



Cannock Chase Council

Council Meeting

Wednesday 6 September 2023 at 6:00pm

In the Council Chamber, Civic Centre, Cannock

Part 1

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

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any interests in accordance with the Code of Conduct.
Members should refer to the guidance included as part of this agenda.
- 3. Minutes**

To confirm the Minutes of the meeting held on 12 July 2023, minute numbers 16 – 25, page numbers 10 – 18.
- 4. Chair's Announcements and Correspondence**

To receive any announcements and correspondence from the Chair of the Council.
- 5. Leader's Announcements and Correspondence**

To receive any announcements and correspondence from the Leader of the Council.
- 6. Questions Received Under Council Procedure Rule 8**
 - (i) To consider the following Question submitted in accordance with Council Procedure Rule 8 by Councillor A.A. Fitzgerald, Parks, Culture, and Heritage Shadow Portfolio Leader:**

“Following a full review of this Council’s Capital Programme, on Thursday 30th March 2023, the previous Conservative Cabinet approved a Four-Year Parks Improvement Programme (2022-26). Under that programme, future works to the following parks were endorsed:

- Phase 2 and 3 at Laburnum Park;
- Cannock Park and Play Area;
- Heath Hayes Park;
- Oxford Road Play Area;
- Flaxley Road Play Area;
- Rugeley Skate Park; and
- Winstanley Place Play Area.

Please could Cllr John Preece, Cabinet Member for Parks, Culture and Heritage confirm whether the current Labour and Green Coalition will commit to following the previous Conservative Cabinet’s plan to improve these parks?”

(ii) To consider the following Question submitted in accordance with Council Procedure Rule 8 by Councillor O. Lyons, councillor for Western Springs ward:

“The previous Conservative-led Council approved works and funding to replace Elmore Park toilets as it is not accessible for wheelchair users, families with pushchairs and has no running water.

Prior to the change of administration in May, proposals were drawn up for the new toilets to be designed to include baby changing facilities, to be fully accessible and to meet the requirements of a low carbon future. That tendering process has now completed and the plan was for the old toilet block to be demolished and a new fabricated toilet block installed.

Please can the Cllr John Preece, Cabinet Member for Parks, Culture and Heritage confirm that this Labour and Green Coalition are following the previous Conservative Cabinet’s plan and work is still on track to be completed in October.”

7. Recommendations Referred from Cabinet

Council is requested to consider recommendations from the Cabinet meeting held on 10 August 2023 in respect of the following matters:

(i) Food Law Enforcement Service Plan 2023-25 (Cabinet 10/08/23, Draft Minute Number 24)

“That Council, at its meeting to be held on 6 September 2023, be recommended to:

- (i) Approve the Food Law Enforcement Service Plan (as attached at Appendix 1 of the 10 August 2023 Cabinet report), and
- (ii) Delegate authority to the Head of Regulatory Services to review, amend, update, and approve future Food Law Enforcement Service Plans.”

(ii) Environmental Health & Public Protection Service Enforcement Policy 2023 (Cabinet 10/08/23, Draft Minute Number 25)

“That Council, at its meeting to be held on 6 September 2023, be recommended to:

- (i) Approve the Environmental Health & Public Protection Enforcement Policy (as attached at Appendix 1 of the 10 August 2023 Cabinet report), and
- (ii) Delegate authority to the Head of Regulatory Services to review, amend, and / or update the Environmental Health & Public Protection Enforcement Policy as necessary, due to changes in legislation, government guidance, and in the interests of operational efficiency.”

The accompanying reports for the above recommendations can be viewed on the [10 August 2023 Cabinet](#) meeting page on the Council's website.

8. Motions Received Under Council Procedure Rule 6

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

“Defibrillators

More than 30,000 sudden cardiac arrests occur each year outside of a hospital or healthcare setting. Sadly, in those circumstances, less than 1 in 10 people survive. The chances of survival increase if immediate CPR and defibrillation is performed, particularly if this takes place within three minutes.

Cannock Chase District Council recognises that publicly accessible defibrillators save lives and acknowledges the role the Council can play in helping to improve accessibility for local residents.

At present, defibrillators are located at the Pavilion in Hednesford Park, the changing rooms at Heath Hayes Park and at the home of Brereton and Ravenhill Parish Council which sits within Ravenhill Park - all of these parks are managed by Cannock Chase District Council.

A number of the facilities managed by Inspiring Healthy Lifestyles also house defibrillators, including three at Chase Leisure Centre which neighbours Cannock Park and Cannock Park Golf Course (one is sited externally and two internally at the reception and golf reception), two at Rugeley Leisure Centre (one sited externally and one internally at reception), one at the reception of Fives Pavilion and one within the Prince of Wales Theatre. In addition to this, there is also a number of defibrillators located at the Civic Centre (including one at reception, one on the second floor and one in the Civic Suite).

To further raise awareness and improve accessibility, Cannock Chase District Council commits to:

1. Ensure that the maintenance records of all existing devices are up to date, with the expiration dates of the electrode pads monitored, batteries checked and a plan in place to ensure that each device is periodically serviced by a professional;
2. Undertake a prompt review (within the next quarter) of Council managed locations and larger, main parks which are popular destinations for the public but which do not currently have defibrillators in place (such as Elmore Park in Rugeley and Cannock Stadium) with a view to funding and implementing the lifesaving equipment;

3. Ensure that Council employees who working within or assigned to work at each of these locations are provided with training on the use of defibrillators; and
4. Launch an awareness campaign to encourage local businesses, community groups, places of worship, social clubs, social enterprise organisations and sports clubs who may have their defibrillators to ensure that they are registered on The Circuit.

*(*Statistics from the Heart Foundation)**

9. Review of the Constitution

Report of the Head of Law and Governance (Item 9.1 - 9.39).

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

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

11. Exclusion of the Public

The Chair to move the following motion:

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

Part 2

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

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



**T. Clegg
Chief Executive**

29 August 2023

Guidance on Declaring Interests at Meetings

Declaring Interests at Full Council

The Code of Conduct requires that where you have an interest in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

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

- (a) A **Disclosable Pecuniary Interest** is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) in respect of employment, office, trade, profession or vocation carried out for profit or gain; sponsorship; contracts; land; licences; corporate tenancies; or securities, as defined with the Localism Act, 2011.
- (b) A **Registerable Interest** includes any unpaid directorships or any body of which you are a member, or are in a position of general control, and (i) to which you are appointed by the Council, or (ii) which exercises functions of a public nature, or (iii) which is directed to charitable purposes, or (iv) one of whose principal purposes includes the influence of public opinion or policy.
- (c) A **Non-Registerable Interest** is any other matter affecting your financial interest or well-being, or a financial interest or well-being of a relative or close associate.

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

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

Please make the nature of the interest clear to the meeting

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

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

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

Cannock Chase Council
Minutes of the Meeting of the Council
Held in the Council Chamber, Civic Centre, Cannock
On Wednesday 12 July 2023 at 6:00 p.m.

Part 1

Present: Councillors:

Pearson, A.R. (Chair)

Foley, D. (Vice-Chair)

Arduino, L.	Jones, P.G.C.
Aston, J.	Jones, V.
Bancroft, J.T.	Kenny, B.
Boulton, C.	Kruskonjic, P.
Bishop, L.	Lyons, N.
Boyer, M.	Lyons, O.
Cartwright, S.M.	Mawle, D.
Dunnett, M.J.	Muckley, A.M.
Elson, J.S.	Newbury, J.A.A.
Fisher, P.A.	Owen, P.
Fitzgerald, A.A.	Preece, J.P.T.L.
Frew, C.L.	Prestwood, F.
Haden, P.K.	Prestwood, J.
Hill, J.	Stanton, P.
Hoare, M.W.A.	Sutherland, M.
Johnson, J.P.	Theodorou, P.C.
Johnson, P.	Thornley, S.J.
Johnson, T.B. (Leader)	Wilson, L.J.
Jones, P.T.	

16. Apologies

Apologies were submitted for Councillors M.S. Buttery and D.W.G. Williams.

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

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

18. Minutes

Resolved:

That the Minutes of the Extraordinary meeting and Annual meeting held on 24 May 2023 be approved as a correct record.

19. Presentation of Certificate to Honorary Alderman

The Chair advised that this item had been deferred to the 6 September 2023 Council meeting.

20. The Chair's Announcements and Correspondence

(i) Former Councillor Doreen O'Sullivan

The Chair advised that sadly, former councillor Doreen O'Sullivan, had passed away at the end of June. Doreen was elected as a Labour councillor for the Longford ward in May 1995, and served one term, finishing in May 1999.

The Council's thoughts were with Doreen's family at this sad time, and all Members were asked to join in observing a minute's silence as a mark of respect.

21. Leader's Announcements and Correspondence

(i) Amazon, Rugeley Fulfilment Centre

The Leader advised that on 28 June, Amazon announced their intention to consult on proposals to close the Rugeley Fulfilment Centre. This was a massive shock to the Council and to the local community and the Council was fully aware of the impact this will have on Rugeley and the surrounding area, potentially affecting up to 1,000 jobs. Amazon propose to move to a new site in Sutton Coldfield, and it was understood that their intention was to be operational at the new site by October 2023.

The Leader was also grateful to Amanda Milling, MP, who had written to the Leader pledging her support and a promise to exercise whatever influence she had at Government level to minimise the impact on the District. Clearly, the announcement was disappointing news, but the Council still envisaged a positive future for the District.

The matter was also to be discussed elsewhere on the agenda and at Cabinet on 13 July 2023.

(ii) Cross Party Working

The Leader advised that the Administration recognised that the Council was under no overall control politically and that it was committed to working to achieve cooperation, cohesion, and consensus. Accordingly, Councillor Olivia Lyons (Leader of the Opposition) was to be invited to attend Levelling Up Board meetings, and Councillor Martyn Buttery (Regeneration and High Streets Shadow Portfolio Leader) to be invited to attend UK Shared Prosperity Fund meetings.

(iii) Museum of Cannock Chase

The Leader offered his congratulations to the staff at the Museum; the Council's partners, Inspiring Healthy Lifestyles; and all involved in the successful Heritage Lottery Fund bid.

The £87,120 granted by the Fund would be used to digitize collections. This would provide an online catalogue allowing virtual access to exhibits with just a click.

(iv) Unemployment Figures

The latest unemployment figures for the District for June had been released the previous day.

Cannock Chase had a claimant rate was 3.5% which equated to 3,170 people. The Leader stressed that it was important to remember that these are not just figures; they are out of work local residents. The figure of 3.5% was a slight increase on the May figure of 3.4%, which represented an increase of 45 people. The figures were concerning as they were above the average Staffordshire rate of 2.9%. Therefore, working with its partners, the Council would work to continue to create economic growth; encouraging investment and bringing jobs to the district, while at the same time enabling existing businesses to grow. As always, the Council would work proactively with local employers to identify vacancies and promote the jobs via Job Fairs and other events.

22. Questions Received Under Council Procedure Rule 8

The following question submitted in accordance with Council Procedure Rule 8 was asked by Councillor D. Foley, Vice-Chair of the Council:

“As Members may be aware, there have recently been two announcements concerning Rugeley: the imminent closure of the Amazon Fulfilment Centre and the decision by the current licence holder of Rugeley Outdoor Market not to renew.

In light of these announcements could the Cabinet Member responsible share what actions have already been taken, and what plans are being put in place with regard to:

1- Mitigating the impact of these decisions?

2 - Ensuring the continued operation of the Amazon building and Outdoor Market?”

The Regeneration & High Streets Portfolio Leader, Councillor J.A.A. Newbury, provided the following response:

(i) Amazon

- On 28 June, Amazon announced their intention to consult on proposals to close the Rugeley Fulfilment Centre, potentially affecting up to 1,000 jobs. Amazon propose to move to a new site in Sutton Coldfield, and we understand their intention is to be operational in this new site by October this year.
- This announcement came as a massive shock to the Council and to the local community and as a Council, we are fully aware of the impact this will have on Rugeley and the surrounding area. It is disappointing news, but the Council still sees a positive future for the District, there are significant growth opportunities to create new jobs and investment and we have a strong foundation to build upon.
- Amazon moved to its current site on Towers Business Park in Rugeley in 2011, the site building totals approximately 700,000 square feet. Amazon is currently the District’s largest employer, employing approximately 1,000 employees. The size of the workforce increases during seasonal periods, with up to 2,000 people working on site during the run up to Christmas. Workers are employed in a variety of occupations ranging from pickers, packers, IT, engineering, maintenance, quality control, health and safety, procurement, HR, and finance.

- In addition to being a large employer, it is important to note that Amazon UK are a significant business rate payer and Amazon have also invested in local community initiatives and held site tours for local school children, councillors, and community groups.
- Amazon have stated that they will shortly be consulting with affected workers at the Rugeley site and have stated that all employees will be offered redeployment opportunities at either Sutton Coldfield or other Amazon sites within the West Midlands. Amazon are keen to stress that there will be no compulsory redundancies. Amazon estimate that of the 1,000 employees who work at the Rugeley site, approximately 30% of these work within a short commuting distance.
- The Council has already opened up constructive dialogue with Amazon despite the difficult circumstances. Amazon have agreed to share with the Council key timescales and milestones and more information on the numbers of local workers affected by the proposal and the type of roles.
- It will be important for the Council to work with key partner agencies to mitigate the impact of the closure of Amazon's centre at Rugeley. Council officers have already established a Task Group involving partner agencies to set out an offer to Amazon in terms of supporting affected workers.
- It will also be important to create new economic opportunities by delivering against the priorities identified in the Council's Economic Prosperity Strategy, progressing our new Local Plan, and by ensuring that the District has a good pipeline of projects/initiatives to create new jobs and investment.
 - £20m Levelling Up Fund investment for Cannock town centre
 - Phase 2 of McArthurGlen Designer Outlet
 - Re-development of the former Rugeley Power Station site, 2,300 new homes, 5 hectares of employment land, new All Through School
- The Council will also be pro-active in working with the owner of the Amazon site to understand their plans, and hopefully the site will be re-occupied quickly, creating new jobs and investment, and mitigating the Council's loss of business rates.

Cabinet will discuss and debate this issue at its meeting tomorrow evening.

(ii) Rugeley Outdoor Market

The Rugeley outdoor market operator served notice on the Council terminating his licence to operate the market and his licence terminated on 24th June 2023.

The Council is currently in discussion with an alternative market operator regarding the possibility of that operator trialling a street market in Rugeley town centre. The purpose of the trial would be to establish whether or not a viable street market can be maintained in Rugeley into the future. If the trial proved to be successful, the Council would procure a more permanent arrangement by going out to tender for a street market contract similar to the contract it has in place with the operator of Cannock street market. It should be noted however, that discussions regarding such a trial are at an early stage and it is too soon to confirm whether or not the street market trial will proceed.

Traders that had stalls on Rugeley outdoor market and who wish to continue trading in Rugeley town centre following the termination of the previous market operator's licence are required to apply for a street trading consent from the Council's Licensing Unit.

23. Motions Submitted Under Council Procedure Rule 6

- (i) Consideration was given to the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor C.L. Frew, Environment and Climate Change Shadow Portfolio Leader:

“Alcoholism Awareness

On the 3rd of July up until the 9th of July Alcohol Change UK coordinated its yearly Alcohol Awareness Week, with this year’s theme being based upon 'Alcohol and Costs'.

According to Alcohol Change UK, every year approximately 5,000 workplaces, health services, charities, and community groups, across the nation, sign up to the campaign to participate in the Awareness Week and to utilise the resources provided by Alcohol Change UK.

Moreover, in reference to statistics provided by Alcohol Change UK, alcohol misuse is the biggest risk factor for death, ill-health, and disability among 15–49-year-olds in the UK, and the fifth largest risk factor across all ages.

In addition to this, in reference to Public Health England, its approximated that there are 485,329 dependent drinkers in England which are not in treatment as of 2020/21, this resulting in 81.9% of dependent drinkers going without treatment.

When considering alcohol dependency from a local perspective, according to Public Health England, it was estimated that 8,449 people suffered from alcohol dependency in Staffordshire.

On reflection of the recent Alcoholism Awareness Week and the concerning figures outlined by Alcohol Change UK, I propose that this Council:

- 1 Participates in the Alcoholism Awareness week organised by Alcohol Change UK, commencing the year of 2024.
- 2 Asks the relevant Cabinet member and the Health and Wellbeing team to see if the Cannock Chase Can App can be further developed to enable users to track both their alcohol intake and water intake on the app, if users wish, to further assist users with leading healthy lifestyles, and gives further discretion to the Health and Wellbeing team to develop this initiative.
- 3 Additionally, requests that the Cannock Chase Can App includes both local and national contact details of charities and support networks which can offer support to individuals suffering from alcohol and drug addictions.

This was an original Motion, with reference to the following links:

- [About Alcohol Awareness Week | Alcohol Change UK](#)
- [Alcohol statistics | Alcohol Change UK](#)
- [Alcohol dependence prevalence in England - GOV.UK \(www.gov.uk\)](#)
- [Alcohol Treatment - Public Health Dashboard - OHID \(phe.org.uk\)](#)
- [Alcohol dependence prevalence in England - GOV.UK \(www.gov.uk\)”](#)

Resolved:

That:

- (A) The Council participates in the Alcoholism Awareness week organised by Alcohol Change UK, commencing from the year 2024.
- (B) The Community Wellbeing Portfolio Leader and the Health and Wellbeing team be asked to see if the Cannock Chase Can app could be further developed to enable users to track both their alcohol intake and water intake on the app, if users wished, to further assist users with leading health lifestyles, and give further discretion to the Health and Wellbeing team to develop this initiative.
- (C) Additionally, it be requested that the Cannock Chase Can app includes both local and national contact details of charities and support networks which can offer support to individuals suffering from alcohol and drug addictions.

- (ii) Consideration was given to the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor J.A.A. Newbury, Deputy Leader of the Council and Regeneration & High Streets Portfolio Leader:

“Proposal to Reappoint to a Modified Role of LGBT+ Ambassador for Cannock Chase

This Council notes that:

- The Council has had an LGBT+ Ambassador since September 2022 and this role has been held by a councillor.
- The Chase Pride festival held in September 2022 was a great success with over 5,000 attendees, and plans are underway for an even larger event on 2nd September 2023.

This Council believes that:

- There is a need for an Ambassador to drive forward projects and initiatives by and for the District’s LGBT+ community.
- More work is needed to achieve the objectives set out in the motion put to full council in September 2022, such as training for Councillors, Officers and Community Groups and additions to the Cannock Chase Can app.
- In order to best support the LGBT+ community in our District, the Council must look outwards for an Ambassador rather than only looking inwards.
- The Council should deepen its partnerships with community groups by working with them on defining and promoting the LGBT+ Ambassador position.

This Council resolves to:

- Renew the LGBT+ Ambassador position for the 2023/24 municipal year, and to appoint an Ambassador who is not necessarily a member of this Council.
- Advertise the LGBT+ Ambassador position to the public, with authority delegated to the Head of Wellbeing, to formulate a role description, advert, and timeframe for applications.
- Write to community groups, including Chase Pride, to seek their support with promoting the LGBT+ Ambassador position to the public.

- Form a politically balanced working group to consider applications received and, by a majority vote, appoint an LGBT+ Ambassador for the remainder of this municipal year.
- Reappoint the role annually following the Council's Annual General Meeting."

This was an original Motion.

Amendment to Motion

Councillor J.T. Bancroft proposed the following amendment to the Motion which was seconded. The amendment was accepted by the Proposer of the original Motion and became the substantive Motion:

- "Renew the LGBT+ Ambassador position for the remainder of the 2023/24 Municipal year, and the 2024/25 Municipal year, and to appoint an Ambassador who is not necessarily a member of this Council.
- Reappoint the role biennially, thereafter, following the Council's Annual General Meeting."

Resolved:

That:

- (A) The position of LGBT+ Ambassador be renewed for the remainder of the 2023/24 Municipal year, and the 2024/25 Municipal year, and to appoint an Ambassador who was not necessarily a member of this Council.
- (B) The position of LGBT+ Ambassador be advertised to the public, with authority delegated to the relevant Head of Service to formulate a role description, advert, and timeframe for applications.
- (C) Community groups, including Chase Pride, be written to, seeking their support with promoting the LGBT+ Ambassador position to the public.
- (D) A politically balanced working group be formed to consider applications received and, by a majority vote, appoint an LGBT+ Ambassador for the remainder of this municipal year.
- (E) The role be appointed to biennially, thereafter, following the Council's Annual Meeting.

- (iii) Consideration was given to the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor T.B. Johnson, Leader of the Council:

"Proposal to Reappoint to the Role of Armed Forces Champion

This Council notes that:

- The role of Armed Forces Champion was created and appointed to in March 2022.
- We have committed to the Armed Forces Community Covenant for Staffordshire for over a decade, having signed up to it during the 2012/13 municipal year. The aims of the Covenant are:
 - To encourage local communities to support the armed forces community in their areas and to nurture public understanding and awareness among the public of issues affecting the armed forces community.
 - To recognise and remember the sacrifices faced by the armed forces community.

- To encourage activities which help to integrate the armed forces community into local life.
- To encourage the armed forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement.
- We also take part in the Defence Employer Recognition Scheme, supporting our armed forces community and inspiring other employers to do the same.
 - The Council holds a Silver Award for its commitment to the armed forces community.

This Council believes that:

- There is a clear need for an Armed Forces Champion which acts as a bridge between the Council and our armed forces community on issues which this Council has responsibility for, such as housing, benefits, employment support and signposting to partner organisations, whilst also advocating for the armed forces to residents, local businesses, community groups and partner organisations.
- We must continue to work closely with all of the organisations which support our armed forces community, such as charities, ex-servicemen's clubs and community groups, work which is led by the Armed Forces Champion.

This Council resolves to:

- Thank Councillor Martyn Buttery for his 16 months of service as this Council's inaugural Armed Forces Champion.
- Appoint an Armed Forces Champion to hold the position for the remainder of the 2023/24 municipal year.
- Reappoint the role annually, alongside representatives to outside bodies, at the Annual General Meeting.

Amendment to Motion

Councillor O. Lyons proposed the following amendment to the Motion which was seconded.

Delete all text from 'This Council resolves to...' and replace with:

"This Council resolves to:

- Thank Councillor Martyn Buttery for his 16 months of service as this Council's inaugural Armed Forces Champion.
- Look to appoint a new Armed Forces Champion (who does not have to be an elected representative) for the remainder of the 2023/24 municipal year and for the upcoming year, 2024/25.
- Advertise the Armed Forces Champion as an independent position, open to the public, whose role would be to liaise with elected representatives, bring lived experience, provide an independent voice and act as a critical friend to this Council when considering the impact of Council policy and wider Council decisions on our local Armed Forces Community.
- Delegate authority to the relevant Head of Service in order to formulate a role description, devise an advert and agree timeframe for applications.

- Recognise and engage with the various groups actively working to support our local Armed Forces Community, such as but not exclusively, Help A Squaddie, the local branches of the Royal British Legion and the Staffordshire Regimental Association to seek their views and to ensure that the remit of the Armed Forces Champion best meets the needs of both veterans and serving Members of the Armed Forces.
- Establish a working group formed of elective representatives and task the Working Group to revisit the remit of the role, consider future applications and appoint an Armed Forces Champion for the remainder of this municipal year and the upcoming 2024/2024 year (to enable sufficient time to embed the role and build a network); and
- Reappoint to the role following due process on a biennial basis.”

Following debate, a vote was taken on the amendment, which was not carried.

A vote was then taken on the original Motion.

Resolved:

That:

- (A) Councillor M.S. Buttery be thanked for his 16 months of service as the Council's inaugural Armed Forces Champion.
- (B) Councillor D.W.G. Williams be appointed to the role of Armed Forces Champion for the remainder of the 2023/24 municipal year.
- (C) The role be appointed to annually, alongside representatives to outside bodies, at the Council's Annual Meeting.

24. Health Scrutiny: Joint Working Arrangements

Consideration was given to the Report of the Head of Law & Governance (Item 9.1 - 9.11).

Resolved:

That:

- (A) The revised Code of Joint Working Arrangements with District and Borough Councils for Health Scrutiny (the Joint Code), as attached at report Appendix 1, be approved.
- (B) The Constitution be amended to refer to the Joint Code, and its provisions, as set out in report paragraph 5.5.

25. Comments and Questions on Part 1 and Part 2 Minutes of Cabinet, Committees, Sub-Committees and Panels Under Council Procedure Rule 9

None received.

The meeting closed at 7:12 p.m.

Chair

Review of the Constitution

Committee:	Council
Date of Meeting:	6 September 2023
Report of:	Head of Law and Governance

1 Purpose of Report

- 1.1 To recommend updates to the Constitution to align with the new senior management structure.

2 Recommendation

- 2.1 That Council update the Constitution to align with the senior management structure, and to provide delegated authorities to the Deputy Chief Executives, as attached in the APPENDIX.

Reasons for Recommendations

- 2.2 Changes to the Constitution need to be approved by the Council.

3 Key Issues

- 3.1 The current Scheme of Delegations to Officers, within the Constitution, needs updating to reflect the recent change to the Councils senior management structure.

4 Relationship to Corporate Priorities

- 4.1 The Constitution supports all of the Council's Corporate Priorities.

5 Report Detail

- 5.1 Members will be aware that the Council has agreed to share services with Stafford Borough Council and adopted a revised shared senior management structure in April 2023. This has meant that certain functions and decisions, published within the Scheme of Delegations to Officers, should now be delegated to different Chief Officers.
- 5.2 Paragraph 26.3.6 of the Constitution allows the Chief Executive to amend the Scheme of Delegation, in respect of which officer is responsible for exercising which delegation, for a period of up to six months. Beyond this time, a formal amendment to the Constitution will be required. The Chief Executive has used this authority to temporarily re-assign current officer delegations to the relevant Chief Officers under the new revised structure. However, in order that these changes can be reflected in the Constitution published on the Councils website, they need to be adopted by Council.

- 5.3 Details of the revised Scheme of Delegations is attached in the APPENDIX. As well as re-assigning current delegations to the appropriate Chief Officer, the revised scheme also seeks to formally allow the Deputy Chief Executives to act in the absence of the Chief Executive or any Chief Officers that report to them. The revised scheme also seeks to delete reference to some delegations that are no longer necessary and update a delegation that referred to obsolete legislation.

6 Implications

6.1 Financial

Nil

6.2 Legal

Nil

6.3 Human Resources

Nil

6.4 Risk Management

Nil

6.5 Equality and Diversity

Nil

6.6 Health

Nil

6.7 Climate Change

Nil

7 Appendices

Appendix 1: Revised Scheme of Delegation to Officers

8 Previous Consideration

Nil

9 Background Papers

Nil

Contact Officer: Ian Curran

Telephone Number: (01785) 619 220

Report Track: Council 06/09/23

Key Decision: N/A

Appendix 1

Section 26

Scheme of Delegations

26.1 Introduction

The Scheme of Delegations (“Scheme”) authorises officers to exercise the functions of the Council as set out in this document. This Scheme repeals and replaces all previous schemes of delegation and all amendments made thereto.

For the purposes of this Scheme, the term “Chief Officer” shall have the following meaning:

- (a) The Chief Executive,
- (b) Deputy Chief Executive, and
- (c) Heads of Service.

This Scheme contains two types of authorities:

- (i) Functional, operational and day to day management of services delegated to Chief Officers; and
- (ii) Functions delegated to specific officers.

Annex 1 details Reserved Authorities.

The exercise of any function delegated by this Scheme is subject to and must be in accordance with the following. They are listed in order of precedence, which should be followed in the event of any conflict between their provisions:

- (a) European and National Law
- (b) Procurement Regulations
- (c) Financial Regulations
- (d) The Scheme of Delegations
- (e) Emergency Planning Procedures
- (f) Other Council policies, procedures, and previous decisions

Authorities granted within b) and c) above, take precedence over this Scheme and accordingly the implementation and interpretation of the Scheme must be considered in conjunction with both b) and c) above.

Any reference in this Scheme to a statute includes any statutory instrument, regulation, order, rule, guidance, or circular made under it and includes any modification amendment or re-enactment thereto.

Delegations to Chief Officers

26.2 General Obligations

- 26.2.1 Subject to paragraphs 26.2.1(a) below, Chief Officers are entitled, in their absolute discretion, to authorise named officers within their area of management to exercise all or some of their delegated functions, unless the law requires specific named officers to be given delegated authority.
- (a) Any authorisation of named officers by Chief Officers under paragraph 26.2.1 above shall:
- (i) comply with the Council's financial regulations (if applicable),
 - (ii) be appropriately documented, and
 - (iii) only occur after the relevant Chief Officer has informed the Chief Executive, the Section 151 Officer, and the Monitoring Officer. The Chief Executive shall have the power to veto any such authorisation.
- 26.2.2 In accordance with all relevant and applicable legislation and Council approved/adopted policies and procedures, undertake the management of those services or functions under their management including the discharge of all responsibilities, duties and obligations, exercise of all powers relating thereto and the delegation and/or authorisation of the same to suitably qualified and experienced officers.
- 26.2.3 To agree changes to approved capital or revenue budgets in consultation with the Section 151 Officer where Council policy is not changed; there is no additional call on the Council's own resources; and resource implications, financial and non-financial, are not created.
- 26.2.4 To invite tenders and award contracts in accordance with Financial Regulations and Procurement Regulations.
- 26.2.5 To determine the fees and charges for services under their control, within Council policy and the requirements of financial regulations.
- 26.2.6 In consultation with the Section 151 Officer, authorise the submission of external funding bids for projects/schemes that support the delivery of the Council's Corporate Plan or equivalent.
- 26.2.7 To select and appoint specialist professional advisors within approved budgets.
- 26.2.8 To discharge their duties in respect of Health and Safety in the workplace.
- 26.2.9 To accept appointments to undertake professional activity at a local, regional, national, or international level in consultation with the Chief Executive.

- 26.2.10 So far as the matter relates to a function for which the relevant Chief Officer is responsible to the Council:
- (a) to serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
 - (b) to exercise any power of the Council relating to entry on land or other property for the purposes of inspection.
- 26.2.11 To provide goods and services and plant to other local authorities and other bodies (where permissible), in consultation with the Head of Paid Service.
- 26.2.12 To sell surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).
- 26.2.13 To be the Proper Officer for the production of background documents in respect of any report presented to Committees etc. in their name, under the Local Government Access to Information Regulations. Where a joint report has been produced, officers will agree who will undertake the responsibility as lead officer for the report.
- 26.2.14 To be the Proper Officer for the opening of tenders received as appropriate.
- 26.2.15 To negotiate and settle contract disputes relating to their service area.
- 26.2.16 To manage and settle terms and conditions of contract tendering processes for their service area and ensure EU and other legal compliance.
- 26.2.17 To authorise the instigation of civil and criminal proceedings including the defending or opposing of any litigation for and on behalf of the Council in relation to any service area under their management control in consultation with the Legal Service.
- 26.2.18 Unless otherwise falling within the remit and/or responsibility of the Council's relevant Insurer, to settle, compromise, discontinue or otherwise dispose of any claim, appeal, action, or complaint falling within their area of management (irrespective of whether any proceedings have been instigated), providing that legal advice has first been obtained and the relevant Chief Officer can meet the costs of the settlement, compromise, discontinuance, or disposal from approved budgets.
- 26.2.19 To issue press statements in respect of high-profile matters, in consultation with the Leader and/or relevant Portfolio Holder and the Policy & Communications Manager unless otherwise directed by the Chief Executive.

Human Resources Delegations

- 26.2.20 To determine permanent, temporary, and interim departmental establishments, below Head of Service level, in accordance with Council approved/adopted procedures, subject to such variations being in accordance with current Council policy, providing the costs can be met from approved budgets.

- 26.2.21 To approve the filling of and appointment to vacant posts below Head of Service level within the approved establishment in accordance with Council approved/adopted procedure, providing the costs can be met from approved budgets.
- 26.2.22 To engage agency personnel, in accordance with Council policy, within approved budgets to fulfil service delivery requirements.
- 26.2.23 To determine applications for ex-gratia/honorarium payments, for employees within their area of management control, in accordance with Council approved/adopted policy, and the costs being met from within approved budgets.
- 26.2.24 To determine re-evaluation applications for employees below Head of Service level, in accordance the Council's approved procedure, and the costs being met from within approved budgets.
- 26.2.25 To suspend individual employees, within their area of management control, from the occupational sick pay scheme in accordance with national and local conditions of service and, in consultation with the HR service.
- 26.2.26 Where there is discretion within the Council's Employer Discretions Policy relating to the Local Government Pensions Scheme, to exercise those discretions on behalf of the Council where the cost is contained within existing budgets, unless the discretion is specifically reserved to another person or body.
- 26.2.27 To approve requests for unpaid leave in accordance with Council adopted/approved policies and procedures. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just, and equitable in the circumstances.
- 26.2.28 To approve applications for requests to undertake recognised professional qualifications which will be of benefit to the Council, provided the costs can be met from within approved budgets.
- 26.2.29 To approve annual leave being moved between leave years.
- 26.2.30 To approve requests for compassionate, maternity support, paternity leave (including additional paternity leave and pay) and adoption leave in accordance with the Council's approved/adopted policies and procedures and legislation. In the absence of such policies and procedures, to exercise such discretion as is deemed fair, just, and equitable in the circumstances.
- 26.2.31 To approve reasonable requests for time off work in respect of medical appointments, trade union duties and public duties in accordance with Council approved/adopted policies and procedures.
- 26.2.32 To approve requests from officers to undertake secondary employment in accordance with Council approved/adopted policies and procedures.
- 26.2.33 To consider, hear and/or determine grievances raised by employees within their area of management control in accordance with Council adopted/approved policies and procedures.

- 26.2.34 To conduct formal disciplinary, capability and sickness proceedings, including dismissal of employees below Head of Service level, in accordance with Council approved/adopted policies and procedures.
- 26.2.35 To hear employee appeals relating to pay, grading, grievance, capability, discipline, sickness procedures or other related decisions, made by another Chief Officer or other formally nominated officer, in respect of all employees of the Council, with the exception of senior officers whose appeal should be conducted in accordance with the Council's approved/adopted policies and procedures and/or the relevant national conditions of service.
- 26.2.36 Undertake, adhere to, implement, endorse and/or ensure compliance with all the Council's approved/adopted human resource policies and procedures.
- 26.2.37 Where a dispute and/or conflict arises between this Scheme and the terms and conditions of Chief Officers then the relevant terms and conditions shall take precedence over this Scheme.
- 26.2.38 In the event that paragraph 26.2.37 applies and this Scheme fails or is otherwise deficient in enabling the Chief Executive to give effect to the terms and conditions of Chief Officers, the Chief Executive shall, after taking legal and human resources advice, implement, arrange and/or establish a framework/mechanism and/or undertake any steps, actions or measures as deemed necessary and appropriate to give effect to the said terms and conditions.

Functions Delegated to Specific Officers

26.3 Chief Executive

- 26.3.1 The Chief Executive is designated as the Head of Paid Service (see Section 4 of the Local Government and Housing Act 1989).
- 26.3.2 To undertake all duties delegated to Chief Officers, or to delegate such duties to another Chief Officer, where permitted by law.
- 26.3.3 To be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.
- 26.3.4 To grant concessionary and free use of civic suite facilities to recognised organisations.
- 26.3.5 To exercise any function of the Council not required by statute to be exercised by Full Council and not an executive function and not otherwise delegated under this Scheme.
- 26.3.6 To amend this Scheme, in respect of which officer is responsible for exercising which delegation, for a period of up to six months. Beyond this time, a formal amendment to the Constitution will be required.
- 26.3.7 To incur expenditure in respect of any major incident/emergency within or adjoining the District until the Cabinet meets. To designate any officers to carry out such functions as are deemed necessary in the circumstances.
- ~~26.3.8 To set and/or amend from time to time the scale of fees, costs, charges and expenses to be allowed for the discharge of District elections.~~
- 26.3.8 To attest the Common Seal and sign and/or execute any form, notice, order, or document as required on behalf of the Council.
- ~~26.3.10 To make changes to polling districts and polling places, as may be required, in between formal reviews.~~
- 26.3.9 To determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement can be reached with the recognised trade unions through the Council's normal negotiating frameworks.
- 26.3.10 To consider, hear and/or determine grievances raised by Heads of Service in accordance with Council approved/adopted policies and procedures. In the absence of any such policies or procedures, in accordance with legal requirements and recognised good practice/principles.

- 26.3.11 To conduct capability proceedings in respect of Heads of Service excluding the authority to dismiss - which must be in accordance with the relevant and applicable paragraphs of this Scheme, Council approved/adopted policies and procedures and relevant national conditions of service.
- 26.3.12 In consultation with the HR service, to approve ill health retirements for employees i.e., Heads of Service and below, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.
- 26.3.13 In consultation with the HR service, to approve early retirements for employees, i.e., Heads of Service and below, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain, and any costs are met from within approved budgets.
- 26.3.14 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with the HR service.
- 26.3.15 To determine, implement and review all aspects of Single Status Scheme, including job evaluation, except where such change will or may have a direct or potential impact on the Single Status Scheme and/or budgetary framework.
- 26.3.16 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the Social Security Administration Act 1992 (as amended).
- 26.3.17 Following consultation with the Leader of the Council, to implement any decisions of the Cabinet made in relation to changes to the Council's membership arrangements of any Local Enterprise Partnerships.
- 26.3.18 To determine any review of decisions made by the Monitoring Officer in respect of assets of community value, as detailed in paragraph 26.10.2(d) of this Scheme.
- ~~26.3.19 In consultation with the Leader of the Council, to undertake the rehousing of UK Afghan Locally Employed Interpreter Households within Cannock Chase District Council through rehousing within the Private Rented Sector or by Registered Housing Providers, other stock holding organisations or the Council's Housing Stock.~~
- ~~26.3.20 In consultation with the Leader of the Council, to determine the Council's future participation within the Staffordshire-wide UK Afghan Locally Employed Interpreter Relocation Scheme.~~
- ~~26.3.23 To appoint Deputy Electoral Registration Officers to carry out the powers and duties of the Electoral Registration Officer either in part or in full in accordance with section 52(2) of the Representation of the People Act 1983.~~
- 26.3.19 Authority to designate an officer as Data Protection Officer.

26.4 Deputy Chief Executive

- 26.4.1 To exercise the powers of the Chief Executive in the event of their incapacity, absence, or unavailability.
- 26.4.2 To undertake all duties delegated to other Chief Officers (in their service areas), or delegate such duties to another Chief Officer, where permitted by law.

26.5 Head of Wellbeing

- 26.5.1 To update, amend or vary Annexe 6 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.

Leisure Services

- 26.5.2 To appoint suitably qualified officers to apply for and hold Premises and Personal Licences, and all other licences as are required to facilitate the delivery of services at Council owned venues.
- 26.5.3 To take action on any matter at leisure venues to secure the safety of persons using, visiting, or working at them and to ensure compliance with all aspects of the law relating thereto.
- 26.5.4 To determine all applications for reduced hire charges for leisure facilities.
- 26.5.5 To manage the leisure facilities and/or to manage the culture and leisure service contracts and contractors.
- 26.5.6 In consultation with the Portfolio Leader, to review, amend and prioritise actions in the Indoor and Built Sports Facilities Strategy and Action Plan 2019-2036, and Playing Pitch Strategy 2019-2036, in line with the expectations of the Council, Sport England and National Governing Bodies for Sport, available funding and project sustainability and delivery.
- 26.5.7 With the Head of Economic Development and Planning, explore and develop any future projects, opportunities and initiatives in the Cannock Chase District that may arise from hosting the Commonwealth Games Mountain Biking event, in consultation with the Portfolio Leaders for Economic Development & Planning and Culture and Sport.

Strategic Housing

- 26.5.8 To determine the Council's annual Homelessness Prevention Programme.
- 26.5.9 To discharge any and all duties, obligations and responsibilities arising under Part VII of the Housing Act 1996 (as amended).
- 26.5.10 To exercise any and all powers and authorities available under Part VII of the Housing Act 1996 (as amended) as deemed necessary and appropriate to discharge any and all duties, obligations and responsibilities arising under Part VII of the Housing Act 1996 (as amended).

- 26.5.11 To review the Tenancy Fraud Policy every three years, or in the event of changes in legislation, in consultation with the Housing Portfolio Leader.
- 26.5.12 To determine all applications for home improvement grants and to exercise all other functions in respect thereto.
- 26.5.13 In consultation with the Environment and Climate Change Portfolio Leader, to make minor amendments to the Housing Assistance Policy – Independent Living 2020 which do not affect the broad thrust of the Policy’s purpose and direction.

Partnerships & Community Safety

- 26.5.14 To give consent to the exercise by police of powers to disperse groups of young persons under Part 5 of the Anti-Social Behaviour Act 2003.
- 26.5.15 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 6 of this Section.
- 26.5.16 To prepare and issue notices and authorise prosecutions in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 6 of this Section.
- 26.5.17 To update, amend or vary Annex 6 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.
- 26.5.18 To apply for a warrant to enter premises where the legislation listed in Annex 6 so permits.

26.6 Head of Operations

- 26.6.1 With the Head of Economic Prosperity, to identify the likely car parking needs arising from the proposed Levelling Up Fund Project and undertake any feasibility work as necessary to inform a future business case.

Parks and Open Spaces

- 26.6.2 To make and (within the powers of the Council) confirm:
 - (a) emergency or temporary tree preservation orders (TPOs).
 - (b) to deal with any unopposed applications to lop, top or fell legally protected trees and trees within conservation areas, and give grant aid therefore pursuant to Council policy.
 - (c) determine applications to fell or do works to trees that are the subject of a TPO.
 - (d) make TPOs, and, where there are no objections, to confirm them when dealing with planning related matter; and
 - (e) to exercise powers to dispense with or to enforce the duty to replace trees which are subject to a TPO.

Transportation

- 26.6.3 To hold, or to appoint a suitably qualified officer, on behalf of the Council the Heavy Goods Vehicle Operators Licence (O Licence) and to maintain the schedule of vehicles covered by the O Licence.
- 26.6.4 To undertake and implement all necessary measures necessary to comply with all relevant and associated legislation governing the O Licence.
- 26.6.5 To undertake management of the Councils retail markets, including granting and terminating licences for market stalls.

26.7 Head of Regulatory Services

Environmental Protection

- 26.7.1 To enter into agreements under Prevention of Damage by Pests Act 1949.
- 26.7.2 To determine grant applications with respect to Smoke Control.
- 26.7.3 Appoint Proper Officers under Public Health (Control of Diseases) Act 1984 and National Assistance Acts 1948 and 1951.
- 26.7.4 To appoint suitably qualified and experienced persons to undertake remedial action and represent the Council at Court, under Sections 188, 193, 211 and 212 of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- 26.7.5 Where permissible, appoint persons not employed by the Council as required to assist the Council in discharging its duties in respect of any legislation listed in Annex 5 of this Section.
- 26.7.6 Power to enforce the provisions of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (S.I. 2002 No. 1808) and issue Fixed Penalty where driver refuses to co-operate.
- 26.7.7 To issue and enforce licences and inspect and enforce compliance with the law for residential caravan sites.
- 26.7.8 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing licences permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 5 of this Section.
- 26.7.9 To issue and administer formal cautions, prepare, and issue notices and authorise prosecutions, in consultation with the Legal service, in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 5 of this Section.
- 26.7.10 To apply for a warrant to enter premises where the legislation listed in Annex 5 of this Section so permits.
- 26.7.11 To issue and enforce fixed penalty notices where the legislation listed in Annex 5 of this Section so permits.

- 26.7.12 Power to authorise the institution / enforcement of civil proceedings under section 126 and schedule 9 of the Housing and Planning Act 2016.
- 26.7.13 To review and make any amendments in respect of arrangements for the Mobile Homes 'Fit and Proper Person' requirements in the interests of operational efficiency and / or due to changes in legislation or government guidance.
- 26.7.14 In consultation with the Housing, Heritage & Leisure Portfolio Leader, to approve subsequent 'Statements of Intent' following approval of the 'Energy Company Obligation Statement of Intent'.

Building Control

- 26.7.15 To determine all matters concerning the provision of building regulations activities including plans vetting, site inspections, enforcement of the building regulations, relaxation of building regulations, dangerous structures and ruinous and dilapidated buildings and neglected sites, demolition notifications and notifications under the Building (Approved Inspector) Regulations.
- 26.7.16 To obtain information and entry to land using provisions under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 95 and 96 of the Building Act 1984, in relation to the service of statutory notices under the Building Act.
- 26.7.17 To exercise powers under the Party Walls etc. Act 1996 to act as Appointing Officer in appointing a Third Surveyor if called upon to do so.
- 26.7.18 To determine the level of charges in accordance with The Building (Local Authority Charges) Regulations 2010.
- 26.7.19 To sign and serve notices under the following sections of the Building Act 1984:
 - (a) Section 32 - Lapse of deposit of plans.
 - (b) Section 36 (removal or alteration of +offending work).
 - (c) Section 73 (raising of chimney).
 - (d) Section 77 and 78 (dangerous building).
 - (e) Section 79 (verminous and dilapidated buildings and neglected sites).
 - (f) Section 81 (control of demolition).
- 26.7.20 To sign and serve Decision Notices and letters giving notice of the Council's decision in relation to Building Regulations applications, Building Notices, Initial Notices, plans, certificates and final certificates, Regularisation Certificates and Completion Certificates.

Environmental Health

- 26.7.21 To enforce Section 20 Local Government (Miscellaneous Provisions) Act 1976 and associated legislation – provision of sanitary accommodation at places of entertainment.

- 26.7.22 To appoint such officers to be inspectors pursuant to Section 19 of the Health & Safety at work etc Act and authorised to exercise the powers of an Inspector within the District of Cannock Chase under Sections 20, 21, 22, 25, 38 and 39 of the Act and any Regulations made by the Secretary of State under Section 15.
- 26.7.23 To appoint and authorise officers pursuant to Section 5 of the Food Safety Act 1990 and is authorised to exercise statutory powers and duties granted to the Council by Regulations, Orders and Statutory Instruments exacted pursuant to any provisions of the Act.
- 26.7.24 Where permissible, appoint persons not employed by the Council as required to assist the Council in discharging its duties in respect of any legislation listed in Annex 5 of this Section.
- 26.7.25 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing licences permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 5 of this Section.
- 26.7.26 To issue and administer formal cautions, prepare, and issue notices and authorise prosecutions, in consultation with the Legal service, in respect of all matters falling within the service areas within their management control or within any of the legislation listed in Annex 5 of this Section.
- 26.7.27 To apply for a warrant to enter premises where the legislation listed in Annex 5 of this Section so permits.
- 26.7.28 To issue and enforce fixed penalty notices where the legislation listed in Annex 5 of this Section so permits.
- ~~26.6.29 To make any changes to the Food Law Enforcement Service Plan 2016-18 required due to changes in legislation or government guidance and minor variations to the Plan in the interests of service improvement or operational efficiency.~~

Licensing

- 26.7.29 The determination of sexual entertainment venues licences except where there are relevant objections to the application where the application and determination will be referred to the Public Protection Committee.
- 26.7.30 The enforcement of all licensing matters in any manner permitted by law.
- 26.7.31 To issue hackney carriage and private hire drivers licences with the discretion to refer applications where offences by the applicant have been revealed, or proposed revocations or refusal of renewals where objections of relevance have been made, to the Public Protection Committee in accordance with Council policy and guidelines.
- 26.7.32 To issue hackney carriage and private hire vehicle licences and private hire operators licences and any other related licence with the discretion to refer applications where offences by the applicant have been revealed, or proposed

revocations or refusal of renewals where objections of relevance have been made, to the Public Protection Committee in accordance with Council policy and guidelines.

- 26.7.33 To issue revoke and enforce all permits and licences within the remit of a District Council in any legislation listed in Annex 5 of this Section (with the exception of the Licensing Act 2003 and the Gambling Act 2005) with discretion to refer any controversial matter to the Public Protection Committee.
- 26.7.34 To process all applications under the Licensing Act 2003 and Gambling Act 2005.
- 26.7.35 To refer all applications made under the Licensing Act 2003 and Gambling Act 2005 to the Licensing Committee (or sub-committee) where there are relevant objections, or matters of public interest, and in accordance with the law, policy, and national and local guidelines.
- 26.7.36 To determine all applications made under the Licensing Act 2003 and Gambling Act 2005 other than those referred to the Licensing Committee (or sub-committee).
- 26.7.37 To make any amendments to the Licensing Policy; the Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy; the Street Trading Policy; and the Gambling Act 2005 Policy required due to changes in legislation or government guidance and minor variations to the Policies in the interests of operational efficiency and service improvement.
- 26.7.38 To determine the mechanisms for implementation of all driver training requirements within the Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy.
- 26.7.39 To determine applications for Street Trading consents.
- 26.7.40 To determine applications for pavement licences under the Business and Planning Act 2020, including the duration of licences and any conditions attached.
- 26.7.41 Subject to Council policy (where applicable), to exercise all regulatory powers, including issuing permits and notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 6 of this Section.
- 26.7.42 To carry out the Council's responsibilities for naming and numbering streets.

26.8 Head of Economic Development and Planning

- 26.8.1 Subject to all Council policy (where applicable), to exercise all regulatory powers, including issuing licences, permits, notices and warrants, making inspections, maintaining registers, and discharging all obligations, duties and responsibilities contained within legislation listed in Annex 4 to this Section.
- 26.8.2 To issue and administer formal cautions, prepare, and issue notices and, in consultation with the Legal Service, authorise prosecutions in respect of all

matters falling within the service areas within their management control or within any of the legislation listed in Annex 4 to this Section.

- 26.8.3 To apply for a warrant to enter premises where the legislation listed in Annex 4 of this Section so permits.
- 26.8.4 To issue and enforce fixed penalty notices where the legislation listed in Annex 4 of this Section so permits.
- 26.8.5 To update, amend or vary Annexes 4 and 5 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.
- 26.8.6 With the Head of Environment & Healthy Lifestyles, explore and develop any future projects, opportunities and initiatives in the Cannock Chase District that may arise from hosting the Commonwealth Games Mountain Biking event, in consultation with the Portfolio Leaders for Economic Development & Planning and Culture and Sport.
- 26.8.7 In consultation with the s.151 Officer and the Portfolio Leader, to take any associated decisions as required to ensure the Levelling Up Fund Project is delivered on time and on budget, including, but not limited to:
- (a) The Council appointment and contract award for any specialist advisers and consultants (in accordance with the Council's Procurement / contract regulations).
 - (b) To enter into any necessary negotiations with relevant landowners and/or third parties regarding the acquisition of property/land interests as deemed necessary for delivery of the Levelling Up Fund Project, this will include the agreement of any financial compensation measures for owners/tenants/occupiers affected by the proposed development.
 - (c) To investigate, determine and secure the most appropriate way in which to provide additional Specialist Project Management Services (subject to the availability of resources), to assist with delivery of the Levelling Up Fund Project. This will be necessary to safeguard the Council's interests and to provide sufficient delivery capacity to the Economic Development Team.
- 26.8.8 With the Head of Operations, to identify the likely car parking needs arising from the proposed Levelling Up Fund Project and undertake any feasibility work as necessary to inform a future business case.

Planning

- 26.8.9 Subject to ~~26.5.19~~ 26.8.16 below, to process and determine or instruct a suitably qualified person(s) to do so, all applications submitted under Town and Country Planning legislation, make assessments, discharge all obligations, duties, and responsibilities, and exercise all powers and authorities that fall within the legislation (and any modifications thereto or re-enactments thereof) listed at Annex 4 to this Section, and in particular, but not exclusively:

- 26.8.10 To agree, in consultation with the Legal Service, planning obligations under the Town and Country Planning legislation and any variation thereto.
- 26.8.11 To make and (within the powers of the Council) confirm:
- (a) emergency or temporary tree preservation orders (TPOs).
 - (b) to deal with any unopposed applications to lop, top or fell legally protected trees and trees within conservation areas, and give grant aid therefore pursuant to Council policy.
 - (c) determine applications to fell or do works to trees that are subject of a TPO.
 - (d) make TPOs, and, where there are no objections, to confirm them when dealing with planning related matters, and
 - (e) to exercise powers to dispense with or to enforce the duty to replace trees which are the subject to a Tree Preservation Order.
- 26.8.12 To appoint suitably qualified officers and enforce planning control or instruct a suitably qualified person(s) to do so through the provisions of that legislation set out in Annex 4 and where considered necessary and appropriate the authorisation of criminal and civil proceedings (and the defence/opposition thereof if necessary and/or the acceptance and administration of formal cautions) and/or the use of the following statutory notices:
- (a) Planning Contravention Notices.
 - (b) Enforcement Notices.
 - (c) Stop Notices and Temporary Stop Notices, in consultation with the Legal Service.
 - (d) Breach of Condition Notice.
 - (e) Notices requiring the proper maintenance of land.
 - (f) Enforcement of control over advertisements.
 - (g) Discontinuation Notices in respect of Advertisements.
 - (h) Any other statutory notice available to the Council under any legislation referred to in Annex 4 of this Section.
- 26.8.13 To issue:
- (a) Certificates of lawfulness of proposed use and development.
 - (b) Certificate of lawfulness of use or development.
 - (c) Building Preservation Notices.
- 26.8.14 Remove unauthorised advertisements and recover the cost of removal from the offender(s).
- 26.8.15 Represent the Council in appeals, inquiries, and hearings, or instruct an appropriately qualified person to do so.

- 26.8.16 The following matters shall be reported to the Planning Control Committee for determination:
- (a) All Planning Applications which in the reasonable opinion and judgement of the Officer(s) duly authorised by the Chief Executive to determine planning applications (the Authorised Officer(s)) should be approved despite not fully complying with applicable Council policies, shall be reported to the Planning Control Committee for determination (whether or not any objections are received).
 - (b) All Planning Applications which in the reasonable opinion of the Officer(s) duly authorised by the Chief Executive to determine planning applications (the Authorised Officer(s)):
 - (i) Is a major application which although complying with all policy requirements generates/leads to significant public opposition.
 - (ii) Has been made by a serving Member of the Council or an employee of the Council.
 - (iii) Is a major application and has been made by or on behalf of the Council.
 - (iv) Relates to a telecommunications development which involve the erection or installation of new masts to which there has been recorded public opposition and are not proposed to be refused by officers; and/or
 - (v) Results in a request being received from an objector or the applicant seeking to address the Planning Control Committee in connection with the determination of the Planning Application.
 - (vi) When a Parish/Town Council has objected to an Application which Officers are not intending to refuse under delegated powers.
 - (c) All Planning Applications where a Member of the Council has made a formal written request (using the necessary referral form available from the Council's Planning Section), which must:
 - (i) set out the clear and relevant material planning reasons for why the request is being made for the Planning Application to be referred to the Planning Control Committee for determination, and
 - (ii) be received by the Council's Planning Section within the initial 21-day consultation period.
 - (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 about the planning enforcement matter where officers are not recommending formal enforcement action.
- 26.8.17 To make non-substantive amendments to adopted Supplementary Planning Documents (SPDs) in consultation with the Economic Development and Planning Portfolio Leader.
- 26.8.18 To approve the publication of future Cannock Chase Authority Monitoring Reports (AMRs), including minor revisions to the format and content of the AMR

as required, in consultation with the Economic Development and Planning Portfolio Leader.

- 26.8.19 In consultation with the Economic Development & Planning Portfolio Leader, to approve any consultations related to the Brownfield Land Register and the publication of future versions of the Council's Part 1 Brownfield Land Register until such time as a Part 2 Register is produced.
- 26.8.20 The taking of all steps in the preparation of a Neighbourhood Plan by the Council, except for the final making (adoption) of a Neighbourhood Plan, which is a matter reserved for full Council for determination.
- 26.8.21 With the s.151 Officer, to jointly make decisions on whether or not to offer exceptional relief from the Community Infrastructure Levy and accept payments in kind on a case-by-case basis, in consultation with the Leader of the Council and the Corporate Improvement Portfolio Leader.
- 26.8.22 To make any minor amendments required to the Community Infrastructure Levy Guidance for Parish and Town Councils to reflect regulatory changes.
- 26.8.23 To make any non-substantive changes considered necessary to the Statement of Community Involvement, in consultation with the Economic Development and Planning Portfolio Leader.
- 26.8.24 With the s.151 Officer, to approve whether conditions attached to grant agreements in respect of Community Infrastructure Levy funding allocations have been met, before such funds can be released.
- 26.8.25 In consultation with the Portfolio Leader, to make minor changes to the Community Infrastructure Levy (CIL) Allocations Protocol, necessitated by changes to CIL related legislation.
- 26.8.26 In consultation with the Portfolio Leader, to agree future Statements of Common Ground related to Local Plan matters.
- 26.8.27 In consultation with the Environment and Climate Change Portfolio Leader, agree future allocation of funds to mitigation projects (in respect of the Cannock Chase Special Area of Conservation) and to agree and enter into any business plans and governance arrangements agreed by the Cannock Chase Special Area of Conservation Partnership to implement the mitigation policy.

26.9 Head of Housing HRA & Corporate Assets

Property

- 26.9.1 To undertake all relevant property management activities including the acquisition and disposal of interests in land and premises; management of property; rent reviews; lease renewal terms; accepting the surrender of leases (in consultation with the Legal service); granting licences; consents for assignments; variations to user clauses; proceedings for forfeiture; marketing; acquiring consents; granting wayleaves and easements; dealing with

emergencies; appointing advisors; establishing and maintaining a property terrier; submitting planning and other applications.

- 26.9.2 To appoint a suitably qualified Officer(s) or agent(s) (where applicable and permitted):
- (a) to act as the Council's land and property valuer.
 - (b) ~~Planning Supervisor under the Construction (Design and Management) Regulations 1995~~, To fulfil the Council's obligations as Client under the ~~Construction (Design and Management) Regulations 2015~~, and/or
 - (c) to undertake any aspects, scope, or remit of industry recognised roles for any schemes or projects or development on land designed and managed by the Council, and
 - (d) to undertake and discharge all enforcement powers, duties, obligations, and responsibilities arising out of the Council having an interest in land and premises including, but not limited to, the role of the Council as landowner.
- 26.9.3 To authorise the grant of licences on standard terms where future applications are received to take over land which has been the subject of a prior Standard Licence Agreement and there are no overriding reasons to object to such a renewal.
- 26.9.4 To decline on behalf of the Council, offers to purchase or dispose of land where such a purchase or disposal does not accord with Council policy.
- 26.9.5 To proceed with the acquisition of areas of open space or amenity land required as a consequence of planning consent, providing:
- (a) the land has been laid out and maintained to the satisfaction of the Council and a commuted maintenance payment has been received, or
 - (b) the Council is in receipt of a commuted maintenance payment sufficient to carry out the necessary works and maintenance.
- 26.9.6 To settle claims for compensation made in consequence of land use or management or regeneration or planning, having taken appropriate legal and technical advice, in consultation with the Chief Executive.

Housing Revenue Account

- 26.9.7 To enforce the Council's conditions of tenancy including authorisation of proceedings for injunctions and repossession and possession made under "absolute grounds".
- 26.9.8 To hear and determine appeals in respect of introductory tenancies in accordance with legislation and Council approved/adopted policies and procedures.
- 26.9.9 In compliance with the Homes & Communities Agency (Tenant Involvement & Empowerment Standard) to fund Residents Groups, Scrutiny Panel, and a range of tenant involvement activities.

- 26.9.10 To determine, within agreed budgets, planned maintenance programmes in accordance with the results of the stock condition survey.
- 26.9.11 To determine annual decoration and disturbance allowances.
- 26.9.12 To determine social need and medical priorities (following recommendations of the Medical and Social Assessment Panels) in respect of housing applications and transfer requests.
- 26.9.13 To undertake the day-to-day administration and management of the housing register and the allocation of houses (whether by secure tenancy, by nominations to the properties of another body, by licence, or otherwise) in accordance with the approved policies of the Council and including in respect of property rejected by all qualified applicants, to an applicant who would not normally qualify within the Council's existing allocations policy.
- 26.9.14 To fix rents for all Council dwellings in accordance with the Council's rent policy.
- 26.9.15 To deal with claims for home loss or disturbance payments.
- 26.9.16 To determine, in accordance with approved policy, the eligibility of tenants in respect of the Social Alarms Service and the vulnerable grass cutting and internal decoration scheme.
- 26.9.17 To explore and consider additional and alternative sites for delivery of housing units under the Housing Investment Fund Programme, as circumstances dictated.
- 26.9.18 In accordance with the Housing Services Compensation Policy, compensation can be paid at the discretion of the appropriate section of Service Manager up to the amounts detailed below:
- Team Leader: up to £30
 - Service Manager: up to £200
 - Head of Service: up to £500
- 26.9.19 Authority to approve repairs to property damage which are covered by the Council's insurance.

26.10 Head of Transformation and Assurance

- 26.10.1 To administer the Corporate Training budget and to approve spending against that budget in consultation with the lead HR Professional.

26.11 Deputy Chief Executive - Resources

~~26.10.1 To advise on strategic issues across all areas of the Council, and to undertake specific projects within any area at the request of the Chief Executive.~~

~~26.10.2 To undertake all duties delegated to the Heads of Service under their management control, or to delegate such duties to another Head of Service, where permitted by law.~~

~~26.10.3 In consultation with the HR service, to approve ill health retirements for employees, i.e., Heads of Service and below, within their area of management control, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.~~

~~26.10.4 In consultation with the HR service, to approve early retirements for employees, i.e., Heads of Service and below, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain, and any costs are met from within approved budgets.~~

~~26.10.5 In the absence of the Chief Executive, to incur expenditure in respect of any major incident/emergency within or adjoining the District until the Cabinet meets. To designate any officers to carry out such functions as are deemed necessary in the circumstances.~~

~~26.10.6 In consultation with the HR service, to undertake, determine and implement an annual review of the Council's subsistence rates for employees, including the rates applied as part of the post entry training facilities, and the relocation package offered to newly appointed employees, in line with inflation.~~

26.11.1 To apply for a warrant to enter premises where the legislation listed in Annex 7 of this Section so permits.

26.11.2 To update, amend or vary Annex 7 of this Section as required to ensure all relevant and necessary statutes (and associated legislation) relating to the service areas under their management control is listed.

26.11.3 With the Head of Economic Development and Planning, to jointly make decisions on whether or not to offer exceptional relief from the Community Infrastructure Levy and accept payments in kind on a case-by-case basis, in consultation with the Leader of the Council and the Portfolio Leader.

26.11.4 With the Head of Economic Development and Planning, to approve whether conditions attached to grant agreements made in respect of Community Infrastructure Levy (CIL) funding allocations have been met before such funds can be released.

Finance

26.11.5 To bring back into account dividends received from receivers or liquidators and any other sums received in respect of debts previously written off.

Local Taxation

26.11.6 To determine Liable Persons, Liability Periods, Eligibility for statutory discounts, exemptions and reliefs and any other matter referred to in the appropriate statute necessary to calculate the due amount for which a Council Taxpayer or National Non-domestic Ratepayer is liable.

26.11.7 Appointment under section 112 of the Local Government Act 1972, to collect and recover any Council Tax or National Non-Domestic Rate payable on dates previously determined. In the event of a Council Taxpayer or National Non-

Domestic Ratepayer defaulting, to implement the appropriate recovery proceedings and issue appropriate notices for the recovery of the amounts due.

- 26.11.8 To determine Council Tax and Non-Domestic Rate Non-Valuation Appeals on behalf of the Council.
- 26.11.9 To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992.
- 26.11.10 To deal with other matters relating to Council Tax on behalf of the Council, with the exception of those specifically requiring Council approval in law (e.g., setting of Council Tax).
- 26.11.11 To sign complaint lists, liability order lists, attachment of earnings orders and deductions of benefit orders and to authorise the levy of distraint on behalf of the Council.
- 26.11.12 To agree and authorise the appropriate allocations of occupied and unoccupied premises in order to calculate empty rate allowance under Section 44A Local Government Finance Act 1988.
- 26.11.13 To confirm all valid applications for Mandatory Rate Relief.
- 26.11.14 To deal with other matters relating to Non-Domestic Rates on behalf of the Council, with the exception of those specifically requiring Council approval in law.
- 26.11.15 To administer, collect and recover Business Improvement District (BID) levies in respect of any BID established and approved within the Cannock Chase District.
- 26.11.16 In consultation with the Leader of the Council and relevant Portfolio Leaders, to undertake any future amendments to the Discretionary Rates Relief Policy to ensure that it remains consistent with the business support policy objectives of the Council.

Benefits

- 26.11.17 To determine all applications for Housing Benefit and Council Tax Benefit.
- 26.11.18 To consider and determine discretionary housing payments.
- 26.11.19 To calculate and recover overpayments of Housing Benefit and Council Tax Benefit in accordance with relevant legislation.
- 26.11.20 To determine applications for back dating of housing and/or council tax benefits.
- 26.11.21 To exercise the Council's discretion in administering Regulation 11 of the Housing Benefit (General) Regulations 1987.
- 26.11.22 To deal with all other matters relating to Housing and Council Tax Benefits on behalf of the Council, with the exception of those specifically requiring Council approval in law.

26.11.23 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Housing Benefit and Council Tax Benefit Fraud.

Elections and Electoral Registration

26.11.24 To set and/or amend from time to time the scale of fees, costs, charges, and expenses to be allowed for the discharge of District elections.

26.11.25 To make changes to polling districts and polling places, as may be required, in between formal reviews.

26.11.26 To appoint Deputy Electoral Registration Officers to carry out the powers and duties of the Electoral Registration Officer either in part or in full in accordance with section 52(2) of the Representation of the People Act 1983.

26.12 Section 151 Officer (Chief Finance Officer)

26.12.1 To act as the Council's Chief Finance Officer in accordance with:

- (a) Section 151 of the Local Government Act 1972 (Section 151 Officer), and
- (b) Section 114 of the Local Government Finance Act 1988 (Section 114 Officer).

26.12.2 To exercise (so far as may be lawful) the powers of the Council to borrow and invest; and to lend (including loans on mortgage), and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time, and to administer any mortgage.

26.12.3 To determine the method of financing of capital projects within the overall financing reserves strategy of the Council.

26.12.4 To maintain a Registrar of Council Bonds and Stock Issues and declarations and certificates relating to securities.

26.12.5 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the Social Security Administration Act 1992 (as amended).

26.13 Monitoring Officer

26.13.1 To undertake all duties of the Monitoring Officer as provided by law.

26.13.2 The person appointed by the Council as Monitoring Officer, in addition to undertaking the statutory functions of the post as listed in the Monitoring Officer Protocol shall:

- (a) Review and maintain the Council's Constitution.
- (b) To appoint and/or instruct any legal advisor or investigator (or such other persons) as required for the benefit of the Council.
- (c) To attest the Common Seal and sign and/or execute and/or attest any form, notice, order, or document as required on behalf of the Council.

- (d) Determine any application to list any building and / or other land as an asset of community value, and / or claim for compensation arising from an asset being listed, in consultation with the Leader of the Council and Members of the ward in which the asset is located, where practicable.
- (e) Appoint persons to serve on the Council's Independent Remuneration Panel in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended).

Annex 1

Reserved Authorities

Preamble

- (i) For the avoidance of any doubt, not all functions, powers or tasks have been delegated to Chief Officers or officers under this Scheme.
- (ii) The functions, powers and tasks set out in this Annex are not intended to be and are not delegated to officers.
- (iii) This Annex sets out and confirms which functions, powers, and tasks (which must be considered in conjunction with the Council's Constitution) that have been reserved to Council, Cabinet and specific Council committees and panels.

Council

- 1.1 To approve the senior management structure of the Council above Service Manager level and any amendments thereto.

Appointments and Dismissals

- 1.2 The appointment and dismissal of the Chief Executive.
- 1.3 The allocation of the responsibilities to the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, and the removal thereof.

Policy – Terms and Conditions of Employment

- 1.4 The Council's policies in respect of pensions shall be determined by full Council.
- 1.5 Full Council will determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement cannot be reached between the Chief Executive and the recognised trade unions through the Council's normal negotiating machinery.

Early Retirement and Voluntary Redundancy

- 1.6 The Council will determine the policy for pension issues, early retirement, and redundancy.

Disciplinary Action

- 1.7 In the following paragraphs—
 - (a) “the 2011 Act” means the Localism Act 2011(1).
 - (b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(2).

- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act.
 - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts.
 - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(3) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority.
 - (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer, and
 - (g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
- 1.8 A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- 1.9 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 1.10 In paragraph 1.10 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 1.11 Subject to paragraph 1.13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 1.10 in accordance with the following priority order—
- 1.12
- (a) a relevant independent person who has been appointed by the authority and who is a local government elector.
 - (b) any other relevant independent person who has been appointed by the authority.
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 1.13 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 1.13 but may do so.
- 1.14 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 1.15 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:
- (a) any advice, views, or recommendations of the Panel.

- (b) the conclusions of any investigation into the proposed dismissal, and
- (c) any representations from the relevant officer.

1.16 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances, or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."

Grievances

1.17 The Council shall consider grievances originated by or against the Head of Paid Service (the Chief Executive) in accordance with the Council's policies and procedures.

Cabinet

Early Retirement and Voluntary Redundancy

- 2.1 Any retirement, other than on the grounds of permanent ill health, where access to augmented service to an employee's pension or the payment of actuarial strain is a consideration, the Cabinet will determine whether the augmented service will be granted, or actuarial strain paid within the Council's policy.
- 2.2 Subject to paragraph 2.3 below, for any early retirement/termination or redundancy where the payment of actuarial strain is a consideration Cabinet approval shall first be required before any proposed early retirement/termination redundancy can take effect.
- 2.3 Cabinet approval, as referred to in paragraph 2.2 above shall not be required where early retirement/termination or redundancy has been approved as part of the annual budget setting process and details of the associated costs of any proposed redundancies or early retirements/terminations set out in the "Savings Option Taken from the Budget" Annex of the Budget Statement, or other report to Council as part of the annual budget.

Standards Committee

3.1 Disciplinary action in respect of any other Chief Officer will be undertaken by the Standards Committee, in accordance with their relevant terms and conditions of employment and relevant local procedures. If the Standards Committee considers dismissal to be appropriate, it shall recommend accordingly to the appropriate body.

Joint Appointments Committee and Investigatory and Disciplinary Committee

- 4.1 The appointment of Heads of Services shall be made by the Joint Appointments Committee appointed by the Council.
- 4.2 Subject to the Terms of Reference, the Investigatory and Disciplinary Committee may suspend the Head of Paid Service (the Chief Executive), Monitoring Officer or Section 151 Officer, in accordance with their relevant terms and conditions of employment, whilst an investigation takes place into alleged misconduct.

Such suspension must be on full pay and last no longer than two months. The suspension periods may only be extended beyond two months following a decision by the Investigatory and Disciplinary Committee.

Appeals and Complaints Panel

- 5.1 The Council's Appeals and Complaints Panel will hear appeals relating to decisions, made by either the Cabinet, Standards Committee, the Chief Executive, or an officer nominated by the Chief Executive, in respect of Chief Officers of the Council, with the exception of the Head of Paid Service, the Section 151 Officer and the Monitoring Officer whose appeal procedures should be in accordance with their conditions of service.
- 5.2 Chief Officers may appeal against the salary for post to a Panel appointed by the Council, comprising elected Members and / or management. This Panel should be chaired by an independent person.

Procedural Requirements

- 6.1 Pursuant to 1.2 and 4.1, no offer of appointment shall be made until:
- (a) the appointing body¹ has notified the Proper Officer (See definition below) of the name of the potential successful applicant and any other particulars that the appointing body considers relevant to the appointment.
 - (b) the Proper Officer has notified every member of the Cabinet of:
 - (i) the name of the potential successful applicant.
 - (ii) any other particulars that the appointing body considers relevant to the appointment which have been notified to the Proper Officer, and
 - (iii) the time within which the Leader on behalf of the Cabinet must object to the potential successful applicant being offered the post, such time being no less than 10 working days.

and

- (c) either:
 - (i) the Leader has within the period notified to the Cabinet informed the appointing body that none of the Cabinet has any objection to the appointment, or
 - (ii) the Proper Officer has received no objections from the Leader within that period and has notified the appointing body of that, or
 - (iii) the appointing body is satisfied that any objections from the Leader received within the period are either not material or not well-founded.
- 6.2 Pursuant to 1.2 notice of dismissal must not be given until:
- (a) the dismissing body² has notified the Proper Officer of the name of the officer to be dismissed and any other particulars that the dismissing body considers relevant to the dismissal.

- (b) the Proper Officer has notified every member of the Cabinet of:
 - (i) the name of the officer to be dismissed.
 - (ii) any other particulars that the dismissing body considers relevant to the dismissal which have been notified to the Proper Officer, and
 - (iii) the time within which the Leader on behalf of the Cabinet must object to the dismissal, such time being no less than 10 working days.

and

- (c) either:
 - (i) the Leader has within the period notified to the Cabinet informed the dismissing body that none of the Cabinet has any objection to the dismissal, or
 - (ii) the Proper Officer has received no objections from the Leader within that period and has notified the dismissing body of that, or
 - (iii) the dismissing body is satisfied that any objections from the Leader received within the period are either not material or not well-founded.

6.3 For the purposes of 6.1 and 6.2, “Proper Officer” means the Chief Executive except when the appointment proposed is of an officer to be Head of Paid Service or the dismissal proposed is of the current holder of that post. In these circumstances, the Monitoring Officer shall be the Proper Officer.

¹ This means the Council or the Panel charged with making the appointment.

² This means the Council or the Panel deciding to dismiss

Annex 2

Designation of Proper Officers and Authorised Officers

Details of Proper Officers and Authorised Officers are set out below:

A. Chief Executive

1. The Chief Executive is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council:
 - (a) Accepting Declarations of Acceptance of Office from elected Members within 2 months of the day of election.
 - (b) Summonses to attend meetings of the Council.
 - (c) In respect of the provisions of the Health and Safety at Work etc. Act 1974 for the Council's operation.

B. Head of Operations

1. The Head of Operations is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - (a) In respect of the Council's role as Burial Authority.

C. Deputy Chief Executive (Resources)/Section 151 Officer

1. The Deputy Chief Executive (Resources)/Section 151 Officer is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council.
 - (a) For the purpose of Section 151 of the Local Government Act 1972 (Section 151 Officer).
 - (b) For the purpose of Section 114 of the Local Government Finance Act 1998 (Section 114 Officer).
 - (c) Electoral Registration Officer for the Council.
 - (d) Returning Officer at Parish and District elections, Local Polls and Referendums.
 - (e) Returning Officer, Acting Returning Officer, and Deputy Acting Returning Officers in connection with General Elections; ~~European Elections~~; County Elections; Police, Fire & Crime Commissioner Elections; and National Referenda.

D. Head of Regulatory Services

1. The Head of Regulatory Services is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council:
 - (a) Maintaining the local land charges register and responding to queries.
 - (b) As local registrar under Section 15 of the Land Charges Act 1925.
 - (c) For the signing of notices under Section 78 of the Building Act 1984.

E. Council Solicitor and Monitoring Officer

1. The Council Solicitor and Monitoring Officer is designated as the 'Proper Officer' for the carrying out of specified actions or performance of certain specified duties on behalf of the Council:
 - (a) The opening of tenders.
 - (b) The signing of legal documents and contracts.
 - (c) Unless specifically delegated to another officer, for the signing and authentication of all notices (enforcement or otherwise) issued by the Council e.g., dangerous buildings, change of use, rent review.
 - (d) For the purposes of Section 3 of the Local Government (Contracts) Act 1997 and Regulation 7 of the Local Government (Contracts) Regulations 1997.
 - (e) In the absence of the Chief Executive, to issue summonses to attend meeting of the Council.

Annex 3 Legislation – Operations

- Cinemas Act 1985
- Theatres Act 1968
- Sections 197-214 of the Town & Country Planning Act 1990
- Hedgerow Regulations 1997
- Town and Country Planning (Trees) Regulations 1999

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

Annex 4

Legislation –

Economic Development and Planning

Planning:

- Housing and Planning Act 2016
- Parts II, III, IV, V, VII, VIII, ss257-260, of the Town and Country Planning Act 1990
- Town and Country Planning (Development Management Procedure) (England) Order 2010
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compensation Act 1991
- Planning Act 2008
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Town and Country Planning (General Permitted Development Order) 1995 (1995/418)
- Town and Country Planning (General Permitted Development) (England) Order (2015/596)
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
- Hedgerow Regulations 1997
- Town and Country Planning (Trees) Regulations 1999
- Business and Planning Act 2020

~~Corporate Assets:~~

- ~~• Local Government Act 1972~~
- ~~• Local Government Act 1972: General Disposal Consent (England) 2003~~
- ~~• Landlord and Tenant Act 1954~~

Regeneration:

- The Local Government Act 2000
- The Planning and Compulsory Purchase Act 2004
- The Local Government and Public Involvement in Health Act 2007
- The Local Democracy, Economic Development & Construction Act 2009

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

Annex 5

Legislation – Regulatory Services

- Animal Health & Welfare Acts 1981 and 1984
- Animal Welfare Act 2006
- Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Building Act 1984
- Business and Planning Act 2020
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Charities Acts 1992 and 2006
- Clean Air Act 1993
- Clean Neighbourhoods & Environment Act 2005
- Control of Pollution Act 1974
- Criminal Justice and Police Act 2001
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Acts 1989 and 1991
- Dangerous Wild Animals Act 1976
- Energy Act 2013
- Environment Act 1995
- Environmental Protection Act 1990
- Food & Environment Protection Act 1985
- Food Hygiene (England) Regulations 2006
- Food Safety Act 1990
- Gambling Act 2005
- General Food Regulations 2004
- Guard Dogs Act 1975
- Health Act 2006
- Health & Safety at Work etc Act 1974

- House to House Collections Act 1939
- Housing Acts 1985 and 2004
- Housing (Grants, Construction & Regeneration) Act 1996
- Land Compensation Act 1973
- Land Drainage Act 1991
- Licensing Act 2003
- Litter Act 1983
- Local Government & Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Mobile Homes Acts 1975 ,1983 & 2013
- Mines and Quarries Act 1954
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisances Act 1993
- Offices, Shops & Railway Premises Act 1963
- Police Factories etc (Miscellaneous Provisions) Act 1916
- Pollution Prevention & Control Act 1999
- Prevention of Damage by Pests Act 1949
- Private Security Industry Act 2001
- Protection from Eviction Act 1977
- Public Health Acts 1875, 1936 and 1961
- Public Health (Control of Diseases) Act 1984
- Radioactive Substances Act 1993
- Refuse Disposal (Amenity) Act 1978
- **Regulatory Enforcement and Sanctions Act 2008**
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- Rent (Agriculture) Act 1976
- Road Traffic Act 1988
- Slaughter of Poultry Act 1967
- Sunday Trading Act 1994
- Town Police Clauses Act 1847
- Traffic Management Act 2004
- Transport Act 1985

- Scrap Metal Dealers Act 2013
- Vehicles (Crime) Act 2001
- Water Industry Act 1991
- Zoo Licensing Act 1981

Building Control:

- Building Act 1984
- The Building Regulations 2010
- Building (Approved Inspector etc) Regulations 2010
- The Building (Local Authority Charges) Regulations 2010

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

Annex 6

Legislation – Wellbeing

- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Homelessness Act 2002
- Housing Acts 1985, 1996, and 2004
- Housing (Grants, Construction & Regeneration) Act 1996
- Housing and Planning Act 2016
- Homelessness Reduction Act 2017
- Housing and Regeneration Act 2008
- Local Government & Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Control of Off-Street Parking (England and Wales) Order 1978
- Environment Act 1995
- Environmental Protection Act 1990
- Land Drainage Act 1991
- Local Government & Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Local Transport Act 2008
- Refuse Disposal (Amenity) Act 1978
- Water Industry Act 1991

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

Annex 7 Legislation – Financial Management

- Housing Benefit (General) Regulations 1987
- Council Tax Benefit (General) Regulations 1992
- Council Tax (admin& enforcement) Regulations 1992
- Social Security Admin Act 1992
- NNDR (Collection and Enforcement) Regulations 1989
- General Rate Act 1967
- Social Security Contributions and Benefits Act 2002

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