



Please ask for: Wendy Rowe
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4 March 2026

Dear Councillor,

Economic Prosperity Scrutiny Committee
6:00pm, Thursday 12 March 2026
Esperance Room, Civic Centre, Cannock

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

Yours sincerely,

T. Clegg
Chief Executive

To: Councillors:

Todd, D. (Chair)
Mawle, D. (Vice-Chair)
Bullock, L. Hill, J.O
Craddock, R. Lyons, O.
Fisher, P. Thompson, S.
Haden, P. 1 vacancy
Hill, J.

Agenda

Part 1

1. Apologies

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

- (i) To declare any interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.
- (ii) To receive any Party Whip declarations.

3. Minutes

To approve the Minutes of the meetings held on 9 December 2025 and 15 January 2026 (enclosed).

4. Quarter 3 2025/26 Performance Update - Economic Prosperity PDP

To receive the Quarter 3 performance update for the Economic Prosperity Priority Delivery Plan (Item 4.1 - 4.6).

The documents included are as considered by Cabinet on 5 March 2026.

5. Staffordshire Local Visitor Economy and Partnership Scrutiny Review

Update from the Head of Economic Development and Planning

6. Town Centre Regeneration Scheme

The Head of Economic Development and Planning will provide a verbal update.

7. UK Shared Prosperity Fund

The Head of Economic Development and Planning will provide a verbal update.

8. Update on the Planning Obligations Working Group and Exacom system

Briefing Note of the Head of Economic Development and Planning (Item 8.1 - 8.5)

9. Outcome of Ombudsman Complaints to Development Management Decision

Briefing Note of the Head of Economic Development and Planning (Item 9.1 - 9.12)

**Minutes of the Meeting of the
Economic Prosperity Scrutiny Committee
Held on Wednesday 9 December 2025 at 6:00pm
in the Esperance Room, Civic Centre, Cannock**

Part 1

Present:

Councillors:

Todd, D. (Chair)	
Mawle, D. (Vice-Chair)	
Aston, J. (sub)	Hill, J.O.
Craddock, R.	Lyons, N. (sub)
Fisher, P.	Lyons, O.
Hill, J.	Thompson, S.

Also present:

Councillor M. Freeman - Regeneration and High Streets Portfolio Leader
Kirk Hookham - South Staffordshire College
Claire Boliver - South Staffordshire College

The Chair advised that the meeting was being recorded in accordance with Section 40 of the Council's Constitution, specifically the Protocol for Recording, Filming and Social Media at Meetings.

16. Apologies

Apologies for absence were received from Councillors L. Bullock, T. Johnson and P. Haden.

Notification had been received that Councillor Aston would act as substitute for Councillor T. Johnson, and Councillor N. Lyons would act as substitute for Councillor Haden.

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

No declarations of interests in addition to those already confirmed by Members in the Register of Members Interests were made and no party whip declarations were received.

18. Minutes

Arising from consideration of the minutes of the meeting held on 16 September 2025 the Head of Economic Development and Planning advised that all the actions from the minutes had been completed.

Resolved:

That the Minutes of the meeting held on 16 September 2025 be approved.

19. Cannock Chase College

The Chair welcomed Kirk Hookham and Claire Boliver from South Staffordshire College to the meeting. They provided the Committee with a presentation that covered the following:

Strategic Overview

Cannock College reopened through a partnership with the local council to address regional skills gaps. The college offers education for full-time students, adults, and apprentices, promoting inclusivity.

Focus on workforce development supports local economic resilience and social mobility. The college plays a key role in long-term community development and employer engagement.

Curriculum and Course Offer - Comprehensive and Evolving Provision

The college offers a diverse curriculum including Engineering, Electrical Installations, Health, Childcare, IT, Teaching and Learning, ESOL, Maths and English courses to meet diverse skills needs. Programmes now include Robotics, AI, Cyber Security, and Professional Services like accounting and bookkeeping.

Community and leisure courses such as creative arts and languages promote inclusivity and ongoing education. Employer-led advisory panels ensure courses match labour market demands and foster strong industry partnerships.

Learner Numbers and Educational Impact - Growth in Enrolment and Achievement

Cannock College grew from initially just 8 to 88 full-time students in 2018/19 to over 1,000 enrolments by 2023/24 (540 of which are 16-18's) showing rapid expansion. Achievement rates consistently surpass national averages, reaching 85% success rate in 2024/25, 4% above national benchmark.

94% student satisfaction highlights enjoyable college experience, placing Cannock College in the top national quartile nationally. Apprentices and Employers satisfaction is also in the top quartile. The college drives local skills development by focusing on quality education and learner progression opportunities.

Meeting Local Skills Needs - Employer Engagement and Sector Alignment

Cannock College works closely with local and regional employers as well as utilising many data sets to align curriculum with industry needs and priorities.

Priority Skills include:

- Engineering and advanced manufacturing, including ceramics
- Construction including modern methods of construction
- Advanced logistics
- Decarbonisation and Energy distribution
- Health and Social Care

However, it is also about community, lifelong learning, employability skills and much more.

Investment & Facilities - Funding and Infrastructure Development

Cannock College has secured over £3.5million since 2018 from multiple sources to upgrade facilities and curriculum. Investments led to new state-of-the-art facilities in Engineering Academy, Digital Hub, construction facilities, and the new "Innovation and Growth Hub". From here the college has this term delivered several sector-based work

academy programmes in Health (e.g. iCare), Retail for McArthur Glen, and run weekly Business surgeries with the Chamber of Commerce. Funding has enabled growth in robotics, automation, and green technology training programmes.

Challenges & Future Plans - Capacity and Strategic Growth

Cannock College faces enrolment limits which has promoted a strategic review to manage capacity constraints and support growth. The College continues to work with CCDC to secure space for delivery as well as expanded provision. The college want to introduce new courses in Hair and Beauty, Arts, Business, Law and Sport to broaden learning opportunities for students. Plans aim to reduce NEET rates and enhance economic and social wellbeing aligned with labour market needs. In summary...

- The reopening of Cannock College has been a huge success - going from 8 to 1000 students weekly, top quartile performance and state-of-the-art facilities
- Working in partnership with CCDC has enabled Cannock College to be successful and make a big difference to the town centre
- There are challenges ahead - the availability of suitable space to accommodate increasing numbers (demographic and market share-based growth) and expand provision so that residents can access training in many other areas
- The College will continue to work in partnership with CCDC and it is believed these issues can be resolved

Following the presentation members were afforded the opportunity to ask questions. A member asked whether the college supported students with learning difficulties. It was confirmed that the college fully supported students with SEND and there were specific programmes available. The college was the largest provider in Staffordshire with 584 EHCP's being supported.

A member asked whether the college went into local schools to promote their courses. The representatives advised that it was very difficult to get into the local schools, so they marketed themselves in other ways - via social media and open days for which there was a huge attendance. It was explained that 6th forms wanted to retain their students as having smaller 6th form numbers impacted negatively on their school. However, those students seeking a more practical based learning experience would be best placed at college rather than in 6th forms. The college could not force their presence within schools but would continue to keep raising this with Staffordshire County Council.

Another member thanked the representatives for a positive presentation and asked about the decarbonisation course. He was advised that this course was for electricians in the construction sector. It was delivered as a full-time programme at the Cannock site and was also part of the adult provision. There was a huge take up for electrical installation courses.

Members were advised that although there was demand for apprenticeships the lack of vacancies was an issue. It was difficult to place apprentices as there were more people than employers and it cost employers more to hire apprentices.

The college representative referred to a CBI (Confederation of British Industry) report entitled "Jobs and growth in a stalling labour market" which members may find interesting. It was agreed that the link to the report would be circulated to Committee members.

The Chair thanked the representatives from South Staffordshire College for their attendance and presentation.

20. Quarter 2 2025/26 Performance Update - Economic Prosperity PDP

Consideration was given to the Quarter 2 performance update (April to June 2025) for the Economic Prosperity Priority Delivery Plan (Item 3.1 - 3.6).

The Head of Economic Development and Planning led Members through the report referring to the progress of the various projects and the summary of successes and slippages as at Quarter 2. He advised that the Committee would be receiving updates on the Town Centre Regeneration scheme and Local Plan later in the meeting.

He referred to the Planning Obligations Working Group and advised members that the scope of the review and the terms of reference had been developed. However, it was proposed to reconsider delivery of the project in 2026/27 as there was no capacity within the finance team to support the workstream due to competing priorities. It was noted that capacity was an issue within the organisation corporately, not just within finance.

A member raised concern that the Working Group had not been established as agreed. The Head of Economic Development and Planning commented that it was the intention to set up the Working Group, but as it involved colleagues across the organisation and there was an issue with capacity it had not been possible. He would, however, update the Committee on this at the next meeting. He confirmed that officers continued to work on S016/CIL payments even though the Working Group had not been set up.

A member referred to the CIL review undertaken by the Committee during 2023/24 which had made a recommendation to Cabinet to purchase the EXACOM software package to save officer time when administering CIL/S106 payments. He added that purchasing the package would assist officers and save them time given that officer capacity was now a big issue.

The Head of Economic Development and Planning noted the comments made regarding the EXACOM software package and advised that he would update members on the position at the March meeting.

The Deputy Chief Executive-Place added that a discussion at corporate level in terms of capacity/resources was required. The updates would be in the context of the broader corporate resources/capacity issues affecting the whole of the organisation.

Resolved:

- (A) That the Quarter 2 2025/26 performance update be noted.
- (B) That Head of Economic Development and Planning would provide an update at the next meeting in respect of the Planning Obligations Working Group.
- (C) The Head of Economic Development and Planning would provide an update at the next meeting on the current position regarding the purchase of the EXACOM software package.

21. Update on Local Plan

The Development and Policy Manager provided members with an update on the Local Plan. He advised that the Local Plan had been submitted last year, and an Inspector had been appointed to examine the Plan during the Spring. Local Plan hearing sessions had been held in May, June and July. The examiner had indicated in the 3rd week of the sessions that there was no reason why the Local Plan could not come forward (including any modifications to make it sound and legally compliant). At the end of the hearing sessions the modifications were set out and a period of extended consultation followed. The consultation ended on 1 December on the main modifications and all representations to the modifications were set out in a paper for submission to the

examiner. A final report from the Inspector was expected early in the new year. Reports would also be prepared for consideration at Cabinet and full Council sometime in March to formally adopt the Local Plan.

He further advised members about the Government statement last week outlining a reform of the Local Plan process which would mean a 30-month Local Plan process for creating and adopting Local Plans. Typically, Local Plans have taken at least 7 years from start to finish. The statement provided an overview of the process, gave details of the new system and outlined the transition arrangements. Government indicated that there would be £14m finance support for Local Authorities to establish the new arrangements.

It was noted that the 30-month process to deliver Local Plans would come with major changes like digital plans and changes to Local Development Schemes. He added that once the Council had adopted this Local Plan it would be necessary to go straight into preparing a new one.

A member asked whether Local Government Reorganisation would have any effect on Local Plans. The Development and Policy Manager advised that the Council was working on the geography at the current time and the Government were insistent that there would be full coverage of the Local Plans across the country. Local Plans would have to continue on current geographies to meet that ambition and revised boundaries would be looked at following LGR. He added that the mandatory housing target in the NPPF for Cannock had increased from around 260 per year to over 520 per year as a consequence of the Updated 2024 National Planning Policy Framework.

A member asked whether the Council had the resources and capacity to deliver the 30-month streamlined Local Plan process and digital content. The Officer commented that the team carries vacancies that would need to be filled to work to the new timeframe, but further details and guidance are awaited. In terms of digital content, he would look at other Local Authorities and ascertain what software packages were available to assist, do some market research and come back with proposals at a later date. He confirmed that the new Local Plan would still have a 15-year timeframe but would envisage that it would go to at least 2045 to tie in with other Local Authorities in the region.

22. Staffordshire Local Visitor Economy and Partnership Review

The Head of Economic Development and Planning explained that the review had been chaired by Councillor Steve Thornley. However, Councillor Thornley was no longer on the Scrutiny Committee following some changes to the membership of Committees. The Working Group would need to appoint a new Chair and the LVEP had indicated they would attend the next meeting to provide an update on their priority plans and future direction. The Group would then formulate some recommendations for submission to the next Scrutiny Committee meeting in March.

The Chair advised that she was a member of the Working Group along with Councillors O. Lyons and J.O. Hill. She agreed to arrange to meet with these members, appoint a new Chair and decide how to take the review forward.

Once the new Chair had been agreed the next Working Group meeting could then be arranged.

23. Town Centre Regeneration Update

The Economic Development and Regeneration Manager provided members with an update in respect of the town centre regeneration scheme. She advised that since the last update at this Committee, work had progressed to take forward the regeneration project.

The demolition of the former MSCP was now largely complete. Planning consent for the demolition of the former Forum Shopping Centre was granted in October and demolition works started in the last couple of weeks, with substantial progress already made.

Last Thursday, Cabinet received an update on the regeneration project, agreed the allocation of the remaining regeneration funding (£6.615m) and made a number of decisions to firm up the boundary of the re-development opportunity.

This included:

- Decision to proceed with a revised Northern Gateway scheme without the highway works and infill of the subway (due to increased costs and poor VFM)
- In-principle decision for the Council to relocate from the civic centre to a new hub building, subject to a business case - linked to this is the relocation of a retail leaseholder to part of the existing civic centre site, with the remainder being earmarked for residential uses.
- Inclusion of the former PoW Theatre building within the red line of the regeneration opportunity with the intention to demolish the building, subject to securing planning consent.

Informal discussions have continued to take place with potential developers and operators who are interested in the opportunity to work with the Council to regenerate the town centre, and officers are working on a Development Framework document which will be presented to Cabinet for consideration early next year.

This report will also include a delivery strategy to set out how the various opportunities will be brought forward. Based on feedback from the discussions held with developers/operators, consideration was being given to a variety of complementary uses within the footprint of the regeneration opportunity, including residential, commercial, mixed use and cultural provision.

Members were offered the opportunity to ask questions arising from the update. A member referred to the Planning Control Committee held on 15 October when the planning application for the demolition of Former Forum Shopping Centre had been approved. She advised that an additional condition had been agreed to ensure that the demolition of the Theatre was excluded from the planning permission in respect of that application. She expressed her disappointment that Cabinet had now agreed to include the former Prince of Wales Theatre within the red line for the regeneration programme with the intention to demolish, subject to planning consent. The Planning Committee members thought that they had protected the Theatre and now a planning application would come forward for its demolition. Members felt like they had been deceived.

The Economic Development and Regeneration Manager clarified that the condition added at the Planning Control Committee in October related to that planning application for the demolition of the Forum only to ensure the Theatre was not demolished as part of those works. She confirmed that the planning permission approved related to the demolition of the Forum only. Cabinet had subsequently made a decision to include the former PoW Theatre building within the red line of the regeneration opportunity with the intention to demolish the building subject to seeking planning consent.

The member then asked whether cultural provision would be provided within the town centre regeneration scheme. The Head of Economic Development and Planning confirmed that the site would be reviewed as part of the emerging Development Framework which will recommend redevelopment options across the town centre sites. The Framework will be reported to Cabinet in the new year. It was clarified that the report considered by Cabinet last week specified that the Council was mindful of the future of cultural provision in Cannock town centre and will embed the consideration of performing arts and cultural space within the Development Framework. Additionally, provision for the college would also be considered.

Another member commented that it had only been 6 weeks since the Planning Control Committee had approved the demolition of the Forum and excluded the Theatre from demolition. He asked what work had taken place within this timeframe for it now to be put forward for demolition. The Economic Development and Regeneration Manager explained that Cabinet on 4 September had decided not to proceed with the Community Asset Transfer in respect of the Theatre, but the Council continued to consider the future of the Theatre site going forward. No decision had been made in respect of this prior to the Planning Control Committee on 15 October. Cabinet then agreed to include the Theatre site within the Development Framework at their meeting on 4 December. An application for the demolition of the Prince of Wales Theatre would now be submitted to a future Planning Control Committee for consideration.

The member asked whether the discussions in respect of the retail leaseholder referred to in the 4 December Cabinet report had taken place within that 6-week period. The Head of Economic Development and Planning clarified that elements of the Cabinet report and the negotiations with retailers within the site had been subject to ongoing discussions for a long time.

Another member referred to the Planning Control Committee meeting on 15 October, and the numerous questions members had asked about the Theatre and the assurance given that there was no intention to demolish the Theatre as part of the approval to demolish the Forum. She was shocked that only 6 weeks later the Theatre had now been earmarked for demolition. The Chair of the Planning Control Committee echoed the comments made by fellow Councillors and felt the Committee had been misled. He added that when the Planning Control Committee was asked to consider a planning application for the demolition of the Theatre any decision to approve it would be frowned upon by the public, who had made their feelings known about the Cabinet decision via social media last week. Another member commented that there would need to be material planning reasons to refuse an application for the demolition of the Theatre and the applicant would have the opportunity to appeal any refusal and get the planning permission approved. The Head of Economic Development and Planning advised that any planning application for the demolition of the Theatre would go through the due planning process and would be assessed on its merits. If a planning application was refused the applicant had the right of appeal and the Planning Inspector would either allow or refuse the appeal. However, he advised that it was not appropriate for members to discuss this at this meeting today.

In terms of the planning approval to demolish the Forum the Economic and Regeneration Manager clarified that the safeguards agreed at the Planning Control Committee in October for the Theatre to be excluded from the demolition remained.

Another member commented that he had received several emails from members of the public who were upset about the proposals to demolish the Theatre. He asked whether the same demolition crew who were in the town now would carry out the Theatre demolition if it was approved. The Economic and Regeneration Manager confirmed

there would be a procurement exercise to appoint a contractor to demolish the Theatre should planning consent be granted.

The Head of Economic Development and Planning advised that Councillor J.O. Hill had submitted an email seeking purchase and demolition costs in relation to the two retail units adjacent to the subway that had been demolished as part of the Northern Gateway scheme which was now not progressing as planned. The Officer outlined the costs, as follows:

- Cost of demolition of Cannock Shopping Centre Units 1 to 3 - £407,000
- Purchase cost £320,000
- Service disconnections £121,522
- Vacant possession £70,735

He clarified that no demolition spoil was to be retained from Phase 1 and used for the purpose of infilling the subway, therefore there has been no impact on demolition costs. He further confirmed that the acquisition of the units had been covered by the Cabinet report in June 2023.

The member was disappointed that two retail units had been demolished along with the loss of any rent that could have accrued. The Officer confirmed that due to increased costs and poor VFM the Northern Gateway scheme had been revised, and the highway works and infilling of the subway had been removed. However, the space that remained was included in the future Development Framework. It was confirmed that there would be no works undertaken to the highway, but consideration was being given to improving the steps, the ramp and the underpass. A procurement process would be undertaken based on the value of the works.

Councillor D. Mawle then moved the following motion which was seconded by Councillor S. Thompson:

"It has come as quite a shock to Cannock Chase residents and councillors that a sudden decision to demolish the Prince of Wales theatre has been made by the Cabinet last Thursday. On the 15th of October at the Planning Committee meeting, councillors thought they had secured the theatre building to be outside of the demolition zone only to find out 6 weeks later that that endeavour was in vain.

So, I feel that our committee should ask cabinet to reconsider their decision on the grounds of them not having enough evidence to justify this course of action. There has been no clear social or economic impact assessment on the theatre to inform the decision to demolish it.

There has not been a full assessment of the financial and social impacts of demolition.

There has not been a diligent process to explore alternative options for the on-going operation of the theatre".

A member asked how the motion, if approved, would impact on any call-in of the Cabinet decision if one was submitted. The Head of Economic Development and Planning advised that legal advice would need to be sought on this, however, the call-in was a separate process.

Another member asked how the motion, if approved, would impact on members of the Planning Control Committee if they were asked to consider the demolition of the Theatre at a future meeting. The Head of Economic Development and Planning advised that there were protocols in place for Planning Control Committee members and they would need to keep an open mind regarding any future planning application. He considered

that it would be appropriate to seek legal advice before the Committee voted on the motion. It was suggested that the Committee may wish to seek advice from the Head of Law and Governance if he was available for comment. The Chief Executive commented that it would be difficult for the Head of Law and Governance to advise members as he had not been involved in the discussion or have any of the detail.

Members then discussed whether they wished to note their concern regarding the Cabinet decision to seek demolition of the Theatre instead and to follow the call-in process. A member who was also a member of the Planning Control Committee raised concern that voting for the motion may prevent her from voting on the planning application when it came to the Planning Control Committee. Councillor Mawle commented that he would not withdraw his motion and suggested that Planning Control Committee members may wish to abstain from voting on the motion.

The Economic Development and Regeneration Manager then outlined the call-in process for the Committee's information. Members agreed that they wished to vote on the motion that had been put forward by Councillor Mawle and noted that any call-in of the Cabinet decision to seek demolition of the Theatre would be separate to the motion being considered today. It was confirmed that members had until 16 December to submit a call-in.

The motion as outlined above which had been moved and seconded was then put to the vote. The motion was carried.

Councillors Craddock, Fisher and Aston abstained from voting on the motion.

Resolved:

That the following motion be submitted to the next Cabinet meeting for consideration:

“It has come as quite a shock to Cannock Chase residents and councillors that a sudden decision to demolish the Prince of Wales theatre has been made by the Cabinet last Thursday. On the 15th of October at the Planning Committee meeting, councillors thought they had secured the theatre building to be outside of the demolition zone only to find out 6 weeks later that that endeavour was in vain.

So, I feel that our committee should ask cabinet to reconsider their decision on the grounds of them not having enough evidence to justify this course of action.

There has been no clear social or economic impact assessment on the theatre to inform the decision to demolish it.

There has not been a full assessment of the financial and social impacts of demolition.

There has not been a diligent process to explore alternative options for the on-going operation of the theatre”.

24. Building Control Staffing and Performance

Consideration was given to the Briefing Note of the Head of Regulatory Services (Item No. 4.1 - 4.4).

The Head of Regulatory Services led members through the Briefing Note which provided an update regarding the Building Control service area and an explanation of performance and staffing issues. She also outlined the comments of the recruitment agency which outlined some reasons why the vacancies were not being filled. She agreed to share this email with members of the Committee. The Building Control and Climate Change Manager was congratulated by members for receiving a national recognition award.

In terms of investment in the IT system the Building Control and Climate Change Manager advised that Building Control had been a shared service between CCDC and SBC for several years. The service was close to being integrated and SBC will be transferring over to the CDDC system soon. The current IT system was not operating efficiently and an improvement plan to enable the system to be fully utilised had been agreed by Finance today.

A member referred to the salary savings as a result of there being vacant posts for some time. Officers confirmed that these savings could be used to employ consultants; however, this would be costly, and the money would soon run out.

Members noted that recruitment was an issue across the organisation and there was difficulty in filling the vacant posts. Added to this there was a national shortage of Building Control Officers. It was noted that building control staff had to pass an exam and this may be deterring potential applicants from applying for the vacancies. Additionally, the older more experienced staff may leave their positions as they did not wish to sit the exam. Officers were trying to attract younger people to the Building Control profession; however, it was difficult to replace the older more experienced staff due to the issues outlined in the report.

25. Review of the Economic Prosperity Scrutiny Committee Work Programme 2025/26

The Head of Economic Development and Planning advised that at the next meeting was scheduled for 12 March 2026. The following items would be included on the agenda:

- (i) Q3 performance update
- (ii) Update on Staffordshire Local Visitor Economy and Partnership Review (including any recommendations from the Working Group)
- (iii) Update on Town Centre Regeneration Scheme
- (iv) Update on the UK Shared Prosperity Fund
- (v) Update on the Planning Obligations Working Group
- (vi) Update on the purchase of the EXACOM system

The Chair advised members to email officers if they had any items they wished to include on the agenda.

The meeting closed at 8.30pm.

Chair

Cannock Chase Council
Minutes of the Call-In Meeting of the
Economic Prosperity Scrutiny Committee
Held on Thursday 15 January 2026 at 6:00pm
In the Council Chamber, Civic Centre, Cannock
Part 1

Present:
Councillors

Todd, D. (Chair)
Mawle, D. (Vice-Chair)

Bullock, L.	Jones, P. (Substitute)
Fisher, P.	Johnson, T.
Haden, P.	Lyons, O.
Hill, J.	Thompson, S.J.

Proposer of Call-in 1:

- Councillor O. Lyons

Councillors Supporting the Call-in Request 1:

- Councillor P. Haden (Committee Member)
- Councillor J. Johnson (Non-Committee Member)
- Councillor M. Sutherland (Non-Committee Member)
- Councillor S. Thompson (Committee Member)

Proposer of Call-in 2:

- Councillor A. Muckley

Councillors Supporting Call-in Request 2:

- Councillor J. Elson (Non-Committee Member)
- Councillor D. Mawle (Committee Member)
- Councillor L. Bishop (Non-Committee Member) - *(apologies submitted)*
- Councillor J.O. Hill (Committee Member) *(apologies submitted)*

Invitees from Cannock Chase District Council:

- T. Clegg (Chief Executive)
- C. Forrester (Deputy Chief Executive-Resources)
- G. Stott (Deputy Chief Executive-Place)
- I. Curran (Head of Law and Governance)
- A. Nevin (Head of Wellbeing)
- D. Piper (Head of Economic Development and Planning) *(apologies submitted)*

- Councillor S. Thornley (Leader of the Council)
- Councillor G. Samuels (Deputy Leader of the Council and Parks, Culture and Heritage Portfolio Leader)
- Councillor D. Williams (Community Wellbeing Portfolio Leader)
- Councillor J. Preece (Environment and Climate Change Portfolio Leader)
- Councillor S.J. Thornley (Housing and Corporate Assets Portfolio Leader)
- Councillor M. Freeman (Regeneration and High Streets Portfolio Leader)
- Councillor J. Prestwood (Resources and Transformation Portfolio Leader)

External Invitees:

- Cannock Chase Theatre Trust (including Chair of the Trust)
- The Theatres Trust (National)
- The Grand Theatre, Wolverhampton
- Cannock Chase Arts Council
- Chase Arts for Public Spaces
- Cannock Chase MP

Also Present:

- J. Aupers (Head of Business Support and Assurance)
- M. Smith (Economic Development & Regeneration Manger)
- W. Rowe (Senior Committee Officer)

The Chair advised that the meeting was being recorded in accordance with Section 40 of the Council's Constitution, specifically the Protocol for Recording, Filming and Social Media at Meetings.

26. Apologies

Apologies for absence were received from Councillor R. Craddock and J.O. Hill.

Notification had been received that Councillor P. Jones would be in attendance as substitute for Councillor R. Craddock.

27. 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.

28. Call-In Request: Cannock Town Centre Regeneration Programme Update and Next Steps

Prior to consideration of the call-ins Councillor Mawle asked for clarification regarding whether the matters were being referred to Council rather than Cabinet. The Head of Law and Governance clarified that the Scrutiny Committee can decide to refer the call-in requests back to Cabinet or full Council. However, both call-ins asked for the matters to be referred to Council.

Consideration was then given to the report of the Head of Economic Development and Planning (Item 3.1 – 3.29).

Call-in Request 1

Councillor Lyons (Proposer) read out and proposed the Motion as set out in Appendix 3 of the report, which was duly seconded by Councillor Haden.

The supporters of the call-in then spoke in turn, outlining their reasons as to why the motion should be supported, which covered the following matters:

- Councillor Haden having seconded the motion asked whether there were any reports that had not been made public and questioned what the demolition site would look like afterwards. She added that Councillors must stand up for residents who want the Theatre to remain in the town centre. With regards to the Civic Centre relocation, she asked that the plans be shared.
- Councillor Thompson fully supported the call-in and expressed concern that the demolition of the Theatre would take away a lifestyle that the residents of Cannock Chase and beyond had enjoyed for many years. It would leave Cannock with nowhere for the performing arts and she considered it was necessary to speak up on behalf of the residents. She agreed with the points raised by Councillor Lyons in respect of the relocation of the Civic Centre.
- Councillor Sutherland added his support for the call-in as he believed the Theatre was a valued cultural facility in Cannock Chase that was used by touring shows, local amateur dramatic groups, musicians, performing arts, schools, and dance groups. There was no other provision in the area. The proposed closure would leave many groups without somewhere to perform and audiences without access to cultural provision. It would have a significant impact on the town centre vitality and nighttime economy. The Theatre was a popular venue with 70,000 visitors last year; the online petition to save it generated 19,000 signatories in two weeks. The key elements were the absence of a social and economic assessment and the need to explore alternative options.
- Councillor J. Johnson also supported the call-in stating that the decision to demolish it did not sit well with him as it had been made by a few select privileged members who sat on the Cabinet. He considered it should go to full Council where there could be a proper debate.

At this point, the Head of Law and Governance clarified that the motion asked that the Cabinet decision be referred to full Council. If this was supported Council cannot overturn the decision of Cabinet. However, Council can make their own recommendation to Cabinet.

Call-in Request 2

Councillor Mawle (supporter of Councillor Muckley's proposal) read out and proposed the Motion as set out in Appendix 4 of the report, which was duly seconded by Councillor Thompson.

The supporters of the call-in then spoke in turn, outlining their reasons as to why the motion should be supported, which covered the following matters:

- Councillor Elson offered her support for the call-in having attended the Theatre for many years along with her children and grandchildren, watching pantomimes and shows. She added that it was difficult for older persons and disabled to get to other venues. The decision made today will be well remembered for a very long time. The area stands to lose a venue that brings a lot of joy and happiness.

- Councillor Muckley explained that as she was not part of the Scrutiny Committee this would be her opportunity to have her say. She stated that her family have used and enjoyed the Theatre for many years. The closure affects her family in the same way as it affects many of the residents of Cannock Chase. She questioned whether the Council should be assisting a private national company to relocate. She had seen no reports on the impact of closing the Theatre and the effect it would have on local bars, shops, and restaurants. She referred to the interest shown in the site by developers and explained that Councillors were not aware of what the interest was as there had been no meetings or reports. She was concerned over how solid the interest was and what would be left in Cannock following demolition. She was concerned for residents and for the future of Cannock Chase. As a Councillor she would welcome a private meeting which would provide members with further information on who was interested in developing the site.

She had concern regarding the LUF money as the report stated 10% had been spent on consultants and questioned whether this was correct as it would equate to £2m. She referred to the Northern gateway/café/crossing element of the project which was now not progressing and whilst she was pleased that there was to be no crossing, she considered Phase 1 was now just demolition. There was nothing to explain what was being proposed instead as the report only referred to there being interest by developers. There was a reference in the report to exploring appetite for private parking on Beecroft Road and she questioned what this meant. With regard to Phase 2 she was pleased it was under budget, but it was again just demolition and acquisition for demolition.

Her main concern regarding the Theatre was that at the recent Planning meeting a condition was added to a planning application for the demolition of the Forum to protect the Prince of Wales Theatre from demolition. Members were assured at the meeting by officers that the Theatre was not being demolished. However, only 51 days later at a Cabinet meeting it was decided that the Theatre was to be demolished. She asked how members could make a decision that was so different, that quickly. The Green Party call-in states that this was a rushed decision, with no papers or reports available to help make the decision. She questioned whether demolition had been intended all along and considered that the Planning Committee had been right to add the additional condition at the meeting.

She considered the Cabinet report to be flawed as there was no evidence to support demolition. She added that there would be far reaching consequences once the Theatre was demolished as it will be gone forever. It was such a big decision affecting the local area. She referred to Local Government Reorganisation (LGR) and asked what the residents of Cannock Chase could look forward to when there was a bigger authority. Councillors are voted in by the public in the hope that they speak on resident's behalf. Councillors should be questioning things and asking why a decision was made 51 days later that was so different to the previous decision. No papers or reports had been made available, and no impact assessments have been undertaken. Therefore, she considered that the decision to demolish the Theatre was ill informed.

She asked that the Green Party call-in be referred to full Council with the 5 changes that had been outlined. Additionally, a fair national tendering process regarding the Prince of Wales should take place. At present only local groups had come forward as part of the Community Asset Transfer process and no national tendering process had taken place. All avenues should be explored. Whatever happened would be

the Council's legacy; it was the last opportunity for members to do right thing. She encouraged everyone to support the call-in and have a full discussion at Council. Additionally, she asked that all invitees be allowed the opportunity to speak as they were the experts. She hoped the Chair would invite them to speak to share their knowledge and help the Committee make an informed decision.

At this point, the Head of Law and Governance asked for confirmation of the second of the second call-in. This was confirmed as Councillor Thompson. He then explained that the Committee would now go into debate.

Debate

The Chair opened the matter up for debate by the Committee.

Councillor Jones spoke about the residents of Cannock Chase requiring clarity, consistency and respect over the decisions being taken about the future of their community. He added that over recent weeks there have been significant alterations to the town centre regeneration plans. This has prompted understandable concerns, and it was the responsibility of elected representatives to address these concerns openly and with transparency. Residents had expressed unease regarding the alterations to the Northern Gateway proposal which included the car park, subway, and pedestrian crossing. He suggested that where there are changes to the district road network engagement and discussion should take place with Staffordshire County Council. Effective partnership working relies on open communication, shared accountability, and honesty. Any decisions should be made in the best interests of residents and not to suit political positions or to place a stamp on existing projects.

He further commented that the issue causing greatest alarm was the Prince of Wales Theatre being earmarked for demolition with no plans for a new build or replacement. At a recent Board meeting no references were made to such a proposal and no indication was given that the cultural asset was under threat. He considered that the Theatre provides so much for the local community, it supports local performers, schools, charities, and theatre groups and provides residents with a social, creative and community hub. A venue that provides a 300-seat capacity would be required to operate sustainably. He considered residents deserve better; they deserve honesty, transparency and a meaningful voice on matters that effect the heart of their community. He supported the call-ins that had been submitted and asked that they go to Council for discussion.

Councillor T. Johnson asked whether the Theatre as a building was structurally sound and if so, how much would it cost to repurpose it as a Theatre. He added that the Council would not need a building as big as the current Civic Centre following LGR. It therefore made sense to provide office space for the successor authority and leave the current building as it was not fit for purpose. The current Civic Centre site could be used for commercial/social housing, and the Civic Centre offices could then be relocated to a smaller site within the town centre. Even better, there could be provision within the site for the performing arts, the library, and the college.

The Chair asked the Leader, Councillor Steve Thornley to reply to Councillor T. Johnson.

The Leader stated that to make the Theatre safe and sound the cost was £2.5m. He clarified that this was not to repurpose it. The electric boards alone would cost £55k and to refurbish the air circulation units it was £200k just for the fans. These costs were

taken from a 2024 survey so would now be higher as production and material costs had increased since then.

Councillor Lyons commented that in the original LUF bid the Theatre was central to the project and this has been supported across administrations. Councillor T. Johnson had stated at a Cabinet meeting in April 2025 that he was hopeful that the Theatre would reopen after a temporary closure. On 4 Sept 25 Councillor Preece stated he wanted to continue to work with interested parties and groups regarding the future of the Prince of Wales. The Economic Prosperity Scrutiny Committee met on 8 December and aired their concerns. However, on 5 December Cabinet made the decision to demolish the Theatre. As far as she was aware no formal meetings or consultations took place and she therefore asked what happened between 4 September and 5 December, (only 2 months later) that the rest of the Council did not have sight of that resulted in a complete U-turn.

Prior to a response being provided, Councillor Thompson asked whether there were more up to date figures than those quoted for 2024. The Leader confirmed that as the venue had been closed it was expected that there had been further deterioration and therefore it was likely that costs would be higher than the 2024 figures he had referred to.

The Leader responded to Councillor Lyons and confirmed that at the Planning Committee meeting in October 2025 members had asked whether there were any plans to demolish the Theatre. The response provided at that point in time was no. He confirmed that he had attended meetings with the Management Team during the period in question. Officers had looked at the situation regarding the Prince of Wales Theatre being an empty building that was deteriorating, with costs continuing to increase. A request was put to him by the Management Team to consider demolishing the Theatre on economic grounds. It had not been an easy decision for him and his Group to make.

The Leader continued that the proposal was considered by the controlling Labour Group and debated in Cabinet Briefing and then in Cabinet. Given the financial position of the Council this year, the Group had decided reluctantly to support the proposal for demolition. He added that closing the Theatre and the Museum had saved £1.3m and stopped Central Government from serving a notice. The issue his Group raised was that if the Theatre was to be demolished what would be provided in its place. The Group wanted provision for performing arts to be provided and had therefore asked the Management Team to ensure that there was some provision for performing arts within the regeneration plans. He did not currently have any detail on this but confirmed that there was an instruction from the controlling Group for the Management Team to include provision for performing arts in the regeneration plans. Ongoing discussions were taking place with the appropriate people in this regard, and these were looking good.

As there were some comments from the public gallery the Head of Law and Governance confirmed that non-committee members would only be invited to speak in response to a question from a member.

Councillor Bullock added that the meeting today was to consider the structure of the building and whether to support demolition as the decision to close the Theatre had already been taken. At the last local elections in May the new administration took over led by Councillor T. Johnson. They had instructed consultants to look at the viability of the Museum and the Theatre. The consultants advised that neither was viable in their current state. He commented that nobody wanted to get rid of performing arts in the

town, but the building would be very costly to bring up to standard. It was important to ensure that there was some form of performing arts facility provided in the regeneration scheme, but he considered it was necessary to move forward otherwise the whole project could collapse.

Councillor Lyons referred to the comments made by the Leader regarding the Labour Groups request for some provision for performing arts. She mentioned that the original LUF scheme and the research undertaken at that time revealed that a smaller venue would not provide the level of service required. She then referred to the £2.5m that the Leader had indicated was required to bring the Theatre up to standard. During the CAT process she had asked whether capital funding for the LUF could be used for capital enhancements such as this. The Leader confirmed this was correct. She then asked whether the Leader, when considering whether to support the demolition proposal with his Group, had consulted the Arts Council or any other relevant organisations. He confirmed that no consultation had taken place with the Arts Council or any other organisations.

Councillor Lyons then asked the Arts Council and Theatre Trust to outline their engagement ahead of the decision.

Peter Sedgwick, who represented the Arts Council and Cannock Chase Theatre Trust commented that despite the fact these organisations represented 30 arts groups in the district at no point have they been consulted on the future of the Prince of Wales Theatre. A meeting had been arranged with the Leader, which he assumed would be on a one-to-one basis. However, the Leader attended along with someone else. He considered this was not a level playing field but was advised that the meeting could only go with both persons present so the meeting did not take place. He has since written to the Leader on two occasions but received a reply only in connection to moving equipment from the Theatre. Therefore, there has still been no meeting regarding the future of the Theatre.

He added that the Cannock Chase Theatre Trust had been the only bidder left in the CAT process. They had been advised that they would have support from the consultants SLC, and the Council, but neither happened.

At this point, the Head of Law and Governance clarified that the discussion was moving into a previous Cabinet decision to not accept the bid from the Cannock Chase Theatre Trust (CCTT) as part of the CAT process. He added that the meeting was not to revisit this decision. The decision tonight was whether to support the Cabinet decision to demolish the Theatre. Matters could only be raised if they were relevant to the discussions regarding demolition.

Mr. Sedgwick considered his points were relevant to the discussion as the fact that the CCTT bid was rejected had led to the decision to demolish the Theatre. The Head of Law and Governance reiterated that the points raised related to a previous Cabinet decision, and this cannot be revisited or criticised.

Mr. Sedgwick considered that this was the first opportunity he had been given to speak freely and he should be allowed the right to explain what happened. He commented that when the CCTC bid was rejected no consideration was given to the fact that the bid had significant backing from an entrepreneur or that it had support from the National Theatre Trust and the Wolverhampton Grand Theatre. He added that CCTC had wished to turn the Theatre and the area where the florist was located, into a multi-use venue. It would

have been possible to locate space for a new civic building along with office/meeting space within the site. If the Theatre was demolished, local groups cannot function on a 200-seat capacity theatre. It would be essential that a facility with the same capacity (450 seats) be provided otherwise it would be of little use.

The Leader commented that the 2024 report indicated that the Theatre was costing the taxpayer £300k per year.

Councillor Mawle directed a question to Andy Moseley (CCTC) who had been involved in preparing the CAT bid. He asked what information he had about the structural works required to the Theatre that would cost £2.5m to bring it up to a required standard.

Mr. Moseley commented that CCTC had been provided with the same report (stock condition survey) from 2024 that the Leader referred to. It was correct that to bring the building up to certain level of repair it would cost £2.5m, but this was for the first 3 years of preventative maintenance out of a 10-year programme. This £2.5m would not have been a problem as CCTC could work within the £6m capital enhancement budget that Officers and SLC (consultants) had told them was the budget available. He questioned that if £6m was available to repair the Theatre 6 months ago why was £2.5m now a problem. The Leader had referred to it costing the taxpayer £300k to run, yet the subsidy numbers the Council published to support it was £160k. He asked where another £140k appeared from. Additionally, IHL had not made the best use of revenue creating opportunities. Simple changes would reduce the subsidy massively. He outlined things the Theatre Trust wanted to introduce, for example, a ticket levy which would wipe out half the subsidy, bar price increases, as well as LED lighting as part of the refurbishment.

Councillor Mawle asked the MP Josh Newbury to outline what the public were saying to him about the demolition of the Theatre.

The MP commented that he held 3 public meetings after the proposed closure of the Theatre was announced: these were in December, March, and Ma. This led to lots of residents contacting him. He has yet to meet anyone who supported the closure of the Theatre - no one wanted to wipe performing arts from our district. The financial realities along with the process to evaluate the CAT bid and then the subsequent decision to demolish the Theatre had all been considered. Members of the public want every effort made to ensure performing arts survives in the area and that a physical space was available for artists to learn their craft. Although the area was relatively small there was talent in the area, and this should be nurtured. He added that discussions could go on all night about the process from October 2024 until the current time, but the overriding view of himself and the public along with Councillor members was to make sure there was provision for performing arts in the district.

In response to another question from Councillor Mawle the MP responded by saying he may have some disagreement about how the process has been conducted but he understood the financial pressures of the Council and that it was not viable to continue with the Theatre as it was. He would have liked a different outcome in respect of the CAT bid, but whatever party was in control they would have been faced with the same problem regarding the financial position. He added that the money that remained in the LUF should be spent as wisely as possible to ensure the best outcome for the area and he would be upset if there was no provision for performing arts.

Councillor Mawle asked the MP to explain why he had indicated he was against demolition on social media. In response the MP stated that he had taken this position

as he had concern about demolishing the Theatre before it was known what may come next as part of the regeneration scheme. He had concern that once it was out of sight, it would be out of mind. There may be less urgency about what followed once it was demolished. However, if it was still standing there may be greater hope of finding replacement provision for the performing arts.

At this point, the Chair asked the Leader to comment on the provision for performing arts in the regeneration plans.

The Leader commented on the difficult economic climate facing the Council as acknowledged by the MP and stated that any party in control would have to deal with the same issues. It would not be a case of out of sight, out of mind as he and the Labour Group had instructed the Management Team to ensure provision for performing arts was provided. However, until the plans for the regeneration scheme were available, he could not clarify what this would look like. Discussions were taking place with the appropriate people regarding the town centre redevelopment, and these were very positive. He confirmed that there would be some provision for performing arts within the new plans.

Councillor Thompson commented that as there was no specific plan yet, why was it necessary to demolish the Theatre so quickly. She asked the Leader whether it could it stay until there was a firm plan in place.

The Leader responded by explaining that a massive, complex programme of regeneration was taking place. The Cabinet decision to demolish the Theatre had been made and the Management Team had been told that there must be provision for performing arts in the new plans. The space can then be included within the town centre regeneration programme. He added that when he talks to the public and they are made aware the Theatre was costing £300k they would sooner it be demolished.

Councillor Haden asked the Leader to confirm who was involved in the discussions regarding demolition of the Theatre and the new town centre plans. The Leader confirmed that a representative from Continuum (the consultants), attends all the meetings and guides him and the Management Team.

The Chair asked Greg Stott, Deputy Chief Executive-Place to provide further information and clarity.

The Deputy Chief Executive-Place confirmed that officers had been instructed by members to consider all options regarding the future cultural provision in the town centre regeneration plans. As the Leader had stated earlier, a design scheme was not available at this time but outline plans would be presented to Cabinet in the coming months. The intention was to select a private sector partner to provide a mixed-use scheme as part of the emerging Development Framework which will recommend redevelopment options. There would be further engagement with all interested parties, residents, stakeholders, and Councillors to inform on the design process. Officers would go out to market to see what interest there was from potential developers who were seeking to invest in the Cannock town centre redevelopment project. He confirmed that there had already been significant interest from local, regional, and national investors who were actively seeking to invest in Cannock town centre. The future Cabinet reports would address some of the issues raised at the meeting tonight.

Councillor Haden asked the National Theatre Trust to outline their involvement in the demolition of the Theatre.

Claire Appleby, Theatres Trust advised that they had been involved very little. They first contacted the Council back in January when they put the Theatre on their register following closure. They had supported the Cannock Chase Theatre Trust CAT bid, but when it was clear this was not going ahead, they asked to meet urgently with the Council. Finally, a meeting was arranged for 27 November but the day before they received a phone call to suggest they should not attend as there was a potential decision to demolish the Theatre. However, they came along and had a useful, open discussion where issues and concerns were raised. Following this a letter was sent to all Councillors to outline these concerns. She clarified that no social/economic impact assessment had been undertaken to inform on the decision to demolish the Theatre. There had been no full assessment on financial and social impacts of demolition and there had not been a diligent process to explore alternative options for the operation of the Theatre. In terms of any future cultural provision, they have not seen a brief on what this could look like. In respect of future consultation, she considered it would be useful to share this amongst Councillors, so they know what is being asked of the consultants. The National Theatres Trust want to be involved in the process to help and support the Council and put them in contact with arts consultants who were experts in this matter.

With regards to costs, they would expect there to be a full impact assessment on alternative options before demolition and that consideration be given to retaining the Theatre alongside other sites. The cheapest and most sustainable option would be to repurpose the building that was already there when compared to the cost of a new build.

She then referred to demolition costs and outlined that the benchmark costs were coming in at over £1m but stated that the Council should be able to confirm the true cost of demolition.

The National Theatres Trust would like the Council to consider an economic and social impact assessment on the loss of the Theatre. Without a Theatre people will go elsewhere and the nighttime economy will suffer as the spending will go to other areas. Residents of the area will be left without something that helps the nighttime economy.

She confirmed that the cost of demolition and providing a new build Theatre would be twice as much as the cost to repurpose the existing Theatre.

In response to a question regarding the Beecroft car park the Leader commented that the car park had not been put up for sale. Consideration was being given to an investor providing a further tier. In terms of impact assessments, he commented that this had only recently been raised. It would not be possible to assess the impact on the town centre now as the Theatre had been closed due to economic reasons for some time.

Councillor Mawle asked the Deputy Chief Executive-Place to provide further information in respect of the significant interest from developers in the town centre.

The Deputy Chief Executive-Place explained that following the UKREiif event which was held in May there had been several sessions with potential developers and investors. Some soft market testing with interested people was undertaken and information gathered on those showing an interest to invest in Cannock town centre. This provides a very useful indication of where the market is at. The Development Framework report would outline a formal selection process to select a partner to redevelop the town centre.

Officers were confident on selecting a partner who was willing and able to work with the Council to deliver the plans. There would be further reports to Cabinet in due course but the informal meetings with investors and the soft market testing had been very positive.

Councillor Bullock asked for an assurance that any development would include provision for the performing arts. The Deputy Chief Executive-Place explained that the Development Framework would identify sites and uses with a preference for cultural provision and confirmed this would be included within the design parameters.

In response to questions from Councillor Lyons regarding any available LUF funds being used for capital improvements the Deputy Chief Executive-Place confirmed that any LUF money available could be used for capital improvements.

Councillor Lyons commented that there was nothing to prevent Cabinet from considering other options from other community groups or undertaking a national tender process to seek an operator to run the Theatre. The Leader explained that the timeframe and costs need to be considered. It would take a long time, perhaps 9-12 months to undertake a tendering exercise and during this period the Theatre would remain closed and be deteriorating further.

Councillor Lyons then referred to the impact assessments and suggested that Cabinet could undertake these if they really cared about the wellbeing of residents. The Leader explained that it would be difficult to undertake an impact assessment on the effect of closing the Theatre on the town centre when much of the town had now gone. He added that this had not been requested before.

Mr. Moseley from CCTC stated that at a meeting in November 2024 they asked whether an impact assessment had been done and it may have also been mentioned at a full Council meeting. It made no sense in doing one now as the Theatre was closed but this did not excuse that fact that one should have been done in the first place, and he considered SLC should have instructed the Council to undertake one.

The Head of Law and Governance reminded those present that the decision to close the Theatre and not progress with the CAT had already been taken and this meeting could not revisit this decision.

Mr. Moseley commented that he was surprised that a decision was taken to close the Theatre without undertaking an assessment of the effect this would have on the other businesses in the town.

Councillor Lyons asked the National Theatre Trust for their thoughts on this. Claire Appleby provided information on the social impact of reopening theatres in other areas and outlined the costs/benefits to the economy. She suggested it was possible for the Council to consider this moving forwards.

Councillor Lyons referred to the LUF bid in 2021 and the Government requirement for a cost/benefit ratio of over 2. She considered that assessment monitoring must have taken place given that the scheme had substantially changed.

The Chair asked Michelle Smith, the Economic Development and Regeneration Manager to respond. She referred to the changes to Phase 1 in March 2024 and Phase 2 in June 2024 and clarified that both assessments had the full support of the MHCLG funding body. In September 2025, the assessment criteria changed, and the Council was no longer required to consider the cost/benefit ratio. There was an expectation that

any proposals must demonstrate Value for Money and a VFM assessment must take place and be signed off by the S151 Officer.

Councillor Lyons then asked what had changed in the guidance in the 2 months between the September Cabinet meeting where there were no plans to demolish the Theatre and to continue to engage in discussions, to the December Cabinet meeting when it was decided to demolish it. She also asked for the cost of demolition.

The Leader commented that he had previously explained that he had been asked by the Management Team to consider demolishing the Theatre and Cabinet had then discussed this. He had been guided by the S151 officer and the economic position. He confirmed that the consultants, Continuum, had not guided him in this respect.

The Chair asked the Economic Development and Regeneration Manager to further clarify. She commented that the decision relating to the operations of Theatre sit separately to the recommendation put to Cabinet in December. Following the decision in September not to progress the CAT bid the Officer team supported by the consultants, Continuum, had to consider that there was a vacant building in the town centre with no use or capability of conversion. The team therefore considered what options were available for the vacant, deteriorating building and considered whether it could potentially be demolished.

The Leader commented that demolition costs of the Theatre had not yet been reached. The Economic Development and Regeneration Manager clarified that there was no decision to demolish the Theatre; Cabinet decided in December to include the Prince of Wales Theatre within the framework for regeneration and as a result there would be a vacant site. Any demolition of the Theatre will be subject to obtaining planning permission and a planning application has not been submitted as members are still going through the Scrutiny process. This decision has not yet been implemented. In terms of costs, she commented that the Council was aware of the costs of demolishing a shopping centre for example so there was a ballpark figure available on the potential costs associated with demolishing the Theatre. She confirmed that the funding pot to undertake the works contained some money from the LUF and some money that had been committed by CCDC.

Councillor Haden referred to the potential plan to demolish the Theatre but there being no plans in place for what was to be provided instead. She considered it would be difficult for members to make a decision when it was not clear what would be provided in its place.

The Economic Development and Regeneration Manager clarified that the Council has not got a plan to demolish the Theatre yet as no planning application has been submitted. A Development Framework was being produced, and this will be reported to Cabinet. By the time, the Council are at the position for members of the Planning Committee to consider a Planning application the Development Framework would be available. At this point there will be plans that show what will be provided.

In response to further questions about the wording on the Cabinet recommendations that implied there was an intention to demolish the Theatre, the Economic Development and Regeneration Manager clarified that the Council cannot physically demolish the Theatre without there being planning permission to do so. She confirmed that the planning process will move alongside the Development Framework process.

Councillor Mawle then asked Councillor Preece to explain why he had abstained from voting on the Cannock Town Centre Regeneration Programme and Next Steps report considered at the Cabinet meeting on 4 December 2025. Councillor Preece explained that had abstained as although he considered the Theatre was not fit for purpose, he would have liked something to be provided or in place before the Theatre was demolished. He was therefore pleased to hear the talk in the meeting of officers being asked to ensure cultural provision be provided in the Development Framework.

Councillor Thompson asked the representative from CHAPS (Chase Arts for Public Spaces) if they had been consulted on the proposed demolition plans for the Theatre. Trish Mellor confirmed that CHAPS had not been consulted on anything.

The Economic Development and Regeneration Manager confirmed that consultation will take place on any planning application submitted to demolish the Theatre. As part of the planning process there would be consultation with statutory and non-statutory bodies and the public.

Councillor Lyons commented that she understood that any planning application for demolition of the Theatre would be subject to consultation but added that this was very different to public consultation as it only took account of material planning considerations. Whilst it had been acknowledged that there was an intention to provide cultural provision in any redevelopment plans there was no firm plan in place for what would be provided. Anything smaller than the current Theatre would not be beneficial to the users or residents.

The Economic Development and Regeneration Manager clarified that there was a safeguard in place as any town centre redevelopment proposal would have to demonstrate Value for Money and be signed off by the S151 Officer.

The Head of Law and Governance then advised that it had come to the point where members take a vote on the Call-ins. He said each Call-in would be taken in turn. He advised that both Councillor Lyons and Councillor Mawle (Proposers of the Call-ins) and a Cabinet member had the right of reply before the vote was taken on each Call-in.

Right of Reply - Call-in 1

Councillor D. Williams, Community and Wellbeing Portfolio Cabinet member exercised his right of reply to the debate and commented that he wanted to see a future for performing arts in Cannock Chase. However, the financial assessment left him with no choice but to support the Cabinet decision. Assurances have been given tonight that alternative provision would be provided in any development plans. It was the responsibility of Cabinet members to deliver on this, and he gave his commitment to ensure it was delivered.

Councillor Lyons (Proposer of Call-in 1) exercised her right of reply to the debate and commented that she had hoped to get some clarity from Cabinet that they cared about the future of performing arts in the district but there are no concrete plans in place for a replacement Theatre to be provided. Cabinet decided to demolish the Theatre and has provided no evidence as to why they took a U-turn on the decision within 2 months. There was a discussion about demolishing the Theatre between the Labour Group but there was no involvement of any other members of the Council or any of the invitees to the meeting. The Theatre Trust had explained that it would cost twice as much to rebuild

it. She considered it was essential for the Cabinet decision from 4 December 2025 to be referred to full Council for reconsideration.

Call-in 1- Vote on the Motion

The motion in respect of Call-in 1, which was moved by Councillor O. Lyons and seconded by Councillor P. Haden, was then put to a vote.

As there was an equal number of votes for and against, the Chair exercised her casting vote. Following this, the motion fell.

(Councillors O. Lyons, S. Thompson, P. Haden, D. Mawle and P. Jones requested that their names be recorded as having voted for this motion).

At this point Councillor Thompson commented that there was a feeling that the Labour members had been whipped. The Head of Law and Governance clarified that no party whip declarations were received at the start of the meeting.

Right of Reply - Call-in 2

No Cabinet member indicated they wished to exercise their right of reply to the debate.

Councillor Mawle (Proposer of Call-in 2) exercised his right of reply to the debate and commented that there had been a lot of discussion during the meeting, but it was likely that this motion would now fail. However, he asked that the members support the Call-in.

Call-in 2 - Vote on the Motion

The motion in respect of Call-in 2, which was moved by Councillor D. Mawle and seconded by Councillor S. Thompson, was then put to a vote.

As there was an equal number of votes for and against, the Chair exercised her casting vote. Following this, the motion fell.

(Councillors O. Lyons, S. Thompson, P. Haden, D. Mawle and P. Jones requested that their names be recorded as having voted for this motion).

Resolved:

That the two call-ins submitted be rejected and Cabinet's decision on 4 December 2025 be implemented.

The meeting closed at 8.10pm.

CHAIR

Priority Delivery Plan for 2025/26

Priority 1 - Economic Prosperity

Summary of Progress as at end of Quarter 3

				N/A	Total Number of Projects
Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	Action not yet due	
6	1	2	1	7	17

Summary of Successes as at Quarter 3

Cannock town centre regeneration – Forum demolition works have commenced.

Summary of Slippage as at Quarter 3

Cannock town centre regeneration – delay to finalising development framework and delivery strategy due to change to site boundary and project scope. This is now proposed to be reported to cabinet in Q4.

Review of s106 and planning obligations delayed. This will be reviewed in Q1 26/27.

Priority 1 - Economic Prosperity

Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
Delivery of major economic growth regeneration projects	Cannock Town Centre Regeneration - Phase One						
	<ul style="list-style-type: none"> Complete demolition works including former Multi-storey car park 			X		Main demolition works completed in Q3 as scheduled	★
	<ul style="list-style-type: none"> Commence construction works for Northern gateway 		X			Cabinet resolved on 4 December 2025 to revise the scope of the Northern Gateway element of the scheme which will be subject to a new programme of works. The PDP will be updated with revised actions.	N/A
	Cannock Town Centre Regeneration - Phase Two						
	<ul style="list-style-type: none"> Submit planning application for phase two of the demolition works 	X				The Phase 2 planning application in respect of the Forum Shopping Centre was submitted in June 2025	★
	<ul style="list-style-type: none"> Commence demolition works for phase two (Forum and Cabot units) 			X		Demolition commenced on site November 2025	✓
	<ul style="list-style-type: none"> Agree preferred development delivery option for cleared development sites 			X		Due to be reported to Cabinet in Q4. Delayed due to the proposed change of site boundary as reported to Cabinet on 4 December 2025	▲
	Investment and growth projects						
<ul style="list-style-type: none"> Promote Cannock town centre development prospectus at UKREiiF 2025 	X				Investment Prospectus produced and launched at UKREiiF development event in Leeds, May 2025 with significant interest generated in the regeneration of Cannock town centre	★	

Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
	<ul style="list-style-type: none"> Agree programme of projects for UKSPF for 2025/26 	X				The programme was agreed with the Leader in advance of submitting to Government May 2025. Full details are being reported to Cabinet in July 2025.	
	<ul style="list-style-type: none"> Refresh Economic Growth Strategy 				X		
	<ul style="list-style-type: none"> Develop pipeline of future projects 				X		
Local Plan	<ul style="list-style-type: none"> Local Plan Examination and adoption 			X		Adoption will slip into Q4. The Examination hearing sessions ended July 2025, however the Inspector undertook a further 3 week consultation and queries leading up to and following the consultation that have delayed the plan. The Council undertook a 6 week consultation on Main Modifications to 1 st December and sent responses to Inspector. Awaiting final report.	
	<ul style="list-style-type: none"> Review Statement of Community Involvement in Line with New Regulations - scope out extent of changes required 				X		
	<ul style="list-style-type: none"> Community Infrastructure Levy - Prepare specification for CIL Viability Assessment 				X		
	<ul style="list-style-type: none"> Design SPD - secure budget, prepare specification and appoint consultant. (Local Plan Examination requiring new SPD Spring 2026) 				X		
	<ul style="list-style-type: none"> Local Validation Checklist - consider need for new update and consultation. 				X		
	<ul style="list-style-type: none"> New Local Plan - Green Belt Assessment - consultant team procurement 			X		Consultant appointed and inception meeting held October 25.	

Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
Planning Obligations - Review of Policy and Allocations	<ul style="list-style-type: none"> • Charging schedules for Section 106 and Biodiversity Net Gain (BNG) monitoring fees <ul style="list-style-type: none"> ○ Introduce Monitoring Fees 	X				Fees were introduced from 1 April 2025.	
	<ul style="list-style-type: none"> • Planning obligations Working Group <ul style="list-style-type: none"> ○ Project Identification, prioritisation and monitoring 		X			It has been agreed with the S151 officer to defer this action as the finance team do not have the capacity to support this workstream currently due to competing priorities.	

KPIs for Priority 1 - Economic Prosperity

Symbol	Description	Qtr 1	Qtr 2	Qtr 3	Qtr 4	End of Year
★	Performance exceeds target	5	5	7		
✓	Performance on target					
▲	Performance < 5% below target		2			
✘	Performance > 5% below target	2				
N/A	Reported Annually / Not Applicable					
	TOTAL	7	7	7		

Indicator	Year End 24/25	Target 25/26	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year End 24/25	Rating Symbol	Comments
Planning									
Major Planning Applications determined within time.	100%	60%	100%	100%	75%			★	
Non-major Planning Applications determined within time.	97.4%	70%	100%	96.5%	98%			★	
Major Planning Applications overturned at appeals as percentage of no. applications determined.	0%	< 10%	0%	0%	6.7%			★	
Non-major Planning Applications overturned at appeals as percentage of no. applications determined.	0%	< 10%	7%	0.32%	0.35%			★	
Building Control									
Applications registered and acknowledged within 3 days of valid receipt	92%	95%	86%	90%	100%			★	
Full plans applications with initial full assessment within 15 days of valid receipt.	77%	80%	65%	76%	85%			★	
Customers satisfied or very satisfied with the service.	95%	90%	100%	100%	100%			★	

Update on the Planning Obligations Working Group and Exacom System

Committee:	Economic Prosperity Scrutiny Committee
Date of Meeting:	12 th March 2026
Report of:	Head of Economic Development and Planning
Portfolio:	Regeneration and High Streets

1 Purpose of Report

- 1.1 To report on progress on the Planning Obligations Working Group and the proposed purchase of Exacom for the Planning Service.

2 Recommendations

- 2.1 That the update is noted.

Reasons for Recommendations

- 2.2 The Economic Prosperity Scrutiny Committee requested an update on the Planning Obligations Working Group and the proposed purchase of the Exacom system at its meeting of December 2025.

3 Key Issues

- 3.1 Both Cannock Chase and Stafford Borough Councils have identified a priority to review policy and process associated with Planning obligations. Leadership Team received a comprehensive presentation at a strategic meeting on 15 April 2025 which set out the key issues relating to planning obligations and some proposals to improve the process. This report set out recommendations to enable the work to move forward.
- 3.2 Leadership Team received a further report 2nd September 2025 providing an overview of Planning Obligations and proposed arrangements to carry out a review of processes. The proposal included a request for external support to manage the review and develop an action plan. A Planning Obligations Steering Group was also to be established across both Councils and Terms of Reference were to be agreed.
- 3.2 Exacom is a bespoke software system that is designed to assist Local Authorities to manage and administer Section 106 and Community Infrastructure Levy processes. It has also added a bio-diversity net gain module.

- 3.3 Currently the Council manages planning obligations by way of a manual system. The current system is time intensive and requires a high level of staff involvement to constantly check the progress of planning applications and planning obligation liability. The process has an inherent risk of human error although no errors have come to light to date. If an element of the CIL process is missed, this could result in CIL obligations being missed and investment in essential infrastructure not collected.

4 **Relationship to Corporate Priorities**

- 4.1 This report supports the Council's Corporate Priorities as follows:

Priority 1 - Economic Prosperity - attract investment to develop the Districts economy, rejuvenate our town centres

Priority 2 - Health and Wellbeing - provide opportunities for residents to lead healthy and active lifestyles and recognise the importance of mental health and wellbeing.

Priority 3 - The Community - ensure our communities are well designed, accessible, and inclusive environments.

5 **Report Detail**

- 5.1 The delivery of Planning Obligations through new development proposals is a statutory function of the Councils. This includes:

- preparing and agreeing legal agreements for planning consents;
- monitoring development build-out and key trigger points for payments; and
- receiving funds and delivery of projects / programmes based on Community Infrastructure Levy Regulation requirements in accordance with national and local planning policies.

- 5.2 The current baseline at Cannock Chase for planning obligations, based on the 2024/25 Infrastructure Funding Statements are as follows:

- CIL - £312,737 available.
- £2,408,950.64 of available S106 money that can be allocated to different projects.
- £994,769.85 of available S106 money that has been allocated to projects.
- £431,185.73 S106 allocated to maintenance

- 5.3 The formation of a S106/CIL agreement is not a planning only function. As these are legally binding agreements, Legal Services play an essential part in the formation of the documents.

- 5.4 It is essential that monitoring of S106/CIL agreements occurs to ensure that we are receiving the monies by the agreed date (set out within the S106) and that we are spending the money in the way intended as set out within the agreements. To enable this to occur information is required from Finance Services in terms of establishing when money has been received, allocated and spent.
- 5.5 It is recognised that there is a need to ensure that a decision-making framework and process is in place to increase the pace that funding is allocated to Council priority projects and local priorities. It was proposed to undertake a full review of the Planning Obligation Service and appoint external consultants to assist with the review and provide additional resource and expertise. There is insufficient capacity internally to be able to undertake a full review as both Planning Policy teams are having to prioritise Local Plans, both of which are at different stages of development. The initial review was anticipated to commence March 2025 and completed by July 2025.
- 5.6 This request for external support, £15,000 for each authority, was not agreed at the time or through recent budget setting consequently the review did not commence. The Planning team does not have the capacity to carry out a review of planning obligations as resources are aligned to progress the Local Plan. The new Local Plan is anticipated to be submitted shortly to Cabinet and Council for adoption. The Council will also be required to undertake an immediate review of the Local Plan. The demands on the team are compounded with the team currently carrying a number of vacancies.
- 5.7 The Council as the Local Planning Authority considers applications for development within the district and grants consent to schemes subject to mitigating the negative impacts of development. These obligations are in the form of a Section 106 Agreement or Community Infrastructure Levy payments which are collected to contribute to the provision of local infrastructure. This infrastructure can be in the form of education places, new schools, sports and recreation facilities, affordable housing, community infrastructure and highway improvements amongst other things.
- 5.8 The Planning Service has retained an ambition to invest into a software package that would assist the team to administer and monitor the Section 106 and Community Infrastructure Levy obligations. The Council is also responsible for biodiversity delivery and securing a 10% biodiversity net gain. Exacom also provides a module to manage and monitor BNG obligations.

- 5.9 Exacom would be able to automate processes and co-ordinate correspondence in the form of notices and demand notices and provide alerts to critical activities. These activities can be automated and help to remove the risk of not securing an obligation.
- 5.10 Other benefits include effective project and financial management including procedures for recording and securing obligations and tracking of allocation and expenditure. The system can also collate and publish reports to the Council's website which would reduce staff input into servicing Freedom of Information requests. CIL forms could also be submitted online and uploaded automatically into a back office system.
- 5.11 The system could be integrated with other Council records including Finance and Legal, subject to agreement. The Planning Service does not have a budget to purchase the software and meet the annual maintenance costs. An outline business case was being prepared with input requested from Legal and Finance and initial discussions outlined concerns that other service areas would have difficulty resourcing the installation and set-up requirements. The system would need to be configured, and data extracted that has been cleansed for upload and checking. The demands on the IT and Finance teams would be too onerous and therefore the proposed purchase has not been taken forward.

6 Implications

6.1 Financial

The Planning Obligations review requested £15,000 for the initial review of planning obligation processes. This was also considered through budget planning processes but was not taken forward as a priority.

The cost of purchasing the Exacom system would amount to £23,812 (with 25% discount added for bulk purchase) and an annual maintenance cost of £12,825. The cost of purchasing the modules individually would be £35,750 without a discount applied.

There is no budget identified to support either activities.

6.2 Legal

There are no legal implications.

6.3 Human Resources

None

6.4 Equalities and Diversity

None

6.5 Health

None

6.6 Climate Change

None

7 Appendices

None

8 Background Papers

None

Contact Officer: Sushil Birdi

Telephone Number: 01543 464326

Outcome of Ombudsman Complaints to Development Management Decisions

Committee:	Economic Prosperity Scrutiny Committee
Date of Meeting:	12 th March 2026
Report of:	Head of Economic Development and Planning
Portfolio:	Regeneration and High Streets

1 Purpose of Report

- 1.1 To report the outcome of a complaint made to the Ombudsman by a resident and required action to address the complaint.

2 Recommendations

- 2.1 That the report and the actions carried out in response to the decision of the Ombudsman are noted.

Reasons for Recommendations

- 2.2 This report provides a summary of work undertaken by the Development Management Department following the conclusions of the Ombudsman's recommendation of 5th September 2025.

3 Key Issues

- 3.1 The Council received a formal complaint from a resident relating to a planning application that was alleged to have failed to secure specialist advice from independent experts that would have mitigated the potential adverse impacts of development. The complaint alludes to potential harm to bats and wildlife.
- 3.2 The complaint also refers to inconsistencies in the application documents as well as other historic documents that would have informed the decision.
- 3.3 The Ombudsman decision required the Development Management team to review working practices and procedures to reduce the chance of similar fault in the future. The decision required the outcome of the review to be presented to the relevant oversight and scrutiny committee within one month of the review being completed.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:

Priority 1 - Economic Prosperity - attract investment to develop the District's economy, rejuvenate our town centres

Priority 2 - Health and Wellbeing - provide opportunities for residents to lead healthy and active lifestyles and recognise the importance of mental health and wellbeing.

Priority 3 - The Community - ensure our communities are well designed, accessible, and inclusive environments.

5 Report Detail

- 5.1 The Council received an ombudsman complaint in 2025 which related to the processing of a planning application. The complaint received related to the way the Council dealt with the planning application that was next to a woodland subject to a Tree Preservation Order (TPO) and an ancient field boundary. There were 5 points raised within the body of the complaint.
- 5.2 The Ombudsman rejected four of the five points raised by the complainant. The Ombudsman did, however, find the Council failed to properly consider recommendations made in the applicant's independent ecological report—specifically measures relating to lighting impacts on bats. The Ombudsman concluded that this failure represented fault and caused confusion, disappointment, and frustration for the complainant.
- 5.3 As a consequence of the findings, the Council was instructed to apologise to the complainant within one month of the decision and review its practices and procedures to prevent similar faults, including staff training if needed, within three months. Officers were also required to report the outcome of the review to its scrutiny committee and provide evidence to the Ombudsman confirming compliance.
- 5.4 As a result of the Ombudsmans findings, the Council has issued an apology to the complainant and reviewed its working practices.
- 5.5 The review of procedures noted that when the planning application was submitted to the Council in December 2023, the Council did not have an in house Ecologist in post to consult on relevant planning applications. The Council has since appointed an Ecologist who is consulted on all applications involving new dwellings both minor and major as well as householder applications that involve alterations to the roof, particularly on older properties.
- 5.6 The input of the Ecologist should avoid planning officers overlooking recommendations made within reports submitted alongside a planning

application. The Council's ecologist will review the information provided and advise the applicant of potential impacts and mitigation and also request further information if necessary.

- 5.7 The Development Management team then undertook a three month review of working practices to monitor the frequency of requests for advice from the Council's Ecologist and whether the request was appropriate and also to identify and occasions where a request was missed. During this period, the Planning Service consulted the Council Ecologist on 17 planning applications of various types including, but not limited to; householder applications for more than one storey, new dwellings minor and major and demolition of existing buildings. There were no occasions where the appropriate advice from the Ecologist was not sought.
- 5.8 The Ombudsman complaint therefore relates to an isolated case which was compounded by the Council not having an Ecologist in post. The Council admitted fault in that a recommendation could have been carried forward into a planning condition to control lighting levels for the benefit of the bat population. That is not to say that the Ecologist would have agreed to the recommendation but given that the Council relied upon a report submitted by a qualified Ecologist on behalf of the applicant that recommended such a condition, it should have been carried forward. However, this situation should not occur again in the future as there is an Ecologist on post that is consulted on relevant applications as a matter of course.

6 Implications

6.1 Financial

There are no financial implications.

6.2 Legal

There are no legal implications.

6.3 Human Resources

None

6.4 Equalities and Diversity

None

6.5 Health

None

6.6 Climate Change

None

7 Appendices

Appendix - 1 Ombudsmans report

8 Background Papers

None

Contact Officer: Sushil Birdi

Telephone Number: 01543 464326

Report Track:

Key Decision: No

Appendix 1

5 September 2025

Complaint reference:
24 020 188

Complaint against:
Cannock Chase District Council



The Ombudsman's final decision

Summary: X complained about the Council's decision relating to development on land next to a woodland protected by a Tree Preservation Order. We found fault in the way the Council made its decision. The Council will apologise for the injustice caused to X and for it to review its practices and procedures to avoid the same fault happening again.

The complaint

1. The person that complained to us will be referred to as X.
2. X complained about the way the Council dealt with a planning application that was next to a woodland subject to a Tree Preservation Order (TPO) and an ancient field boundary.
3. X said:
 - There was an error on a plan, which did not show a tree on the boundary that was part of the TPO.
 - The Council missed an opportunity to protect bats on the site when it approved the planning application and again when it approved an application to amend approved plans.
 - The Council failed to get advice from an independent tree expert and made its decision relying solely on the advice of the applicant's expert.
 - The Council did not include recommendations made by the applicant's tree expert when it made its decision.
 - No consideration was given to historic records which showed the positions of field boundaries.

The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused significant injustice, or that could cause injustice to others in the future we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)

-
5. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

How I considered this complaint

6. I read the complaint and the complaint was discussed with X on the telephone. I read the Council's response to the complaint, considered documents from its planning files, including the plans, the case officer's report and a tree report from the applicant's expert. I considered relevant law and guidance and the Ombudsman's guidance on remedies published on our website.
7. X and the Council had an opportunity to comment on the draft decision. I considered comments received before making a final decision.

What I found

Planning law and guidance

8. Councils should approve planning applications that accord with policies in the local development plan, unless other material planning considerations indicate they should not.
9. Planning considerations include things like:
 - access to the highway;
 - protection of ecological and heritage assets; and
 - the impact on neighbouring amenity.
10. Planning considerations do not include things like:
 - views over another's land;
 - the impact of development on property value; and
 - private rights and interests in land.
11. Councils may impose planning conditions to make development acceptable in planning terms. Conditions should be necessary, enforceable and reasonable in all other regards.

Tree Preservation Orders

12. Councils may impose Tree Preservation Orders (TPO) to trees, groups of trees or woodland to protect them for their public amenity value. They may control works on trees, such as:
 - cutting down;
 - topping;
 - lopping;
 - uprooting; and
 - wilful damage and destruction.
13. Once a TPO is in place, works cannot be carried out without written consent by the Council's planning authority. Once a TPO is made, the Council must allow 28 days for affected persons and the public to make representations. TPOs can only be confirmed within 6 months from the date the order was made. If the deadline is missed, the Council may issue a new order and begin the process again.

Protected species law

14. Certain animal species are protected by law. It is a criminal offence, amongst other things, to:
- deliberately injure or kill a protected species;
 - intentionally or recklessly disturb them; or
 - damage or destroy a place used for breeding or resting, even if the protected species is not occupying it.

Errors on planning application plans

15. Where an error in an application plan, drawing or other document has not been noticed before a decision is made, the Ombudsman will only criticise a council if the error would have:
- been obvious to any reasonable officer; and
 - made a difference to the outcome to the Council's decision.

Background

16. The Council approved a planning application for development on land next to a woodland protected by a TPO, one tree overhung the site boundary. There were also trees on the site.
17. Before it made its decision, the Council considered a tree report submitted by the applicant. The report was written by an independent ecological expert, and it included recommendations. The report's details included:
- an area marked as a Construction Exclusion Zone;
 - Tree Root Protection Areas and special measures necessary to protect trees;
 - advice about regulations to protect bat habitats and nesting birds. The report recommended times during which work that might affect bats and birds should be avoided.

Amendments to planning applications

18. Most planning approvals relating to development will include a condition requiring compliance with approved plans. If after approval is granted, applicants want to carry out development without complying with planning conditions, they can apply to remove or vary the original condition. The Council will then decide whether to grant permission to change obligations required in the original application.
19. An application under sections 73 of the Town and Country Planning Act 1990 may allow a developer to apply to carry out development without complying with conditions imposed by the original approval. This section can be used to vary or delete conditions imposed on planning approvals. However, variations cannot add or remove development or uses that are set out in the description of the application in the decision notice.

The Council's response to the complaint

20. The Council wrote to X with its response to the issues they had raised in their complaint. It said:
- No trees protected by the TPO were affected by the development, though a tree that overhangs the site needed protection, which was provided by a landscape condition.

- The Council was not obliged to seek its own advice from an ecologist or tree expert, and it was entitled to consider the report commissioned by the applicant's independent ecological expert.
 - Bat and bird protection legislation protected the site, so the Council was not obliged to add a further layer of protection through planning conditions. However, the independent ecological expert had suggested conditions relating to lighting levels to protect bat habitats, and there was no evidence to show this issue had been considered by the planning case officer before a decision was made.
 - The Council agreed plans showing trees near the boundary were not accurate, and if the planning case officer had noticed this they would have asked for the plans to be corrected. However, the tree nearest the site was protected during construction by a landscape condition and so no harm had resulted from any inaccurate plans.
21. A planning manager told us what happened and said:
- There had been an application to amend the location of a building and to change the number of a plan drawing. However, the planning manager said the Council had no power to use that application to impose controls on outdoor lighting, which were not part of the original application. The manager said if the Council had considered the independent expert's report more thoroughly, it might have required a condition to control outdoor lighting.
 - The historic environment record, which showed historic land use was a County Council document but not listed as a 'planning constraint' on the site. Planning constraints on application sites do sometimes include listed buildings or historic monuments and structure, or sites of special scientific, historical or archaeological significance. These constraints are marked on maps to indicate issues that must be considered. However, there was nothing to indicate an issue that the planners had to consider here.
 - The Council had recently recruited a tree officer, who was satisfied that no TPO protected trees were affected and with measures taken to protect trees on site or near the boundary. The tree officer was also updating TPOs in the area to ensure they are compliant with changes to regulations. The tree officer was also working to ensure TPOs were available to view online, and not just on maps at the Council's planning office.

My findings

22. The Council accepted it failed to take proper account of the independent ecologist's report and did not consider their recommendations. This was fault.
23. It is possible that, but for this fault, the Council might have imposed conditions to require outdoor lighting more appropriate for bats. The Council has agreed to take action to make it less likely this fault occurs again in future. The Council has also agreed to apologise to X for the confusion, disappointment and frustration the fault caused.
24. The Council said that, if it had noticed an error on plans marking the location of trees near the site boundary, it would have required the plans to be corrected. I have looked at the plans, but I cannot say that any reasonable officer would have noticed the discrepancy. Because of this, I find no fault in relation to this issue.

25. X said the Council should have sought advice from its own ecologist instead of relying on the applicant's independent expert. The Council was not obliged to seek further advice and was entitled to rely on the independent ecologist's report.
26. X said the Council was wrong not to take account of the County Council's Historical Environmental Record before it made its planning decision. The Council was not obliged to do this.
27. X said the Council missed an opportunity to provide better outdoor lighting when it approved an application to amend approved plans.
28. The Ombudsman can only criticise councils if there is fault in the way decisions are made but only the courts can decide what is or is not lawful. The Council said it did not have the power to use an amendment application to assert additional planning obligations. I read the amendment application documents, and I cannot say its position is legally correct or incorrect.

Action

29. The Council will apologise to X for the confusion, disappointment and frustration the fault we found caused. It will do this within one month from the date of our final decision.
30. The Council will review its working practices and procedures to reduce the chance that the fault we found happens again. If it makes changes, it will carry out staff training as necessary. It will carry out the review within three months from the date of our final decision and share the outcome of the review with its relevant oversight and scrutiny committee within one month from the end of the review.
31. The Council will provide us with evidence it has complied with the above actions.

Decision

32. I have completed the investigation finding fault causing an injustice. The Council has agreed to take action to remedy the injustice caused and prevent recurrence of the faults.

Investigator's decision on behalf of the Ombudsman

