

Public Document Pack

LICHFIELD DISTRICT COUNCIL

DIANE TILLEY BSc., MRICS
Chief Executive
Tel (01543) 308001

District Council House
Frog Lane
Lichfield
WS13 6YY

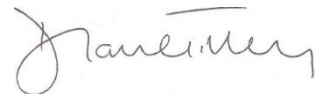
2 December 2019

To: Members of the Lichfield District Council

In accordance with Paragraph 4(2) of Part 1 of Schedule 12 to the Local Government Act 1972, you are hereby summoned to attend the meeting of the Lichfield District Council which will be held in the Council Chamber, District Council House, Frog Lane, Lichfield on **TUESDAY, 10 DECEMBER 2019** at **6.00 pm**.

Prayers will be said by Reverend Bateman.

Access to the Council Chamber is via the Members' Entrance or the main door to the vestibule.



Chief Executive

A G E N D A

1. Apologies for Absence (if any)
2. Declarations of Interest
3. To Approve as a correct record the Minutes of the Previous Meeting (*Pages 5 – 18*)
4. Chairman's Announcements
5. Report of the Leader of the Council on Cabinet Decisions from the Meetings held on 12 November and 3 December (to follow) and Cabinet Member Decisions (*Pages 19 – 22*)
6. Minutes of the Community, Housing and Health (Overview & Scrutiny) Committee (*Pages 23 – 28*)
7. Minutes of the Strategic (Overview & Scrutiny) Committee (*Pages 29 – 30*)
8. Minutes of the Leisure, Parks and Waste Management (Overview & Scrutiny) Committee (*Pages 31 – 34*)
9. Minutes of the Employment Committee
The Chairman of the Employment Committee to move that the proceedings of the meeting held on 15 October 2019 be received and where necessary approved and adopted (Pages 35 – 36)
10. Minutes of the Planning Committee
The Chairman of the Planning Committee to move that the proceedings of the meetings held on 28 October and 25 November 2019 be received and where necessary approved and adopted (Pages 37 – 40)

11. Minutes of the Audit and Member Standards Committee

The Chairman of the Audit and Member Standards Committee to move that the proceedings of the meeting held on 14 November 2019 be received and where necessary approved and adopted (Pages 41 – 46)

12. Minutes of the Regulatory and Licensing Committee

The Chairman of the Regulatory and Licensing Committee to move that the proceedings of the meeting held on 26 November be received and where necessary approved and adopted (Pages 47 – 50)

13. Community Lottery

To approve the recommendation of Cabinet made at the meeting held on 12 November 2019 (report attached, Pages 51 – 74)

14. Review of Polling Districts and Polling Places

To consider changes to polling places (report attached, Pages 75 – 80)

15. Amendments to the Constitution

To consider amendments to the Constitution (report attached, Pages 81 – 112)

16. Amendments to the list of Buildings of Local Architectural and Historic Interest (to follow)

To approve the recommendations of Cabinet made at the meeting held on 3 December 2019

17. Motion on Notice

The following Motion has been submitted by Councillor Norman:

“Lichfield District Council recognises that a climate change emergency exists and, in consequence, resolves to take this into account as a factor in all future policy and spending decisions of the Council, with an Environmental Impact Assessment, whenever appropriate.”

18. Questions

To answer any questions under Procedure Rule 11.2

19. Exclusion of Public and Press

RESOLVED: That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

IN PRIVATE

20. Report of the Leader on Confidential Cabinet Decisions from the Meeting held on 3 December 2019 (to follow)

21. Confidential Minutes of the Leisure, Parks and Waste Management (Overview & Scrutiny) Committee (*Pages 115 – 118*)
22. Commercial Property Acquisition

To approve the recommendations of Cabinet made at the meeting held on 3 December 2019

This page is intentionally left blank

COUNCIL

15 OCTOBER 2019

PRESENT:

Councillors Cross (Vice-Chairman in the Chair), Anketell, Banevicius, Barnett, Binney, Birch, Brown, Checkland, Cox, Eadie, Eagland, D Ennis, L Ennis, Evans, Grange, Gwilt, Ho, Humphreys, Lax, Leytham, A Little, E Little, Matthews, Norman, Parton-Hughes, Pullen, Ray, Robertson, Silvester-Hall, Smith, Spruce, Strachan, Tapper, Warburton, Warfield, Westwood, White, M Wilcox, S Wilcox, A Yeates and B Yeates.

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ball, Baker, Greatorex, Marshall, Powell and Salter.

21 DECLARATIONS OF INTEREST

Councillor Eagland declared an interest in Friary Grange Leisure Centre as a Member of Staffordshire County Council.

Councillor D Ennis declared an interest in the Leader's answer to question 2, Agenda Item 18 as a Director of Haywoods Blinds.

Councillor Pullen declared an interest in Friary Grange Leisure Centre as his wife was a Member of Staffordshire County Council.*

Councillor Norman declared an interest in Friary Grange Leisure Centre as his wife was a Member of Staffordshire County Council.*

Councillor A Little declared an interest in Friary Grange Leisure Centre as a Member of Staffordshire County Council.

Councillor E Little declared an interest in Friary Grange Leisure Centre as her husband was a Member of Staffordshire County Council.*

Councillor White declared an interest in Friary Grange Leisure Centre as a Member of Staffordshire County Council and a Member of the County Council's Property Sub-Committee.

(*a dispensation for this interest was granted by the Monitoring Officer prior to the meeting)

22 TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 16 July 2019 were approved as a correct record.

23 CHAIRMAN'S ANNOUNCEMENTS

(a) Civic Ceremony

Members were thanked for their attendance at the Civic Ceremony held in Lichfield Cathedral.

(b) Events

Councillor Cross reported on the various events that he or the Chairman of the Council had attended since the last meeting.

(c) Former Councillor D Constable

It was reported that thanks had been received from former Councillor D Constable for the cards and good wishes he had received for his 90th birthday.

24 FRIARY GRANGE LEISURE CENTRE

It was reported that the Cabinet met on 7 October at Lichfield Garrick to receive and consider a petition signed by 11,000 people against the decision to close Friary Grange Leisure Centre from 1 April 2020.

Material changes since the original decision included a more favourable and flexible lease being offered by Staffordshire County Council, the ability to use S106 funds to part pay for refurbishment works and the high level of public support for keeping Friary Grange Leisure Centre open.

In proposing the recommendations set out in the report, Councillor E Little advised that the Cabinet had agreed that Friary Grange Leisure Centre should be kept open for up to 5 years based on a cap in the capital budget of £695k until such time that a replacement facility could be built, with a capital budget of £5m being allocated to facilitate this.

Seconding the proposals Councillor Eadie noted that while Burntwood Leisure Centre had benefited from £1.5m of investment, Friary Grange Leisure Centre and Lichfield in general had received no such investment in leisure facilities. He said residents has spoken and the Cabinet has listened.

Councillor Eadie said the Council could not be reckless with its finances and indeed the S151 Officer and Chief Executive had written to highlight the impact of the decision on the Council's finances, however, the Council had to recognise the voice of the electors subject to the funding cap outlined by Councillor E Little.

Councillor Norman criticised the decision to hold the meeting in the Garrick. He said if the matter had been referred back to scrutiny, in the light of the new information received, the decision could have been arrived at earlier without the expense of hiring the Garrick for a decision that had already been made.

Councillor Pullen said it had been an exercise in openness and transparency and the meeting had been moved to the Garrick to accommodate as many people as possible. He said people had been given the opportunity to speak and he was proud of the outcome.

Councillor Grange welcomed the decision but said questions remained including the Sports England clawback clause. She suggested the £85,000 loss of income figure should be subject to further negotiation and any changes to the Friary Grange Leisure Contract should be subject to Overview and Scrutiny.

Councillor Anketell expressed concern over the risk to the Council's financial standing and invited Members to sign the letter he would be sending to Central Government requesting extra funding. He noted financial assistance had been provided to some other authorities following lobbying.

Councillor Strachan said he had read Councillor Anketell's letter, however the Council was lobbying the Government through its consultation process, highlighting that preventative services provided by district level authorities reduced pressure on acute services operated by top tier authorities and should be funded appropriately.

Councillor White mentioned the extensive lobbying work undertaken by Councillor Wilcox and others over the past ten years.

It was proposed by Councillor E Little, seconded by Councillor Eadie and

RESOLVED: (1) That the Medium Term Financial Strategy be updated to:

- Add a project to refurbish the Friary Grange Leisure Centre to the Capital Programme up to a capped level of £695,000. The funding will be provided by £153,000 of eligible Section 106, an Earmarked Reserve – Sinking Fund of £17,000 and an Earmarked Reserve – VAT Repayment of £525,000.
- Add the revenue implications totalling £828,000 with funding provided by the Earmarked Reserve – VAT Repayment of £120,000 and the Revenue Budget of £708,000.
- Add a project for the contribution of £5,000,000 to the Capital Programme to provide for future leisure facilities. The funding will be provided by borrowing with relevant Prudential Indicators being updated as part of the refresh of the Medium Term Financial Strategy.
- Add the revenue implications to the Revenue Budget for the ongoing cost of borrowing of £294,000.

(2) Delegated authority be granted to the Cabinet Member for Recycling and Leisure and the Director of Place and Community:

- To approve a new 7-year lease with Staffordshire County Council for future use of FGLC.
- To approve compliance contracts for the continued safe operation of Friary Grange Leisure Centre from May 2020.
- To approve a new agreement with Greywood Multi-schools Trust for the shared parts of Friary Grange Leisure Centre.
- To approve a contract for the refurbishment works at Friary Grange Leisure Centre.
- To approve an amended contract with Freedom Leisure based on the removal of the sports hall and all weather pitch.
- To Commission services/works to progress with the leisure centre options appraisal.

25 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 10 SEPTEMBER, 7 OCTOBER AND 8 OCTOBER 2019 AND CABINET MEMBER DECISIONS

The report of the Leader of the Council was received.

1 – Money Matters 2019/20: Review of Financial Performance against the Financial Strategy

Details were given of the three new posts funded by the Economic Growth budget.

4 – Birmingham Road Lichfield, Enabling Works – Selection of Tender

It was confirmed that 36 artworks would be provided on the site hoardings to promote the District.

Councillor Birch expressed concern about the cost and impression created by the interim toilets. Councillor Pullen said the area served as an important transport hub and as part of the project it would be necessary to provide high quality non-permanent facilities.

7 – Replacement Combined Heat and Power Unit and Burntwood Leisure Centre

Councillor E Little advised that she had declared a Disclosable Pecuniary Interest at the Cabinet meeting in connection with this item.

26 MINUTES OF THE MEETING OF STRATEGIC (OVERVIEW & SCRUTINY) COMMITTEE

Councillor A Little submitted the Minutes of the Strategic (Overview and Scrutiny) Committee held on 12 September 2019.

12 – Commercial Property Acquisition

Councillor Eadie updated Members on the latest CIPFA guidance in respect of commercial property acquisitions. He noted that an update to the property investment strategy reflecting this guidance would be taken to the Strategic (O&S) Committee.

In response to a question Councillor Strachan acknowledged that the Public Works Loan Board had increased the cost of new borrowing.

27 MINUTES OF THE MEETING OF ECONOMIC GROWTH, ENVIRONMENT AND DEVELOPMENT (OVERVIEW & SCRUTINY) COMMITTEE

Councillor Cox submitted the Minutes of the Economic Growth, Environment and Development (Overview & Scrutiny) Committee held on 18 September 2019.

28 MINUTES OF THE MEETING OF LEISURE, PARKS AND WASTE MANAGEMENT (OVERVIEW & SCRUTINY) COMMITTEE

Councillor Matthews submitted the Minutes of the Leisure, Parks and Waste Management (Overview and Scrutiny) Committee held on 25 September 2019.

11 – Work Programme

Councillor Norman asked for assurance that Friary Grange Leisure Centre would be on the Work Programme, including progress on the new project. Councillor Matthews confirmed that Friary Grange Leisure Centre would feature on the work programme.

12 – Resources and Waste Strategy for England

Councillor Norman stressed the importance of the Resources and Waste Strategy document. He noted the cost of providing weekly food collections in Lichfield and Tamworth was estimated to be around £1 million per annum and although the Strategy stated that the Government would ensure local authorities were resourced to meet any new costs, he said he had little confidence that this would happen.

Councillor Norman also referred to the improvements in recycling rates from 1995 onwards and regretted the government's decision to abandon targets.

Councillor Wilcox said he had expressed grave concerns about some government proposals including the possible loss of income from garden waste. He said it was important to lobby government and the two MP's within the Joint Waste Board area, and highlight the need to be able to make decisions locally.

Councillor E Little confirmed that a letter had been drafted to assist with lobbying.

29 THE CHAIRMEN INDICATED BELOW TO MOVE THAT THE PROCEEDINGS OF THE FOLLOWING COMMITTEES BE RECEIVED AND, WHERE NECESSARY, APPROVED AND ADOPTED.

(a) Audit and Member Standards Committee – 24 July 2019

It was proposed by Councillor Ho “that the Minutes of the Meeting of the Audit and Member Standards Committee held on 24 July 2019 be approved and adopted.”

RESOLVED: That the Minutes of the Meeting of the Audit and Member Standards Committee held on 24 July 2019 be approved and adopted.

(b) Planning Committee – 29 July 2019

It was proposed by Councillor Cox “that the Minutes of the Meeting of the Planning Committee held on 29 July 2019 be approved and adopted.”

RESOLVED: That the Minutes of the Meeting of the Planning Committee held on 29 July 2019 be approved and adopted.

(c) Planning Committee – 2 September 2019

It was proposed by Councillor Cox “that the Minutes of the Meeting of the Planning Committee held on 2 September 2019 be approved and adopted.”

RESOLVED: That the Minutes of the Meeting of the Planning Committee held on 2 September 2019 be approved and adopted.

(d) Employment Committee – 24 September 2019

It was proposed by Councillor Humphreys “that the Minutes of the Meeting of the Employment Committee held on 24 September 2019 be approved and adopted subject to the Chairman and Vice-Chairman being identified in the list of those present and the final paragraph of Minute 11 being amended to read:

‘Members were pleased with the report and *some Members* felt it was a reflection of choice and society which was actually a positive and not a negative.’

Councillor Ray asked about the balance between the apprenticeship levy paid and apprenticeship funding claimed by the Authority.

Councillor Birch noted that the Committee had discussed reasons why it was difficult to establish apprenticeships, including limited career opportunities and pathways. Councillor Pullen agreed that career paths in local government were important.

RESOLVED: That the Minutes of the Meeting of the Employment Committee held on 24 September 2019 as amended be approved and adopted.

(e) Planning Committee – 30 September 2019

It was proposed by Councillor Cox “that the Minutes of the Meeting of the Planning Committee held on 30 September 2019 be approved and adopted.”

RESOLVED: That the Minutes of the Meeting of the Planning Committee held on 30 September 2019 be approved and adopted.

30 MONEY MATTERS 2019/20 - REVIEW OF FINANCIAL PERFORMANCE AGAINST THE FINANCIAL STRATEGY

Consideration was given to recommendations to update the Medium Term Financial Strategy made at the Cabinet meeting held on 10 September 2019.

Councillor Evans welcomed the increase in disabled facilities grants and emphasised the need to ensure effective delivery.

Councillor Robertson highlighted the importance of affordable housing.

It was proposed by Councillor Strachan, seconded by Councillor Eadie and

RESOLVED: That the Medium Term Financial Strategy be updated:

- To increase the Economic Growth Budget by £50,000 in 2019/20 and £100,000 in each subsequent year to reflect the inclusion of three new posts to support this Council priority.
- To increase the Disabled Facilities Grants budget in 2019/20 from £1,714,000 to £1,948,000 with the additional spend funded by £234,000 of additional external grant.
- To increase the Affordable Housing budget in 2019/20 from £400,000 to £614,000 with the additional spend funded by £214,000 of Section 106.
- To reduce the Stowe Pool Improvements project from £1,000,000 to £50,000 to reflect the removal of the Heritage Lottery Grant of £950,000.

31 BIRMINGHAM ROAD ENABLING WORKS - UPDATE TO THE MEDIUM TERM FINANCIAL STRATEGY

It was reported that planning permission was granted by the District Council acting as local planning authority on the 29th July 2019 for enabling works on Birmingham Road, Lichfield pending a long term re-development proposal coming forward. The permission, subject to the discharge of conditions, provided for the demolition of the existing police station buildings and

bus station kiosk/toilet buildings, consent for car parking on the police station site, and the remodelling of the existing bus station to include additional coach parking, the erection of replacement bus shelters, temporary toilet facilities and associated landscaping works.

A tender process was followed to appoint a contractor to undertake the above works and Cabinet at its meeting on the 10th September determined that this should be awarded to Coleman and Company.

Due to additional costs being incurred an update to the Medium Term Financial Strategy would be required to facilitate implementation of the enabling works scheme.

It was therefore proposed by Councillor Eadie, seconded by Councillor Strachan and

RESOLVED: The Medium Term Financial Strategy be updated to increase the Project Budget for the Birmingham Road Site by £185,000 from £2,995,000 to £3,180,000 with funding of £182,000 provided by the Earmarked Reserve and £3,000 from the Revenue Budget.

32 MEDIUM TERM FINANCIAL STRATEGY - BUDGET ASSUMPTIONS AND BUDGET PRINCIPLES

Consideration was given to the budget assumptions and budget principles for the Medium Term Financial Strategy as recommended for approval by Cabinet at its meeting on 8 October 2019.

It was proposed by Councillor Strachan, seconded by Councillor Eadie and

RESOLVED: That the budget assumptions and budget principles for the Medium Term Financial Strategy as set out in the report be approved.

33 DESIGNATION OF MONITORING OFFICER

Members were advised that the Local Government and Housing Act (1989) obliged the Council to nominate one of its officers as its Monitoring Officer.

The previous Monitoring Officer, the former Head of Legal, Property and Democratic Services, left the employment of the Council on the 14 April 2019 and Christie Tims, Head of Corporate Services was appointed as Interim Monitoring Officer in April 2019.

Following amendments to the Head of Corporate Services post, approval was sought for the formal appointment of Ms Tims to the role of Monitoring Officer.

It was proposed by Councillor Lax, seconded by Councillor E Little and

RESOLVED: That the designation of Christie Tims, Head of Corporate Services as the Monitoring Officer be approved.

(CHRISTIE TIMS DECLARED A PECUNIARY INTEREST AND LEFT THE ROOM DURING CONSIDERATION OF THIS ITEM)

34 AMENDMENTS TO THE CONTRACT PROCEDURE RULES

It was reported that the Council's Contract Procedure Rules had been reviewed to increase efficiency and ensure they reflected best practice.

The recommended changes had been reviewed by Audit and Member Standards Committee which had, in addition, recommended the clarification of approvals required for extensions to contracts.

It was proposed by Councillor Lax, seconded by Councillor Strachan and

RESOLVED: That the updated Contract Procedure Rules (Part 4 Section 7 of the Council's Constitution) be adopted.

35 MEMBERSHIP OF COMMITTEES AND OUTSIDE BODIES

It was proposed by Councillor Pullen and

RESOLVED: (1) That Councillor Tapper be appointed as Vice-Chairman of Strategic (Overview & Scrutiny) Committee.

(2) That Councillor Tapper be appointed to replace Councillor Ray on the Lichfield Garrick Trust.

(3) That Councillors Cox, Barnett, Birch and Matthews be appointed to the Community Infrastructure Levy Joint Member Officer Group

36 MOTIONS ON NOTICE

The following Motion was submitted by Councillor Robertson:

"This Council asks Scrutiny and Cabinet members to look into the possibility of developing a local procurement policy to support Small and Medium Enterprises based within the District Council's boundary.

The current Economic Development Strategy and the Strategic Plan both have references to supporting local businesses and related matters. However, they do not include the direct help the Council could be to the district economy if it had a local procurement policy and we call upon the Council to investigate the merits of such a policy for our local businesses in Lichfield District."

Councillor Strachan agreed on the importance of the local economy, which he said had been prioritised in the Economic Development Strategy and the Strategic Plan, was required by statute and had been referenced in the procurement rules that had just been approved. He said practical application was key and he was always willing to see what could be done for economic development and would be happy to consider a local procurement policy.

Councillor Eadie supported the motion noting the framework agreement with Wolverhampton City Council was coming to an end and the Council would be examining future options.

Councillor Norman in seconding the motion noted that there were models in other parts of the country and the aim was to build social value and help local companies do business with the Council. He thanked the opposition for their support.

Councillor Robertson thanked all the speakers and said he was happy to have further discussions.

It was then

RESOLVED: That the Motion as submitted by approved.

37 QUESTIONS

Q1. Question from Councillor Grange to the Cabinet Member for Legal & Regulatory

I attended the Planning Committee meeting on 30 September as an observer and in support of residents who were objecting to a planning application, and there appeared to be a significant amount of confusion about the advice given on the night on which members may or not be able to vote on each application if they were also councillors at a parish level. This advice suggested that where members had cast a vote at parish level they would need to declare an interest and not vote at district level, and when clarification of this advice was sought by members at the time, it was suggested that they may even need to leave the chamber. This is despite the disclaimers that I know are given at Lichfield City Council that any views given at parish level are preliminary and may change where city councillors sit on the district council's Planning Committee.

If the advice given is correct, and dual hatted members are not able to vote at a district level if they have voted at a parish level, it would appear that the composition of the Planning Committee needs urgent review and previous decisions may need to be reviewed if members who should have been precluded have voted on particular applications. Equally if the advice given was incorrect, then we need to review how members are advised.

At the request of some residents who are well versed in the operations of the Planning Committee, I was asked to clarify why the advice given appears to have changed the way the process operates, and I sought advice so I could provide an answer. I have yet to receive an explanation.

Can I please ask for definitive information on the voting position of members of the Planning Committee who are also parish councillors and what actions are going to be taken to ensure that this sort of confusion is avoided in the future?

The Cabinet Member for Legal & Regulatory responded:

(i) Can I please ask for definitive information on the voting position of members of the Planning Committee who are also parish councillors?

Predisposition and predetermination applies to all councillors whether they are parish councillors or not.

Lichfield District Council's planning committee councillors can be on their parish planning committee as they are not determining the decision at parish level.

At meetings of a parish council planning meeting, councillors who are also members of Lichfield District Council's planning committee make a declaration to confirm that their comments at the parish meeting are a preliminary view and that they might change their view when they hear all of the evidence at the District council's planning committee.

S25 of The Localism Act 2011 provides that a councillor should not be regarded as having a closed mind (predetermination) simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to

any particular matter. Councillors may campaign and represent their constituents and then speak or vote on an application, provided that while they may have demonstrated a particular view to date and so are predisposed, they do not demonstrate a closed mind and a predetermined view.

A councillor in this position will need to apply an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the councillor was biased. Parish councillors who are also members of Lichfield District Council's planning committee can take part at both levels provided they make it clear they come with an open mind to make a decision and they are not predetermined.

If a councillor has predetermined their position, i.e. committed themselves to a particular view on a planning issue before it is considered at committee, such that their mind is no longer open to consideration of the merits of the case, the councillor should withdraw from being a member of the committee for the consideration for that matter, and take no part in the debate or vote on the application.

(ii) What actions are going to be taken to ensure that this sort of confusion is avoided in future?

Action already has been taken. A planning briefing was held for all members of the planning committee, with the Monitoring Officer, Planning Solicitor and Planning Development Manager, on Monday 14 October to learn from the situation councillors found themselves in at the committee meeting on 30 September.

Following the briefing the Monitoring Officer has reaffirmed the guidance which was emailed to all members before the committee meeting. If councillors are unsure of their position on the issue of predisposition/predetermination and bias in respect of any application, they should discuss it with the Monitoring Officer in advance of the planning committee meeting, so then they can make the correct decision.

The guidance together with links to the LGA's booklet online, 'Probity in planning for councillors and officers' will be circulated to all Parish Clerks. The Chairs of Lichfield and Burntwood parish planning committees attended the above briefing and have been asked to note the above at their next parish planning committee meetings.

Councillor Grange then asked the following supplementary question:

'Can we ensure we look at the general points raised rather than just the specifics covered by the question?'

Councillor Lax responded:

'I was asked a specific question. I will take note of the comments but the question has been answered.'

Q2 Question from Councillor Westwood to the Leader of the Council

Following last week's Cabinet decision to recommend to Full Council to "*amend the MTFs further by adding a contribution of £5m to the capital programme to provide for future leisure facilities in Lichfield*", would the leader of the council also be addressing the inequity of the Capital Investment across the district as a whole, specifically in the lack of proposed investment into Burntwood and the Rural Communities? Perhaps the previously suggested investment of £1 million into Burntwood, and £750,000 into the rural areas would be a good start?

The Leader of the Council responded:

The capital budget is currently planned over a rolling five-year period and is reviewed annually as part of the budget setting process, as set out in our financial procedure rules. It requires specific projects for capital to be attributed to, which are then assessed against set criteria. The location of the project is not, in and of itself, one of those criteria.

The current capital programme for 2019/2020 includes projects in both Burntwood and several of the villages within the District, as well as a number of projects which are spread across the entirety of the District, such as Disabled Facilities Grants.

In recent years we have enabled a £1.5million investment into Burntwood Leisure Centre, and have just last week signed off an additional sum of up to £235,000 for the centre.

It is not just capital investment which can bring about economic growth in an area - our policies can help boost the local economy too.

Through our local plan review process we will be seeking to ensure there is a focus on giving both Burntwood and our rural villages the opportunity to grow and become more sustainable, with the facilities they would want to have and protect.

We are currently reviewing what we can do to see more of the regeneration taking place in locations such as Sankey's Corner, where Snap Fitness and Costa Coffee have opened up - and where a local blinds company is due to open very shortly on the former Barclays bank site.

Councillor Westwood asked the following supplementary question:

'Burntwood is more than Burntwood Leisure Centre and Sankey's Corner, with 4 industrial business parks, 70 business at High Street Chasetown, 50 at Swan Island, 12 at Morley Road and 9 at Parkhill. Could the leader acknowledge the need for investment to be shared to support all these areas in Burntwood?'

The Leader of the Council responded:

'I can confirm that the Council's programme will look at the whole District. Location is not a criteria per se against which we will make investment decisions. It is quite correct that Burntwood is not just Burntwood Leisure Centre and Sankeys Corner, and we will look at options across the District at every opportunity.'

Q3 Question from Councillor Norman to the Chairman of Strategic (Overview & Scrutiny) Committee

I tried to raise this issue at the last meeting of Strategic (Overview and Scrutiny) Committee but was prevented from doing so and have to raise it now. With this Council and others now accepting the importance of the environment again to our residents – and the generations to come – does he not think that Lichfield District Council should reintroduce a section on each report to Scrutiny that considers the Environmental Impact of any proposed decisions as we do with equality and diversity and crime and safety considerations?

The Chairman of Strategic (Overview & Scrutiny) Committee responded:

I find it surprising that Councillor Norman feels he was not given sufficient chance to raise this issue. Councillor Norman attended the preparatory meeting as Vice Chairman of the committee and also the Committee itself where all members were given every opportunity to properly scrutinise pre-cabinet documents and speak on issue of importance. Such claims he was prevented from raising issues are simply not true.

The topic raised in this question is a very important one and not one which requires party games to be played out in a public arena. However, I understand that the reporting templates are currently under review, and that the inclusion of Environmental Impact has already been discussed, along with a number of other changes which will aid good decision making processes.

Councillor Norman asked the following supplementary question:

‘Can I ask the Chairman to consider the version of events again. I am referring to the meeting of Strategic (Overview and Scrutiny) Committee where I recall that I wanted to raise an issue that I thought was close to all our hearts, the environment, and that perhaps in future we could look at having environmental impact included in all reports, as this Council has done in the past. However, he did in fact stop me from asking this question.

I would also be grateful for an explanation of what is meant in the answer by ‘party games in the public arena?’

The Chairman of Strategic (Overview & Scrutiny) Committee responded:

‘I am surprised by the question. Yes it is an important topic and answered by the fact that it has been discussed and the Cabinet will be looking to make proposals to ensure good decision making which will of course include the environment.

As to the question of party games, as Vice-Chairman you approved the Minutes both confidential and from the meeting held in public. You have sent an email that reads ‘I believe they capture all the matters raised in public and private’. The comments raised do not appear in the Minutes so cannot have been considered very important, or made in an open meeting where Members undertook splendid scrutiny of the report.’

Q4 Question from Councillor Norman to the Chairman of Community, Housing and Health (Overview & Scrutiny) Committee

The new Chairman of Community, Housing and Health (Overview and Scrutiny) Committee will know that the Burntwood Health and Wellbeing Centre in Chasetown, Burntwood has now been granted, for the third time, temporary planning permission again for the temporary buildings. The original application in 2008 was for a “Proposed development to construct a two storey modular building on a temporary basis for a NHS Walk In Health Clinic.” Can she tell me the last time the future of the now named Health and Wellbeing Centre was raised at the Staffordshire Health Select Committee or discussed at a meeting of this Committee?

The Chairman of Community, Housing and Health (Overview & Scrutiny) Committee responded:

The Healthy Staffordshire Select Committee, of which I am a member, has a broad remit covering the provision of health and care services for around 870,000 people across Staffordshire. The committee does not tend to discuss individual health or care centres unless they are part of a broader consultation process, for example, the committee discussed the George Bryan Centre engagement plans at its meeting on 15 July 19 after a fire had resulted in the centre being closed.

The Healthy Staffordshire Select Committee has looked at the Sustainability and Transformation Plan for Staffordshire and Stoke-on-Trent which include plans for the delivery of Primary Care, and Urgent and Emergency Care. These plans will help determine the physical infrastructure that will be required for the future. Whilst the work on the care needs of our communities are being undertaken, Councillor Norman can be assured that I will be lobbying for the right physical infrastructure to support our community's needs in Lichfield District.

The work stream lead for estates in the Sustainability and Transformation Plan for Staffordshire and Stoke-on-Trent is John Henderson, the Chief Executive of Staffordshire County Council. I will ensure your concerns about the walk in centre in Burntwood are drawn to his attention. Furthermore, Councillor Norman can raise questions about health and care provision at Staffordshire's Health and Wellbeing Board which has public session at the start of every meeting.

Councillor Norman asked the following supplementary question:

'Forgive my lack of confidence in the Chairman's lobbying abilities but with all but one of the PCTs in Staffordshire in deficit, with more homes being built and with Burntwood having had a temporary building since 2008, in her view is it not an issue for health scrutiny in Lichfield District?'

The Chairman of Community Housing and Health (Overview & Scrutiny) Committee responded:

'The answer is in the third paragraph of my answer. If Councillor Norman is not happy with the response I will be very happy to refer the matter to the Chief Executive of Staffordshire County Council.'

38 EXCLUSION OF PUBLIC AND PRESS

RESOLVED: That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

39 CONFIDENTIAL MINUTES OF STRATEGIC (OVERVIEW & SCRUTINY) COMMITTEE

Councillor A Little submitted the confidential Minutes of the Strategic (Overview and Scrutiny) Committee held on 12 September 2019. It was noted that the commercial property referred to had subsequently been removed from the market.

(The Meeting closed at 7.40 pm)

CHAIRMAN

This page is intentionally left blank

REPORT OF THE LEADER OF THE COUNCIL

CABINET DECISIONS – 12 NOVEMBER 2019

1. Strategic Plan 2020 - 2024

The Cabinet agreed:

- 1.1 To endorse the draft Strategic Plan 2020- 2024 and begin formal consultation.
- 1.2 To approve the consultation approach and draft timeline as set out in the Cabinet report.

2. The Establishment of a Shared Legal Service

The Cabinet:

- 2.1 Approved the establishment of a shared legal service with South Staffordshire District Council and Tamworth Borough Council, with South Staffordshire District Council being the 'Host Authority'.
- 2.2 Delegated authority to the Cabinet Member for Legal and Regulatory and the Director of Transformation and Resources or the Head of Corporate Services to approve the Strategic Partnership Agreement.

3. Community Lottery

The Cabinet:

- 3.1 Approved the establishment of a local lottery for Lichfield District and the attached Business Case.
- 3.2 Approved the preferred option to appoint an External Lottery Management (ELM), approve a waiver of the contract procedure rules and authorise the Cabinet Member Housing and Communities, in consultation with the Head of Regulatory Services Housing and Wellbeing to appoint Gatherwell Ltd as the ELM for a period of 3 years.
- 3.3 Agreed that the Head of Regulatory Services Housing and Wellbeing and the Partnerships, Community Safety & Licensing Manager be appointed to be responsible for holding the licence and submitting the necessary application to the Gambling Commission and to approve good causes applications to raise funds through the lottery.
- 3.4 Agreed that Authority be delegated to the Cabinet Member for Communities and Housing and the Head of Regulatory Services, Housing and Wellbeing to determine a name for the Lottery.

- 3.5 Recommended that Council approve the policies listed below to govern the operation of the lottery and that the Cabinet Member for Housing and Communities, in consultation with the Head of Regulatory Services Housing and Wellbeing be authorised to make any minor amendments that may be required to the policies in the future:
- Social Responsibility in Gambling
 - Protection from Crime and Disorder
 - Implementation Procedures
 - Fair and Open Gambling
 - Children and Vulnerable Person Protection
- 3.6 Agreed that the Cabinet Member for Housing and Communities, in consultation with one of the license holders, is authorised to determine if any good cause should be removed or rejected from being a member of the lottery.
- 3.7 Appointed We Love Lichfield (administered/governed by the Community Foundation for Staffordshire) to distribute the share of the proceeds the Council is allocated to distribute (10%) received from the lottery on the same basis as they administer the Council's Small Grants Fund.

4. Local Plan Review - Preferred Options Consultation

The Cabinet:

- 4.1 Approved the Local Plan Review: Preferred Options and policy maps for public consultation.
- 4.2 Agreed that delegated authority be given to the Cabinet Member for Investment, Economic Growth and Tourism in consultation with the Head of Economic Growth and Development to make any minor changes to the appearance, format and text of the Local Plan Review: Preferred Options document or the supporting documents in the interests of clarity and accuracy prior to their publication for consultation.

5. Discretionary Housing Payments

The Cabinet:

- 5.1 Approved the Discretionary Housing Payments Policy.
- 5.2 Delegated authority to amend the Discretionary Housing Payments policy to the Cabinet Member for Customer Services and Innovation and the Head of Customer Services, Revenues and Benefits.

6. Review of Hackney Carriage Fares

The Cabinet:

- 6.1 Considered the maximum tariff rates to be consulted on for Hackney Carriages in Lichfield District, taking account of the trade request, officer

recommendations (as set out in the Cabinet report) and feedback from Community, Housing and Health Overview & Scrutiny.

- 6.2 Authorised the Cabinet Member for Legal and Regulatory and Head of Regulatory Services Housing and Wellbeing to consider the consultation responses and set the tariffs in accordance with those recommended.

DOUG PULLEN
LEADER OF THE COUNCIL

This page is intentionally left blank

**COMMUNITY HOUSING AND HEALTH (OVERVIEW AND SCRUTINY)
COMMITTEE**

17 OCTOBER 2019

PRESENT:

Councillors Eagland (Chairman), Evans (Vice-Chair), Gwilt (Vice-Chair), Baker, Binney, Birch, Cox, Leytham and Silvester-Hall.

(In accordance with Council Procedure Rule No.17 Councillors Lax, Pullen and A. Yeates attended the meeting).

11 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ball, Parton-Hughes and Wilcox

12 DECLARATIONS OF INTERESTS

There were no declarations of interests at this point.

13 MINUTES OF THE PREVIOUS MEETING

Councillor Ball submitted comments in his absence and it was agreed that regarding the George Bryan Centre to include reference to the request of contacting former patients for views and the GDPR regulations could be overcome by asking to use their data for this purpose before sending any questionnaire.

Councillor A Yeates was asked to notify the Committee after the meeting as to whether he had received a response from Staffordshire County Council regarding the way they had contributed to the problem of not delivering Disabled Grant Facilities as well as might be expected.

RESOLVED: That subject to the agreed amendments, the minutes of the last meeting be signed as a correct record.

14 WORK PROGRAMME

The work programme was circulated and noted.

15 STANDING ITEMS

a) Lichfield District Health Provision

There was no new information presented to the Committee

b) Staffordshire Health Select Committee

It was noted that the SCC Healthy select Committee's work programme had been attached to allow Committee members to raise issues more proactively rather than receiving minutes from previous meetings. The Committee was content with this approach. It was noted that Councillor Leytham was remaining as the Lichfield representative and he would raise the Committee's views at the SCC meetings.

It was requested that pressure and the importance of the George Bryan Centre continue to be raised and that this Committee have concerns on the process being

followed currently. It was also asked that mental health wellbeing especially in younger people be raised as important as provision in schools is not as good as it could be.

16 COMMUNITY LOTTERY

The Committee received a report seeking views on setting up a community lottery scheme to directly benefit local community groups and charities that play an essential role in reducing the need for statutory services. It was noted that this had been considered before however a lot more information and data had been collected to allow for a more informed decision.

It was reported that the Cabinet Member along with Officers had met with Aylesbury Vale Council and discussed further how a community lottery could operate. It was also reported that it was proposed that Gatherwell Ltd be appointed to manage the lottery as it would be far less resource intensive than operating it in-house. It was also proposed that We Love Lichfield would distribute the share of proceeds that the Council is allocated to distribute on the same basis as is administered for the Small Grants Fund.

The Committee discussed the morals of gambling and the risks to vulnerable people and it was agreed that the help the lottery would give to the voluntary sector outweighed the risks. It was confirmed that evidence showed that winners of this sort of lottery, paid their prizes back into the proceeds for charities as the motivations of players were very different.

When asked, it was confirmed that there would be a one off set up cost to Gatherwell Ltd then they would take 20% of ticket sales. Members were assured that currently no other lottery of this proposed size would be giving so much to good causes. It was asked if sporting clubs could be included as they do much for the community and health and wellbeing and it was reported that they could but with all groups and charities would be vetted by the Council.

It was asked how the minimum, average and maximum projected figures were arrived at and it was reported that comparative data from good and bad performing authorities were used and advice was taken from Aylesbury Council on the model proposed.

It was requested that the Committee consider suitable names for the lottery and send them to the Cabinet Member.

- RESOLVED:**
- a) That Cabinet be recommended to approve the establishment of a local lottery for Lichfield District and the attached confidential Business Case.
 - b) That Cabinet be recommended to approve the preferred option to appoint an External Lottery Management (ELM) and the appointment of Gatherwell Ltd is progressed subject to a contract waiver being agreed by the Chief Executive.
 - c) That Cabinet be recommended that the Head of Regulatory Services Housing and Wellbeing and the Partnership, Community Safety & Licensing Manager are appointed to be responsible for holding the license and submit the necessary application to the Gambling Commission.
 - d) That Cabinet be send name ideas for the lottery.
 - e) That Cabinet be recommended to approve the policies listed below to govern the operation of the lottery:
 - Social Responsibility in Gambling
 - Protection form Crime and Disorder
 - Implementation Procedures
 - Fair and Open Gambling

- Children and vulnerable person protection

f) That it be recommended that the Cabinet Member for Housing and Community, in consultation with one of the license holders, is authorised to determine if any cause should be removed or rejected from being a member of the lottery.

g) That Cabinet be recommended to appoint We Love Lichfield to distribute the share of the proceeds the Council is allocated to distribute (10%) received from the lottery on the same basis as they administer the Small Grants Fund.

17 HOMELESSNESS AND ROUGH SLEEPER STRATEGY

The Committee received a report on a proposed section to the Housing, Homelessness and Rough Sleeping Strategy 2019-2024 on specifically homelessness and rough sleeping.

The Committee welcomed the report and although recognised that there were not the numbers as seen in larger cities, was still a need to address and help these individuals. Members noted that mental health issues played a big factor at times and support was paramount.

The Committee discussed the need to engage with private landlords and it was reported that Officers did meet with them to persuade them to house homeless or rough sleepers but it was difficult as there was reluctance to take tenants with complex needs. The Committee was reminded that the purchase of a number of properties and support Officers would help bridge the gap and give people a good tenancy history.

When asked, it was confirmed that Bromford Housing supplied temporary accommodation. It was also reported that 15 weeks was the average length of stay in temporary accommodation however there was a shortage of affordable accommodation options for people to move into and there was a reluctance to move out of the District for a number of reasons including family and education for dependants. It was also reported that the average age had increased as the legislation had changed and there was now a duty to help non priority groups.

It was reported that data for the rough sleeper estimate was based on one night and was district wide. It was noted that the next count would be in November. It was also noted that data on sofa surfing was not taken as it was difficult but it was known how many came to the Council for advice.

It was noted that there were problems with professional begging in the district and the Committee were pleased to note that a 'diverted giving scheme' was being developed to encourage the public to give to instead of direct and ensure it helps the ones who truly need it.

It was requested that the Committee be kept up to date on consultation via briefing papers.

- RESOLVED:**
- a) That the Homelessness Review be noted; and
 - b) That Cabinet be recommended to approve the homelessness and rough sleeping section of the Housing, Homelessness and Rough Sleeping Strategy 2019-2024.

18 CHANGES TO THE HOUSING OPTIONS SERVICE

The Committee received a report setting out proposals to change the way in which the housing register and allocations scheme were administered following notification from

Bromford that they were no longer willing to manage the register on the Council's behalf when they withdraw from the Housing Direct choice based lettings scheme in 2020.

It was reported that it was proposed to operate the allocations scheme in-house and run a choice based letting scheme (CBL). The Committee were in agreement with this approach as it gave ownership to the system but wished to have concerns noted regarding the extra pressure on resources including costs and Officers. The Committee agreed that Bromford should bore some of the cost as it was their obligation to manage the register under the stock transfer agreement.

There were concerns about removing the category "Children under 10 in upper floor flat" from band B and this was noted by the Cabinet member.

It was reported that the new scheme would be launched with a full communications plan and current customers on the list would be consulted with. It was noted that there would be workshops to support people. When asked, it was confirmed that Councillors would be fully briefed and trained on the new system. It was noted that the new scheme would be largely online but staff including customer services would be available to help.

RESOLVED: That Cabinet be recommended to approve the proposed new arrangements for the administration of the housing register and allocation scheme for social housing.

19 REVIEW OF HACKNEY CARRIAGE FARES

The Committee received a report on the application received from the Taxi trade for an increase in the tariff for Hackney Carriages. It was reported that there had not been an increase since 2012 although there had been increases in inflation. It was agreed that a balance was essential between what was reasonable for the public to pay and needs and incentive for drivers needed.

Options for the maximum tariff were presented and it was agreed to recommend to Cabinet, the proposals in the report.

Waiting time was then discussed as it had also been requested by the Taxi trade. It was noted that it was not currently charged for and was the only authority in the area that didn't charge. It was noted that there had been instances where drivers were waiting for customers to get take-away food amongst other things and Members felt this was unfair. There were concerns however that waiting time could kick in with sitting in traffic especially if there had been an accident and in these circumstances, it would not be the customers fault. It was felt that that the charge could be open to abuse by drivers. There were further concerns that taxis are used by people with low wages and income and further unknown charges could be difficult to pay. It was reported that the proposal was to not have waiting time charges begin until after 5 minutes stopped and then every 15 minutes which was less than other authorities. After much debate, it was agreed to recommend to Cabinet the recommendation on waiting time as set out in the report.

Soiling charges were then discussed and some Members felt a high charge of £100 should be introduced as a preventative measure, especially for body fluid soiling, to ensure customers were responsible for their actions. It was noted however that this had not been requested by the Taxi trade as it was recognised that it was very difficult to get payment anyway. The Committee posed different options of

- 1) £60 flat charge
- 2) £100 flat charge
- 3) Combination of charges dependant on the type of soiling.

It was agreed for Cabinet to consider these options.

RESOLVED: That Cabinet be recommended to consider the maximum tariff rates to then be consulted on for Hackney Carriages in the Lichfield District taking into account the views of the Committee, trade requests and Officer recommendations.

20 DISCRETIONARY HOUSING PAYMENTS (DHP)

The Committee received a report proposing amendments to the Discretionary Housing Payment (DHP) scheme. It was reported that it was a temporary assistance providing additional financial assistance for recipients of housing benefit or housing costs within universal credit. It was noted that the DWP gave a grant to cover these payments.

Members asked why applications would be refused and it was reported that it was mostly due to lack of evidence provided or incomplete applications. It was asked whether the scheme was well advertised and it was reported that most applicants were on benefits so know that it is there to help. It was reported that the proposals were to simplify the application form and process with a view of making it easier to apply. There was some concern that an easier process could expose the Council to the risk of fraudulent applications however the Committee was reassured that vetting of applications would continue. It was reported that the other risk was allocating more funds than available but it would be monitored by Officers.

When asked, it was reported that payments were given as soon as a decision was made as it was recognised that time was of the essence in these circumstances. It was also reported that the average length of payments was 13 weeks however as it was discretionary, could be made for longer if the case required it. It was also recognised by the Committee that the average rent in the district was higher than Universal Credit.

RESOLVED: That the amendments to the proposed revised policy be noted.

COUNCILLOR EVANS DECLARED A PERSONAL INTEREST AS SHE IS A TRUSTEE OF CASES WHO WERE A CONSULTEE.

21 THANKS TO MR KING

Thanks were given to the Director of Place and Community, Richard King who announced he would be leaving the authority after 34 years of service.

(The Meeting closed at 8.10 pm)

CHAIRMAN

This page is intentionally left blank

STRATEGIC (OVERVIEW AND SCRUTINY) COMMITTEE

22 OCTOBER 2019

PRESENT:

Councillors A Little (Chairman), Norman (Vice-Chair), Ball, Banevicius, Checkland, Grange and Matthews.

(In accordance with Council Procedure Rule No.17 Councillor Pullen attended the meeting).

15 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Greatorex, Spruce, Tapper, Warfield, White and S. Wilcox

16 DECLARATIONS OF INTEREST

There were no declarations of interests.

17 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were agreed as a correct record.

18 NEW STRATEGIC PLAN PROCESS & TIMELINE

The Committee received a report on the draft Strategic Plan 2020-2024 which had been developed by a cross party Member Task Group and supported by an Officer working group.

The Chairman gave a background to the development of the draft plan and passed to Councillor Norman and Grange to give an update as to what was discussed at the task group meetings. It was reported that it was felt that the vision for the plan was vital to get correct and examples of other authorities were passed round for the Committee to see. It was reported that the task group, when looking at the current plan, felt that it was too long and should have been more visionary in nature and not focused on delivery. They also felt the length should have been no more than one page.

It was agreed that any plan should not include specific projects as this wedds the plan to specific tasks which should be dealt with in other documents like delivery plans. It was agreed that the Strategic Plan should be more about the desire of where the Council want to be not how to get there.

The Chairman asked the Committee whether the task group approach had been the best one and it was agreed that it had been. There was disappointment that only 12 Members had attended the workshop sessions which was open to all the Council to give their views and thanks were given to those who did attend.

The Committee then received a presentation on the draft Strategic Plan design and themes. The Golden Tread of the Strategic Plan was reported and how it connected to the Delivery Plan, Corporate Indicators to day to day tasks of Service Plans and PDRs. It was noted that the Delivery Plan may not differ however some projects may change. Although it was requested for the Council to concentrate with the higher level documents, it was recognised that there may be need for scrutiny of the "below the line" operational tasks.

When asked, the Committee agreed that there was no requirement for actual photos in the Strategic Plan as it was an unnecessary cost which can date the plan quickly. It was requested that other logos be sought if possible.

The consultation timeline was presented to the Committee and it was agreed that the timings were adequate. It was requested that all opportunities to engage were considered and it was suggested that Six Form colleges be included as the plan would affect that age group. It was also suggested to consider other venues for open drop in events such as Parish halls. It was also requested that marketing of the consultation be considered carefully to attract as many people as possible as well as a clear definition as to what it is about to ensure it does not become another route for individual concerns. It was felt that Councillors could aid in this when meeting their electorate.

It was reported that there had been changes to data sets from partners due to GDPR and email preferences however there was a large amount of names for resident focus groups and there would be a larger distribution of LDC News around the district which would include the consultation.

The Committee amended the consultation timeline to ensure the review of the consultation results was reported to the full Committee and not the task group.

RESOLVED: a) That the draft Strategic Plan 2020- 2024 for adoption by Cabinet to begin formal consultation be endorsed;

b) That the preferred design of a plan on a page with no photos be recommended to Cabinet; and

c) That the consultation approach and amended timeline be recommended to Cabinet

19 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That, as publicity would be prejudicial to public interest by reason of the confidential nature of the business to be transacted the public and press be excluded from the meeting for the following item of business which would involve the likely disclosure of exempt information as defined in **Paragraph 3 of Part 1 of Schedule 12A** of the Local Government Act 1972 as amended.

20 CONFIDENTIAL MINUTES OF THE PREVIOUS MEETING

RESOLVED: The confidential minutes of the previous meeting were agreed and signed as a correct record.

(The Meeting closed at 7.00 pm)

CHAIRMAN

**LEISURE, PARKS & WASTE MANAGEMENT (OVERVIEW AND SCRUTINY)
COMMITTEE**

18 NOVEMBER 2019

PRESENT:

Councillors Matthews (Chairman), Banevicius (Vice-Chair), Silvester-Hall (Vice-Chair), Baker, Barnett, L Ennis, Westwood and B Yeates.

(In accordance with Council Procedure Rule No.17 Councillors Eadie, Little and Pullen attended the meeting).

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ray and M. Wilcox.

15 DECLARATIONS OF INTERESTS

There were no declarations of interests.

16 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were signed as a correct record.

17 JOINT WASTE SERVICE FIT FOR THE FUTURE REVIEW

The Committee received a report on the findings and recommendations following a fundamental review of the Joint Waste Service (JWS) which is delivered with Tamworth Borough Council. The Committee welcomed Cherie Whiteman and Bob Couth from Frith Resource Management Ltd who carried out the review.

The Committee then received a presentation on the review and the key findings. It was reported that after benchmarking analysis, the JWS was considered to be of average to good performance with low service costs. It was noted that there was a higher than average use of agency staff.

Different service delivery models were presented to the Committee including Local Authority Trading Company (LATC) either Teckal exempt or as a joint venture and fully outsourced. It was then reported that after evaluating the service delivery options against costs, control of service and risks, there was insufficient evidence to show one model would achieve significantly greater performance.

Other considerations for improving performance of the service as it is were then reported which included the current high use of agency staff. It was noted that there was a national shortage of drivers as well as difficulty to retain and so it was suggested to consider the employment package offered to see if this could help. It was noted that the pay rates offered were comparative to other authorities but not the private sector. It was also suggested that hours and the number of drivers per round could be considered and reduced to ease pressures however it was reported that this was already happening.

The emerging Government's Resources and Waste Strategy was discussed and the implications of delivering some of the changes proposed including food waste and free garden

waste collections. It was reported there were differing levels of change that could be made but there was not much difference in the additional cost to the JWS.

It was then discussed if a change or additional depot location could be beneficial as it could allow for less wasted travel time for vehicles and allow for housing growth and potential for more vehicles if food waste collection was introduced. It was noted it had been investigated that there would be an unlikely saving from the number of vehicles required if the depot was relocated due to need. When asked, it was reported that no other locations had been considered and would not be until after the national Strategy had been released and fully comprehended. It was reminded that the depot also was the location for street cleansing and other services.

The Committee then asked questions and there was a lot of discussion regarding the use of agency staff and the shortage of drivers. It was noted that the terms and conditions of employment were good however pay was considerably lower than what was offered in the private sector. It was also asked whether the location of the depot was also contributing to shortage of staff and it was reported that it was unknown but should be further considered. It was also suggested that engagement with the national training body could be useful.

It was reported that sickness levels were high but similar to the other authorities benchmarked with. Members did note that the nature of the work undertaken was very physical and so the risk of sickness was not to be unexpected.

There was then discussions regarding how to undertake food waste collection if required and it was asked if vessel composting could be reintroduced and it was reported that there was now a trend to move to anaerobic digestion as it could create energy. It was noted that it had been collected in brown bins in the past however the national Strategy was most likely require that green and food waste be collected separately.

When asked, it was noted that the £345k additional overheads were to cover officer input. It was also noted that capital costs for any service change including new bins and liners had been annualised but would most likely be an initial cost. It was also noted that although the government had reported that there would be funding to aid these set up costs, there had been some scepticism from the industry.

It was felt that the review, how the JWS would be delivered in the future and the Committee's observations of this could be a response to climate change and environmental impact.

The Committee wished to congratulate all that worked with the JWS team as the review had proved that the service they provided was very good and valued by residents.

RESOLVED: (1) That the approach taken during the fundamental review of the Joint Waste Service and its key findings be endorsed;

(2) That the proposal to continue providing the Joint Waste Service using the current in house arrangements and delay any decision on the future provision of the service until the implications of the Government's Resources and Waste Strategy are fully known be endorsed; and

(3) That the proposals to undertake an appraisal of options for the future disposal of dry recycle and identify measures to address the issue of over reliance on agency staff be endorsed.

18 DEPARTURE OF THE DIRECTOR OF PLACE & COMMUNITY

The Committee requested to record their thanks to the Director of Place & Community, Mr Richard King for all his work and support to the Members and District Council and wished him well for the future.

(The Meeting closed at 7.02 pm)

CHAIRMAN

This page is intentionally left blank

EMPLOYMENT COMMITTEE

15 OCTOBER 2019

PRESENT:

Councillors Humphreys (Chairman), Barnett (Vice-Chair), Birch, Grange, Gwilt, Robertson, Silvester-Hall, Warburton and S Wilcox

13 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Greatorex.

14 DECLARATIONS OF INTEREST

There were no declarations of Interests.

15 MINUTES OF THE PREVIOUS MEETING

The minutes of the last meeting were signed as a correct record subject to the amendment that not all Committee Members agreed that the gap between genders was a reflection of choice and society.

16 SKILLS AUDIT FOR MEMBERS

The Committee received a report on a proposed questionnaire to Members to evaluate if there are any gaps in expertise and develop appropriate training to allow them to fulfil their role as best as possible. It was reported that the audit was based on the LGA's Political Skills Framework and that themes from the Member Development Charter Plus had also been included.

It was suggested that there could be differing answers depending as to whether the respondent was naturally extrovert or introvert and so it could be an idea to add further points and examples. It was noted that there were free text sections at the end of the questionnaire. It was also requested that IT views and skills were also captured.

It was asked how the responses were being gathered and it was reported that it would be via email through the LGA to aid anonymity however hard copies could be provided if requested.

RESOLVED: That the skills audit for Members be approved for distribution.

17 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business which would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

IN PRIVATE

18 NOTIFICATION OF PENSION DISPENSATION

The Committee received a report and reviewed the business case in support on an Officer decision to exercise discretion under the Local Government Pension Scheme (LGPS).

RESOLVED: That the dispensation granted be noted.

(The Meeting closed at 5.45 pm)

CHAIRMAN

PLANNING COMMITTEE

28 OCTOBER 2019

PRESENT:

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Birch, Brown, Checkland, Cox, Eagland, Evans and Leytham

19 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Barnett, Humphreys, Ho and Matthews.

20 DECLARATIONS OF INTEREST

Councillor Birch declared a personal interest in application no. 19/00351/FUL as he is the Chair of Burntwood Town Council Planning Committee.

Councillor Evans declared a personal interest in application no. 19/00351/FUL as the applicant is known to her.

Councillor Leytham declared a personal interest in application no. 19/01198/COU as the applicant is known to him.

21 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 30 September 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

22 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions of observations/representations since the publication of the agenda in association with Planning Applications 19/00351/FUL, 19/01198/COU, 19/00872/FUL & 19/01189/FUH.

19/00351/FUL – Erection of 3no two bedroom dwellinghouses
Boney Hay Working Mens Club, 22 North Street, Burntwood, Staffordshire
For: Mrs Maddox

RESOLVED:- That planning permission be approved but subject to the report of the Director of Place and Community; in relation to condition 4 it was agreed by members, that their preference would be for construction traffic to be routed via North Street rather than Sandown Close; the case officer indicated that this preference would be reviewed and discussed with Staffordshire County Council Highways.

(Prior to consideration of the application, representations were made by Mr John Perks (Objector)).

19/01198/COU – Change of use of outbuilding to form 1no single storey one bedroom dwelling
Cowhill Cottage, Cowhill Lane, Fradley, Lichfield
For: Mrs J Tomasik

RESOLVED:- That planning permission be REFUSED for reasons as set out in the report of the Director of Place and Community.

(Prior to consideration of the application, representations were made by Councillor Mike Wilcox (Ward Councillor) and Mr David Harris-Watkins (Applicant's Agent)).

19/00872/FUL – Erection of 1no storage building
Burntwood Leisure Centre, High Street, Chasetown, Burntwood
For: Burntwood Sub Aqua Club

RESOLVED:- That planning permission be approved subject to the conditions in the report of the Director of Place and Community.

19/01189/FUH – Creation of rear outbuilding (approx. 2x2m) within existing alcove
8 Littlehay Manor, Colton, Rugeley, Staffordshire
For: Mr Wait

RESOLVED:- That planning permission be approved subject to the conditions in the report of the Director of Place and Community.

(The Meeting closed at 7.37 pm)

CHAIRMAN

PLANNING COMMITTEE

25 NOVEMBER 2019

PRESENT:

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Brown, Cox, Eagland, Evans, Ho, Humphreys, Leytham, Matthews and Tapper

23 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Checkland.

24 DECLARATIONS OF INTEREST

Councillor Anketell declared a personal interest in application 19/00301/FUL as one of the neighbours is known to him.

Councillor Cox declared a personal interest in application 19/00301/FUL as one of the neighbours is known to him.

25 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on the 28 October 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

26 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions of observations/representations since the publication of the agenda in association with Planning Applications 19/00301/FUL, 19/01041/FUH & 19/01339/COU.

19/00301/FUL – Variation of Condition 2 of Application 17/01629/FUL (Demolition of existing bungalow and erection of replacement dwelling with single storey garden room)
15 Gaiafields Road, Lichfield, Staffordshire.
For Mr Garratt

RESOLVED:- That planning permission be approved subject to the conditions in the report of the Director of Place and Community.

(Prior to consideration of the application, representations were made by Ian Goodwin (Objector), Councillor Joanne Grange (Ward Councillor) and Ron Oliver (Applicant's Agent)).

19/01041/FUH – Single storey extension to rear and enlargement of first floor section
22 Gaiafields Road, Lichfield, Staffordshire.
For Mr Armstrong

RESOLVED:- That planning permission be approved subject to the conditions in the report of the Director of Place and Community.

(Prior to consideration of the application, representations were made by Stella Horsfall (Objector), Councillor Joanne Grange (Ward Councillor) and Lee Edwards (Applicant)).

19/01339/COU – Erection of a detached log cabin in rear garden to be used as a hairdressing salon
3 Stapleford Avenue, Fradley, Lichfield, Staffordshire
For Mrs A Russell

RESOLVED:- That temporary planning permission be approved subject to the conditions in the report of the Director of Place and Community.

(Prior to consideration of the application, representations were made by Councillor Derek Cross (Ward Councillor) and Adam Russell (Applicant)).

27 ITEM NO. 5 DISCHARGE OF CONDITIONS

Report in relation to conditions 24 & 25 of planning permission 14/00516/OUTMEI relating to highways monitor and manage strategy was considered with the recommendations of the Director of Place and Community.

Land at Arkall Farm, Ashby Road, Tamworth, Staffordshire

RESOLVED:- Members agreed to the details submitted in relation to highways conditions 24 and 25 of outline planning permission 14/00516/OUTMEI and accordingly these can now be approved.

(The Meeting closed at 8.59 pm)

CHAIRMAN

AUDIT AND MEMBER STANDARDS COMMITTEE

14 NOVEMBER 2019

PRESENT:

Councillors Greatorex (Chairman), Ho (Vice-Chair), Grange, Robertson, Spruce and White

Also Present: Laurelin Griffiths (Grant Thornton UK LLP) (External Auditor)

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Checkland, Councillor Little and Councillor Norman.

15 DECLARATIONS OF INTEREST

Councillor Grange declared a personal interest in agenda item no 9, as raised with the Monitoring Officer ahead of the meeting.

16 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 24 July 2019, as printed and previously circulated, were taken as read and approved as a correct record.

17 MID-YEAR TREASURY MANAGEMENT REPORT

Anthony Thomas (Head of Finance and Procurement) delivered a Presentation on the Mid-Year Treasury Management Report and explained why the Council prepare the report and went through the treasury management activities including the projections for the current financial year and the projected prudential indicators. Mr Anthony Thomas also went through the three broad purposes of the Investment Strategy, outlined in the report.

There were some queries raised regarding appraisals of investments made in other local authorities, whether there would be a year on year evaluation of the non-current assets and liabilities and whether there is a mechanism to monitor the deadline for claiming s106 monies.

Anthony Thomas confirmed that following the previous Committee, advice had been sought from Arlingclose on the accounting treatment for the Property Fund investment and a change would be implemented for 2019/20 to address the External Auditor's concerns.

Anthony Thomas confirmed that the current investment approach was to avoid upper tier authorities due to the financial challenges presented by Social Care and Children's services.

In terms of the implementation of the new International Financial Reporting Standard 16 related to leases, the detailed guidance had not yet been published. However Mr Thomas understood this would be implemented prospectively from 1 April 2020 and therefore prior year adjustments may not be required. However he acknowledged following a question from a Member that additional information may be required in supporting disclosure notes to aid readers in understanding the change and the impact on the Financial Statements.

Anthony Thomas provided reassurances that there are mechanisms in place to monitor deadlines and allocate s106 monies and to his knowledge, no monies have been repaid due to a breach of deadline.

Anthony Thomas confirmed the processes outlined in the report are in line with other organisations.

RESOLVED:- (1) The Report was reviewed and noted;
(2) The projected 2019/20 prudential indicators contained within the report were noted.

18 INTERNAL AUDIT PROGRESS REPORT

Members considered the Internal Audit Progress Report April 2019 to September 2019, as presented by Rebecca Neill (Head of Audit). She explained that the team were currently on track to achieve the plan and that performance against other KPI's were on target.

A discussion took place regarding current reporting to the Committee (including their receiving all finalised audit reports) and the system for follow up. Members agreed that the reporting and follow up systems be reviewed and that a proposal be brought to the next Committee.

RESOLVED:- The Committee noted the Performance Report and issues were discussed.

19 RISK MANAGEMENT UPDATE TO INCLUDE RISK MANAGEMENT POLICY AND CORPORATE RISK REGISTER

Rebecca Neill summarised the corporate risk management update to the Committee which included the updated corporate risk register and refreshed risk management policy

Councillor White queried whether the risks identified on the national risk register had been considered in compiling corporate risks, referencing a flu pandemic as an example. Rebecca Neill responded that the leadership team reviewed emerging risks in the wider context such as those identified by the world economic forum, but had not specifically reviewed the national risk register. She went on to explain that risks associated with a civil emergency would be covered as part of corporate risk 08, failure to manage a major incident.

The refreshed risk policy was discussed and members debated the proposed frequency of review of the policy. It was agreed that the policy would be subject to a 4 yearly review, with an interim review every 2 years. Councillor Grange queried what consistency checks were undertaken to ensure that the risk scoring mechanism was appropriate. Rebecca Neill explained that the Leadership Team undertook a cursory review of scores as part of their quarterly review; and she also undertook a sense check prior to production of the register. It was agreed that this control be added to the refreshed policy.

RESOLVED: The Committee:

- (1) Approved the revised Risk Management Policy;
- (2) Approved a four year review frequency;
- (3) Noted the work undertaken to ensure the risk Management policy is adhered to and the actions taking place to manage the Council's most significant risks.

20 GDPR/DATA PROTECTION POLICY

Christie Tims (Monitoring Officer) provided an update on the actions taken since the implementation and proposals to ensure the Council remains compliance with the General Data Protection Regulation, these have all been outlined in the report.

Whilst the implementation has been completed the underpinning systems were clearly not completely embedded.

The MetaCompliance tool has been introduced, this is the underpinning system which will ensure everyone is up to date on responsibilities.

Members raised concerns surrounding the potential risk that the perception of the requirements set by the General Data Protection Regulation could negatively impact the general principle of being open and transparent.

Christie Tims assured Members that the general principle of being open and transparent remains a priority but with channels of open communication regarding the application of the exceptions and clear protection for personal data.

Members raised questions regarding the current Data Protection Officer being employed at a different organisation.

Christie Tims confirmed the Data Protection Officer duties are very specific and provided by an expert in the field. The Legal Services Agreement means the Data Protection Officer will be embedded within the shared legal service launching in the New Year and there would be no risk that they would remove themselves from any challenges faced by Lichfield District Council.

RESOLVED:- The Committee noted the Report and the ongoing work to improve assurance of compliance with General Data Protection Regulations.

21 THE RULES ON CONFIDENTIALITY

Neil Turner (Director of Transformation & Resources) introduced the report. It was emphasised that a decision to restrict publication was for the Monitoring Officer.

Members asked a series of questions regarding the language used to justify restricting reports and the mechanisms in place to review restricted reports with the view to subsequent publication. Questions were also asked about reports relating to property investment and procurement.

Members noted that there was a powerful public interest test which could over-ride any of the reasons for confidentiality.

It was noted that in future there would be an additional explanation as to why reports are being considered in confidence.

Neil Turner said that officers advised of the acceptable reasons for restricting reports.

RESOLVED:- The Committee noted the Report.

22 ANNUAL REPORT OF THE MONITORING OFFICER - COMPLAINTS

Christie Tims provided the committee with an update on Member Code of Conduct complaints. There were 13 complaints received at the time the report was published.

Members highlighted the increase in complaints and requested a breakdown of types of complaints received.

Christie Tims confirmed that one third of complaints received at the time of publication were in relation to code of conduct for District members. The remaining complaints were from the Parish Councils and included complaints raised by both members of the public and other serving councillors in respect of behaviour at meetings

Christie Tims confirmed the rise in complaints being received from Parish Councils and could be, on the most part, be minimised by the inception of new effective relationship building techniques. To manage this increase, training will be provided at the next Parish Forum with Parish Clerks being encouraged to attend.

RESOLVED:- The Committee noted the Report as well as the ongoing work to improve standards and members understanding of the code

23 THE ANNUAL AUDIT LETTER FOR LICHFIELD DISTRICT COUNCIL

The Annual Audit Letter for Lichfield District Council was presented.

Members requested reassurances from Anthony Thomas that due diligence had been followed to ensure the proposed fee for additional work was charged at a standard level across other authorities.

Anthony Thomas confirmed all checks had been conducted and this is a standard further work fee being applied with all local authorities. The fee increase was due to a change in the previous procurement agreements for inclusive further work which had proven to be unsustainable for external audits. The fee increase is due to the reduction in the fee as part of the procurement process which was not sustainable.

24 CERTIFICATION WORK FOR LICHFIELD DISTRICT COUNCIL FOR YEAR ENDED 31 MARCH 2019

Representation from Grant Thornton provided a verbal update on the Certification Work for Lichfield District Council.

The work on the housing benefit sector has been completed and no new errors have been identified, the areas identified were held to be immaterial by Members.

25 WORK PROGRAMME

A revised Work Programme was circulated and the Chairman asked for any additions/alterations to the programme.

Rebecca Neill suggested asked the internal audit charter and protocol and internal audit plan be moved from the April 2020 to the March 2020 meeting and that the quality assurance and improvement programme and review of internal control including public sector internal audit standards self-assessment summary be moved from February 2020 to March 2020 as there are fewer items on currently on the March 2020 agenda. The Committee agreed this. In addition, Cllr White suggested that where fewer items are present on the agenda that consideration be given to providing items of relevant training material to members.

(The Meeting closed at 7.27 pm)

CHAIRMAN

This page is intentionally left blank

REGULATORY AND LICENSING COMMITTEE

26 NOVEMBER 2019

PRESENT:

Councillors B Yeates (Chairman), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield

13 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Parton-Hughes

14 DECLARATIONS OF INTEREST

Councillor L Ennis declared a personal interest in item 4 as she works at a school that is a Polling Station and her children attend a school that is a polling station.

Councillor D Ennis declared a personal interest in item 4 as his children attend a school that is also a polling station

Councillor Evans declared a personal interest in Item 4 as she is the Chair of Governors at for a school that is a polling station

Councillor Ankertell declared a personal interest in item as he is a volunteer at a school that is a Polling Station.

Councillor Salter declared a personal interest in item 4 as he is a Trustee of a premises that is a Polling Station.

Councillor B. Yeates declared a personal interest in item 4 as he is Chairman of a management committee for a premises that is a Polling Station.

15 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were signed as a correct record.

16 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Committee received a report on the review of polling districts and polling places following a consultation. It was reported that this consultation started after the item was initially considered by the Committee on the 3rd October 2019. It was noted that 203 responses had been received and this high rate was most likely due to the ease of being online. It was also noted that many of the responses were from parents and mostly from The Willows Primary School and St Michaels Primary School.

The Director of Transformation and Resources, Mr Neil Turner, then presented the recommendations to the Committee and reported that the priorities were to reduce the number of mobile units used as polling stations as they are not easily accessible for some voters and the second priority was to reduce the number of schools used where possible.

It was reported that it was proposed to split the polling place at St Michael's Primary School between that location and Five Spires Academy and St Joseph's on a rota basis to take the pressure off just the one school to be the polling place every election. The Committee agreed

with this suggestion and felt it to be fair. The Committee noted that there was not a requirement for schools to close on polling days however understood the potential safeguarding concerns. Members requested that where schools were used, the Council reached out to offer what help they could to allow the schools to remain open.

The Committee then discussed the proposal to consider further the moving of the polling place at Robinson Road, Burntwood as using Redwood Park would not be appropriate as there are lighting and other issues including steep access. It was suggested that Boney Hay Working Men's Club be considered as an alternative.

There were concerns with the recommendation to move the polling place from Chase Terrace primary School to Burntwood Library as this would take it out of the ward area and County Boundary. There were also concerns that parking was not ideal at the library. It was noted there were no requirement for polling places to be in the ward as long as it was accessible for voters in that area. It was agreed that alternative suggestions should be investigated or for the polling station to remain where it currently is.

Other suggestions were made including moving the polling place at Fulfun Primary School to Burntwood Memorial Institute and moving Highfields Primary School to the Scouts Hut. It was noted that these would be investigated before the item was considered at Council.

It was requested that if Holly Grove School remained as a station, that the rear gate is opened to aid access especially for the elderly.

When asked, it was confirmed that the Returning Officer had powers to move a polling place urgently if it was found a venue was unavailable especially if a snap election.

RESOLVED: That Council be recommended to approve the following changes to Polling Places

- (1) Move the polling place from the Co-op Superstore car park to Boley Park Community Centre and environs.
- (2) Move the polling place from The Willows Primary School to Curborough Community Centre subject to approval by the Centre.
- (3) Move the polling place at St Micheal's Primary School to the three primary schools – St Michael's, Five Spires Academy and St Joseph's – and define the polling places as Cherry Orchard schools.
- (4) Move the polling place at SS Peter's and Paul's Primary School and incorporate within the polling place at Chadsmead Primary Academy.
- (5) Move the polling place at Bexmore Drive, Streethay to Streethay Primary Academy.
- (6) Move the polling place at the Longwood Public House, Fazeley and incorporate within the polling place at Fazeley Town Hall.
- (7) Move the polling place at The Highwayman Public House, Shenstone Wood End and incorporate within the polling place at Shenstone Village Hall.
- (8) Move the polling place at SS Joseph's and Theresa's to The Old Mining College.
- (9) Move the polling place at Oakdene Road island to the area youth centre for polling district CM and to Springhill Academy for polling district CS2.

(10) Move the polling place at Holly Grove Primary School to St John's Community Church and if this is not possible, ensure the rear gate is open for voters.

17 REGISTRATION OF SKIN TREATMENTS POLICY

The Committee received a report on the recent consultation to the draft Special Treatments Policy and seeking approval for submission to Council for adoption.

It was reported that there was legislation covering this type of treatments as well as Council By-laws and this policy brought it all into one document.

It was reported that one response was received requesting change in wording to the definition of Electrolysis. It was also advised that Environmental Health Officers had clarified some of the wording which had been incorporated into the draft strategy.

Members asked if it was a requirement to have personal liability insurance and it was reported that this would be checked. It was agreed that if this should be a requirement for registration, this would be looked into and the policy be amended to reflect this.

It was then asked whether DBS checks were carried out as part of the registration process and it was reported that this would be verified however if it was not in legislation to require it, it could not be enforced.

It was confirmed that the fees for registration covered all cost incurred by the Council to carry out this function.

RESOLVED: (1) That the new Special Treatments Policy be approved for submission to Council for adoption;

(2) That the requirement to have public liability be included if found to be necessary; and

(3) That the Chairman of Regulatory & Licensing Committee together with the Head of Regulatory Services, Housing and Wellbeing be delegated to make minor amendments to the Policy.

18 THANKS TO THE DIRECTOR OF TRANSFORMATION AND RESOURCES

The Committee wished to thank the Director of Transformation and Resources, Mr Neil Turner, who would be leaving the Authority at the end of the year for all his work and guidance and wished him well for the future.

(The Meeting closed at 6.40 pm)

CHAIRMAN

This page is intentionally left blank

Community Lottery

Report of Councillor Ashley Yeates, Cabinet Member Housing and Community



Date:	10 th December 2019
Agenda Item:	13
Contact Officer:	Gareth Davies / Susan Bamford
Tel Number:	308741/308170
Email:	Gareth.davies@lichfielddc.gov.uk Susan.Bamford@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	Affects all Wards

Council

1. Executive Summary

- 1.1 In order to operate the local community lottery that Cabinet approved on the 12th November 2019, a number of policies are required by the Gambling Commission to support any application for a licence. The attached policies to support the licence application require the approval of Council.

2. Recommendations

- 2.1 To approve the recommendation of Cabinet made at the meeting held on 12 November 2019 to:
- (i) approve the policies listed below to govern the operation of the lottery and
 - (ii) that the Cabinet Member for Housing and Communities, in consultation with the Head of Regulatory Services Housing and Wellbeing are authorised to make any minor amendments that may be required to the policies in the future.
 - Social Responsibility in Gambling – Appendix A
 - Protection from Crime and Disorder – Appendix B
 - Implementation Procedures – Appendix C
 - Fair and Open Gambling – Appendix D
 - Children and vulnerable person protection – Appendix E

3. Background

- 3.1 Cabinet approved on the 12th November 2019, the setting up of a local community lottery scheme to directly benefit local community groups and charities.
- 3.2 In order to operate the local community lottery, a number of policies are required by the Gambling Commission to support any application for a licence. Those policies are:
- Social Responsibility in Gambling – Appendix A
 - Protection from Crime and Disorder – Appendix B
 - Implementation Procedures – Appendix C
 - Fair and Open Gambling – Appendix D
 - Children and vulnerable person protection – Appendix E

- 3.3 Aylesbury Vale Borough Council were the first Local Authority to develop such a lottery and have assisted a number of other Local Authorities through the process of obtaining a licence from the Gambling Commission to operate a lottery. They have advised us on the content of the policies, which have been successful in meeting the requirements of the Gambling Commission in the past.
- 3.4 Lotteries are the most common type of gambling activity across the world, and considered to be a 'low risk' form with respect to the emergence of problem gambling. This is because it's a relatively controlled form of gambling and part of the motivation for many individuals will be supporting good causes, with the possibility of winning an added bonus. The Lichfield District Lottery will help mitigate against many of the issues related to addictive gambling by:
- The lottery only being playable via direct debit and by pre-arranged sign up.
 - There is no 'instant' gratification or 'instant reward' to taking part.
 - There will be no 'high profile' activity surrounding the draw.
 - It is possible to put a maximum cap on the number of tickets that an individual can purchase.
- 3.5 In addition, the Lichfield District Lottery website will contain a section providing links to gambling support organisations. In this way the Lichfield District Lottery should not lead to an increase in problem gambling; and the benefits to good causes in the District from the proceeds of the lottery balances against possible negative issues.

Alternative Options	The policies could be amended but this would need to be done cautiously as the attached policies have met the requirements of the Gambling Commission previously.
---------------------	---

Consultation	Community Housing and Health Overview and Scrutiny Committee recommended that Cabinet recommend the approval of the attached policies to Council. Cabinet subsequently did this on the 12 th November 2019.
--------------	--

Financial Implications	There are no additional financial requirements from this report.
------------------------	--

Contribution to the Delivery of the Strategic Plan	<p>The funding that will be created by the lottery will support the priorities of:</p> <ul style="list-style-type: none"> • Vibrant and Prosperous Communities by supporting our residents the local economy, jobs and training. • Healthy and Safe Communities by helping people to be active and continue to live independently and be involved in volunteering. • Clean, Green, Welcoming places to live by supporting organisations that encourage and support volunteers who contribute towards protecting our heritage and looking after green spaces. <p>Funding will also support the County wide initiative of People Helping People and help embed this ethos in our communities.</p>
--	--

<p>Equality, Diversity and Human Rights Implications</p>	<p>The local authority can operate this scheme under its general powers of competence as provided by the Localism Act 2011. The scheme would be licensed by the Gambling Commission who would regulate the scheme under the Gambling Act 2005. They would ensure that the organisations participating in the scheme met agreed criteria such as they provide local activities or services, are properly constituted and have governance arrangements. The Gambling Commission also ensure the scheme is compliant to the licensing code of practice for gambling responsibly.</p>
<p>Crime & Safety Issues</p>	<p>As part of the licence application to the Gambling Commission the Council must have a set of policies purely relating to the scheme which are :</p> <ul style="list-style-type: none"> - Social Responsibility in Gambling - Protection form Crime and Disorder - Implementation Procedures - Fair and Open Gambling - Children and vulnerable person protection <p>These policies help address any Crime & Safety issues.</p> <p>The scheme involves becoming a member of the Lotteries Council which will ensure the requirement to make a donation to responsible gambling is covered.</p> <p>The scheme itself does not provide instant gratification and thus is not considered high risk for developing problem gambling. With the maximum proceeds being returned to good causes locally, it is more of a giving scheme as opposed to gambling.</p> <p>Additionally, it is noted that a number of organisations currently supported through discretionary funding can become beneficiaries of the scheme and include those which directly support and work towards community safety activities.</p>
<p>GDPR/Privacy Impact Assessment</p>	<p>The Lottery scheme will be compliant with GDPR and the privacy notice on the website.</p>
<p>Health and Wellbeing Implications</p>	<p>Voluntary and community groups give their members access to culture and positive activities which enhance their health and wellbeing. The policies help address any health and wellbeing implications.</p>

	Risk Description	How We Manage It	Severity of Risk (RYG)
A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B	The licence application is rejected because the associated policies are not considered adequate	The policies have been accepted as part of other Local Authority applications. If they are rejected the policies would have to be amended.	Green
C	Reputational damage linked to Gambling	Ensure compliance with the Gambling Commissions requirements.	Green

Background documents

[Cabinet Report dated 12 November 2019](#)

Relevant web links

Policy Name	Social Responsibility in Gambling Policy	
Policy Purpose	Ensuring the promotion of social responsibility in gambling.	
Policy Created By		
Policy Created date	October 2019	
Policy Validated and Checked By		
Policy Validated and Checked Date		
Policy Renewal Date		

Policy Detail

1. Lichfield District Council is aware of its social responsibility to protect individuals from excessive and addictive gambling. As a licensing body and regulator we are well versed in these issues.
2. Limits are in place to ensure individuals cannot buy excessive numbers of tickets,
 - 2.1. This therefore restricts the capability for individuals to gamble beyond their means or gamble what they cannot afford.
 - 2.2. These limits will be monitored to see how many players reach them and may be reduced correspondingly if required.
 - 2.3. These limits are clearly highlighted at the point of purchase online.
3. Accounts require validation and set up.
 - 3.1. In the instances of direct debit the Direct Debit Guarantee ensures a time lag between ticket purchase and the first draw.
 - 3.2. As draws take place once per week, Ticket purchases are therefore not capable of being purchased for immediate play and
 - 3.3. for internal process reasons even credit & debit card payments cannot facilitate instant play into a draw for that week and a minimum of one days lag will be effective.
 - 3.4. The combination of these factors does ensure it limits the capability to facilitate instant gambling and therefore significantly reduces the risk of gambling whilst under the influence of drink or other substances.
4. It is not possible to borrow money or be entered for lottery draws unless cleared funds have been accepted. No exceptions will be made to this position.
5. The system data provides facilities to track major changes in the lottery participation. Any significant outliers in the numbers of tickets will be investigated as part of ongoing assessments on the correct levels for ticket participation.



6. A process for self-exclusion from lottery participation exists to allow anyone to self-exclude themselves from all Lichfield District Council propositions (existing or future)
7. Links to the support websites (www.gamcare.org.uk&www.Gambleaware.co.uk) plus the National Gambling Helpline are made available on the website to direct anyone to help and support should they need help from gambling additions. Lichfield District Council will be a contributing member to their research and support through membership of the Lotteries Council.

Gambling commission questions:-

Ensuring the promotion of social responsibility in gambling.

- Are you aware of any organisations that can help problem gamblers? How will you make this information known to your customers?*
- What are your policies and procedures where you have concerns that a customer's behaviour may indicate problem gambling? What advice would you give?*
- Will you have procedures in place to prevent problem gambling arising? For example, are you aware of your regular customers, how much they usually spend, how often they usually gamble? Would you notice any drastic changes to their gambling behaviour and how would you deal with this?*
- What would you do if you felt someone was gambling beyond their means?*
- What are your procedures for self exclusion and how will you monitor this?*
- Will you set any limits on the size of bet/stake that you take? How will you make this information known to your customers?*
- What would you do if someone asked to borrow money from you in order to continue gambling, or if you knew someone was borrowing money in order to fund their gambling?*
- How do you intend to contribute to research and public education on the risks of gambling and how to gamble safely (eg contributions to Gambling Research Education and Treatment)?*



This page is intentionally left blank

Policy Name	Protection From Source of Crime & Disorder Policy
Policy Purpose	Ensuring that Lichfield District will be protected from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
Policy Created By	
Policy Created date	October 2019
Policy Validated and Checked By	
Policy Validated and Checked Date	
Policy Renewal Date	

Policy Detail

1. This Policy is beholden to the Proceeds of Crime Act 2002 (see <http://www.legislation.gov.uk/ukpga/2002/29/contents>) & The Anti Money Laundering (AML) Regulations
 - 1.1. Proceeds of Crime Act 2002 : - *“An Act to establish the Assets Recovery Agency and make provision about the appointment of its Director and his functions (including Revenue functions), to provide for confiscation orders in relation to persons who benefit from criminal conduct and for restraint orders to prohibit dealing with property, to allow the recovery of property which is or represents property obtained through unlawful conduct or which is intended to be used in unlawful conduct, to make provision about money laundering, to make provision about investigations relating to benefit from criminal conduct or to property which is or represents property obtained through unlawful conduct or to money laundering, to make provision to give effect to overseas requests and orders made where property is found or believed to be obtained through criminal conduct, and for connected purposes.”*
 - 1.2. The AML Regulations require relevant businesses to:
 - *put in place procedures to verify the identity of customers on entering into a business relationship or transaction and to carry out ongoing monitoring during the business relationship*
 - *keep records obtained in establishing customers’ identities and of business relationships for five years*
 - *train employees in the relevant procedures and law*
 - *appoint a nominated officer whose role includes reporting to SOCA, or its successor, suspicions of money laundering activity*

- *put in place and maintain policies and procedures to cover the requirements listed above*

2. Lichfield District Council is a professional operation and takes its responsibilities to ensure all players of their society lottery are operating within the law. We are also involved in numerous other Crime and Disorder related activities through our local authority role, and are regularly in contact with our local enforcement agencies. Likewise we are a license issuer and regulatory locally and are very familiar with these regulations.
3. Lichfield District Council employ the services of Gatherwell Ltd a Remote External Lottery Management company and therefore mainly take transactions electronically though either Direct Debit, credit card & debit card. No cash payments can be used for payment, mitigating the chance for the passing of counterfeit money.
4. A number of safeguards are in place to validate players' identities as part of the account verification process. Additionally safeguards are in place to ensure that ticket purchases are not excessive, therefore mitigating the risk of money laundering. If players tried to purchase excessive tickets then the system controls built into the software algorithms will advise the player that they have exceeded the number of tickets possible and stop the transaction.
5. The software resides on secure servers. These reside behind encrypted firewalls and offer bank level security protocols in the transfer of electronic data. Additionally they are situated in a secure data centre managed by Disclosure and Baring checked staff.
6. All transactions for the software will have full audit trails of every transaction made including timestamps. These audit trails will ensure that should any suspicious activity be identified a full investigation by Gatherwell Ltd staff or law enforcement bodies can be undertaken.
7. In an effort to minimise the risk of fraudulent behaviour and demonstrate impartiality throughout, the main Lottery draw each week takes the results from an independently drawn lottery (currently identified as the Australian Super 66). This ensures no fraudulent activity can be taken in the generation of the winning set of numbers for the draw, to ensure compliance at an entry level into the system, these numbers will need to be entered separately by two of the directors of the business each week. The smaller local level prizes are generated based on a random ticket selection from existing purchased tickets by an algorithm within the software.
8. Whilst by its definition a lottery is a random game of chance and therefore offers little opportunity for collusion or cheating, any suspicion of malpractice will result in the immediate blocking of the users account.
9. Any evidence of illegal behaviour by staff will initiate a full investigation, during which time the member of staff will be suspended from duties to ensure the full protection of the players, staff and reputation of the business.

10. All companies who provide fundamental services in the provision of the service (e.g. Direct Debit Bureaus, Age Verification service providers, Prize fund insurance etc.) undergo rigorous validation in terms of their suitability, credibility and reputation. This includes full financial health checks and references where required.



Gambling commission questions:-

Ensuring that the applicant's business will be protected from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- Are you aware of the Proceeds of Crime Act (PoCA) and your responsibilities in relation to the Act?*
- How will you ensure that you are not party to any illegal activities, for example, money laundering? What would you do if you suspect someone was attempting to use you as a way of laundering money? How would you try to detect if someone was attempting to pass counterfeit money and what would you do?*
- How will you protect your equipment from crime and criminal misuse?*
- Will you have CCTV or other crime prevention procedures in place?*
- What security measures will be in place for cash handling?*
- How will you monitor transactions and accounts for any suspicious activities?*
- How will you ensure keys are kept securely (eg machine keys, keys for restricted access areas, money boxes)?*
- Will you have steps in place to prevent money lending between customers?*
- How will you ensure there is no collusion between customers and staff?*
- How would you deal with someone if you felt they were trying to cheat in any way?*
- How would you deal with someone who you felt was under the influence of alcohol or drugs?*
- How will you ensure that other companies you deal with are trustworthy and reputable?*
- If it came to your attention that another operator or a staff member was operating in an illegal manner, what would you do?*
- For remote operators, how will you ensure there is no peer to peer collusion (eg in poker rooms)?*



Policy Name	Implementation of Procedures Policy	
Policy Purpose	The Process for Implementing Lichfield policies and procedures.	
Policy Created By		
Policy Created date	October 2019	
Policy Validated and Checked By		
Policy Validated and Checked Date		
Policy Renewal Date		

Policy Detail

1. Lichfield District Council takes its legal responsibilities very seriously and requires that Officers and staff are aware of their legal obligations in running a successful and legally compliant Lottery. As a local lottery license issuer and regulator we are well versed in the needs and requirements under such a license.

2. New Starters
 - 2.1. All new starters will be given training as part of the induction process. The level and depth is dependent on role but covers :
 - 2.1.1.The Gambling Act 2005
 - 2.1.2.LCCP
 - 2.1.3.CAP and BCAP
 - 2.1.4.Data Protection
 - 2.1.5.Plus the process for highlighting any evidence of non-compliance

3. Existing Staff
 - 3.1. All officers connected to the lottery are aware of their legal responsibilities and compliance is a regular agenda item at review meetings.
 - 3.2. Annual refresher courses for staff will be run to maintain knowledge and compliance.
 - 3.3. Adhoc on the job training forms part of the development of staff and focus areas for development are identified during the annual appraisal process and regular review process.

4. Umbrella Good Causes
 - 4.1. As part of our lottery scheme we will be enabling good causes to join under the Lichfield Lottery itself.



- 4.2. All organisations will be provided with a fact sheet summarising their responsibilities covering the same items as set out in 2 above.
- 4.3. Annual training events will be run for the good causes addressing the same issues as set out in item 3 above.

5. Training records will be kept as part of the personnel record of individuals and a register of key training delivered and renewal dates kept.

6. Training will be delivered in conjunction with our ELM Gatherwell Ltd



Gambling commission questions:-

Implementing your policies and procedures.

- What training will you provide to your members of staff?*
- How will training be delivered, updated and evaluated?*
- Will you keep a record of all training provided?*
- How will you ensure any training provided is in line with the LCCP?*



This page is intentionally left blank

Policy Name	Fair and Open Gambling Policy	
Policy Purpose	Ensuring that gambling will be conducted in a fair and open way.	
Policy Created By		
Policy Created date	October 2019	
Policy Validated and Checked By		
Policy Validated and Checked Date		
Policy Renewal Date		

Policy Detail

1. Lichfield District Council are committed to complying with the Gambling Act 2005, The Gambling Commissions LCCP, Lotteries Council Code of Conduct and The CAP and BCAP code, As a licensing body we are well aware of the requirements and regulate the same at the local level under our licensing powers.
2. Lichfield District Council utilise the services of Gatherwell Ltd who are an External lottery management company ensuring that the lottery is delivered on a financially sound basis as:-
 - 2.1. The financial structure of the lottery ensures that revenues are received prior to the running of any draw.
 - 2.2. Each draw is self-funded in terms of the liabilities that then arise (prizes, good cause donations etc)
 - 2.3. No players' tickets will be included in the draw unless cleared funds have been secured.
 - 2.4. The prize fund and good cause donations are calculated on a % basis of the revenue pot therefore ensuring sufficient funds will always be in place.
 - 2.5. Jackpot prizes are funded through an underwritten insurance policy provided by a reputable underwriter established in the UK, again paid for as a % of each entry
3. All terms and conditions are available for participants on the Lichfield lottery websites, including the main <www.....lottery.co.uk> website. (TBC)
 - 3.1. As part of the sign up process for new participants new participants are asked to agree acceptance of the terms and conditions at the time of signing up. New accounts cannot be created unless the terms and conditions are accepted.
 - 3.2. Participants will be advised of changes to the terms and conditions via pop ups on the website. In exceptional circumstances, all participants can be emailed a link to advise them of the new terms and conditions

4. Our terms and conditions detail the complaints procedure should participants need to raise any issues or concern, both internally at Lichfield District Council and externally through the use of an independent arbiter should resolution not be found.
5. No loyalty or reward schemes are being offered.
6. Section 257 of the Gambling act 2005 highlights that “A person acts as an external lottery manager for the purposes of this Act if he makes arrangements for a lottery on behalf of a society or authority of which he is not—
 - (a) a member,
 - (b) an officer, or
 - (c) an employee under a contract of employment.
 - 6.1. As such Gatherwell ask its board and staff to declare any conflict of interest in any potential target clients, in addition to the specific requirement to comply with the law as stated above for existing clients.
7. Gatherwell Ltd holds responsibility for ensuring that all technical solutions remain within scope of the law.
 - 7.1. These include testing procedures for both existing, upgraded and new software propositions
 - 7.2. Ensuring that all servers are located in the UK
 - 7.3. Software protocols and administrator access is limited to core personnel
 - 7.4. All Contractors and Third Party suppliers are advised of our standards before they are allowed to deliver technical support. Access is limited to the scope of their work and monitored and logged accordingly.



Gambling commission questions:-

Ensuring that gambling will be conducted in a fair and open way.

- How will you ensure that you have sufficient resources to cover all your gambling transactions and financial obligations?*
- How will you ensure that the rules and conditions of the gambling facilities you provide are available and understood, and that the terms offered are fair to all?*
- How will you notify customers when your rules and conditions change?*
- How will you deal with complaints or disputes? How is this information made available to customers?*
- Will you use a third party arbiter for any unresolved complaints or disputes?*
- Will you be offering loyalty and reward schemes? If so, how will you ensure they are compliant with the LCCP?*
- How will you ensure you comply with any relevant technical standards (eg Section 240 of the Gambling Act 2005)?*
- How will you ensure any third party providers comply with any relevant technical standards?*
- How will you assess whether a new product needs testing and how do you ensure that you comply with the testing requirements set out in the technical standards?*
- Will you comply with any codes of practice set by other organisations (eg Trade Associations)?*



This page is intentionally left blank

Policy Name	Children and Vulnerable Persons Protection Policy
Policy Purpose	Ensuring that children and other vulnerable persons, will be protected from being harmed or exploited by gambling.
Policy Created By	
Policy Created date	October 2019
Policy Validated and Checked By	
Policy Validated and Checked Date	
Policy Renewal Date	

Policy Detail

1. Lichfield District Council understands its requirements as part of the LCCP (Licencing Conditions and Codes of Practice) and takes its responsibilities to the protection of Children and Vulnerable persons very seriously. In our wider involvement as a key agency in all aspects of child protection we are well aware of our responsibilities.
2. Lichfield District Council understands that there is a legal requirement to prevent the sale of lottery tickets to under 16's.
 - 2.1. To ensure compliance with this requirement our ELM (Gatherwell Ltd) spot checks new players of the lottery subjecting them to Age Verification checks via an industry recognised third party agency to ensure they are of a legal age to play.
 - 2.2. Age verification service providers can deliver positive results to ensure players are over 18 and therefore Gatherwell has opted to only accept these positive checks as a validation of age.
 - 2.3. As a final check before any jackpot prizes are issued, secondary age validation is also sought (passport, driving licence etc.)
3. To ensure players are aware of the age limitations,
 - 3.1. Clear statements will be displayed on the various websites relating to the required age to play, the age requirement is also highlighted in the terms and conditions that the player signs up to at registration
 - 3.2. In addition Lichfield District Council has enabled its website to permit filtering software to be used by adults (such as parents or within schools) in order to restrict access as relevant.
4. Should it come to pass that the age verification checks proved inaccurate and someone underage had gambled, then the user account would be suspended and monies returned.
5. Marketing falls into two areas:-

- 5.1. Firstly in encouraging good cause participation (where there is a low risk of exposure to children and vulnerable people) and
 - 5.2. Secondly in the development of materials that support participation of the individual lotteries.
 - 5.2.1. In this area generic marketing materials are used which can be tailored to deliver a marketing package to each individual good causes to help them market their lotteries
 - 5.3. To ensure compliance with the Advertising Codes of Practice advertising materials will regularly be submitted to the Committee of Advertising Practice (CAP) for approval
6. As recruitment is undertaken to fill vacancies, if exposed to the direct selling of tickets then
- 6.1. Applicants will need to be of a legal age to do so. And educated on the legal requirement to not sell tickets to children under the age of 16.
 - 6.2. Training is also undertaken for staff and our umbrella good causes – see our Implementation of Procedures Policy.
7. Player Accounts require validation and set up.
- 7.1. In the instances of direct debit the Direct Debit Guarantee ensures a time lag between ticket purchase and the first draw.
 - 7.2. As draws take place once per week, Ticket purchases are therefore not capable of being purchased for immediate play and
 - 7.3. for internal process reasons even credit & debit card payments cannot facilitate instant play into a draw for that week and a minimum of one days lag will be effective.
 - 7.4. The combination of these factors does ensure it limits the capability to facilitate instant gambling and therefore significantly reduces the risk of gambling whilst under the influence of drink or other substances.

Gambling commission questions:-

Ensuring that children and other vulnerable persons will be protected from being harmed or exploited by gambling.

- What are your policies and procedures to prevent underage gambling?*
- What information will you display relating to underage gambling?*
- What age verification procedures will you have in place?*
- What would you do if you discover someone underage had gambled?*
- How will you prevent someone who is underage entering adult only areas?*
- What are your procedures relating to the employment of young people?*
- What steps will you take to ensure that any products and services you offer are not of particular appeal to children or young people?*
- What marketing and advertising will you be carrying out? How will you ensure you are compliant with the Advertising Codes of Practice and the LCCP?*
- What would you do if you felt someone was not capable of making an informed decision about gambling, for example, because of mental health problems, learning disabilities or substance misuse relating to alcohol or drugs?*
- What age verification procedures will you have in place to prevent underage gambling online?*



This page is intentionally left blank

REVIEW OF POLLING DISTRICTS AND POLLING PLACES



Report of Cllr B Yeates, Chairman of Regulatory and Licensing Committee

Date:	10 December 2019
Agenda Item:	14
Contact Officer:	Neil Turner / Sarah Pearce
Tel Number:	308761 / 308008
Email:	neil.turner@lichfielddc.gov.uk
Key Decision?	NO
Local Ward Members	All Members

COUNCIL

1. Executive Summary

- 1.1 The Regulatory and Licensing Committee has been supporting the review of the district’s polling places and polling districts. The Council is required to complete such a review at least every five years and by no later than 31 January 2020.
- 1.2 A polling district is an area whose electorate are all invited to vote at the same polling place. A polling place is a location in which one or more polling stations are provided to allow the electorate to vote. A polling station is the room, or part of a room, where voting takes place.
- 1.3 The Review is conducted in accordance with the Representation of the People Act 1983 and guidance issued by the Electoral Commission.
- 1.4 Consultation started on 4 October and concluded on 15 November 2019. 203 representations were received.
- 1.5 The Regulatory and Licensing Committee considered the findings of the review at its meeting on the 26 November 2019 and is proposing a series of recommendations to Council as to the polling places in the district for 2020 and beyond.

2. Recommendations

It is recommended that Council approves the following changes to its polling places:

In Burntwood

- 2.1 Move the polling place from St Joseph’s and St Theresa’s Primary School to The Old Mining College Centre.
- 2.2 Move the polling place from a mobile unit at the Oakdene Road Island and incorporate within the polling places at Burntwood Area Youth Centre for voters in polling district CM and at Springhill Academy for polling district CS2.
- 2.3 Move the polling place from Fulfen Primary School to Burntwood Memorial Institute.
- 2.4 Move the polling place at Holly Grove Primary School to St John’s Community Church.

In Lichfield

- 2.5 Move the polling place from the Co-op Superstore car park to Boley Park Community Centre.
- 2.6 Move the polling place from The Willows Primary School to Curborough Community Centre.

- 2.7 Move the polling place at St Michael's Primary School to the three primary schools – St Michael's Primary School, Five Spires Academy and St Joseph's Primary School – and define the polling place as 'Cherry Orchard schools'.
- 2.8 Move the polling place at St Peter's and St Paul's Primary School and incorporate within the polling place at Chadsmead Primary Academy.

In Villages

- 2.9 Move the polling place at Bexmore Drive, Streethay to Streethay Primary Academy.
- 2.10 Move the polling place at the Longwood Public House, Fazeley and incorporate within the polling place at Fazeley Town Hall.
- 2.11 Move the polling place at The Highwayman Public House, Shenstone Wood End and incorporate within the polling place at Shenstone Village Hall.

3. Background

- 3.1 The Council is obliged to review the Polling Districts and Polling Places that it uses to support the running of parliamentary elections. Such a review considers the number of voters in a polling district and the suitability of the polling places which are used to provide polling stations.
- 3.2 Whilst the review needs to be undertaken for parliamentary reasons, in practice, the Council uses the same polling districts and polling places for other elections including national referenda, local government, PCC and neighbourhood plan referenda.
- 3.3 Such a review is a formal process and its recommendations are considered and approved by Council but, of course, more informal reviews are undertaken by the Returning Officer's team ahead of each election to ensure that polling places remain suitable.
- 3.4 Definition of terms:-
- **Parliamentary constituencies:** these cannot be changed by the review. The division of these constituencies into polling districts and places is the subject of the review.
 - **Polling district:** the geographical area created by the sub-division of a constituency or ward into smaller parts, within which a polling place can be determined which is convenient to electors.
 - **Polling place:** the building or area in which polling stations will be located.
 - **Polling station:** the room, part of a room, or building where the poll takes place.
- 3.5 The boundaries of polling districts and the location of polling places are for the Council to determine whilst the specific locations of the polling stations are the responsibility of the Returning Officer.
- 3.6 The review allows the Council to identify optimum polling districts and polling places.

Criteria for Polling Places

- 3.7 Polling Places contain one or more polling stations and the following criteria are used when assessing the suitability of a Polling Place:
- Must be available for elections between 6.30am and 10.30pm and that the council has priority for bookings for elections.
 - Each polling station to have no more than 1600 voters. So a polling district with, say, 1800 voters, would need a polling place that could accommodate 2 polling stations.
 - Proximity to voters
 - Accessible for all, including those with mobility or sensory difficulties

- Safe, warm and well-lit
- Cost
- Schools only to be used when there are no suitable community venues
- Mobile polling stations to be used if there are no suitable community venues or schools.

Key Issues

3.8 The council identified a number of specific issues for consultation.

3.9 These issues included:

Streethay – the polling station is currently provided in a mobile facility at Bexmore Drive. But in recent years, there has been significant development in Streethay including the building of Streethay Primary Academy.

The use of Primary Schools –at every election the Council receives complaints from parents whose child’s school is closed. The council recognises the disruption to parents and to pupils when a school is closed because of an election, although it is the decision of the Head to close a school. In some cases, there may be actions that can be taken that mean that the school could remain open and a polling station operate.

In consequence, the council seeks to use alternative community venues where they exist and where they are suitable. The council will not choose to use a mobile polling station where a school exists because a mobile polling station is not as accessible for those with certain disabilities.

The Consultation

3.10 The consultation was complemented by statements from the two Acting Returning Officers.

3.11 Consultation was conducted online. The council received 201 responses via the online form, and 2 more detailed responses via email.

3.12 Representations were received from 3 schools and 3 parish councils.

3.13 The remaining consultees were individuals, predominately parents of pupils at schools that are used as polling stations. The use of schools was the main issue to be raised.

The Proposals

Lichfield

3.14 To move the polling station from a **mobile unit at the Co-op Superstore** to Boley Park Community Centre for the purposes of improving accessibility. This has been done for the general election and affects 494 voters.

3.15 To move the polling station at **Willows Primary School** to Curborough Community Centre. The Willows Primary School provides a polling station for 1486 voters in the ward of Curborough. The Community Centre has previously been used as a polling station, within the polling district and is adjacent to the school.

3.16 To rotate the polling station at **St Michael’s Primary School** with the other two primary schools in Cherry Orchard, Lichfield. The school provides a polling station for 1102 voters in the St John’s ward. This station is on the very edge of its polling district. There are no suitable community venues in this district but there are two other primary schools – Five Spires Academy and St Joseph’s Catholic School – adjacent. It is recognised that it is unfair to the pupils and parents of just one school to be impacted by an election. It is proposed therefore that the polling place be identified as the three schools (to be known as Cherry Orchard schools) and the polling station be confirmed ahead of each election. It is envisaged that each school will be chosen in turn to accommodate a polling station.

3.17 To move the polling station from **SS Peter’s and Paul’s Primary School** to Chadsmead Primary Academy to minimise disruption to pupils. Both schools provide polling stations serving the Chadsmead ward.

Chadsmead has 1963 voters whilst St Peter's and St Paul's serves 488. It makes sense to ask one school to accommodate a larger number of polling stations than to use both schools.

- 3.18 Of the other Lichfield primary schools - Scotch Orchard (1500 voters) and Charnwood (1890 voters) – there does not appear to be any alternative suitable venues.

Burntwood

- 3.19 To move the polling place at **St Joseph's and St Theresa's School** (1833 voters) to The Old Mining College (573). Both sites are in Chasetown ward. The school currently hosts two polling stations but for the purposes of minimising disruption to pupils it is suggested moving the polling stations to The Old Mining College.
- 3.20 To move the polling station from a **mobile unit at Oakdene Road** to the former Area Youth Centre at Cherry Close for Chasetown ward residents (351 voters) and to Springhill Academy for Summerfield and All Saints ward residents (459 residents) in order to improve accessibility. Cherry Close and the Academy are currently used by 556 voters and 1130 residents respectively.
- 3.21 To move the polling station at **Holly Grove Primary School** to St John's Community Church in order to minimise disruption to pupils. Both sites are in Chase Terrace ward. Holly Grove provides a polling station for 1475 residents and St John's Community Church, 2278.
- 3.22 To move the polling stations at **Fulfen Primary School** to the Burntwood Memorial Institute in order to minimise disruption to pupils. This would affect 2151 voters.
- 3.23 The committee considered Redwood Park pavilion as an alternative to the **mobile unit at Robinson Road, Burntwood** but this was discounted because of access and safety concerns. This station serves 1119 voters in the Boney Hay and Central ward. The Committee has asked officers to consider in future reviews whether the voters in this area could be moved to one of the three other polling places in this ward – Chase Terrace Primary School, Boney Hay Primary School or Chase Terrace Technology College.
- 3.24 The committee also considered moving the polling stations at **Chase Terrace Primary School** to Burntwood Library in order to minimise disruption to pupils but this was discounted because of concerns around parking, distance from voters and because the school is able to accommodate a polling station without closing.
- 3.25 The committee also considering moving the polling station at **Springhill Primary School** to the scout hut on Elder Lane. This proposal is not being recommended to Council because the scout hut is not convenient to residents and because of concerns regarding access and safety.
- 3.26 No other community venues have been identified to remove the need for the other school venues.

Elsewhere in Lichfield District

- 3.27 To move the polling station from a mobile unit at **Bexmore Drive, Streethay** to Streethay Primary School to improve access for voters, particularly for those with disabilities. In recent years the population has grown, and will continue to grow, in Streethay particularly to the west of the Burton Road. At the start of the review, the polling station served 909 voters in the Whittington and Streethay ward. For the general election, the station has 997 voters. Access is not good as there is no hard standing between the highway and the polling station. There are no alternative community venues in the polling district and the school has indicated it will be willing to accommodate a polling station.
- 3.28 To move the polling station from a mobile unit at the **Longwood Public House, Fazeley** to Fazeley Town Hall for the purposes of improving accessibility for those with disabilities. The town hall is approximately 800m from the Longwood public house but some voters will find it closer to them. The unit provides a station for 944 voters in the Fazeley ward. Fazeley Town Hall currently provides a polling station for 822 voters.
- 3.29 To move the polling station from a mobile unit at the **Highwayman Public House, Shenstone Wood End** to Shenstone Village Hall for the purposes of improving accessibility for both those with disabilities and for voters. The mobile unit serves 172 voters in Bourne Vale ward. This polling station served more

until electoral boundaries were redrawn. In consequence, voters in Shenstone Wood End now vote in Little Aston whilst this station serves residents living along the main road to Shenstone and in Little Hay. This is a polling station with one of the smallest voter registers in the District.

3.30 There have been no alternative community venues identified to remove the need for schools.

Alternative Options	There are a myriad of different options for the way that polling places are identified.
Consultation	203 responses were received during the consultation period. There were additional discussions with the two Acting Returning Officers and with potential venues. The Regulatory and Licensing Committee have agreed these recommendations.
Financial Implications	Reducing the number of polling stations – and in particular, mobile polling stations will reduce the cost of running elections.
Contribution to the Delivery of the Strategic Plan	To enable the democratic process whereby voters elect those councillors that will drive through changes to improve the quality of life for everyone.
Equality, Diversity and Human Rights Implications	The aim of the review is to seek to ensure that all electors have reasonable facilities for voting, including having regard to the accessibility needs of disabled persons.
Crime & Safety Issues	Not applicable to this report
GDPR/Privacy Impact Assessment	Not required for this report.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Proposed polling stations are not able to accommodate increased voter numbers	We will assess performance of the larger polling stations at the general election and review accordingly	Yellow

<p>Background documents</p> <p>Guidance notes from Commission</p> <p>Webpages as published</p> <p>Consultation responses</p> <p>List of polling places</p>

<p>Relevant web links</p> <p>lichfielddc.gov.uk/pollingdistrictsreview</p>
--

This page is intentionally left blank

AMENDMENTS TO THE CONSTITUTION – Scheme of Delegation



Report of Angela Lax, Cabinet Member for Legal & Regulatory Services

Date:	10 December 2019
Officer Title:	Agenda Item 15
Officer Title:	Christie Tims – Head of Corporate Services and Interim Monitoring Officer
Local Ward Members	N/A

Full Council

1. Executive Summary

- 1.1 The Lichfield District Council Constitution is constantly reviewed and updated to ensure it remains fit for purpose, reflects changes in legislation, and provides appropriate delegations.
- 1.2 Due to recent staffing changes and findings from a scheme of delegation audit, several changes are necessary to the scheme of delegation to officers.

2. Recommendations

- 2.1 To approve the updated scheme of delegation.
- 2.2 To approve the temporary delegations to all Heads of Service.

3. Background

Delegation to Officers

- 3.1 Part 3 Section 4 of the constitution details the scheme of delegation to officers. Following the recent changes made to Head of Service positions several changes are now necessary to the constitution to formally recognise the new arrangements.

These are summarised as:

- Removal of the Head of Legal, Democratic and Property Services from the establishment and distribution of these delegations to the Head of Corporate Services and Assistant Chief Executive as appropriate.
- Removal of the Head of Development Services from the establishment and re-allocation of these duties to the Head of Economic Growth and Development.
- Removal of services from the remit of the Head of Corporate Services and allocation to the Assistant Chief Executive as appropriate.
- The Head of Finance and Procurement be appointed as the Council’s Money Laundering Officer.
- The Head of Customer Services, Revenues and Benefits be delegated authority to represent the authority at court for local taxation recovery and appoint other such officers to act in this regard.

- 3.2 Section 4.g of the Constitution also indicated that appointment of staff is delegated to directors. In practice directors **authorise** a post to be filled at recruitment approval stage but the actual appointment process and approval is given by the Head of Corporate Services following appropriate recruitment processes.

Temporary Delegations

3.3 In addition to the permanent changes to the scheme of delegation rules, temporary arrangements will need to be put in place to ensure resiliency for delegations normally reserved for Directors following the recent departure of the Director of Place and Community and the impending departure of the Director of Transformation and Resources. It is recommended that the delegation is extended to all Heads of service on a temporary basis.

These include:

- To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
- To ensure the provision of professional advice to all parties in the decision-making process.
- To represent the Council on partnership and other bodies.
- To be responsible for the health and safety of all employees of the Council.
- To authorise recruitment within their area, subject to budgetary approval.

Alternative Options	Not to update the Constitution and scheme of delegation in line with recommendations from the audit and changes to leadership. To not do so could lead to inefficiency and confusion.
---------------------	---

Consultation	All changes meet the needs of the organisation and have been consulted with Heads of Service and the legal service.
--------------	---

Financial Implications	None; there are no implications for the changes themselves.
------------------------	---

Contribution to the Delivery of the Strategic Plan	Proposals will assist with compliance with the legal requirements and efficiency thus the Council's ability to deliver the services required.
--	---

Equality, Diversity and Human Rights Implications	None
---	------

Crime & Safety Issues	None
-----------------------	------

GDPR/Privacy Impact Assessment	Yes – all data collected and collated in the preparation and operation of the constitution has been impact assessed with the appropriate controls in place.
--------------------------------	---

	Risk Description	How We Manage It	Severity of Risk (RYG)
1	Legal challenge as constitution is not up to date	Update Constitution	Green

Background documents Current and revised draft Constitution
--

Relevant web links https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?Cid=190&Mid=304&Ver=4&info=1

PART 3

RESPONSIBILITY FOR FUNCTIONS

INDEX TO PART 3

RESPONSIBILITY FOR FUNCTIONS

Section

1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

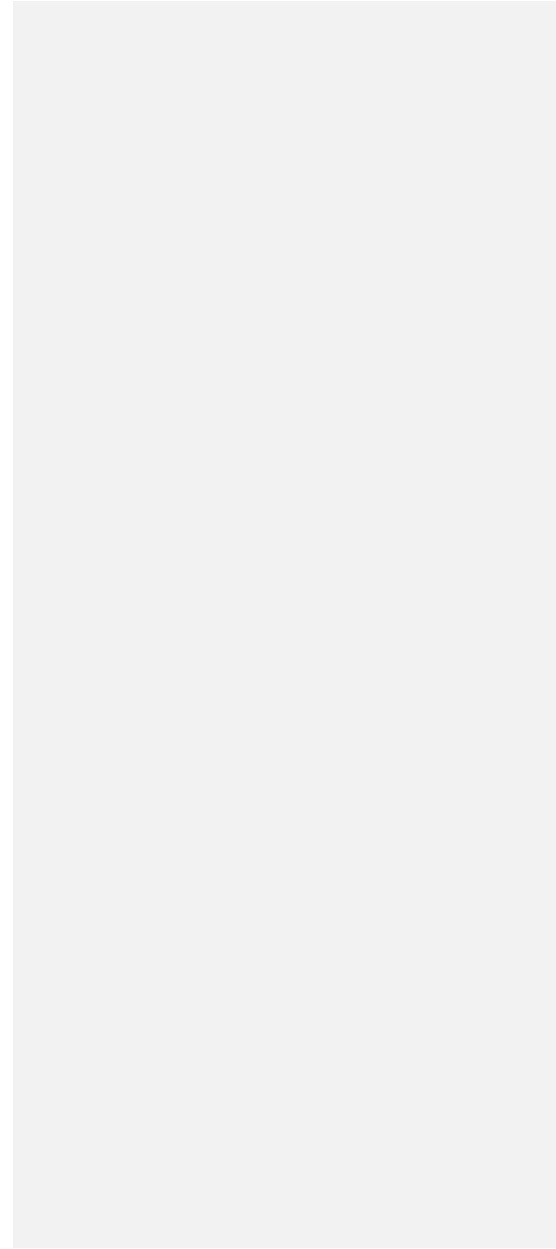
Page 83

Council	Appointments Committee
Planning Committee	Disciplinary and Grievance Appeals Committee
Regulatory and Licensing Committee	Investigatory and Disciplinary Committee
Audit and Member Standards Committee	Joint Waste Committee
Employment Committee	Licensing Sub-Committee
Strategic Overview and Scrutiny Committee	Assessment Sub-Committee
Community, Housing and Health (Overview and Scrutiny) Committee	Review Sub-Committee
Leisure, Parks and Waste Management (Overview and Scrutiny) Committee	Economic Growth, Environment and Development (Overview and Scrutiny) Committee

3 RESPONSIBILITY FOR CABINET FUNCTIONS

Cabinet
 Leader of the Council
 Cabinet Members

Note: The functions and responsibilities shall be construed with reference to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and all subsequent amendments to the Regulations (referred to as the Functions Regulations)



PART 3 – Section 1 - Responsibility for Local Choice Functions

Function	Decision Making Body	Delegation of Functions
Appeals against disciplinary action against Chief Officers and appeals in respect of dismissals for Heads of Service and the Assistant Chief Executive	Disciplinary and Grievance Appeals Committee	Officers as set out in Part 3
Functions relating to contaminated land under the Environmental Protection Act 1990	Cabinet	Officers as set out in Part 3
Functions relating to the control of pollution or the management of air quality	Cabinet	Officers as set out in Part 3
Service of an abatement notice in respect of a statutory nuisance	Cabinet	Officers as set out in Part 3
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet	None
Inspection of the Authority's area to detect statutory nuisances	Cabinet	Officers as set out in Part 3
Investigation of complaints as to the existence of statutory nuisances	Cabinet	Officers as set out in Part 3
Obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet	Officers as set out in Part 3
Obtaining of information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land	Cabinet	Officers as set out in Part 3
Appointments to Outside Bodies in relation to Executive functions and revocation of such appointments	Council	
The making of agreements with other local authorities for the placing of staff at the disposal of those authorities.	Cabinet	Officers as set out in Part 3

PART 3 – Section 2 – Responsibility for Council Functions

Council/ Committee/Panel	Functions	Delegation of Functions
Council	Making and amending Standing Orders, Contract and Financial Procedure Rules	None
	Appointment of Staff	Appointment of Chief Executive is reserved to full Council. Appointment of Directors – delegated to Appointments Committee Appointment of other staff – delegated to officers as set out in Part 3.
	Designation of officers as the Monitoring Officer and Section 151 Officer	None
	Determining the scheme for Members allowances	None
	Decisions on delegation of non-executive functions to other local authorities	None
	Appointment of the Proper Officer for Public Health	None
	Making appointments to outside bodies in relation to non-Executive functions	None
Planning Committee	Functions relating to town and country planning and development control as specified in Schedule 1 Part A to the Functions Regulations.	Officers as set out in Part 3
	Imposing such conditions, limitations, restrictions or other terms as it considers appropriate on any approval, consent, licence, permission or registration granted in the exercise of the functions set out above.	Officers as set out in Part 3
	In respect of the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee (or by an officer acting under delegated powers) or any failure to comply with a condition, limitation or terms to which any such approval, consent, licence, permission or registration is subject	Officers as set out in Part 3
	Powers relating to the protection of important hedgerows and the preservation of trees	Officers as set out in Part 3
	Functions relating to high hedges under the Anti-social Behaviour Act 2003	Officers as set out in Part 3
	Local List of Building of Architectural or Historical Interest	None

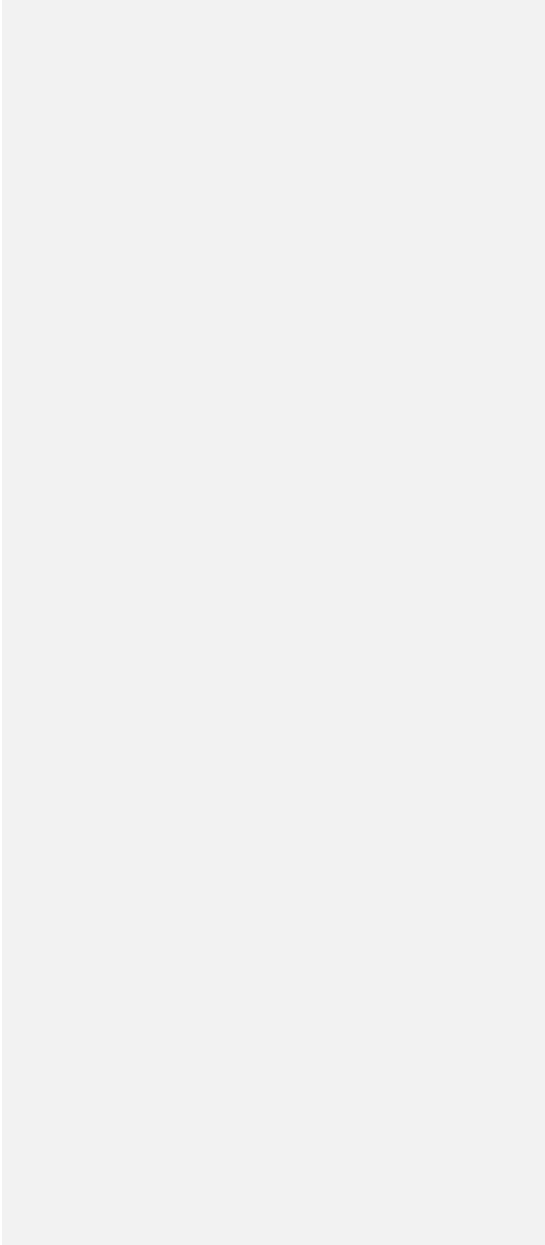
Council/ Committee/Panel	Functions	Delegation of Functions
Employment Committee	Responsible for making appointments to all posts below Chief Officer which are not within the remit of the Appointments Sub-Committee, including deciding the salary and the terms and conditions of employment of such.	Chief Executive and officers in Part 3
	Determining the terms and conditions of employment of employees including Policies relating to employment including code of conduct, disciplinary, attendance management etc. Approving revised structures within a department for which budget provision has been made but which fall outside officer delegations, provided that any restructuring across departments shall be referred to Council for approval.	Officers as set out in Part 3
	Flexible retirement/redundancy	Chief Executive/Head of Corporate Services
	Approval and monitoring of health, safety and welfare policy	Policy approved by Committee Protocols, procedures and guidance delegated to officers?
	Functions relating to Local Government Pensions etc., for all employees under Regulations made under Sections 7, 12 or 24 of the Superannuation Act 1972.	Chief Finance Officer
	Pensions	Chief Executive/Head of Corporate Services
	Authorisation of Officers	Chief Executive
	Proper Officer appointment	Chief Executive
	Power to pay appropriate expenses duly incurred by the Returning Officer in the organisation of all elections, polls, referenda in accordance with nationally determined fees and charges or in accordance with rates of pay agreed by Staffordshire County Council	Chief Executive
Council/ Committee/Panel	Functions	Delegation of Functions
Regulatory and Licensing	Functions relating to the licensing and registration of taxis, gaming, entertainment, food, licensing activities under the Licensing Act 2003, and miscellaneous matters as	Officers as set out in Part 3 Licensing Act 2003 – see Appendix A

Committee/ Licensing Sub- Committee	set out in Part B of Schedule 1 to the Functions Regulations	Gambling Act 2005 – see Appendix B
	Functions relating to health and safety under any “relevant statutory provisions” within the meaning of Part I of the Health and Safety at Work etc., Act 1974, to the extent that these functions are discharged otherwise than in the Council’s capacity as employer.	Officers as set out in Part 3
	Health Act 2006 functions	Officers as set out in Part 3
	Determining the amount of any charge to be made for any application for approval, consent, licence, permit or registration within the terms of reference of the Committee.	Officers as set out in Part 3
	In relation to the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted by the Committee (or an officer acting under delegated powers) or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Officers as set out in Part 3
	Functions relating to public rights of way – Part D Functions Regulations	Officers as set out in Part 3
	To carry out all functions within Schedule 1 to the Functions Regulations if not specified elsewhere in the Constitution	None
	To exercise the powers and duties of the Council pursuant to the Clean Neighbourhoods and Environment Act 2005 or subsequent legislation which may not be the responsibility of a Member of the Cabinet including the institution of legal proceedings	Officers as set out in Part 3
	To consider and determine appeals in respect of: traffic orders, hackney carriage and private hire licences, or any other licence, permit or consent and determine bids for street trading events within the remit of the Regulatory and Licencing Committee.	Licensing Sub-Committee
	Functions relating to elections and parishes – Functions Regulations	Chief Executive
Council/ Committee/Panel	Functions	
Overview and Scrutiny Committees	As set out in Part 2 Article 6 of the Constitution	
Audit and Member Standards Committee	Audit Activity: to consider internal and external audit plans and make recommendations thereon; to consider any reports relating to the management or arrangements for the provision of the internal audit service and make recommendations thereon; to comment on the scope and depth of internal and external audit work and to ensure it gives value for money; to consider a quarterly summary of internal audit work, recommendations made and performance and make recommendations thereon; to consider the annual internal audit report	

	<p>and opinion and a summary of audit activity and the level of assurance it can give over the Council's corporate governance arrangements and make recommendations thereon; to consider external audit reports and make recommendations thereon; to approve arrangements for appointment of the Council's External Auditor; to commission work from internal and external audit; to monitor the effectiveness of the control environment including the arrangements for ensuring value for money and for managing the authority's exposure to the risks of fraud and corruption. In respect of this, to consider the external audit opinion on value for money;; to review the authority's fraud risk profile; to review the annual counter fraud plan of activity; and to monitor performance of the counter-fraud function.</p> <p>Regulatory Framework: to maintain an overview of the Council's Constitution in respect of contract procedures, financial regulations and to review the adequacy of policies and practices to comply with statutory requirements and guidance; to review the Council's Annual Governance Statement and to bring any matters to concern to the attention of the Council; to review the Treasury Management Strategy; to review any issues referred to it by the Chief Executive, Chief Finance Officer, Monitoring Officer in connection with their statutory duties or by any other Council body; to monitor the effective development and operation of risk management and corporate governance and make recommendations thereon; to review and recommend appropriate development of policies on raising concerns at work and the anti-fraud and anti-corruption strategy; to monitor and advise the Council on its Confidential Report Code "Whistleblowing Policy"; to consider the Council's compliance with its own and other published standards and controls including its corporate governance arrangements; duty to make arrangements for proper administration of financial affairs etc as required by Section 151 Local Government Act 1972 (or subsequent legislation); duty to approved authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be) as required by the Accounts and Audit Regulations.</p> <p>Accounts: to review the annual statement of accounts – specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council; to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p>	
	To promote and maintain high standards of conduct by Councillors (including Parish Councillors)	
	To advise the Council and the Parish Councils on the adoption or revision of their Member Code of Conduct	
	To advise the Council and the Parish Council on the operation of the Member Code of Conduct	Monitoring Officer
	To monitor that such Member Codes of Conduct have been adopted by the Council and the Parish Councils and that Members of the Councils concerned have signed to accept the provisions of the relevant Code	Monitoring Officer
	To ensure that arrangements are made for advice to be available to assist members to comply with the adopted Codes of Conduct	Monitoring Officer
	To ensure that arrangements are put in place for keeping and updating the Registers of Members' Interests for the Council and for the Parish Councils	Monitoring Officer
	Advising on training for Councillors, Parish Councillors and co-opted members on matters relating to the Code of Conduct	Monitoring Officer

	Functions relating to standards of conduct of councillors under any relevant statutory provision	
	To consider and determine allegations the Councillors, including Parish Councillors have breached the Code of Conduct of the relevant authority in accordance with the arrangements approved by the principal Council	Hearings Sub-Committee Review Sub-Committee Monitoring Officer for initial assessment of complaints
	The determination of applications from Lichfield District Councillors for dispensations in accordance with statutory provision	To Monitoring Officer as set out in Part 3
	To be the Standards Committee for the Parish Councils in the District of Lichfield	
	To monitor and to advise the Council on its Regulation of Investigatory Powers Act (RIPA) Policy	
	Power to make payments or provide other remedy maladministration	Delegated to officers as set out in Part 3
	Receive report from Independent Remuneration Panel	None
	The Council's formal complaints procedure	Delegations to officers as set out in Part 3
Council/ Committee/Panel	Functions	
Independent Remuneration Panel	To recommend to the Audit and Member Standards Committee Council a scheme for the payment of allowances to members of Lichfield Council and to constituent Parish Councils.	
Appointments Committee	To make recommendations to Council as to the appointment of the Chief Executive, Monitoring Officer and Officer holding the post as section 151 officer and to make appointments in so far as the Head of Paid Service is not authorised to do so by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001. The appointment of Chief Officers, excluding the Head of Paid Service.	
Investigatory and Disciplinary Committee	To investigate and make a determination on any disciplinary action (including dismissal) against any member of the Council's Leadership Team; excluding decisions on dismissal regarding the Chief Executive, Monitoring Officer and the Section 151 Officer.	
Disciplinary and Grievance Appeals Committee	To consider appeals against dismissals and grievances by Chief Officers of the Council and appeals against dismissals (including redundancy) by Heads of Service and the Assistant Chief Executive.	

Joint Waste Committee	To oversee the operation of the Lichfield and Tamworth Waste Collection Service reporting to Cabinet as necessary (see Part 2 – 11.7)
Strategic Asset Management Committee	<p>To provide advice and support on the development and implementation of strategies, plans and policies relating to strategic assets.</p> <p>To monitor the financial and operational performance of strategic assets to ensure they meet the strategic ambitions and operational requirements of the council.</p> <p>To provide advice and guidance in regards to the potential acquisition, disposal and development of strategic assets, including community asset transfers.</p> <p>To provide assurance as to the effective and efficient use and governance of our strategic assets.</p> <p>To act as Shareholder Committee for any and all Local Authority Development and Housing Companies.</p>



Appendix A

Licensing Act 2003 – all functions under the Act and subsequent legislation – excluding those matters which fall within the authority of the Cabinet or any member thereof

Function	Delegation to Sub-Committee	Delegation to Officers
Determination of the following in accordance with the Council's Licensing Policy:		
Application for Personal Licence	If a police objection received	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Minor variation to a premises/club licence		All cases
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate (other than minor variation)	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection received	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection received	All other cases
Application for interim authorities	If a police objection received	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether an application, representation or complaint is irrelevant, frivolous or vexatious etc		All cases
Decision to make representations when the local authority is a consultee and not the relevant authority considering the application	All cases	
Responding to a temporary event notice		All cases
Determination of a police objection to a temporary event notice	All cases	
To make representations on applications received by the Council pursuant to the Licensing Act 2003 (or subsequent legislation)		All cases

Appendix B

Gambling Act 2005

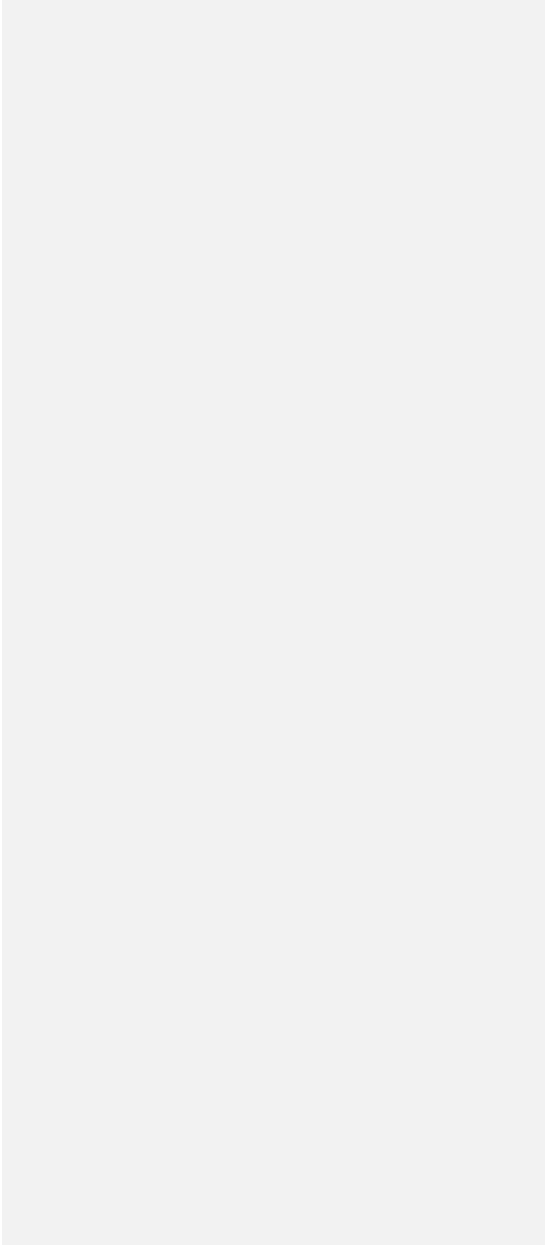
Function	Delegation to Sub-Committee	Delegation to Officers
All functions excluding the passing of a "no casinos" resolution and the production of the three year gambling policy		
Making recommendations to Council regarding the adoption of (1) a "no casinos" resolution or (2) the approval/adoption of the three year gambling policy		
Determination of an application for a premises licence in respect of which representations have been made under s161 (and not withdrawn)	All cases	
Determination of an application for the variation of a premises licence in respect of which representations have been made under s161 as applied by s187 (and not withdrawn)	All cases	
Determination of an application to transfer following representations by the Gambling Commission	All cases	
Determination of an application for a provisional statement under s204 in respect of which representations have been made under s161 as applied by s204 (and not withdrawn)	All cases	

A review of a premises licence under s201	All cases	
---	-----------	--

Part 3 – Section 3 – Responsibility for Cabinet Functions

Who is responsible	Functions	Delegation of Functions
Cabinet	The preparation of the policy framework and budget and the implementation of these in respect of Council functions and services not otherwise the responsibility of full Council.	Delegation to officers set out at Part 3 Delegation to individual Members of the Cabinet as set out below.
	Determination of recommendations and reports from members of the Cabinet not in accordance with their delegations.	
	The approval of a) Local Development documents that comprise the Local Development Framework and b) supplementary planning documents for submission to Council	
	Determination of recommendations from the Overview and Scrutiny Committees where the recommendation of that Committee is not accepted by the relevant Cabinet Member.	
	Response to inspection reports from the External Auditor	
	To consider, in accordance with the Council's Petitions Scheme any petition signed by at least 1,000 qualifying persons	
Leader of the Council	Functions undertaken as agents for or on behalf of other authorities or organisations	
	Determination of applications for a ban on organised marches in the District	
	Consideration of matters arising from a "Community Call for Action" under the Police & Justice Act 2006 requesting/requiring action by the Council	
	Preparation of the Strategic Plan	
	Relationships with external organisations	
	The determination of applications for financial assistance from voluntary bodies, individuals and other organisations.	Delegation to officers set out at Part 3

Relevant Cabinet Member or Leader of the Council	After consultation with the appropriate officers to make any decisions within their areas of service responsibilities listed below which are not already delegated to an officer, a key decision or a non-executive decision and to monitor budget compliance and overall performance in those areas.	All decisions must be in accordance with the Cabinet Procedure Rules, Financial Procedure Rules and the Contract Procedure Rules
--	---	--



Part 3 – Section 3 – Cabinet Responsibilities

Role	Key Corporate Priority responsibility	Service Responsibilities
Leader	Overall strategic direction of the Council, External partnerships / agencies, Liaison with County Council and Government, the Strategic Plan, the Constitution, MTFS	Oversees work of the Chief Executive and Assistant Chief Executive
Cabinet Member	Finance & Procurement	Oversees the work of, Financial probity, Strategic financial, management and planning, Revenue strategy, Capital strategy, Accounts payable, External funding procedures, Risk management strategy and procedures, Internal audit, Procurement strategy and procedures, Treasury management and investments.
Cabinet Member	Communities & Housing	Oversees the work of strategic housing, housing operations and homelessness, DFGs, environmental health, food safety (executive functions only), pest control, health and safety outside of corporate responsibility, public health, cemeteries, licensing (executive functions only) and environmental crime.
Cabinet Member	Customer Services & Innovation	Oversees the work of Management of the IT estate, Channel shift, Telephony provision, GIS Graphical information systems, including street naming & numbering, Health and safety (internal), Insurance and risk management, HR services, Employee Liaison Group (industrial relations), Corporate strategic planning, Performance management, Complaints and compliments, MP enquiries, Ombudsman investigations, Research, Equalities, Asset management (Non-property), DCH Premises maintenance and facilities management, Website/intranet support, Revenues, Benefits & Customer Services, Administration and collection of local taxation, Administration of housing benefits and local council tax support, Corporate Debt Recovery, Customer services (including reception and contact centre).
Cabinet Member and Deputy Leader	Investment, Economic Growth & Tourism	Oversees the work of Business support and inward investment, City/town centre development, Lichfield City Centre, development strategy, Development plans and implementation, HS2, Tourism and the visitor, economy, including the tourist information Centre, Management of the council's property portfolio, Car parking management, and

		strategy, Civil parking enforcement, Major Development Projects including BRS Planning policy.
Cabinet Member	Recycling & Leisure	Oversees the work of Leisure & Operational Services, Strategic lead on the shared waste service with Tamworth Borough Council, Management of parks and open spaces, Leisure strategy and development, Sport development and wellbeing, Sports partnerships, Management of leisure centres/contract, Reservoir management, Grounds maintenance, Street cleansing, Public toilets, Shopmobility, Abandoned vehicles, Depot management, Fleet management, Lichfield Garrick liaison.
Cabinet Member	Legal & Regulatory Service	Oversees the work of Members' services, including governance and advice, Electoral Services, Surveillance regulations (RIPA). Legal services, including probity and standards. Monitoring officer role, Data protection and freedom of information, Deeds, CCTV. Development management, Development enforcement, Building Control Partnership, Urban design and conservation, Land charges shared service, Environmental improvement Projects, Countryside management, and bio diversity. Health and safety enforcement, Food safety regulation and enforcement, Environmental protection, including pollution, nuisance, scrap metal dealers, stray dogs and pest control, Infectious disease control, Housing regulation, Licensing.

SCHEME OF DELEGATIONS TO OFFICERS

Powers Delegated to Officers

1. The functions, powers and duties in this scheme are delegated to Officers as shown in the attached schedule. These include the power to do anything which is calculated to facilitate, or is conducive to, the discharge of these functions. This scheme operates under Sections 101, 111, 151 and 270 of the Local Government Act 1972 and all other enabling powers of the Council and should be read in conjunction with any scheme of delegation to elected member bodies approved by the Council from time to time.
2. When functions are delegated to an Officer, the Council or the elected member body to which it has delegated those functions will retain concurrent powers where this is legally permissible. For the avoidance of doubt, where an officer has delegated a function to another officer, any officer of a higher rank, where qualified, within the structure can exercise that function. A function delegated to an officer may be passed back by that officer to the person (including another officer), committee or body giving the delegated power to the officer.
3. The Chief Executive shall have the responsibility to ensure that the Council's policies, practices and procedures are carried out in a corporate, consistent and coordinated manner.
4. Subject to Paragraphs 5 and 6, the Chief Executive and each Director shall have the following general responsibilities, powers and duties and where functions reside by law with the Chief Executive as Head of Paid Service the Chief Executive authorises the Directors to carry out these functions on behalf of the Head of Paid Service:-
 - (a) To implement and act within the approved policies, plans, practices and procedures of the Council including service of statutory notices in accordance with approved policies, plans, practices and procedures and making planning applications to implement approved policies and plans.
 - (b) To delegate further, in writing, all or any of their delegated functions to other Officers with the written agreement of the Chief Executive.
 - (c) In exercising delegated powers, to consult with such other Officers as appropriate and to have regard to any advice given and in particular to seek appropriate advice in relation to a professional judgement required in any area in which he/she is not professionally qualified.
 - (d) To advise on policy development and formulation.
 - (e) To act in accordance with the Rules of Procedure and any arrangements approved in pursuance of them.
 - (f) To carry out any functions assigned in pursuance of the Rules of Procedure and any approved policies, plans, practices and procedures of the Council.

- (g) To ~~appoint~~ authorise posts, discipline, suspend or dismiss any employee below Director level who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Chief Executive/ Head of Corporate Services.
- (h) To be responsible for the performance of those employees carrying out the functions for which he/she is responsible.
- (i) In consultation with the Head of Corporate Services, to make changes to the establishment of a department for which he/she is responsible subject to financial provision for the current and future years being available and the changes not amounting to a significant change to the structure of a department or service.
- (j) In accordance with guidance issued by the Chief Executive/Head of Corporate Services to approve the grading of new posts for which financial provision has been made by the Cabinet and the regrading of existing posts.
- (k) In consultation with the Head of Corporate Services, to approve the temporary appointment of staff to cover absences of employees due to illness, maternity or other long term absence provided that the period of temporary employment does not exceed twelve months and the cost of doing so can be contained within existing departmental budgets.
- (l) To authorise the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved.
- (m) To manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible.
- (n) To enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body.
- (o) When any Head of Service is unable to act or is absent, the powers delegated to him/her under this Scheme of Delegation or otherwise shall be exercised by the Chief Executive or the Director who is their line manager (except where that person is unable to exercise the function due to qualification or legislative requirements).
- (p) To keep the relevant Councillor(s) informed as appropriate of matters affecting their wards.

5. The following functions are not delegated to any Officer:

- (a) any matters which the Council or an elected member body to which functions have been delegated has resolved shall be determined by itself
- (b) any function which by law may not be delegated to an Officer
- (c) the adoption of new policy or significant variations to existing policies
- (d) the appointment, terms and conditions, discipline, suspension or dismissal of the Chief Executive

- (e) the appointment, suspension or dismissal of the section 151 Officer or the Monitoring Officer.
 - (f) any matter involving finance which cannot be met from within the Approved Budget;
 - (g) any matter which the Chief Executive, Director or Head of Service concerned considers inappropriate to be dealt with under delegated powers or in which the Officer concerned has an interest.
 - (h) any matter which constitutes a Key Decision within Article 13.3(b) of the Constitution.
6. Where it is legally permissible an Officer may decide not to exercise any function in relation to a particular matter and to invite the Council, or the appropriate elected member body as appropriate to do so instead. It is open to an Officer to consult with appropriate Councillors on the exercise of delegated powers or in deciding whether or not to exercise such powers.
7. Where functions are delegated by officers, ~~this must be in writing and a copy of the scheme of delegation must be deposited with the Head of Legal, Property and Democratic Services. This internal scheme of delegation must be regularly reviewed and updated.~~
8. The Monitoring Officer is authorised to make any minor variations to this scheme of delegation to Officers at any time as needs and circumstances change; and shall be the final arbiter in relation to the interpretation and application of the scheme.
9. The delegations below are in addition to any delegations contained elsewhere within the Constitution.
10. The Heads of Service have authority to set the fees and charges for matters within their respective areas unless otherwise reserved to another body.
- [11. The Heads of Service have authority to authorise recruitment within their service subject to the agreed authorisation process.](#)

SCHEDULE TO THE SCHEME OF DELEGATION TO OFFICERS

CHIEF EXECUTIVE

1. To be Head of the Paid Service.
2. To be the Electoral Registration Officer and Returning Officer for Elections.
3. Within the overall resources allocated by the Council and in direct support of the Council's objectives, to act on behalf of the Council on all matters including those which have been delegated to any other Officer **PROVIDED THAT**
 - 3.1 the Chief Executive may not exercise a power which is reserved by statute to another Officer;
 - 3.2 before exercising the power of another Officer, the Chief Executive shall consult with that Officer if available;

- 3.3 the Chief Executive when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
4. In consultation with the Leader of the Council, the relevant Cabinet Member or the Chairman of the relevant Committee as appropriate, to authorise any urgent action when it would be in the best interests of the Council to act prior to the appropriate Council or Committee meeting, or prior to an executive decision being made; subject to such action being reported to the next Council/Cabinet/Committee meeting.
5. In consultation with the Leader of the Council, with oversight by the Section 151 Officer and Monitoring Officer, to make an offer for property acquisitions of up to £2m (subject to due diligence being undertaken).
6. To keep under constant review the needs of the District and its community in relation to all those services provided by the Council and to take all such action which in his/her judgement is necessary to ensure that those needs are met within the framework of any policies agreed by the Council.
7. To make arrangements for dealing with any matter raised by the Government or local authority association calling for a view or decision by the Council.
8. To be responsible for the overall organisational structure of the Council and to determine job titles.
9. To be responsible via the Head of Corporate Services for determining and issuing guidance to Officers for the management of human resources, including recruitment [\(and the authorisation process\)](#), training, conditions of service, staff development/appraisal, disciplinary matters, health and safety, employee welfare and any other matter concerning staff.
10. To ensure the provision of professional advice to all parties in the decision-making process.
11. Together with the Monitoring Officer to be responsible for a system of record keeping for all local authority decisions.
12. To represent the Council on partnership and other bodies.
13. To be responsible for the health and safety of all employees of the Council.
14. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
15. In consultation with the Leader of the Council, to authorise the acquisition or disposal of land and buildings where the decision is time critical, prior to formal approval by Cabinet.

DIRECTOR OF PLACE & COMMUNITY

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions in accordance with the Strategic Plan. Also all functions within the remit of the ~~Head of Development Services~~, Head of Leisure and Operational Services, Head of Economic Growth AND

Development, Head of Regulatory Services, Housing and Wellbeing and the Joint Waste Manager.

2. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
3. To ensure the provision of professional advice to all parties in the decision-making process.
4. To represent the Council on partnership and other bodies.
5. To be responsible for the health and safety of all employees of the Council.

Formatted: Justified, Indent: Left: 0 cm, First line: 0 cm

DIRECTOR OF TRANSFORMATION & RESOURCES

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions in accordance with the Strategic Plan. Also all functions within the remit of the ~~Head of Legal, Property and Democratic Services~~, Head of Corporate Services, Head of Customer Services, Revenues and Benefits and Head of Finance and Procurement.
2. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
3. To authorise payments in cases of maladministration.
4. To ensure the provision of professional advice to all parties in the decision-making process.
5. To represent the Council on partnership and other bodies.
6. To be responsible for the health and safety of all employees of the Council.

ASSISTANT CHIEF EXECUTIVE

1. 1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the Council's Fit for the Future programme and transformation/commercialisation agendas; ~~m~~management of the council's property portfolio; the IT estate; Channel shift; GIS Graphical information systems, including street naming & numbering; Corporate communications, media relations and website/intranet support; District Council House management and maintenance.
2. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
3. To ensure the provision of professional advice to all parties in the decision-making process.
4. To represent the Council on partnership and other bodies.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 1.24 cm

Formatted: Indent: Left: 0.5 cm, No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5 cm + Indent at: 1.24 cm

Formatted: List Paragraph, No bullets or numbering

Formatted: Indent: Left: 1.24 cm, First line: 0 cm

HEAD OF DEVELOPMENT SERVICES

- ~~2. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Development Management; Planning Enforcement; Southern Staffordshire Building Control Partnership; Urban Design and Conservation; Arboriculture; Land Charges shared service; Environmental improvement projects; Countryside management and bio diversity.~~
- ~~3. This includes providing delegated authority for right of access to land and property in accordance with provisions set within planning and other relevant legislation for all officers within the service area.~~
- ~~3. To authorise the issue of Stop Notices, Requisition for Information, Temporary Stop Notices, Enforcement Notices, Listed Building Enforcement Notices and Breach of Condition Notices under the relevant Town and Country Planning legislation.~~
- ~~4. Determination as to the expediency of initiating enforcement proceedings, including the authorisation or an Enforcement Notice, Breach of Condition Notice, to require maintenance of untidy land/buildings (Section 215 Notices), Stop Notice, Temporary Stop Notice, Listed Building Enforcement Notice, Discontinuance Notices and Conservation Area Enforcement Notice; prosecutions and injunctions relating to TPO and Conservation Area offences; subject to consultation/notification provisions set out in internal scheme of delegation.~~
- ~~5. The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development Order) or subsequent legislation, in consultation with the Monitoring Officer.~~
- ~~6. The making of Discontinuance, Revocation and Modification Orders subject to the completion of a covenant not to claim compensation in respect of the Orders, in consultation with the Monitoring Officer.~~
- ~~7. To determine planning applications, certificates of lawfulness, prior notifications, condition compliance applications, Advertisement Consents, Listed Building Consents, non-material and material amendment applications, Certificates of Lawfulness, hazardous substances consents, Permissions in Principle and Technical Details consents.~~
- ~~8. To negotiate and determine the contents of Section 106 Agreements.~~
- ~~9. To deal with all matters relating to trees, hedgerows, high hedges, listed buildings, Conservation and Building Act matters.~~
- ~~10. To authorise any urgent action necessary to preserve any building which he considers important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.~~
- ~~11. To authorise any action necessary in respect of works to dangerous trees under Section 23 the Local Government (Miscellaneous Provisions) Act 1976, and associated powers and functions.~~
- ~~12. To negotiate and agree Planning Performance Agreements (PPAs) and the fees attributable thereto.~~

- ~~13. To make, vary, modify, revoke (and confirm unless there are substantial unresolved objections) tree preservation orders under section 198 of the Town and Country Planning Act 1990 (as amended).~~
- ~~14. To determine notices under the Hedgerow Regulations 1997 for the removal of hedges and the authority to serve all relevant notices for the purpose of enforcing the regulations.~~
- ~~15. To make representations on Licensing Act 2003 applications as the local planning authority.~~
- ~~16. To deal with any appeals to defend the Council's position to any decisions made in respect of planning, trees, heritage assets, hedges, planning enforcement, CIL and s.106 Agreement matters.~~

APPENDIX A

SCHEME OF DELEGATION OF PLANNING DECISIONS

- ~~1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.~~

DELEGATED POWERS

- ~~2. The powers delegated shall be:-~~

- ~~2.1 To determine applications for planning permission, and applications for reserved matters.~~
- ~~2.2 To determine consents for the display of advertisements.~~
- ~~2.3 To determine Hazardous Substance Consents.~~
- ~~2.4 To determine whether prior approval is required (under any relevant part of the General Permitted Development Order).~~
- ~~2.5 To determine approvals to and agreements to certain other matters relating to the exercise of permitted development rights as defined in the General Permitted Development Order.~~
- ~~2.6 To determine Listed Building Consents.~~
- ~~2.7 To determine approvals and consents pursuant to any condition imposed on any planning consent/ Listed Building Consent / Listed Buildings Consent / Permission in Principle / Technical Details Consent / Hazardous Substances Consent/ Prior approval and applications to modify or discharge planning obligations.~~
- ~~2.8 To determine Demolition Consent Orders.~~
- ~~2.9 To determine applications for a Certificate of existing or proposed lawful use or development; Certificates of Appropriate Alternative Development; Certificates of lawfulness of proposed works to listed building and related powers.~~
- ~~2.10 To determine applications for permissions in principle and technical details consents.~~

- ~~2.11 Determination of applications to fell or carry out works to trees protected by a tree preservation order or notification of works to trees within Conversation Areas.~~
- ~~2.12 Determination of complaints under Part 8 of the Anti-Social Behaviour Act 2003 (high hedges) or subsequent legislation.~~
- ~~2.13 To instigate prosecutions in consultation with the Council's legal representative.~~
- ~~2.14 To resolve to / not to instigate Enforcement proceedings.~~
- ~~2.15 To issue temporary Stop Notices; hazardous substances contravention notices; Section 215 notices relating to proper maintenance of land; Discontinuance notices and institution of proceedings for a fine; Enforcement Notices, Requisition for Information notices; Planning Contravention Notices; Breach of Condition Notices; and Listed Building Enforcement Notices.~~
- ~~2.16 To decide the Council's approach and take action in the preparation of the Council's statement of case in relation to appeals made against the non-determination of applications, as submitted under the Town and Country Planning Act (as amended).~~
- ~~2.17 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of the High Speed Rail (London West Midlands) Act 2017, unless the application includes Council-owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in.~~
- ~~2.18 In relation to 'unopposed cases' take action to revoke or modify a planning permission; listed building consent; express consent for the display of advertisements; or Hazardous Substance.~~
- ~~2.19 Any actions pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or subsequent Regulations including issuing of Screening and Scoping Opinions, where relevant.~~
- ~~2.20 To make minor modifications to the wording of conditions or reasons for refusal wording post committee to render them National Planning Policy Guidance compliant and include all relevant planning policies, and formalisation of the Decision Notice in the event of planning permission being granted or refused by the Planning Committee contrary to officer recommendation.~~
- ~~2.21 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of either the High Speed Rail (London West Midlands) Act 2017 or the High Speed Rail (West Midlands – Crewe) Act 20xx, unless the application includes Council-owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in. In relation to any application (Schedule 17 approval), which benefits from delegated authority to determine, if in the opinion of at least two of the following officers: Director of Place and Community; Head of Development Services, Planning Development Manager, and Principal Planning Officers, it is considered appropriate for the Planning Committee to determine the application, then the matter shall be reported accordingly.~~

PLANNING COMMITTEE

~~3. The delegations in Paragraphs 2.1 to 2.3 above shall not operate in the following circumstances:~~

~~3.1 The planning application gives rise to significant planning objections from any statutory consultee or Parish/Town council and where Officers are minded to recommend approval;~~

~~3.2 The planning application includes the use of Council owned land / or buildings;~~

~~3.3 The Planning Application has been submitted by or on behalf of a Member or Officer of the Council;~~

~~3.4 The applicant is required to enter into a Section 106 agreement for more than 2 obligations; or~~

~~3.5 A written request has been made by a Member of the Council for the application to be determined by Planning Committee in accordance with the Planning Committee Members' Code of Good Practice or the Non Committee Members Good Practice Guidance and which explains the planning or probity reasons for the call in and the call in is in accordance with the Non-Planning or Planning Committee Members Code of Good Practice.~~

~~3.6 If the situation arises as set out in any of the paragraphs 3.1 to 3.5 above, then such planning applications will be reported to the Planning Committee.~~

CONSULTATIONS

~~4. To determine responses to consultations with the Council as Local Planning Authority of and by other local authorities and statutory bodies;~~

~~4.1. To comment on behalf of the Council on:~~

~~(a) Consultations from adjoining local planning authorities;~~

~~(b) Overhead lines;~~

~~(c) County Council matters;~~

~~(d) County Council applications, after consultation with the appropriate ward member(s);~~

~~(e) Consultations from outside bodies relating to landscaping/arboricultural matters;~~

~~(f) Consultations with government departments;~~

~~(g) Consultations with West Midlands Licensing Authority;~~

~~(h) Consultations from Statutory Undertakers or persons acting on their behalf.~~

HEAD OF LEGAL, PROPERTY & DEMOCRATIC SERVICES

~~1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Members' services, including governance and advice; Electoral services; Management of the council's property portfolio; Surveillance regulations (RIPA); Legal services, including probity and standards; Monitoring officer role; Data protection and freedom of information; Deeds.~~

- ~~2. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.~~
- ~~3. To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal.~~
- ~~4. To be the Monitoring Officer including authority to grant dispensations under section 33 of the Localism Act 2011.~~
- ~~5. To be the Council's Money Laundering Reporting Officer.~~
- ~~6. Responsibility for oversight of the Regulation of Investigatory Powers Act.~~
- ~~7. Responsibility for maintaining a register of Assets of Community Value.~~
- ~~8. To be, or to identify and appoint, the Senior Information Risk Officer and Data Protection Officer.~~

HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

1.

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to major development projects, including Friarsgate; Car parking management and strategy; Civil parking enforcement; Business support and inward investment; City/town centre development; Lichfield City Centre development strategy; Planning policy; Development plans and implementation; HS2; Tourism and the visitor economy, including the tourist information centre; CCTV.

2. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Development Management; Planning Enforcement; Southern Staffordshire Building Control Partnership; Urban Design and Conservation; Arboriculture; Land Charges shared service; Environmental improvement projects; Countryside management and bio diversity.

3. This includes providing delegated authority for right of access to land and property in accordance with provisions set within planning and other relevant legislation for all officers within the service area.

4. To authorise the issue of Stop Notices, Requisition for Information, Temporary Stop Notices, Enforcement Notices, Listed Building Enforcement Notices and Breach of Condition Notices under the relevant Town and Country Planning legislation.

5. Determination as to the expediency of initiating enforcement proceedings, including the authorisation or an Enforcement Notice, Breach of Condition Notice, to require maintenance of untidy land/buildings (Section 215 Notices), Stop Notice, Temporary Stop Notice, Listed Building Enforcement Notice, Discontinuance Notices and Conservation Area Enforcement Notice; prosecutions and injunctions relating to TPO and Conservation Area offences; subject to consultation/notification provisions set out in internal scheme of delegation.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

6. The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development Order) or subsequent legislation, in consultation with the Monitoring Officer.

7. The making of Discontinuance, Revocation and Modification Orders subject to the completion of a covenant not to claim compensation in respect of the Orders, in consultation with the Monitoring Officer.

8. To determine planning applications, certificates of lawfulness, prior notifications, condition compliance applications, Advertisement Consents, Listed Building Consents, non-material and material amendment applications, Certificates of Lawfulness, hazardous substances consents, Permissions in Principle and Technical Details consents.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 8 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

9. To negotiate and determine the contents of Section 106 Agreements.

10. To deal with all matters relating to trees, hedgerows, high hedges, listed buildings, Conservation and Building Act matters.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 8 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

11. To authorise any urgent action necessary to preserve any building which he considers important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.

12. To authorise any action necessary in respect of works to dangerous trees under Section 23 the Local Government (Miscellaneous Provisions) Act 1976, and associated powers and functions.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 12 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

13. To negotiate and agree Planning Performance Agreements (PPAs) and the fees attributable thereto.

14. To make, vary, modify, revoke (and confirm unless there are substantial unresolved objections) tree preservation orders under section 198 of the Town and Country Planning Act 1990 (as amended).

15. To determine notices under the Hedgerow Regulations 1997 for the removal of hedges and the authority to serve all relevant notices for the purpose of enforcing the regulations.

16. To make representations on Licensing Act 2003 applications as the local planning authority.

17. To deal with any appeals to defend the Council's position to any decisions made in respect of planning, trees, heritage assets, hedges, planning enforcement, CIL and s.106 Agreement matters.

APPENDIX A

SCHEME OF DELEGATION OF PLANNING DECISIONS

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.

DELEGATED POWERS

2. The powers delegated shall be:-

2.1 To determine applications for planning permission, and applications for reserved matters.

- 2.2 To determine consents for the display of advertisements.
- 2.3 To determine Hazardous Substance Consents.
- 2.4 To determine whether prior approval is required (under any relevant part of the General Permitted Development Order).
- 2.5 To determine approvals to and agreements to certain other matters relating to the exercise of permitted development rights as defined in the General Permitted Development Order.
- 2.6 To determine Listed Building Consents.
- 2.7 To determine approvals and consents pursuant to any condition imposed on any planning consent/ Listed Building Consent / Listed Buildings Consent / Permission in Principle / Technical Details Consent / Hazardous Substances Consent/ Prior approval and applications to modify or discharge planning obligations.
- 2.8 To determine Demolition Consent Orders.
- 2.9 To determine applications for a Certificate of existing or proposed lawful use or development; Certificates of Appropriate Alternative Development; Certificates of lawfulness of proposed works to listed building and related powers.
- 2.10 To determine applications for permissions in principle and technical details consents.
- 2.11 Determination of applications to fell or carry out works to trees protected by a tree preservation order or notification of works to trees within Conversation Areas.
- 2.12 Determination of complaints under Part 8 of the Anti-Social Behaviour Act 2003 (high hedges) or subsequent legislation.
- 2.13 To instigate prosecutions in consultation with the Council's legal representative.
- 2.14 To resolve to / not to instigate Enforcement proceedings.
- 2.15 To issue temporary Stop Notices; hazardous substances contravention notices; Section 215 notices relating to proper maintenance of land; Discontinuance notices and institution of proceedings for a fine; Enforcement Notices, Requisition for Information notices; Planning Contravention Notices; Breach of Condition Notices; and Listed Building Enforcement Notices.
- 2.16 To decide the Council's approach and take action in the preparation of the Council's statement of case in relation to appeals made against the non-determination of applications, as submitted under the Town and Country Planning Act (as amended).
- 2.17 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of the High Speed Rail (London-West Midlands) Act 2017, unless the application includes Council owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in.

- 2.18 In relation to 'unopposed cases' take action to revoke or modify a planning permission; listed building consent; express consent for the display of advertisements; or Hazardous Substance.
- 2.19 Any actions pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or subsequent Regulations including issuing of Screening and Scoping Opinions, where relevant.
- 2.20 To make minor modifications to the wording of conditions or reasons for refusal wording post committee to render them National Planning Policy Guidance compliant and include all relevant planning policies, and formalisation of the Decision Notice in the event of planning permission being granted or refused by the Planning Committee contrary to officer recommendation.
- 2.21 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of either the High Speed Rail (London-West Midlands) Act 2017 or the High Speed Rail (West Midlands – Crewe) Act 20xx, unless the application includes Council owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in. In relation to any application (Schedule 17 approval), which benefits from delegated authority to determine, if in the opinion of at least two of the following officers: Director of Place and Community; Head of Development Services, Planning Development Manager, and Principal Planning Officers, it is considered appropriate for the Planning Committee to determine the application, then the matter shall be reported accordingly.

PLANNING COMMITTEE

3. The delegations in Paragraphs 2.1 to 2.3 above shall not operate in the following circumstances:
- 3.1 The planning application gives rise to significant planning objections from any statutory consultee or Parish/Town council and where Officers are minded to recommend approval;
- 3.2 The planning application includes the use of Council owned land / or buildings;
- 3.3 The Planning Application has been submitted by or on behalf of a Member or Officer of the Council;
- 3.4 The applicant is required to enter into a Section 106 agreement for more than 2 obligations; or
- 3.5 A written request has been made by a Member of the Council for the application to be determined by Planning Committee in accordance with the Planning Committee Members' Code of Good Practice or the Non-Committee Members Good Practice Guidance and which explains the planning or probity reasons for the call-in and the call-in is in accordance with the Non-Planning or Planning Committee Members Code of Good Practice.
- 3.6 If the situation arises as set out in any of the paragraphs 3.1 to 3.5 above, then such planning applications will be reported to the Planning Committee.

CONSULTATIONS

4. To determine responses to consultations with the Council as Local Planning Authority of and by other local authorities and statutory bodies,

4.1. To comment on behalf of the Council on:

- (a) Consultations from adjoining local planning authorities;
- (b) Overhead lines;
- (c) County Council matters;
- (d) County Council applications, after consultation with the appropriate ward member(s);
- (e) Consultations from outside bodies relating to landscaping/arboricultural matters;
- (f) Consultations with government departments;
- (g) Consultations with West Midlands Licensing Authority;
- (h) Consultations from Statutory Undertakers or persons acting on their behalf.

HEAD OF CUSTOMER SERVICES, REVENUES & BENEFITS

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Administration and collection of local taxation; Administration of housing benefits and local council tax support; Corporate debt recovery, [including representation at court for local taxation recovery and appointment of officers to act in this regard](#); Customer services (including reception and telephony).

HEAD OF LEISURE & OPERATIONAL SERVICES

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the provision of leisure centres; Management of parks and open spaces; Reservoir management; Leisure strategy and development; Sport development; Sports partnerships; Grounds maintenance; Street cleansing; Public toilets; Shopmobility; Abandoned vehicles; Depot management; Fleet management; Lichfield Garrick liaison

HEAD OF CORPORATE SERVICES

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the provision and management of ~~the IT estate; Channel shift; GIS Graphical information systems, including street naming & numbering;~~ Health and safety; Insurance and risk management; HR services [and organisational development](#) ; Employee Liaison Group (industrial relations); ~~Corporate communications, media relations and website/intranet support;~~ Corporate strategic planning; Performance management; Complaints and compliments; MP enquiries; Ombudsman investigations; Research; Equalities; ~~District Council House management and maintenance.~~

2. To authorise payments in cases of maladministration.

3. To authorise the recruitment process and approval for staff below Head of Service level.

Formatted: Font color: Custom Color(34,34,34)

Formatted: List Paragraph, No bullets or numbering

Formatted: Font color: Custom Color(34,34,34)

4. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Members' services, including governance and advice; Electoral services;; Surveillance regulations (RIPA); Legal services, including probity and standards; Monitoring officer role; Data protection and freedom of information; Deeds.

Formatted: List Paragraph, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.14 cm + Indent at: 1.77 cm

5. To sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.14 cm + Indent at: 1.77 cm

6. To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal.

7. To be the Monitoring Officer including authority to grant dispensations under section 33 of the Localism Act 2011.

8. To be the Council's Money Laundering Reporting Officer.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 8 + Alignment: Left + Aligned at: 1.14 cm + Indent at: 1.77 cm

9. Responsibility for oversight of the Regulation of Investigatory Powers Act.

10. Responsibility for maintaining a register of Assets of Community Value.

11. To be, or to identify and appoint, the Senior Information Risk Officer and Data Protection Officer.

Formatted: No bullets or numbering

2.

HEAD OF FINANCE AND PROCUREMENT

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Financial probity; Strategic financial management and planning; Treasury and investments; Revenue strategy; Capital strategy; Accounts payable; External funding procedures; Cashiers and Income Management; Risk management strategy and procedures; Internal audit; Procurement strategy and procedures.

2. To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988 and Regulation 5 of the Accounts and Audit Regulations 2003.

3. s.21&22 Staffordshire Act 1983 powers.

3-4. To be the Council's Money Laundering Reporting Officer.

HEAD OF REGULATORY SERVICES, HOUSING & WELLBEING

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to Homelessness and housing advice; Housing strategy and affordable housing; Housing and health partnerships; Affordable warmth; Disabled facilities grants; Food safety regulation and enforcement; Environmental protection, including pollution, nuisance, scrap metal

dealers, stray dogs and pest control; Infectious disease control; Housing regulation; Licensing; District Board; Community Safety Partnership; Locality commissioning; Small grants; Anti-social behaviour; Safeguarding; Emergency planning and business continuity.

In relation to the functions listed above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject save that this cannot override any limitation contained elsewhere in the Constitution. For the avoidance of doubt, this includes the power to suspend private hire/taxi licences.

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank