

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PROMOTING PROSPERITY SCRUTINY COMMITTEE
TUESDAY 23 OCTOBER, 2018 AT 4.00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Davis, Mrs. M.A. (Chairman)
Councillors Sutherland, M. (Vice-Chairman)

Dudson, A.	Startin, P.D.
Foley, D.	Stretton, Mrs. P.Z.
Grice, Mrs. D.	Tait, Ms. L.
Hewitt, P.M. (<i>arrived at 4.10pm</i>)	Wilkinson, Ms. C.L.
Johnson, T.B.	

Also in attendance at the invitation of the Chairman was Councillor Mrs. C. Martin (Health and Wellbeing Portfolio Leader)

9. Apologies

An apology for absence was received from Councillor M.W.A. Hoare.

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

No declarations of interests or party whip declarations were received.

11. Minutes

The Chairman advised that with regard to Minute No. 4(D) in relation to the criteria for the waiting list for single persons an update would be provided at the next meeting.

RESOLVED:

That the minutes of the meeting held on 4 July, 2018 be approved as a correct record.

12. Briefing Note – Working Group to Review the Policy for Commercial Use of the Highway

Consideration was given to the Briefing Note of the Head of Economic Prosperity (Item 4.1 – 4.3 plus Appendices of the Official Minutes of the Council).

The Head of Economic Prosperity explained that the Briefing Note provided Members with details of the work undertaken by the Working Group. The Group had been established to carry out an in depth investigation of the Policy for the Commercial Use of the Highway which had been approved and adopted by Council on 18 October 2017 and fully implemented on 1 April 2018. Council had also authorised that a review of the Policy be undertaken 12 months after initial implementation to determine whether the application of the Policy should be extended beyond the largest town centres and/or District wide. The Working Group had met on 3 occasions and the relevant agenda, papers and notes of each meeting were attached as Appendices to the Briefing Note. Appendix 9 set out the options considered by the Working Group.

13. Outcome of Working Group to Review the Policy for Commercial Use of the Highway

Councillor Sutherland, Chairman of the Working Group thanked all Members and Officers that had been involved in the Working Group to undertake the review.

He then provided the Committee with a PowerPoint presentation which advised that the brief of the Group was to review the Policy with a view to evaluating its impact on business and the town centres and to examine whether the Policy should continue in force and, if so, whether it should be extended beyond the town centres / District wide. He outlined the background to the Council adopting the Policy along with the evidence considered and the key findings. He explained that the Group had looked at the costs of the current Policy and noted that a Council can only legally cover their costs and not generate an income from the fees charged. The Group had also looked at the differing approaches taken by other Local Authorities and gathered the views of a number of other interested parties.

He then outlined the five options considered by the Working Group, identifying some of the benefits and risks to each option. He informed the Committee that the Working Group had agreed that Option C (CCDC provides advice and guidance only) be recommended to Cabinet for approval.

Members were provided with a paper copy of the slides of the presentation for their consideration. The Committee then discussed the review and the options considered by the Working Group and asked questions.

A Member thanked the Working Group for a comprehensive report and advised that she considered that it was important to retain a Policy and regulation. She added that the current Policy was fair and the fees were not excessive and therefore moved that Option A (current policy unchanged) should be the option recommended to Cabinet. This was seconded by another Member.

There was some discussion regarding the requirement for planning permission for A Boards. The Building Control Manager confirmed that A Boards did require planning permission. However, the District Council had not pursued this course of action.

The Chairman of the Scrutiny Committee commented that the Policy had been adopted in October 2017 and had only been in place since April, 2018. She therefore considered that the current Policy should remain in place and this would enable the Council to recover their costs as more businesses would pay for permits.

Members noted that Stafford Borough Council had experienced problems back in 2007 and had approached the County Council asking for a Policy to be created. The Chairman of the Working Group advised that the County Council had prepared a leaflet entitled "Guidelines for the use of A Boards and Merchandising Displays on the Highways in Staffordshire" in response to the issues being experienced by Stafford Borough Council and this had resolved their problems. Therefore they did not adopt a Policy.

Another Member considered it was important to note the big effect the Policy was having on smaller businesses who were already struggling to make a living. This had placed another burden on them, whereas the larger businesses could afford the costs involved.

The Chairman of the Working Group clarified that Staffordshire County Council had indicated that they would not enforce the current policy conditions and the requirement to pay a fee; they would only intervene where obstructions posed a real risk of danger. The Committee discussed this issue and asked if the County Council could be approached for clarification. The Head of Economic Prosperity commented that the County Council's lack of support for enforcement of Policy conditions had not been made clear in their initial consultation response in March 2017. In fact the consultation response was very clear that the County expected Districts to proactively carry out inspections to ensure compliance. The Head of Economic Prosperity reminded the Committee that the County's own Policy states they will not permit placement of A Boards or goods on the highway unless a licence has been issued, or consent given by the District Council, and that District Councils may levy reasonable issue and renewal fees. It had therefore been assumed the County would be supportive. They were now saying that due to pressures of workload they were unable to support a proactive approach in relation to the Policy.

The Food, Safety and Licensing Manager clarified that, with regard to Option C, Officers would ensure businesses were aware of their legal obligations by providing advice and handing out the County Council guidance leaflets whilst they were visiting the premises for other matters. However, Officers would not take active enforcement measures to ensure businesses were complying with the policy. Therefore, there was no guarantee that the guidelines would be taken up by the businesses.

There was a discussion about what would happen if a member of the public injured themselves bumping into an A Board. The Food, Safety and Licensing Manager confirmed that the injured party would approach the business and, if they had public liability insurance and permission for the A Board, it was likely the insurance company would pay out. However, it may not be the case if a business did not have public liability insurance and / or the relevant permission for an A Board. It was important for businesses to have the relevant insurance

cover; however the Scrutiny Committee noted that the District Council could only suggest they have this and not force them to.

Following a lengthy discussion the Chairman advised that Option A and Option C were the possible options for the Committee to recommend to Cabinet; although only Option A had been moved and seconded. Therefore, a Member moved Option C and this was seconded.

The Committee then voted on the two options. The Chairman asked for those in favour of Option A. There were 4 votes in favour and therefore this was not carried. She then asked for those in favour of Option C. There were 6 votes in favour and one abstention. Therefore Option C was carried.

The Chairman advised that the Scrutiny Committee's recommendation would be submitted to Cabinet first and then onto full Council.

RESOLVED:

That Option C (CCDC provides advice and guidance only) be recommended to Cabinet and then Council.

The meeting closed at 5:10pm.

CHAIRMAN