

Public Document Pack

LICHFIELD DISTRICT COUNCIL

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

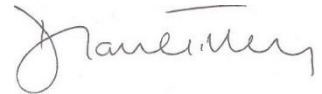
District Council House
Frog Lane
Lichfield
WS13 6YY

7 December 2020

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 on **TUESDAY, 15 DECEMBER 2020** at **6.00 pm**.

In light of the current Covid-19 pandemic and government advice on social distancing, the meeting will be held online and streamed live on the Council's [YouTube channel](#).



Chief Executive

AGENDA

1. Apologies for absence (if any)
2. Declarations of interest
3. To approve as a correct record the Minutes of the previous meeting (5 – 20)
4. Chairman's Announcements
5. Report of the Leader of the Council on Cabinet Decisions from the Meetings held on 10 November and 1 December and Cabinet Member Decisions (21 – 24)
6. Minutes of the Strategic (Overview and Scrutiny) Committee (25 – 30)
7. Minutes of the Economic Growth, Environment and Development (Overview & Scrutiny) Committee (31 – 34)
8. Minutes of Audit & Member Standards Committee

The Chairman of the Audit & Member Standards Committee to move that the proceedings of the meeting held on 12 November be received and, where necessary, approved and adopted.
(35 – 40)

9. Minutes of Planning Committee

The Chairman of the Planning Committee to move that the proceedings of the meeting held on 16 November be received and, where necessary, approved and adopted.
(41 – 42)

10. Events & Festivals Policy

To approve the recommendations of Cabinet made on [6 October 2020](#) in connection with the Events and Festivals Policy:

(i) That the Council's constitution be amended to formally acknowledge the formation of a cross-service officer panel for determining an annual events programme in consultation with the Cabinet Member for Visitor Economy and the Local Plan.

(ii) That the Medium Term Financial Strategy be updated to include a supplementary budget of £20,000 per annum to help meet the costs of new events intended to support local communities across the district.

11. Revision of Street Trading Policy

To approve the amended Street Trading Policy (report attached, 43 – 60)

12. Statement of Licensing Policy - Licensing Act 2003

To adopt the Statement of Licensing Policy (report attached, 61 – 94)

13. Membership of Outside Bodies

To approve the appointment of Councillor Leytham to replace Councillor Cox on the Greater Birmingham and Solihull Local Enterprise Partnership Joint Scrutiny Committee.

14. Motions on Notice

(A) The following Motion has been proposed by Councillor Ho:

That Lichfield District Council:

- i) Proclaim its support for the Slow Ways project in its goal to create a network of walking routes that connect all of Great Britain's towns and cities as well as thousands of villages.
- ii) Further recognise that the Slow Ways project:
 - can improve the health and wellbeing of the residents in the district of Lichfield.
 - can help reduce carbon emissions in the district of Lichfield.
 - can help tackle the climate change emergency that the council declared last year.
- iii) Will therefore encourage residents to:
 - walk to their place of work.
 - test and review routes that have been drafted by the project.
 - design and share new routes.
 - sign up to the Slow Ways project.

(B) The following Motion has been proposed by Councillor Pullen:

"This Council acknowledges the extraordinary efforts made by employees of Lichfield District Council in 2020, and notes that many will have their pay frozen in the year 2021-2022. In light of this pay freeze, it resolves that all Councillor Allowances are also frozen until May 2022 at the earliest".

(C) The following Motion has been proposed by Councillor Ball:

"This Council deplores the very poor performance of the two Clinical Commissioning Groups

(CCGs) covering our District, with South East Staffordshire CCG, recorded as "Inadequate" for the past three years, and East Staffordshire CCG performing slightly better, moving from "Good" to "Requires Improvement" over the last year, and resolves to write to our two local MPs, asking them what they personally have done over that period to push for improvements and what else they will do personally in the future.

In addition, this Council resolves to write to Staffordshire County Council, to ask what they have done over that period to push for improvements and what else they will do in the future. Finally, this Council agrees that the appropriate CCG representatives from both CCGs should be invited to the Community, Health and Housing Overview and Scrutiny Committee, to inform members about both CCGs' performance and asked what plans they have to improve the situation."

15. Questions

To answer any questions under Procedure Rule 11.2

This page is intentionally left blank

COUNCIL

13 OCTOBER 2020

PRESENT:

Councillors Powell (Chairman), Anketell, Baker, Ball, Barnett, Binney, Birch, Checkland, Cox, Eadie, Eagland, D Ennis, L Ennis, Evans, Grange, Greatorex, Gwilt, Ho, Humphreys, Lax, Leytham, A Little, E Little, Marshall, Matthews, Norman, Parton-Hughes, Pullen, Ray, Robertson, Salter, Silvester-Hall, Smith, Spruce, Strachan, Tapper, Warburton, Warfield, Westwood, White, M Wilcox, S Wilcox, A Yeates and B Yeates.

100 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Banevicius and Cross.

101 DECLARATIONS OF INTEREST

Councillor Grange declared an interest in any discussions on Friary Grange as a Member of the Leisure Centre.

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

Councillor S Wilcox said she was sorry that the comments she had made in relation to Lichfield Live at the previous meeting had cause offence and she wished to withdraw them. She said she had learned a lot from the feedback that had been received and hoped this would bring an end to the matter.

RESOLVED: That the Minutes of the meeting held on 14 July 2020 be approved as a correct record of the meeting subject to Minute 80 being amended to record that former Councillor Alan Pearce served from 2011 to 2015 and the first line of Minute 90 being amended to read 'although verbal notification had been given of Councillor Brown's intention to resign formal notification had not yet been received.'

103 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said it was his sad duty to inform Council that the following former Members had passed away:

Former Councillor David Leighton Bailey MA

Former Councillor David Bailey served as a Member of the Council representing Chadsmead Ward from 1991 to 1999.

During this time he served on a number of Committees including as Vice-Chairman of Planning Committee.

Former Councillor Douglas Harold Joseph Constable MIFM

Former Councillor Doug Constable served as a Member of the Council for a total of 38 years representing Chase Terrace Ward from 1976 to 1979, Redslade Ward from to 1980 to 1995 and Highfield Ward for the period 1999 to 2019.

He served on various Committees, including as Chairman and Vice Chairman of Planning Committee, Regulatory & Licensing Committee, Strategic (Overview and Scrutiny) Committee, Employment Committee and the Parish Forum.

Former Councillor Doug Constable would also be remembered for his service representing Lichfield District Council as Chairman of the Council from 1983 to 1984.

Former Councillor Peter Jones

Former Councillor Peter Jones served as a Member of Lichfield District Council representing Alrewas and Fradley Ward from May 1995 to May 1999.

He served on numerous Committees including as Vice-Chairman of Planning Committee and the Direct Service Organisation Panel. Peter Jones also represented the Council on a number of outside bodies including the Community Council of Staffordshire, Lichfield Police Executive Group and South East Staffordshire Health Council.

Former Councillor John Nichols

Former Councillor John Nichols served as a Member of Lichfield District Council representing Longdon Ward from 1986 to 2002. He served on many committees during his term and would also be remembered for his service as Chairman of the Council from 1999 to 2000.

The Chairman extend the Council's sympathy to the families and friends of the former Councillors, and to all those who had lost loved ones due to Covid-19. He hoped, next year, to be able to arrange a service of remembrance at the Cathedral for former council members and members of the community who had been lost to Covid-19.

The Council then held a Minute's silence.

Following the silence Members remembered and paid tribute to the former Members of the Council who had passed away.

104 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 8 SEPTEMBER AND 6 OCTOBER 2020 AND CABINET MEMBER DECISIONS

Councillor Pullen submitted his report on Cabinet Decisions from the meetings held on 8 September and 6 October and Cabinet Member decisions.

Councillor Grange questioned whether pushing ahead so quickly with the City Master Plan was the right thing to do given current uncertainty due to the global pandemic.

Councillor Pullen responded that the Masterplan was looking at the City as a whole and was not limited to the Birmingham Road site. The next phase would help ensure a balanced city where any new development would not detract from other areas of the city. It looked at the wider picture and movement around city which needed to be done regardless of what happened in the short to medium term.

105 MINUTES OF THE STRATEGIC (OVERVIEW AND SCRUTINY) COMMITTEE

Councillor Spruce submitted the Minutes of the meeting held on 1 September.

In response to a question from Councillor Ball about the communication of the Council's commitment to involving minority groups Councillor A Yeates advised that consultation was as inclusive as possible and specific groups were contacted whenever appropriate.

106 MINUTES OF THE ECONOMIC GROWTH, ENVIRONMENT & DEVELOPMENT (OVERVIEW & SCRUTINY) COMMITTEE

Councillor Leytham submitted the Minutes of the meeting held on 7 September 2020.

Councillor Robertson referred to the budget available to mitigate the climate emergency and the proposal to include expenditure related to this budget in the work programme. Councillor Leytham confirmed that this would be considered by the O&S co-ordinating group meeting in November.

Councillor Norman noted that the LGA and most councils were very concerned about the Planning White paper that would take away local decision making and frustrate communities. He hoped that the Council would lobby local MPs on this.

Councillor Ball recalled that a number of concerns had been raised in respect the Planning White Paper during the debate and he urged Cabinet to make a strong representation. He also questioned whether the Joint O&S Co-Ordinating Group had discussed setting up a joint meeting to consider Section 106 and the CIL Levy.

Councillor Eadie confirmed that the representation on behalf of the Council would seek to reflect the Committee's views. He advised that a commitment had been given by the Chairmen of the relevant Overview & Scrutiny Committees to consider the most appropriate way to look at Section 106 and the CIL Levy.

107 MINUTES OF THE COMMUNITY, HOUSING & HEALTH (OVERVIEW & SCRUTINY) COMMITTEE

Councillor England submitted the Minutes of the meeting held on 15 September 2020.

Councillor Norman asked why the Burntwood Health Centre was not included as a standing item and questioned what pressure was being applied to the NHS, CCG and MPs to make some progress on the health centre that was first promised ten years ago.

The Chairman confirmed that she thought it should be included.

Councillor Evans supported the need for additional health provision in Burntwood and also said it was vitally important that all Councillors were aware of the progress being made regarding the George Bryan Centre, especially given the increase in mental health problems. She said the Samuel Johnson and Robert Peel hospitals must continue in their present form and Councillor Leytham had been asked to ensure this was raised at the Staffordshire Select Health Committee.

Councillor White confirmed that the Greenwood House project would deliver a new GP surgery suitable for the 21st Century and he agreed that there was also a requirement for a health centre for Burntwood. He said he would raise this with the Clinical Commissioning Group and providers to make sure it was on their agenda.

Councillor Evans referred to problems with the delivery of Disabled Facilities Grants by the provider and noted the contract would now be project managed. She emphasised the importance of regular updates on performance.

Councillor Eagland agreed with Councillor Evans in respect of Disabled Facilities Grants and said she was hopeful that the management of the contract would speed up delivery of grants and the Committee would keep the matter under review.

108 MINUTES OF THE LEISURE, PARKS & WASTE MANAGEMENT (OVERVIEW & SCRUTINY) COMMITTEE

Councillor Matthews submitted the Minutes of the meetings held on 16 July and 23 September 2020.

Councillor Norman noted that last year the Council was 135th in the league table for dry recycling with a 45% record. He understood the new figure was 48.12% however South Staffordshire had achieved 50.1% so more needed to be done. Acknowledging that it was not an easy task he said recycling rates needed to be increased through education and he would support any such initiatives.

Councillor Matthews said there had been additional efforts to explain what could and could not be recycled. He confirmed there were further plans to fine tune the information being provided to the public.

Councillor Grange noted that opening date for Friary Grange Leisure Centre was rapidly approaching and requested an update as soon as possible.

Councillor Ray referred to the report submitted to the Leisure Parks and Waste Management (O&S) Committee estimating provision of £1.03 million funding to Freedom Leisure for the current financial year and while he understood the reason for this he asked, for transparency, that the Minutes refer to this amount. He asked if there were any further updates in relation to the funding situation.

With regard to the provision of guidance about recycling Councillor A Yeates said press releases had been issued recently together with bin stickers and called for Members to help including via social media.

Councillor Cox confirmed the intended opening date for Friary Grange Leisure Centre was still 24 October and no further payments had been made to Freedom Leisure.

Councillor White said the Covid assessment for Staffordshire was currently Medium for the period up until 21 October, however the direction of travel for infection rates was upwards. Hopefully this could be contained but the opening could potentially be prevented by Covid restrictions.

109 MINUTES OF THE AUDIT & MEMBER STANDARDS COMMITTEE

It was proposed by Councillor Greatorex seconded by Councillor Ho and

RESOLVED: That the Minutes of the meeting held on 22 July 2020 be approved and adopted.

110 MINUTES OF THE PLANNING COMMITTEE

Councillor Marshall in submitting the Minutes expressed his appreciation of the work undertaken by planning officers and referred to the increased workload resulting from the Government's desire to create more homes. He stressed the importance of ensuring local authorities were adequately resourced to implement the delivery of new homes and the myriad of changes required by the impending arrival of HS2.

It was then seconded by Councillor Baker and

RESOLVED: That the Minutes of the meetings held on 27 July and 24 August 2020 be approved and adopted.

111 MINUTES OF THE REGULATORY & LICENSING COMMITTEE

It was proposed by Councillor B Yeates seconded by Councillor Parton-Hughes and

RESOLVED: That the Minutes of the meetings held on 30 July and 28 September 2020 be approved and adopted.

112 MINUTES OF THE EMPLOYMENT COMMITTEE

The Minutes were submitted by Councillor Humphreys and seconded by Councillor Barnett.

Councillor Robertson referred to the gender pay gap and welcomed the progress made. He noted that there had been an undertaking to consider the remaining small gap and the difficulty in recruiting women into the joint waste service and asked when this could be discussed.

Councillor Humphreys confirmed that this matter would be looked at and expressed his appreciation of the work undertaken by officers during the pandemic under often difficult circumstances.

It was then

RESOLVED: That the Minutes of the meeting held on 1 October 2020 be approved and adopted.

113 MEDIUM TERM FINANCIAL STRATEGY 2020-25

Councillor Strachan submitted a report on the Medium Term Financial Strategy (MTFS) 2020-25.

Approval was sought to remove all budgets related to investment in commercial property given changes to the Public Works Loan Board (PWLB) lending terms.

It was reported that the MTFS also included an Invest to Save project for the implementation of a cloud based IT environment. However further analysis identified an alternative option of procuring server hosting and support services from Staffordshire and Shropshire Health Informatics Service and this option was approved on 31 January 2020.

Members noted that the MTFS assumed a pay award for 2020/21 (and later years) of 2.00%. In August 2020 Local Government agreed a pay award for 2020/21 of 2.75%. This would result in an additional cost for 2020/21 and later years of 0.75% plus related employer costs.

Additionally, under the agreement, staff with less than five years' service would also see their holiday rise from 21 days a year to 22 and this could also result in a further additional cost.

Councillor Strachan emphasised that like much of the local government sector the Council remained in an uncertain situation and over a five year budget the reserves would be spent by the end of year five.

The report's recommendations were then seconded by Councillor Eadie. He urged central government to provide local government with the certainty of a multi-year settlement as soon as possible, noting that district and borough councils had borne the brunt of funding reductions for many years and additional funding on offer during the pandemic was falling short of the cost burdens and loss of revenue encountered.

Councillor Eadie said officers could not be asked to provide the same for less in future and new ways of working must be found, including working with others to safeguard the community and services.

Councillor Norman questioned what had been done to lobby local MPs on the financial situation and what they were doing about it. He expressed appreciation of the work being done by staff particularly during the pandemic.

Councillor Ray noted the removal of the commercial property budget and asked about the situation regarding the Housing Company.

Councillor Pullen gave assurance that the Council and individual cabinet members frequently lobbied the District's local MPs and also spoke regularly to the Local Government Association.

Councillor Strachan confirmed that Lichfield Housing Ltd was unrelated to the Property Investment Strategy.

It was duly

RESOLVED: (1) That all budgets related to investment in property be removed.

(2) That all budgets related to the ICT Cloud project be removed.

114 LICHFIELD CITY CENTRE MASTERPLAN

Councillor E Little submitted a report on the Lichfield City Masterplan.

The report noted that consultants David Lock Associates were commissioned in 2019 to produce a Masterplan for Lichfield City Centre. Following preparation of a draft plan and public consultation, this had been considered by the Economic Growth, Environment and Development (O&S) Committee in June 2020 and subsequently by Cabinet in July 2020.

Consideration was now being given to the delivery of the Masterplan and its component parts. A Project Initiation Document (PID) had been prepared that included a programme of projects/work and associated timescales that would be implemented in the short term. The PID also sets out details of governance arrangements and resource requirements.

Arrangements for managing delivery of the masterplan included a Member-led Project Board; an officer Project Team and a Member Task & Finish Group to provide scrutiny.

It was advised that a Delivery Plan would set out the approach to achieving the Masterplan's aims and objectives.

Proposed budgets for Phase 1 of the work were set out and it was proposed that these be included in the MTFs with partial funding provided by the Birmingham Road earmarked reserve.

The recommendations as set out in the report were moved by Councillor E Little and seconded by Councillor Strachan.

Councillor D Ennis expressed concern that, given the uncertainty due to Covid19, proceeding too quickly could lead to mistakes.

Councillor Grange agreed that in the current circumstances the do nothing option should be considered until there was a compelling case to proceed, especially given the masterplan would affect the use of land in the city centre for generations.

Councillor White said good master planning was flexible but helped to understand the way a city operated and identified potential opportunities. He thought there was sense in taking a step forward on what would inevitably be a long journey.

Councillor Spruce said there were always reasons to delay, but a Masterplan was long-term planning and it was vital to establish resources now.

Councillor Ray supported the recommendations. He appreciated there was uncertainty but noted it was a flexible process and Covid-19 had highlighted existing issues, such as challenges faced by retail in city centres, which were identified and addressed by the Masterplan.

Councillor Leytham highlighted the importance of Overview and Scrutiny and stressed the necessity of having a plan and examining the options open to the Council.

Councillor Robertson said people deserved something to happen on the site that delivered jobs and economic security and it couldn't continue to be delayed.

Councillor Greatorex agreed that standing still was not an option and noted that the Council owned a site that was currently incurring costs and earning nothing.

Councillor Ball supported the recommendations and endorsed the current approach.

Councillor Marshall said there would never be a predictable future and it was necessary to proceed and seek intelligent development of a prime city centre site.

Councillor E Little noted that Council was at the beginning of long term process, and a number of options would be considered over the coming months as part of a phased approach.

On request a named vote was taken on the report's recommendations:

FOR (35)	AGAINST (8)	ABSTAIN (1)
ANKETELL	BIRCH	PARTON-HUGHES
BAKER	ENNIS, D	
BALL	ENNIS, L	
BARNETT	EVANS	
BINNEY	GRANGE	
CHECKLAND	LITTLE A	
COX	NORMAN	
EADIE	WESTWOOD	

EAGLAND		
GREATOREX		
GWILT		
HO		
HUMPHREYS		
LAX		
LEYTHAM		
LITTLE, E		
MARSHALL, T.		
MATTHEWS		
POWELL		
PULLEN		
RAY		
ROBERTSON		
SALTER		
SILVESTER-HALL		
SMITH		
SPRUCE		
STRACHAN		
TAPPER		
WARBURTON		
WARFIELD		
WHITE		
WILCOX, M.		
WILCOX, S.		
YEATES, A.		
YEATES, B.		

It was duly:

RESOLVED: (1) That the proposed revenue budget of £330,000 (£160,000 in 2020/21 and £170,000 in 2021/22) to take forward Phase 1 of the project be approved.

(2) That the proposed revenue budget be funded by £100,000 from the Birmingham Road Site earmarked reserve and the balance of £230,000 be funded from the Multi Storey Car Park Sinking Fund.

115 ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

Councillor Lax submitted a report on proposed updates to the Enforcement Policy.

Members noted that changes, informed by experience from Housing Tribunals, were recommended in the Housing Civil Penalties Annexe.

It was reported that the updated Policy had been considered and supported by the Regulatory and Licensing Committee at its meeting on 28th September 2020.

Councillor Evans spoke in support of the recommendations and commended the work of officers during the pandemic.

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

RESOLVED: (1) That the updated Regulatory Services, Housing and Wellbeing Enforcement Policy, including the Annexe on Housing Civil Penalties, be adopted.

(2) That delegated authority be given to the Regulatory and Licensing Committee to make any required amendments to the Policy in the future.

116 CHANGES TO COMMITTEES

(a) To approve changes to the Committee arrangements for Asset Management

Councillor Lax advised that the Council had a Strategic Asset Management Committee within its political management structure however it was considered that a separate committee was no longer needed and oversight and decisions could be exercised through existing mechanisms.

The proposal was seconded by Councillor Smith and it was

RESOLVED: That the Strategic Asset Management Committee be removed from the structure and that the Head of Governance and Performance be given delegated authority to update the Constitution to reflect this change.

(b) To approve changes to the Membership of Committees

Changes to the Membership of Committees were proposed by Councillor Pullen and Councillor Norman. The changes were seconded by Councillor Eadie and it was

RESOLVED: (1) That the membership of the Economic Growth, Environment & Development (Overview & Scrutiny) Committee be amended to reflect that Councillor S Wilcox was not a Member of the Committee.

(2) That Councillor L Ennis be appointed to fill the vacancy on Planning Committee.

117 MOTIONS ON NOTICE

(A) The Following Motion was submitted by Councillor Norman:

That Lichfield District Council:

(i) acknowledges the efforts that this council has made to reduce greenhouse gas emissions and promote renewable energy by declaring the Climate Change Emergency last year and developing a Local Procurement Policy;

(ii) further recognises

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would enable and empower new local businesses, or councils, to be providers of locally generated renewable electricity directly to local customers, and
- that revenues received by new local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions;

(iii) accordingly resolves to support the Local Electricity Bill, supported by many MPs from both sides of the house which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply companies and co-operatives by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply operation; and

(iv) further resolves to

- inform the local media of this decision,
- write to local MPs, asking them to support the Bill, and
- write to the organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing its support.

The Motion was seconded by Councillor Robertson.

Councillor Pullen said he fully supported the spirit of the Motion, however the Motion as proposed left the door open for the local authority to enter the energy market and experiences in Nottingham and Bristol illustrated the danger of this. Councillor Pullen therefore proposed the following amendment with a view to ensuring that the Council had a barrier to entering the energy market while removing the barriers for others:

That Lichfield District Council

(i) acknowledges the efforts that this council has made to reduce greenhouse gas emissions and promote renewable energy by declaring the Climate Change Emergency last year and developing a Local Procurement Policy;

(ii) further recognises

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would enable and empower new local businesses, ~~or councils~~, to be providers of locally generated renewable electricity directly to local customers, and
- that revenues received by new local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions;
- *the recent, high profile collapse of the largest local authority-run energy companies.*

(iii) accordingly resolves to support the Local Electricity Bill, supported by many MPs from both sides of the house which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply companies and co-operatives by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply operation; and

(iv) further resolves to:

- inform the local media of this decision,
- write to local MPs, asking them to support the Bill, and
- write to the organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing its support.
- *not enter the energy market*

Following a vote **the Amendment was approved.**

Councillor Norman indicated that he supported the Motion as amended and following a vote it was:

RESOLVED: That the Motion as amended be approved.

(B) The following Motion was submitted by Councillor Evans:

This Council commends the work of the officers to support the transition of Council and committee meetings to an online format in the face of social distancing restrictions due to the coronavirus pandemic. This Council further understands that the use of new technology represents an opportunity for current and future elected representatives to engage a wider audience in its work, including parents or guardians with young children, commuters, shift workers and those with mobility problems. This Council resolves to continue the use of virtual meetings while social distancing restrictions remain in place and to actively consider ways of integrating video conferencing and the online streaming of Council and committee meetings when restrictions are lifted, so that it can continue to engage with the wider community.

The Motion was seconded by Councillor L Ennis.

Councillor Pullen welcomed the motion and submitted the following amendment to reflect the need to comply with national legislation and acknowledge the work that had been undertaken to date on integrating video conferencing and virtual meetings:

This Council commends the work of the officers to support the transition of Council and committee meetings to an online format in the face of social distancing restrictions due to the coronavirus pandemic. This Council further understands that the use of new technology represents an opportunity for current and future elected representatives to engage a wider audience in its work, including parents or guardians with young children, commuters, shift workers and those with mobility problems. This Council resolves to continue the use of virtual meetings ~~while social distancing restrictions remain in place~~ *while the relevant provisions of the Coronavirus Act 2020 (or any subsequent legislation) remain in place*, ~~to actively consider ways of~~ *and to continue its work on* integrating video conferencing and the online streaming of Council and committee meetings ~~when restrictions are lifted~~, so that it can continue to engage with the wider community.

The amendment was seconded by Councillor Baker.

Councillors Birch, Ho, E Little, Norman, Ray and Smith spoke in support of the Motion and the amendment. Councillor Eadie supported the Motion whilst noting that it was important to recognise that not all residents wished to engage virtually and therefore alternative mechanisms were needed to engage and communicate.

Following a vote **the Amendment was approved.**

Councillor Gwilt and Roberts spoke in favour of the Motion as amended.

Following a vote it was:

RESOLVED: That the Motion as amended be approved.

118 QUESTIONS

Q1. Question from Councillor Ray to the Cabinet Member for Major Projects and Economic Development:

There are a number of buildings around the district that have been vacant for many years. They are a blot on our landscape. For example in Lichfield the old Prince of Wales / Feria pub on Bore Street, the old library, the old post office on Beacon Street and the old GKN factory near Lichfield Trent Valley Station.

What is the Council doing to proactively engage with landowners and to ensure that these premises are maintained or developed for the good of the community?

Response from the Cabinet Member for Major Projects and Economic Development:

“In respect of the Feria pub, the Economic Development Officer has been liaising with the owner of the premises on his current actions and future ambitions for the property to be economically active. The owner is currently undertaking internal refurbishment of the premises. As it has been left vacant for several years it needs quite a lot of work undertaken internally and externally. The Economic Development service shall continue to add pressure onto the owner to get the property into a usable state to be occupied. We have also looked at our options should the property not be redeveloped, then we are able to compulsory purchase these properties as long as we have a business case for us to access external funding for the redevelopment.

With regards to other long term vacant commercial premises, when a premises enquiries specifications suit one of these properties the economic development service work with the enquirer to occupy the site but there is a lot of work and financial investment needed in some

of these properties as they have been vacant for a long period of time which isn't favourable for some enquirers. The economic development service have made contact with some of the owners of these properties to understand what the barriers are to getting them back to an economically active status."

Councillor Ray asked the following supplementary question:

Can it be confirmed that through the Economic Development Officer there can be support for owners of properties that have been left vacant and undeveloped, since this information would be helpful to know and encourage Ward Councillors to try to contact landowners and put them in touch with the Council?

The Cabinet Member for Major Projects and Economic Development responded:

Yes, that is correct, we are in contact with many owners of properties and looking to get them back into use.

Q2. Question from Councillor Ray to the Leader of the Council:

During the difficult COVID-19 period councillor meetings have had to be conducted remotely by Zoom.

This has had a positive impact because it has led to increased attendance from members and also from the public as a result of meetings being broadcast on the YouTube channel.

Remote meetings have made the council more accessible to our residents. They could also lead to a wider group of people standing as councillors because for example working people, especially those who work outside of the district, and individuals with childcare and other caring responsibilities will be able to attend remote meetings more easily than physical meetings.

We do need to learn from the success of virtual meetings. They have been a positive that has come out of what is a very difficult time.

In my view we do still need to come together as a group of councillors and so do need to have a minimum number of physical meetings but we should not just go back to how things were before COVID-19.

Can I ask Leader for his views and for his commitment to set up a cross-party group to review options for council and committee meetings for the future.

Response from the Leader of the Council:

I think Councillor Ray may already know my views on this, as he seems to have repeated my comments made much earlier in the year and published in both Lichfield Live and ConservativeHome. I fully support a hybrid approach, where meetings can be attended either physically or via videolink and I of course look forward to the day that we can all meet together for our Full Council meetings in person. Our officers are already looking at the technology for hybrid meetings, which can go through the normal, cross-party, Overview & Scrutiny process.

Q3. Question from Councillor Tapper to the Cabinet Member for Regulatory, Housing and Health:

Can the Cabinet Member for Regulatory, Housing and Health please update us on progress with Greenwood House, and assure us that she will continue to lobby Staffordshire County Council (SCC) until it is delivered?

Response from the Cabinet Member for Regulatory, Housing and Health:

SCC have confirmed construction work on the new health centre at Greenwood House is due to begin next month (November), which is great news for all Burntwood residents registered with the Darwin Medical Practice.

SCC have issued the following update:

“The Greenwood House Medical Centre on Lichfield Road, Burntwood, will replace the Hudson Drive site of Darwin Medical Practice and provide 12 new consulting rooms, five treatment rooms, a healthcare/phlebotomy room, and a health education space in a single-story building. The plans also include accommodation for an adjoining pharmacy.

The site, once occupied by a nursing home, is currently owned by Staffordshire County Council and the funding is from NHS England’s Estates and Technology Transformation Fund, a multi-million pound investment programme aimed at providing more modernised buildings and technology to improve GP services for patients across the country

It is hoped that the new centre will reduce pressure on local hospitals with purpose-built, modern facilities designed to meet the demands of an ageing population with multiple healthcare needs.

Johnny McMahon, Staffordshire County Council’s Cabinet member for Health, Care and Wellbeing, said: “Part of the strategy for reducing demand on our hospitals from ageing communities is to provide more facilities and services in the community and we have always earmarked this site for use to benefit the people of Burntwood.

“This will be a first-class health centre on the community’s doorstep and it will make a huge contribution to residents’ health and wellbeing, as well as supporting older people’s independence.”

Lynn Millar, Director of Primary Care for the Staffordshire and Stoke-on-Trent CCGs, said: “We are delighted that work is to begin on this purpose built accommodation in very close proximity to a facility that is no longer able to meet modern healthcare needs.

“The new premises will be more spacious and will allow the practice to fulfil its potential by providing the accommodation required for their expert training of the clinicians of the future. This will also improve recruitment and retention of staff by providing a modern workplace.

“In addition, the new building will facilitate closer collaboration and the co-location of primary care with other professionals such as physiotherapists and mental health practitioners.”

Dr Gerbo Huisman, GP Partner at Darwin Medical Practice, said: “I am delighted that years of collaborative working between skilled and dedicated professionals from local health authorities, the County Council and The Darwin Medical Practice have now come to fruition.

“Our patients, as well as the wider community, are now getting what they have asked for so long; a modern, spacious and comfortable health centre from which we, their GP practice, will be delivering high quality, responsive and patient centred primary care services.”

Building work is scheduled to be completed by autumn 2021. The site will have 61 car parking spaces, uses the existing road entrance and its surroundings will be landscaped.”

Q4. Question from Councillor Ray to the Cabinet Member for Major Projects and Economic Development:

The council has passed a motion to declare a climate change emergency and it is obviously important that the council implements specific policies to support that motion. This is the defining issue of our time and vehicle emissions are one of the major issues to be tackled and councils (including LDC) can make a real impact.

I have some specific proposals relating to electric vehicles:

1. Taxis are licensed by local councils and as part of LDC's licensing arrangements, LDC should phase out all taxis licensed in our district which are not hybrid or electric vehicles by a fixed date. That would make a real difference to the air quality in the district. In London all taxis will need to be electric by 2033 - but I would certainly want LDC to deliver this in a shorter timeframe.
2. All council-run vehicles to be hybrid / electric by a fixed date.
3. Parking charges to be lifted for electric vehicles. This has been done by other local authorities like Sheffield City Council - and that would be a great message for our residents.

These are sensible and pragmatic policies and residents are expecting LDC to take specific actions to "do its bit" to tackle the climate change emergency. These proposals will need detailed planning, for example LDC would need to ensure that there is full consultation with our taxis drivers and that there are sufficient charging points and can I ask Councillor Little to confirm that LDC will commit to these initiatives and plan for their implementation.

Response from the Cabinet Member for Major Projects and Economic Development:

Taxis

From 2022 all hackney carriage must have a euro 6 fitted engine and any without would not be granted license when it is up for renewal. As part of the masterplan, we are looking to fully pedestrianise the city centre and from looking at the latest air quality data we have 2 bad spots within the district which are Muckley Corner and A38 where the cottages are very close to the carriageway so we do actively monitor the pollution levels with the district. The type of taxi the owner drives is a matter for themselves to determine and with the distances they have to cover on a shift (both within and outside of the district), alternatives may not currently be suitable for them but we would encourage them to look for alternates to petrol and diesel.

Fleet Management

We will consider options for electric and hybrid vehicles for future fleet replacements, particularly for smaller vehicles where the technology is proven and the charging infrastructure is viable. We need to be mindful, that currently the refuse vehicles currently travel to Four Ashes to tip and the range on the current models of refuse vehicles are not yet proven to be viable.

Car Parking

As you are aware, we are imminently starting the development of our car parking strategy. Once complete, we will then be looking to implement more EV charging points within some of those car parks. We would not look to remove car parking charges for electric vehicles as we encourage people to walk or cycle where possible and removing charges does not promote that.

Councillor Ray asked the following supplementary question:

I'm disappointed by the response regarding the phasing out of taxis which are not hybrid or electric vehicles. Can I ask that this be reconsidered and left on the table as a serious proposal as it delivers as a specific tangible policy and assists in improving the environment and tackling the climate emergency here in Lichfield District.

The Cabinet Member for Major Projects and Economic Development responded:

I believe this is part of the Regulatory and Licensing Policy which will be considered when it is reviewed.

119 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 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

IN PRIVATE

120 CONFIDENTIAL MINUTES OF THE EMPLOYMENT COMMITTEE

The confidential Minutes of the Employment Committee held on 1 October 2020 were submitted by Councillor Humphreys and seconded by Councillor Robertson.

Councillor Birch referred to the additional hours worked by staff during the pandemic and the potential welfare impact.

RESOLVED: That the confidential Minutes of the meeting held on 1 October 2020 be approved and adopted.

(The Meeting closed at 8.40 pm)

CHAIRMAN

**REPORT OF THE LEADER OF THE COUNCIL
CABINET DECISIONS – 10 NOVEMBER 2020**

1. Changes to the Housing Options Service

The Cabinet:

- 1.1 Approved the new arrangements for the administration of the housing register and allocations scheme.
- 1.2 Approved the revised allocation scheme at Appendix B of the Cabinet report for final consultation with registered providers, and delegated authority to the Cabinet Member for Regulatory, Housing and Health and the Head of Regulatory Services, Housing and Wellbeing to make further amendments if required after consideration of the Registered Providers' responses and in the future if minor amendments are needed.
- 1.3 Accepted Bromford's financial offer of compensation and agreed to delegate authority to the Cabinet Member for Regulatory, Housing and Health and Head of Regulatory Services, Housing and Wellbeing to agree to vary the terms of the 2010 Deed of Covenant and Variation to the stock transfer agreement and any other variations as required.

2. Disposal of Land Fronting St John Street adjacent to the old Library, Lichfield

- 2.1 The Cabinet approved the disposal of the land shown on plan A of the Cabinet report to Staffordshire County Council, on terms to be negotiated as outlined in the report.

CABINET DECISIONS - 1 DECEMBER 2020

3. Money Matters 2020/21: Review of Financial Performance against the Financial Strategy

The Cabinet:

- 3.1 Noted the report and issues raised within and that Leadership Team with Cabinet Members would continue to closely monitor and manage the Medium Term Financial Strategy.
- 3.2 Noted the further grant provided by the Government in 2020/21 of (£100,000) and the projected support for income losses that will be used to offset additional spend and income reductions and approved an update to the Medium Term Financial Strategy.

4. Calculation of Business Rates 2021/22, Council Tax Base for 2021/22 and the projected Collection Fund Surplus/Deficit for 2020/21

The Cabinet:

- 4.1 Approved in accordance with the relevant legislation and regulations, the Council Tax Base (Band D residential properties) for Lichfield District for the financial year 2021/22 of 38,891.4.
- 4.2 Noted the estimated Council Tax Collection fund Deficit of £1,322,000 and the estimated Business Rates Collection Fund Deficit of £14,627,000 for 2020/21.
- 4.3 Delegated authority to the Cabinet Member for Finance, Procurement, Customer Services and Revenues & Benefits and the Chief Financial Officer (Section 151) to:
 - Complete and certify the NNDR1 for 2021/22 on behalf of the Council.
 - Update the Council Tax Base for 2021/22 and Collection Fund projections for 2020/21 in the event of changes to guidance or the need for significant changes to underlying assumptions.

5. Procurement Strategy

- 5.1 The Cabinet approved the Procurement Strategy as appended to the Cabinet report.

6. Digital Innovation Strategy

The Cabinet:

- 6.1 Noted the views of the Strategic (Overview and Scrutiny) Committee.
- 6.2 Agreed to adopt the Strategy as set out at Appendix 1 of the Cabinet report.
- 6.3 Delegated authority to the Cabinet Member for Innovation, Commercialisation and Corporate Services in consultation with the Interim Head of Corporate Services to make any minor changes necessary to the Strategy prior to publication.

7. Additional Restrictions Grant - Local Scheme Proposal

The Cabinet:

- 7.1 Noted the Government's Additional Restrictions Grant Policy and allocation of monies.
- 7.2 Approved the proposed approach for delivering the Additional Restrictions Grant scheme.

- 7.3 Delegated authority to the Cabinet Member for Major Projects and Economic Development in consultation with the Head of Economic Growth and Development to make minor amendments to the Additional Restrictions Grant criteria where appropriate. The Cabinet Member shall keep Cabinet abreast of delivery and if major changes are required to report back to Cabinet.

CABINET MEMBER DECISIONS

8. Events & Festivals Policy

- 8.1 The Cabinet Member for Visitor Economy and Local Plan approved the amended Events and Festivals policy.

**DOUG PULLEN
LEADER OF THE COUNCIL**

This page is intentionally left blank

STRATEGIC (OVERVIEW AND SCRUTINY) COMMITTEE

19 NOVEMBER 2020

PRESENT:

Councillors Spruce (Chairman), Norman (Vice-Chair), Ball, Checkland, Grange, Greatorex, A Little, Matthews, Warfield, Westwood and White.

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

48 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Gwilt (Vice-Chairman)

49 DECLARATIONS OF INTEREST

Councillor Grange declared a personal interest if GDPR matters were discussed as she was working with a digitec company.

50 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were circulated and subject to the inclusion of the Cabinet members in attendance, were agreed as a correct record. It was noted that matters were preceding regarding a press release to minority communities which was welcomed by the Committee. It was asked if progress had been made in contacting local MPs regarding government funding to help leisure centres and it was reported that the two MPs had been written to and the Cabinet Member for Leisure was awaiting details on how to apply for the grant made available by government.

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

51 WORK PROGRAMME

The work programme was circulated and it was noted that when discussed at the Overview & Scrutiny Coordinating Group, it was agreed for the item on LEP's to remain with Economic Growth, Environment & Development (Overview & Scrutiny) Committee. It was also noted that the Coordinating Group had agreed to split Commercialisation and the Company into two separate items. It was requested that an item on equality and diversity be added and it was agreed to look at this further. It was also agreed to consider an item on maternity//paternity leave for Members.

RESOLVED: That the work programme be noted and amended were required.

52 MEDIUM TERM FINANCIAL STRATEGY 2020-2025

The Committee received a report on the Medium Term Financial Strategy (MTFS) for 2020-2025 including the Revenue Budget, Capital Strategy and Capital Programme and General Reserves. It was reported that the version under consideration now reflected the approval by Council on 13 October 2020 to remove the budgets related to the ICT Cloud Project and the Property Investment Strategy. It was noted that the funding gap would be increased by the end of the Strategy and that the report presented proposals on how to reduce it. The impact

of the pandemic was noted by the Committee including the reduction of income usually raised through sales, fees and charges. The Committee also noted that the government settlement was still unknown at this point except that it would be another one year settlement for 2021/22. The Cabinet Member committed to inform all Councillors when these details were received. The Head of Finance and Procurement then gave a brief presentation on the current situation of the MTFS and any impacts. It was reported that the level of uncertainty was unprecedented this year in relation to the MTFS with the one year Spending Review and Covid-19.

The Committee then asked questions and gave comments and Members wished to give their thanks to Officers in the Finance service for their hard work in such an uncertain climate. Thanks was also given to all Officers who have been able to get support to so many residents and businesses during this pandemic.

It was asked whether there was merit in postponing the MTFS process until more information including the government settlement was known. It was reported that the current timeframe was not different to previous years and the MTFS would be considered again at O&S in January once that information was known and fed into the budget.

It was asked whether admin costs were covered by the Covid-19 related grants and it was reported that what would usually happen was a separate grant to cover these costs which were not always announced with the main grant nor released at the same time however they rarely covered the true picture of those admin costs.

Due to uncertainty for residents, it was asked if a referendum on Council Tax increases would be ruled out and it was noted that it would be wrong to fully rule out at this time without all the information but it was not the intended route to take.

It was noted that there was enough money granted to the Council for 66 applications from residents for the main category and 40 applications for the discretionary category as part of the Test and Trace Support Scheme and it was asked if this was deemed sufficient especially taking into account the size of the district. It was reported that as at 11 November 2020 there had been 40 applications on the main scheme and 15 on the discretionary scheme.

It was also asked why the sports and leisure service was being reviewed and no community benefit had been identified given there was an obesity crisis.

On the Capital programme, it was noted that there was no money from 2021 onwards under the Developing Prosperity and little under the Shaping Place heading except replacing vehicles. It was reported that nothing was built into the Capital Programme until the project was confirmed.

It was confirmed that income generated from the sale of land from Netherstowe and Leyfields was conditional of planning permission being granted.

When asked, it was reported that the uptake of Garden Waste subscription had increased due to lockdown and residents having time or wishing to garden more. It was confirmed that the charge for green waste disposal would be frozen.

- RESOLVED: (1) That the contents of the report be noted; and
- (2) That the intention to remain part of the Staffordshire and Stoke Business Rates Pool for 2021/22 subject to the outcome of the Local Government Finance Settlement for 2021/22 be noted.

The Committee received a report on the draft Procurement Strategy which intended to move the Council from where it currently was to where it wanted to be in terms of procurement including more focus on local procurement. It was reported that the strategy took account of the new Strategic Plan, latest regulations and provided greater clarity regarding the role of the procurement process. It was noted that after a period of joint working with other authorities, the service had been brought back in-house and the new Procurement Manager was introduced to Members. It was reported that a new Procurement Specialist had also been recruited.

The Committee received a presentation from the Head of Finance and Procurement on the background of the procurement service, the LGA National Procurement Strategy 2018, where the Council is when assessed against that national strategy and where it was hoped to be in the future.

Environmental impact was discussed and it was asked how Officers would account for this and judge how environmental impact would be considered as part of the procurement process. It was reported that evaluating environmental impact could be done in a number of ways and the preferred approach would be a core set of basic evaluation criteria but then for the bigger, or higher risk procurement projects, there would be more tailored questions for example use of fuel and transportation or use of sustainable building products. Members were pleased to hear that this was a priority for the Procurement Manager. It was requested that the core criteria considered by Members.

It was noted that much of the procurement legislation was driven by the EU and with Brexit, these laws would be changing and it was asked how flexible the local element of the Strategy was to accommodate those national changes. It was reported that EU legislation was translated into UK legislation which was currently the Public Contract Regulations 2015 and a Statutory Instrument had just been announced to amend it and remove any reference to the EU organisations and replaced with UK ones but the majority if the regulations were not subject to change at this time but a review would be likely at some point. It was also reported that the Council's strategy was not focused on meeting the regulations specifically but set a strategic direction for procurement.

Local spend was discussed and it was noted that 10% was the average annual spend in the area (by post code) and there would be great gains in the local economy if that could be at least doubled. It was suggested that another bullet point in the strategy be added to state to increase the use of small and medium size suppliers particularly local enterprises as it would highlight the desire for local procurement. It was noted that local procurement was implied in the bullet point regarding social value however it was agreed that it could be clearer and more explicit and so wording would be reviewed.

The financial implications were considered and it was asked whether the reported savings were net after the cost of the procurement team or gross. It was confirmed that it was gross and it was then requested that a net figure be included as part of the performance indicators.

Targets and the percentage of suppliers paid within 30 days was then discussed and it was felt that it would be more important to pay within agreed contracts and not necessarily 30 days and so was requested a change in the target and split to say that 90% would have contractual terms of less than 30 days and 100% of payments would be made to those contractual arrangements. This was to take into account those very large suppliers may have terms of longer than 30 days and focus could be made to those small companies where cash flow is vital especially in a post covid climate.

It was finally noted that buying groups have more purchasing power and so the potential of entering into contracts with other local authorities or partners should be explored.

RESOLVED: That the views of the Committee be taken into account and the Draft Procurement Strategy be noted.

54 DIGITAL INNOVATION STRATEGY 2020-2024

The Committee received a report on the proposed Digital Innovation Strategy which focused on the needs of the Council's customers, and how engagement could be increased, and customer needs and expectation met, through the use of innovation, digital channels and technology. It was reported that the Strategy proposed activities under four work streams, E-Services and Engagement, Technology, Infrastructure, and Capability to deliver the Council's aims in this area.

Members requested that jargon used in the draft Strategy be reviewed as lay people may not understand and it was agreed to do this. A suggestion was made that a glossary might be helpful in this regard.

Accessibility was raised and a request made that thought be given to this especially printable forms that can be accessed and given to those who do not have access or ability to use a digital platform. It was also requested that contact numbers still be made available also.

Security was then referred to and it was suggested that the proposed Governance meetings also include this matter as well as privacy and compliance. There was a suggestion that security regarding access, processes and controls had not been defined enough and the bullet point on customer focus could include a commitment that residents data rights comes first. It was reported that the governance meetings would be to aid end to end processes and consider how technology can be used for whole tasks. It was also reported that all new technologies were investigated to ensure data security and there were separate policies to deal with that. When asked, it was confirmed that residents data would not be sold to marketing companies but used to aid access to, and improvement of, services and that GDPR was complied with. There was a suggestion that there was some guidance that would be advantageous if made available to ensure residents knew their rights.

Councillor Grange wished to have it recorded that she was not in favour of the draft Digital Innovation Strategy in its current form and required more explanation of the what the Council wish to do with residents data.

There were views that the draft Strategy was not innovative enough however it was noted that this was an overarching strategy and details of projects would lie beneath it.

RESOLVED: That subject to the comments made, Cabinet be recommended to adopt the Strategy.

55 REVIEW OF COMMITTEE MEETINGS

The Committee discussed the creation of a Member Task Group to review the Council's Committee structure and make recommendations for any changes. It was reported that since the review of the Constitution in 2018, which saw the current range of committees established, the Council had adopted a new more streamlined Strategic Plan. It was noted that as a result of recent adaptations due to the pandemic, the way committees operated including online meetings was fundamentally different and was more resource intensive and required additional officer support.

The Committee agreed with the approach and noted that a review would bring a more effective structure especially in Scrutiny. It was felt that performance by Members at

Committees should be considered although also recognised that some Councillors strengths are as Ward Members and this should not be forgotten.

It was agreed that the Chairman would also chair the task group.

- RESOLVED: (1) That a member task group be created to suggest improvements, potential new models for scrutiny, and to identify committees which could be combined, reduced or deleted;
- (2) That all members be sent a questionnaire to establish their views on the effectiveness of all meetings and any training requirements; and
- (3) That the task group study best practice from other authorities and report back to the January meeting where recommendations will then be put to full Council for consideration.

(The Meeting closed at 8.05 pm)

CHAIRMAN

This page is intentionally left blank

**ECONOMIC GROWTH, ENVIRONMENT AND DEVELOPMENT (OVERVIEW
& SCRUTINY) COMMITTEE**

24 NOVEMBER 2020

PRESENT:

Councillors Leytham (Chairman), Ball (Vice-Chair), Warburton (Vice-Chair), Binney, D Ennis, Gwilt, Ho, A Little, Marshall, Parton-Hughes, Ray, Robertson and S Wilcox.

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

Councillor B. Yeates attended the meeting as Chairman of the Regulatory & Licensing Committee to give views to aid the Committee.

14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

15 DECLARATIONS OF INTEREST

Councillor Gwilt declared a pecuniary interest as he stated that he worked as a street trader along with carrying out work on events at Lichfield based venues. He consequently observed the meeting but did not partake in the debate.

Councillor D Ennis declared a personal interest as he stated that he had worked with businesses in Chasetown to help organise events in the area.

16 DRAFT EVENTS AND FESTIVALS POLICY

The Committee received a report on the draft Events and Festivals policy informing them of the results of consultation. It was reported that the aim of the new policy was to facilitate the continued delivery of high quality, well run events and festivals in Lichfield District, to ensure they are well managed, add to the economic growth of the district and are enjoyable for all. Members noted that the policy was intended to deliver on the recommendations made in the Bournemouth University report commissioned by the Council in 2018. It was noted that, in total, 31 people/organisations completed the questionnaire, in addition 5 separate responses were received by email. It was noted that event organisers had contacted Members directly. The Committee was also asked for its views on the draft policy for the Deputy Leader and Officers to consider along with all representations before finalising the document.

The Committee agreed that a 'single point of contact' approach as outlined in the draft policy would be beneficial for event organisers especially those that were newer, smaller and/or more community led. It was confirmed that the intended policy would not supersede the Street Trading Policy or the role of the Regulatory & Licensing Committee and these elements would remain in place. It was reported that largely, it was the process that would change and expressions of interest to hold events be considered by a working group of Officers from all relevant areas and then the Cabinet Member before formal full applications were submitted.

It was agreed that the definition of an Event as currently drafted was not clear enough and should be clearer. In response it was stated that Events would be outdoor only, that were open to the public, involved consented activities or requiring a road closure and that this would be re-written in the final version of the policy. It was suggested that as part of the policy

statement there should be reference made to encourage events in other areas outside Lichfield City.

Exemptions to the policy were then discussed and it was noted that street parties, street sports events and parades would not be covered. There was much debate regarding traditional and civic events and it was requested that such local events, for example, the Greenhill Bower and the City Council's Pancake Race be assumed to be taking place and those dates automatically reserved in the events calendar. It was reiterated that as stated in the draft policy commemorative parades would be exempt however but to presume dates for other events was not appropriate as this could effectively undermine the policy approach. It was hoped that a dialogue could continue with Lichfield City Council to find the best way to continue these such events. It was suggested that different strands or level of event be considered alongside the aforementioned high level 'Strategic' ones which are reserved and that these would not necessarily need the Council's involvement at all for example village hall fairs. It was confirmed that indoor events would not fall within the policy but could be advertised on the Visit Lichfield website.

Application timescales were discussed and there was concern that for an organiser, 28 days to hear whether they had been successful could be too long and there could be a risk of them choosing another area to hold their event. In response it was stated that the expressions window would be open for 28 days and officers would assess those applications received half way through the window to ensure they were complete then at the end of the period, officers would meet and move the process on quickly to ensure organisers knew what had been agreed and could plan accordingly. Over time it was hoped that event organisers would understand the disciplines required with the policy in terms of submitting applications in good time and with the requisite details required for assessments to take place.

Members were pleased that a budget had been reserved to help event organisers set up new local events and it was hoped that this would encourage more events outside the Lichfield City area. It was agreed that the Policy should be as simple as possible to encourage newer event organisers to hold different and varied events in the district.

There were concerns on the need to know the financial viability of an event organiser and understood that there had been issues in the past where events were cancelled last minute due to financial issues and it left the Council having to deal unexpectedly with matters arising as a consequence. Some Members felt that the weighting given to that assessment criteria was high and should only be used if the Council was uncomfortable. It was also questioned as to whether the assessment itself should attach any kind of weighting when it would seem this was more a yes/no answer. In response to a question in this context about who any contract would be it was confirmed that there would not be any contract with organisers through this events policy. Hire of the Council's own park land and any associated fees and charges would be dealt with separately and after the initial filtering process.

The role of local businesses both in terms of being involved in events and being affected by them was discussed. It was stated that it was hoped to have local businesses have a greater involvement in events and wished for this to be facilitated through discussions with event organisers and at least offered the opportunity to participate. Discussions between event organisers and local businesses should also take place to help mitigate impacts

Members asked why there was a rush to consider and adopt an Events Policy at this time when it was unlikely that because of CV19 events could be held for a long time. This was taking up a lot of officer time. In responding the Cabinet Member stated that it was important to be able to plan for when events can take place and hence there was a need to progress with adopting a policy and commencing its implementation.

It was requested that there should be criteria in the policy that required where possible events organisers to pursue local procurement of goods and services. It was also suggested that a

criteria specifically be included requiring event organisers to show how their proposals would contribute to tackling the climate emergency. It was agreed to consider these points further.

The Committee agreed that implementation of any approved policy should be monitored and evaluated on a regular basis to allow for improvements if required. It was also requested that an impact assessment on the Council's costs including Officer time be included as part of this assessment.

- RESOLVED:
- (1) That the comments made in response to the consultation on the draft policy and procedure be noted;
 - (2) That the suggested responses to the key issues raised in the consultation be noted;
 - (3) That the suggested amendments to be made to the draft policy be noted.

(The Meeting closed at 7.55 pm)

CHAIRMAN

This page is intentionally left blank

AUDIT AND MEMBER STANDARDS COMMITTEE

12 NOVEMBER 2020

PRESENT:

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

Observer: Councillor Strachan, Cabinet Member for Finance, Procurement, Customer Services and Revenues & Benefits

Officers in Attendance: Miss W Johnson, Ms Rebecca Neill and Mr Anthony Thomas

14 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

15 DECLARATIONS OF INTEREST

Councillor Grange declared a personal interest in any discussion relating to the capital spend at Friary Grange Leisure Centre as she was a Friend of the Friary Grange Leisure Centre.

Councillor Grange also declared a personal interest in respect of agenda item no. 9 GDPR/Data Protection Policy as she was working with a technical company in the GDPR area.

16 MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the Meeting held on 22 July 2020 previously circulated, were taken as read and approved as a correct record and the Minutes of the Special Meeting held on 7 October 2020 also previously circulated, were taken as read and approved as a correct record as well.

17 MID-YEAR TREASURY MANAGEMENT REPORT

Mr Anthony Thomas (Head of Finance and Procurement) delivered a Presentation on the Mid-Year Treasury Management Report, which covered the projected mid-year (30 September 2020) Treasury Management performance in 2020/21.

The impact of removing the investment in property budget was highlighted and the effect of lower council tax/business rates income and grants. Mr Thomas said there was a significant collection fund deficit projected in 2020/21 (council tax and business rate income) and said the deficit and grants would impact on the council's balance sheet at 31 March 2021. Mr Thomas explained that the government's mandate suggests that deficits are to be spread over a three-year period and there were indications of further assistance from the government with these collection fund deficits, although no details were yet known.

The strategic investments current values were illustrated at 31 March, 30 September and 31 October and the projected earmarked volatility reserve figures were explained as held to manage the type of risk. (Mr Thomas warned that this was very volatile at the moment and a lot of the book loss could either get reduced or increase).

The Treasury Management Practices were reviewed and Mr Thomas said these were all supported by Arlingclose guidance and had been shared recently with the Internal Audit team. Minor changes had taken place and they had suggested that they be reviewed by this committee and then go to full council for approval. This was being done so we were compliant with the internal audit recommendations and to ensure the Prudential Indicators were all compliant.

Questions were asked about the collection fund deficit and how Lichfield District Council compared to other authorities, but Mr Thomas said that this was hard to compare as it depended on demographics/nature of business rate payers etc. Even so, it was felt we were at the lower end of the spectrum of deficit collecting. In the projections, approximately 5% for non-collections had been assumed based on research undertaken across a cross section of authorities. Mr Thomas was asked about the investments at other authorities as Croydon LBC had recently been issued with a S.114 notice and he confirmed we had no investments with that authority and reminded the committee that while upper tier authorities were avoided, all investments would be monitored in the future. It was noted that the council has an investment with Monmouthshire and yet this was a top tier authority. Mr Thomas said he believed all authorities in Wales were unitary councils but he agreed to check on this and report back via email to the committee members. He said he believed that the Welsh government were potentially able to be more financially supportive of local authorities than in England.

The forecasting spend to date figure was queried and Mr Thomas said some projects had not progressed and this would be revisited, so he anticipated that figure would come down significantly. The investment in the property company income was queried and it was explained that all of the budgets related to the former investment in property. These budgets had now been removed from the MTFs, although the loan to the property company was still assumed. However, at this stage the loan had not been requested by the company and therefore the interest receivable assumed in the MTFs would not be receivable. It was noted that this was a relatively low level value and was only assumed for a five-year period, in line with the terms of the loan agreed by council. A question was asked regarding investments in call accounts (one with HSBC and one with Lloyds) holding £2m worth of funds. Mr Thomas explained that it was problematic trying to get counter-parties to take our cash at the moment and so he was trying to place it in a risk-managed level, in terms of the entire portfolio.

- RESOLVED:-** (1) The Report was reviewed and noted;
(2) The Prudential Indicators contained within the report were reviewed and noted;
(3) The Committee reviewed and recommended to Council for approval the updated Treasury Management Practices shown at Appendix D.

18 CIPFA FINANCIAL MANAGEMENT CODE

Mr Anthony Thomas (Head of Finance and Procurement) provided the committee with a report on the CIPFA Financial Management Code and he explained the key points in more detail.

Mr Thomas advised that this code had actually been conceived pre-Covid and the drivers around it had been what had happened at Northamptonshire City Council. It was meant to help provide long term sustainability for local governments by setting out some principles and standards. (Mr Thomas said he felt it would be applicable to every single sector not just local authorities). He explained that 2020/21 was a shadow year for these principles to be trialled and then it was envisaged in 2021/22 it would go live. He said after having visited each area of the code, he felt LDC was compliant with the majority of the code but there were a few minor things we needed to action i.e. to continue to develop the approach to budget consultation in line with the new engagement strategy.

Mr Thomas said that the new service and financial planning process to provide a more robust MTFs had been implemented in 2020/21, and a lessons learnt exercise would be undertaken

to see what could be improved for future years. He said he had built a 25-year revenue model as a consequence, which he would like to develop and build in more on the capital element so that the nature of the transactions were also listed. It was queried if it was realistic to have a 25-year revenue model and Mr Thomas said he felt it was beneficial as it would paint a picture and, he believed, could identify funding gap trends and enable financial planning for projects over a longer cycle in terms of assessing financial stability.

Engagement with key stakeholders was highlighted and it was hoped, with the help of the new Communications Manager, engagement could be improved upon and we could notify people how we spend their money. Mr Thomas said, with regards to financial stability, we currently do two separate reports: financial and non-financial, and these reports could be integrated.

The balance sheet risks were reviewed, and where it was recognised that four risks had been identified, it was questioned why the pension risks were not included. Mr Thomas explained that local authority deficits were statutorily mitigated on the balance sheet through an unusable reserve and to undertake a projection the Actuary would need to be involved in addition to the assessment at the end of the financial year.

RESOLVED:- The Report was reviewed and it was noted that:-

- The publication of the Financial Management Code and the requirement for it was to be applied from 1 April 2020;
- That the first year, 2020/21, is a shadow year where Local Authorities are able to demonstrate that they are working towards full implementation which, for the first full year of compliance, would be 2021/22;
- That an initial assessment had been carried out at Appendix A of the council's assessed level of compliance compared to the standards contained in the Financial Management Code.

19 INTERNAL AUDIT PROGRESS REPORT

Ms Rebecca Neill (Internal Audit Manager) presented the Internal Audit Progress Report for Quarter 2 which highlighted work done to the end of September 2020. As advised to the committee previously, there had been a delay in the section's ability to undertake audit work due to council services needing to concentrate on the response to Covid-19. Ms Neill said this had impacted on the plan, follow-ups and KPI's and she stated that a summary of work and performance was detailed at Appendix 1 and performance against the new suite of KPIs which was at section 5. She explained that using the new approach to clear the backlog of audit recommendations and managers as well as the committee having greater visibility of what was outstanding, meant there was a marked progress but there was still work to do. Ms Neill stated that she was confident that a vast improvement would be seen by February's meeting.

In terms of follow-up, Ms Neill stated that the only item to highlight was the GDPR follow-up report which had again received limited assurance. She explained this committee had the option to call-in the ICT Manager and Head of Service to February's meeting if they felt it appropriate. She said that a follow-up audit was currently being undertaken and also that some context was necessary as the ICT Manager concerned had been deeply involved in the council's Covid response. She stated that she was hopeful of a more positive progress report from this follow-up. Ms Neill therefore suggested that if the follow-up remained limited assurance again at this second stage, the committee might want to invite the ICT Manager and Head of Service to February's committee meeting to discuss further. Discussions took place around this item and it was felt that waiting until February's meeting was too much of a delay and that the GDPR risk, in conjunction with the risk from the remote working audit (reporting that not all council laptops were encrypted and this was noted as a risk since 2017), assurances were needed as soon as possible. It was agreed that as the actions were due to expire on 31 October 2020 that the responsible manager should provide a "Position

Statement” to all the committee members as soon as possible, which could then decide if a special meeting should be arranged to discuss these risks. This was noted.

As a level of comfort, Ms Neill advised that there had been no data breaches, no specific issues nor irregularities associated with these risks identified.

The proportion of returns of Customer Satisfaction Surveys was queried and Ms Neill was able to report that the number had increased significantly and was now 13 returned out of 18. She said that the team had simplified the process, and this seemed to be improving the returns received. The Covid-19 Flash Audits were discussed. Members were conscious that the welfare and mental health of staff needed to be monitored as it was known a lot of staff had worked many extra hours during the first lockdown and should not be asked to do it again in a second one. Ms Neill said this was part of the productivity flash audit remit which was due to be undertaken shortly.

The Audit team were thanked by the committee members. To achieve 39% of the Audit Plan for the first half year despite the circumstances and to be confident of achieving 90% by the year end was remarkable. All members of the Audit team were congratulated.

RESOLVED: The Report was reviewed and noted, and it was agreed that the responsible Head of Service and managers would provide a Position Statement as soon as possible in respect of the GDPR Audit and the unencrypted laptops risk.

20 RISK MANAGEMENT UPDATE

Ms Rebecca Neill (Internal Audit Manager) presented the Risk Management Update report which provided the committee with their routine risk management update. She said that the risk profile was changing constantly at the moment but highlighted the changes since July’s meeting. These being:-

SR2 change in score from 9 to 16 so this now becomes the highest rate risk.

Discussions took place around SR2 and it was asked if flooding within the Lichfield district could be included within the SR2 mitigating controls section as it could be that it runs alongside Covid and it is linked to climate change/green agenda. Ms Neill agreed to consider this and report back to Leadership Team.

All other risks remained unchanged but the target score for SR3 had been revised from 2 to 4 to take into account the increased pressures on delivery of the Strategic Plan.

Ms Neill advised that she had reviewed and revised SR1 and SR6 since the previous meeting and welcomed any comments.

She said the progress with service risk registers was ongoing and it was hoped to have the three lines of assurance for each Head of Service soon. Discussions took place around the scoring of risks. Ms Neill was able to advise that while there is a lot of subjectivity involved, debating risk scores is the best way of achieving the “check and challenge”. She was happy with her oversight and this committee’s challenges, such that the scoring methodology was sufficient.

RESOLVED: The Committee noted the risk management update and received assurance on the actions taking place to manage the Council’s most significant risks.

21 COUNTER FRAUD UPDATE

Ms Rebecca Neill (Internal Audit Manager) presented the Counter Fraud Update report which was a suite of policies which the committee were asked to endorse. Ms Neill explained that the Counter Fraud and Corruption Policy Statement Strategy & Guidance notes were a refresh from last year, as was the Confidential Reporting (Whistleblowing) Policy. She said the Anti-Laundering Money Policy had been updated to include some more relevant legislation and a new policy: the Prevention of the Facilitation of Tax Evasion policy had been written as this had been adopted by other Local Authorities as good practice. Ms Neill said in the past, these policies had been subject to an annual review cycle but recommended that this be increased to a three yearly cycle giving delegation to herself and the Principal Auditor to undertake minor amendments as necessary. Discussions took place around the review cycles and it was suggested these be brought in line with the Risk Management policy which was every four years with a two-year light touch review. Ms Neill agreed this seemed a sensible approach.

Ms Neill said there had been no suspected fraud or whistleblowing in 2019/20 and she hoped to relaunch all the policies after the committee's endorsement today.

It was noted that at Appendix 4 of the Counter Fraud & Corruption Policy Statement Strategy and Guides, the contact for the External Auditors was mentioned and it was queried if an explanation of their role could be inserted as they performed different functions to the Internal Auditors. This was agreed.

The wording in the Confidential Reporting (Whistleblowing) Policy was questioned as some areas did not seem to actively encourage whistleblowing. Ms Neill said she would look at this again and especially reinforce this message in terms of training.

The new Tax Evasion policy was reviewed and it was asked if some detail of how possible breaches may be investigated could be explained.

RESOLVED: (1) The Committee noted the contents of the Counter Fraud update report and endorsed:-

- (a) The Counter Fraud and Corruption Policy Statement, Strategy & Guidance Notes (refresh at Appendix 1);
- (b) Confidential Reporting (Whistleblowing) Policy (refresh at Appendix 2);
- (c) Anti-Money Laundering Policy (refresh at Appendix 3);
- (d) Prevention of the Facilitation of Tax Evasion policy (new policy at Appendix 4).

(2) That the review cycle for all these policies be extended from annually to four years around the elections cycle with a two-year light touch review (unless there is a major change required in accordance with legislation/best practice) with minor amendments (e.g. job title changes) delegated to the Shared Head of Audit/Principal Auditor to undertake.

22 GDPR/DATA PROTECTION POLICY

In the absence of Ms Christie Tims (Head of Governance & Performance/Monitoring Officer), the Chairman presented the report and said it was an update on the actions taken since the implementation to ensure the Council remains compliant with the General Data Protection Regulations (GDPR).

Comments were that the risk descriptions should be phrased from the residents' perspective rather than the council's perspective. It was agreed that the assurance levels be reconsidered and updated to show the impact on residents as the victims of any transgressions. This was noted.

The committee asked for an addition of “any subsequent legislation” to be inserted in the policy. It was also suggested that an addition to the scope of the policy referencing a specific section on members responsibility and actions, as well as officers. It was also recommended that the impact on GDPR compliance during the pandemic, with staff working from home, be referenced in the policy.

RESOLVED:- (1) The Committee received the report and noted the ongoing work to improve assurance of compliance with the General Data Protection Regulations (GDPR); and

(2) The Committee approved the updated Data Protection Policy and Appendix A making the above observations and comments and granted delegated authority to the Head of Governance & Performance to undertake minor changes such as job titles and links as necessary in future.

23 WORK PROGRAMME

The Work Programme for the Audit & Member Standards Committee 2020/21 was considered, and it was noted that there were fewer items for the March agenda compared to the February and April’s meetings. It was therefore suggested to spread out officer and members time, the items be reviewed and moved if possible to even out the agendas for each meeting. This was agreed.

(The Meeting closed at 7.40 pm)

CHAIRMAN

PLANNING COMMITTEE

16 NOVEMBER 2020

PRESENT:

Councillors Baker (Vice-Chair, in the Chair), Anketell, Barnett, Birch, Checkland, Cox, Eagland, L Ennis, Evans, Ho, Humphreys, Leytham, Matthews and Tapper

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Marshall.

10 DECLARATIONS OF INTEREST

Councillor Birch declared a personal interest in Agenda Item 4 (Application no – 20/00760/FUL) as he is the Chair of Burntwood Town Council's Planning Committee who have raised significant objections.

Councillor Leytham declared a personal interest in Agenda Item 4 (Application no – 20/00508/FUL) as the applicant is known to him.

11 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on Monday 24 August 2020 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

A request was received that any further consultation made by Staffordshire County Council to Lichfield District Council in respect of an application at Land South of the A513, Orgreave, Alrewas for Concrete Works (County ref. L.20/03/867 M) be considered at this Planning Committee in the future.

12 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Head of Economic Growth and Development and any letters of representation and petitions of observations/representations together with the supplementary report of observations /representations received since the publication of the agenda in association with Planning Applications 20/00508/FUL, 20/00757/FUL & 20/00760/FUL

20/00508/FUL – Demolition of the existing dwelling and erection 2no. detached dwellings and associated works – 62 Pinfold Hill, Shenstone, Lichfield, Staffordshire
For: Mr and Mrs Crump

RESOLVED: That the planning application be approved subject to conditions contained in the report of the Head of Economic Growth and Development.

(Prior to consideration of the application, representations were made by Mr and Mrs Hill (Objectors) and Mr Richard West from Cerda Planning (Planning Consultant)).

20/00757/FUL – Erection of 1no. dwelling and associated works (re-submission of 19/01581/FUL) – Land adjacent Shenstone Moss, St. Johns Drive, Shenstone, Lichfield, Staffordshire

For: Firstpost Homes

RESOLVED: That the planning application be approved subject to conditions contained in the report of the Head of Economic Growth and Development.

20/00760/FUL – Demolition of workshops and construction of 2 bedroom bungalow – 204 High Street, Chasetown, Burntwood, Staffordshire

For: Ms Leanne Lennaon

RESOLVED: That the planning application be REFUSED for the following reason:-

In the opinion of the Local Planning Authority, the proposed development, by reason of the siting, and scale of the dwelling, along with the resultant plot sizes, would constitute an inappropriate form of backland development that would be at odds with the pattern and density of development in the area. The proposal would therefore be out of keeping with and cause harm to the character and appearance of the locality. The proposal would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and BE1 (High Quality Development) of the Lichfield Local Plan Strategy 2015, the Sustainable Design Supplementary Planning Document, and Government policy contained within the National Planning Policy Framework (2019).

(The Meeting closed at 7.40 pm)

CHAIRMAN

Revision of Street Trading Policy

Councillor Angela Lax

Date: 15th December 2020

Agenda Item: 11

Contact Officer: Gareth Davies/ Susan Bamford

Tel Number: 01543 308741 / 01543 308170

Email: Gareth.davies@lichfielddc.gov.uk/
susan.bamford@lichfielddc.gov.uk

Key Decision? NO

Local Ward

Members



Full Council

1. Executive Summary

- 1.1 Cabinet in October 2020 agreed the draft Event and Festivals policy for the purposes of consultation and consultation, this took place between 21st October 2020 and 18th November 2020. The outcome of the public consultation was considered by the Economic Growth, Environment and Development (Overview and Scrutiny) Committee on 24th November and some changes subsequently made to the draft policy as well as the associated guidance.
- 1.2 There is some overlap with the Street Trading Policy which has been amended to take account of the Events Policy and some procedural parts removed to go within a separate street trading procedure. Pending the introduction of the new Events and Festivals Policy, a further review of the Street Trading policy will take place in 2021.
- 1.3 Full Council are now being asked to approve the revised Street Trading Policy and remove the delegation in the constitution for the Regulatory and Licensing Committee to determine Expressions of Interest.

2. Recommendations

- 2.1 That members approve the amended Street Trading Policy and remove the delegation in the constitution for Regulatory and Licensing Committee to determine Expressions of Interest.

3. Background

- 3.1 The Events and Festivals Policy and guidance will now provide a decision making framework for larger events and festivals in the district and guidance for event organisers.
- 3.2 Lichfield District Council's Street Trading Policy includes a section on Special Events and Festivals which now overlaps with the Events and Festivals Policy. Subject to the Event and Festivals policy being adopted, parts of the Street Trading Policy will require amending. On this basis, the areas which overlap have been removed and clarification given where the Street Trading policy still applies. Some aspects of the policy have also been removed so that they are included in the street trading procedure.
- 3.3 A further review of the policy will be undertaken in 2021 to ensure alignment with the Events and Festivals Policy and Guidance as this is implemented.

Alternative Options	1. The Policy could be left as is but this would result in overlap and contradictions across the 2 policies.
Consultation	1. The Events Policy has been consulted upon and the proposed changes take account of that consultation.
Financial Implications	1. None from this report
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. A key theme of Lichfield District Council’s strategic plan 2020-2024 is that we will work collaboratively to shape our place and develop prosperity across Lichfield District. 2. Events and festivals are recognised as a key part of showcasing our district, and encouraging economic growth. A varied events programme, helps us build on our heritage, tourism, and cultural offer and encourages more footfall, both to the events and afterwards as events help showcase the district for future return visits. The Street Trading Policy supports events and festivals and start up businesses.
Equality, Diversity and Human Rights Implications	1. An equality impact assessment has been undertaken.in relation to the event and festivals policy.
Crime & Safety Issues	1. Street Trading provides a regulatory framework to help reduce the risk of any associated crime and safety issues.
Environmental Impact	1. The environmental impact of street trading is assessed, managed and mitigated through the event booking enquiry/assessment process and street trading procedure.
GDPR/Privacy Impact Assessment	1. Not Applicable

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Overlap/ contradiction between the Events Policy and Street Trading Policy	Revisions to the Street Trading policy and links to the Events Policy.	Green
B			
C			
D			
E			

Background documents
[Revised Street Trading Policy](#)

Relevant web links

Street Trading Policy

December 2020

Table of Contents

1	Introduction	3
2	About this policy	3
3	Definition of street trading	3
4	Types of street trading	4
5	Street trading within the Lichfield District	4
6	Why do we have street trading?	5
7	Key considerations when assessing an application	6
8	Annual street trading	8
9	Temporary street trading	9
10	Roaming street trading	10
11	Events Eligible for subsidised street trading	10
12	Letting of pitches	11
13	Temporary relocation	11
14	Fees and charges	12
15	Applications	12
16	Insurance	13
17	Food stalls	15
18	Disclosure and barring service check (DBS)	15
19	Removal of waste	15
20	Revoking consents	16
21	Refusing applications	16
22	Conditions, complaints and enforcement	16
23	Definitions	17

1. Introduction

This policy is a decision making framework for the consideration of applications for street trading consents. The aim of the policy is to create a street trading environment which is sensitive to the needs of the public, consumer choice, ensures safety and contributes to the character and ambience of the local environments. The council's power to regulate street trading is set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as "the Act".

Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Lichfield District and it supports the District Council's priority to encourage a vibrant and prosperous economy.

2. About this policy

Lichfield District Council's original Street Trading Policy was published in April 2016. This updated policy has been created to reflect the feedback and experiences we have had since the original policy was published.

The purpose of this policy is to provide a set of criteria and guidance which will be used as the regulatory framework for street trading. This policy will inform applicants and organisers of the parameters by which the Council will make decisions and links to the Council's Events and Festivals Policy (add link) . It will also give prospective traders an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them.

3. Definition of street trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

'the selling or exposing or offering for sale of any article (including living thing) in a street'.

The Act defines the term 'street' as including:

'any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980'.

Streets located on private land are included within the scope of this policy.

The Act in paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- A pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;

- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980.
- Trading as a news vendor.
- Trading carried on at a premises used as a petrol station.
- Trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop.
- Selling things, or offering or exposing them for sale as a roundsman.

4. Types of street trading

Streets may be designated as either 'prohibited', 'licensed' or 'consent streets' for the purpose of street trading.

Definitions:

Prohibited streets

If a street is designated as a prohibited street then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading in a particular location. The only prohibited street in Lichfield District is the whole extent of the A38.

Licensed streets

A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within Lichfield District.

Consent Streets

Designating a street a consent street enables trading to take place upon it, subject to the trader receiving a consent to trade from the Council. All streets within Lichfield District are designated as consent streets with the exception of the A38.

5. Street trading within the Lichfield District

Lichfield District Council has designated all streets within the Lichfield District as consent streets, except the whole extent of the A38. This policy applies to all street trading which is undertaken within the Lichfield District.

Where an applicant wishes to trade on private land, a consent will not be granted by the Council unless the applicant provides written permission from the land owner showing they have permission to trade.

Traders trading during events held at the Cathedral will be considered to be street trading if they are either trading on the street named Cathedral Close or on the grassed area facing into the street but not where they are on the grassed area facing into the cathedral.

This policy does not apply to:

- Small scale trading from residential properties (for example, garage sales, garden produce, eggs from own private livestock).
- Sale of articles by a charity. Charity sales and collections in the street are regulated under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 by the Council. Charities should contact the Council Licensing Team to apply for a permit.

Street trading consents are issued by Lichfield District Council. The consents come under the following classifications:

Annual Street Trading

This is a consent that lasts 12 months and enables the trader to trade up to 7 days a week at a particular pitch within the district. Temporary trading is preferred within the Town Centre locations. Annual consents are limited to certain locations in the towns.

Temporary Street Trading

This type of consent is for short periods of time for designated pitch in the district. No more than 30 consents will be issued per pitch, per year.

Roaming Street Trading

This is where a trader operates on various streets within the district rather than a fixed location.

Events Eligible for Subsidised Street Trading

All events that are agreed through the Events and Festival Policy (add link) will automatically receive a subsidy for street trading and traders will be charged a subsidised fee. For smaller events the event organiser can apply to the Council requesting their event to be considered for an event subsidy where street trading is taking part at the event and there are 10 or more consents that require issuing.

6. Why do we have street trading?

Street trading supports the District Council's priority to encourage a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to Lichfield District. The designation of all streets within Lichfield District ¹ as consent streets has taken place to ensure:



- Public Safety
- Prevention of crime and disorder
- Prevention of public nuisance

¹Except the A38

7 Key considerations when assessing an application

The following criteria apply to all types of street trading:

Public safety

- The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.
- Some locations may be considered unsuitable or may require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

Prevention of crime and disorder

- The proposed activity should not present a risk of crime and disorder to the public.

Prevention of nuisance

- Activities at the pitch must not cause a nuisance or annoyance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If at any time we receive complaints the nuisance is occurring, we are duty bound to investigate and, if complaints are found to be justified, we may decide to withdraw the consent.

Suitability of the applicant

- Lichfield District Council will consider any unspent the convictions the applicant may have.
- The council will reserve the right to request a basic disclosure check where the Council deems there is a risk to children and/ or vulnerable people. Examples of circumstances where basic disclosure may be required are ice cream sellers.
- When determining whether an applicant is suitable, we will look at the reliability of the applicant in paying fees and charges based on previous history.
- An applicant's history of street trading will also be taken into consideration e.g. whether previous street trading consents have been used appropriately and whether the council's requirements and street trading conditions have been followed, including deadlines.

Suitability of the trading stall

- The vehicle, trailer or stall (now referred to as a 'stall' within this policy) to be used should be of a high quality design, build, add to the quality of the street scene and be adequate for the purpose intended.
- The stall must meet with all of the consent conditions.

- The stall may be inspected by an officer from Lichfield District Council prior to consent being issued.
- Only stalls approved by an authorised officer of Lichfield District Council can be used.
- The stall will comply in all respects with any legal requirements relating to the activity proposed.
- The stall must be removed each evening, unless it is permitted by the consent.
- Colours should be chosen which are suitable for the surroundings.
- The stall shall be of such a design that it facilitates timely and efficient removal.
- The stall shall be of robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- Stalls and ancillary equipment and stock must be contained within the pitch.
- Prior to any consent being issued or in cases where a consented trader wished to change the stall, prior approval must always be sought from the Council. Proposals must include all display equipment and any attached, projecting or free standing elements.
- The design and appearance of the stall must be agreed by an officer from the Council before consent will be granted.

Generators

- Generators shall be positioned so as to reduce the length of cabling required to an absolute minimum and to minimise nuisance to local residents or businesses from noise or fumes. Where required, silenced generators or acoustically insulated generators should be sourced.

Advertising

- Advertising should only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the council.
- The use of 'A' boards is prohibited for certain sites (for example. Lichfield City Centre).

Barriers

- Barriers will only be allowed on a consent pitch where they have been specifically included within the stall's approval.

Hours of trading

Trading hours will be set on the basis of promoting the following purposes:

1. Preventing crime, disorder and antisocial behaviour.
2. Avoiding nuisance.
3. Protecting public safety.
4. Preventing obstruction of the highway.
5. Having regard to location and operating hours of business activity.

Selling the right goods

With the exception of events and festivals, the council will not normally grant a consent for the sale of goods which replicate or conflict with those provided by nearby shops. If a street trader has used a location regularly and a shop selling similar goods begins trading in the area, the Council may choose to



continue to grant consents to that street trader. The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent.

Anyone wanting to have a stall must clearly state the nature of the proposed goods. The goods must not:

- Cause a nuisance or annoyance to nearby properties/ people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Cause or contribute to crime and disorder – including the selling of fake or counterfeit goods.

Site assessment

In determining whether street trading in a particular area is appropriate the council will have regard to:

- Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving.
- Any loss of amenity caused by noise, traffic, smell etc.
- Existing traffic orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian, vehicular or disabled access.
- Any obstruction to the safe passage of pedestrians and wheelchair users.
- The safe access and egress of customers and staff from the pitch and immediate vicinity.

Other criteria

- The consent holder will at no time have the exclusive right to trade from the street or any part of it.
- Street trading can take place in the area outlined in the consent and on days and hours detailed in the consent.
- The consent holder may only trade in goods that are outlined on the consent.
- A copy of the consent shall be made immediately available upon request to an authorised officer of the council or the police.
- Auction sales shall not be permitted as part of the consent.
- All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.

Failure to comply with any of these requirements may result in refusal to issue consents or withdrawal of consent.

8 Annual street trading

An annual consent can last up to 12 months. This consent enables the consent holder to trade up to 7 days a week at a particular pitch within the district. Annual street trading consents run from the 1st April until 31st March the following year. Consents can be applied for part way through the year, but they will only run until 31st March.

Filling vacancies and allocation of pitches

The council will keep a waiting list for annual pitches that are currently occupied. Traders can express an



interest in a pitch. The details will be held on a list. The list will be kept in chronological order. Traders will be contacted in chronological order and the first suitable trader will be invited to make an application once a pitch becomes available.

If a trader makes an application, but is unable to trade when a pitch becomes available, the pitch will be offered to the next appropriate trader on the list.

Where there is no one on the on the waiting list for a pitch the council will from time to time advertise the vacancy for the annual street trading pitch on the council's website and select the most suitable applicant from those applications.

Surrendering an annual consent

Where the trader at an annual pitch wishes to surrender their consent they must give the council 21 days written notice. Notice must be sent to street-trading@lichfielddc.gov.uk

Payment of fees for annual pitches

Annual fees are published on Lichfield District Council's website. The annual fee is based on a daily fee 5 days worked per week, 50 weeks of the year. For annual pitches an initial payment equivalent to 40 trading days will be due before a consent is granted. The remaining fee will be spread over the following 10 month period, with monthly payments equivalent to 21 trading days due. The monthly payments will start one month after consent is granted. The consent will run from the 1st April until 31st March the following year. If an applicant makes an application during this period the consent for an annual pitch will cease on 31st March in the year that it was applied.

Annual consent renewal

Consent holders will be reminded that their consent is due to expire at least 28 days before the expiry date. This is done to assist the trader, the Council accepts no liability if the trader does not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent and to ensure that they submit their application prior to the expiry of their consent.

Consent holders may submit their application to renew up to one month in advance of their current annual consent running out. Applications for renewal must be received 14 days before the consent is due for renewal. **Failure to do so may result in a renewal not being granted or a delay in you being able to trade.**

9 Temporary street trading

Temporary street trading pitches can be in any appropriate location on a consent street. Each application will be assessed on its own merits. Use of the same pitch cannot be guaranteed. The application details and deadlines are set out in the Street Trading procedure.

Payment of fees for temporary pitches

Current fees are set out on Lichfield District Council's website. For temporary pitches the applicant will

need to pay when booking. The trader will incur the one day fee and then a lower daily fee for any additional days to be added to the same consent. The additional days must be at the same pitch or a pitch that has been previously authorised for use by this trader. The additional days must also be within the same financial year as the 1st day of trading. To take advantage of the additional day fee rate full payment must be made in advance and in one transaction.

10 Roaming street trading

Consents for roaming street trading will be granted on condition that they allow no more than 30 minutes trading in any 100m part of any one street on any one day and don't return within 2 hours. This reflects the peripatetic nature of their operation. Trading in one place for longer than this will require a temporary or annual street trading consent. The trader must clearly identify the times and dates they wish to trade and in which locations. It is up to the consent holder to ensure that they comply with laws relating to the highway. The Council will generally restrict or amend your consent where the type of goods conflict with other goods for sale in the vicinity. Consents can run for up to 12 months. Applications must be made at least 10 working days before the consent is due to start.

Payment of fees for roaming pitches

Please see Lichfield District Council's website for the current fee. Full payment must be made in advance of a consent being granted and in one transaction.

11 Events Eligible for subsidised street trading

All events that are agreed through the Events and Festivals Policy (add link) will automatically receive a subsidy for street trading and traders will be charged a subsidised fee. For smaller events the event organiser can apply to the Council requesting their event to be considered for an event subsidy where street trading is taking part at the event and there are 10 or more consents that require issuing.

To be eligible to receive a subsidised street trading rate the event should include some sort of entertainment, theme, attraction or promotion to encourage visitors to the event and surrounding area. An event that is just a market will not be eligible for the subsidy.

If an event is approved for a subsidised street trading rate the event organiser will be sent a street trading event application link so that they can invite applications to be made by street traders wanting to trade at the event. To be eligible for the subsidised street trading rate, the event organiser must have a strong track record of event /street trading compliance and have no outstanding fees. Consents will be issued by the Council to individual traders on successful application to the council. The application details and deadlines are set out in the Street Trading procedure.

Where an event is agreed after street trading consents have already been issued for the same location, the street trading consents will be honoured and the special event organizer will be required to allow for the traders in the location and trading hours as set out in their consent.

Applying for a street trading event subsidy

Applicants should complete the online event organiser's subsidy application. All questions must be answered in full. Only fully completed applications can be considered. Any events already agreed through the events policy will automatically have the subsidy applied.

Applicants wishing to serve and/or sell alcohol will need to apply for a Temporary Event Notice (TEN). A TEN must be sent to the licensing team (and the police) at least 10 working days in advance of a planned event.

Applications should be made via the council's on-line form and the required documentation uploaded as required. The application details and deadlines are set out in the Street Trading procedure

We strongly recommend that all street trading organisers contact the licensing team whilst they are in the planning stages of their event. Applications may have restrictions put on them by the Council such as the number of certain type of trader e.g. food, or the number of total stalls that can be accommodated at the event.

12. Letting of pitches

Sub-letting pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.

Re-letting pitches

Street traders must make full use of their consent. The local authority will assess whether a consent holder has made a full use of their consent. Street traders shall notify the Licensing Team in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Licensing Team of the date upon which they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

13. Temporary relocation

When a pitch becomes unsuitable, the council will relocate consent holders where suitable alternative street trading pitches exist. The council may consult with the highway authority to identify suitable alternative pitches for the purpose of relocating the displaced street trader.

14. Fees and charges



Lichfield District Council set fees and charges for street trading. Fees and charges are reviewed annually.

Where a consent is surrendered or revoked, the council will remit or refund, as they consider appropriate, the whole or part of any fee paid for a grant or renewal of the consent.

Please visit www.lichfielddc.gov.uk/streettrading to find out what the current fees and charges are for street trading.

15. Applications

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not normally be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any charges.
- The location is unsuitable
- The stall will be in proximity of a shop selling similar goods.
- The activities are likely to cause a nuisance or annoyance to neighbouring properties.
- The applicant is unsuitable.
- An applicant has failed to appropriately use previous consents.
- The stall is unsuitable.
- It causes or contributes to crime and disorder.

This list is not exhaustive.

Who can apply?

To apply for consent a person must be:-

- An individual or business
- 17 years of age or over
- Legally entitled to live and work in the UK

Making an application

All applications must be made on the council's prescribed application form. The application must be completed in full with all the required information before it will be considered. Applicants can apply online by visiting www.lichfielddc.gov.uk/streettrading, if you are unable to apply online please call 01543 308725 to request a hard copy.

The application must be accompanied by the following documents:

- Public Liability Insurance certificate
- A description of the stall or a photograph if available.
- Basic Disclosure and Barring Service (DBS) check or access to the DBS update service for you or any assistants if requested by the licensing team.
- Proof that the applicant, and any assistants are entitled to work in the UK if requested.

Once the application is complete and has been accepted, the council will either:

- Grant the consent as applied for.
- Grant the consent with conditions or a variation to the application.
- Refuse the consent.

Where a consent is refused the council will notify the trader in writing detailing the reason for refusal.

Receipt of application and fees

An application will be treated as being received only when the relevant application and all the necessary supporting evidence has been received and the relevant fee has been paid. The application must be completed in full. Incomplete applications will be rejected. Failure to follow the application process may result in the consent being refused or delayed. Applicants are encouraged to submit their applications in plenty of time of the trading date to ensure that if there are any problems they can be rectified or discussed before they intend to trade.

Consultation

Before a street trading consent is granted the council may decide it is appropriate to consult with various people or groups. The council will consider relevant representations.

The licensing team may consult the following people before issuing a consent:

- Staffordshire Police
- Highways Authority
- Relevant services at Lichfield District Council e.g. food team, waste team etc.
- Fire and Rescue Service.
- Trading Standards
- Any other person or body deemed necessary.

Information obtained from these people/ bodies will be considered during the application process and will help determine whether a consent should be granted.

16. Insurance

The council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade.

The insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the council evidence that public liability insurance is continuous for the period of the consent.



17. Food stalls

All food businesses must be appropriately registered with their local authority. Certain low risk businesses are exempt from the hygiene rating scheme, so will not require a hygiene rating, however the council may contact their local council to ensure adequate compliance with food law. Other low risk food businesses (the decision of what is classed as a low risk business will be determined by the Food Safety Team), may be considered safe to trade whilst awaiting inspection by their local authority or in other circumstances. All other traders that sell or provide food must have a national food hygiene rating of a 4 or 5. Where a rating drops below a 4 whilst a consent is in place, consent may be withdrawn. Applicants and consent holders should notify Lichfield District Council of any changes to their national food hygiene rating.

If food safety is found to be below the specified standard, consent will be withdrawn until the issues are resolved.

18. Disclosure and barring service check (DBS)

The council may ask you to apply for a basic disclosure to ensure that you are a suitable applicant. For information on how to apply for a basic DBS check please visit <https://www.gov.uk/government/publications/basic-checks>. If you are asked to provide a disclosure and barring service check as part of your application any assistants working during the duration of the consent will also need to provide a check.

We will not accept DBS checks that are more than 3 months old at the time of the application. Applicants that regularly apply may want to consider the DBS update service, further information is available at www.gov.uk.

19. Removal of waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

Special event organisers with 16 or more consents issued for an event must provide sufficient waste disposal facilities.

20. Revoking consents

There is no legal right of appeal against a decision to revoke a consent. Where a consent is revoked the

council will advise the applicant verbally (where possible) and confirm the reasons for this in writing within 10 working days. The Head of Regulatory Services, Housing and Wellbeing may allow an appeal to the Regulatory and Licensing Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

21. Refusing applications

The council may refuse to grant a consent. Where a consent is refused the council will advise the applicant in writing and notify them of the reason for the refusal. There is no right of appeal against a decision to refuse a consent. The Head of Regulatory Services, Housing and Wellbeing may, however, allow an appeal to the Regulatory and Licensing Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to refuse the consent has been made.

22. Conditions, complaints and enforcement

General conditions will be attached to every consent. Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, revocation of your consent, and refusal to grant further consents on application.

Complaints

Complaints will be fully investigated in accordance with the Council's Complaints Policy and consent holders will be expected to liaise with the council to resolve them, Substantiated complaints may result in a consent being revoked and refusal to grant further consents on application.

Offences

Decisions regarding enforcement action will be made in accordance with the Council's enforcement policy.

A person commits an offence if they:

- a) Engage in street trading in a prohibited street.
- b) Engage in street trading in a consent street without first obtaining authorisation (including making payment) from the council.
- c) Contravene a condition imposed on a consent.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.

23. Definitions

Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

News vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Statement of Licensing Policy – Licensing Act 2003

Councillor Angela Lax

Date: 15th December 2020

Agenda Item: 12

Contact Officer: Susan Bamford

Tel Number: 01543 308170

Email: susan.bamford@lichfielddc.gov.uk

Key Decision? **NO**

Local Ward

Members



Full Council

1. Executive Summary

- 1.1 At their meeting on 28th September 2020 Regulatory & Licensing Committee agreed to recommend the retention and extension of the current Licensing Policy due to the impact of the Coronavirus pandemic. On this basis a full policy review would be carried out during the extension period once the relevant licensing activity was back up and running and a period of some stability established.
- 1.2 Full Council are now being asked to approve for adoption the Council's Statement of Licensing Policy 2021 - 2026.

2. Recommendations

- 2.1 That the policy statement as attached at Appendix A be adopted by Full Council.

3. Background

- 3.1 The Licensing Act 2003 provides a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. These activities are referred in the Act as licensable activities.
- 3.2 Section 5 of the Licensing Act 2003 requires that the District Council as the Licensing Authority prepare and publish a Statement of Licensing Policy at least every five years. During the five year period the policy must be kept under review and the licensing authority may make any revisions to it as it considered appropriate.
- 3.3 The Licensing Authority was due to prepare and consult on a revised statement of licensing policy for 2021 – 2026 during this year. However due to the Coronavirus pandemic this authority was concerned about its ability to carry out an effective review because of not being able to fully engage with the local trade and residents. In addition, the Saturation Policy which forms part of the Licensing Policy needs to be reviewed. The Saturation Policy addresses the impact of premises licensed and covers Bird Street (up to the junction with Swan Road, Lichfield and Market Street (from its junction with Bird Street to its junction with the Market place, Lichfield. This policy provides a decision making framework for applications in the area covered by the policy and requires the authority to consider the impact a new licensed premises would have within the special saturation area. At this moment in time it is difficult to determine whether this policy needs to be retained going forward. In the event of any closures of premises in the saturation area then the policy may no longer be justified and it is impossible to forecast this position at this moment in time.
- 3.4 For these reasons members are asked to consider the retention of the existing policy with a view to conduct a detailed review when possible, within the next 5 year cycle.

- 3.5 The Local Government Association is supportive of this approach. We also sought legal advice from Southern Staffordshire Legal Services who are also in agreement with this approach.
- 3.6 We therefore are advising members to re adopt the existing policy for a further 5 years, with the understanding that a full review of that policy will be undertaken once some level of normality has returned.

Alternative Options	1.The Licensing Authority could have commenced a full review of the Licensing Policy. However due to the current coronavirus position this authority was concerned about its ability to carry out an effective review because of not being able to fully engage with the local trade and residents and assess the Saturation Policy.
Consultation	1. We consulted with the Responsible authorities as defined within the Licensing Act 2003 and South Staffordshire Legal Services
Financial Implications	1. All fees associated with the Licensing Act 2003 are Statutory. 2. There are no financial issues arising from this Report
Contribution to the Delivery of the Strategic Plan	1. The Licensing Policy contributes to the Strategic Plan outcomes of enabling people, shaping place and developing prosperity.
Equality, Diversity and Human Rights Implications	1 Equality impacts: The subject of this Report is a policy that is being re adopted with no amendments. Health impacts: The outcome of the health screening question does not require a full Health Impact Assessment to be completed. Human Rights: There are no Human Rights issues arising from this Report
Crime & Safety Issues	1. The policy will assist the Local Authority in exercising its duties and responsibilities under the Licensing Act 2003.
Environmental Impact	1. The Saturation Policy seeks to minimise the cumulative impact of licensed premises.
GDPR/Privacy Impact Assessment	1. Indicate whether a Privacy Impact Assessment has been undertaken The Policy as such does not involve the sharing of any personal data.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Objection to the readoption of the existing policy	Key partners have been consulted and are in support of the read option of the existing policy	Green
B			
C			
D			
E			

Background documents

Appendix A – Statement of Licensing Policy 2021 - 2026

Relevant web links

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

This page is intentionally left blank



LICHFIELD DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2021 - 2026

Effective from 7th JANUARY 2021

LICHFIELD DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

Contents	Page
1.0 Introduction	4
2.0 Purpose & Scope of this policy	4
3.0 Licensing Objectives and Fundamental Principles.	
3.4 Applications, Notices and Representations.....	6
3.10 Hearings and Determinations.....	6
3.15 Conditions.....	7
3.22 Temporary Event Notices.....	8
3.27 Personal licences.....	9
3.39 Designated premises supervisor.....	10
3.42 Working with partners.....	10
3.44 Rights of individuals.....	10
4.0 Integrating Other Regulatory Controls.	
4.2 Planning and Building Control.....	11
4.6 Health and Safety.....	11
4.10 Fire safety.....	12
4.13 Noise and other public nuisance.....	12
4.16 Public Health.....	13
4.18 Equality.....	13
4.23 Crime prevention.....	14
4.26 Children.....	14
4.28 Human trafficking / Modern slavery.....	15
4.30 The Licensing Authority as a Responsible Authority.....	15
4.34 Entertainment provision.....	15
4.38 Adult entertainment.....	16
5.0 Cumulative Impact of Licensed Premises.	16
6.0 Licensing Hours.	18
7.0 The Licensing Objectives.	19

8.0 Prevention of Crime and Disorder.	
8.10 Security Operatives.....	21
9.0 Public safety.	
9.7 General considerations.....	22
10.0 Prevention of Public Nuisance.	22
11.0 Protection of Children from Harm.	24
12.0 Enforcement of Licensing Requirements and Conditions.	25
13.0 The Licensing Process and Delegation of Functions.	26
14.0 Conclusions.	27
- Appendices.	
Appendix 1 – Saturation Policy for Bird Street and Market Street, Lichfield	

1.0 INTRODUCTION

- 1.1 The District of Lichfield is a mainly rural community of approximately 103,965 inhabitants and covering some 33,000 hectares. The district has two urban centres – the historic cathedral city of Lichfield and the historic industrial town of Burntwood. The City of Lichfield is the birthplace of Dr Samuel Johnson and home to centuries of history and heritage. It is in an idyllic setting with its magnificent mediaeval cathedral overlooking Minster Pool and its three spires, known affectionately as the 'Ladies of the Vale' dominating the skyline.
- 1.2 Bordering on Sutton Coldfield and the West Midlands Conurbation, the extensively wooded Cannock Chase, the newly created National Forest and within easy access to the national motorway network and the M6 Toll Road, it is an ideal place in which to live and work.
- 1.3 It is home to thriving leisure and arts facilities and in the centre of Lichfield is the internationally acclaimed Garrick Theatre, named after David Garrick the 18th century actor and director. Nearby Chasewater Country Park is home to a variety of water sports and the Chasewater Railway Centre whose railway line now encircles the lake. Drayton Manor Theme Park near Tamworth, boasts some of Europe's best white-knuckle rides and is set in over 280 acres of lakes and parkland, which includes a 15-acre open-plan zoo.
- 1.4 On the outskirts of Alrewas is the National Memorial Arboretum. This 150 acre site is planted with a varied selection of trees and contains over 300 dedicated memorial plots which makes the Arboretum a living tribute forever acknowledging the personal sacrifices made by the Armed Forces and civil services of this country.

2.0 THE PURPOSE AND SCOPE OF THIS POLICY

- 2.1 The Licensing Act 2003 (referred to as "the Act") provides for a unified system for regulating the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. In the Act, these activities are referred to collectively as "the licensable activities" and include:
- Retail sale of alcohol
 - Supply of alcohol by clubs
 - The supply of hot food and/or drink from any premises between 11.00 pm and 5.00 am.
 - Provision of "regulated entertainment", which includes: -
 - Performance of plays
 - Film exhibitions
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Performance of live music
 - Playing of recorded music
 - Dance performances
- 2.2 Lichfield District Council (The Council) is the local authority for the purposes of the Act and this Statement of Licensing Policy. The Licensing Authority is the unit of the Council that has specific authority for the determination of applications submitted under the Act.

- 2.3 The Act requires that the Licensing Authority publish a “Statement of Licensing Policy”, setting out the policies it will apply in the exercise of its licensing functions under the Act at least every five years.

The policy will apply in respect of new consents, reviews, renewals, transfers and variations (where applicable) to the following:

- Premises Licences
- Club Premises Certificates
- Personal Licences
- Temporary Event Notices.

- 2.4 This Statement of Licensing Policy was prepared in accordance with the provisions of the Act and, in particular:
- having regard to the Guidance issued by the Secretary of State under Section 182 of the Act; and
 - after proper consideration of responses to consultation with those authorities and representative bodies prescribed under Section 5(3) of the Act, as follows
 - ❖ The Chief Officer of Police for the area.
 - ❖ The Fire and Rescue Authority for the area.
 - ❖ The local authority’s Director of Public Health in England
 - ❖ Persons / bodies representing local holders of premises licences, club premises certificates and personal licences
 - ❖ Persons / bodies representing businesses and residents in the area.

- 2.5 The statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of five years from the date of adoption and will be reviewed and subject to further consultation before the end of the five year period.

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the policy.

- 2.6 The Council adopted the Policy on the 15 December 2020. It can be accessed on the website at www.lichfielddc.gov.uk and in hard copy from the Licensing Unit, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU, telephone 01543 308073.

3.0 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES

- 3.1 In carrying out its licensing functions, the Licensing Authority will focus primarily on the impact of licensable activities on those living, working or otherwise engaged in normal activities in the area and on promoting the four licensing objectives defined in the Act. These are:

- ❖ The prevention of crime and disorder
- ❖ Public safety
- ❖ The prevention of public nuisance
- ❖ The protection of children from harm

The Licensing Authority recognises that each objective has equal importance and each is to be taken into account in determining an application.

- 3.2 The administration and enforcement of the Act will take into account other appropriate local strategies. The Licensing Authority acknowledges the importance of securing proper integration with local crime prevention strategies as well as public health, planning, transport, tourism, equality schemes and cultural strategies.
- 3.3 Many strategies are not directly related to the promotion of the licensing objectives, but they may impact upon them. The Council will therefore ensure that from time to time it is kept informed on issues relating to all these matters in order that they be given due consideration when carrying out the licensing function.
- 3.4 Applications, Notices and Representations**
- 3.5 The Licensing Authority will return, as invalid, all notices and applications that are not submitted in accordance with the requirements of the Act or regulations made under it. It will, however, do all it can to assist applicants by responding as quickly as possible to all enquiries and by making information and appropriate forms available on its website at www.lichfielddc.gov.uk and in hard copy from the Licensing Unit, District Council Offices, Frog Lane, Lichfield, Staffordshire.
- 3.6 Applicants may also apply using the licensing forms available on the electronic application facility at www.gov.uk/alcohol-licensing.
- 3.7 The Licensing Authority will expect that the operating schedules accompanying applications for premises licences and club premises certificates will include sufficient information as to the steps proposed by applicants to promote each of the licensing objectives. In its capacity as the Licensing Authority, it will rely on the responsible authorities defined in Section 13(4) and Section 69(4) of the Act to make representations regarding any concerns they may have over the sufficiency of that information. All applications will be treated equally and on their individual merits.
- 3.8 The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base. The Licensing Authority will determine on its merits if any representation by any other person is frivolous or vexatious.
- 3.9 It will also expect that where such representations are made by any other persons and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Where such agreements are reached, the Authority after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.
- 3.10 Hearings and Determinations**
- 3.11 When “relevant representations” (as defined in the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants

will be advised of all representations and all parties involved will be informed of the time and place of the hearing at least ten days before the date it will occur unless all the parties concerned agree to a shorter notice period.

- 3.12 Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under Sections 19, 20, 21, 73 and/or 74 of the Act.
- 3.13 If an application for review of an existing premises licence or club premises certificate is received in accordance with the relevant sections of the Act, the Licensing Authority will hold a hearing to consider it, whether or not representations are received. In cases when the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.
- 3.14 The Licensing Authority will take steps to reject applications, to impose or modify conditions where appropriate, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps appropriate for promoting one or more of the licensing objectives.

3.15 Conditions

- 3.16 The Licensing Authority can only regulate licensable activities at those premises and events licensed or authorised within the terms of the Act. Its licensing policy is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of those holding individual licences/certificates under the Act.
- 3.17 The Licensing Authority will only consider imposing conditions following relevant representations (except for the conditions drawn from the applicant's operating schedule since these are voluntary propositions). It will not impose conditions on its own initiative and any conditions imposed on licences/certificates issued will, therefore, relate only to those matters falling within the control of the holders of those authorisations. If no representations are received the application will be granted in the terms sought and no additional conditions will be imposed (other than those statutorily required).
- 3.18 The Licensing Authority will not impose standard blanket conditions on authorisations issued under the Act and will, as far as possible, avoid imposing disproportionate and over burdensome conditions.
- 3.19 Any conditions imposed will be tailored to the specific needs of the premises and will relate only to the licensing objectives. When imposing conditions, consideration will be given to representations and recommendations made by responsible authorities and to the conditions included in guidance issued under Section 182 of the Act.
- 3.20 Where a "saturation policy" is adopted by the Licensing Authority it may include a presumption that:
- on application for review of an existing premises licence or club premises

certificate by a responsible authority or any other person, certain specified conditions may be attached to existing licences/certificates;

- unless appropriate steps to promote the licensing objectives are included in the operating schedule accompanying any application for a premises licence or club premises certificate (or any variation of such), that application will be refused, or, certain specified conditions attached, following any relevant representations from a responsible authority or any other person.

Adoption of saturation polices are referenced in more detail in Section 5 of this policy document.

- 3.21 In order to avoid duplication with other statutory regimes, the Licensing Authority will only attach conditions regarding matters that are not already adequately covered by other legislation. Other regulatory controls are referenced in more detail in Section 4 of this policy document.

3.22 Temporary Event Notices (TENs)

- 3.23 The Act provides for certain occasions when licensable activities at small scale events (subject to meeting certain criteria and within statutory limits) do not need a licence but do need to provide advance notice to the Police, the local authority exercising environmental health functions (EHA) and the Licensing Authority.

- 3.24 There are two types of TEN: a standard TEN and a late TEN. These are subject to different notice periods: a standard TEN is given no later than ten working days before the event to which it relates and a late TEN is given not before nine and not later than five working days before an event.

Unless served electronically via the GOV.UK facility copies of all notices are to be given by the premises user to the following:

- Staffordshire Police Licensing, Early Intervention and Prevention Unit, Block 9 Ground Floor, Weston Road, Staffordshire ST18 0YY,
- **EHA: Health, Housing and Environmental Protection, Lichfield District Council, Frog Lane, Lichfield, WS13 6ZE**

If a TEN is given electronically via GOV.UK the licensing authority will notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.

A working day is classed as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales. N.B. When calculating the required notice period the day on which the event is to take place and the day the notice is received by the authority/EHA/police are to be excluded.

- 3.25 The police or EHA may intervene to prevent such events taking place within three working days from when they are given the notice – if the event is likely to undermine any of the licensing objectives - by sending an objection to the licensing authority. Where a standard TEN has been given the licensing

authority will organise a hearing to consider the evidence and may decide that an event cannot proceed. Where a late TEN has been given a counter notice will be given by the licensing authority meaning that the event will not be allowed to proceed.

The police or EHA may also intervene by agreeing a modification of the proposed arrangements directly with the TENs premises user. In certain circumstances, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate from which the conditions will be replicated.

- 3.26 The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.

Further guidance can be obtained at www.gov.uk/alcohol-licensing

3.27 Personal Licences

- 3.28 Personal licences allow an individual to sell alcohol on behalf of any business that has a premises licence or club premises certificate.

Any person may make an application for a personal licence to their local licensing authority in whose area they live, whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

- 3.29 The Licensing Authority will grant a personal licence providing the following criteria is met:

- The applicant is over 18 years of age.
- The required fee accompanies the application.
- The applicant possesses a relevant licensing qualification.
- The applicant has not forfeited a personal licence in the previous 5 years.
- The applicant has not been convicted of any relevant offence, or foreign offence as defined in the Licensing Act 2003.
- The Police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence.
- The application has been submitted correctly.

- 3.30 Personal licences no longer expire at the end of a ten year period so do not need to be renewed.

- 3.31 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, applicants will be required to produce a basic disclosure certificate from the Criminal Records Bureau. The Licensing Authority will consult with the Police regarding any relevant offences or foreign offences as listed in Schedule 4 of the Act.

- 3.32 A relevant offence or foreign offence will be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974.

- 3.33 The Licensing Authority will liaise with the Police when an applicant is found to have an unspent conviction and if the Police make a representation to an application the matter will be referred to the Licensing and Consents Appeals Sub-Committee for a hearing.
- 3.35 The refusal of the application will be the normal course unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify the granting of the application.
- 3.36 The Licensing Authority of Lichfield District Council will be the 'relevant authority' for all personal licences they issue regardless of the subsequent place of residence of the licence holder.
- 3.37 Where a personal licence holder is convicted by a court of a relevant offence, the Court will advise the Licensing Authority accordingly. On receipt of such notification the Licensing Authority will contact the licence holder within 14 days requesting the return of the licence so that the necessary action can be taken.
- 3.38 The holder of the personal licence has a duty to inform the Licensing Authority of a new relevant conviction and/or any change in name or address.

3.39 Designated Premises Supervisor

- 3.40 A designated premises supervisor (DPS) is the person identified as such for a particular premises and who is named on the premises licence as being responsible for the authorisation of all alcohol sales made. Any premises where alcohol is supplied under a premises licence must have a DPS. However, certain community premises may apply for an alternative condition which means that a committee or board of individuals will have responsibility for alcohol sales, rather than an individual DPS.

The main purpose is to ensure that there is always one specified individual who can be readily identified as having key responsibilities at the premises and who is in day to day charge of running the business.

- 3.41 The premises licence will specify the name of the designated premises supervisor, where the alternative condition is not in effect, and it is the responsibility of the premises licence holder to notify the Licensing Authority immediately of any change of designated premises supervisor (unless the DPS has already notified the Licensing Authority).

3.42 Working with Partners

- 3.43 The Licensing Authority has determined this Statement of Licensing Policy with a view to promoting the licensing objectives, and in so doing, it recognises that the licensing function is only one means of securing those objectives. Licensing is not seen as a panacea for solving all problems within the community and the Licensing Authority will, therefore, continue to work in partnership with other agencies and the community, to deliver the aims and objectives identified in the Council's Strategic Plan.

3.44 Right of Individuals

- 3.45 This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits.
- 3.46 Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

4.0 INTEGRATING OTHER REGULATORY CONTROLS

- 4.1 There are a number of other strategic, legal and statutory controls that may affect the Licensing Authority's function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

4.2 Planning and Building Control

- 4.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

Licensing decisions will take into account any relevant planning decisions made by the Council's Planning Committee or made as a result of appeal although are not bound by decisions made by them, and vice versa.

- 4.4 Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications. It should be noted, however, that there is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 4.5 The local planning authority is a "responsible authority" and the Council's Strategic Director of Democratic, Development and Legal Services representing that authority, will be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by the planning authority when planning permission or building regulation approval is required and, where necessary, enable representations to be made to the Licensing Authority.
- #### **4.6 Health & Safety**
- 4.7 The licensing objective for public safety overlaps with health and safety requirements, which are enforced under the Health and Safety at Work etc. Act 1974 by either the Council or the Health & Safety Executive.
- 4.8 In the majority of cases health and safety requirements will not form part of the

conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. Where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety for certain types of entertainment, however, those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

- 4.9 The enforcing authorities within the meaning of Section 18 of the Health and Safety at Work etc. Act 1974 are “responsible authorities” as defined under the Act. The Council’s Strategic Director of Community, Housing and Health and the Health and Safety Executive, representing those authorities will, therefore, be notified of all applications relating to premises licences and club premises certificates that fall within their enforcement responsibility. This will enable the appropriate action to be taken by those enforcing authorities where health and safety requirements are an issue and, where necessary, enable representations to be made to the Licensing Authority.

4.10 Fire Safety

- 4.11 The Licensing Authority will not seek to impose fire safety conditions that may duplicate any requirements or prohibitions that could be imposed under the Regulatory Reform (Fire Safety) Order 2005.

- 4.12 The fire authority is a “responsible authority” and Staffordshire Fire and Rescue Service, representing that authority, will be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by that authority where fire safety requirements are an issue and, where necessary, enable representations to be made to the Licensing Authority.

4.13 Noise and other Public Nuisance

- 4.14 The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced in Lichfield by this Council under the Environmental Protection Act 1990. Powers under the Act are also available to the Police and, under the Anti-Social Behaviour Act 2003, to environmental health officers to secure the closure of licensed premises causing a public nuisance because of noise. The Clean Neighbourhoods and Environment Act 2005 also provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11pm and 7am.

In the majority of cases, controls to prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. Where it is considered that there is potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) at certain types of entertainment and statutory provisions do not provide for adequate protection those matters may be addressed through the imposition of licence/certificate conditions, where relevant representations have been received.

4.15 The local authority having statutory functions for minimising or preventing the risk of pollution of the environment or of harm to human health is a “responsible authority” as defined under the Act. The Council’s Strategic Director of Community, Housing and Health, representing that authority will, therefore, be notified of all applications relating to premises licences and club premises certificates. This will enable the appropriate action to be taken by the enforcing authority where pollution and public health requirements are an issue and, where necessary, enable representations to be made to the Council in its capacity as the Licensing Authority.

4.16 Public Health

4.17 Health bodies have been responsible authorities under the Act since April 2013 and health functions are now exercised by local authorities via the Director of Public Health. Although public health is not a licensing objective, health bodies hold certain information which other responsible bodies do not, but which would assist the Authority in carrying out its licensing functions. Therefore the Council will seek to work with partners and operators wherever possible to achieve better local health outcomes.

The Director of Public Health will be notified of all applications relating to premises licences and club premises certificates and, where necessary, enable representations to be made to the Licensing Authority.

4.18 Promotion of Equality

4.19 The Council’s Corporate Equality Policy recognises that discrimination can take many forms and arise as a consequence of:

- age
- race, colour, national or ethnic origin
- disability
- religion or belief (including non belief)
- gender (including transgender)
- marital status (including civil partnership)
- sexual orientation
- pregnancy and maternity.

4.20 This Policy will take account of the principles established by the Corporate Equality Plan and seek to ensure that unlawful discrimination will be eliminated and equality of opportunity and good relations between people of different identifiable groups promoted.

4.21 The Policy will have regard to the relevant legislation including The Equality Act 2010 and the Council’s Corporate Equality Statement available on the website at www.lichfielddc.gov.uk.

4.22 This Policy recognises that in exercising the licensing function there is the potential for direct and indirect discrimination. Monitoring systems will therefore be established to seek to ensure that the needs of the community are addressed and that policy implementation does not lead to detrimental impact. This policy has been subject to an Equality Impact Assessment.

4.23 Crime Prevention

- 4.24 Under the Crime and Disorder Act 1998, and in particular Section 17 of the Act local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. The Licensing Authority will have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.
- 4.25 The Chief Officer of Police for the area is a “responsible authority” defined under the Act. Staffordshire Police will, therefore, be notified of all applications and notices given under the Act. Their representations regarding the crime prevention objective and, where appropriate any of the other licensing objectives, will be taken into consideration by the Licensing Authority in responding to notices and determining such applications.

4.26 Children

- 4.27 The licensing authority is committed to protecting children from harm and views this as an important licensing objective. The Council’s licensing team works with Children’s Services during the development of licensing policy where the protection of children is concerned. Intelligence sharing and the exchange of current strategy developed by Staffordshire and Stoke on Trent Safeguarding Children’s Boards ensure that the protection of children from harm remains key.

The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key ‘parental factors’ in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.

Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

Staffordshire and Stoke on Trent Safeguarding Children Board’s work with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The Children’s Board can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

The Licensing Authority encourages license holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and

- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

Staffordshire and Stoke on Trent Safeguarding Children Board's provide local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms:

<http://www.safeguardingchildren.stoke.gov.uk/ccm/portal/>

<http://www.youthbox.info/HelpAdvice/StaySafe/Stay-Safe.aspx>

4.28 Human Trafficking / Modern Slavery

- 4.29 Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is possible to be a victim of trafficking even if your consent has been given to being moved. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within your own country.

Victims are often trafficked for sexual exploitation, forced labour or domestic servitude. Victims of Human Trafficking could be used to work in restaurants, fast food establishments and other licensed establishments.

The licensing authority is committed to deterring and combatting such criminal activity. The licensing authority will work with Staffordshire Police and other partner agencies to gather and share intelligence to identify, tackle and deter such activity.

4.30 The Licensing Authority as a Responsible Authority

- 4.31 The Licensing Authority will determine when it considers it appropriate to act in its capacity as a responsible authority, in accordance with its duties under section 4 of the Act, namely with a view to promoting the licensing objectives and having regard to this policy and the guidance issued under Section 182.
- 4.32 The Authority will not normally make representations or request a review of a licence when other responsible authorities should intervene as the basis for the intervention falls within their remit.
- 4.33 The Licensing Authority is not normally expected to act as a responsible authority on behalf of other parties such as local residents, local councilors or community groups.

4.34 Entertainment provision

- 4.35 The Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of the local community.
- 4.36 The Licensing Authority is aware of the need to carefully balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural

benefits, particularly those for children.

- 4.37 Where appropriate, in determining what conditions should be attached to licences and certificates the Licensing Authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature. Only those conditions appropriate, proportionate and reasonable will be imposed on licences/certificates granted under the Act.

4.38 Adult Entertainment

- 4.39 An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc. then a separate Sexual Entertainment Venues (SEV) Licence will also be required. Please see our policy in relation to this available on our website at www.lichfielddc.gov.uk or by contacting the Community, Housing and Health department on 01543 308729.

5.0 CUMULATIVE IMPACT OF LICENSED PREMISES

- 5.1 The commercial demand or “need” for particular types of licensed premises is a matter for the market to decide. It is not a matter for consideration as part of the functions of the Licensing Authority.
- 5.2 The cumulative impact on the licensing objectives of premises and events licensed or authorised under the Act is, however, a matter that the Licensing Authority can take into account when determining applications under the Act.
- 5.3 The Licensing Authority will consider representations (from any responsible authority or any other persons) on applications relating to new premises licences and club premises certificates or for material variations of existing licences/certificates, on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 5.4 There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential for negative cumulative impact posed by a proliferation of licensed/certificated premises. These include:
- Planning controls
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council.
 - Provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols.
 - Designation of parts of the District as places where the Police have powers to require persons not to drink alcohol in that place or to surrender any alcohol in their possession.
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
 - Prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk.

- Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a public nuisance.
 - Powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance.
 - Local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury.
 - The right of responsible authorities or any other person to seek reviews of premises licences and club premises certificates.
- 5.5 Where representations regarding cumulative impact are upheld, or, reports from any of the responsible authorities indicate any of the licensing objectives are compromised, or are likely to be compromised, through the cumulative impact of a significant number of licensed premises in one area, the Licensing Authority will consider adopting a “saturation policy”. Where any such policy applies, applications for new premises licences or club premises certificates or for material variations of those licences/certificates would normally be refused, or, certain specific conditions would be attached to such licences/certificates.
- 5.6 Where a saturation policy is adopted, the Licensing Authority will, whenever it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities or any other person:
- refuse applications relating to premises licences and club premises certificates that it concludes, after hearing those representations, should lead to refusal; or
 - attach conditions to premises licences and club premises certificates that it concludes, after hearing those representations, should be attached to promote the licensing objectives.

Applicants, therefore, need to address any saturation policy issues in their operating schedules in order to rebut the presumption that applications for new licences/certificates or for material variations would normally be refused.

Where no relevant representations are received the application will be granted in accordance with paragraph 3.12 above.

- 5.7 Where a saturation policy is adopted and a valid application for review of an existing premises licence or club premises certificate is received from a responsible authority or any other person in accordance with Section 52(1) or Section 88(1) of the Act, the Licensing Authority will impose those conditions it considers appropriate to promote the licensing objectives.
- 5.8 Representations from responsible authorities or any other persons, and reports from those responsible authorities on negative cumulative impact will be expected to:
- identify the boundaries of the area within which it is alleged problems are arising;
 - provide full details and evidence as to the seriousness of the nuisance and/or disorder caused in the area;
 - identify the licensable activities causing the nuisance and/or disorder;

- identify the licensing objective(s) which it is alleged will be undermined.

Where representations are made, the licensing objectives, which it is alleged will be undermined, should be identified with specific regard to:

- the occupancy figure for the proposed premises;
- the nature of the licensed activity to be carried on at the premises;
- the patrons of the premises

The onus will be on the objector to provide evidence that additional licences or the variation of an existing licence will produce the cumulative impact claimed.

5.9 A saturation policy will only be adopted by the Licensing Authority after it has considered the available evidence and consulted those individuals and organisations listed in Section 5(3) of the Act. Any saturation policy will take the form of a formal, published amendment to this Statement of Licensing Policy and will be reviewed regularly.

5.10 Saturation policies will not be used to justify:

- revocation of existing licences or certificates;
- rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly appropriate for the promotion of the licensing objectives;
- provisions for fixing terminal hours of operation over any particular area;
- imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits.

5.11 Staffordshire Police identified Bird Street as a part of the centre of Lichfield where they have concerns over the licensing objectives being comprised. As a responsible authority defined under the Act, they made a formal submission in support of a Cumulative Impact Proposal. This was adopted and published as an amendment to this Policy in July 2005, was reviewed prior to the publishing of this policy and will thereafter be kept under continuous review.

Staffordshire Police made a further submission in support of extending the area covered by the saturation policy to include Market Street, Lichfield. This was adopted and published as an amendment to this Policy on 24th February 2009.

5.12 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, to be granted.

6.0 LICENSING HOURS

6.1 The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. It will not, therefore, seek to impose fixed trading hours within any designated area, but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or any

other persons, regarding those applications.

- 6.2 If necessary, stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in some circumstances where, having regard to the location, size and nature of the licensed premises, it is possible that disturbance may be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (i.e. 11.00pm to 7.00am).
- 6.3 With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations received from any responsible authority or any other person, regarding any of the licensing objectives being compromised, are substantiated. However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

7.0 THE LICENSING OBJECTIVES

- 7.1 Paragraph 3.1 of this policy outlines the four licensing objectives that are paramount considerations at all times.
- 7.2 The following four sections of this policy provide further information in respect of the four licensing objectives, and should not be construed by applicants as requirements.
- 7.3 The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to consider what to include within their operating schedule in regards to how they will promote the four licensing objectives.
- 7.4 The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule.
- 7.5 The lists of possible control measures that are outlined in the following sections are not to be regarded as absolute requirements or as "check lists" and will not be used by the Licensing Authority to create standard conditions. They are examples only and it is recognised that some of the examples given do not easily translate into conditions on licences although they may be considered as good practice.**

8.0 PREVENTION OF CRIME AND DISORDER

- 8.1 Lichfield District Council is committed to reducing crime and disorder and improving community safety in the district of Lichfield.
- 8.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Lichfield District Council, Staffordshire Police, Staffordshire County Council and others

to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities.

- 8.3 Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Lichfield Community Safety Partnership or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the District, it will consider adopting a "saturation policy". (Adoption of saturation policies is referenced in more detail in section 5.0 of this policy document).
- 8.4 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder.
- 8.5 The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes that will raise their awareness of the issues relating to drugs and violence in licensed premises. For this reason, these elements if relevant could be specifically considered and addressed within an applicant's operating schedule.
- 8.6 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues could then be included within the applicant's operating schedule.
- 8.7 Applicants may wish to consider the following matters if relevant to their particular type of premises and/or activities. (This list is not exhaustive):
 - underage drinking;
 - drunkenness on premises;
 - public drunkenness;
 - drugs;
 - violent behaviour;
 - antisocial behaviour;
 - any evidence that can be provided to demonstrate effective and responsible management of premises by the person in charge;
 - training and supervision of staff with particular regard to crime prevention measures appropriate to the premises concerned;
 - the layout and design of the premises particularly those premises used primarily or exclusively for the sale and consumption of alcohol and have little or no seating (known as high volume vertical drinking establishments);
 - use of text/radio pagers to ensure fast and effective communication

- between persons in the premises and others for example the Police;
- adoption of best practice guidance (The BBPA has a range of advice and support for publicans on its website at www.beerandpub.com);
- acceptance of accredited 'proof of age' cards such as the proof of age schemes which carry the PASS (Proof of Age Standard Scheme) hologram logo, any locally approved 'proof of age' cards and/or 'new type' driving licences with photographs;
- provision of effective CCTV in and around premises;
- provision of toughened or plastic drinking vessels;
- use of end of evening wind down procedures;
- measures to prevent the use or supply of illegal drugs, for example, search procedures, amnesty boxes;
- provision of litter bins and other security measures, such as lighting, outside premises;
- membership of local 'Pub-watch' schemes or similar organisations.

8.8 Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

8.9 Certain temporary events are required to be licensed and can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, the EHA and the Licensing Authority to work with them to identify and reduce the risk of undermining any of the licensing objectives.

8.10 Security Operatives

8.11 The Licensing Authority may consider that certain premises require strict supervision for the purpose of the promotion of the licensing objectives. However the Licensing Authority can only consider applying stricter conditions in these circumstances if relevant representations are received. In such cases the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times or at such times that certain licensable activities are taking place.

8.12 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA) and to display their identification as issued

9.0 PUBLIC SAFETY

9.1 The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants

against these risks as far as is practicable.

- 9.2 There are a wide range of statutory requirements as detailed in section 4.0 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.
- 9.3 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) that is not covered by existing legislation, the applicant should indicate in their operating schedule the steps that will be taken to ensure public safety.
- 9.4 The capacity of a premises is a legitimate public safety issue and applicants may wish to volunteer information relevant to this (although it is not a requirement under the Act). However, if a capacity limit has been set on safety grounds through some other regulatory regime, then it would not be duplicated on a licence/certificate. Capacity limits may also be a relevant consideration where the use to which a premises is put changes during its opening hours or operation. Clearly the safe capacity will be different depending upon, amongst other things, the type of event (i.e. televised football or sport) and the means of accommodating the audience (i.e. closed seating or standing).
- 9.5 The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer of the Staffordshire Fire and Rescue Authority, after having regard to any guidance issued by the Secretary of State if considered appropriate to meet the public safety licensing objective.
- 9.6 Guidance with regards to fire safety as part of an application for a premises licence is available from Staffordshire Fire and Rescue Service on their website at www.staffordshirefire.gov.uk

9.7 General Considerations

- 9.8 Applicants may need to consider the following measures if relevant to their particular type of premises and/or activities (this list is not exhaustive):
- the nature of the premises or event;
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing;
 - the provision or removal of such items as temporary structures, such as a stage, or furniture;
 - the age of the customers;
 - steps to ensure or propose effective and responsible management of premises;
 - steps to ensure the provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
 - steps to ensure the provision of effective CCTV in and around premises;
 - the provision of toughened or plastic drinking vessels.

10.0 PREVENTION OF PUBLIC NUISANCE

- 10.1 Licensed premises have a significant potential to adversely impact on

communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

- 10.2 The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 10.3 There are a number of statutory controls available to deal with nuisance issues as outlined in section 4.0.
- 10.4 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues could then be included within the applicant's operating schedule.
- 10.5 Applicants may need to consider the following measures if relevant to their particular type of premises and/or activities (this list is not exhaustive):
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
 - steps taken or proposed to ensure effective and responsible management of the premises;
 - measures to ensure appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
 - the measures taken or proposed to prevent noise and/or vibration from escaping from the premises. This may include music, noise from ventilation systems and the human voices;
 - measures taken or proposed to prevent disturbance by customers leaving the premises, particularly between 11:00pm and 7:00am;
 - control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries;
 - the occupancy capacity of the premises;
 - steps taken to ensure or propose the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices where appropriate;
 - steps taken or proposed to ensure effective management of people, including staff, customers and traffic (and resulting queues) arriving and leaving premises;
 - the provision of any special measures to be implemented in premises in close proximity to sensitive premises such as hospitals, nursing homes, hospices or places of worship;
 - siting of external lighting, including security lighting;
 - steps taken to ensure effective management arrangements for collection and disposal of litter;

- effective ventilation systems to prevent nuisance from odour.
- 10.6 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas where relevant representations have been received.

11.0 PROTECTION OF CHILDREN FROM HARM

- 11.1 The Licensing Authority will have regard to the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or any other person and it is considered appropriate to impose limitations for the prevention of physical, moral or psychological harm to children.
- 11.2 The Licensing Authority recognises Staffordshire County Council, through both its Directorate for Children and Lifelong Learning and Trading Standards department, as bodies representing those responsible for, or interested in, matters relating to the protection of children from harm and competent to advise it on such matters. They are, therefore, responsible authorities for the purposes of Section 13(4) and Section 69(4) of the Act.
- 11.3 The premises that will give rise to particular concern regarding the protection of children from harm will include those:
- where entertainment or services of an adult or sexual nature are provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for under age drinking;
 - with a known association with drug taking or dealing;
 - with a known association with prostitution;
 - where there is a strong element of gambling on the premises, (the presence of cash prize gaming machines on the premises does not constitute substantial gambling);
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.
- 11.4 Limitations on access by children imposed by the Licensing Authority, following representations received from a responsible authority or any other person, may include any or a combination of the following:
- limitations on the hours when children may be present;
 - exclusion of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (under 18);
 - requirements for accompanying adults;
 - full exclusion of those under 18 years of age from the premises when any licensable activities are taking place.

- 11.5 The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British Board of Film Classification was the only body so designated). It will also be expected that operating schedules accompanying applications relating to activities involving film exhibitions, will include details of the arrangements proposed for preventing children from viewing age restricted films.
- 11.6 Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities; in particular, Staffordshire County Council through its Corporate Director (Children and Lifelong Learning) and Staffordshire Fire and Rescue Service
- 11.7 Staffordshire County Council, as the body responsible for matters relating to the protection of children from harm and Staffordshire Fire and Rescue Services as the fire authority, are “responsible authorities” for the purposes of the Act. Applicants will be required to give notice of applications for premises licences and club premises certificates or for variations of existing licences/certificates to those authorities, who may make representations to the Licensing Authority on those applications, or request a review of any existing licence/certificate.
- 11.8 The Act makes it an offence to permit a child under the age of 16 who is not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. It is also an offence to permit the presence of a child under 16 who is not accompanied by an adult between the hours of midnight and 5.00am at any other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club registration certificate or temporary event notice.
- 11.9 The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.

12.0 ENFORCEMENT OF LICENCE REQUIREMENTS AND CONDITIONS

- 12.1 The Act does not require the inspection of premises or events licensed or authorised under the Act, save at the discretion of those charged with this role. The Licensing Authority will not undertake routine premises inspections, other than in conjunction with its occupational health and safety enforcement responsibilities, but will follow the principles of risk assessment in targeting inspections at high risk and problem activities, as and when judged necessary.

12.2 Inspections and investigations of complaints regarding premises licensed or authorised under the Act and the enforcement of licensing conditions will be undertaken in accordance with protocols agreed between the Council through its Environmental Health Services Section, Staffordshire Police, Staffordshire Fire and Rescue Service, Staffordshire County Council (through its Corporate Director (Children and Lifelong Learning) and other agencies authorised under Section 154, or, authorising those persons described in Section 13(2) and Section 69(2) of the Act.

12.3 All enforcement undertaken by the Council will be in accordance with its published Enforcement Policy, details of which can be accessed on the Council's website at <https://www.lichfielddc.gov.uk/Residents/Environment/Environmental-health/Food-safety/Downloads/Enforcement-policy.pdf>

13.0 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS

13.1 In accordance with the requirements of the Act, the Council's licensing functions, except those relating to the adoption of its licensing policy, will be discharged by its Regulatory & Licensing Committee.

13.2 To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Council's Regulatory & Licensing Committee will delegate those functions to sub-committees, each of which will comprise three members of the Regulatory & Licensing Committee.

13.3 Many of the Regulatory & Licensing Committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to the Licensing Manager or their Deputy.

13.4 The Council's Regulatory & Licensing Committee will receive regular reports on decisions made by Officers and its sub-committee so that it maintains an overview of the general licensing situation in the District.

13.5 The scheme of delegation adopted by the Council's Regulatory & Licensing Committee and ratified by Full Council is as follows:

Matter to be dealt with	Delegated to Sub Committees	Delegated to Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
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	If a relevant representation made	If no relevant representation made
Application for a minor variation		All cases
Application to vary designated premises supervisor.	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for the mandatory alcohol condition for a DPS to be disappled for community premises	If a police objection	If no objection made
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police or EHA objection to a temporary event notice	All cases	

14.0 CONCLUSIONS.

14.1 This is the fourth policy produced by the Licensing Authority under the provisions of the Licensing Act 2003 and it will therefore form the basis for considering all applications for licences under this legislation with effect from 7th January 2016.

14.2 In producing this Statement of Licensing Policy the Licensing Authority is aware that the Government may from time to time amend the Licensing Act 2003, subordinate legislation and statutory guidance.

The Council does not intend to revise this policy document because of each and any such amendments and readers of this document are advised to check on the Home Office / GOV.UK websites to ensure they have the latest information.

14.3 Any matters which it is felt should be considered by the Council in reviewing their policy must be submitted in writing to the **Licensing & Electoral Services Manager, Lichfield District Council; Frog Lane, Lichfield, Staffordshire, WS13 6YU** or by email to licensing@lichfielddc.gov.uk.

Lichfield District Council – Saturation Policy

This policy applies to the following roads ('the special saturation area'):

- (1) Bird Street up to the junction with Swan Road, Lichfield and**
- (2) Market Street from its junction with Bird Street to its junction with the Market Place, Lichfield**

The Licensing Authority is aware of the link between an increase in licensed premises within the city centre and the rise in the number of violent crimes, and anti-social behaviour, over more than five years.

As a consequence of the number of late-night premises within the city, the Licensing Authority and the Police have adopted many special measures to deal with the resulting crime and anti-social behaviour. These have included additional police resources at times of peak demand; the introduction of CCTV in the city centre; employing enforcement officers; and playing a full part in supporting a City Centre Pubwatch scheme. Despite these, the measure of violent crime within the city centre at the peak hours of between 22:00 and 03:00 hrs has continued to rise.

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998, and an improvement in local amenity through the reduction of anti-social behaviour.

Accordingly, the Licensing Authority is adopting a special saturation policy. Where relevant representations have been received about applications within the special saturation area, it will consider whether to refuse the application if it appears that the application is likely to add to the existing problems of crime and disorder in the area, or if public nuisance is more likely than not to be caused.

As part of this policy, the licensing committee will not consider whether or not there is a *need* for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact a new premises licensed to sell alcohol would have on the special saturation area.

Notwithstanding this policy, the Licensing Authority is under a legal duty under the Act to grant applications where there are no relevant representations. In circumstances where no representations have been received, a licence application will be granted. It is also open for applicants to demonstrate to the Licensing Authority that their application will not add to the existing cumulative problems of crime, disorder and nuisance within the special saturation area.

Exceptions to the Special Saturation Policy

In general, the Licensing Authority wants to encourage "family friendly" entertainment in the city centre and discourage anti-social behaviour especially that associated with excessive alcohol consumption.

Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:

- (1) the applicant can demonstrate that the only activity in the premises will not be the consumption of alcohol. This may be evidenced by the general nature of the business activity e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and/or
- (2) the applicant can demonstrate that the general age profile of customers will be 25+ and/or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions

In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.

If an exception is made to this Special Saturation Policy, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.

Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the policy include:

- (1) That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.
- (2) That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
- (3) The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by persons in the vicinity of the special saturation area.

This page is intentionally left blank