terms of suggestions to improve the viability of the Rugeley indoor market hall.

In addition to any suggestions put forward at the previous meeting it was AGREED that the following suggestions be recommended to the Economic Prosperity Scrutiny Committee on 22 March for consideration:

- (A) That the Rugeley Outdoor markets and the Cannock Street markets should continue to be supported as they were operating well.
- (B) That small, online businesses, currently selling on Etsy, E-Bay and other social media platforms be approached to ascertain if there was any interest in taking on a stall in the Rugeley indoor market hall.
- (C) That Bescot Promotions Ltd., be approached to establish if they had any interest in operating the Rugeley indoor market hall.

The meeting ended at 5.30pm.



<b>Briefing Note of:</b>	<b>Head of Economic Prosperity</b>
<b>Contact Officer:</b>	<b>Sushil Birdi</b>
<b>Telephone No:</b>	<b>01543 464 326</b>

**Economic Recovery Scrutiny Committee**  
**22nd March 2023**  
**Planning Enforcement Review**

**1 Purpose of Briefing note**

- 1.1 This briefing note provides details of the work carried out by the Scrutiny Review Group - Planning Enforcement and to outline the Group's recommendations.

**2 Key Issues**

- 2.1 The Economic Recovery Scrutiny Committee agreed to a review of the Planning Enforcement function within Planning Services at its meeting of 5<sup>th</sup> July 2022. Planning Enforcement was dealing with a large workload due to an increase in complaints over the previous 2 years. The volume of complaints received had resulted in a backlog developing which was compounded by the pandemic. It was evident that during lockdowns, a higher level of development activity was being reported where the opportunity to investigate complaints was constrained.
- 2.2 The Working Group met on two occasions, 12<sup>th</sup> October 2022 and 4<sup>th</sup> January 2023.

**3 Detail**

- 3.1 The Planning Enforcement Scrutiny Review Working Group comprising of six Members, chaired by Councillor Samantha Thompson was established to carry out the review. The Working Group would report its findings to a future meeting of the Economic Recovery Scrutiny Committee.
- 3.2 The Working Group formally met on two occasions. Agendas, Minutes and documents related to the review are included as appendices to this Briefing Note.
- 3.3 At the Working Group meeting held on 12<sup>th</sup> October 2022, Members received a presentation on the Planning Enforcement service from the Planning Services Manager, Interim Development Control Manager and Enforcement Officer. Members were then able to ask questions. The presentation provided details of

the legislative framework within which the service operates, the powers available to take action as well as the timescales to take action. The Council also sets out a method to prioritise cases with associated timescales for investigation. Members resolved to look into the Scheme of Delegation and Enforcement Protocol in more detail at the next meeting.

3.4 At the Working Group meeting held on 4<sup>th</sup> January 2023 Members received reports outlining proposed changes to the Scheme of Delegation and the Enforcement Protocol alongside supporting documents. Members discussed the proposed changes that were considered necessary to assist the delivery of the Planning Enforcement function and recommended the following suggestions to be recommended to the Economic Recovery Scrutiny Committee for consideration:

(A) That the proposed amendments to the Scheme of Delegation in respect of removing the Planning Control Committee's role in determining enforcement action for minor complaints be submitted to the Economic Prosperity Scrutiny Committee for consideration and the Constitution Working Group, if appropriate.

(B) That the proposed amendments to the Scheme of Delegation for review by the Constitution Working Group, as detailed in Appendix 1, be noted.

(C) That the proposed amendments to the Enforcement Protocol, as detailed in the report, be supported. Members noted that the Protocol could be amended under Officers delegated powers and would be submitted to the Planning Control Committee for information.

(D) That an update on the review of the IT system be submitted to the next meeting of the Working Group along with any other issues Members wished to discuss.

(E) To support the introduction of a report outlining the number of Enforcement Complaints received and the number of complaints resolved, within respective Wards, being forwarded to Members on a monthly basis.

3.5 It should be noted that in relation to point (B) proposed changes to the Scheme of Delegation have been forwarded to the Constitution Working Group. Item (C) will be implemented following Economic Recovery Scrutiny Committee. Items (D) and (E) are ongoing matters and will take some time to resolve and implement however, no further meetings of the Working Group are in place to receive updates. Officers are currently working to meet point (E) in relation to new cases and it is anticipated that reports will be available shortly.

#### **4 Implications (if applicable)**

4.1 Not applicable.

#### **5 Appendices**

Appendix A: Planning Enforcement Scrutiny Review Working Group Full Papers  
- 12<sup>th</sup> October 2022.

Appendix B: Planning Enforcement Scrutiny Review Working Group Full Papers  
- 4<sup>th</sup> January 2023.

Appendix C: Minutes of the Planning Enforcement Scrutiny Review Working  
Group - 4<sup>th</sup> January 2023.

# Review of Planning Enforcement Scrutiny Task & Finish Group

**Time:** 4:00pm

**Date:** 12 October, 2022

**Venue:** Remote meeting via MS Teams

## 1. Apologies

## 2. Declarations of Interest from Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

## 3. Review of Planning Enforcement

The Group will receive a presentation from the Planning Services Manager, Sushil Birdi.

### Councillors:

S. Thompson (Chair)  
L. Arduino  
S.M. Cartwright  
P. Haden  
P. Kruskonjic  
A. Pearson

### Officers:

S. Birdi	Planning Services Manager
D. Piper	Head of Economic Prosperity
S. Manley	Interim Development Control Manager
L. MacDonald	Enforcement Officer
W. Rowe	Senior Committee Officer

Date Despatched: 5 October 2022

# Review of Planning Enforcement Scrutiny Task & Finish Group



**Time:** 2.00pm (*Please note earlier time*)

**Date:** Wednesday 4 January 2023

**Venue:** Remote meeting via MS Teams

## 1. Apologies

## 2. Notes of meeting held on 12 October 2022

To approve the notes of the meeting held on 12 October 2022 (attached)

## 3. Declarations of Interests from Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

## 4. Review of Planning Enforcement

- (i) Scheme of Delegation
- (ii) Enforcement Protocol

### Councillors:

S. Thompson (Chair)  
L. Arduino  
S.M. Cartwright  
P. Haden  
P. Kruskonjic  
A. Pearson

### Officers:

S. Birdi	Planning Services Manager
D. Piper	Head of Economic Prosperity
S. Manley	Interim Development Control Manager
L. MacDonald	Enforcement Officer
W. Rowe	Senior Committee Officer

Date Despatched: 21 December 2022

**CANNOCK CHASE COUNCIL**

**NOTES OF THE**

**SCRUTINY REVIEW WORKING GROUP - PLANNING ENFORCEMENT**

**THURSDAY 12 OCTOBER 2022 AT 4.00 P.M.**

**REMOTE MEETING VIA MS TEAMS**

Present:

Councillor S. Thompson (Chair)  
Councillor L. Arduino  
Councillor. P. Kruskonjic  
Councillor A. Pearson

Officers:

D. Piper, Head of Economic Prosperity  
S. Birdi, Planning Services Manager  
S. Manley, Interim Development Control Manager  
L. MacDonald, Enforcement Officer  
W. Rowe, Senior Committee Officer

**1. Apologies**

An apology for absence was received from Councillor P. Haden.

**2. Declarations of Interests from Members**

Nothing declared.

**3. Planning Enforcement Scrutiny Review**

Dean Piper, Head of Economic Prosperity explained that the presentation would provide an overview of Planning Enforcement outlining the work undertaken along with the workload and capacity issues.

Sushi Birdi, Planning Services Manager, S. Manley, Interim Development Control Manager and L. MacDonald, Enforcement Officer then provided Members with a presentation in relation to the Scrutiny review of Planning Enforcement.

Members were advised that a breach of planning control was defined in section 171A of the Town and Country Planning Act 1990 as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which

planning permission has been granted.

Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the Town and Country Planning (General Permitted Development) (England) Order 2015, constitutes a breach of planning control against which enforcement action may be taken.

Local Planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative areas. It should be noted that local authorities have a range of enforcement powers that extend beyond planning, as do the police in certain instances.

The Group noted that there were a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way. Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan. In considering any enforcement action, the local planning authority should have regard to the National Planning Policy Framework, in particular paragraph 59.

**The time limits for taking enforcement action were outlined, as follows: -**

In most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development.
- within 4 years for an unauthorised change of use to a single dwellinghouse; including land within its curtilage.
- within 10 years for any other breach of planning control (essentially other changes of use).

These time limits are set out in section 171B of the Town and Country Planning Act 1990. If it is found with evidence, that a development has been deliberately concealed, then the Council can apply to the Magistrates Court for a Planning Enforcement Order (PEO) where, if granted, the time limits for taking enforcement action do not apply.

**Paragraph 59 – Enforcement**

Members were advised that effective enforcement was important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and take action where appropriate.

## **The key principles**

- Control development and use of land and buildings in the public interest.
- Not intended to protect the private interests of one person against the activities of another.
- Carrying out development without planning permission is not a criminal offence.
- A measured and proportionate response is required.
- Where serious harm occurs, the Council will take action quickly.
- Enforcement action should only be taken when it is necessary, expedient and in the public interest to do so.
- Action should not be taken just because development has been undertaken without planning permission.
- The Council does not always have to take action.
- Enforcement workload is high, and the Council will need to prioritise work considering the limited resources.

## **Definition of Harm (to consider when taking enforcement action)**

- Direct noise, nuisance or disturbance from source
- In-direct danger and disturbance e.g., traffic problems
- Impact on amenity - Loss of privacy and impact on outlook, overshadowing and loss of natural light etc.
- Impact on visual amenity e.g., poor design / inappropriate materials / neglected / untidy areas
- Loss/damage to of protected trees
- Loss/damage to Heritage assets
- Risk of pollution that affects people and/or the natural environment
- Developments that undermine Planning Policy

## **Enforcement Priorities**

Complaints were triaged, as follows:-

- 1- Irreversible and serious damage to the environment or public amenity would result
- 2 - Impact less immediate but still potentially serious and harmful to the environment or public amenity
- 3 – Impact less likely to cause serious or lasting harm to the environment or public amenity
- 4 – Impact unlikely to cause serious or lasting harm to the environment or public amenity

These priorities are within the Planning Enforcement Policy.

## **Enforcement Measures**

The Group was advised that when dealing with Planning Enforcement complaints the aim was to negotiate a satisfactory outcome where possible and seek a



resolution without the need to take formal enforcement action. Most cases can be resolved by negotiation, which is at a cost saving to the Council. However, should formal action be necessary there were wide ranging powers available, following consideration of the expediency of such action.

The measures include: -

- Planning Contravention Notice (PCN) - to formally establish the facts relating to a breach, prior to the service of a Notice
- Enforcement Notice (right of appeal)
- Breach of Condition Notice (no right of appeal)
- Temporary Stop Notice (in force for 28 days) before the expiry of the TSN (no right of appeal and no risk of compensation)
- Stop Notice (risk of compensation payable to the interested party, for loss of revenue in 'stopping' any business or financial activity/use)
- Prosecution for flyposting & unauthorised advertisements
- Section 215 Town and Country Planning Act 1990 (provides a local planning authority with the power, in certain circumstances, to take steps requiring land to be tidied & dilapidated buildings to be repaired. There is a right of appeal, which is usually heard in the Magistrate Court.
- Injunctive Proceedings to stop development or use.
- Action under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Community Protection Notice Warning Letters, Community Protection Notices & Public Space Protection Notices.) Can be effective where breaches are occurring in the wider community.
- High Hedges – right of appeal
- Prosecution

### **Costs implications and recovery of costs**

All formal action, subsequent appeals and prosecution proceedings will have a cost implication to the Council, to a greater or lesser degree. However, some of the costs can be recovered, which include:-

- Charges on Land (with interest) where the Council have undertaken works e.g., remediation works to tidy the land following service of s215 Notice
- Proceeds of Crime, following the service of an Injunction, where a company or individual has benefitted financially by breaching planning control.
- Recovery of Court costs upon successful prosecution.

### **Performance - The Past**

It is both acknowledged and accepted that, historically, there have been issues around planning enforcement performance. This has been influenced mainly due to historic practices, caseload management, staff performance, staff vacancies and the Covid pandemic which has resulted in a number of outstanding cases.

## **Performance - The Present**

Since mid-August 2022, the Council has a full time, permanent, experienced Enforcement Officer. This means 'new' cases logged are being dealt with, and are up to date. Ongoing historic cases are currently being dealt with by a consultant (since March 2022 – present). These cases are being dealt with and progressed or closed.

## **Performance -The Future**

- Service Level agreement currently being set up with Legal to progress legal advice /service of Notices, in a timely way.
- To put the Enforcement Register online, by purchasing additional software, to enable 'self-service' for public to view and download.
- To further utilise the existing APAS system by reviewing its capability, in respect of automated correspondence.
- To put the enforcement complaints form online which will populate the APAS system and generate correspondence automatically saving time and administrative resource.
- To continually review practices and processes on an ongoing basis.
- To set up and monitor performance on APAS for reporting to Members and others
- To review the scheme of delegation to speed up the enforcement process.

The more serious and immediate the harm, the quicker the Council investigate. These represent the main performance targets for the team. There is no target for how many Enforcement Notices served because enforcement action is only taken as a last resort and only where necessary. If there is a target of enforcement notices per month (i.e. 4 notices) but you do not have 4 legitimate breaches to serve notice on, officer's fail to meet their target. A far better way of monitoring performance is by recording the numbers of cases received and the numbers of cases cleared. This is a better indicator of the effectiveness of the Enforcement Section in dealing with complaints rather than numbers of enforcement notices.

Some facts and figures in relation to the number of enforcement cases were outlined. These showed the historic cases dating back to 2019 and the backlog that existed for each year. New cases logged for each year from 2019-2022 were also outlined.

The following was also noted:-

- Staff resources were 2 FTE staff (1 was agency).
- new cases per week = 3.6, Live cases = 203.
- Closures per week = @6 (2 FT officers) = 33.8 weeks to resolve live cases – 67.8 weeks 1 FTE (This does not include new cases logged)

Progress continues to be made on the outstanding cases, these were solely being dealt with by the current planning consultant. Should this resource be lost, then the cases will be dealt with 50% less resource.

## **Scheme of Delegation**

Currently, under Section 26 of the Scheme of Delegation, it states at paragraph 26.5.19 that:

The following matters shall be reported to the Planning Control Committee for determination:-

### *Inter alia*

(d) All formal enforcement actions under the Town & Country Planning Acts, or decisions to make Tree Preservation Orders (TPO) and there is an unresolved objection to the proposed TPO or an unresolved complaint

This represents a significant operational burden for the Council as currently written.

Members noted an example in relation to a fence which was 2.1m high. Permitted development only allows for 2m. In this instance, the Council would otherwise grant permission for the structure if an application were submitted. If, however, the owner of the site refuses to submit an application to regularise this technical breach (and why would they as it would cost hundreds of pounds to do so) and the objector is not willing to accept that the officers view that matter is so minor as not to justify action, the scheme of delegation requires such a case to be placed before the Planning Committee to make the final decision as to pursue enforcement action or not. This has not been happening and has resulted in a growing number of cases of a minor nature building up and this will continue to do so. These will all need to be placed before the Planning Control Committee.

The Scheme of Delegation needed to be amended to remove this requirement and an alternative mechanism put in its place.

## **Summary**

- Resources – 1FTE + Admin support
- Enforcement and DC Team resilience
- Legal support – Constitution/SCI
- Automation – time and cost savings
- Co-ordination of enforcement activities/non-planning legislation e.g. ASBO
- Enforcement Protocol – Anonymous complaints
- Shared Services

The Chair thanked Officers for a very informative presentation and Members were then afforded the opportunity to ask questions and raise any issues.

There was a lengthy discussion by the Group clarifying various issues raised within the presentation. A Member raised a question in relation to costs for taking formal action. The Group noted that the Enforcement Officers' role was important

as it enabled negotiations to achieve a satisfactory outcome without the need to take enforcement action. However, any formal actions/proceedings that were taken had cost implications but, as there was no budget for this, the money would need to come from the General Fund. Officers confirmed that any costs that were able to be recovered would be used for service improvements.

The Head of Economic Prosperity then asked Members to consider whether there were any specific areas arising from the presentation, that they wished to look at in more detail. The Group discussed possible areas and considered that the Scheme of Delegation and the Enforcement Protocol, including the performance element, could be looked at in further detail at the next meeting. It was confirmed that a date for the next meeting would be agreed with officers in consultation with the Chair. Members asked if the presentation slides could be circulated to all those on the Group.

The following actions were **AGREED** :-

- (A) That the Scheme of Delegation and the Enforcement Protocol, including the performance element, be looked at in further detail at the next meeting.
- (B) That the date of the next meeting of the Working Group be arranged by officers in consultation with the Chair.
- (C) That the presentation slides be circulated by email to all Members on the Group.

The meeting ended at 5.40pm.

**CANNOCK CHASE COUNCIL**

**NOTES OF THE**

**SCRUTINY REVIEW WORKING GROUP - PLANNING ENFORCEMENT**

**WEDNESDAY 4 JANUARY 2023 AT 2.00 P.M.**

**REMOTE MEETING VIA MS TEAMS**

Present:

Councillor S. Thompson (Chair)  
Councillor L. Arduino  
Councillor. P. Kruskonjic  
Councillor P. Haden  
Councillor A. Pearson

Officers:

S. Birdi, Planning Services Manager  
S. Manley, Interim Development Control Manager  
L. MacDonald, Enforcement Officer  
W. Rowe, Senior Committee Officer

**1. Apologies**

An apology for absence was received from Dean Piper, Head of Economic Prosperity.

**2.**

**Notes of meeting held on 12 October 2022**

The notes of the meeting held on 12 October 2022 were noted.

**3.**

**Declarations of Interests from Members**

Nothing declared.

**4.**

**Planning Enforcement Scrutiny Review**

The Planning Services Manager explained that at the last meeting Members had asked to receive further detail in respect of the Scheme of Delegation and the Enforcement Protocol. The Interim Development Control Manager advised that a report had been prepared along with a supporting Appendix, and these had been circulated to Members in advance of the meeting. The report outlined a proposed amendment to the Scheme of Delegation with regard to enforcement action in relation to minor planning breaches, and also outlined the proposed changes to the Enforcement Protocol. For Members information, Appendix 1 had also been circulated to them - this outlined all the proposed changes to the Scheme of

Delegation and would be considered by the Constitution Working Group in due course.

### **Scheme of Delegation**

The Interim Development Control Manager explained that where the Enforcement Officer was of the view that a complaint was of a minor nature and it was not in the public interest to pursue, the Officer would inform the complainant and explain the reasons why. However, in some cases the complainant did not accept the Officer's view and the complaint must then be brought before the Planning Control Committee for a final decision on whether enforcement action is justified. It was proposed to change the Scheme of Delegation for these types of minor breaches and remove this requirement, as it was not in the public interest to submit these cases to Committee, given the time, resource and costs associated with the process. This would mean that complaints of this nature would be fully delegated to the Enforcement Officer, subject to being signed off by a Senior Planning Officer. The Group was in favour of the proposed change.

A Member sought confirmation that, if a Member were to raise the complaint, would the delegation decision still take place. The Interim Development Control Manager confirmed that the changes did not preclude a Member asking for enforcement action to be taken.

### **Enforcement Protocol**

The Interim Development Control Manager referred to the Enforcement Protocol which was a shared document with Stafford Borough Council. Any changes being proposed would need to be agreed and adopted by both Council's having regard to their own constitutional requirements.

He then outlined the proposed amendments which were detailed in the report and made reference to the changes with regard to the enforcement site inspections timeframes, and the changes to the wording within the 4 priority categories.

### **Traveller Incursions**

With regard to the specific reference in Priority 1 to "traveller incursions" he explained that it was proposed to omit any reference to this from the policy document. Members sought a reassurance that any unauthorised traveller encampments would still be investigated if the reference was removed from the document. It was confirmed that any breach of this type would still be investigated and more appropriately assessed against the priority matrix based upon level of harm caused, rather than a specific reference to a group within society. The Planning Services Manager clarified that any complaints in this respect would fall under the fourth bullet point of Priority 1 "Development causing serious and immediate/irreparable harm, particularly to protected ecology or causing serious danger to the public".

## **Anonymous Complaints**

The Officer then outlined the reasons for the proposed changes to omit the reference to anonymous complaints from Priority 4. Additionally, within the body of the policy the text under Section 7 (Investigations of Suspected Breaches of Planning Control) would be amended to state that anonymous complaints will not be investigated without caveats.

Members supported this proposal but did not wish to discourage the public from making a genuine a complaint and considered they should be reassured their details would be kept private. The Officer commented that should a member of the public not wish to provide their details they had the opportunity to contact their elected Member to take up the complaint on their behalf.

## **Timeframes**

The Group noted the timeframes to respond to a complaint and the proposal to change Priority 3 from 10 working days to 15, and Priority 4 from 15 working days to 20.

Reference was also made to the unachievable target to investigate 100% of cases within the stated period. It was proposed to amend this target so that the stated timeframes be set within a performance target of 90% of the visits to be undertaken within the defined periods.

It was noted that the Enforcement Officer's performance was measured against these targets. Therefore, the proposed changes would allow data to be captured and for realistic, achievable targets to be set, which would ultimately improve service delivery.

*(Councillor P. Haden left the meeting at this point - 3.00pm)*

## **Monitoring and review and reporting targets**

The Officer explained that it was proposed to make changes to the IT system to allow targets to be assessed and performance reports to be generated on a regular basis.

The wider IT setup for the Enforcement team in relation to the discharge of the enforcement function would also be reviewed. A full review would be undertaken to streamline processes, ensure data was being saved and if possible, automate the process to reduce the burden upon support staff. An update on this review could be reported to Members at the next meeting.

Members noted that the Enforcement Protocol had not been reviewed since it was established in 2015. Members therefore supported the proposed changes as outlined above.

Officers advised that, should Members wish to be notified of the number of enforcement cases received and resolved, within respective Wards, this could be

circulated to them. Members indicated that they would like to receive this information on a monthly basis.

### **Use of Non-planning legislation**

The Group noted that, in certain circumstances, breaches of planning could be dealt with more quickly through ASBO legislation. Therefore, Officers within the Enforcement teams would be trained in serving these notices and given the appropriate authority to do so.

*(Councillor P. Kruskonjic left the meeting at this point - 3.30pm, as he had another meeting to attend at the Civic Offices).*

It was AGREED:

- (A) That the proposed amendments to the Scheme of Delegation in respect of removing the Planning Control Committee's role in determining enforcement action for minor complaints be submitted to the Economic Prosperity Scrutiny Committee for consideration and the Constitution Working Group, if appropriate.
- (B) That the proposed amendments to the Scheme of Delegation for review by the Constitution Working Group, as detailed in Appendix 1, be noted.
- (C) That the proposed amendments to the Enforcement Protocol, as detailed in the report, be supported. Members noted that the Protocol could be amended under Officers delegated powers and would be submitted to the Planning Control Committee for information.
- (D) That an update on the review of the IT system be submitted to the next meeting of the Working Group along with any other issues Members wished to discuss.
- (E) To support the introduction of a report outlining the number of Enforcement Complaints received and the number of complaints resolved, within respective Wards, being forwarded to Members on a monthly basis.

The meeting ended at 3.40pm.



