



CANNOCK CHASE COUNCIL

COUNCIL MEETING

WEDNESDAY, 6 NOVEMBER, 2019 AT 4:00 P.M.

COUNCIL CHAMBER, CIVIC CENTRE, BEECROFT ROAD, 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 4 September, 2019, Minute Nos. 32 – 43; Page Nos. 23 – 32.

4. The Chairman's Announcements and Correspondence

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

5. The 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

No Questions have been received under Council Procedure Rule 8.

7. Recommendations Referred from Cabinet, Committees etc.

To consider the following recommendations to Council made by Cabinet at its meeting held on 19 September, 2019 in respect of:

(i) Implications of the Council Motion on Climate Emergency Approved on 17/07/19 (Minute No. 39)

“That:

- (E) Council be requested to provide a supplementary estimate of £10,000 in 2019/20 to recruit additional external capacity to develop a more detailed baseline and draft ten-year action plan.
- (F) In addition to decision (E), above, the inclusion of £40,000 in the 2020/21 financial year to conclude this work be approved.
- (H) Council be requested to provide a supplementary estimate of up to £10,000 to establish a Citizens’ Assembly during 2019/20, and £20,000 in 2020/21 to complete this work, and to receive the outcomes and recommendations of this in due course.”

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

www.cannockchasedc.gov.uk/council/meetings/agendas-reports-minutes/102/2019-09-19

To consider the following recommendations to Council made by Cabinet at its meeting held on 17 October, 2019 in respect of:

(ii) Updated Community Infrastructure Levy Infrastructure List (Former Regulation 123 List) (Draft Minute No. 51)

“That Council be recommended to rename the updated Regulation 123 List (attached at Appendix 1 to the 17 October 2019 Cabinet report) as the ‘CIL Infrastructure List’, and that it be adopted and approved for publication on the Council’s website, replacing the previous Regulation 123 List (attached at Appendix 2 to the same Cabinet report).”

(iii) Local Development Scheme Revision (Draft Minute No. 53)

“That Council be recommended to approve the Local Development Scheme (attached at Appendix 1 to the 17 October 2019 Cabinet report), covering the period November 2019 to November 2022, and that it be brought into effect on 6 November 2019.”

(iv) Policy for Commercial Use of the Highway (Draft Minute No. 54)

“That Council be recommended to agree that:

- (i) The ‘Commercial Use of the Highway’ Policy be rescinded, a Charter be created and CCDC branded guidelines be issued to businesses.
- (ii) Officers be asked to explore how Disclosure and Barring Service (DBS) checks could still be retained for operators of fairground rides etc.

- (iii) All business owners/operators who had paid out any required fees/charges since the Policy was introduced be fully reimbursed what they had paid.”

Copies of the related Cabinet reports for the above recommendations can be viewed via the following link:

www.cannockchasedc.gov.uk/council/meetings/agendas-reports-minutes/102/2019-10-17

8. Motions Received under Council Procedure Rule 6

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

“The Economic Development and Town Centres Scrutiny Committee at its meeting of 4 April 2018 expressed concerns that Rugeley and Brereton were not included within the Cannock and Stafford ‘saver zones’ area. Arriva were asked about this at a Work Group where they said it would be put right. Cabinet were also requested to write to Arriva to show support for the inclusion of Rugeley and Brereton within the ‘saver zones’ area. Scrutiny Committee were to be advised of any reply received.

18 months have now passed since these concerns were expressed and no response has been provided. The residents of Rugeley and Brereton, especially the under 20s, are not being treated fairly at all by Arriva, especially now that the under 20s have had their travel passes taken away by Staffordshire County Council.

The Managing Director is requested to write to Arriva to ask for the inclusion of Rugeley and Brereton within the ‘saver zones’ scheme and that Arriva provide an update report to identify actions to implement the request.”

- (ii) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor G. Adamson, Leader of the Council:

“The International Holocaust Remembrance Alliance have produced guidelines which define anti-Semitism as:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

The guidelines highlight a number of contemporary examples of anti-Semitism in public life such as:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined

wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination e.g. by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic anti-Semitism (e.g. claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Manifestations of anti-Semitism might also include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong”. It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits. Anti-Semitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in the United Kingdom.

I move that Cannock Chase Council adopt the International Holocaust Remembrance Alliance working definition of anti-Semitism as a clear message that anti-Semitic behaviour will not be tolerated. I wish to further add:

- a. “It is not anti-Semitic to criticise the Government of Israel, without additional evidence to suggest anti-Semitic intent.”
- b. “It is not anti-Semitic to hold the Israeli Government to the same standards as other liberal democracies, or to take a particular interest in the Israeli Government’s policies or actions, without additional evidence to suggest anti-Semitic intent.”
- c. Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness and will not be tolerated by this Council.”

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

“Elmore Park is a beautiful space and has been consistently awarded the prestigious Green Flag Award since 2010. It is a stone’s throw from Rugeley Town Centre and sits at the heart of our local community. A space to create

memories.

Now more than ever, we must cherish parks and green spaces. As a Council, we must do all we can to promote them with pride and ensure that they are welcoming for local families. Elmore Park is an asset for several reasons – exposure to nature greatly benefits mental health, it provides a place for recreational and physical activity, it is a community hub for families to enjoy and, more than that, the trees are crucial in helping to remove pollutants and clean the air.

Despite the positives – the pet’s corner, space to play, the picnic area and lake - the Park is let down by its toilet provision. The toilets do not cater for disabled users, they do not have baby changing facilities or running water for visitors to wash their hands. The Council have installed waterless hand sanitisers and replaced the urinal in the gents, but they remain outdated, unhygienic and do little to contribute to the Park being a destination site.

Over 850 individuals signed my petition, the large majority being local residents. It has identified a local need. A need to modernise the Park ensuring that it is accessible and suitable for all residents. With better toilets, more residents have said that they would use the park. That is more children being active, more residents spending time outdoors and more local communities spending more time together. As a Council, let’s listen to what our local residents are telling us and let’s prioritise their need.

I ask that the Council commits to undertake an options appraisal in relation to the existing toilet block and a feasibility study to assess the practicalities and costs of the proposals, with a view to identifying a toilet refurbishment scheme within this Council’s capital programme.”

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

- (iv)** To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor G. Adamson, Leader of the Council:

Council notes that:

One in three people in Britain are now overweight or obese. If the current upward trend continues, by 2025 Britain is set to become the fattest country in Europe.

Local data from 2016-17 suggests 70% of all adults in Cannock Chase District are overweight. Of these, 36% (around 28,700 people) are obese. This is a higher proportion than the Staffordshire, West Midlands and England averages and amongst the highest in the West Midlands. The proportion of overweight children in the 4-5 year (27.6%) and 10-11 year (36%) age groups in the District are also above the England average.

The relatively high prevalence of overweight and obesity in Cannock Chase’s adult and child populations indicates that the District could be more susceptible to the socioeconomic disadvantages associated with obesity.

The NHS identifies that obesity is generally caused by lifestyle or environmental factors. Eating large amounts of processed or fast food high in

fat and sugar combined with low levels of physical activity, creates excess body fat. However, we must acknowledge being overweight can also be the result of medical conditions.

Obesity and being overweight can also affect a person's mental and emotional health and wellbeing, leading to depression, anxiety, and low self esteem. The combination of the physical and mental health impact can be truly detrimental to a person's social life, employment, educational attainment and even their ability and willingness to access help.

We must acknowledge the underlying causes of eating poor diets and inactivity are complex. Negative life events, lack of skills on how to live a healthy lifestyle on a low income, not engaging with our green spaces, easy access to fast food establishments, through to not feeling safe to walk to school, and wider socioeconomic factors, particularly deprivation, can all contribute.

In light of the above, I move that the Council resolves to support the Government's Child Obesity Action Plan which aims to halve childhood obesity in the UK by 2030. This will be supported locally by:

1. Considering the introduction of a 'Health in All Policies' approach to the decisions we make, targeting the social determinants of health to improve the health of the local population;
2. Implementing a district-wide Health Improvement Programme, 'Cannock Chase Can', aimed at focussing local efforts on supporting the Government's Action Plan.

Cannock Chase Can will involve working collaboratively with the Community Wellbeing team at Inspiring healthy lifestyles and supporting partners, to develop a 5 year health improvement/prevention plan. The plan will include various methods of promotion and engagement to encourage participation and behaviour change. Using Public Health England's recently published 'Whole systems approach to obesity: a guide to support local approaches to promoting a healthy weight', the aim of the new programme will be to help reduce obesity as well as promote healthy lifestyle choices.

There will be no costs incurred in the first year (2019/20) as this will be a planning and developmental period. Estimated costs for Year 2 will reach £21,500 with a further annual commitment of £10,000 for four consecutive years, so a total financial commitment over five years of £61,500.

Full details of the 'Health in All Policies' approach and 'Cannock Chase Can' will be considered at Cabinet in January 2020."

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

- (v) To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor G. Adamson, Leader of the Council:

"This Council is currently a member of both the Greater Birmingham and Solihull LEP and the Stoke and Staffordshire LEP, along with other southern Staffordshire authorities. Government policy has now changed and

membership of two LEPs will no longer be allowed.

Cannock Chase has very close economic and cultural ties with the conurbation. Some 50% of our residents of working age work there and many of our local businesses carry out a large part of their business with firms in the conurbation.

As a Council we are members of the West Midlands Combined Authority, which is based on 3 LEP geography (including the GBS LEP but not Stoke and Staffordshire).

Membership of the GBS LEP and the WMCA has been massively advantageous to our district in terms of investment and support.

I therefore move that this Council writes to the Secretary of State to confirm that we wish to remain as a member of the GBS LEP and will relinquish our membership of the Stoke and Staffordshire LEP."

9. 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.

10. Charitable Collections Policy

Report of the Head of Economic Prosperity (Item 10.1 – 10.22).

11. Appointment of Independent Person

Report of the Interim Council Solicitor (Item 11.1 – 11.3).

12. Exclusion of the Public

The Chairman to move the following motion:-

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

CANNOCK CHASE COUNCIL

COUNCIL MEETING

WEDNESDAY, 6 NOVEMBER, 2019 AT 4:00 P.M.

COUNCIL CHAMBER, CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

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

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



T. McGovern,
Managing Director

29 October, 2019

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

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

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

A PECUNIARY INTEREST is a personal interest where the matter

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

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

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

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

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

DECLARING INTERESTS AT FULL COUNCIL

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

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

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

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

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE COUNCIL
HELD IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
AT 4:00 P.M., WEDNESDAY, 4 SEPTEMBER, 2019

PART 1

PRESENT: Councillors:

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

32. Apologies

Apologies for absence were submitted for Councillors P.A. Fisher and Mrs. A.M. Muckley.

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

The following Members declared interests:

Member	Agenda Item	Type
Hughes, R.J.	9(ii). Motions Received Under Council Rule 6	Personal
Lyons, Miss O.	9(ii). Motions Received Under Council Rule 6	Personal
Startin, P.D.	9(i). Motions Received Under Council Rule 6	Personal

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

34. Minutes

RESOLVED:

That the Minutes of the meeting held on 17 July, 2019, be approved as a correct record and signed.

35. Chairman's Announcements and Correspondence

(i) Former Councillor Roy Bagguley

The Chairman advised that, as Members were aware, former Councillor Roy Bagguley passed away on Tuesday, 6 August, ages 89. Roy had served as a Councillor for Cannock Chase for 20 years, and during that time held office of Chairman of the Council twice, between 1986-87 and 1991-92. He was also more recently appointed in 2018 as one of the first Council Aldermen.

The Chairman noted that the Council's thoughts were with Roy's wife and his family and friends at this sad time.

A number of senior Members recounted stories about Roy, both in his service as a councillor and, privately, as a person.

All Members then stood and joined the Chairman in observing a minute's silence as a mark of respect.

(ii) Chairman's Fundraising

The Chairman advised that a collection box was circulating for Members to make a donation to support her fundraising. At the meeting held on 17 July, 2019 a total of £44.00 was received, and she thanked Members for their donations.

(iii) Chairman's Civic Service

The Chairman advised that Members should have received an invitation to her Civic Service and Reception, which were to be held on Sunday, 22 September, 2019 at St. James the Great Parish Church, Norton Canes. Members were requested to reply to the invitation by Friday, 6 September, if they hadn't already done so, in order that adequate arrangements could be made for all those in attendance. She said that she hoped that all would be able to attend and looked forward to welcoming them on the day.

36. Leader's Announcements and Correspondence.

(i) Peer Review

The Leader advised that the LGA's Peer Review team returned to the Council for two days during July to assess what progress had been made since the last full Peer Review in 2016. The full review report had been circulated to Members and staff, and would be published in the public domain this month as part of the 19 September Cabinet papers, along with an accompanying action plan.

The final report identified that the Council was a more confident, ambitious and outward looking organisation than in 2016. Partnership working was a strength, especially with Staffordshire Police, South Staffordshire College and the Local Enterprise Partnerships. Member-Officer relations were also highlighted as very good. The handling of the political uncertainty following the May 2019 elections was applauded.

The team also identified areas the Council needed to consider further: especially how effective the Council was at allocating resources and scarce capacity to the key priorities; risk management thresholds and the workforce development and digital strategies.

Overall this was a very positive outcome and demonstrated what huge progress the Council had made over the past three years. However, there was no room for complacency as there were many challenges to be addressed and ambitions that needed to be delivered in the future to increase prosperity and wellbeing in the District.

(ii) Chase Line

The Leader advised that he had called a public meeting to discuss the performance issues on the Chase Line service since electrification and the new timetable that commenced in May this year. This was especially the termination of services at Hednesford and the alternative bus services on to Rugeley. The meeting was held on Monday, 2 September between 4:30pm and 6:30pm at Cannock railway station. Representatives of West Midlands Trains (the operator), Network Rail (the infrastructure provider) and West Midlands Rail Executive (the franchise holder) were all in attendance, as was the Chair of the Chase Line Rail Promotion Group. Following this, a further public meeting had been called for 13 September, in Rugeley.

Ways of resolving the current issue of the unacceptable level of service were discussed with the rail operator and the Council looked forward to improvements in the service in the near future. Also discussed were long-term solutions to the problems suffered by users. These resulted from changes to the timetables which took the rail industry a long time to implement as they were only allowed to change twice a year. Therefore, the situation may not be resolved until the link to London was removed and services returned to normal. The Council's priority was to get a good and reliable service from Rugeley to Birmingham and it would continue to pursue this aim.

(iii) Brexit

The Leader advised that the Council had had to identify a Lead Officer for Brexit preparations at the request of the new Secretary of State for Housing,

Communities and Local Government, Robert Jenrick, MP. The Managing Director was the nominated Lead. The Government had also allocated further funding to all local authorities; this Council had been allocated £30,000.

The Lead Officer was required to participate in weekly teleconferences / meetings and provide updates to the Regional Lead Chief Executive and to participate in meetings of the Local Resilience Forum. This Council had used some of the additional funding to set up workshops in Cannock and Rugeley, led by the Department of International Trade, to advise local businesses who export, to train in what paperwork and procedures they would need to follow post-Brexit.

(iv) Climate Change Motion at July 2019 Council

The Leader advised that following the debate and decision to declare a Climate Change Emergency, and commit to the vision of carbon neutrality by 2030 at the latest, he had asked Officers to bring forward a report to the Cabinet meeting on 19 September setting out the next stage of the work, which would include a recommendation that Climate Change was adopted as a new Corporate Priority objective in the Council's Corporate Plan. He hoped that, unlike on the last occasion when Members discussed climate change, all Members would feel able to accept that Climate Change was happening and of the need to involve all of our communities in finding the best way forward. The Council was committed to trying to achieve its target of carbon neutrality by 2030.

(v) Future High Streets Fund

The Leader advised that the Council had been unsuccessful in its bid to the most recent bidding round for the fund to regenerate town centres. There were over 300 expressions of interest, which meant almost all local authorities in England had submitted a bid. In Staffordshire, Tamworth Borough Council and Newcastle-under-Lyme Borough Council had been invited to develop business cases in the next stage. There would be a further round of bidding in 2020, and the Council would seek to secure an allocation as part of that process.

(vi) Electoral Review

The Leader advised that the Local Government Boundary Commission had written in June this year to confirm that the Council would be having an electoral review in 2020/21, and invited the Council's views on the timetable for this. Following discussions with the three other Group Leaders, it had been agreed and proposed that the Review would start in autumn 2020, and conclude by the end of 2021/early 2022, with the implementation of any recommendations taking place from May, 2023. Representatives from the Boundary Commission had been invited to present to Group Leaders and relevant Officers on the content of the review, with the hope that this presentation would take place by the end of 2019.

The Leader then advised that a copy of his updates would be circulated to all Members for reference after the meeting.

37. Changes to Membership of Committees etc. 2019/20

The Leader of the Opposition, Councillor Miss O. Lyons, notified Council of changes to membership of the Scrutiny Committees from the Conservative Group for approval by Council (Item 6.1 of the Official Minutes of the Council).

One of the changes nominated a new Vice-Chairman to the Community Scrutiny Committee. Council was asked if there were any other nominations for Vice-Chairman. No other nominations were proposed.

RESOLVED:

That the changes to the Conservative Group's membership of the Scrutiny Committees, as detailed in the schedule at Item 6.1 of the agenda, be approved.

38. Questions Received under Council Procedure Rule 8

No Questions were submitted in accordance with Council Procedure Rule 8.

39. Recommendations Referred from Cabinet, Committees etc.

None received.

40. Motions Received under Council Procedure Rule 6

- (i) Consideration was given to the following Motion, submitted in accordance with Council Procedure Rule 6, by Councillor Mrs. A.A. Fitzgerald, Housing Shadow Portfolio Leader:

"There is a housing crisis at multiple levels in this Country. Not only is there not enough housing stock, but there is not enough housing stock of suitable green standards to help us move to a carbon neutral society. Minimum standards are what is currently achieved with the new homes that are being built, rather than achieving level 6 carbon neutral homes. Whilst recognising the financial challenges, Council housing stock must be made greener and more sustainable. It is acknowledged that some green housing schemes cause challenges for residents therefore progressive and incremental changes will ensure that the Council and residents alike learn how to make the most of the continuous improvements being made. Therefore, this Council moves:

- 1) The current planning policy be put to the relevant Promoting Prosperity Scrutiny Committee to identify ways that it can be made to force greener construction with incremental improvements. This should initially focus on council stock in order to provide tenants with the largest benefit, saving them money on their heating bills and keeping more of their money in their own pockets;
- 2) For there to be an asset/land review to identify all potential sites that a level 6 carbon neutral pilot scheme could be run, with potential residents chosen at random by the Housing department and educated on the systems in the housing to maximise benefits; and
- 3) For a full report on the pilot scheme to be produced and presented to Council 12 months after the first residents move in on the viability of rolling this scheme out across the district."

It was moved and seconded that the matter should be considered and reported back to Cabinet as part of the Community Scrutiny Committee Task and Finish group's work in response to the Climate Emergency Motion approved at Council on

17 July, 2019.

RESOLVED:

That the matter should be considered and reported back to Cabinet as part of the Community Scrutiny Committee Task and Finish group's work in response to the Climate Emergency Motion approved at Council on 17 July, 2019.

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

"Fair Tax Declaration

Full Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned – e.g. no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when

buying goods or services.

6. UK cities, counties and towns can and should stand up for responsible tax conduct – doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
3. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.
4. Not use offshore vehicles for the purchase of land or property, especially where this leads to reduced payments of stamp duty.
5. Receive a further report on how the Council can develop an efficient and effective framework to lead by example and demonstrate good practice in our tax conduct to:
 - (a) Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
 - (b) Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
 - (c) Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
 - (d) Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.”

Councillor R.J. Hughes proposed an amendment to the Motion which was seconded:

“Full Council resolves to:

1. Work towards formulating our own Cannock Chase Council Tax Declaration;
2. Promote the fact that, as an organisation, we are leading by example in terms of transparent tax affairs and implementing responsible internal procedures which demonstrate good practice.
3. Investigate the Council’s use of offshore vehicles and ensure that they are not used for the purchase of land or property, especially where this leads to reduced payments of stamp duty; and
4. Set up a working group, made up of Councillors to review the Council’s tax conduct. This should be formed by the Council’s Corporate Scrutiny Committee. They will review the Council’s current procurement processes and the Council’s due diligence procedures.”

In accordance with Council Procedure Rule 15(4)(a), a named vote was taken on the amendment:

For	Against	Abstain
Boucker, A.S.	Adamson, G.	
Buttery, M.S.	Alcott, G.	
Fitzgerald, Mrs. A.A.	Allen, F.W.C.	
Freeman, Miss M.A.	Bennett, C.	
Hewitt, P.M.	Cartwright, Mrs. S.M.	
Hughes, R.J.	Crabtree, S.K.	
Johnson, J.P.	Davis, Mrs. M.A.	
Jones, B.	Dudson, A.	
Jones, Mrs. V.	Dunnett, Ms. A.J.	
Lyons, Miss O.	Johnson, T.B.	
Molineux, G.N.	Kraujalis, J.T.	
Smith, C.D.	Layton, Mrs. A.	
Startin, P.D.	Martin, Mrs. C.E.	
Sutherland, M.	Mitchell, Mrs. C.	
Sutton, Mrs. H.M.	Newbury, J.A.A.	
Thompson, Mrs. S.L.	Pearson, A.R.	
	Preece, J.P.T.L.	
	Stretton, Mrs. P.Z.	
	Todd, Mrs. D.M.	
	Wilkinson, Ms. C.L.	
	Witton, P.T.	
	Woodhead, P.E.	
17	22	0

In addition, Councillors P.A. Fisher and Mrs. A.M. Muckley were absent from the meeting.

The amendment was not carried, and therefore, the substantive Motion as presented remained unchanged.

RESOLVED:

That the Council:

- (A) Approved the Councils for Fair Tax Declaration.
- (B) Would support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.

- (C) Supported calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.
- (D) Would not use offshore vehicles for the purchase of land or property, especially where this lead to reduced payments of stamp duty.
- (E) Would receive a further report on how the Council can develop an efficient and effective framework to lead by example and demonstrate good practice in our tax conduct to:
 - (i) Ensure contractors implemented IR35 robustly and paid a fair share of employment taxes.
 - (ii) Undertake due diligence to ensure that not-for-profit structures were not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
 - (iii) Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
 - (iv) Promote Fair Tax Mark certification for any business in which we had a significant stake and where corporation tax was due.

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

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

42. Annual Treasury Management Report 2018/19

Consideration was given to the Report of the Head of Finance (Item 11.1 – 11.11 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The Annual Treasury Management report for 2018/19 be noted.
- (B) The actual 2018/19 prudential and treasury indicators set out in Appendix 1 of the report be approved.

43. Scrutiny Committees' Annual Reports 2018/19

The 2018/19 Annual Reports of the following Scrutiny Committees were received for information (Item 12.1 – 12.28 of the Official Minutes of the Council):

- Community Scrutiny Committee;
- Corporate Scrutiny Committee;
- Promoting Prosperity Scrutiny Committee;
- Wellbeing Scrutiny Committee.

In respect of items 5.5 and 5.6 (Working Group to review the Policy for Commercial Use of the Highway) of the Promoting Prosperity Scrutiny Committee Annual Report (Item 12.12 of the Council agenda), Members asked:

- (i) Was the Council making a loss operating the scheme, as it was meant to be cost neutral?
- (ii) Was the Portfolio Leader aware of any reported injuries arising from people colliding with 'A' boards?

The Health and Wellbeing Portfolio Leader advised that she did not know the answers but would find out and circulate these to Members.

In respect of items 3.4 (Health in All Policies) of the Wellbeing Scrutiny Committee Annual Report (Item 12.17 of the Council agenda), a Member asked if the matter had yet been to Cabinet for consideration, as requested by the Committee.

The Health and Wellbeing Portfolio Leader advised that she would find out the current situation and a response would be circulated to all Members.

The meeting closed at 5:50 p.m.

CHAIRMAN

Report of:	Head of Economic Prosperity
Contact Officer:	David Prosser-Davies
Telephone No:	01543 464202
Portfolio Leader:	Health & Wellbeing
Key Decision:	No
Report Track:	Council: 06/11/19

**COUNCIL
6 NOVEMBER 2019
CHARITABLE COLLECTIONS POLICY**

1 Purpose of Report

- 1.1 To seek approval and adoption of Cannock Chase District Council's Charitable Collections Policy (including House to House Collections, Street Collections and Direct Debit Collections).

2 Recommendations

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

3 Key Issues and Reasons for Recommendation

- 3.1 The main intention is to regulate the house to house charitable collections which take place within the District. It also confirms our existing procedures in respect of cash and direct debit charitable collections within our town centres. The new policy is intended to have effect across the whole of Cannock Chase District.
- 3.2 The draft policy has recently been subject to a consultation process and the Council's Licensing & Public Protection Committee (L&PPC) has been afforded the opportunity to comment upon it. It is now offered to full Council for adoption following the completion of the member, public and stakeholder consultation.
- 3.3 Five responses were received as part of the consultation process. These responses have been briefly appraised by officers and form part of this report. These responses have been considered in preparing the final Policy document.

- 3.4 The new policy may have an impact on the manner in which the Council administers and enforces its functions in relation to charitable house to house collections within the District. There will be no change to the way in which cash and direct debit street collections are dealt with.
- 3.5 There may also be a potential increase in the numbers of applications from house to house collection companies because of the reduction in the size of the area in which they are permitted to collect and the timescale in which they must do so.

4 Relationship to Corporate Priorities

- 4.1 The Policy contributes to the Council's "Promoting Prosperity" priority through:
- Ensuring that local charities are given priority in respect of cash charity collections in our town centres;
 - Ensuring that non-compliant collection companies are not granted a licence to collect within the Cannock Chase District
- 4.2 The Policy contributes to the Council's "Community Wellbeing" priority through:
- Preventing unlicensed collections from taking place;
 - Ensure that people who wish to donate to charity, through house to house or street collections, are able to do so in good faith knowing that the money or products they donate will directly benefit the charity.

5 Report Detail

- 5.1 The policy aims:
- To provide clear guidance for officers and members on what matters should be taken into account when determining applications for House to House Collections. It also sets out the requirements for applicants for charitable collections of all types across the Cannock Chase District.
 - To safeguard the interests of both public donors and beneficiaries.
 - To facilitate well organised collections by bona fide charitable institutions and to ensure that high standards are met.
- 5.2 There has been an increase in the number of bogus House to House collectors in the last few years and as such it is vital that licences are only issued to legitimate applicants. This will give the public confidence that if the collection is licensed, an adequate proportion of their donations are being given to the appropriate charity.
- 5.3 This policy outlines the Council's requirements in respect of the following charitable collections:
- House to House Collections for goods ("charity bags") and/or cash within the District;

- Cash Street collections within the District;
- Direct Debit collections within the District.

5.4 The policy sets out the Council's position in respect of charitable collections and the requirements for applicants in the following areas:

- Introduction and consultation process
- Intention of the Policy
- Exchange of information and data protection
- Equality and Diversity
- Crime and Disorder Act 1998
- House to House Collections
- Applications
- Applicant suitability
- Grounds for refusal
- Financial considerations.
- Direct Debit Fundraising Within town centres.
- Cash Charity Fundraising Within town centres.
- Enforcement Principles.

5.5 The Policy separates the District into 4 distinct areas; Cannock, Hednesford, Rugeley and Norton Canes. A map of the District is provided within the draft policy which identifies these areas.

5.6 The Council will only allow one House to House Collection in any one area of the District at any one time. It will only permit any one organisation to collect within the District on a maximum of six occasions per calendar year.

5.7 The maximum duration of any collection will not exceed 4 weeks.

5.8 Before granting a licence for a house to house or street collection, the Council must be satisfied the applicant is a fit and proper person to hold a charitable collection licence. Therefore, the applicant, or the director of the collection company if different, will need to submit a Basic Disclosure from the Disclosure and Barring Service.

5.9 There are a number of grounds for refusal which are highlighted in section 9 of the policy.

These include:

- The amount of money given to charity is insufficient;
- The amount of money taken by any individual or the collection company is too large;
- The granting of the licence would facilitate vagrancy;;
- The applicant or their collectors are not fit and proper persons
- Failure by the applicant to provide the licensing authority with any of the information required under the policy.

- 5.10 The draft policy states that the Council will consider refusing an application where less than 70% of the value of the collection is being donated to the charity named in the application, or, the amount of money paid to collectors by charitable organisations to collect money and products on their behalf, is excessive and the amount of that remuneration is greater than 30% of the value of the collection.
- 5.11 A draft revised document was sent for consultation over a four week consultation period which ran between 1 June 2019 and 30 June 2019.
- 5.12 Every effort was made to bring it to the attention of everyone with an interest in charitable collections and a link on the Council's website also brought it to the attention of the wider public with details of how they could comment on it.
- 5.13 The Council's Licensing Unit received responses from 5 consultees. These were from:
- Councillors Sutherland, Todd and Lyons;
 - The Institute of Fundraising (IoF);
 - Hednesford Town Council.
- 5.14 The responses received were as follows:
- 1) Cllr Todd confirmed that the proposed percentages are correct in her view.
 - 2) Cllr Sutherland suggested an increase to 75% pay out given to the charities and a decrease to 25% in the pay out taken by the collectors.
 - 3) Cllr Lyons suggested:
 - An increase to 75% in the percentage pay out given to the charities and decrease to 25% in the pay out taken by the collectors;
 - That the District could be split it into five areas rather than the proposed four;
 - That a maximum number of four collections per annum may be more suitable that the proposed maximum of 6 collections per annum;
 - That the proposed maximum collection period of 4 weeks could be reduced to 2 weeks.
 - 4) The Institute of Fundraising (IoF) confirm that Hednesford town centre does not form part of the Council's Site Management Agreement for direct debit collections.
 - 5) Hednesford Town Council suggested:
 - That more than one street collection should be allowed for events;
 - That consideration be given to limiting the time frame for which advance bookings of dates for collections can be made e.g. 4 months.

Appraisal:

Both the draft Policy and the Council's L&PPC agreed that 70% of the monies collected should go to the Charities and no more than 30% should be taken by the collector. The other matters mentioned in Cllr Lyons response have previously been considered and agreed in a similar manner.

With respect to the Hednesford Town Council response, event organisers have historically been permitted to oversee a number of charities collecting monies at a single event and no change is anticipated. Further, the new policy intends to restrict applicants to a maximum of 6 collection periods per annum. Each collection period will be no more than 4 weeks long. These restrictions, along with the splitting into the District into 4 separate areas, are intended to create much greater availability of short, 4 week long collection periods. Further restrictions are not considered necessary.

Having carefully considered the welcome responses, there is insufficient justification to change the policy at this time.

- 5.15 The consultation responses are available for inspection by contacting the Senior Licensing Officer in the Council's Licensing Unit.
- 5.16 Following the consideration by the L&PPC and the wider consultation process, the Policy Statement is now offered for approval and adoption

6 Implications

6.1 Financial

There are no fees payable to the Council for any of the charitable collection applications.

6.2 Legal

The legal implications are set out throughout this report.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the potential use of charitable collections for criminal activity.

The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of preventing crime.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality & Diversity

The Policy Document will be made available in large print, Braille and as an audio version, on request.

An Equalities Impact Assessment has been completed in respect of the Policy.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1: Draft Charitable Collections Policy

Previous Consideration

None

Background Papers

None.



CANNOCK CHASE DISTRICT COUNCIL

CHARITABLE COLLECTIONS POLICY

**INCLUDING HOUSE TO HOUSE COLLECTIONS, STREET
COLLECTIONS AND DIRECT DEBIT COLLECTIONS**

November 2019

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1. Introduction and consultation process

1.1 Cannock Chase District Council (CCDC) is situated in the County of Staffordshire which contains 8 District Councils and Stoke-on-Trent, a Unitary Authority. The Council area has a population of approximately 98,500 and covers 7,887 hectares (approximately 30 square miles).

1.2 The District is mainly rural, with 60% of it classified as Green Belt. There are 3 main urban areas: Cannock, Rugeley and Hednesford. A map of the District is attached to this policy which outlines the 3 main urban areas mentioned above and each ward boundary.

1.3 The policy consultation took place between 1 June 2019 and 30 June 2019. The consultation followed the Cabinet Office Guidance on Consultation Principles first published in July 2012 and last updated in March 2018. This document is available at:

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

1.4 List of persons and agencies consulted by this authority:

- Staffordshire Police
- Cannock Chase Council's responsible authorities
- Current and recent licence holders
- County Council Trading Standards Department
- Representatives of local businesses
- Local residents and their representatives
- Local town and parish councils
- Local Member of Parliament
- National representation bodies
- National & local charities
- Local Community Safety Partnership
- Elected members and departments of the Council

1.5 The Council approved and adopted this Policy at full Council on 6 November 2019. The finalised document is published via the Council's website at: www.cannockchasedc.gov.uk

2. The intention of the policy

2.1 The intention of the policy is to provide clear guidance for officers and members on what matters should be taken into account when determining applications for House to House Collections. It also sets out the reasonable expectations of applicants for charitable collections of all types across the Cannock Chase District.

2.2 Officers have delegated powers to grant applications. The discretion of the elected members of the Licensing & Public Protection Committee will be engaged where applications are referred to them by officers who are unable to grant the application.

2.3 The aims of the licensing authority in adopting this policy are to:

- Safeguard the interests of both public donors and beneficiaries;
- Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met, and;
- Prevent unlicensed collections from taking place.

2.4 The policy is also intended to ensure that those who wish to donate to charity through house to house or street collections, are able to do so in good faith, knowing that a significant amount of the money or products they donate will directly benefit the charity.

3. Exchange of information and data protection

3.1 The Licensing Authority will exchange information with bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.

3.2 The information that you have provided will be used by Cannock Chase Council, who are the data controller, to allow us to carry out our statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District. We will share your information with agencies involved in licence processing or licensing enforcement and where the law requires or permits us to do so. For further information, please see:

<https://www.cannockchasedc.gov.uk/council/about-council/data-protection/data-protection-privacy-notice>

4. Equality and diversity

4.1 Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities

4.2 A link to the Council's Equalities and Diversities Policy can be found here-
<http://chaseweb.cannockchasedc.gov.uk/chief-executives-policy-and-performance/equality-and-diversity>

5. Crime and Disorder Act 1998

5.1 Under section 17 of the Crime and Disorder Act 1998 the Council has a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns about criminal activity such as fraud and money laundering.

5.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting awareness of such matters.

5.3 It should be noted that charitable collections and other town centre activity may be actively monitored by the Council's town centre CCTV.

6. House to house collections

- 6.1 House to House collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947. Licences for these collections are issued by Cannock Chase District Council.
- 6.2 House to House collections involve the collection of either money or items directly from a person's property. They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.
- 6.3 There has been an increase in the number of bogus House to House collectors in the last few years and as such it is vital that licences are issued to legitimate applicants. This can give the public confidence that if the collection is licensed an adequate proportion of their donations are being given to the appropriate charity.
- 6.4 A National Exemption Order is available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued directly to the charity by the Cabinet Office.
<https://www.gov.uk/government/publications/national-exemption-order-scheme>

7. Applications

- 7.1 Applications will be dealt with on a first come first served basis. Where more than one application is received at the same time, preference will be given to local charities. The relevant application form is available at <http://www.cannockchasedc.gov.uk/business/licensing-permits/application-forms-licensing>
- 7.2 Anyone wishing to conduct a house to house collection must complete the relevant application form. Applicants must supply information relating to:-
- Whether the collection is on behalf of a registered charity (if so, the registered charity number must be stated), and if so, the objectives of the charitable cause as supplied to the Charity Commission.
 - A statement as to the aims of the collecting organisation as detailed in any literature.
 - Details of the history of the collecting organisation, i.e. when formed, names of trustees, directors, organisers etc.
 - Relevant accounts and financial statements of the collecting organisation.
 - A written agreement between the charity and the collecting organisation.
 - A declaration of any previous refusals for House to House collection licences.
 - A recent Basic Disclosure from the Disclosure & Barring Service pertaining to the Director of the collecting company.

- 7.3 In addition, the following must be made clear on the completed application form:
- How much the charity will receive as part of the collection.
 - The proportion, as a percentage, of the monies retained by the collector in respect of the running costs of the collection.
- 7.4 A clear set of returns must also be supplied if the organisation has previously operated house to house collections within the Cannock Chase District.
- 7.5 Applications are to be made in writing no later than **one calendar month** before the house to house collection is due to take place. This period may be reduced if the Council are satisfied there are exceptional reasons for doing so.
- 7.6 Failure to provide all the necessary information may result in an application being delayed or refused.
- 7.7 The Council may, in granting a licence, limit the collection to such streets or areas or such parts thereof as it thinks fit and are specified on the licence. (Cannock, Hednesford, Rugeley or Norton Canes). A map of the District showing the said areas is provided at Page 16 of this Policy
- 7.8 The Council will only permit one House to House Collection in any one area of the District at any one given time and will only allow an organisation to collect on a maximum of six occasions per calendar year. Separate application forms will need to be completed.
- 7.9 The maximum duration of any collection will not exceed 4 weeks. No collection shall be made other than in accordance with time period specified on the Licence.
- 7.10 No collection shall be made in a manner likely to inconvenience or annoy any person and no collector shall pester any person to the annoyance of such a person. No collection shall take place outside the hours of 9am to 7pm and doors should not be knocked at properties which display a sticker or sign which prohibits cold calling.
- 7.11 Within one month after the date of any collection, the person to whom a licence has been granted shall forward to the Council:
- A statement in the form set out in the schedule to these regulations, or in a form to the like effect, showing the amount received and the expenses and payments and payments incurred in connection with such collection and certified by that person and a member of the receiving charity in the form of a letter headed response.
 - A list of collectors.
 - A list of the amounts collected in each collecting box.

8. Applicant suitability

- 8.1 Along with any application for a House to House Collection Licence, the applicant or the director of the collection company if different, will need to submit a Basic Disclosure from the Disclosure and Barring Service.
- 8.2 When granting a licence for a house to house collection, the Council must be satisfied the applicant is a fit and proper person to hold a House to House Collection Licence.
- 8.3 In deciding the applicants fitness and propriety, and where there are convictions/cautions etc, the Council will take into consideration the following:-
- Whether the conviction is relevant.
 - The seriousness of the offence.
 - In accordance with the Rehabilitation of Offenders Act 1974, the length of time since the offence occurred.
 - Whether there is a pattern of offending behaviour.
 - Whether that person's circumstances have changed since the offence occurred.
 - The circumstances surrounding the offence and the explanation offered by that person.

9. Grounds for refusal

- 9.1 The Council may refuse to grant a licence or, where a licence has been granted, revoke that licence where it appears to the Council that:
- The total amount likely to be given for charitable purposes as the result of the collection (including any amount already given) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received)
 - The remuneration by any person is excessive in relation to the total amount received or likely to be received
 - The grant of a licence would be likely to facilitate the commission of an offence under section three of the vagrancy act 1824, or that an offence under that section has been committed in connection with the collection
 - The applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence
 - The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act,

or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised or

- The applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs

9.2 In addition, any action taken as a result of non-compliance with the House to House Collections Regulations may also be grounds for refusal.

10. Financial considerations.

10.1 In order for the Council to be confident that the amount being given to charity is proportionate, the financial information provided on the application form and on any returns has to be detailed and accurate. Failure to provide detailed and accurate financial information may result in an application being refused or delayed.

10.2 In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:-

- The Council understands there are costs associated with organising and carrying out a house to house collection; however, the costs associated with any one collection need to be balanced against the perception of the public that all of the items or money they donate will be given to charity. **Therefore, the Council will consider refusing an application where less than 70% of the value of the collection is being donated to the charity named in the application.**
- It is also common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether it is excessive, the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The salaries received by directors and key employees should also be considered as part of this assessment. **Therefore, the Council will give consideration to refusing an application where the amount of remuneration is greater than 30% of the value of the collection**

10.3 If no previous returns have been supplied to the Council after previous licensed collections then any further applications are likely to be refused.

10.4 Any person aggrieved by the refusal to grant a licence or by the revocation of a licence already granted, may appeal against the decision within fourteen days of the date of the notice of refusal or revocation, as shown on the notice. Any appeal must be made to the relevant Secretary of State.

11. Direct debit charity collections within town centres.

11.1 The Council has a fundraising Site Management Agreement with the Institute of Fundraising (IoF). This direct debit fundraising agreement

- permits collectors into our town centres (Cannock or Rugeley) on any 2 days a week between Monday and Thursday. This must be with the knowledge and prior agreement of the IoF. The Council acts as the “Gatekeeper” within the Site Management Agreement.
- 11.2 The days, dates and times on which the direct debit collections can be made, as well as the numbers of collectors and the areas in which collections may be made, are all restricted within the IoF Site Management Agreement.
- 11.3 Any organisation interested in fund raising by means of direct debit within our town centres, should contact the IoF to discuss their requirements and any current availability. <https://www.institute-of-fundraising.org.uk/home/>
- 11.4 The Cannock Chase Site Management Agreement can be found at: <https://www.institute-of-fundraising.org.uk/guidance/fundraising-compliance/site-management-agreements/find-or-request-an-sma/>
- 11.5 No direct debit fundraising may take place within the Cannock Chase District without the knowledge and prior agreement of the IoF.
- 12. Cash charity collections within town centres.**
- 12.1 The Council permits cash street collections in any of our three town centres (Cannock, Hednesford or Rugeley) on Fridays and Saturdays only. This is intended to facilitate local charities who rely upon local street collection fundraising.
- 12.2 Additional days may be made available for nationally recognised fundraising events such as the Poppy Appeal and Children in Need. Street collections for such nationally recognised events may be permitted on any day and date agreed with the Council’s Licensing Unit.
- 12.3 Only one organisation at a time will be permitted to carry out a charitable street collection in each town centre.
- 12.4 During the application process for a street collection permit, enquiries may be made with Staffordshire Police and the Charities Commission to determine whether there are any issues that would raise reasonable concerns with regard to the conduct of the organisation or collector. The applicant will also need to provide a recent Basic Disclosure from the Disclosure & Barring Service.
- 12.5 Once a charitable street collection has taken place, an audited return must be made to the Council’s Licensing Unit which indicates how much was collected and what proportion of the monies was spent on items other than the charitable organisation itself.
- 12.6 Audited accounts for the organisation are scrutinised to determine the proportion of monies collected that is used for the administration of the organisation compared to that which benefits the charitable cause.

12.7 Certified statements are required to be returned to the Council within one month of the collection, detailing proceeds and expenses. Such returns are examined and any anomalies investigated. Failure to make a certified return results in refusal to issue a permit in any future application.

13. Enforcement Principles

13.1 In carrying out its enforcement duties with regard to the charitable collections and the powers to institute criminal proceedings under the above Act, the Council will have regard to the Regulators' Code. <https://www.gov.uk/government/publications/regulators-code>

13.2 The Council will aim to be:

Proportionate:

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

Accountable:

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

Consistent:

Rules and standards must be joined up and implemented fairly.

Transparent:

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

Targeted:

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

13.3 The Council will endeavour to avoid duplication with other regulatory regimes.

13.4 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

13.5 The Council's Enforcement Policy, which explains how the Council makes decisions in the event of non-compliance and criminal offences can be found at: www.cannockchasedc.gov.uk/ehenforcementpolicy

13.6 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation, case law, statutory guidance and best practice. It will consult with stakeholders at the time it is considering any such changes.

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HOUSE TO HOUSE COLLECTIONS ACT 1939

HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947 (as amended)

1. Title and extent

- (a) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- (b) These regulations shall not extend to Scotland.

2. Interpretation

- (1) In these regulations, unless the context otherwise requires –

‘The Act’ means the House to House Collections Act 1939;

‘chief promoter’, in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of subsection (2) or section 1 of the Act as respects that collection;

‘collecting box’ means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

‘licence’ means a licence granted by a [licensing authority]¹ under section 2 of the Act;

‘order’ means an order made by the Secretary of State under section 3 of the Act;

‘prescribed badge’ means a badge in the form set out in the Fourth Schedule. to these regulations;

‘prescribed certificate of authority’ means a certificate in the form set out in the Third Schedule to these regulations;

‘receipt book’ means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;

‘street collection’ means a collection or sale to which regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, apply.

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
- (3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection;

Provided that the [licensing authority]’ or, as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

5. Responsibility of promoters as respects collectors

- (1) Every promoter of a collection shall exercise all due diligence –
 - (a) to secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person –
 - (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.
- (2) Every promoter of a collection shall exercise all due diligence to secure –
 - (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- (3) In the case of a collection in respect of which a licence has been granted –
 - (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty’s Stationery Office, and every prescribed badge shall be so obtained; and
 - (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto. in a manner approved by the [licensing authority] for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

Every collector shall –

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age limit

No person under the age of 16 years shall act or be authorised to act as a collector of money.

9. Importuning

No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collection of money

- (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

Every collector, to whom a collecting box or receipt book has been issued, shall –

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.

- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation –
- a. every envelope used shall have a gummed flap by means of which it can be securely closed;
 - b. no collector shall receive a contribution except in an envelope which has been so closed; and
 - c. these regulations shall have effect subject to the following modifications:-
 - i. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - ii. regulation 10 shall not apply;
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in regulation 11 for the words ‘with the seal unbroken’ there shall be substituted the word ‘unopened’;
 - v. in paragraph (3) of regulation 12 for the words ‘As soon as a collecting box has been opened’ there shall be substituted the words ‘As soon as the envelope has been opened’ and the words ‘with the distinguishing number of the collecting box’ shall be omitted.
- (3) In this regulation ‘envelope collection’ means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the [licensing authority] by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one [licensing area]¹ a combined account of the collections made in all or any of those [licensing areas]¹ may, by agreement between the chief promoter and the respective [licensing authorities]¹ be made only to such of the respective [licensing authorities]¹ as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The [licensing authority]¹ or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a [licensing authority]¹ by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, may, if the said [licensing authority]¹ agrees, combine the accounts of the house to house collection, in so

far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

The account required by the preceding regulation –

- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

16. Vouching of accounts

- (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc.

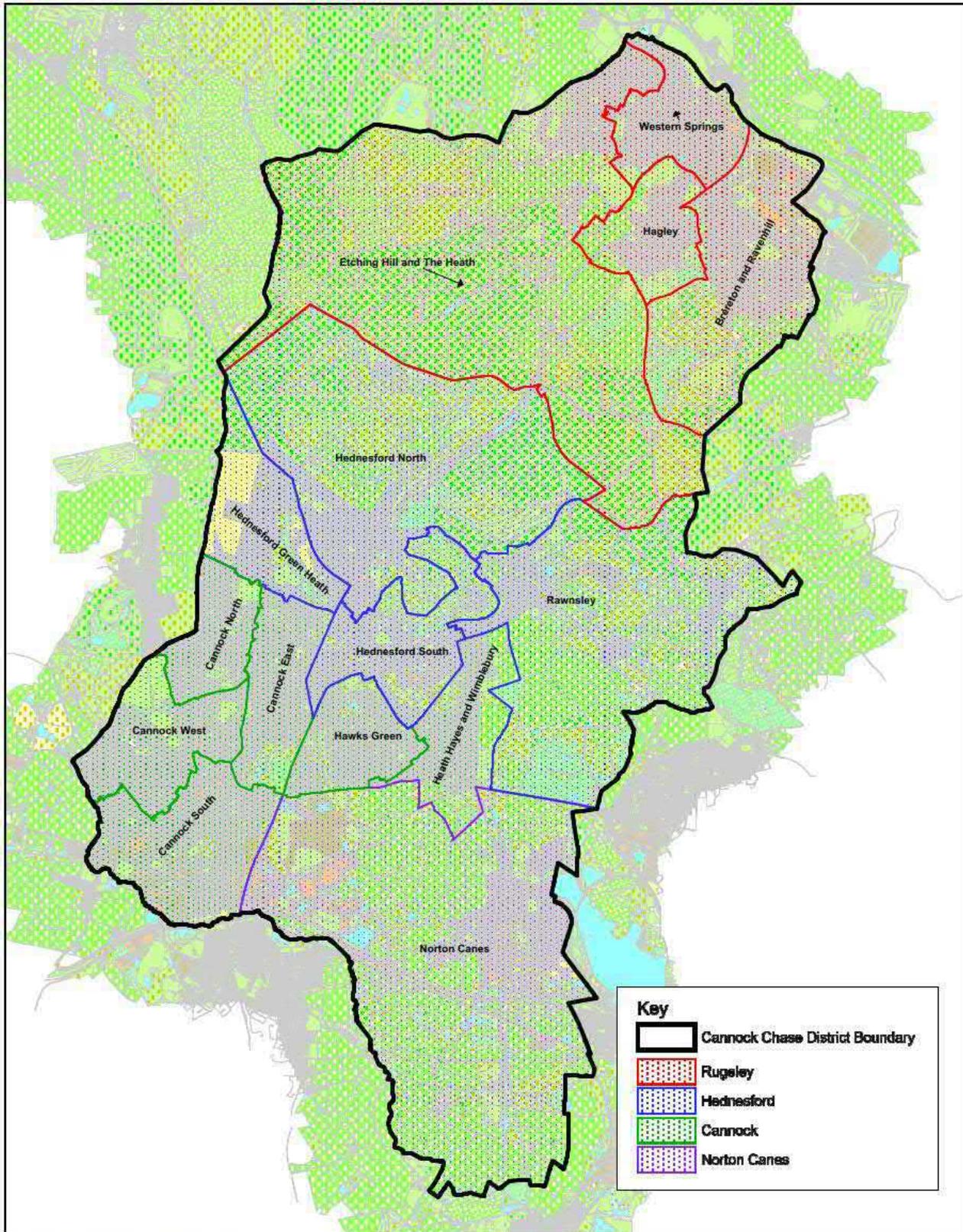
The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

¹*Substituted by the Local Authorities (Miscellaneous Provisions) (No 2) Order 1974 (SI 1974 No 595).*

²*Amended by the House-to-House Collections Regulations 1963 (SI 1963 No 684).]*



Cannock Chase District: Ward Boundaries



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Report of:	Council Solicitor
Contact Officer:	Ian Curran
Telephone No:	01785 619220
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 06/11/19

**COUNCIL
6 NOVEMBER 2019
APPOINTMENT OF INDEPENDENT PERSON**

1 Purpose of Report

- 1.1 To seek Council's approval for the appointment of an Independent Person to exercise standards functions set out in the Localism Act 2011.

2 Recommendation(s)

- 2.1 That Council approve the appointment of Carol Dawson as Independent Person under section 28 of the Localism Act 2011.

3 Key Issues and Reasons for Recommendations

Key Issues

- 3.1 Section 28 of the Localism Act 2011 requires the Council to appoint an Independent Person to carry out functions in relation to member code of conduct issues.

Reasons for Recommendations

- 3.2 The Council has received an application from a suitable candidate. Any appointment must be approved by full Council.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:
- (i) It supports effective governance of Council decision making by helping to ensure high Member standards.

5 Report Detail

- 5.1 The Localism Act 2011 requires the Council to appoint at least one Independent Person whose views are to be sought in relation to Member Code of Conduct issues.
- 5.2 Specifically, the Act requires that the Independent Person:
- (i) must be consulted, and their views taken into account, before the council makes a decision on any allegation relating to a breach of the Member Code of Conduct it has decided to investigate;
 - (ii) may be consulted by the council in other circumstances relating to such allegations; and
 - (iii) may be consulted by a Member against whom an allegation of misconduct has been made.
- 5.3 In addition to fulfilling those statutory functions, the Independent Person is entitled to attend any meeting of the Councils Standards Committee as a non-voting member.
- 5.4 A person may not be appointed unless the vacancy has been advertised, the person has submitted an application, and the appointment has been approved by the majority of Council members.
- 5.5 The Council recently advertised this vacancy and received an application from Carol Dawson. A panel, consisting of all Group Leaders, conducted an assessment interview with Mrs Dawson and have recommended that she be appointed by the Council.
- 5.6 Mrs Dawson has a background in research ethics as well as previous experience of acting as an independent member on a local authority Standards Committee. She is also currently the Independent Person at Stafford Borough Council.

6 Implications**6.1 Financial**

No allowance is payable for this role, although any out of pocket expenses may be claimed for carrying out its duties.

6.2 Legal

Appointment of at least one Independent Person is a requirement of section 28 of the Localism Act 2011.

6.3 Human Resources

None.

6.4 **Section 17 (Crime Prevention)**

None.

6.5 **Human Rights Act**

None.

6.6 **Data Protection**

None.

6.7 **Risk Management**

None.

6.8 **Equality & Diversity**

None.

6.9 **Best Value**

None.

7 Appendices to the Report

None

Previous Consideration

None

Background Papers

None.