



Civic Centre
Riverside
Stafford
ST16 3AQ

16 April 2018

Dear Members

Council Meeting

I hereby give notice that a meeting of the Council will be held in the Council Chamber, County Buildings, Martin Street, Stafford on **Tuesday 24 April 2018 at 7.00pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

A handwritten signature in black ink that reads "Tim Clegg".

Tim Clegg
Chief Executive

COUNCIL MEETING - 24 APRIL 2018
MAYOR, COUNCILLOR AIDAN GODFREY

A G E N D A

- 1 Approval of the Minutes of the last Meeting of the Council held on 26 February 2018 as published in Digest No 240 on Friday 2 March 2018
- 2 Apologies for Absence
- 3 Declarations of Interest
- 4 Announcements (paragraph 3.2(iii) of the Council Procedure rules)
- 5 Public Question Time - Nil
- 6 Councillor Session

Councillor R J Draper has submitted the following question in accordance with Paragraph 12.3(a) of the Council Procedure Rules:-

Cabinet Member for Environment and Health

In November 2017 I asked the Cabinet Member, during the Fees and Charges Review, why residents would be charged £10 or £40 for replacement bins when it is not their fault their bin has been lost, damaged or stolen. In his reply the member said that the Council lost £200,000 annually because of lost, damaged or stolen bins. He also said that it was the personal responsibility of homeowners and didn't think it was "unreasonable for them to make that contribution".

Replying to this answer I then asked about whether the Council would lead a campaign to inform local ratepayers of this issue, as the Council had done with litter, and he said that with the new contractor incoming they would look at reducing the cost involved.

Will the Cabinet Member:

1. Provide an update on the performance of Veolia and the status of lost, damaged, replacement bins to date?
2. Develop a strategy to prevent the authority from losing £200,000 per annum?
3. Lead a campaign to inform local residents about this issue and the pressures it puts on the Council?

7 Notice of Motion

A Notice of Motion pursuant to Paragraph 13 of the Council Procedure Rules has been proposed by Councillors R J Draper and G O Rowlands.

Member Development Charter

"The environment in which we work is ever changing and if we're to continue to meet our residents' expectations we've got to keep pace with it. That means recognising that the role of the councillor is different to what it was five, 10 or even 20 years ago ... The Member Development Charter and Charter Plus has provided councils with a robust framework and has encouraged member development across the sector ... The Member Development Charter and Charter Plus supports this continuing professional development for councillors by being a contract between the council and its councillors that commits to invest in councillors' growth and development."

- Lord Gary Porter, Local Government Association (LGA) Chairman

Stafford Borough Council resolves to:

1. Support the LGA Member Development Charter.
2. Establish a cross party councillor development task group to:
 - a. Develop a councillor development strategy
 - b. Ensure political and managerial leadership committed to the development of councillors
 - c. Ensure equal access to learning and development
 - d. Review the designated budget for councillor development to ensure it is adequate to meet priority development needs.

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Chief Executive

Civic Centre
Riverside
Stafford
ST16 3AQ

ITEM NO 8

ITEM NO 8

Report of:	Head of Development
Contact Officer:	Abby Brough
Telephone No:	01785 619533
Ward Interest:	Nil
Report Track:	Council 24/04/18 Cabinet 01/03/18

COUNCIL
24 APRIL 2018
Plan for Stafford Borough
Adoption of Supplementary Planning Documents

1 Purpose of Report

1.1 To adopt the following Supplementary Planning Documents as part of the Plan for Stafford Borough (**BOOKLETS** linked below - paper copies available on request from Democratic Services):

- [Design](#)
- [Shopfronts and Advertisements](#)

2 Recommendation

2.1 That Council agree to adopt the following Supplementary Planning Documents.

- Design
- Shopfronts and Advertisements

2.2 The responses to the consultation (as set out in **APPENDIX 1** to this item) be noted.

3 Key Issues and Reasons for Recommendation

3.1 The Plan for Stafford Borough Part 1 (adopted 19 June 2014) states that further guidance in relation to Design (Policy N1), and Shopfronts and Advertisements (Policy E8), will be prepared to further expand and provide guidance on the adopted policies in the Plan, in the form of Supplementary Planning Documents (SPDs).

- 3.2 SPDs are not part of the statutory development plan system and are not subject to independent examination. Nonetheless the SPD carries significant weight in the decision making process. It contains important information for anyone considering development in the Borough and is a material consideration when proposals for new developments are determined by the Council.

The Design SPD

- 3.3 The purpose of the Design SPD is to set out design principles and guidelines that Stafford Borough Council requires for all new development in the Borough including new build, and those seeking to alter or extend their houses. Furthermore, it provides guidance to those properties (both commercial and residential) who propose to make alterations and extensions in conservation areas. The SPD seeks to replace the existing Space About Dwellings SPD and the Extension to Dwellings SPD.

The Shopfronts and Advertisements SPD

- 3.4 The purpose of this SPD is to provide guidance to owners and occupiers of shops and other commercial premises who are considering external alterations to premises or new build projects. The primary focus of this SPD is to provide guidance to those premises which are located in conservation areas or are listed buildings.

4 Relationship to Corporate Priorities

- 4.1 The adopted Supplementary Planning Documents will help to deliver the Council's Corporate Business Plan 2018-2021 key objective "To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and well-being."

5 Report Detail

- 5.1 The Council currently has 3 adopted Supplementary Planning Guidance / Documents namely:

- New and Old Shopfronts;
- Space About Dwellings; and
- Extensions to Dwellings.

However, these were originally drafted to support the adopted policies in the Stafford Borough Local Plan 2001.

- 5.2 The Plan for Stafford Borough 2011-2031 (adopted 2014) makes specific reference to provide further guidance on specific policies linked to adopted policies within the plan namely:

- Policy N1 Design;
- Policy E8 Town, Local and Other Centres.

5.3 On 31 August 2017 the Cabinet approved the consultation of the three draft SPDs. The consultation was launched on 2 October 2017 until 13 November 2017 in accordance with the Council’s adopted Statement of Community Involvement. In addition to the public notice and publication of the consultation details on the Council’s website, a notification letter was sent to all relevant statutory consultees and general consultation bodies, including community groups and local residents registered on the Forward Planning database.

5.4 Responses were submitted via email or by letter. The consultation responses have been duly considered and the final version of the SPDs have been amended accordingly (circulated as separate **BOOKLETS**).

5.5 In total 30 responses have been received as tabled below:

SPD	Number of responses received
Design	12
The Re-use of Rural Buildings	10
Shopfronts and Advertisements	8

5.6 Key issues arising for the Design, and Shopfronts and Advertisements SPDs are summarised below, and a summary of each of the representations received and the proposed Council response are attached in **APPENDIX 1** to this item. Due to the consultation responses received to the Re-Use of Rural Buildings SPD, in particular concerning extension of rural buildings and recently published documents, further work is required on this SPD and therefore this document will be progressed in due course

5.7 **Design SPD**

Key issues raised:

- There is no reference to the Cannock Chase Area of Outstanding Natural Beauty (AONB) or the Green Belt.
- Reference should be made to Staffordshire County Council Sustainable Urban Drainage Systems (SUDs) Handbook February 2017.
- Where proposals are affected by flood risk or there is a watercourse nearby the applicants should engage with the Environment Agency pre-application service by contacting them directly.
- Developments should look at integrating rivers and streams within the layout.
- Hedge planting in rear gardens should be encouraged.

The Council’s response:

- Reference is now made to the Cannock Chase AONB and the Green Belt to provide greater clarity and in accordance with the National Planning policy Framework (NPPF).

- Signposts to the Environment Agency's pre-application service including contact details and links to flood maps now included, to ensure that the document is in accordance with the NPPF and policy N2 (Climate Change).
- In accordance with best practice, reference has now been made to encourage developments to include existing watercourses in layouts where appropriate.
- Where appropriate, hedge planting to be encouraged in rear gardens in support of policy N4 (the Natural Environment and Green Infrastructure).

5.8 Shopfronts and Advertisements

Key issues raised:

- National retailers have their own distinctive branding, and they should not be expected to compromise this.
- The images in the document are too small and additional images providing examples of 'good practice' should be provided.
- Scheduled Ancient Monument Consent may also be required for any advertisement that attaches to or otherwise physically affects a Scheduled Monument.
- There is no detail guidance on advertisements

The Council's response:

- Many national retailers and organisations are able to adapt their house style as demonstrated in the document.
- The images have been enlarged and additional images provided so as to provide greater clarity.
- In accordance with the NPPF and the National Planning Policy Guidance reference to Scheduled Ancient Monument Consent now included.
- The purpose of the SPD is not to provide guidance on advertisement regulations as these are comprehensively addressed in the DCLG guidance: *Outdoor advertisements and signs: a guide for advertisers* and the link to this document is provided in **BOOKLET 2**.

- 5.9 Following the consultation Council are recommended to approve the proposed amendments and adopt the SPDs circulated as separate **BOOKLETS** to this item.

Note: the 'tracked changes' as set out in the booklets will be incorporated following approval by Council.

Next Steps

- 5.10 Once the Design SPD and the Shopfronts and Advertisements SPD have been adopted they will be used as material considerations to determine planning applications. Following adoption of the SPDs, in accordance with the Regulations, the Council must make the following documentation available:

- The Design SPD and the Shopfronts & Advertisements SPD – Adoption
- The Adoption Statement (please refer to **APPENDIX 1**)

5.11 The Council must also send a copy of the Adoption Statement to those who have asked to be notified of the adoption of the Supplementary Planning Documents.

5.12 Any person with sufficient interest in the decision to adopt the SPD’s may apply to the High Court for permission to apply for judicial review of that decision. Any such application for leave to review the decision must be made promptly and in any case not later than 3 months after the date on which the SPD was adopted. Subject to no legal challenge being made, the final adopted Supplementary Planning Documents can be professionally printed and published.

6	Implications
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6.1	Financial	None identified
	Legal	SPDs to be subject to relevant Planning Acts and Regulations as well as subject to decision by Full Council prior to publication and adoption in line with the Constitution
	Human Resources	The SPDs will be delivered by existing staff within the Development Service
	Human Rights Act	None identified
	Data Protection	None identified
	Risk Management	If the Cabinet decides not to recommend to the Council the adoption of the SPDs, then the new standards will not be applied to current and future planning applications and therefore the existing Space About Dwellings and Extension to Dwellings SPGs will continue to be used by Development Management when assessing applications. However these were drafted over 20 years ago and are no longer compliant with current best practice

6.2	Equality and Diversity	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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Previous Consideration - Cabinet - 31 August 2017 - Minute No CAB28/17
Cabinet - 1 March 2018 - Minute No CAB59/18

Background Papers - Available in Forward Planning, within the Development Service

COUNCIL
24 APRIL 2018
Plan for Stafford Borough
Adoption of Supplementary Planning Documents

Stafford Borough Council
Design SPD Consultation 13 November 2017

Organisation	Summary of Representation	Council Response
Berkswich Parish Council	Developers may consider that 'Designing Out Crime? A Designer's Guide' is too onerous so PC might support reference to Lifetime Homes, Manual for Streets and Building for Life 12.	Paragraph 3.2 makes reference to these documents.
	No mention of Village Design Statements	Where Village Design Statements exist, these will be taken into consideration when considering applications.
	The guidance on alterations and extensions is welcomed.	Noted
	There is no mention of ecology or climate change.	Adopted policy N4 seeks to protect, enhance and improved the Borough's natural environment and policy N2 is concerned with Climate change. This SPD seeks to provide further guidance on adopted Policy N1 Design.
	The SPD seems ambiguous on the issue of on-street car parking. On street parking where roads are narrow and busy can be a danger to pedestrians especially when close to schools and shopping areas. Vehicles are often parked on verges, which can have a detrimental aesthetic affect.	On street car parking is explored in paragraphs 6.20 – 6.22. The Council's car parking standards can be found in Appendix B of the Plan for Stafford Borough and developments are required to meet the standards. Each application will be considered on its own merits, as to the suitability of on-street car parking, however where is proposed the SPD states

Organisation	Summary of Representation	Council Response
		that this should be integrated with built out kerbs with street planting and furniture at intervals.
	Appendix 1 only applies to proposals for major applications', but poorly designed developments can have a dreadful effect on a village.	Provide a definition of 'Major Development' at paragraph 3.1
	Play and recreation areas are not mentioned but perhaps this will be covered in the promised Open Space, Sport and Recreation Supplementary Planning Document.	This will be addressed as part of the Local Plan Review. The provision of open space, sports and recreation is considered under Policy C7. This guidance is concerned with expanding Policy N1.
	Para 6.15 supports boundary hedges rather than fencing but this paragraph applies to frontages. To counter the general loss of hedges the guidance could be extended to apply to all boundaries.	For privacy reasons, as hedges take a long time to establish we cannot enforce. However an additional sentence to be added to paragraph 6.15 that hedge planting to rear gardens will be supported.
Newport Road Residents Association	Disagree with Section 3 Urban Design principles, part B which resist Cul-de-sac type developments. They create safe environment and provide better opportunities for social inter reaction	Do not amend. This is wholly in accordance with national best practice guides including By Design, The Importance of Good Design Planning Practice Guidance, Manual for Streets 1 and 2. The Council does not rule out cul-du-sacs <i>per se</i> and recognise that cul-du-sacs serving a small number of dwellings have a place within the hierarchy of layouts, but that the entire site should not be a cul-sac. Amend wording to BIII to clarify this point.
	Guideline 1: Does not agree that each proposal should be judged on its own merits. It must be in accordance with Manual for Streets 1 and 2.	Manual for Streets, provides advice for the design of residential streets. Whilst the guidelines should be taken into account there may be

Organisation	Summary of Representation	Council Response
		<p>local circumstances as to why these guidelines cannot be adhered to such as the changes in topography. This is why each application has to be considered on its own merits.</p>
	<p>Paragraph 6.10 The Association does not want to see an increase in the density of residential developments. Strongly believe that the 21m minimum distance between principal windows must be retained.</p>	<p>The layout of areas, should be considered in relation to adjoining buildings, streets and spaces; the topography; the general pattern of building heights in the area; and views, vistas and landmarks into and out of the development site.</p> <p>There may be an existing prevailing layout that development should respond to and potentially improve. Designs should ensure that new and existing buildings relate well to each other, that streets are connected, and spaces complement one another. This could involve following existing building lines, creating new links between existing streets or providing new public spaces.</p>
	<p>We believe that good design can ensure that 'mundane, standardised housing layouts' are avoided.</p>	<p>Noted.</p>
	<p>The Association does not want to see on street parking as an accepted norm. This is contrary to the Council's car parking standards, and there will not be space on street for this level of parking</p>	<p>The SPD does not advocate on-street car parking as the 'norm', but as set out in Manual for Streets in chapter 8, parking is a key function of many streets, and well-designed arrangement of on-street parking provides convenient access to frontages and can add to the vitality of a street. Car</p>

Organisation	Summary of Representation	Council Response
		<p>parking will need to be considered from the outset and could include courtyard parking, on street car parking, as well as parking in front of properties. Applicants will need to demonstrate that the Council's standards are adhered to.</p>
	<p>Clarification is sought on the following:</p> <ol style="list-style-type: none"> 1) Page 9 section v - New development should deliver good levels of natural surveillance and activation of the public realm via its principal frontage. 2) Page 11 Section III New development should provide recognisable and memorable features, especially at key locations such as threshold or gateway locations, important nodal points, and at the termination of important vistas. 3) Page 15 section 4.5 The appearance of new buildings should demonstrate a sensitivity to its context. 4) Page 19 section 5.6an appropriate balance 	<ol style="list-style-type: none"> 1) This seeks to ensure that there is natural surveillance within new developments with windows fronting public footpaths and areas of open space and that there are limited blank facades. 2) It is important to ensure that new development identifies and responds to the local surrounding area. New developments should be easy to navigate around with a hierarchy of streets and places giving it a sense of place and not just large unwieldy housing estates with no identity that you get lost in. 3) Where appropriate new development should take reference from existing characteristics of local architecture and streets. 4) This seeks to strike a balance by

Organisation	Summary of Representation	Council Response
	<p>between these two qualities will be struck and delivered.</p> <p>5) Page 33 Section 6.31 'Take the weight of the collection vehicle (up to 26 tonnes)</p>	<p>ensuring that developments are coherent in terms of the materials used.</p> <p>5) The purpose of this paragraph is to ensure that any new roads can take the weight of refuse collection vehicles.</p>
	<p>More emphasis is placed upon the following matters</p> <p>Page 16 section 4.6 The scale and massing qualities of proposed buildings should enhance and reinforce locally prevalent patterns of development and/or be complimentary to their setting.</p> <p>Page 19 section 5.7 Generally the perceived site boundary of new development should effectively disappear upon completion.</p> <p>Page 20 section 5.8 The creation of development edges that are penetrated by substantial 'green fingers', or 'green corridor' to create a meaningful visual and spatial link/relationship between the new development and its wider landscape setting, and to contribute to place-making.</p>	<p>No change proposed, these paragraphs seek to ensure that new developments integrate into the surrounding landscape by making use of existing landscape features or softening the built environment edge; or the townscape by taking reference to existing architectural features and materials.</p>
	<p>The Association also question why there is no mention of bungalows in the draft SPD, and that they would be strongly against developments where the front door led straight onto the street. In general the Association believe the Borough Council must follow national legal requirements</p>	<p>The SPD does not make any reference to any house types, development proposals will be assessed as to whether they meet the requirements of Policy C1 (Dwelling Types and Sizes).</p>
Cllr Trowbridge	<p>Section 8.23 Extensions and alterations should have stricter guidance for Space About Dwellings as most properties are built to start with taking in size and appearance of other homes in the vicinity so to alter after should be subject to stricter guidelines.</p>	<p>Each application must be considered on its own merits. Guidance 6 Distance Between Windows and Appendix 2 and 3 the 25 degree and 45 degree rule provide the</p>

Organisation	Summary of Representation	Council Response
		basis for assessing household extensions.
	Agrees with the principals of road hierarchies including cul-du sacs.	Noted
	Does not like on street parking on main road, (larger roads) but find in small cul-de-sacs acceptable. On street car parking is less safe for the street environment.	The SPD does not advocate on-street car parking as the 'norm', but as set out in Manual for Streets in chapter 8 parking is a key function of many streets, and well-designed arrangement of on-street parking provides convenient access to frontages and can add to the vitality of a street. Car parking will need to be considered from the outset and could include courtyard parking, on street car parking, as well as parking in front of properties. Applicants will need to demonstrate that the Council's standards are adhered to.
	More walkways and cycle routes be added to new estates not just leaving the historic routes. Links making it easier for cyclists and pedestrians, so no closed cul-de-sacs	This is addressed in Section 4 Architectural Design Principles under Integration and Connectivity.
	Affordable houses to look like large houses in the street maybe cut into 4 but with only one front door. This has a great effect on the street scene.	Policy C5 (Affordable Housing) states that their appearance should be indistinguishable from that of market homes.
	Houses to be mixed with unique features, makes for an interesting area	This is addressed in Section 4 Architectural Design Principles
	High-rise to be kept to inner cities only.	High density development including high rise development are suitable in urban locations that are served well by facilities and public transport.
	Conditions on planning applications should NOT be subject to change.	This is not a matter that can be addressed in the

Organisation	Summary of Representation	Council Response
	Conditions go in for a reason, hence one change of condition could alter the whole project. if you are unable to facilitate this change, then each condition change the local councillor should be informed and a possibility for that councillor to object.	SPD.
	Builders who gain permission for one house only then to change it to many once the principle of a planning application has been accepted must also be stopped. Maybe by having a limited number of application allowed to any site.	This is not a matter for the SPD.
	Penalties for breaking planning regulations set out in any new application, should be substantial fix penalty charges.	This is not a matter for the SPD.
	We should be looking at new innovative ideas from developers e.g.. Geo grid which was produced to allow developers to build driveways under trees. Areas with parking instead of front gardens should be looking at this grid system (which is cheaper than tarmac/slabs) so that the area still looks green as this grid system allows grass to grow through it but cars to drive on it without creating a muddy mess.	Add additional paragraph after paragraph 6.25 about the benefits of permeable surfacing.
	We should be encouraging A rated buildings, building that are self sustainable.	Do not amend. The government has encouraged the design of sustainable, low-carbon buildings through a succession of changes to building regulations, steering the construction sector towards low energy use designs
Environment Agent	Where developing alongside watercourses, development should look for opportunities to improve the habitat value of the water environment through development. Development should always face onto a watercourse in order to foster a sense of ownership, and the watercourse should form a key feature of public open space. Development should not restrict access to the riverside. This should be reflected within section 5.8.	Make reference in paragraph 5.8 to active river frontages and watercourses where appropriate.

Organisation	Summary of Representation	Council Response
	<p>An additional section should be added to give clarity to how rivers should be managed within a development scheme, and to provide support for adopted Policy N4 (part J) which relates to your Authority's obligations under the Water Framework Directive (WFD), and its local implementation vehicle the Humber River Basin Management Plan (RBMP). It should include the following advice:</p> <p>A natural character should be maintained, or where appropriate a straightened, culverted channel should be opened up and its banks softened to produce opportunities for habitat along the banks. Development should enable the restoration of a natural, sinuous river channel with development set back from its banks to allow a functional floodplain to form. Culverting of an open channel should only ever be allowed to enable essential bridges and road access.</p> <p>New development should not be built over the line of culverts and an appropriate buffer zone should be maintained along the river corridor in order to protect the integrity of the structure from piling and foundations. Consent is required from the Environment Agency for any development within 8m from the top of the bank or tow of a flood defence, and any encroachment into this should be fully justified as part of the wider site design.</p> <p>We recommend that the SPD highlights landowners responsibilities towards managing watercourses.</p>	<p>Do not amend. The purpose of this SPD is to expand upon policy N1 (Design) not policy N4 (The Natural Environment and Green Infrastructure).</p> <p>Each application will be considered on its own merits, and applicants will be encouraged to have early discussions with the EA as part of the pre-application process if a site falls within a flood zone.</p> <p>The management of watercourses will be determined on a site by site basis and secured by a planning condition where necessary.</p>
	<p>In line with the adopted Local Plan, development should be steered away from the floodplain where possible. Development sites should be laid out sequentially.</p> <p>Where developing the floodplain is unavoidable, floodplain compensation should be undertaken to ensure flood risk is not increased elsewhere as a result of the displacement of floodwaters.</p>	<p>Do not amend. This is a policy matter and NPPF and does not need to be repeated in the Design SPD .</p>

Organisation	Summary of Representation	Council Response
	<p>We recommend that details are included in the SPD to support the incorporation of sustainable water management systems, that consider both surface water runoff and pollution prevention requirements.</p> <p>Developments should consider how Sustainable Drainage (SuDS) systems can be integrated into developments at the earliest stage of site design.</p> <p>Water pollution should be reduced through the careful management of surface and foul waters on site through the following measures:</p> <ul style="list-style-type: none"> • Surface and foul water drainage systems are separated, and any surface water channels, constructed as part of the SUDS scheme are not culverted. • Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination is passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor. • Surface water from roads and impermeable vehicle parking areas are discharged via trapped gullies. • Only surface water from roofs and paved areas not accessible to vehicles should be discharged to any soakaway, watercourse or surface water sewer. <p>For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).</p> <p>Further detail of this will link into Staffordshire County Council's SuDS Handbook, and Policy N2</p>	<p>SUDS and surface water are addressed in Policy N9 Climate Change.</p> <p>However include reference and link to the Staffordshire County Council's SuDS Handbook on page 6 .</p>

Organisation	Summary of Representation	Council Response
	<p>We request that the SPD encourages pre-application discussions with the Environment Agency wherever proposals are affected by flood risk or if a river or stream is nearby.</p> <p>The Environment Agency may hold flood level information which should be used as part of a Flood Risk Assessment, and they should be contacted at an early stage to request this information. Data requests should be made to enquiries_westmids@environment-agency.gov.uk.</p> <p>The Environment Agency also offer a planning advice service, which we recommend applicants take advantage of prior to formally submitting development proposals in the floodplain. For development advice you should contact swmplanning@environment-agency.gov.uk</p>	<p>Include reference to EA website and pre-application service in policy section page 7.</p>
	<p><i>Domestic extensions:</i> Many properties in Stafford are at risk of flooding, or are in close proximity to watercourses. Development should be set back from watercourses, and the Environment Agency requires a minimum easement of 8 metres from the top of bank from a main river or toe of flood defence for all built development, which can include fencing, garden sheds and decking.</p> <p>The Environment Agency has developed flood risk standing advice for minor household extensions that would be applicable for people extending their homes, even when the proposed works are classified permitted development. Often homeowners are unaware that new extensions and alterations to their garden and fencing may require an environmental permit from the Environment Agency.</p> <p>It would be helpful to signpost householders to the following information: https://www.gov.uk/guidance/flood-risk-assessment-standing-advice</p>	<p>Noted and add a new paragraph after 8.3</p>

Organisation	Summary of Representation	Council Response
	<p><u>Foul Drainage</u> We recommend some guidance to support sustainable foul drainage proposals are included within the SPD to protect the rivers Sow and Trent and support your adopted Local Plan policy N2.</p> <p>Where the public main sewer is nearby, the first presumption is for foul waters to be discharged to this system as the most sustainable option. This should be done in consultation with the sewerage company of the area. Where this is not possible, the planning proposals should demonstrate why not. This can be based on cost and/or practicality.</p> <p>Where a non-mains solution is proposed, a package sewage plant should be considered before septic tanks are explored. Developers should seek further guidance on the requirements for such a system available as an Environmental Permit, or Exemption from such a permit will be required.</p> <p>Reference should be made to your Authority's Water Cycle Study for further info on how to avoid causing water pollution, and vulnerable catchments. This applies for both discharging into the public mains sewer (where Severn Trent infrastructure may need upgrading to support development) and non-mains drainage where watercourses or the groundwater system may not have capacity to accommodate additional flows of treated effluent.</p>	<p>This is addressed under Policy N2 Climate Change no change proposed.</p>
Historic England	<p>On Page 18 under the bullet point 'Historic Landscape Characterisation' which is supported, we would also encourage an assessment of how new development will affect the significance of heritage assets, including their setting and how this should apply to designated and undesignated heritage assets.</p>	<p>Do not alter. If a proposal has an impact on a Heritage Asset then under policy N9 a Heritage Statement will be required.</p>
	<p>Support the inclusion of Section 7 and consider it is a welcome addition to the document. Recommend that there is further detail included on other heritage assets and how appropriate design is</p>	<p>Do not amend. This chapter seeks to provide further advice as to what alterations and extensions are acceptable in the</p>

Organisation	Summary of Representation	Council Response
	required, either where design impacts a heritage asset directly or within its setting. There could be a whole section relevant to the historic environment rather than just one type of heritage asset referenced.	conservation areas and should be read in conjunction with the Conservation Area Appraisals.
	Is the Council requiring a heritage statement to accompany planning applications where new development may affect a heritage asset? If so, and we would support this approach, it will be useful to include some information within a heritage section on what this may include and how design considerations can be met. Alternatively, if the Council is proposing a specific Historic Environment SPD then this detail could be included at that stage. Historic England would be happy to advise on the preparation of a Historic Environment SPD.	Do not alter. If a proposal has an impact on a Heritage Asset then under policy N9 a Heritage Statement will be required
	Support the inclusion of all 30 Conservation Area Appraisals and Management Plans.	Noted
	Has the Council considered whether there are other Conservation Areas that would also benefit from an Article 4 Direction?	There are three Article 4 Areas in the Borough
	Paragraph 7.11 should reference that UPVC in Conservation Areas or Listed Buildings will not be supported and that original materials should be used wherever possible.	Do not amend. Whilst the council would prefer that windows were in keeping with the style and period of the property there is no legislation to prevent having UPVC windows installed when a property has permitted development rights. If a property is listed, Listed Building Consent would be required, and in the case of UPVC window installation, it will not normally be granted.
	We support the reference to how energy efficiency measures may not be appropriate within Conservation Areas. We would recommend that paragraph 7.25 is included elsewhere in the	Do not amend. There is no legislation to prevent having the installation of solar panels when a property has permitted

Organisation	Summary of Representation	Council Response
	document so as not to cause confusion about what is appropriate within a conservation area.	development rights.
Cannock Chase AONB	This is a comprehensive and well thought out document. Although there will not be any larger scale development in the AONB, it is important that any development in the setting of the AONB archives high design standards, in terms of appearance and connectivity (especially for walkers and cyclist). In addition, it is important that any small infill or small-scale development and residential extensions are executed to a high standard within the AONB in settlement such as Milford and Brocton.	Add land use designations to the list at paragraph 5.3 and include reference to AONB and Green Belt.
	Add reference to AONB in the Introduction (Section 1) at para. 1.3	Noted and amend paragraph 1.3 to include AONB and Green Belt.
	In Section 2 (Planning Policy), include LP Policy on AONB - N7 (Cannock Chase Area of Outstanding Natural Beauty).	Do not amend. This SPD is concerned with expanding Policy N1 Design, not policy N7 (Cannock Chase Area of Outstanding Natural Beauty)
	In Section 7 – Conservation areas, refer to the relationship between the AONB and the Conservation Areas in Colwich and Little Haywood, Great Haywood and Shugborough and Tixall.	Do not amend, this document does not seek to expand or provide detail on any specific conservation areas. This is dealt with in the Conservation Area Appraisal.
	Extensions and Alterations to Dwellings refer to the need to take account of the AONB and its setting and (possibly) in terms of scale, make a cross reference to the Green Belt.	Do not amend
Sports England	Reference is made to the 10 Active Design Principles. Whilst some of these principles are referenced in the Draft Design SPD, the section on integration, connectivity and movement does not promote the health and fitness benefits of walking and cycling, of promoting walkable communities or the benefits of co-location. Sport England considers that more specific and explicit references should be made to the principles of Active Design throughout the principles in the Draft	Amend BII page 10 to include Sports England Guide and provide link to document.

Organisation	Summary of Representation	Council Response
	Design SPD, to ensure that the design guidance accords with the guidance in the NPPF and NPPG in promoting healthy sustainable communities.	
Stowe By Chartley PC	The Parish Council support the inclusion of references to nationally recognised design guides such as Lifetime Homes, Manual for Streets and Building for Life 12	Noted
	Heritage Assets are mentioned but in a document about design it's surprising that there is no mention of Village Design Statements.	Where Village Design Statements exist, these will be taken into consideration when considering applications.
	With greater car ownership many streets are blighted by on-street car parking. This SPD seems ambiguous about this subject.	On street car parking is explored in paragraphs 6.20 – 6.22. The Council's car parking standards can be found in Appendix B of the Plan for Stafford Borough and developments are required to meet the standards. Each application will be considered on its own merits, as to the suitability of on-street car parking, however where is proposed the SPD states that this should be integrated with built out kerbs with street planting and furniture at intervals.
	There is no mention about ecology needing to be taken into account in design and no mention of the effects of climate change	Adopted policy N4 seeks to protect, enhance and improved the Borough's natural environment and policy N2 is concerned with Climate change. This SPD seeks to provide further guidance on adopted Policy N1 Design.
	Appendix 1, Urban Design Principles only applies to 'proposals for major applications'. Fortunately appendix 1 largely repeats the text in Chapter 3. Poorly designed small developments can have a dreadful effect on a village locality.	Provide a definition of 'Major Development' at paragraph 3.1
	Play and recreation areas are not mentioned but perhaps this will be covered in the promised Open Space,	This will be addressed as part of the Local Plan Review. The provision of

Organisation	Summary of Representation	Council Response
	Sport and Recreation Supplementary Planning Document.	open space, sports and recreation is considered under Policy C7. This guidance is concerned with expanding Policy N1.
	Para 6.15 supports boundary hedges rather than fencing but this paragraph applies to frontages. To counter the general loss of hedges the guidance could be extended to apply to all boundaries.	For privacy reasons, hedges take a long time to establish and we cannot impose them. However, an additional sentence to be added to paragraph 6.15 that hedge planting to rear gardens will be supported.
Highways England	The content of these SPDs will not have any impacts on the operation of the Strategic Road Network.	Noted
Network Rail	No comment	
Seven Trent Water	No comment	
HS2	No comment	

Shopfronts and Advertisements Consultation 13 November 2017

Summary of responses

Organisation	Summary of Representation	Council Response
Chris Thomas on behalf of British Sign and Graphics Association	Draft SPD takes account of previous comments.	Noted
	Paragraph 2.1 Preserve <i>and</i> Enhance should be changed to preserve <i>or</i> enhance	Amend wording so aligned with NPPF
	Guidance 1 fails to consider modern shopfronts set within listed buildings and conservation areas.	Do not amend, the guidance does not rule out modern shopfronts to listed buildings/buildings within a conservation area per-se but provides guiding principals. The NPPF requires that local authorities to give 'great weight' to the asset's conservation.
	Paragraph 2.10 Comment that national retailers should not be required to have a 'harmonised' colour scheme.	The purpose of this paragraph is to ensure that national chains adapt their house style to fit in a with a conservation area. Many such retailers do have signage as illustrated in the document.
	Paragraph 2.16 some buildings have two frontages and therefore should not be limited to one projected sign.	Paragraph amended and clarified.
	Comment received about box projecting signs stating that they should be slim and illuminated externally or internally through lettering.,	Projecting box signs are not considered acceptable on listed buildings or conservation areas.
	Comment that halo and fret cut illumination should be added to the list of 'acceptable' forms of illumination.	No change, each application will be considered on its own merit, the list of illumination is not exhaustive.
There should not be a restriction on neon signs	Neon signs are not considered appropriate in Conservation Areas	

Organisation	Summary of Representation	Council Response
		or on listed buildings. No change proposed.
	Guidance 7, bullet 7 should be deleted.	No change, where corporate colours on blinds are inconsistent with the local context, modifications will be required to suit the local character of the building and the area.
	Reference needs to be made to NPPG on Advertisements in the appendix. Delete reference to 'all' advertisements in Appendix D2 and change to 'most'.	Noted and updated
Network Rail	No comment	
Seven Trent Water	No comment	
HS2	No comment	
Berkswich Parish Council	The only guidance that this SPD has about advertisements is on page 34. Para D2 where there are words missing. Advertisement Regulations complex and you are advised contact Stafford Borough's Planning Department.	Amend typo in paragraph D2 and make further reference to DCLG's guidance note and provide link.
Historic England	We welcome the inclusion of a specific section within the SPD dealing with alterations to designated heritage assets.	Noted
	Paragraph 2.2, third sentence insert the word 'is' before listed.	Noted and amend
	It would be useful if there were examples to expand upon the key design principles in Guidance box 1 to highlight what the Council considers would be acceptable and what would not be. We have found that where illustrations and photographs have been used the opportunity for confusion is largely removed.	Noted, more illustrations have now been provided.
	Where details of traditional shopfronts are explained on pages 7 and 8, it may be useful to include a description and/ or images of those individual components discussed to provide clarity to those who may not be familiar with the language referenced.	Noted, images have now been enlarged.
	We note there are a couple of images used and it would be useful if these were larger and additional	Noted, images have now been

Organisation	Summary of Representation	Council Response
	images inserted.	enlarged.
	illustrations to detail positive and negative shop windows and door entrances, as discussed on pages 9 and 10 (note there are no page numbers here) would be very useful. A positive example of where a painting and finish which has not been in standard corporate colour would be very useful here. The illustrations at the bottom of page 10 are too small to be clear. We support the reference to the Historic England website for further details on listed building consent.	Noted, images have now been enlarged.
	We support the reference to the Historic England website for further details on listed building consent.	Noted
	A positive image has been used on page 11 but this would benefit from an enlargement so that the details and character are clearly displayed to the reader.	Noted, images have now been enlarged.
	Have the Council considered how to apply these design considerations to buildings of local list quality that may not be formally designated? And would it be possible to include some text on how to deal with these undesignated heritage assets?	The Council does not have a designated local list.
	When discussing advertisements, it may also be appropriate to note that Scheduled Monument Consent may be required for any advertisement that attaches to or otherwise physically affects a Scheduled Monument.	Noted and amend paragraph 3.3
	It may be useful within the Shopfront Security Section 4 to have a specific discussion about security features that may or may not be appropriate for heritage assets and what issues will require listed building consent. We support Appendix A, though it may be more appropriate for these terms to be detailed within the text of the document, including illustrations where appropriate.	Do not amend. Each application will considered on its own merits.
Cannock Chase AONB	It is important, to reflect the need for particular attention to be paid to the control of signs and advertisements within or adjoining the AONB. Bad examples detract significantly for the landscape and scenic beauty of the designated area, in conflict with the National Planning Policy Framework (NPPF).	Do not amend. Applications will assessed on their own merits and assessed where applicable against policy N7.

Organisation	Summary of Representation	Council Response
	Consider the need to retain rural character, including lighting to respect the landscape and scenic beauty of the AONB in accordance with the NPPF.	The purpose of the SPD is not to provide guidance on advertisement regulations as these are comprehensively addressed in the DCLG <i>guidance: Outdoor advertisements and signs: a guide for advertisers</i> and the link to this document is provided in Appendix C.
	Also include rural adverts, e.g. such as those connected with craft units and other activities at Oakedge and Home Farm Milford	See above
	In Appendix B, include LP Policy on AONB - N7 (Cannock Chase Area of Outstanding Natural Beauty).	Do not include.
	In Appendix C, include AONB Unit in contact list and add a link to the AONB Management Plan: http://www.cannock-chase.co.uk/Publications/Management_Plan/	Noted and included
Stowe by Chartley Parish Council	The only guidance that this SPD has about advertisements is on page 34. Para D2 where there are words missing. Advertisement Regulations complex and you are advised contact Stafford Borough's Planning Department.	The purpose of the SPD is not to provide guidance on advertisement regulations as these are comprehensively addressed in the DCLG <i>guidance: Outdoor advertisements and signs: a guide for advertisers</i> and the link to this document is provided in Appendix C. Amend typo in paragraph D2 and make further reference to

Organisation	Summary of Representation	Council Response
		DCLG's guidance note and provide link.
Highways England	The content of these SPDs will not have any impacts on the operation of the Strategic Road Network.	Noted

COUNCIL
24 APRIL 2018
Plan for Stafford Borough
Adoption of Supplementary Planning Documents

PLANNING AND COMPULSORY PURCHASE ACT 2004 (As Amended)
The Town and Country Planning (Local Planning) (England)
Regulations 2012 (As Amended) – Regulations 14

*Notice of the Adoption of the Design Supplementary Planning Document and
the Shopfronts and Advertisements Supplementary Planning Document –
Plan for Stafford Borough*

This statement has been prepared in accordance with the above Regulations and gives notice that the Design SPD and the Shopfronts & Advertisements SPD were formally resolved for adoption on 24th April 2018 by Stafford Borough Council.

The Design SPD sets out design principles and guidelines requires for all new development in the Borough including new build, and those seeking to alter or extend their houses. Furthermore, it provides guidance to those properties (both commercial and residential) who propose to make alterations and extensions in conservation areas. The SPD seeks to replace the existing Space About Dwellings SPG and the Extension to Dwellings SPG.

The Shopfronts and Advertisements SPD provides guidance to owners and occupiers of shops and other commercial premises who are considering external alterations to premises or new build projects. The primary focus of this SPD is to provide guidance to those premises which are located in conservation areas or are listed buildings

Paper copies of the Design SPD and the Shopfronts and Advertisements SPD can be inspected at Public Libraries within the Stafford Borough area and at Ground Floor Reception, Stafford Borough Council, Civic Centre, Riverside, Stafford, during normal office hours Monday – Thursday 08.30 – 17.00, Friday 08.30 – 16.30.

The above documents and further information relating to the Plan for Stafford Borough and this adoption statement can also be viewed and downloaded via the Council's website at the following web-address:
<https://www.staffordbc.gov.uk/supplementary-planning-guidance1>

Any person with sufficient interest in the decision to adopt the SPD's may apply to the High Court for permission to apply for judicial review of that decision. Any such application for leave to review the decision must be made promptly and in any case not later than 3 months after the date on which the SPD was adopted.

If you require further information or advice regarding the Supplementary Planning Documents or the Plan for Stafford Borough please contact the Forward Planning team on 01785 619000 or forwardplanning@staffordbc.gov.uk

ITEM NO 9**ITEM NO 9**

Report of:	Corporate Business and Partnerships Manager
Contact Officer:	Tracy Redpath
Telephone No:	01785 619195
Ward Interest:	Nil
Report Track:	Council 24/04/18 Special Resources 12/04/18 Cabinet 01/03/18

COUNCIL**24 APRIL 2018****Draft Asset Management Plan 2018 - 2021**

The following report was considered by Cabinet and a Special Resources Scrutiny Committee and is submitted to Council for approval.

1 Purpose of Report

1.1 To consider the revision of the Asset Management Plan 2018 - 2021

2 Recommendation

2.1 That the Asset Management Plan 2018 - 2021 be approved.

3 Key Issues and Reasons for Recommendation

3.1 The Asset Management Plan has been revised and aligned with the:-

- New Corporate Business Plan
- Budget Process and Capital Programme

3.2 The plan sets out what the council intends to do in the future to ensure all of its assets support corporate priorities, increase the Council's financial resources and deliver value for money. It focuses upon four main priority areas, which are:

- To support regeneration across the Borough, including delivery of new housing and economic growth.
- To ensure that the operational property is as efficient as possible and supports the delivery of high quality services for our residents to better use assets to achieve Borough priorities.

- To promote the One Public Estate philosophy to work with public partners to achieve synergies with the utilisation of accommodation space and service delivery.
- To ensure that all council assets are managed effectively

4 Relationship to Corporate Priorities

- 4.1 The Asset Management Plan has been directly aligned to the Corporate Business Plan and contributes towards the Council's three main business objectives.

5 Report Detail

- 5.1 It is recognised good practice for local authorities to produce an Asset Management Plan setting out their broad objectives for the management, development and rationalisation of their built and land asset base over a three to five year period. Asset management provides a structured process to ensure value for money from property in serving the needs of the organisation.

- 5.2 Stafford Borough Council (SBC) is responsible for in excess of £43 million of fixed assets. The Borough Council's asset portfolio encompasses the following:

- Leisure, culture and heritage sites
- Crematorium
- Shop Units and Public conveniences
- Fleet and Equipment
- Car Parks, land, parks and open space (including nature reserves)

The Council's main operations are carried out from the Civic Centre, which is located at Riverside in Stafford. Although this property is leased by the Borough Council, all of the improvements and maintenance of the building is the responsibility of the Council.

- 5.3 The Council has improved the way in which they manage their assets in order to secure better value for money whilst making more effective use of their asset base. This is evident from the amount of space that has been leased to third party organisations. The Civic Centre is slowly becoming a service delivery HUB, which is in line with the Governments 'One Public Estate' (OPE) programme. The Council do not intend to rest on its laurels, the level of ambition for the Borough is huge and the scope to incorporate more services from the civic centre is an opportunity that currently exists under the OPE programme.
- 5.4 This plan sets out what the council intends to do in the future to ensure all of its assets support corporate priorities, increase the Council's financial resources and deliver value for money.

5.5 It focuses upon four main priority areas, which are directly aligned to the Corporate Business Plan, as evidenced in the table below:

No	Corporate Business Objective	AMP Priority	What do we need to do?
1	To deliver sustainable economic and housing growth to provide income and jobs	To support regeneration across the Borough, including delivery of new housing and economic growth	Propose strategic property or land acquisitions where there is a strong business case to do so in terms of value for money or delivery of Borough priorities;
2	To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing	To ensure that the operational property is as efficient as possible and supports the delivery of high quality services for our residents to better use assets to achieve Borough priorities.	<p>Work with service areas to support service/budget planning processes to ensure that asset implications are identified and considered at the earliest opportunity</p> <p>Work with public, voluntary and private sectors to develop a strategic approach to ensure responsible stewardship and unlock the potential of land, buildings and heritage assets,</p>
3	To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives.	<p>To promote the One Public Estate philosophy to work with public partners to achieve synergies with the utilisation of accommodation space and service delivery.</p> <p>To ensure that all council assets are managed effectively</p>	<p>Support service transformation across the Council to deliver organisational and cultural change</p> <p>Collaborate with partners to make better use of assets, to identify opportunities to rationalise and deliver increased benefits through a joined up approach to One Public Estate</p> <p>To ensure that all planned and programmed maintenance is carried out and scheduled into project and service plans.</p>

5.6 The plan will run for a period of three years 2018 - 2021 and will be proactively performance managed by the senior management team and scrutinised by elected members through the Council's Cabinet and Scrutiny process.

6 Implications

6.1 Financial	All planned maintenance has been built into the Capital programme for the next three years and all responsive maintenance will be allocated from the Revenue budget
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil

6.2 Community Impact Assessment	A community impact assessment is currently being prepared for the plan. Any recommendations that are highlighted as part of this process will be identified in this section of the report.
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Previous Consideration -

Cabinet - 1 March 2018 - Minute No CAB57/18

Special Resources Scrutiny Committee - 12 April 2018 - Minute No RSC41/18

Background Papers - Corporate Business and Partnerships
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COUNCIL
24 APRIL 2018
Draft Asset Management Plan 2018 - 2021



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ASSET MANAGEMENT PLAN

2018 - 2021

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Executive Summary

This Corporate Asset Management Plan sets out what the council intends to do in the future to ensure all of its assets support corporate priorities, increase the Council's financial resources and deliver value for money.

Effective asset management is essential to meeting the council's business objectives with effective use of assets being a key means of reducing costs and improving efficiency. Strategic use of land and property assets is a prerequisite for the achievement of key corporate priorities in relation to economic development, community wellbeing and a financially sustainable organisation.

The challenge facing all local authorities is that we must continue to deliver effective services with ever decreasing resources. The financial constraints and future uncertainty bring additional challenges which is why we are working with partners in respect of One Public Estate.

The Corporate Asset Management Plan 2017-2021 sets out three main priorities, which are:

1. To support regeneration across the Borough, including delivery of new housing and economic growth
2. To ensure that the operational property is fit for purpose and supports the delivery of high quality services for our residents to better use assets to achieve Borough priorities
3. To promote the philosophy of One Public Estate to work with public partners to achieve synergies with the utilisation of accommodation space and service delivery

Cllr Ken Williamson – Cabinet Member for Resources

1. Introduction

It is recognised good practice for local authorities to produce an Asset Management Plan setting out their broad objectives for the management, development and rationalisation of their built and land asset base over a three to five year period. Asset management provides a structured process to ensure value for money from property in serving the needs of the organisation. Property assets are expensive, in terms of both their capital value and annual maintenance and running costs. They need to be carefully managed over their lives to ensure best value through their use, maintenance and generation of income.

1.1 Context

Stafford Borough Council (SBC) is responsible for in excess of £43 million of fixed assets. All these assets need maintaining, with very few of them in a condition that could be described as 'new'. This is a matter of prioritising investment because keeping them all in good condition would be far too costly. The Borough Council's asset portfolio encompasses the following:

- Leisure, culture and heritage sites
- Crematorium
- Shop Units and Public conveniences
- Fleet and Equipment
- Car Parks, land, parks and open space (including nature reserves)

The Council's main operations are carried out from the Civic Centre, which is located at Riverside in Stafford. Although this property is leased by the Borough Council, all of the improvements and maintenance of the building is their responsibility.

Fixed Assets		31.03.17	31.03.16
		£	£
Property, Plant and Equipment			
Other Land & Buildings		36,237,696.85	36,573,744.85
Infrastructure		1,335,773.89	1,478,124.39
Community Assets		817,154.62	817,154.62
Plant & Equipment		2,130,195.33	2,451,208.04
Assets under Construction		465,551.16	34,438.16
Surplus Assets		344,190.00	344,190.00
Leased Equipment		-	-
		41,330,561.85	41,698,860.06
Investment Properties			
Investment Properties		1,835,000.00	1,840,650.00
Intangible Assets			
Intangibles		88,390.11	93,329.13
Heritage Assets			
Heritage Assets		609,822.00	558,072.00
Total Fixed Assets		43,863,773.96	44,190,911.19

Stafford Borough Council has improved the way in which they manage their assets in order to secure better value for money whilst making more effective use of their asset base. This Asset Management Plan (AMP) outlines the Council's asset portfolio and its vision for the development and management of them. The plan will run for a period of three years initially to ensure that it is completed aligned to the Corporate Business Plan, Capital Strategy and Budget process.

1.2 One Public Estate

Planning for the future is an important facet of asset management and the face of the public sector is changing rapidly. In order to generate efficiencies for future sustainability, public sector organisations have to rationalise their property estates. The introduction of the Government initiative One Public Estate is changing the public sector landscape across the Country. Buildings that housed just local authority organisations are become public sector HUBs whereby holistic and fully integrated services are being delivered from. Stafford Borough Council has already embarked upon this journey and a number of different services are being delivered from the Civic Centre building.

The Council do not intend to rest on its laurels, the level of ambition for the Borough is huge and the scope to incorporate more services from the Civic centre is an opportunity that currently exists. The level of detail and complexity of the plan is proportional to the size of the property portfolio, the scope within that portfolio for change and the fact that the majority of assets currently satisfy the Council's service requirements.

1.3 Links to Corporate Business Plan

The council's new corporate business plan will be implemented from April 2018 and will run for three years. The asset management plan will be aligned to the corporate business plan and will run for the same time period. The vision contained within the corporate business plan is one of growth. The Council's vision is:

'A prosperous and attractive borough with strong communities.'

Over the next three years the focus will be on the following objectives:

1. To deliver sustainable economic and housing growth to provide income and jobs.
2. To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.
3. To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives.

These key priorities are fundamental to this plan in that they ensure the Council realises the full potential of all land and buildings and manage its financial resources to ensure the maximum benefit from all of its assets.

1.3.1 Strategic Direction and forward plan

No	Corporate Business Objective	AMP Priority	What do we need to do?
1	To deliver sustainable economic and housing growth to provide income and jobs	To support regeneration across the Borough, including delivery of new housing and economic growth	Propose strategic property or land acquisitions where there is a strong business case to do so in terms of value for money or delivery of Borough priorities;
2	To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing	To ensure that the operational property is fit for purpose and supports the delivery of high quality services for our residents to better use assets to achieve Borough priorities.	<p>Work with service areas to support service/budget planning processes to ensure that asset implications are identified and considered at the earliest opportunity</p> <p>Work with public, voluntary and private sectors to develop a strategic approach to ensure responsible stewardship and unlock the potential of land, buildings and heritage assets,</p>
3	To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives.	<p>To promote the One Public Estate philosophy to work with public partners to achieve synergies with the utilisation of accommodation space and service delivery.</p> <p>To ensure that all council assets are managed effectively</p>	<p>Support service transformation across the Council to deliver organisational and cultural change</p> <p>Collaborate with partners to make better use of assets, to identify opportunities to rationalise and deliver increased benefits through a joined up approach to One Public Estate</p> <p>To ensure that all planned and programmed maintenance is carried out and scheduled into project and service plans.</p>

1.4 Governance for management of the plan

The Chief Executive has ultimate responsibility for Corporate Asset Management and the development of the Corporate Asset Management Plan is carried out by the Leadership Team. Progress against the plan is reported to Leadership Team, Cabinet and Resources Scrutiny Committee. Risk management for public buildings and assets is dealt with at a corporate and operational level by Leadership Team and their direct reports and is detailed further in section 2.4 of this plan.

The Council's Chief Executive has overall responsibility for ensuring that the strategic role of the Council is met, that Scrutiny is supported and that crosscutting issues are

effectively addressed. This is supported by Leadership Team who are responsible for the management of back office and frontline services. The Cabinet Member for Resources has specific responsibility for Corporate Asset Management.

The operational management of Council assets is carried out by a number of senior officers across the authority and are listed below:

- Head of HR – responsibility for maintenance and repair of Council owned buildings
- Head of Operations – responsibility for Council fleet and equipment
- Head of Economic Development and Planning/Head of Law and Administration – responsibility for Council owned land/estates management
- Corporate Business and Partnership Manager – responsibility for leasing of accommodation space and asset management

2. Capital Programme and allocation of resources

2.1 Capital Programme and MTFS

The Council's overall financial strategy is to provide a sustainable budget whereby the Council enables or provides the services and facilities to the public that are responsive to the needs of our customers and communities and reflect the vision and objectives of the Council. It is based upon providing as a minimum a balanced budget over a three-year period.

The overall resources of Councils have severely diminished over recent years and it is essential that all of the Councils resources are effectively and efficiently applied in pursuit of the Council's business objectives. Therefore the allocation of revenue or capital funding is driven by the Council's Corporate Business Plan, via supporting strategies and plans such as the Waste Strategy and this Asset Management Plan.

The Council has an overarching Budget Strategy that considers capital and revenue as one. The Medium Term Financial Strategy attempts to identify resource requirements over a five year period although detailed budgets and a capital programme is actually based upon a 3 year rolling programme. To this end Revenue and Capital requirements over this three year period are assessed against each other and evaluated against the Corporate Plan and Objectives. Only in exceptional circumstances are new initiatives considered in year with the MTFS effectively incorporating the "new" year of a three year rolling programme. In relation to individual capital schemes they are not only required to fit with corporate priorities, they should also 'make a difference' i.e. a significant return on investment - in terms of outcomes - must be achieved.

In addition, capital schemes must also represent excellent value for money (VFM). This includes consideration of the outcome required and an options appraisal of delivery and not only of proposed capital expenditure but also the funding, especially given the declining availability of capital resources.

The council's capital programme must give priority to potential capital projects based on a formal, objective approval process based upon a valid business case. The use of existing or new capital resources includes an opportunity cost, and for the purposes of

evaluation the cost of borrowing/capital financing cost should be included as part of determining the revenue impact of a project.

The current budget policy is based upon the following principles

- Generation of resources (both revenue and capital) to reduce borrowing requirement
- Invest to Save schemes prioritised
- Re justification of any non-committed scheme against corporate priorities- is there still a business need/ case that is evidence backed or are there alternative ways of achieving the objective
- Re submission of any scheme older than 3 years
- Deferral of new schemes pending Asset Management review
- Future Bids to be based upon Business Case/Options Appraisal.

The use of the Council's assets and capital programme is monitored and reviewed by the Capital Programme and Asset Group.

The Capital Programme will take into account any changes in the resource requirement as set out in this plan and individual Unit Service Plans. Elected Members are informed of changes in the Council's resource requirement as part of this programme progress-reporting regime through Cabinet to full Council.

The Capital Programme is recognised by the Council as a major input to the formal financial planning process. It forms the link between the establishment of corporate priorities and the ability to make available resources sufficient to realise the measurable outcomes in line with agreed policy.

2.2 Capital Investment and Bids

Capital investment requirements established as part of the corporate and service planning process are considered as part of the annual budget process which incorporates consideration of "Budget Bids" for capital or capital spending for the three year period of the budget process. Effectively, the "Budget Bid" presents an outline business case for each proposed investment area. "Budget Bids" are scored against main criteria using the information provided in the outline business case, with Invest to Save initiatives being prioritised. The criteria are as follows:-

- Relevance to the Council's priorities
- Community benefit outcome
- Evidence of robust performance management
- Evidence of statutory requirements
- Evidence of realistic financial assessment, including identification of external funding sources, good value for money and ongoing efficiency savings/sustainability
- Evidence of partnership working

An initial assessment of the bids is carried out by officers of Capital Programme and Asset Group (CPAG). Effectively, this provides a list of essential and highly desirable projects recommended for inclusion in the Capital Programme. This is of course subject to an assessment of the availability of capital / revenue resources. The initial assessment is then combined with revenue bids and reviewed by Leadership Team prior to consultation with the Executive. Priority investment areas are then formally approved by the Council as part of the overall budget setting process.

The current approved capital investment plans for 2018 - 2021 are set out in the latest approved Capital Programme which is attached at APPENDIX 1.

2.3 Revenue Spending

Planned spending on property repairs and maintenance included in the Council's revenue budget as set out in APPENDIX 2. Additional annual maintenance requirements are dealt with in exactly the same way as new capital investment via the "Budget Bids" process.

2.4 Insurance and, Risk and Audit

All of the Council's assets should be insured. An annual review is undertaken as part of the insurance renewal process to ensure that there is an up-to-date schedule of the Council's assets that require insuring. If there are any significant purchases or disposals during the year the Insurance Section should be notified of such changes. Where a new building or facility is being constructed or developed, the Insurance Section should be advised when the works are commissioned so that the appropriate cover can be provided throughout the works phase and upon completion.

Under the Council's insurance cover for buildings, there are a number of requirements that need to be met:

- i. For mechanical assets such as lifts, there will be an inspection regime as part of the insurance cover and regular maintenance will also be required.
- ii. Fixed wiring tests are to be completed in accordance with the recommended timescales for the type of building
- iii. Any defects or issues arising from inspection reports need to be addressed within the time periods specified
- iv. Any work that compromises the effectiveness of security/safety measures must be notified to the relevant Insurance Company and responsible officer within the council (e.g. sprinkler systems, fire detection/suppression, and intruder alarms.)
- v. Where buildings are left empty and unoccupied for more than 30 consecutive days the water and heating systems should be drained down
- vi. Where an alarm is required by the insurance it must be regularly serviced
- vii. (i)(vii) The insurers require notification of any buildings which the Council will not respond to alarm calls for outside of office hours.

2.5 Procurement, Commissioning and Contract Management

The procurement of all goods, works and services must be undertaken in accordance with the Council's Procurement Regulations. However, the Procurement Regulations do not apply to:

- Contracts relating to the purchase and disposal of land; and
- Contracts relating to selling or otherwise disposing of our assets.

Whenever we are buying goods, works and services for the council, we must be clear, open, promote competition and seek to achieve value for money. Our 'best value duty' is very important. It means that we must always consider how each procurement activity meets our duty to secure continuous improvement in what we do after taking account of economy, efficiency, effectiveness and outcomes. As a result, we need to

question whether we should be buying anything at all and, if we do, whether we can buy it best ourselves or jointly, or if we should rely on someone else to get better value. The use of framework agreements is encouraged where they are available and offer value for money.

When procuring goods consideration may also need to be given to whether a maintenance contract is needed; this may be done via the supplier of the goods or through a separate arrangement.

3. Management of Assets

All service areas are required to identify their property, fleet, equipment and land requirements and these should be contained within their individual Service Plans and work programmes. This information is transferred into the programmed and planned maintenance schedule by Leadership Team and fed through to the Capital Strategy. Leadership Team determine whether the property issues and priorities contained in the programmed and planned maintenance schedule are appropriate to need. All major proposals and plans in respect of asset management will have a community impact assessment carried out to ensure that they are fit for purpose and that their services are accessible to all of our residents.

3.1 Existing Asset Base

The following table sets out the Council’s key asset classifications. Some examples for each classification are also provided along with the aggregate existing use value of all assets in each category as at 31 March 2017.

Land and Buildings	Vehicles, Plant and Equipment	Infrastructure	Community Assets
<ul style="list-style-type: none"> • Civic Centre • Stafford Leisure Centre • Public Conveniences • Car Parks • Sports pitches 	<ul style="list-style-type: none"> • Gym equipment • Gatehouse seating • Mowers • Waste bins • PCs 	<ul style="list-style-type: none"> • Pedestrianised areas • Community Lighting • Cycle tracks • Traffic calming measures 	<ul style="list-style-type: none"> • Victoria Park • Stonefield Park • Eccleshall Road Cemetery • Broadeye Windmill
£29.84 million	£3.0 million	£1.6 million	£0.6 million

3.2 Progress to date

A comprehensive condition survey has informed and driven the public buildings maintenance plan to this current day. Condition surveys are carried out on a 15 year programme and to support this, an annual plan of programmed and planned maintenance is put in place. The majority of the items in the action plan are statutory maintenance and good practice for a responsible council such as fire, asbestos and

legionella checks. It is recognised, however, that the Council needs to be able to respond effectively to reactive maintenance, which would mean that some aspirational items may not go ahead.

In general terms the condition of the Council's public buildings is good with a number of facilities in the condition "B" category¹. Much of the repair works relates to wall, floor and ceiling finishes, which have reached the end of their useful life. There is little evidence of major problems with the fabric of any facility.

Being smarter and more proactive about our energy management and the reduction of associated emissions of greenhouse gases has been an important focus for the Council over the past few years. Although we cannot reverse the impact that adverse weather conditions have already had on our Borough we can adapt how we respond and what we do in order to limit that impact. In response to this, we are already purchasing 10 per cent of green electricity and improving energy efficiency in our buildings in order to gain long-term sustainability. The Council continue to be proactive about the energy use in the Civic Centre since the installation of the photo-voltaic solar panels which were installed in 2010 on the roofs of block A and block B. This has provided the Council with an income stream that will have lasting benefits.

We will continue to promote the use of renewable energy, or green electricity, and support energy efficiency measures throughout all of our buildings. This will be primarily managed and monitored through the Borough Council's Environmental Management Action Plan.

Much progress has been made in sustaining the current condition levels of our assets and over the past eighteen months those premises that were categorised as level D have been brought into category C. The table below demonstrates this:-

Level	Previous Figure	Current Figure	2017 - 2018
A	0	1	3
B	13	20	24
C	25	22	16
D	5		

The Council realise that in order to continue public satisfaction and perception regarding their assets it is important to increase category A, stabilise the categorisation in level B and reduce the number categorised in level C. This will be one of our main aims over the next three years.

During the latter part of 2017 Freedom Leisure were awarded a 10-year contract by Stafford Borough Council to operate its cultural, heritage and leisure facilities. The portfolio of facilities and services that are now managed by the not-for-profit leisure trust includes: the Gatehouse Theatre, the Ancient High House, Izaak Walton's Cottage, Stafford Castle, three leisure centres and Rowley Park Stadium.

Previously approved council plans will see a new leisure centre built in Stone in 2018 replacing the separate pool and fitness facilities currently in the town, with Freedom Leisure then overseeing the closures and opening. The not-for-profit leisure operator have committed to a £6.4m investment across the existing sites during the duration of the contract – to include site developments, equipment upgrades and environmental

¹ Buildings are categorised as follows: A = Very Good; B = Good; C = Fair; D= Poor

upgrade projects. They will also contribute around £140,000 towards the fit-out at the new Stone Leisure Centre.

In addition the Council has secured a major capital bid from the Heritage Lottery Fund (HLF) to develop and improve the infrastructure and buildings in Victoria Park. The project and consultation process will see over two million pounds being invested in a new café, paths, and landscaping generally with the introduction of a new training centre. It is envisaged that work will commence on site the latter part of 2018.

2016 saw the opening of the Waterfront Multi-storey car park and the Riverside Undercroft Car Park, the facilities allow over 1,300 cars to park in the Centre of the town for Community and Business use. This Development came to fruition through negotiations with a Developer and as a result of the sale of land on Southwalls in Stafford increasing the Council Building assets by upwards of £17 million.

The Council and its Corporate Business and Partnerships Team successfully negotiated a number of third party leases within the Civic Centre the alterations for which have been overseen by the Property Team. 2015 saw Stafford Central Clinic take accommodation on the second floor of the Civic Centre and in 2016, the Council was able to negotiate with the NHS for additional accommodation of a further Health Clinic within the Civic Centre. In 2017, the Corporate Business and Partnerships Team has secured a further 25 year lease with Staffordshire County Council to accommodate Stafford based Children and Families Teams on the fourth floor of the Civic building. All of these sublets significantly contribute towards the Borough Councils efficiency savings and are also in line with the Governments 'One Public Estate' programme.

With regards to the energy management of our assets the Council continues to make good progress, in particular the reduction of gas usage at some of its sites. During 2010 the boilers were replaced at the Civic Centre and figures for 2011 indicate that there has been a marked reduction of 50% in the gas usage. Similarly, the gas boilers at Rowley Park were replaced in early 2017 for a much improved energy efficient system. There is strong commitment within the Council to continue its work towards the implementation of further energy efficiency improvements and as such has built those projects into the schedule of planned and programmed maintenance.

3.3 Disposal of Assets

Receipts from the disposal of the Council's assets are used primarily to support the Council's Revenue Budget (through the generation of interest). However some other receipts that arise are used to support the Capital Programme

The Council has a relatively small portfolio of public buildings and is unlikely to generate significant resources from disposal. However, a comprehensive programme of property review is under way which will:-

- Identify opportunities to rationalise properties/land
- Look at ways of reducing costs
- Maximise efficient use of buildings/land
- Identify future requirements
- Justify why surplus/property land is held
- Challenge the holding of investment property land

The Public Building's Manager and the relevant Head of Service will review all building assets. This review will examine issues of sufficiency and suitability and will utilise consultative exercises in relation to those criteria.

Disposal of small parcels of land is delegated to the Legal section but any major disposals would be initially considered by the Leadership Team, for approval, and subsequently to the appropriate Cabinet Member.

4. Monitoring and Evaluation

This Asset Management Plan will run for a period of three years 2018 – 2021 and is aligned to the Corporate Business Plan. The plan will be proactively performance managed by our senior management team and elected members through the Council's Cabinet and the Scrutiny Committees.

We will be open and transparent in how we work and conduct consultation and engagement activities that may affect any of our major assets so that we can ensure our residents are able to have their say and be part of the process. This will be evidenced through the completion of Community Impact Assessments which we will publish on our website.

Appendix 1 - General Fund Capital Programme (Finance)

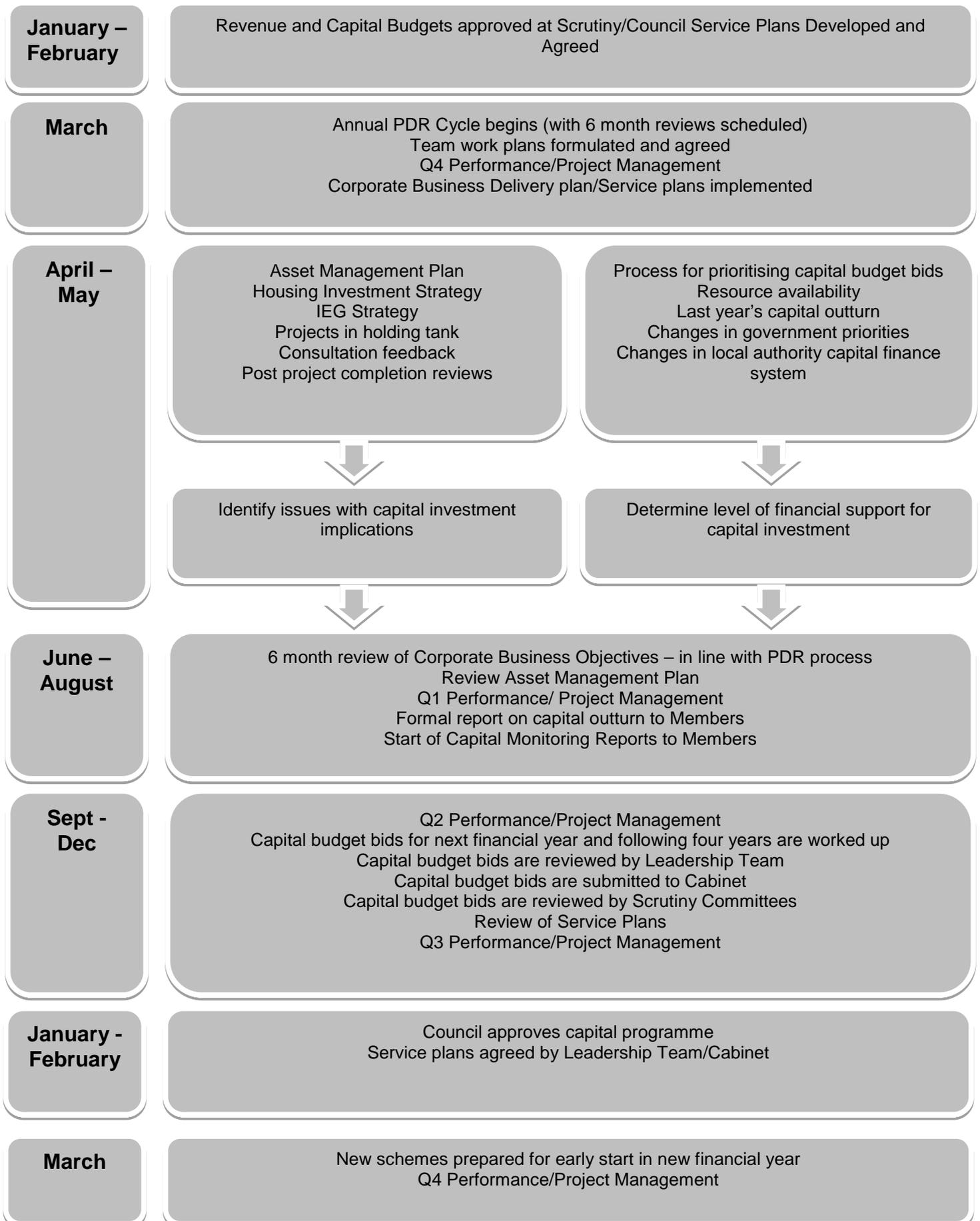
DRAFT GENERAL FUND CAPITAL PROGRAMME 2017/18 to 2020/21

	Planned Delivery				Programme but not allocated £000
	2017/18	2018/19	2019/20	2020/21	
	£000	£000	£000	£000	
ENVIRONMENT					
Streetscene equipment	80	260	80	-	-
Waste Contract - replacement wheeled bins	100	150	150	150	-
Streetscene Fleet Procurement	34	-	-	-	-
Riverway Site Improved Depot Facilities	-	-	-	-	101
Total	214	410	230	150	101
COMMUNITY					
Disabled Facilities Grants	1,358	1,037	1,037	1,037	187
Private Sector Housing Assistance	30	134	-	-	-
Improvements at Glover St caravan site	-	-	-	-	142
CCTV upgrade	68	-	-	-	-
Empty Homes	83	-	-	-	210
Kingsmead Marsh LNR (s106)	7	-	-	-	-
Total	1,546	1,171	1,037	1,037	539
LEISURE					
Stone Leisure Strategy	1,772	7,023	350	-	150
Stafford Castle - Protective System for Parking Area	8	-	-	-	-
Stafford Castle - H&S Works	5	-	-	-	-
Stafford Castle Motte	25	-	-	-	-
Stafford Castle	-	-	-	-	16
Rowley Park - Sports Stadium	10	-	-	-	-
Victoria Park Refurbishment	250	1,254	620	-	-
Victoria Park Pedestrian Bridge	-	100	-	-	-
Multi Use Games Area Walton, Stone (s106)	-	65	-	-	-
Charnley Road Destination Park (s106)	10	385	-	-	-
Gatehouse - MET rigging	80	-	-	-	-
Gnosall Leisure Facilities (s106)	67	-	-	-	-
Holmcroft Leisure Facilities (part s106)	10	-	-	-	388
Jubilee Playing Field Leisure Facilities (s106)	-	104	-	-	-
Total	2,237	8,931	970	-	554
PLANNING AND REGENERATION					
Waterscape	-	63	-	-	-
Growth Point capital	-	221	-	-	-
Stafford Town Centre Enhancement	20	46	-	-	-
Solar Panel Farm at Riverway	5	-	-	-	-
Pearl Brook Path Improvements	-	75	-	-	-
s106/CIL Monitoring system	20	-	-	-	-
Doxey Rd Land	115	-	-	-	-
Stafford Western Access Route	-	-	-	2,500	-
Land at Fairway, Stafford	271	-	-	-	-
New Gypsy & Traveller Site	-	-	-	-	150
Total	431	405	-	2,500	150
RESOURCES					
Corporate IT equipment	50	50	50	50	-
Provision to Commute Car Park Sharing Arrangement	-	750	-	-	-
Contact Centre Phone system	-	-	-	-	30
Civic Centre Generator	-	-	-	-	50
Total	50	800	50	50	80
TOTAL CAPITAL PROGRAMME	4,478	11,717	2,287	3,737	1,424

Appendix 2 - Repairs and Maintenance

Budget Page Description	2018-19	2019-20	2020-21
	Original Budget £	Original Budget £	Original Budget £
Housing Act Sewerage Works	2,000	2,110	2,150
Private Sector Hsg (Loans & Mortgages)	5,450	5,560	5,670
Homelessness & Housing Advice	3,310	3,380	3,450
Glover Street	6,600	6,730	6,870
Cleansing Services	18,060	18,420	18,790
Bereavement Services	50,740	51,750	52,780
Misc Highways Functions (ex Planning)	7,900	8,060	8,220
Street Scene	12,000	12,240	12,490
Parks & Open Spaces	58,710	59,890	61,090
Allotments	2,280	2,330	2,380
Ancient High House	9,840	10,040	10,240
Broadeye Windmill	550	560	570
Izaak Walton Cottage	8,230	8,230	8,400
Stafford Castle	12,340	12,340	12,590
Off Street Parking Services	68,930	70,300	70,750
Land & Properties	35,830	36,540	37,270
Borough Markets	35,340	36,050	36,770
Public Buildings	110,890	113,110	115,380
The Saltings	2,230	2,280	2,330
	451,230	459,920	468,190

Appendix 3 – SBC Business Planning Process



ITEM NO 10**ITEM NO 10**

Report of:	Head of Law and Administration
Contact Officer:	Alistair Welch
Telephone No:	01785 619204
Ward Interest:	Nil
Report Track:	Council 24/04/18 (Only)

COUNCIL
24 APRIL 2018
Review of the Constitution

1 Purpose of Report

- 1.1 The purpose of this report is to present Council with details of the proposed amendments to the Constitution as recommended by the Resources Scrutiny Committee.

2 Recommendation

- 2.1 That the amendments to the Constitution as detailed in **APPENDIX 1, APPENDIX 2 and APPENDIX 3** be approved for implementation in the new Municipal year.

3 Key Issues and Reasons for Recommendation

- 3.1 Article 15.1 of the current Constitution requires the Monitoring Officer to review the Constitution on an annual basis.
- 3.2 Accordingly, the Resources Scrutiny Committee commissioned a Task and Finish Review Working Group to undertake a Review of the Constitution.
- 3.3 The Constitution Task and Finish Review Working Group recommended a number of amendments to the Constitution during the course of their review, which were subsequently endorsed by the Resources Scrutiny Committee.
- 3.4 Council are therefore requested to approve the amendments to the Constitution as detailed in **APPENDIX 1, APPENDIX 2 and APPENDIX 3** for implementation in the new Municipal year

4 Relationship to Corporate Priorities

- 4.1 The Constitution supports all of the Council's Corporate Priorities.

5 Report Detail

- 5.1 Attached at **APPENDIX 1** is a list of all of the amendments to the Constitution that the Resources Scrutiny Committee has recommended following their Review. The column on the left refers to the part of the Constitution that has been suggested for amendment and the column on the right refers to the actual amendment itself.
- 5.2 A revised Management Structure that forms Part 7 of the Constitution is attached at **APPENDIX 2**.
- 5.3 A reformatted Scheme of Delegation is attached as **APPENDIX 3**, which also incorporates the changes suggested as part of the review.
- 5.4 The Head of Law and Administration will arrange for any subsequent additional unforeseen technical amendments to be made to the Constitution.

6 Implications

6.1	Financial	Nil
	Legal	Nil
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil
6.2	Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>

Previous Consideration - Nil

Background Papers - File available in Law and Administration

COUNCIL
24 APRIL 2018
Review of the Constitution

AMENDMENTS TO THE CONSTITUTION

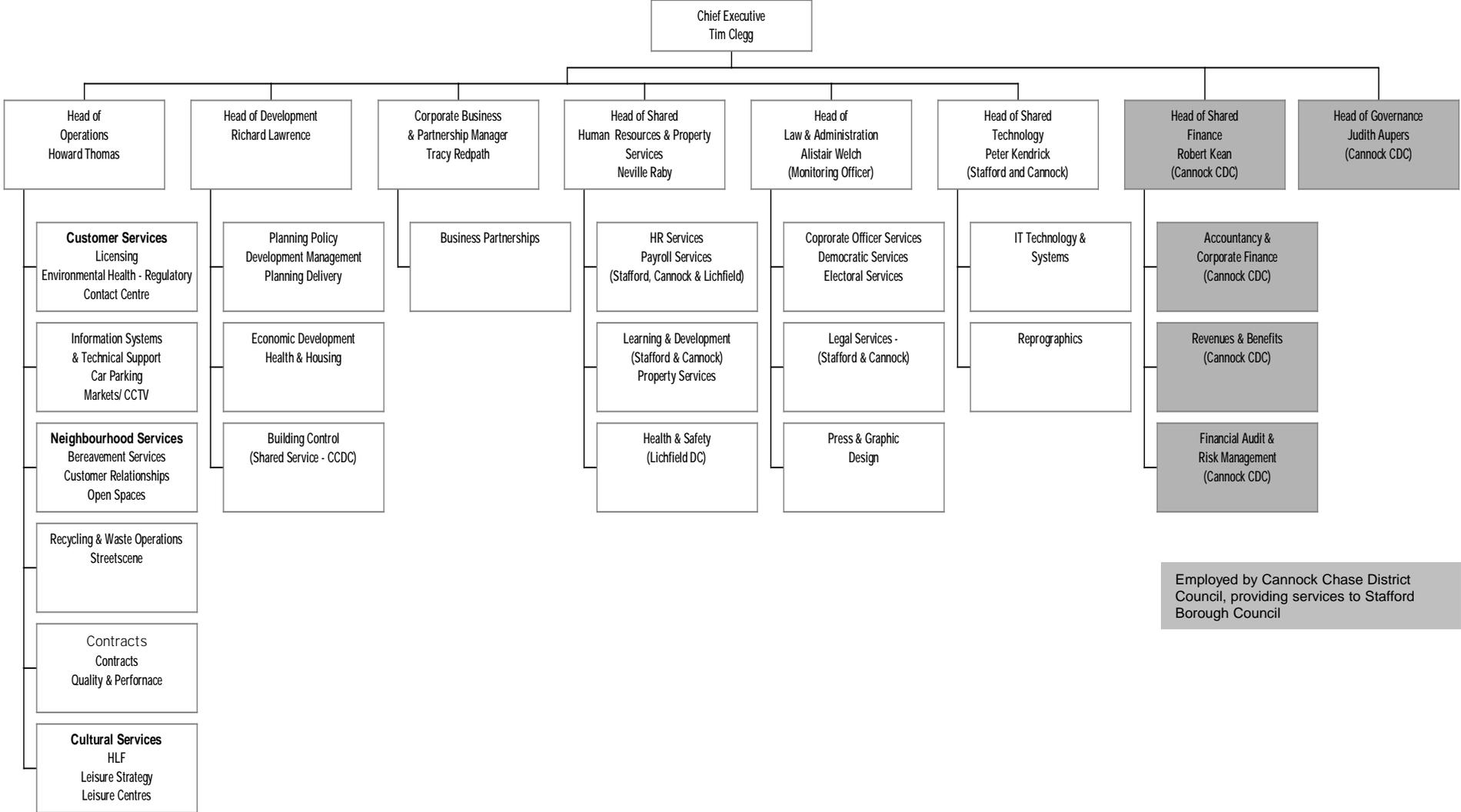
PART OF THE CONSTITUTION	AMENDMENT
PART 2	
Part 2, Articles of the Constitution, Contents Page 2.2	<p>Articles of the Constitution</p> <p>Delete Article 10, Area Forums from the contents page.</p>
Part 2, Articles of the Constitution, Article 11, Joint Arrangements, Page 2.23	<p>Article 11 - Joint Arrangements</p> <p>Amend Article 11, Joint arrangements to the following:-</p> <p>11.1 Joint Health Scrutiny Arrangements</p> <p>11.2 When the Community Wellbeing Scrutiny Committee is carrying out its function as the statutory health scrutiny committee as defined in Paragraph 11.3 it shall have an additional member nominated by Staffordshire County Council who shall be entitled to take part in the debate and vote on those matters only.</p> <p>11.3 As 11.1.2 in the current Article.</p>
PART 5	
Part 5, Codes and Protocols, Protocol on Making Representations Direct to Planning Committee, Introduction, Page 5.33	<p>Protocol on Making Representations Direct to Planning Committee</p> <p>Add the following at the end of the fifth paragraph of the Introduction, after “considered by the Committee”:-</p>

PART OF THE CONSTITUTION	AMENDMENT
	<p>“Please note the provisions of Paragraph 1 of the Procedure Rules for Major Applications and that those Procedure Rules apply to all large scale major applications (LSMs) and such other major applications as the Head of Economic Development and Planning, in consultation with the Chairman, consider appropriate.”</p>
<p>Part 5, Codes and Protocols, Protocol on Making Representations Direct to Planning Committee, Paragraph 5, Procedure Following Receipt of Request to Speak, Page 5.35</p>	<p>Protocol on Making Representations Direct to Planning Committee</p> <p>Amend Paragraph 5 of the Protocol on Making Representations Direct to Planning Committee, Procedure Following Receipt of Request to Speak, to read:-</p> <p>“Democratic Services will notify you of whether your request to speak was successful and will add your name to a list to be placed before the Committee. The Committee normally meets at 6.30 pm so you will need to report to the venue of the Committee meeting by no later than 6.15 pm on the day of the Committee. If you are likely to be delayed then please contact Democratic Services BEFORE 5.00 pm or you may lose your opportunity to speak to the Committee.”</p>

Part 7

Management Structure

Stafford Borough Council Leadership Team



Scheme of Delegations

1 INTRODUCTION

The Scheme of Delegations (“Scheme”) authorises officers to exercise the functions of the Council as set out in this document. This Scheme repeals and replaces all previous schemes of delegation and all amendments made thereto.

For the purposes of this Scheme, the term “Chief Officer” means:

- (a) Chief Executive; and
- (b) Heads of Service.

This Scheme contains two types of authorities:

- (a) Functional, operational and day to day management of services delegated to all Chief Officers; and
- (b) Functions delegated to specific Chief Officers.

Annex 1 details Reserved Authorities.

The exercise of any function delegated by this Scheme is subject to and must be in accordance with the following. They are listed in order of precedence, which should be followed in the event of any conflict between their provisions:

- (a) European and National Law
- (b) Procurement Regulations
- (c) Financial Regulations
- (d) The Scheme of Delegations
- (e) Emergency Planning Procedures
- (f) Other Council policies, procedures

Any reference in this Scheme to a statute includes any statutory instrument, regulation, order, rule, guidance or circular made under it and includes any modification amendment or re-enactment.

2 DELEGATIONS TO ALL CHIEF OFFICERS

2.1 Management Delegations

- 2.1.1 To undertake the management of those services or functions under their management including the discharge of all responsibilities, duties and obligations, within approved budgets, policies and procedures.
- 2.1.2 To agree changes to approved capital or revenue budgets in consultation with the Section 151 Officer provided that it and any future financial implications are contained within the approved budget for the service.
- 2.1.3 To invite tenders and award contracts in accordance with Procurement Regulations and Financial Regulations.
- 2.1.4 In consultation with the Section 151 Officer, to authorise the submission of external funding bids for projects/schemes that support the delivery of the Council's Corporate Plan or equivalent.
- 2.1.5 To select and appoint specialist professional advisors within approved budgets.
- 2.1.6 To discharge his/her duties in respect of Health and Safety in the workplace.
- 2.1.7 To accept appointments to positions in local, regional, national or international professional bodies in consultation with the Chief Executive.
- 2.1.8 In respect of functions within their responsibility:
 - (a) to serve notices under Section 16 of the **Local Government (Miscellaneous Provisions) Act 1976**;
 - (b) to exercise any power of the Council relating to entry on land or other property for the purposes of inspection.
- 2.1.9 To provide goods, services and plant to other local authorities and other bodies (where lawful), in consultation with the Chief Executive.
- 2.1.10 To dispose of surplus materials, vehicles, plant, equipment and goods, salvage scrap, and other waste (in accordance with financial regulations).
- 2.1.11 To be the Proper Officer for the production of background documents under the Local Government Access to Information Regulations in respect of any report presented to the Council, Cabinet and Committees in their name.
- 2.1.12 To be the Proper Officer for the opening of tenders relevant to their service.
- 2.1.13 To negotiate and settle contract disputes relating to their service area within approved budgetary provision.

- 2.1.14 To manage procurement of goods and services for their service area and ensuring compliance with the law and Procurement Regulations including:
- (a) Approval of method by which contracts are let.
 - (b) All steps necessary to invite estimates, quotations and tenders for all contracts necessary to implement schemes or acquire goods or services approved by the Council.
 - (c) The acceptance of an estimate, quotation or tender for a contract subject to:
 - (i) In respect of capital schemes; in consultation with the Head of Finance, the expenditure having been previously approved by the Council as part of the Capital Programme and the total cost of the scheme calculated from the tender not exceeding the approved budget provision by more than 10% or £25,000 whichever is the lower.
 - (iii) In respect of revenue expenditure; the total cost being capable of being met from within the approved budget.
 - (d) The extension of an existing contract for the supply of goods or services for the shorter of a period of two years or the term of the original contract on the same terms and conditions where it is considered that the cost of seeking a new contractor would exceed any savings which might be achieved subject to;
 - (i) the costs being capable of being met from within the budgetary provision and
 - (ii) no contract being extended more than once under this provision
- 2.1.15 In consultation with the Head of Law and Administration, to authorise the instigation of civil and criminal proceedings and to defend any litigation for and on behalf of the Council in relation to their service area.
- 2.1.16 Unless otherwise falling within the remit and/or responsibility of the Council's Insurer, to settle, compromise, discontinue or otherwise dispose of any claim, appeal, action or complaint falling within their area of management (irrespective of whether any proceedings have been instigated), providing that legal advice has first been obtained and the costs can be met from approved budgets.
- 2.1.17 The appointment of consultants as necessary to provide professional services (including feasibility studies) subject to provision being available within the approved budget.

- 2.1.18 Responding to consultations by Government, other public organisations and statutory bodies in accordance with Council policy.
- 2.1.19 In consultation with the Head of Finance, Bidding for funding from external agencies (including the government) in pursuance of Service Plan objectives subject to financial implications being within approved budgets.

2.2 Human Resources Delegations

- 2.2.1 All delegations within paragraphs 2.18 to 2.32 are to be exercised by Heads of Service only in respect of employees within their service and after consultation with the Head of Human Resources.
- 2.2.2 Implementation of all approved personnel policies.
- 2.2.3 To determine permanent and temporary establishments and staff structures, below Head of Service level, providing the costs can be met from approved budgets except where it would result in:
 - (a) the redundancy of an employee;
 - (b) the retirement of any officer at a cost to the Council;
 - (c) the creation or deletion of a chief officer post.
- 2.2.4 To recruit to vacant posts below Head of Service, provided that the costs can be met from approved budgets.
- 2.2.5 To engage agency personnel to fulfil service delivery requirements, provided that the costs can be met from approved budgets.
- 2.2.6 To approve ex-gratia or honorarium payments, for employees within their service, provided that the costs can be met from approved budgets.
- 2.2.7 To approve applications for requests to undertake recognised professional qualifications which will be of benefit to the Council, provided the costs can be met from within approved budgets.
- 2.2.8 To approve requests for unpaid leave.
- 2.2.9 To approve requests for compassionate, maternity support, paternity leave and adoption leave.
- 2.2.10 To approve requests for time off work in respect of medical appointments, trade union duties and public duties.
- 2.2.11 To approve requests from officers to undertake secondary employment.
- 2.2.12 To consider, hear and/or determine grievances raised by employees within their service.

2.2.13 To conduct disciplinary, capability and sickness proceedings, including dismissal of employees below Head of Service.

2.2.14 Implementation of the provisions of the **Health and Safety at Work Act 1974** in his/her own Service.

2.3 Financial Matters

2.3.1 The compilation and approval of detailed budgets for each cost centre within overall budgetary provision and in accordance with approved budgetary policy and strategy.

2.3.2 The virement of resources a service division (as identified at budget book level) in a year of account subject to

- (a) the amount vired not exceeding the amount remaining on the cost centre after all outstanding commitments;
- (b) the cumulative amount vired to or from any service division budget in any one year not exceeding £25,000;
- (c) the purpose for which the virement is made must be in accordance with Council policy, Standing Orders and Financial Regulations and be lawful;
- (d) the virement must not create a commitment to expenditure in any future financial year.

2.3.3 Approval of the detail of approved capital schemes with an estimated cost of up to £50,000

2.3.4 In consultation with the Head of Finance, approval of additional expenditure required to complete an approved capital scheme up to 10% of the total cost or £25,000 whichever is the lower

2.4 Property Matters

2.4.1 The day to day management of land and property.

2.4.2 The maintenance of land and property within approved budgets.

2.4.3 In consultation with the Head of Law and Administration:

- (a) The disposal of property on lease or licence for a period not exceeding seven years.
- (b) The disposal freehold or on lease for a period exceeding seven years of incidental land not exceeding 0.1 hectare in area and £6,000 in value.

- (c) The granting of rights of way and other easements for periods not exceeding twenty one years.
- (d) The conduct and determination of rent reviews and lease renewals in respect of property let to or by the Council.
- (e) Approval to amendments to user clauses in leases.
- (f) Consent to assignment or sub-letting of property leased from the Council.
- (g) Consent to alterations and improvements to property leased from the Council.

2.4.4 To make authorisations for directed surveillance and covert human intelligence source under the **Regulation of Investigatory Powers Act 2000**

2.5 **Onward Delegation**

2.5.1 Subject to paragraphs 3.2 below, Chief Officers are entitled, in their absolute discretion, to authorise officers within their area of management (identified by name or job description) to exercise all or some of their delegated functions, unless the law requires specific named officers to exercise delegated authority.

2.5.2 Any authorisation of named officers by Chief Officers under paragraph 3.1 above shall:

- (a) comply with the Council's financial regulations (if applicable);
- (b) be recorded in writing signed by the Chief Officer; and a copy of the written record shall be provided to the Chief Executive, Monitoring Officer and Section 151 Officer.

The Chief Executive shall have the power to veto any delegation.

3 FUNCTIONS DELEGATED TO SPECIFIC OFFICERS

3.1 CHIEF EXECUTIVE

- 3.1.1 The Chief Executive is designated as the Head of Paid Service (Section 4 of the **Local Government and Housing Act 1989**).
- 3.1.2 The Chief Executive is appointed as Returning Officer for Borough and District Elections and all local referendums and polls.
- 3.1.3 The Chief Executive may undertake all duties delegated to other Chief Officers, or delegate such duties to another Chief Officer, where permitted by law.
- 3.1.4 To be the authorised person for the signing of Certificates of Opinion to accompany applications for exemption for posts from political restrictions.
- 3.1.5 The Chief Executive, or his nominee, has the full authority to take all action they consider necessary in a major incident or emergency in consultation with the Leader or appropriate Cabinet Member where circumstances allow (the Director on call shall stand nominated by the Chief Executive to take such action during their period of on-call).
- 3.1.6 To incur expenditure in respect of any major incident or emergency within or adjoining the District in consultation where practicable with the Leader of the Council and the Head of Finance.
- 3.1.7 To determine any new or changed policies in respect of terms and conditions of employment and local conditions of service where agreement can be reached with the recognised trade unions through the Council's normal negotiating frameworks.
- 3.1.8 In consultation with the HR service, to approve ill health retirements for employees, Heads of Service and below, in accordance with Council approved/adopted policies, providing any costs are met from within approved budgets.
- 3.1.9 In consultation with the HR service, to approve early retirements for employees, Heads of Service and below, on the ground of efficiency of service (with no augmentation), in accordance with Council approved/adopted policy, providing there is no actuarial strain and any costs are met from within approved budgets.
- 3.1.10 To determine, implement and review corporate human resource procedures and best practice guidance designed to deliver Council policy in consultation with the HR service.

- 3.1.11 To determine, implement and review all aspects of Single Status Scheme, including job evaluation, except where such change will or may have a direct or potential impact on the Single Status Scheme and/or budgetary framework.
- 3.1.12 To make authorisations for directed surveillance and use of covert human intelligence sources when knowledge of confidential information is likely to be acquired under the **Regulation of Investigatory Powers Act 2000**
- 3.1.13 To exercise on behalf of the Council the power to grant authorisations as contained in Section 110A sub-section (3) of the **Social Security Administration Act 1992** (as amended).
- 3.1.14 Grant Aid; Stafford Borough Sports Council: The approval of the minutes and payments of Grant Aid.
- 3.1.15 Matters under the **Anti-social Behaviour, Crime and Policing Act 2014**
- (a) Authority to issue and the enforcement of community protection notices including taking legal proceedings.
 - (b) Consideration of and making of public spaces protection order. Enforcement of public spaces protection order including taking legal proceedings in consultation with the Head of Law and Administration.

3.2 HEAD OF FINANCE

- 3.2.1 Approval of future years Tax Base.
- 3.2.2 To determine Liable Persons, Liability Periods, Eligibility for statutory discounts, exemptions and reliefs and any other matter referred to in the appropriate statute necessary to calculate the due amount for which a Council Taxpayer or National Non-domestic Ratepayer is liable.
- 3.2.3 The writing off of individual debts up to the sum of £2,500 which are considered to be irrecoverable and the writing off of individual debts which are considered irrecoverable due to bankruptcy, insolvency or liquidation in consultation with the Head of Law and Administration.
- 3.2.4 The writing off of overpayments of Housing Benefit, which are deemed irrecoverable in accordance with benefit legislation
- 3.2.5 All billing, recovery and enforcement proceedings in connection with non-payment of Council Tax and non-domestic rates
- 3.2.6 To sign complaint lists, liability order lists, attachment of earnings orders and deductions of benefit orders and to authorise the taking control of goods on behalf of the Council
- 3.2.7 The consideration, determination and award of discretionary discounts or reductions to Council Tax and to confirm all valid applications for Mandatory Rate Relief from non-domestic rates
- 3.2.8 The granting of discretionary relief from non-domestic rates within approved Council policy.
- 3.2.9 All enforcement proceedings in connection with non-payment of Council Tax and non-domestic rates.
- 3.2.10 To deal with all matters relating to Council Tax and non-domestic rates on behalf of the Council, with the exception of those specifically requiring Council approval in law (e.g. setting of Council Tax) including
 - (a) To agree and authorise the appropriate allocations of occupied and unoccupied premises in order to calculate empty rate allowance under Section 44A Local Government Finance Act 1988
 - (b) To raise and quash penalties imposed under Schedule 3 of the Local Government Finance Act 1992
 - (c) To serve, amend and withdraw Completion Notices in respect of newly completed commercial or domestic property, in accordance with s46A and Schedule 4A of Local Government Finance Act 1988

- (d) To determine Council Tax and Non Domestic Rate, non Valuation Appeals on behalf of the Council
 - (e) To represent the Council at any Court or Tribunal regarding any Council Tax or Business Rate matters
- 3.2.11 Actions required to recover sundry debts under the Council's Credit Management Policy in consultation with the relevant Head of Service.
- 3.2.12 To determine all applications for Housing Benefit and Local Council Tax Reduction
- 3.2.13 To consider and determine discretionary housing payments and discretionary awards of Local Council Tax Reduction
- 3.2.14 To determine applications for back dating of Housing Benefit and/or Local Council Tax Reduction
- 3.2.15 To authorise and issue sanctions including Administrative Penalties, Formal Cautions, and Prosecutions in respect of Local Council Tax Reduction
- 3.2.16 Authorisation of Officers to require information from organisations under the **Social Security Fraud Act 2001**.
- 3.2.17 Actions required to recover sundry debts under the Council's Credit Management Policy in consultation with the relevant Head of Service
- 3.2.18 Raising of money by loans at the most advantageous market rate
- 3.2.19 Housing Advances
 - (a) Authority in accordance with the **Housing Act 1985**, Section 438 and Schedule 16 to amend the rate of interest to the "appropriate rate" after declaration from time to time by the Secretary of State of the standard notional rate.
 - (b) Approval of applications for house purchase and improvement/repair advances within the Council's Scheme and guarantees to Building Societies.

3.3 HEAD OF LAW AND ADMINISTRATION

- 3.3.1 Authorisation to make such changes to the membership requested by a group to which the seat is allocated when such written request is received.
- 3.3.2 The making of ex gratia payments up to a maximum of £5,000 in settlement of complaints made to the Local Government Ombudsman in consultation with the relevant Head of Service.
- 3.3.3 Briefing Counsel and obtaining other specialist legal advice and services as considered necessary to advise and/or represent the Council.
- 3.3.4 Approval to the provision of refreshments for meetings of the Council and Committees.
- 3.3.5 Hiring of rooms at Civic Centre and Stone Area Office.
- 3.3.6 The power to authorise officers of the Council to appear in the Magistrates Court on behalf of the Council in accordance with section 233 of the **Local Government Act 1972**.
- 3.3.7 Authority to make any temporary street closure orders as required.
- 3.3.8 Authorisation to instruct agents to value property proposed to be sold to or by the Council.
- 3.3.9 Authority to issue grazing licences for lands not immediately required for Council purposes.
- 3.3.10 Authority to approve applications for licences to cultivate subject to such conditions as are deemed to be appropriate.
- 3.3.11 Authority to grant applications for wayleaves from statutory undertakers.
- 3.3.12 Management of The Saltings Mobile Homes Site in accordance with Council policy
- 3.3.13 Commencement of legal proceedings, including applying for civil injunction, criminal behaviour orders. Issue of community protection notices, closure of premises. Matters relating to dangerous dogs, public space protection orders under the **Anti-social Behaviour, Crime and Policing Act 2014**.
- 3.3.14 Approval of the use of allotment roadways for vehicular access (either existing or new).

- 3.3.15 Matters concerning Licensing Committee to be exercised in consultation with the Chairman of the Committee:
- (a) To dispense with holding a hearing, if all persons required by the **Licensing Act** agree that such a hearing is unnecessary, and to give notice to the parties that a hearing has been dispensed with, as per Regulation 9 of the **Licensing Act 2003 (Hearings) Regulations 2005** (“the Regulations”).
 - (b) To extend time limits, and to give notice of the same, as per Regulation 11 of the Regulations.
 - (c) To adjourn a hearing, and to give notice of the adjournment, as per Regulation 12 of the Regulations.
 - (d) To make amendments as to the procedure to be followed at hearings of the Licensing Sub Committee, as per Regulation 21 of the Regulations.
 - (e) To take steps to cure any irregularities resulting from failure to comply with the provisions of the Regulations, as per Regulations 31, 32 and 33.
- 3.3.16 Authority to confirm unopposed Public Footpath Diversion Orders.
- 3.3.17 To confirm all Tree Preservation Orders where no objections are made or where any objections are satisfactorily resolved.
- 3.3.18 Authority to deal with complaints under Part 8 of the **Anti-Social Behaviour Act 2003** (High Hedges) including any resulting notices, appeals, prosecutions and enforcement action arising from those complaints.
- 3.3.19 Authority to take all action required under the **Access to Personal Files Act 1987** and the Access to Personal Files (Housing) Regulations 1989 other than the carrying out of reviews under Regulation 8 of the Regulations.
- 3.3.20 To be the Proper Officer for all purposes under the Local Government, (Access to Information) Act 1985 except those set out in Paragraph 2.1.11.

3.4 HEAD OF OPERATIONS

3.4.1 Authority under the **Dangerous Wild Animals Act 1976** to:-

- (a) issue or refuse applications for licences to keep animals;
- (b) consult such interested bodies or parties as appropriate;
- (c) attach appropriate conditions to any licences;
- (d) charge an appropriate fee for applications sufficient to meet the direct and indirect costs thereof;
- (e) obtain veterinary reports on payment of a fee;
- (f) seize, destroy or detain an animal and to recover the costs so involved.

3.4.2 Authority under the **Breeding of Dogs Act 1973** to and the Breeding of Dogs Act 1991:-

- (a) deal with contravention of this legislation;
- (b) appoint any officer of the Council or any veterinary surgeon or veterinary practitioner.

3.4.3 Authority under the **Control of Pollution Act 1974** to:-

- (a) Section 60 - serve notice imposing requirements as to the way in which works to which this section applies are to be carried out.
- (b) Section 61 - enter into "prior consent-agreements" for work on construction sites with the person who intends to carry out work listed in Section 60.
- (c) Section 62 - in consultation with the Head of Law and Administration to take legal action in respect of contraventions of this Section which deals with noise in streets.
- (d) Section 16 - in consultation with the Head of Law and Administration to undertake the procedure specified in that section of the Act and serve the requisite notices and undertake proceedings to recover costs relating to the removal of waste deposited in breach of licensing provisions.

3.4.4 All powers under the **Clean Air Acts 1968 and 1993** including to institute legal proceedings for offences, except those relating to the creation of smoke control areas.

3.4.5 The Councils powers and functions under the **Environment Act 1995**:-

- (a) under Part II relating to contaminated land and abandoned mines.
- (b) under Part IV relating to air quality.
- (c) under Part V relating to enforcement powers, powers of entry and the prosecution of offences.

3.4.6 The functions conferred under the **Control of Asbestos Regulations 2006** (these may only be undertaken by Environmental Health Officers authorised under the **Health and Safety at Work etc Act 1974**).

- 3.4.7 Authority under Section 12, **Staffordshire Act 1983** to require in connection with any building operation or demolition operation or the cleansing of any building, the taking of any reasonable practicable steps to reduce the emission of dust from the operations being carried out.
- 3.4.8 The Council's powers and functions relating to permitted processes under the **Environmental Protection Act 1990**, the **Pollution Prevention and Control Act 1999** and the **Environmental Permitting (England and Wales) Regulations 2010**.
- 3.4.9 Under the **Environmental Protection Act 1990**:-
- (a) The powers and functions provided for by regulations made under Part 1.
 - (b) Powers and functions relating to contaminated land under Part IIA
 - (c) Authority to serve notices under Part III of the Act and to institute proceedings for failure to comply with notices.
 - (d) Authority to service notices under Part III of the Act and under the Noise and **Statutory Nuisance Act 1993**.
- 3.4.10 The powers and functions under the **Clean Neighbourhoods and Environment Act 2005** relating to
- (a) noise under Sections 69 to 81 and Section 86
 - (b) vehicles under Part 2
 - (c) litter and refuse under Part 3
 - (d) graffiti and other defacement under Part 4
 - (e) waste under Part 5
 - (f) dogs under part 6
 - (g) miscellaneous matters under Part 9
- 3.4.11 Authority to require the keeper of a vehicle to pay a fixed (civil) penalty if there is reason to believe that a littering offence has been committed from the vehicle under the **Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018**
- 3.4.12 Authority to implement the powers in Regulations 5 and 6 of the **Health and Safety (Enforcing Authority) Regulations 1998** concerning the transfer of premises between enforcing authorities.
- 3.4.13 Authority to appoint authorised inspectors under Section 19 of **the Health and Safety at Work etc Act 1974**.

3.4.14 Powers and functions relating to Hackney Carriages:-

- (a) Authority to issue, refuse, suspend or revoke the various licences under **the Local Government (Miscellaneous Provisions) Act 1976** - Part II Hackney Carriages and Private Hire Vehicles and in the event of a contravention, in consultation with the Head of Law and Administration the institution of legal proceedings.
- (b) Authority to remove and retain the plate or disc from a Hackney Carriage or Private Hire Vehicle where any proprietor fails without reasonable excuse to comply with the terms of a notice under Sub Section (1) of Section 58 of the **Local Government (Miscellaneous Provisions) Act 1976**.
- (c) Authority to suspend and revoke vehicle/drivers licences under section 60 and 61, and operators licences under section 62
- (d) Authority to charge the additional administrative fees for late applications for drivers and vehicle licences for Hackney Carriages and Private Hire Vehicles in accordance with current fees and charges.
- (e) Authority to approve requests for advertisements on Hackney Carriages provided that they conform to the format set down and do not offend public decency or relate to religious or political topics.

3.4.15 The Council's powers and functions relating to the following licensing matters:-

- (a) House to house and street collection consents
- (b) Betting and Gaming (including amusements with prizes)
- (c) Registration of Small Lotteries
- (d) Licensing of Pleasure Boats
- (e) The **Pet Animals Act 1951 and 1983**
- (f) The Animal Boarding Establishments Act 1963
- (g) Registration of scrap dealers and collectors
- (h) The issue of all licenses falling to be dealt with under the **Lotteries and Amusements Act 1976**
- (i) Authority to issue, renew, refuse, transfer and revoke licences under the **Zoo Licensing Act 1981** and to appoint suitably qualified inspectors should the necessity arise
- (j) Sale of Rag Flock

- (k) **Riding Establishments Act 1964**
- (l) **Animal Welfare Act 2006**
- (m) **Breeding and Sale of Dogs (Welfare) Act 1999**
- (n) **Breeding of Dogs Act 1991**
- (o) **Gambling Act 2005**
- (p) **Licensing Act 2003**
- (q) Registration of persons and premises for acupuncture, tattooing, ear piercing and electrolysis

3.4.16 **Building Act 1984** in respect of sanitary conveniences:

- (a) Authority to serve notices under Sections 64 and 65 of the Act.
- (b) Authority under Section 29 of the Act to carry out work in default where notices under Section 64 and 65 are not complied with and to recover the expenses reasonably incurred by the Council in doing the work.

3.4.17 Authority to implement powers under the **Noise and Statutory Nuisance Act 1993**.

3.4.18 Authority to prosecute breaches of Section 5(1)(b) of the **Police Factories etc. Miscellaneous Provisions Act 1916** in respect of unauthorised Street Collections.

3.4.19 Matters relating to Street Trading

- (a) Authority to pursue legal proceedings for breaches of Section 3 and Schedule 4 of the **Local Government (Miscellaneous Provisions) Act 1982**.
- (b) Authority to issue, renew and revoke Street Trading Consents and to amend or add to conditions to street trading consents.
- (c) Authority to take legal proceedings in cases where no street trading consent has been granted.

3.4.20 Authority to serve notice in relation to unsecured premises and to undertake works in default under Section 29 of the **Local Government (Miscellaneous Provisions) Act 1982**.

3.4.21 In respect of parks and open spaces

- (a) Authority to determine future applications for religious uses of Council owned parks.
- (b) Authority to determine applications for the planting of trees in Victoria Park and all open space facilities.

3.4.22 Authority to take such action as he/she considers appropriate to secure the removal of any advertising or similar material constituting fly posting in the Borough in accordance with Section 36 of the **Local Government (Miscellaneous Provisions) Act 1976** including, in consultation with the Head of Law and Administration the institution of legal proceedings.

3.4.23 Car Parking Matters:-

- (a) Authority to amend parking charges on Council managed car parks and to negotiate the price of the bulk purchase of parking permits from large user groups on car parks.
- (b) Authority to enforce off-street parking orders including, in consultation with the Head of Law and Administration, the institution of legal proceedings.
- (c) Authority to licence car parks for other purposes eg siting of displays. Ministry of Transport vehicle testing, charity events, subject to a maximum letting of 10 bays at any one time at a minimum of the current charge for parking and to it not seriously affecting the parking facilities.

3.4.24 Crematoria and Burial Grounds

- (a) Authority to grant exclusive rights of burial.
- (b) Authority to grant permission for the disinterment and reburial of cremated remains subject to the necessary faculty being granted and there being no valid reason for objection.
- (c) Authority to approve the allocation of memorial seats in the Crematorium burial ground.

3.4.25 Collection of abandoned motor vehicles and service of notices as appropriate.

3.4.26 Matters under the **Building Act 1984**

- (a) Authority to serve notices under Section 76 of the Act and in the event of a counter notice not being served to obtain estimates, arrange for work in default to be carried out after the expiry of the nine day statutory period.

- (b) Authority to serve notices under Section 79 regarding ruinous and dilapidated buildings and neglected sites.
- (c) The institution of proceedings to recover the costs involved in (a) and (b) above, in consultation with the Head of Law and Administration.
- (d) Authority to arrange for works to be carried out by agreement with the owner/occupier under Section 97 of the Act.
- (e) Authority to arrange for works to be carried out in default under Section 99 of the Act.
- (f) Authority to order that pursuant to Section 108 expenses recoverable by the Council may be payable by instalments within a period not exceeding 10 years and, in consultation with the Head of Finance, to determine the relevant rate of interest under Section 107 of the Act.
- (g) Authority to institute legal proceedings under Section 99 of the Act for failure to comply with the Notice served under Section 59 of the Act.
- (h) Authority to institute legal proceedings contained within Section 99 of the Act where there has been a failure to comply with a Notice served under the Act.
- (i) Authority under Sections 45 and 93 of the **Public Health Act 1936** and Section 59 of the **Building Act 1984** and the Environmental Protection Act 1990 to obtain necessary estimates for works, make appropriate arrangements for works to be carried out in default and, in consultation with the Head of Law and Administration, to take legal action to recover the costs involved.

3.4.27 Power to require the maintenance of a proper base and adequate access ways to a bulk refuse container, powers in **Public Health Act 1936** extended by Staffordshire Act 1983, Section 55.

3.4.28 Power under Section 5(1) of the **Dangerous Dogs Act 1991** to implement the Act.

3.4.29 Matters under the **Food Safety Act 1990**

- (a) Authority to exercise the powers necessary for the operation of the functions arising from the Act, Regulations, Orders or Codes of Practice made under the Act.
- (b) Authority to issue Improvement Notices in pursuance of Section 10 of the Act.

- (c) Authority to issue Emergency Prohibition Notices and to apply for Emergency Prohibition Orders and to determine whether or not sufficient measures have been taken to secure that the health risk condition is no longer fulfilled and where so satisfied to issue a certificate lifting an Emergency Prohibition Notice or a prohibition order in pursuance of Sections 11 and 12 of the Act.
- 3.4.30 Under the **Health Act 2006**, the enforcement of smoke free legislation in premises and vehicles.
- 3.4.31 Authority to seek an injunction under Section 222 of the **Local Government Act 1972** to restrain any anticipated breach of paragraphs 3 and 4 of Schedule 1 of the **Local Government Act 1982** in respect of public musical entertainment in the open air and on private land.
- 3.4.32 Authority to treat each application for the provision of “no Ball Games” signs on its merits, subject to consultation with local residents, Ward members and the Police.
- 3.4.33 The powers in the **Prevention of Damage by Pests Act 1949** as amended by Section 16 of the **Staffordshire Act 1983** so as to afford right of re-entry under a Justices Warrant where admission to land has been refused or the land is unoccupied and there is a need for entry and authority to serve notice for destruction of rats and mice and to carry out works in default of a Notice and institute legal proceedings for breach of a Notice.
- 3.4.34 Matters under the **Public Health Act 1936**
- (a) Authority under Section 84 of the Act 1936 to enter premises and carry out all reasonable works for the cleansing or destruction of filthy and verminous articles as is appropriate at the Council's expense and if necessary remove articles from the premises for that purpose.
 - (b) Authority under Section 83 of the Act 1936 as amended by Section 35 of the Public Health Act 1961 to serve notice for the cleansing of filthy and verminous premises.
 - (c) Authority to serve notices under the provisions of Section 45 (relating to defective closets) of the Act.
 - (d) Authority, in consultation with the Head of Law and Administration, to institute proceedings for failure to comply with such notices.
- 3.4.35 Matters under the **Public Health Act 1961**
- (a) Authority under Section 36 of the Act to require the vacation of premises during fumigation.
 - (b) Authority under Section 34 to serve notice for the removal of rubbish.

- 3.4.36 Authority under **Local Government Act 1972** to remedy stopped up drains and to repair drains and private sewers.
- 3.4.37 Matters under the Skin Piercing Activities - **Local Government (Miscellaneous Provisions) Act 1982**.
- (a) Authority to prosecute, in consultation with the Head of Law and Administration, for offences under Part III of the Act and Associated Byelaws.
 - (b) Authority to approve, refuse or revoke registration.
- 3.4.38 Appointed as the officer under Section 149 of the **Environmental Protection Act 1990** in respect of stray dogs.
- 3.4.39 Authority to issue consent to the discharge of trade effluent (as appropriate) under public health legislation.
- 3.4.40 Matters under the **Water Industry Act 1991**
- (a) Authority to serve notices under Section 80 of the Act.
 - (b) Authority under Section 82 of the Act to enforce and notify or revoke notices served under Section 80 of the Act.
 - (c) Designation of all Environmental Health Officers, Principal Environmental Protection Officer, Environmental Enforcement Officer and the Technical Assistant of the Environmental Protection designated for the proposed mentioned in Section 84 of the Act regarding powers of entry.
- 3.4.41 Matters under the **Private Water Supplies Regulations 2009**
- (a) Authority to implement the powers conferred on local authorities under the Regulations.
 - (b) Authority to waive 50% of the costs of sampling and analysis of private water supplies in cases of hardship or where the supply served a charitable or voluntary body.
- 3.4.42 Authority to commence legal proceedings for offences arising under Parts II and IV of the **Environmental Protection Act 1990, Clean Neighbourhoods Act 2005 Control of Pollution (Amendment) Act 1989** and **Refuse Disposal (Amenities) Act 1978**.
- 3.4.43 Authority to serve statutory notices, execute works, recover and apportion expenses and authorise officers to issue Fixed Penalty Notices in respect of the powers under Parts II and IV of the **Environment Protection Act 1990, Clean Neighbourhoods Act 2005, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenities) Act 1978, Section 225 Town and Country Planning Act 1990** and the **Crime and Policing Act 2014**

- 3.4.44 Authority to issue of fixed penalty notices under Dog Control Orders.
- 3.4.45 The powers and functions under the **Local Government (Miscellaneous Provisions) Act 1976**.
- (a) Section 16 - obtain particulars of persons interest in land.
 - (b) Section 20 - provision of sanitary appliances at places of entertainments.
 - (c) Section 33 - restoration or continuation of supply of water, gas or electricity in a dwelling.
 - (d) Section 35 - removal of obstructions from private sewers.
- 3.4.46 Authority to approve and terminate market trader licenses.
- 3.4.47 Letting of Market Square
- (a) Authority to determine letting applications.
 - (b) Decisions on urgent applications for letting involving the use of a vehicle which cannot await Cabinet consideration. If non-urgent the application is to be reported to Executive.
 - (c) Enforcement responsibilities.
- 3.4.48 Authority to appoint Proper Officers for the purpose of the **Public Health (Control of Disease) Act 1984** (as amended) and the **National Assistance Act 1948** Section 47 (as amended), in consultation with the Director of the West Midlands North Health Protection Unit.
- 3.4.49 Authority to deal with contraventions of the **Dangerous Dogs Act 1973**.
- 3.4.50 Authority to appoint any officer or veterinary practitioner under the Breeding of dogs Act 1973.
- 3.4.51 Functions under the **Criminal Justice and Public Order Act 1994**
- (a) Section 77 - Power to direct unauthorised campers to leave land.
 - (b) Section 78 - Complaint to the Magistrates Court to order removal of persons and their vehicles from land.

3.5 HEAD OF DEVELOPMENT

3.5.1 In respect of development management matters

- (a) Processing of all appeals including the conduct of the appeal and the agreement of conditions and planning obligations
- (b) To determine all applications for Certificates of Lawfulness
- (c) Authorisation to determine whether prior approval is required in relation to all notifications made under the **Town and Country Planning (General Permitted Development) (England) Order 2015** and where the timescale for determination is less than 56 days, the Head of Economic Development and Planning be authorised to determine whether prior approval is granted or refused
- (d) To determine any application where under the provisions of paragraph 4 the application would fall to be determined by Committee but where a decision cannot be made by Committee before the expiry of a statutory deadline for determination
- (e) To determine, including the agreement or amendment of planning obligations, or make observations on all other applications under the Town and Country Planning legislation apart from
 - (i) developments on which the officer recommendation would conflict other than to a minor extent with The Plan for Stafford Borough policies or other relevant planning policies
 - (ii) developments which raise unusual issues of planning policy or which the Head of Economic Development and Planning considers should be presented to the Planning Committee for decision
 - (iii) applications where a written request for consideration by the Planning Committee, supported by an appropriate planning reason, has been received from a Member of the Council relating to an application in their Ward or a nominated Member where there is no Ward Member able to act, no later than 21 days following notification being sent to the Ward Member, or in relation to any prior approval application for telecommunications development where a decision could not otherwise be made by Committee before the statutory deadline for determination such lesser period as may be necessary. Where amended plans and information of a significant nature are received on an application, an additional Call-in period will be given, the period for which will be specified to suit the circumstances of each case

- (iv) Where a ward is represented by a single member that member may during a period of absence from the Borough or inability to act for any reason nominate to the Head of Economic Development and Planning another member to act in their place for the purposes of this provision. This will also apply in wards with more than one member when all members are absent or unable to act for any reason (Where an application is called-in by any Member who subsequently ceases to be a Member of the Council before the application is determined, the remaining and/or new Members of the same Ward will be asked if they wish to take over the call-in. If no Member takes over the call-in, it shall be treated as withdrawn)
- (v) applications where a written request for consideration by the Planning Committee, supported by an appropriate reason, has been received from 3 Members of the Planning Committee no later than 21 days following notification being sent to the Ward Member, or in relation to any prior approval application for telecommunications development where a decision could not otherwise be made by Committee before the statutory deadline for determination such lesser period as may be necessary. Where amended plans and information of a significant nature are received on an application, an additional Call-in period will be given, the period for which will be specified to suit the circumstances of each case
- (vi) applications submitted by or on behalf of :-
- a serving Councillor of the Borough Council or the spouse/partner of a Councillor;
 - an employee of the Borough Council or the spouse/partner of an employee; and
 - a person who, in the period of two years prior to the date of application, was either a Councillor with, or an employee of, the Borough Council or the spouse/partner of such a person;
 - applications submitted by a Councillor as an employer or a Councillor that has a Pecuniary Interest in the application;
 - applications submitted by or on behalf of the Council for its own developments or where the Council has a pecuniary interest in the application except for the approval of routine minor developments to which no objection has been received;
- (vii) Large Scale Major applications other than applications to renew or amend previously permitted applications, or reserved matters;

- (f) To determine submissions for approval under planning conditions
- (g) To determine all Purchase Notices
- (h) To determine the publicity arrangements required under the Town and Country Planning legislation

Note: In relation to (b), (d) and (e), decisions made under delegated authority are to be published in the Members Digest

- (i) Authorisation to respond to consultations on applications submitted to the Secretary of State for nationally significant infrastructure projects.
- (j) Authority granted to decide on each application for a Lawful Development Certificate whether or not to canvass information from third parties.

3.5.2 Authority to undertake consultation exercises relating to Conservation Area Appraisals and the associated review process.

3.5.3 In respect of enforcement action

- (a) Authority to approve, in appropriate circumstances, entry on the private land under Section 196A of the **Town and Country Planning Act 1990**.
- (b) Authority not to pursue enforcement action where it is considered that such action would not be expedient.
- (c) Authority to serve a notice under s.330 of the **Town and Country Planning Act 1990**, and authority to prosecute for non-compliance.
- (d) Authority to enforce against breaches of planning obligations including taking proceedings for injunctions and to carry out works in default where it is considered appropriate and expedient.
- (e) To authorise the service of Breach of Condition and Planning Contravention notices and Temporary Stop Notices.
- (f) Authorise the service of notice under Section 215 of the **Town and Country Planning Act**, and carry out work in default and / prosecute when the notice is not complied with by the date of compliance, and to authorise prosecution proceedings where an Enforcement Notice, Listed Building Enforcement Notice, Conservation Area Enforcement Notice, Breach of Condition Notice, Temporary Stop Notice or a Stop Notice has not been complied with by the date of compliance.
- (g) To authorise prosecution proceedings where a Planning Contravention Notice has been served and a response has not been received or false or misleading information has been supplied.

- 3.5.4 Authority to determine whether an Environmental Impact Assessment is required and to advise on the scope of the Environmental Statement.
- 3.5.5 Authority to issue decisions in relation to any restriction regarding occupancy of a property for which planning permission was granted by a former authority.
- 3.5.6 Matters relating to planning applications
- (a) Discretion to accept and agree amendments to submitted planning applications and Hazardous Substances Consent Applications.
 - (b) Where a recommendation by a statutory consultee is received by the Council, on or before the date of the Decision Notice or consideration of a related planning application by the Planning Committee then, in the event that such recommendation is not placed before the Committee in considering the application, the Head of Development shall incorporate the recommendation in the formal decision notice issued in respect of that application unless, after consultation with the Chairman, the Head of Development considers that it would materially affect the decision of the Committee.
 - (c) Authority to make any necessary amendments purely of form to the schedules of planning decisions submitted to and considered by the Committee in order to ensure that the formal decision notice accords precisely with the decision of the Committee.
 - (d) Authority to determine the appropriate fees payable in accordance with the relevant legislation.
 - (e) In view of the fact that Parish Councils are consulted on planning applications authority to decline requests for formal consultation from other purely local bodies.
 - (f) Discretion to undertake informal non-statutory consultation in connection with planning applications.
 - (g) Authority to respond to other public authorities with the Borough Council's views on planning applications submitted to them that affect sites within or adjoining the area of the Borough subject to consultation with the ward member(s) of the adjoining ward(s) and except where in the opinion of the Head of Economic Development and Planning significant issues are raised.
 - (h) Authority to treat a planning application as finally disposed of in any of the criteria in article 40 of the **Town and Country Planning (Development Management Procedure) (England) Order 2015** are met.

- (i) In cases where, following the dishonouring of a cheque, the appropriate fee for planning and building regulation applications is not received within eight weeks of the original registration, authority in all future and current cases (upon giving fourteen days prior notice) to treat such applications as withdrawn and to amend the Planning Register accordingly.
 - (j) Authority for the implementation, charging and variation of prescribed fees for planning applications.
- 3.5.7 Authority to decide whether or not prior approval is necessary for the method of demolition and site restoration.
- 3.5.8 Matters under the Town and Country Planning (General Permitted Development) (England) Order 2015
 - (a) Authority to determine whether or not such applications require prior approval.
 - (b) Authority, in consultation with the Chairman of the Committee to determine applications for which prior approval is required.
- 3.5.9 Authority in consultation with the Chairman of Planning Committee to serve notices under Section 101 of the **Town and Country Planning Act 1971** as amended by Section 54 of the **Listed Buildings Act 1990** and to carry out any necessary works.
- 3.5.10 Matters under the **Hedgerow Regulations 1997**
 - (a) Determination of Hedgerow Removal Notifications, and to serve a Hedgerow Removal Notice as appropriate.
 - (b) Authority to withdraw a Hedgerow Removal Notice once served if subsequent information is received that demonstrates that the notice is no longer appropriate.
- 3.5.11 Matters relating to tree preservation orders
 - (a) In consultation with the Head of law and Administration and the Chairman of the Planning committee, authority to seek injunction pursuant to the provisions of Section 222 of the **Local Government Act 1972**, if in the future it appears expedient for the promotion and protection of the interests of the inhabitants of the Borough so to do, to restrain any breach of a Tree Preservation Order for the time being in force in the Borough.
 - (b) Authority to consent for the lopping, topping or felling of trees covered by a Tree Preservation Order.

- (c) Authority, in consultation with the Head of Law and Administration, to make an immediate Tree Preservation Order under Sections 199 and 201 of the **Town and Country Planning Act 1990** having the effect of a stop notice.
- (d) Authority to serve "Stop Notices" on any trees subject to Tree Preservation Orders, which are being cut, lopped, felled or damaged in any way.
- (e) Authority to supply copies of Tree Preservation Orders to respective Parish Councils and notify individual Parishes of future Tree Preservation Orders.
- (f) Authority to amend Tree Preservation Orders before confirmation, in response to objections or other relevant considerations, where such amendments are considered to be appropriate.
- (g) Authority to rescind a Tree Preservation order unless it raises significant issues where it would be referred to the Planning Committee.

3.5.12 Authority to undertake consultation exercises relating to Neighbourhood Boundary Areas and the neighbourhood planning process.

3.5.13 Matters relating to building regulations

- (a) Approval, rejection and all other matters relating to applications received.
- (b) Implementation, charging and variation of prescribed fees for building regulation applications.
- (c) Authority not to accept or if appropriate refuse any application which patently does not comply with Building Regulations.
- (d) Institution of proceedings in appropriate cases for contraventions of the Building Regulations pursuant to Section 35 of the **Building Act 1984**.
- (e) Authority to issue stage and conditional approvals in dealing with applications made under the Building Regulations pursuant to the provisions of the **Local Government (Miscellaneous Provisions) Act 1982**.
- (f) Authority under Section 26, **Staffordshire Act 1983** to impose requirements as regards adequate means of access for the Fire Brigade to a building where plans of the proposed building are deposited in accordance with Building Regulations.

- (g) Authority to require the incorporation of fire safety provisions where plans of any proposed parking place within a building for more than three vehicles are lodged for approval as respects their building regulation plans pursuant to the **Staffordshire Act 1983** Section 25.
 - (h) Authority to serve notice under section 19 of the **Staffordshire Act 1983** on the owner of property used for human habitation to require works to provide adequate means of lighting.
- 3.5.14 Authority to respond to Forestry Commission Consultations on Felling Licence applications, it being acknowledged that where technical or other related issues arise and an extension of time is sought, the application will be referred to the Committee.
- 3.5.15 Authority to formulate responses to Forestry Grant Scheme applications in cases where only new or additional tree planting is proposed.
- 3.5.16 Matters under the **Highways Act 1980**
- (a) Section 144 - permission to erect flag poles on highway.
 - (b) Section 154 - to serve notices concerning trees which overhang or are a danger to users of roads or footpaths.
 - (c) Section 170 - take action against persons mixing mortar cement or other substances on the surface of the highway.
 - (d) Section 297 - to require information as to the ownership of the land under the highway.
- 3.5.17 Authority to amend land charges search fees in accordance with LGA guidelines and to take the necessary action arising therefrom.
- 3.5.18 The powers under Section 23 of the **Local Government (Miscellaneous Provisions) Act 1976** relating to dangerous trees.
- 3.5.19 Authority to approve contributions from the Maintenance Fund (for Listed and other Buildings of Historic Significance) provided that any Grant Aid to be offered is within the established criteria.
- 3.5.20 Authority to respond to notifications by Cellular Radio licensees and other 'code operators'.
- 3.5.21 Authority for the and the Head Development in consultation with the Head of Law and Administration and the Chairman to take appropriate action, including legal proceedings, under Section 143 and/or 152 of the **Highways Act 1980** in respect of any future contraventions regarding obstructions on the highway.

3.5.22 Matters under the **Housing Act 2004**

Part 1 (Enforcement of Housing Standards with Respect to the Housing Health and Safety Rating System)

- (a) Authority to take action in respect of Housing Standards under Chapter 1 - Enforcement of housing standards: general.
- (b) Authority to take action in respect of Housing Standards under Chapter 2 - Improvement Notices, prohibition orders and hazard awareness notices.
- (c) Authority to take action in respect of Housing Standards under Chapter 3 - Emergency Measures.
- (d) Authority to take action under Chapter 4 - Demolition orders and slum clearance.
- (e) Authority to take action under Chapter 5 - General and miscellaneous provisions (recover of expenses and appeals).

Part 2 (Licensing of Houses in Multiple Occupation)

- (f) Authority to take action in respect of the licensing of houses in multiple occupation

Part 3 (Selective Licensing of other Residential Accommodation)

- (g) Authority to take action in respect of the licensing of other residential accommodation

Part 4 (Additional control provisions in relation to residential accommodation)

- (h) Authority to take action in respect of the making of management orders in respect of houses in multiple occupation or a house licensed by the local authority.
- (i) Authority to serve overcrowding notices in respect of a house in multiple occupation.

Part 7 (Supplementary provisions)

- (j) Authority to take action in respect of the; section 235 - power to require documents to be produced.
- (k) Section 239 - power of entry.
- (l) Section 240 - warrant to authorise entry.

3.5.23 Harassment - private rented property. Investigation of alleged harassment and where necessary the taking of appropriate action under **Protection from Eviction Act 1977**.

3.5.24 Homelessness functions - Authority to

- (a) place homeless persons in temporary bed and breakfast accommodation in emergency situations.
- (b) provide a free housing advice service to persons in the authority's district, in accordance with the Housing Act 1996 (as amended).
- (c) assess all eligible applicants and provide a personalised housing plan in accordance with the Housing Act 1996 (as amended).
- (d) determine homelessness applications, including prevention and relief, in accordance with the Housing Act 1996 (as amended).
- (e) determine all relevant applications for allocations and manage the waiting list in accordance with the Council's Allocation Policy.
- (f) make nominations to registered social landlords or other approved providers in accordance with the Council's Allocation Policy.
- (g) undertake emergency re-housing of homeless households in accordance with the Council's statutory duties.
- (h) make payments (either in the form of a grant or loan) to third parties in order to prevent, or relief, homelessness in accordance with the Council's Policy.
- (i) consider and determine appeals against the Council's refusal to include an applicant on the waiting list.
- (j) consider and determine appeals against any Council decision relating to homelessness.

3.5.25 To consider and determine requests for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** or any subsequent amendments or enactments.

3.5.26 To take proceedings under the **Housing Act 1985**, Part 10, relating to an occupier causing or permitting overcrowding of a dwelling.

3.5.27 Matters under the Regulatory Reform Order – Housing Assistance

- (a) To consider and determine requests for grants, loans and other assistance made available by the Council under any policy adopted in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 as amended.
- (b) To authorise payments for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the **Regulatory Reform (Housing Assistance)(England and Wales) Order 2002** or any subsequent amendments or enactments.
- (c) To determine the relevant works, eligibility, maximum amount and conditions attached to any form of assistance within the scope of any policy adopted in accordance with the provisions of the **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** or any subsequent amendments or enactments.
- (d) To impose and enforce conditions including instigating the necessary steps for breach of condition in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** or any subsequent amendments or enactments.
- (e) To determine requests to waive grant conditions in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** or any subsequent amendments or enactments.

3.5.28 Matters under the Housing Grants, Construction and Regeneration Act 1996

- (a) To determine applications for Disabled Facilities Grants under the **Housing Grants, Construction and Regeneration Act 1996**.
- (b) To authorise payments for Disabled Facilities Grants.
- (c) To impose and enforce conditions in respect of Disabled Facilities Grants.
- (d) To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants.
- (e) To enforce grant conditions under Parts I and II of the **Housing Grants, Construction and Regeneration Act, 1996**.
- (f) To instigate the necessary steps for breach of condition.

- (g) To determine requests to waive grant conditions under Parts I and II of the **Housing Grants, Construction and Regeneration Act 1996** in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.
 - (h) To determine appeals against an assessment made for grant purposes under the **Housing Renewal Grants Regulations 1996** and any subsequent amendments or enactments.
- 3.5.29 Direction of Social Housing Grant in accordance with the Council's Housing Strategy.
- 3.5.30 Power under the **Enterprise and Regulatory Reform Act 2013** to issue a notice to a person that has failed to comply with the requirement to belong to a redress scheme under article 3 or article 5 of the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 requiring that person to pay the authority a monetary penalty of such amount as the authority may determine.
- 3.5.31 Matters under the **Smoke and Carbon Monoxide Alarm (England) Regulation 2015**
- (a) Power to authorise officers to serve a Remedial Notice in respect of a breach of the Regulations.
 - (b) Power to authorise officers to take remedial action in respect of a breach of the Regulations.
 - (c) Power to authorise officers to require a landlord to pay a penalty charge in respect of a breach of the Regulations.
- 3.5.32 Matters under the **Building Act 1984**
- (a) Authority to deal with buildings or structures which were in such a condition, or which carried such loads as to be dangerous under Section 77 of the Act.
 - (b) Authority to take emergency action where a building is in a dangerous state in accordance with Section 78 of the Act.
 - (c) Authority to serve notices under Sections 64 and 65 of the Act.
 - (d) Authority under Section 29 of the Act to carry out work in default where notices under Section 64 and 65 are not complied with and to recover the expenses reasonably incurred by the Council in doing the work

- (e) Authority to serve notices under Section 76 of the Act and in the event of a counter notice not being served to obtain estimates, arrange for work in default to be carried out after the expiry of the nine day statutory period.
- (f) Authority to serve notices under Section 79 regarding ruinous and dilapidated buildings and neglected sites.
- (g) The institution of proceedings to recover the costs involved in (a) and (b) above, in consultation with the Head of Law and Administration.
- (h) Authority to arrange for works to be carried out by agreement with the owner/occupier under Section 97 of the Act.
- (i) Authority to arrange for works to be carried out in default under Section 99 of the Act.
- (j) Authority to order that pursuant to Section 108 expenses recoverable by the Council may be payable by instalments within a period not exceeding 10 years and, in consultation with the Head of Finance, to determine the relevant rate of interest under Section 107 of the Act.
- (k) Authority to institute legal proceedings under Section 99 of the Act for failure to comply with the Notice served under Section 59 of the Act.
- (l) Authority to institute legal proceedings contained within Section 99 of the Act where there has been a failure to comply with a Notice served under the Act.
- (m) Authority under Sections 45 and 93 of the **Public Health Act 1936** and Section 59 of the **Building Act 1984** and the Environmental Protection Act 1990 to obtain necessary estimates for works, make appropriate arrangements for works to be carried out in default and, in consultation with the Head of Law and Administration, to take legal action to recover the costs involved

3.5.33 Authority contained in the **Cycle Act 1984** and Sections 21-23 of the **Local Government (Miscellaneous Provisions) Act 1982** relating to the following:

- (a) Section 21 - prosecutions for offences relating to works in streets.
- (b) Section 22 - the control of construction under streets.
- (c) Section 23 - control of certain roadside sales.

3.5.34 Authority to issue notices under Section 167 of the **Highways Act 1980** requiring an owner to make safe a dangerous retaining wall adjoining a public highway.

- 3.5.35 Siting of post boxes, street signs and other street furniture excluding bus shelters.
- 3.5.36 Authority to allocate street names and numbers to properties within the Borough except in the following cases which be reported to Cabinet:-
- (a) where it is proposed to name a street after a person or
 - (b) where agreement cannot be reached with a developer on a proposed naming
- 3.5.37 Authority to exercise powers under Section 56C of the 1971 Act (Section 56 of the **Planning Listed Buildings and Conservation Areas Act 1990**) in respect of emergency action with regard to demolition of unlisted buildings in conservation areas and listed buildings
- 3.5.38 The Councils powers and functions under the **Caravan Sites and Control of Development Act 1960** as amended by the **Mobile Homes Act 2013**:
- (a) the issue of Site Licences;
 - (b) to take legal proceedings in relation to occupation of land as a caravan site without a site licence or in breach of conditions;
 - (c) to authorise officers to enter land;
 - (d) to authorise officers to serve a compliance notice in respect of breaches of a site licence;
 - (e) to authorise officers to carry out works following conviction for failure to comply with a compliance notice and recover costs.
- 3.5.39 Authority to approve reasonable charges to recover certain administrative and other expenses incurred in relation to enforcement actions under Part 1 **Housing of Finance Act 2004**.
- 3.5.40 Glover Street Caravan Site
- (a) Authority to approve new tenancies.
 - (b) Authority to evict tenants.
 - (c) Management of Glover Street Caravan Site in accordance with Council policy.
- 3.5.41 Play areas – Authority to approve the detailed design of new play areas and the enhancement of existing play areas and to submit planning applications for such developments. Subject to consultation with the ward member(s).

- 3.5.42 Under the **Environmental Protection Act 1990**:-
- (a) Authority to serve notices under Part III of the Act and to institute proceedings for failure to comply with notices.
 - (b) Authority to service notices under Part III of the Act and under the Noise and **Statutory Nuisance Act 1993**
- 3.5.43 Authority to serve notice in relation to unsecured premises and to undertake works in default under Section 29 of the **Local Government (Miscellaneous Provisions) Act 1982**
- 3.5.44 Under the **Health Act 2006**, the enforcement of smoke free legislation in communal areas of houses in multiple occupation.
- 3.5.45 The powers in the **Prevention of Damage by Pests Act 1949** as amended by Section 16 of the **Staffordshire Act 1983** so as to afford right of re-entry under a Justices Warrant where admission to land has been refused or the land is unoccupied and there is a need for entry and authority to serve notice for destruction of rats and mice and to carry out works in default of a Notice and institute legal proceedings for breach of a Notice
- 3.5.46 Functions under the **Criminal Justice and Public Order Act 1994**
- (a) Section 77 - Power to direct unauthorised campers to leave land.
 - (b) Section 78 - Complaint to the Magistrates Court to order removal of persons and their vehicles from land

3.6 HEAD OF HUMAN RESOURCES AND PROPERTY SERVICES

3.6.1 Authority to Implement national awards of pay and conditions of service

3.6.2 Removal Expenses

- (a) Authority to, in connection with removal expenses, sanction the incurring or paying of any allowance or payment intended to be recovered by this scheme.
- (b) The Scheme will only apply to principal officers and above who purchase a house within the boundaries of Stafford Borough within one year of their employment commencement date and will have the following expenses reimbursed by the Council where actually incurred up to £2,500 or 15% of the commencement salary, whichever is the greater.
- (c) The scheme will only apply to all officers up to and including senior officers who purchase a house in a location agreed as appropriate by the Head of Human Resources and will have the following expenses reimbursed by the Council where actually incurred.
- (d) At discretion the grant of up to 2 days paid leave to officers when moving home.

3.6.3 Union Consultations

- (a) Consultations with trade unions on matters affecting the conditions of service of staff generally.
- (b) Where necessary, consultation with the staff side.

3.6.4 Implementation of decisions of the Council in respect of the **Health and Safety at Work Act 1974** etc.

3.6.5 Authority to pay car allowances.

3.6.6 Approval of attendance of officers on courses within approved estimates.

3.6.7 Authority to make ex-gratia payments up to £100 to employees for losses, not covered by insurance to clothing or personal belongings during employees normal employment.

3.6.8 Authority to deal with payments to widows of employees who die in service under Schedule 1 of the Stafford Corporation Gratuity Payment Scheme in accordance with Regulation 14 of the **Local Government Superannuation Regulations 1974** which required the authority to apply such scheme to those employees of the former Stafford Borough Council who are defined as transferred employees in accordance with Regulation J1.