

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Council

Date: **Thursday, 4th February, 2021**

Time: **7.00 pm**

Venue: **[Ashfield District Council's YouTube Channel](#)**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

COUNCIL

Membership

Chairman: Councillor Andy Meakin

Vice-Chairman: Councillor Arnie Hankin

Councillors:

John Baird
Kier Barsby
Ciaran Brown
Melanie Darrington
Andy Gascoyne
Andrew Harding
Tom Hollis
Rachel Madden
David Martin
Keir Morrison
Matthew Relf
Phil Rostance
John Smallridge
David Walters
Caroline Wilkinson
John Wilmott

Chris Baron
Jim Blagden
Christian Chapman
Samantha Deakin
Dale Grounds
David Hennigan
Trevor Locke
Sarah Madigan
Lauren Mitchell
Warren Nuttall
Kevin Rostance
Dave Shaw
Helen-Ann Smith
Lee Waters
Daniel Williamson
Jason Zadrozny

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Council to be held at the time and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Council held on 3 December 2020. 9 - 22
4. To receive any announcements from the Chairman, Leader, Members of the Cabinet and the Head of Paid Service.
5. To receive questions from the Public in accordance with Council Procedure Rule 11, if any.

From Martin Howes, Hucknall

To the Portfolio Holder for Streets, Parks and Town Centres:

“What proportion of the council’s vehicle fleet are fully electric vehicles (EVs) and what plans does the council have to reduce the proportion of fossil-fuel vehicles and increase the proportion of EVs in its vehicle fleet in the future?”

By “vehicle fleet” I mean all the cars, vans and trucks that are owned, leased or rented by council.”
6. To receive and consider any petitions submitted in accordance with Council Procedure Rule 12, if any.
(None received for this meeting)
7. In accordance with Council Procedure Rule 2 (viii) to receive reports from the Cabinet in relation to the Council's budget and policy framework, reports of the Overview and Scrutiny Committee for debate and reports from Officers of the Council:-
 - a Pay Policy Statement 2021/22. 23 - 34
 - b Changes to Committee Memberships.

8. **In accordance with Council Procedure Rule 2 (ix), to receive recommendations from the Cabinet and the Council's Committees and resolve in accordance with the Council's rules of debate as per the attached schedule.**

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9. **Updates from Members of the Cabinet on their Portfolio Activity.**

10. **Notices of Motion.**

Motion 1

To consider a notice of motion proposed by Councillor Jason Zadrozny and seconded by Councillor David Martin, as follows:-

“This Council notes that the United Kingdom is the oldest and most profitable union in history. The UK. now in this post Brexit era should be a position to make its own laws and decisions but this is not yet the case.

The pandemic that we are living through has highlighted just how dependent the United Kingdom still is on other countries, for example the reliance on Personal Protective Equipment from abroad. Our Country has all the skills to have provided that much needed PPE, especially here in Ashfield where there is an abundance of garment making skills.

This Council believes that if our businesses are to compete on a worldwide stage it is crucial to have support at home. If we don't like, or don't want to be dependent on other Countries we must put our own house in order by purchasing UK. goods. Our UK. companies need to provide alternatives to foreign commodities as UK. competitiveness is critical, if as a country we want to be able to stand alone in the world. With support from UK. residents and organisations buying goods from our own Country, jobs and more investment will follow. The history and capabilities of our Country proves that the UK. can succeed on the world stage, for example, Great Britain led the world in developing the Covid-19 vaccine.

Ashfield Independents want this Council to take a lead in buying UK. goods and set a positive example to our residents, other local authorities and nationally by supporting UK. companies wherever possible. This however, is very difficult as the Government has failed to change laws surrounding procurement post Brexit. A raft of laws have simply been carried over unchanged from the EU.

This Council, unfortunately is still forced into advertising large contracts in Europe so therefore the UK. and this Council is not in a position to make its own decisions. On this matter Ashfield needs Parliamentary representation which is sadly lacking.

This Council therefore supports the Leader of the Council lobbies by letter, the Members of Parliament for the District. Calling on them to take forward these concerns and by so doing save and keep jobs, and encourage new and old UK. based companies and businesses to invest in this country.

To be clear, it is the firm will of this administration, that as soon as the restraints are lifted from the authority, that as many purchases as possible will come from UK. based organisations, and further that we will support as local trades and companies as is possible.”

Motion 2

To consider a notice of motion proposed by Councillor Samantha Deakin and seconded by Councillor Dave Shaw, as follows:-

“This Council wants to put on record its thanks to all the staff of Ashfield District Council for all of their extra hard work, particularly since the start the pandemic.

Ashfield District Council is the only Council in Nottinghamshire to keep refuse collections fully operational through not only the first wave of the pandemic but also the second wave too. Our teams of refuse collectors have gone even further, they have pulled out all the stops by collecting 180 tonnes of extra waste just after Christmas across the District. Not forgetting the 249 addition tonnes collected during the Big Spring Clean and then the Skip into Summer and bag it campaigns. This Council is so proud that despite massive pressures on the team they have stepped up and are soon to be delivering another Big Spring Clean event later this month. We are the only Council in the Country to actually increase waste services.

The Councils Revenues and Benefits Team have had to absorb an enormous increase in workload. Revenues have dealt with 1,700 businesses and paid out well over 20 million pounds in grants after completing the very complex work involved with each application. After which, Government audits and fraud checks are completed. Benefits have dealt with 700 applications from isolating people which is very complex work, ensuring that these applicants are entitled to the grant. With each lockdown and each change of tier come different sets of regulations making the job extraordinarily complex and this Councils teams have risen to that challenge each time.

Our housing teams have stepped up to the plate by getting the Ashfield homeless community into accommodations and are working with them to keep them off the streets and into permanent homes. The Council used an additional 10 units from its housing stock to accommodate rough sleepers. Often this is a complex task but our teams are up to that task and continue to work with the homeless to enhance their quality of life throughout the pandemic and particularly through the winter months.

The housing repairs team have also risen to the challenges the pandemic has caused. During the first lockdown the law meant they could only deal with emergency repairs, so the team helped with cemetery duties and litter picking. Further to this, the team converted properties to accommodate homeless people, thereby assisting some of the most vulnerable people in Ashfield. Since the first lockdown and through all the various tiers the team has continually worked and worked through some very difficult times including when there were serious shortages in building supplies. The team has also kept up to date with gas boiler servicing, this again has not been easy due to some tenants isolating and others not wanting people outside of their bubble in their homes – proudly our teams prevailed.

The Councils I.T. team has enabled more employees to work from home than ever before. They have done this by introducing technology that allows better communication between officers and overcoming the dangers of security for distant working. The law states that public meetings must be live streamed, our IT team has mastered the wizardry of live streaming all the public meetings which have always looked professional to our residents. They enabled Ashfield to be the first District Council in the whole Country to hold its Annual General Meeting, remotely.

Our employees in every department of the council have been extraordinary throughout this pandemic, stood up to all the challenges thrown at them and most of all have worked hard for all the people of Ashfield. This motion, though lengthy does not begin to cover the work of the hundreds of staff and managers in the Ashfield family who deserve our sincere thanks and commendations.

This Council therefore resolves:

That it is formally recorded, on behalf of elected members and the residents of Ashfield District - that our staff teams are thanked and that that thanks is communicated to each team.

Ashfields staff are amazing people who have acted selflessly through what has been some of the most difficult months in our Country's history they are local heroes and have earned, our sincere thanks and deepest respect."

Motion 3

To consider a notice of motion proposed by Councillor David Martin and seconded by Councillor Andy Gascoyne, as follows:-

"This Council notes with dismay that five years ago the then Labour administration of closed the Selston Golf Course against the wishes of local people. The building has fallen into a near state of dereliction and this costs the tax payer £6k every year.

This Council further recognises that the residents in Selston Parish expects this Council to treat Selston Country Park on a par with other park facilities across the District such as The Lawns in Sutton and Tichfield Park in Hucknall. To do this will need investment, an investment that is only fair for Selston residents.

This Council notes that the Country Park is owned wholly by Nottinghamshire County Council, and regrets that the current administration there have, with political malice, prohibited the progression of plans to reopen the café on the park

However, thanks to the passion and tenacious work of the Ashfield Independent Councillors who represent the rural wards some improvement work has commenced on the park. Namely with Phase One - the building of a memorial park. This should be completed in the near future and will see three new flag poles and raised flower beds, as well as disabled friendly benches installed to compliment the Commemorative benches previously installed.

The administration are as keen as the local public to make Selston Country Park a destination park, where events can be held for all members of the community. Where it is possible that farmer's markets can be held and big screen films staged.

Therefore this Council resolves that:-

Officers of the Council work up costed plans, without delay, to create a new Café hub at Selston Country Park. This will be a multipurpose extension to the current building, allowing it to be run full time for local people to use, in the same way other park cafes in the District are. This will be Phase Two of the Country Park Plans.

Officers note and record the medium term plans to work up Phase Three for the park, to provide more things of interest to do at the site. Future 106 contributions from the Parish should be then allocated to this plan. The plan could include but is not limited to, formalising path and cycle routes, creating nature trails, extending the car park and installing a variety of play equipment.

Officers to commence work on the long term lease options of the site with Nottinghamshire County Council and confirm our intention to extend the current lease. Officers present any future plans to Cabinet for further approval.

Officers to develop a business case for consideration by Cabinet and to present to Council for approval, subject to the business case being financially viable. The business case will be developed within the first quarter of 2021/22."

11. **To answer any questions submitted in writing by Members in accordance with Council Procedure Rule 13, if any.**
(None received for this meeting)

12. **To receive a list of minutes and a web link to access Cabinet and Committee meeting minutes that have been published since the last ordinary meeting of the Council for Members to give notice of their intention to ask a question of a relevant Chairman under Procedure Rule 13.2.** 87 - 88
(None received for this meeting)

COUNCIL

Virtual Meeting held on Thursday, 3rd December, 2020 at 7.00 pm

Present: Councillor Andy Meakin in the Chair;

Councillors John Baird, Chris Baron, Jim Blagden, Christian Chapman, Ciaran Brown, Melanie Darrington, Samantha Deakin, Andy Gascoyne, Dale Grounds, Arnie Hankin, Andrew Harding, David Hennigan, Tom Hollis, Trevor Locke, Rachel Madden, Sarah Madigan, David Martin, Lauren Mitchell, Keir Morrison, Warren Nuttall, Matthew Relf, Kevin Rostance, Dave Shaw, John Smallridge, Helen-Ann Smith, David Walters, Lee Waters, Caroline Wilkinson, Daniel Williamson, John Wilmott and Jason Zadrozny.

Apologies for Absence: Councillors Kier Barsby and Phil Rostance.

Officers Present: Lynn Cain, Carol Cooper-Smith, Ruth Dennis, Katherine Green, Theresa Hodgkinson, Peter Hudson, Paul Parkinson, Mike Joy and Shane Wright.

C.60 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

C.61 Minutes

RESOLVED

that the minutes of the meetings of the Council held on 1 October and 22 October 2020, as now submitted, be received and approved.

C.62 Announcements from the Chairman, Leader, Members of the Cabinet and the Head of Paid Service

The Leader of the Council, the Head of Paid Service and the Portfolio Holder for Streets, Parks and Town Centres all took the opportunity to speak about the Council's continuing response to the Covid-19 outbreak and the implications for Nottinghamshire in relation to Tier 3 restrictions. Council were also advised as to the latest known position regarding mass testing, the provision of lateral flow testing kits and the likelihood of Nottinghamshire coming out of Tier 3 restrictions after the 16 December review date.

A heartfelt thank you was given to all staff for their continued commitment and hard work and it was reiterated how proud the Council was of all its achievements delivered under very difficult and challenging circumstances.

All services continued to be delivered alongside some additional events and initiatives which included the Bag It campaign, the Small Business Saturday event across Ashfield's town centres and the Christmas tree lighting virtual ceremonies.

C.63 Questions from the Public

No questions were received from the public.

C.64 Petitions

No petitions were submitted for consideration.

C.65 Interim Review of Polling Places

Council was recommended to approve the recommendations from the Polling Places Review Working Group meeting held on 3 December 2020 as presented.

RESOLVED that

- a) following completion of the required public consultation process, the following changes be made to the designation of polling stations:-

Previous Polling Station	New Designated Polling Station
Skegby Scout and Guides HQ	Stanton Hill and Skegby Library
Staff of Life Public House	Grosvenor Rooms
Mapplewells School	The Snipe Public House and Grosvenor Rooms
Kingsway Public House	Kingsway Cemetery Chapel

- b) it be noted that the approved changes will take effect on 4 December 2020.

C.66 Amendment to Appointments to Police and Crime Panel

RESOLVED

that Councillor Helen-Ann Smith be appointed as the Council representative on the Police and Crime Panel as opposed to her previous role as substitute member, with Councillor Jason Zadrozny now being the substitute representative as required, with both terms of office ending on 31 May 2023.

C.67 Recommendations from the Cabinet and the Council's Committees

In accordance with the Council Procedure Rule 2(ix), Council considered the following recommendation:-

Minute No. CA.46

Cabinet – 1 December 2020

2020/21 Forecast Outturn Position for General Fund, Housing Revenue Account (HRA) and Capital Programme as at September 2020

RESOLVED

that the proposed addition to the Capital Programme as set out in Section 6.3 of the Cabinet report, as presented, be approved.

(During consideration of this item, Councillor Melanie Darrington left the meeting at 7.40pm).

C.68 Updates from Members of the Cabinet on their Portfolio Activity

Councillor Matthew Relf – Portfolio Holder for Place, Planning and Regeneration

- part of the £1.5 million from the Accelerated Towns Fund being used to purchase a vacant property on Low Street for future redevelopment;
- progress in relation to the 'Centre of Excellence' refurbishment at Portland Training College;
- Development of a new Indoor Market and cycle and walkway network in Kirkby;
- Upgraded play facilities at Sorrel Drive;
- Discover Ashfield Board continuing to support businesses in Ashfield and the recruitment of a new Graduate Officer to support the Board and promote the Ambassador Programme;
- the development of a new Business Directory by the Economic Development Unit, update on officers' workload and the continued promotion of new business grants;
- update in relation to the proposed Maid Marion train line;
- continued service delivery from the Planning Team;
- progress from the Local Plan Working Group and the planned public consultation for early 2021;
- closure of the recent Masterplan consultations with officers currently analysing the data and responses captured;
- thanks to all staff in the portfolio for their continued commitment and hard work under challenging circumstances;
- Christmas wishes to all.

Councillor David Martin – Portfolio Holder for Streets, Parks and Town Centres

- the recent recruitment of 4 Covid Information Officers and 1 Senior Officer and their recent visits to businesses' in the Council's town centres and local neighbourhoods;

- progress on the installation of hand sanitising units in all Council car parks adjacent to ticket machines;
- 1.5 million investment in the Council's parks and open spaces including the dredging of Kings Mill Reservoir and the café opening, a new outdoor gym in Jacksdale, upgrades at Nabbs Lane, Hucknall, Annesley Recreation Ground, Titchfield Park, Hucknall and Sorrel Drive, Kirkby;
- progress with regards to car park improvements at Brierley Forest Park and the miners stone statutes;
- securing 6 green flag awards for another year;
- thanks to all staff in the portfolio for their continued commitment and hard work under challenging circumstances;
- congratulations to the Waste Division for being nominated for a 'Best Service Team' award;
- the Bag It campaign;
- postal delivery of the latest bin calendars;
- arrangements for the Christmas tree collection service from early January 2021;
- progress in relation to winter bulb planting;
- progress on the Kings Mill Reservoir entrance works.

Councillor Helen-Ann Smith – Portfolio Holder for Community Safety

- appointment of two new Community Safety Team Leaders;
- acknowledgement that all Community Protection Officer (CPO) posts were now filled and operational;
- recruitment of new Domestic Violence Co-ordinator and Complex Case Officer;
- Operation Springboard and CPOs working alongside Police Community Support Officers (PCSOs) on patrols;
- anticipation of DVLC lifting temporary ban on councils dealing with untaxed and abandoned vehicles.

Councillor Daniel Williamson – Portfolio Holder for Corporate Communications, Governance and Cross Portfolio Support

- appreciation for the Communications Team for keeping Ashfield residents abreast of Tier 3 guidance and the relaxed rules for the Christmas period, the latest press releases, small business grant campaigns, the Christmas lighting ceremonies and the Selfie Quiz and competition;
- work commencing on the February 2021 edition of 'Ashfield Matters';
- thanks to the Democratic Services and Scrutiny Team for keeping Members supported and online with virtual meetings and the continuation of scrutiny work/reviews during these challenging times;
- thanks also to the Elections Team for completion of the annual canvass, the recent Polling Places Review and preparations for the Police & Crime Commissioner and County Council election in May 2021.

Councillor John Wilmott – Portfolio Holder for Regulatory Services

- acknowledgement of the hard work and commitment shown by the Licensing team in dealing with continual applications and enquiries from local businesses during the pandemic;

- the unstinting provision of guidance and support from the Environmental Health Team and newly appointed Covid Information Officers to local businesses and retail outlets across the District;
- environmental health checks on food outlets were continuing at pace;
- acknowledgement that barbers and hair salons had opened the previous day following the latest lockdown ending.

C.69 Notice of Motion 1

The Council received a notice of motion moved by Councillor Daniel Williamson and seconded by Councillor Lee Waters as follows:-

“The roads and footways throughout Ashfield are in a state of disrepair.

If not all District Councillors, the majority have received complaints about pot holes, crumbling road and footway surfaces along with uneven and sloping footpaths which are particularly dangerous for our disabled residents.

It is a fact that Nottinghamshire County Council is fully responsible for the maintenance of the highways throughout Nottinghamshire after the Conservatives abolished the MOPS contract.

The Conservative led County Council has allocated more highway’s money to areas with more roads. This however is flawed due to the fact that many of Nottinghamshire’s roads are country roads and receive little use. It is time that a more realistic approach was taken to accurately reflect the situation on the ground and as such, addresses what is one of the biggest turnover of complaints made by our residents.

For the years 2018-19 and 2019-20 Ashfield had a total of £5,462,000 spent on Ashfield’s roads, whilst Rushcliffe had £8,412,991 for their roads. This includes a decrease for Ashfield’s busy roads and footways of £468,004 yet an increase of £320,053 for the country lanes of Rushcliffe.

I move that this Council writes to the Leader of Nottinghamshire County Council outlining our concerns in regard to this unfair distribution of funding and urge her to put in place a more relevant policy that prioritises road usage, and as such, brings up to standard the roads and footways in Ashfield something that Ashfield residents pay for as well as Rushcliffe residents.”

Having been fully considered, the motion was put to the vote and it was

RESOLVED

that this Council writes to the Leader of Nottinghamshire County Council outlining the Council’s concerns in regard to the unfair distribution of funding and to urge the Leader of Nottinghamshire County Council to put in place a more relevant policy that prioritises road usage, and as such, brings up to standard the roads and footways in Ashfield, something that Ashfield residents pay for as well as Rushcliffe residents.

(At this point in the proceedings and in accordance with Council Procedure Rule 30, it was moved by Councillor Jason Zadrozny and seconded by

Councillor Rachel Madden that Procedure Rules 10 (Duration of Meeting) and 23 (Conclusion of Proceedings) be suspended, for the duration of the meeting, to enable all matters on the agenda to be satisfactorily concluded. Having been put to the vote, the Council agreed with this course of action.)

C.70 Notice of Motion 2

The Council received a notice of motion moved by Councillor Sarah Madigan and seconded by Councillor Christian Chapman as follows:-

“Fireworks are used by people throughout the year to mark different events. And with this year being so depressing Bonfire Night with fireworks brought a brief moment of excitement and happiness.

However, fireworks do bring fear and distress for many animals including pets, farm livestock and wildlife. Animals affected not only suffer psychological distress but can also cause themselves injuries, sometimes very serious ones as they attempt to run away or hide from the loud and high intensity noises that many fireworks make.

To quote from the British Veterinary Association.

Around 1 in 14 vets across the country reported seeing animals with firework-related injuries over 2018 with most reports coming from equine vets. By far the most commonly reported cases were self-injuries caused by fireworks-related anxiety, for example, a dog who tried to escape from its kennel and in the process pulled out all of its front teeth, and a horse that suffered a fractured splint bone as it bolted from its field.

Further, the latest PDSA Animal Wellbeing report revealed that 3.6 million dogs could have suffered this Bonfire Night. During 2018, PDSA's Pet Hospitals treated 1,400 animals for firework related issues such as phobias and injuries, an increase from 1,200 the previous year, a clear indication that not only do fireworks adversely affect many animals but more and more are suffering.

There is no doubt it is particularly the loud noise from fireworks that causes anxiety and harm to animals, but it doesn't have to be this way because fireworks don't have to be noisy to be spectacular. There are wide ranges of quiet fireworks throughout the country that give all the colours without the bangs, these are easily available so therefore consumers do have a choice when making their firework purchases.

We are not killjoys and don't want to stop firework displays we do however want to stop animal suffering, and as such we propose the following.

- 1. All future Ashfield District Council firework displays will use low noise fireworks and will encourage all residents of Ashfield to do the same.*
- 2. This Council resolves, to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals.*

3. *To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.*
4. *To actively promote a public awareness campaign about the impact of fireworks on animal welfare including the precautions that can be taken to mitigate risks.”*

Having been fully considered, the motion was put to the vote and it was

RESOLVED that

- a) all future Ashfield District Council firework displays will use low noise fireworks and will encourage all residents of Ashfield to do the same;
- b) the Council resolves to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals;
- c) to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays;
- d) to actively promote a public awareness campaign about the impact of fireworks on animal welfare including the precautions that can be taken to mitigate risks.

C.71 Notice of Motion 3

The Council received a notice of motion moved by Councillor David Hennigan and seconded by Councillor Jim Blagden as follows:-

“Ashfield District Council notes that from 1st May to 31st October – Value Added Tax (VAT) was set at a zero rate on supplies of PPE as defined by Public Health England’s coronavirus (COVID-19) PPE guidance on 24 April 2020.

This Council notes that from November 1st, face masks and gloves now cost more after the government said a waiver of VAT on personal protective equipment (PPE) would not be extended.

The Treasury has confirmed that the 20% sales tax would once more apply to protective equipment bought by firms and consumers after the six-month exemption.

This is a tax on safety and leaves the poorest vulnerable and is having an adverse impact on businesses and ordinary people, who are legally bound to use masks in shops and on public transport.

We note that food and convenience store owners and other businesses that are obliged to use PPE are now facing increased costs just when they are struggling most. An increase of 20% is a significant amount and has led to

increases in price for PPE equipment, it has slowed demand and is acting as a barrier to buying PPE for some, at a time when many people's income has been reduced due to the pandemic.

This Council therefore resolves to write to the Chancellor of the Exchequer Rishi Sunak MP and Treasury Minister Jesse Norman MP to call for this decision to be reversed and a zero rate on VAT on supplies of PPE is reintroduced for the foreseeable future."

Having been fully considered, the motion was put to the vote and it was

RESOLVED

that the Council resolves to write to the Chancellor of the Exchequer Rishi Sunak MP and Treasury Minister Jesse Norman MP to call for the decision to reintroduce 20% sales tax on protective equipment bought by firms and consumers after the six-month exemption, to be reversed and a zero rate on VAT on supplies of PPE be reintroduced for the foreseeable future.

(During consideration of the motion, Councillor Chris Baron left the meeting at 9.35pm).

C.72 Questions received in accordance with Council Procedure Rule 13

In accordance with Council Procedure Rule 13, the following questions were asked:-

Question 1

Question from Councillor Trevor Locke to the Portfolio Holder for Housing:

"In previous Council meetings the Portfolio Holder has informed the Council of the most welcomed investment of £40M for improvements to Council owned homes. Would he now please update the Council on how his plans are progressing towards the use of this new funding and when any improvements will start?"

Councillor Hollis responded and thanked Councillor Locke for the opportunity to highlight what the Council was set to achieve over the next 2.5 years with regards to housing expenditure.

He thanked the Housing Team for going above and beyond their duties over the past year in order to ensure the health, well-being and safety of some of the most vulnerable people in the District. Staff had delivered food parcels and medicines to residents, provided money advice, sourced white goods and grants and consistently undertook repairs in people's homes even during the tightest of restrictions.

Spending of the £40m was already underway and would not only reach all parts of the District but would also benefit new and existing tenants alike. The Council had not built any family accommodation for over a generation but that had now changed and within the next 2.5 years it would be spending £14.5m on new housing provision.

The work was commencing in December 2020 with the development of 22 new units on the former social club site on Davies Avenue at Sutton to the tune of £3.1m. The department would then be going on to spend another £4m on various projects across Sutton, including a mixture of family and adapted bungalows, making use of underperforming assets and dis-used brown field sites and areas which currently attracted anti-social behaviour.

Also in the first half of 2021, the Council would be seeing the start of a £2.5m build programme in Hucknall for much needed family accommodation, where a single family house could get an average of 135 bids each time one became available. This investment in Hucknall and the £40m spend did not include the 15 or so properties the Council was in the process of acquiring on the former Rolls Royce site.

Kirkby would also receive just short of £5m investment in the first quarter of 2022, again picking up areas of underutilised assets and areas attracting anti-social behaviour. It was anticipated that one of the schemes could include a development exclusively made up of bungalows and with the objective of being close to net-carbon zero.

The bulk of the Council's money would be going to existing tenants and over the next 2.5 years the Council would be installing new and upgraded fixtures within their properties. In the remainder of 2020 alone, the Council was also expecting to spend just over £4.6m on new fittings within its properties. The money would not only provide new windows, roofs and kitchens but also important aspects such as fire doors, disabled adaptations and upgrades to communal areas.

Throughout 2021/22 and 2022/23, the Council was expecting to spend an average of £11.5m on its existing properties. This would include £2m on electrical replacements and upgrades across the District and £2m on new roofs, with the majority being in Sutton whose roofing programme was temporally delayed due to the Covid pandemic.

Nearly £1.8m was due to be spent on new windows with Hucknall being a priority area and over £1m on new communal heating systems including Brand, Stonyford and Summerhill Courts. The Council would also be giving serious consideration as to whether green alternatives could be fitted as opposed to natural gas.

In terms of the green agenda, the Council would be committing over £10m of expenditure over the next 10 years to ensure all owned properties were of a minimum EPC standard of level 'C', before spending many more millions to ensure all Council owned residential properties were net carbon zero by 2050.

The Council's green programme was going to be front-loaded and in the 2021/22 financial year alone, the Council's residents could look forward to just under £1.5m being spent on external wall cladding to solid wall constructed properties. Many of these properties were located in Ashfield's rural areas and were sometimes susceptible to issues of damp due to compatibility with modern lifestyles and their construction and ventilation. On top of this the Council was also intending to spend a further £625k in that year on further carbon reducing initiatives.

To conclude, Councillor Hollis mentioned Kirkby and the installation of new boilers and central heating systems to the tune of £1m for its tenants. He reiterated the Council's commitment towards its disabled residents and its aim over the next 2.5 years, to spend over £1.3m on disabled adaptations within its properties, thus ensuring all tenants could live independent and comfortable lives within their homes.

In accordance with Council Procedure Rule 13.5, Councillor Locke was invited to ask a supplementary question but he duly declined.

Question 2

Question from Councillor Dale Grounds to the Leader of the Council:

“As we know the whole country is living in some extraordinary times due to the Coronavirus Pandemic. During the height of the pandemic in the spring, this Council kept all services operating, something that only Ashfield District Council achieved throughout Nottinghamshire.

Would the Leader please inform the Council of the help been given to local businesses as we are now in the grip of the second wave of the pandemic?”

The Leader responded by advising Councillor Grounds that the fourth meeting of the COVID-19 Response and Recovery Scrutiny Panel held on 5 November 2020 had been dedicated to how the Council could support its local businesses and Scrutiny Members had submitted some ideas/suggestions for Cabinet to consider and endorse as follows:

- consultation to commence to establish the memorial tribute to celebrate and recognise the work of key workers;
- business support unit established to support business, including grant applications and supporting with the latest Government guidelines;
- expanding the Ashfield business forum through Discover Ashfield to enable local businesses to network, interact, and support each other as required;
- expanding the business recognition scheme for businesses that have provided exemplary COVID-secure environments for customers;
- the provision of hand sanitiser stations and signage in all Council owned pay and display car parks;
- concerns acknowledged around the extensive cost of providing PPE to protect employees and a hope to see a tax relief or reimbursement scheme from the Government in the near future;
- formulation by the Economic Regeneration Team of case studies to reflect the experiences shared by business owners and to highlight best practice across the District.

The next meeting of the COVID-19 Response and Recovery Scrutiny Panel was due to be held on 10 December 2020 and focus would be given to the

work of the Council's COVID Information Officers, as well as the impact of COVID-19 on crime and community safety in Ashfield.

Businesses continued to be offered assistance through the Council's Economic Development Recovery Plan and a range of support initiatives including:

- 140 business support schemes identified and collated in a business support directory;
- connections established with ninety partners detailed in a partner directory;
- responses to 1,110 businesses support email enquiries with 64 client referrals to local partners, 86 partner meetings and liaison with 49 clients via online video meetings to explore business challenges;
- revised approaches set to manage all Ashfield business start-up, growth and shop grants with 5 grants already awarded under this approach;
- provision of new business support web-pages and a LinkedIn group;
- development of a Covid-19 business financial support pack, both as a 'pdf' and a printable leaflet already sent out to 1,448 sector specific businesses;
- the gathering of case studies from 3 local businesses to highlight positive Covid-19 adaptations to highlight success stories in Ashfield.

With regard to the provision of Lockdown Business Support Grants, since the start of the pandemic Ashfield District Council had issued millions of pounds in grants to local businesses. In March 2020 the Council facilitated £22m in grants, a further £1m in June 2020 and more than £2m in the last few weeks to businesses affected by Tier 2 and 3 and the second lockdown.

Five new business support grants were launched on 13 November 2020 and closed on 29 November 2020. These were promoted by sending out emails to local businesses which included the new business support packs. As of Wednesday 2 December 2020, 930 applications had been received with 573 businesses paid to date to a total value of £2.088m.

The Leader spoke about the recruitment of 1 senior and 4 new Covid Information Officers who had already visited over 800 businesses across the District, providing information and support to ensure they were operating in a Covid-secure way. The Council's Environment Health and Licencing Teams had experienced additional demands, answering questions and dealing with complaints and disagreements as to interpretation of legislation for the latest lockdown. A number of national companies had recently been challenging approaches, exploring loop holes and guidance which had taken some time to clarify and resolve.

To conclude, the Leader reiterated the ongoing support being offered in town centres with regard to the hand sanitiser stations and signage being installed in all Council owned pay and display car parks over the next few weeks including parking via the app. All parking was to be free on weekends in

December in the town centre car parks, enhancing the existing two hour free parking already available.

On Saturday 5 December 2020, the Council would be supporting ‘Small Business Saturday’ and encouraging residents to shop small and support independent retailers this Christmas.

In accordance with Council Procedure Rule 13.5, Councillor Grounds was invited to ask a supplementary question but he duly declined.

Question 3

Question from Councillor Andrew Gascoyne to the Leader of the Council:

“As an ex service man, and one who has served as a commando in challenging campaigns, I would like to thank the Leader for instigating the cleaning of War Memorials in the district. Would the Leader please inform me if this maintenance will be a regular service?”

The Leader responded to Councillor Gascoyne by firstly stating his disappointment that this year’s remembrance services had not been fully commemorated due to the pandemic but was hopeful that events next year would be back to normal.

There were currently 10 war memorials within the Council’s responsibility that were highly valued by the community and provided the focus for remembrance events across the District. Over the past 10 years the memorials had fallen into a state of disrepair and although well-meaning residents had tried to clean them, they had been further damaged by the use of incorrect cleaning materials.

However, with the arrival of the new Administration, it was agreed that a review would be carried out by the Council’s Scrutiny Members who made a number of recommendations including the creation of a cleaning schedule and associated budget along with the approval of a community protocol. The Council recognised the importance of war memorials and the significance they held locally and nationally for preserving the memory of the servicemen they hold the names of.

To ensure the longevity of the war memorials for future generations, a management plan was agreed at Cabinet with a budget and schedule which involved the war memorials being inspected annually and any works identified being completed sympathetically by professionals. The annual management budget agreed for the war memorials now stood at £3000.

The schedule for cleaning the memorials would be on a rolling programme subject to any extensive works being identified during inspection by officers on an annual basis:

Year	Memorial	
2021	Huthwaite Cemetery Memorial	Titchfield Park Memorial
2022	Jacksdale Memorial	New Cross Memorial
2023	Teversal Memorial	Luther Pepper Gardens

2024	Sutton Cemetery Memorial	Sterling Bomber Memorial
2025	Selston War Memorial	Kingsway Memorial

For 2020, the first programme of action took place in October and prior to this year's events the Council had also committed a further £4780.50 to clean all 10 memorials ahead of the 2020 events. Restoration works were also carried out at the same time to Kirkby Cross with the monument being cleaned and the top section restored. Winter bulb planting was also underway around the memorials to ensure they remained a focal point all year round.

Recognising the high level of community interest in the maintenance of war memorials, a community protocol had also been developed to provide clear guidance on what aspects of maintenance around the war memorials can be carried out by groups. The protocol enabled community groups to work in partnership with the Council and be involved in the preservation of the war memorials.

Funding was also provided to support the three town centre's community organised remembrance services, with £750 being allocated to each to assist with the arrangements. In addition, the service for Kirkby was streamed live on Facebook.

In accordance with Council Procedure Rule 13.5, Councillor Gascoyne was invited to ask a supplementary question as follows:

“Do you think the agreed cleaning and maintenance of the war memorials every five years is too long a gap?”

The Leader advised that although the scheduled cleaning and maintenance would take place every five years, the war memorials would be inspected annually and any additional works identified at that point would be undertaken as necessary.

C.73 Questions received in accordance with Council Procedure Rule 13.2 - In relation to Cabinet and Committee Meeting Minutes published since the last ordinary meeting of the Council

There were no questions submitted by Members.

The meeting closed at 10.16 am

Chairman.

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Report to:	COUNCIL	Date:	4 FEBRUARY 2021
Heading:	PAY POLICY STATEMENT 2021-2022		
Portfolio Holder:	COUNCILLOR RACHEL MADDEN, RESOURCES		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose of Report

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. This report presents the Ashfield District Council Pay Policy Statement 2021-2022 for agreement.

Recommendation(s)

That the Pay Policy Statement is approved.

Reasons for Recommendation(s)

To ensure that the Council complies with legislative requirements.

Alternative Options Considered (With Reasons Why Not Adopted)

No other alternatives considered.

Detailed Information

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

A Pay Policy Statement must set out the Authority's policies relating to:

- a) the remuneration of its chief officers,
- b) the remuneration of its lowest-paid employees, and
- c) the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

The Statement must include the Authority's policies relating to:

- a) the level and elements of remuneration for each chief officer,
- b) remuneration of chief officers on recruitment,
- c) increases and additions to remuneration for each chief officer,
- d) the use of performance-related pay for chief officers,
- e) the use of bonuses for chief officers,
- f) the approach to the payment of chief officers on their ceasing to hold office or to be employed by the authority, and
- g) the publication of and access to information relating to remuneration of chief officers.

The Pay Policy Statement may include information relating to the policy on employment terms and conditions for all chief officers.

The Statement must be approved by a resolution of the Authority before the 31 March immediately before the financial year to which it relates. The Pay Policy Statement may be amended by resolution during the year. It must be published on the Authority's website as soon as possible after approval. Publishing the Pay Policy Statement also meets requirements under the Code of Recommended Practice for Local Authorities in Data Transparency.

The term 'chief officer' referred to above includes:

- a) the head of paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- b) the monitoring officer designated under section 5(1) of that Act (monitoring officer also Director Legal & Governance);
- c) a statutory chief officer mentioned in section 2(6) of that Act (Corporate Finance Manager and Section 151 Officer)
- d) a non-statutory chief officer mentioned in section 2(7) of that Act (three corporate directors by virtue of reporting directly to the head of paid service).

The Pay Policy Statement must include the following information in relation to each chief officer listed above:

- a) the chief officer's salary,
- b) any bonuses payable,
- c) any charges, fees or allowances payable,
- d) any benefits in kind to which the chief officer is entitled,
- e) any increase or enhancement to the chief officer's pension entitlement, and
- f) any amounts payable to the chief officer on the chief officer ceasing to hold office or be employed by the Authority.

The full Pay Policy Statement for Ashfield District Council and the list of posts that attract an annual salary in excess of £50,000 for the year 2021-2022 are attached to this report. It is intended to publish the Pay Policy Statement on the Council's website immediately after resolution.

Summary of the Pay Policy Statement 2021-2022

Remuneration of chief officers

- Chief Executive (CEO) – incorporates statutory officer Head of Paid Service total annual remuneration (excludes Election duties) £114,761.
- Director Legal & Governance (incorporating Monitoring Officer) £81,245
- Director – Place & Communities - £81,245
- Director – Resources & Business Transformation - £81,245
- Director – Housing & Assets - £81,245 (plus £3,144.12 Deputy Chief Exec allowance).
- Corporate Finance Manager (incorporating Section 151 officer) - £67,222.36

Remuneration of lowest paid employees

The current minimum point for a competent employee taken on in a defined role is £18,933.00.

Relationship between the above

- The relationship between the remuneration of Chief Executive (the highest paid employee) and the lowest paid employees is 6.06:1
- The relationship between the remuneration of the Chief Executive (the highest paid employee) and the median average earnings across the Council is 4.69:1

Implications

Corporate Plan:

The report aligns to the Council's requirement to comply with the Localism Act 2011 and ensure its policies are compliant.

Legal:

Relevant legislation requires the Council to publish a Pay Policy Statement by end March 2021.

Finance:

This report has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity:

The policy is produced by Human Resources taking into consideration relevant legislation. The equality impact assessment has been reviewed as part of the updating of the policy.

Other Implications:

Not applicable.

Reason(s) for Urgency (if applicable):

Background Papers

Report Author and Contact Officer

Report author – Karen Barke – HR Manager

Contact Officer – Craig Bonar, Director – Resources & Business Transformation

Appendix

Pay Policy 2021 - 2022

Post	Total annual Salary	Salary Range	Salary on recruitment	Amount payable on cessation of employment
Chief Executive	£114,761	£114,761 - £121,050	£111,690 (2019)	See Policy
Director – Legal & Governance (also Monitoring Officer)	£81,245	£81,245 Single point	£71,000 (2011)	See Policy
Director – Place & Communities	£81,245	£81,245 Single point	£79,070.40 (2019)	See Policy
Director - Resources & Business Transformation	£81,245	£81,245 Single point	£71,000 (2011)	See Policy
Director – Housing & Assets (also Deputy Chief Exec)	£84,389.12 (£81,245 base salary plus £3,144.12 responsibility allowance for Deputy Chief Executive role)	£81,245 Single point	£73,144.20 (2016)	See policy
Corporate Finance Manager (also Section 151 officer)	£67,222.36 (£60,934 base salary plus £6,288.26 allowance for Section 151 Statutory Officer role)	£60,934 Single Point	£56,100 (2018)	See policy

Posts attracting salaries in excess of £50,000 (to meet the requirements of the Local Government Transparency Code)				
Post	Total annual salary	Salary range	Salary on recruitment	Amount payable on cessation of employment
Assistant Director – Planning & Regulatory Services	£60,934	£58,796 - £60,934	£56,100	See policy
Assistant Director – Assets & Investment	£60,934	£58,796 - £60,934	£56,100	See policy
Assistant Director – Corporate Services and Transformation	£60,934	£58,796 - £60,934	£57,222	See policy
Senior Operations Manager	£54,648 (includes £33 protection)	£51,555 – £54,615	£53,153	See policy

Service Manager Revenues and Benefits	£54,615	£51,555 - £54,615	£47,276	See policy
Service Manager Housing Management & Tenancy Services	£51,555	£51,555 - £54,615	£51,555	See policy
Service Manager Strategic Housing & Lettings	£54,615	£51,555 - £54,615	£49,191	See policy
Service Manager Neighbourhood and Environment	vacant	£51,555 - £54,615	vacant	See policy

Lowest-paid employee	£18,933.00			
Median Pay	£24,491.00			
Mean Pay	£26,979.26			
Ratio between the highest paid employee and lowest paid.	6.06:1			
Ratio between the salary of the highest paid employee and the median salary	4.69:1			
Ratio between the salary of the highest paid employee and the mean salary	4.25:1			

Ashfield District Council
Pay Policy Statement 2021 – 2022
February 2021

VERSION CONTROL

Version Number	Date Issued
Original	
Revised V1	
Revised Final Version	

ASHFIELD DISTRICT COUNCIL Pay Policy Statement 2021 - 2022

1. Introduction

- 1.1 Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. The purpose of the statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny. The policy reflects the financial year for 2021 - 2022.
- 1.2 The Act and supporting statutory guidance provides details of information that must be included in this statutory pay policy but also emphasises that each local authority has the autonomy to take its own decisions on pay and pay policies. The Pay Policy Statement must be approved formally by Council by the end of March each year; can be amended in year; must be published on the Council's website and must be complied with when setting the terms and conditions of Chief Officer employees.
- 1.3 This Pay Policy includes a policy on:
- The level and elements of remuneration for each Chief Officer
 - The remuneration of the lowest paid employees
 - The relationship between the remuneration of Chief Officers and other Officers
 - Other specific aspects of Chief Officer Remuneration, fees and charges and other discretionary payments
- 1.4 Remuneration includes any charges, fees, allowances, benefits in kind, any increase in enhancements of pension entitlements and termination payments.
- 1.5 Attached to this Statement is a summary of chief officers pay in the Authority and those earning above £50,000.

2. Remuneration of the Council's Chief Officers

- 2.1 The posts which are Chief Officer posts for the purposes of the Council's Pay Policy Statement under the Localism Act 2011 are:-
- Chief Executive (as Head of Paid Service-S43 (2) (a) of the 2011 Act)
 - Director – Legal & Governance and Monitoring Officer (S43 (2) (b) of the 2011 Act)
 - Director – Resources & Business Transformation (S43 (2) (d) of the 2011 Act)
 - Director – Place & Communities (S43 (2) (d) of the 2011 Act)
 - Director – Housing & Assets (S43 (2) (d) of the 2011 Act)
 - Corporate Finance Manager (as Section 151 Officer-S43(2)(c) of the 2011 Act)
- 2.2 The policy for each group is as follows:-

Chief Executive

- The salary for this post is within a locally determined pay scale which is spinal points CEOP1 to CEOP3, which equates to £114,761 - £121,050 per annum.
- The pay scale was determined by the Council's Chief Officers Employment Committee following an analysis of benchmark data with other comparators and an analysis of the degree of responsibility for the role.

- Progression through the scale is determined through satisfactory annual performance appraisals.
- Other Conditions of Service are as prescribed by the Joint National Council (JNC) for Local Authority Chief Executives national conditions.

Monitoring Officer and Directors

- The salary for these posts is a locally determined fixed salary point of £81,245 per annum.
- The pay scale was determined by the Council's Chief Officers Employment Committee following an analysis of benchmark data with other comparators and an analysis of the degree of responsibility for the role.
- There is an additional £3,144.12 responsibility allowance payable to the designated Deputy CEO. This is subject to an annual review.
- Other Conditions of Service are as prescribed by the Joint National Council (JNC) for Local Authority Services.

No member of the Corporate Leadership Group (i.e. those posts listed above) is entitled to other additional elements of remuneration in respect of overtime, flexitime, bank holiday working, stand-by payments etc. as these officers are expected to undertake duties outside their contractual hours and working patterns without additional payment.

Following a restructure exercise it was agreed by Chief Officers Employment Committee that one Director would assume the role of Deputy Chief Executive for a small responsibility allowance, which has been set at £3,144.12 per annum. This is an annual appointment made by the Chief Executive.

Section 151 Officer (Corporate Finance Manager)

- The salary scale for this post is a locally determined fixed salary point of £60,934 per annum.
- Other Conditions of Service are as prescribed by the Joint National Council (JNC) for Local Authority Services.
- There is an additional £6,288.26 Section 151 allowance payable to the designated Section 151 Statutory Officer. This is subject to an annual review.

Other Chief Officer posts

- Although not defined as Chief Officers for the purposes of the Pay Policy, the Council also employs employees at Assistant Director level, whose Terms and Conditions of Service are as prescribed by the Joint National Council (JNC) for Local Authority Services. The salary range for these posts is £58,796 - £60,934 per annum. Details of these posts are listed below:-
 - Assistant Director – Planning & Regulatory Services
 - Assistant Director – Assets & Investments
 - Assistant Director – Corporate Services & Transformation

2.3 Cost of Living Pay Awards

A cost of living pay increase of 2.75% was awarded to all employees, including Chief Officers, on 1 April 2020.

Pay awards are negotiated nationally. When a national pay award is agreed the pay rates stated in 2.2 above will change to reflect the percentage increase awarded.

3. Additional Fees

- 3.1 Special fees are paid for Returning Officer duties, which are not part of the post holder's substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role. The Returning Officer is an officer of the Council who is appointed under the Representation of the People Act 1983. The role of the Returning Officer involves, and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the Council. As Returning Officer they are paid a separate allowance for each election for which they are responsible.

The Nottinghamshire Election Officers group regularly review the scale of fees and these reviews determine the rates applied. There were no elections held in 2020/2021. This information is available on the Council's Website.

4. Pay Structure

- 4.1 The pay structure for all employees outside the Chief Officers is in accordance with the NJC for Local Authorities National Pay Spine.
- 4.2 All posts outside the Chief Officers are evaluated using a locally adopted job evaluation scheme. The Council adopted the NJC Job Evaluation Scheme for all employees outside those on Chief Officer's terms and conditions during 2014 – 2015.

5. Remuneration of the Council's lowest-paid employee

- 5.1 With effect from 1 April 2020 the lowest paid employee within the Council is paid at Local grade A12 which equates to £18,933.00 per annum.
- 5.2 The Council ensures that remuneration of the lowest paid employee reflects the Living Wage.

6. Allowances and benefits in kind

- 6.1 Allowances and benefits typically follow nationally agreed rates. Locally agreed allowances or benefits in kind payments include:
- All employees of the Council have access to Ashfield Benefits, which enable employees to enjoy discounts with major retailers. There is a contribution cost from the employer of £2.95 per employee per annum.
 - Access to salary sacrifice schemes such as child care vouchers (This is only applicable to existing employees already in the scheme in line with current legislation) and cycle to work schemes, which are available to all employees in accordance with current policies.
 - Reimbursement of professional fees, where applicable, in accordance with the current policy introduced with effect from 1 October 2014.

7. Payments, charges and contributions

- 7.1 All employees, including Chief Officers, who are members of the Local Government Pension Scheme (LGPS), make individual contributions to the scheme in accordance with the following, which were effective from 1 April 2017.

Band	Range	Contribution rate for employment	
		Main section	50/50 section*
1	Up to £14,600	5.50%	2.75%
2	£14,601 to £22,800	5.80%	2.90%
3	£22,801 to £37,100	6.50%	3.25%
4	£37,101 to £46,900	6.80%	3.40%
5	£46,901 to £65,600	8.50%	4.25%
6	£65,601 to £93,000	9.90%	4.95%
7	£93,001 to £109,500	10.50%	5.25%
8	£109,501 to £164,200	11.40%	5.70%
9	£164,201 or more	12.50%	6.25%

*Please note: 50/50 scheme is for employees who opt to pay reduced contributions for a reduced pension

- 7.2 The Council makes employers contributions into the scheme. The current rate of contribution is 18%. The next review by the actuary will be in 2024 and the revised rate will be implemented once confirmed.

8. Relationship between remuneration levels

- 8.1 The Council's current ratio between its top earner (£114,761) to its median earner (£24,491) is: 4.69:1.
- 8.2 The Council's current ratio between its top earner (£114,761) to its lowest earner (£18,933) is: 6.06:1
- 8.3 These ratios will be monitored annually within the Pay Policy Statement and the figures exclude apprentices.

9. Severance and Discretionary payments

- 9.1 The policy for the award of any discretionary payments is the same for all employees, regardless of their pay level and is in accordance with the Council's current Discretionary Compensation Payment Policy.
- 9.2 The Council also reserves the right and discretion to implement settlement agreements with individual employees, which may include enhanced severance and discretionary payments in accordance with a business case. The business case will be considered and determined by:

Chief Officers Employment Committee: Chief Officers and Statutory Officers as defined in the Council's Constitution

Chief Executive: All other employees

10. Remuneration Decisions

- 10.1 Decisions on remuneration relating to pay, starting spinal point (for Chief Executive only) and any additional allowances for Chief Officers as defined in the Council's Constitution are determined by the Chief Officers Employment Committee and ratified by the Council.
- 10.2 Spinal point progression for Chief Executive is considered and approved by the Chief Officer Employment Committee subject to satisfactory performance.
- 10.3 The Chief Officers Employment Committee acts as the recruitment interviewing committee for all posts defined as Chief Officers and/or Statutory Officer posts in the Council's Constitution
- 10.4 Where individual officers are requested to carry out part of a role at a higher level in excess of four weeks and/or carry out project related activities outside of their substantive role, Chief Officers may, at their discretion, propose that an honoraria is paid in accordance with the Council's Acting Up and Honoraria Arrangements Guidance.

11. Publication

- 11.1 This Pay Policy Statement will be published on the Council's website in accordance with Section 38 of the Localism Act 2011. The statement also contains information of posts attracting salaries in excess of £50,000 to meet the requirements of the Local Government Transparency Code (see Appendix 1)

12. Annual Review

- 12.1 The Pay Policy Statement will be annually reviewed on or before 31 March each year.

Meeting of the Council
4 February 2021
Schedule of Recommendations

N.B.

The Schedule sets out recommendations from the Cabinet and the Council's Committees upon which Council is required to reach a decision. During discussion of these items Council Procedure Rule 16 applies (Rules of Debate). Speeches must be relevant to the item being debated. Speeches do not have to be in the form of, or include a question. Members may speak for up to 5 minutes. The Chairman may allow a further 2 minutes at his/her discretion. A Member may only speak once on a motion but may also speak once on an amendment.

<u>Meeting:</u>	<u>Minute No:</u>	<u>Subject:</u>	<u>Recommendation(s):</u>
Cabinet 26 January 2021	CA.60	<u>Future High Streets Funding</u>	b) Council be recommended to accept the Future High Streets funding of £6.27m. (Report attached at Appendix A)
Licensing Committee 27 January 2021	L.10	<u>Street Trading: New Resolution</u>	As a result of no public consultation responses being received, Council be recommended to adopt the new Draft Street Trading Resolution as shown at Appendix 3 of the Licensing Committee report. (Report attached at Appendix B)

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APPENDIX A



Report To:	Cabinet	Date:	26 th January 2021
Heading:	FUTURE HIGH STREETS FUNDING		
Portfolio Holder:	CLLR MATTHEW RELF, PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION		
Ward/s:	ALL SUTTON WARDS		
Key Decision:	Yes		
Subject to Call-In:	Yes		

Purpose of Report

To update Cabinet on the successful outcome of the Future High Streets bid for Sutton.

Recommendation(s)

Cabinet:

1. To note the contents of the report;
2. To recommend that the Council accepts the funding of £6.27m; and
3. To approve the delivery of the projects, in principle, subject to the reworking of the business case to reflect the level of funding awarded.

Reasons for Recommendation(s)

Agreement is required to accept the funding.

Alternative Options Considered

Not to accept the funding – **not recommended**, as the funding provides an opportunity to deliver projects which will help to revitalise Sutton town centre.

Detailed Information

The Council has been successful in securing £6.27m from the Government's £831m Future High Streets Fund (FHSF). The Fund was a highly competitive bidding scheme, open to all Local Authorities in England and was first announced in a prospectus issued by the Ministry of Housing,

Communities and Local Government (MHCLG ISBN: 978-1-4098-5400-5) in **December 2018**. Its aim was to address the challenges being faced by High Streets and to invite bidders to set out ambitious plans for change. The guidance permitted multiple bids by Councils with populations larger than the England average, up to a maximum of 7 bids. Ashfield Council was permitted to submit one bid.

Ashfield Council officers and Councillors immediately mobilised to work on Ashfield's proposals for Sutton town centre, bringing in partners, MHCLG support and experts as required.

Successful bids were announced by MHCLG Secretary of State Robert Jenrick on 26 December 2020. In total 72 bids were successful and were awarded a share of £831m. Of these, only 15 achieved the full funding requested. Ashfield's bid of £9.2m was allocated £6.27m, which, according to MHCLG, is a significant achievement.

Some key dates on our long FHSF journey:

December 2018:	Prospectus launched by MHCLG
22 March 2019:	Expression of interest submitted by ADC by the MHCLG deadline. Submission included many letters of support from partners.
2 May 2019:	Local Election and new Administration/Members.
8 July 2019:	Ashfield notified that it was not selected for round 1 of the process, but MHCLG recognised the strength of the bid and invited the Council to submit under a later round 2.
August 2019:	Ashfield Council invited by MHCLG to progress to the second round of FHSF.
October 2019:	<ul style="list-style-type: none">• Notification from MHCLG that ADC had successfully progressed to the business planning stage. MHCLG relationship officer allocated to ADC to support the full bid/business plan.• £95k capacity funding allocated to assist with specialist support. Gleeds appointed as specialists to assist with project development and cost planning.• Requirement to establish a Towns Fund Board, ostensibly to oversee the Towns Fund bid, but also to provide a governance approach to FHSF. Discover Ashfield undertook this responsibility.
8 November 2019:	First business plan - "Rough Order of Magnitude" submitted with draft costings for the 5 major projects as detailed below.
12 December 2019:	General Election and new MP.
May 2020:	Community consultation undertaken for the 5 projects as part of the Towns Fund consultation. Seminar for all Sutton Cabinet members held to discuss the 5 projects. Towns Fund seminar held with all Kirkby and Sutton members to discuss potential projects.
31 July 2020:	Final bid presented to MHCLG by the Council.
9 October 2020	Clarifications for the bid for £9.2m submitted to MHCLG
26 December 2020:	Decision by MHCLG Secretary of State to award ADC £6.27m for Sutton.
February 2021:	Submission of updated business case for £6.27m to MHCLG.

The announcement that the bid for Sutton-in-Ashfield was successful will provide a much needed boost to the town centre during these challenging times.

Projects included in the Future High Streets bid were as follows:

Sutton Academy Community Theatre/Cinema – Renovation of the existing Sutton Community Academy theatre and extension to create a foyer area, with a café-bar. The facility will be used by the academy in the day-time and in the evenings and weekends open to the public for theatre, cinema and live music events.

Sutton Maker Space and Business Hub - creating a Maker Space and business hub. The Maker Space is for anyone who lacks the funds and/or space for tools at home to be able to pay a small membership fee for access to woodworking, metalworking, sewing machines, 3D printers, laser cutters, etc. This can be for hobbies, sense of community, learning a new skill or starting and building a business.

Low Street vacant units - for the purchase and refurbishment of vacant retail units on Low Street to give them a new purpose on the ground floor and convert upper floors into high quality apartments.

Fox Street pop-up food court and car park – transformation of the derelict site behind Lloyds Bank into a new car park and public space that provides connectivity between ASDA and Portland Square to attract more people into the town centre. The space can also be set up as a venue for pop-up food stalls.

Market Place new build - a new building on the Market Square that will provide space for community uses and high quality residential apartments.

FHSF was a challenge fund and therefore a highly competitive process open to all Councils in England, with just 72 towns selected to receive the funding. The Government feedback was that Sutton's was a strong bid and it is one of 57 high streets which have received a provisional funding offer which is less than the amount bid for; only 15 bids were awarded the full amount requested. The Council's submission was for £9.2m and we will therefore need to consider how to deliver the projects within the reduced funding offer of £6.27m (which is still a substantial amount of investment). We will then submit the updated business case to the Government in February.

More than ever, the town centres need investment and there are some exciting plans for Sutton. As well as this, the FHSF funded projects complement the 17 projects being developed for inclusion in the Kirkby and Sutton Towns Fund bid which will be submitted at the end of January. As part of this fund, Kirkby and Sutton could receive up to £25m each to fund plans to create thriving and revitalised town centres, as well as projects to support and create new business opportunities and improve and develop the area's sports facilities and visitor economy.

Implications

Corporate Plan:

Economic Growth and Place: Town centre: Re-invigorate and re-purpose town centres by bringing empty buildings back into use and diversifying the town centre economy; Make the most of external funding to improve our town centres and Use our town centre events, including specialist markets to attract visitors to our town centres.

Legal:

There are no legal implications in this report; however any grant conditions will need to be considered following submission of the final revised proposals.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	Four of the schemes require Council borrowing as match funding which would be recouped through income generation from property leases and car park income. A revised business case based on the final scheme and confirmed provisional funding allocation will need to be produced to ensure that the schemes provide value for money.
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Each project has a detailed risk register which will be updated at the start of each project stage and regularly reviewed	The risk registers provide mitigation where appropriate for identified risks.

Human Resources:

No HR implications identified in the report.

Environmental/Sustainability:

All of the build schemes will incorporate sustainable materials and energy which will also reduce running costs. The car park at Fox Street will incorporate electric vehicle charge points.

Equalities:

No implications identified in the report.

Other Implications: not applicable**Reason(s) for Urgency**

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Not applicable

Report Author and Contact Officer

Sarah Daniel
Interim Service Manager for Place and Wellbeing
s.daniel@ashfield.gov.uk
01623 457249

Theresa Hodgkinson
Director of Place and Communities
t.hodgkinson@ashfield.gov.uk
01623 457374

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APPENDIX B



Report To:	LICENSING COMMITTEE	Date:	27th January 2021
Heading:	STREET TRADING: NEW RESOLUTION		
Portfolio Holder:	REGULATORY SERVICES		
Ward/s:	ALL		
Key Decision:	N/A		
Subject to Call-In:	N/A		

Purpose of Report

On 28th October 2020 the Licensing Committee Council approved a new Draft Street Trading Resolution to compliment the new Street Trading Policy that came into force in Summer 2019, and to supersede any previous Street Trading Resolutions made by the Council that restricted street trading to just 15 specific locations.

A public consultation on the new draft Street Trading Resolution was held from 9th November 2020 – 20th December 2020, and the Licensing Committee is required to consider any such responses, make any necessary amendments to the draft Street Trading Resolution in light of such responses, and then recommend the draft Street Trading Resolution to Council for adoption.

Recommendation(s)

The Licensing Committee is recommended to:

- 1) Consider any responses to the public consultation;
- 2) Make any amendments to the Draft Street Trading Resolution in light of any such responses; and
- 3) Recommend that Council adopt the new Draft Street Trading Resolution, and to instruct the Licensing Manager to arrange the necessary statutory publication of the New Street Trading Resolution.

Reasons for Recommendation(s)

The powers to control Street Trading within the Council's area are conferred by Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, which has been adopted by the Council. Under

Schedule 4 of the Act, the Council is able to manage Street Trading by designating streets as Consent Streets, Licence Streets, or Prohibited Streets.

When Council adopted the new Street Trading Policy on 25th July 2019 setting the locality as one where a Street Trading Consent must be obtained before trading can commence, a Resolution was not made to designate all of the streets within the District as “Consent Streets” (i.e. streets on which trading may take place once the Council has granted the individual trader a “Consent” to do so).

This report seeks to rectify this omission, and that this Committee recommends to council that the new Draft Street Trading Resolution be adopted.

Alternative Options Considered

Consider designating some streets as Licence and/ or Prohibited streets: Not recommended as this would restrict street trading in the District and be contrary to the spirit of the approved Street Trading Policy. The Street Trading Policy contains safeguards to ensure that trading will not be allowed in inappropriate locations.

Do nothing: Not recommended as this would mean that any designations under historic Resolutions made prior to 25th July 2019 would remain in force, meaning street trading consents for new locations would not be able to be granted without a formal Resolution being made, and that the restricted number of 15 Consent Streets would remain the norm.

Detailed Information

On 25th July 2019, following the recommendation of this Committee, Council adopted a new Street Trading Policy that proposed all streets within the Ashfield District be Consent Streets (i.e. a Street Trading Consent must be granted by the Council in order for Street Trading to take place on the highway). Unfortunately when the Street Trading Policy was put before this Committee, Officers were unaware of the need to also seek a formal resolution of the Committee to vary the existing street trading designations made by prior resolutions of this Committee.

The Local Government (Miscellaneous Provisions) Act provides for the regulation of street trading within a local authority area. The Authority may choose to designate a street as either a:-

- a) Prohibited Street;
- b) Licence Street; or
- c) Consent Street.

If no designation is made, street trading in that area cannot be regulated by the Authority. If a street is designated a Prohibited Street no trading at all is permitted. The method for designating a street is prescribed by the legislation, requiring public consultation and a resolution of the Committee.

On 6th March 2002 the Licensing and Registration Committee resolved to adopt the street trading legislation for the whole district and designated any streets that were not Consent Streets as Prohibited Streets. Since then a number of further resolutions have been made adding to the list of Consent streets however any streets not on that list currently remain prohibited streets. A copy of the March 2002 resolution along with a list of the current Consent Streets within the District is attached at **Appendix One**.

Without a new Resolution to vary the existing prohibited street designations, the aims of the new Policy would be unable to be achieved. On 28th October 2020 this Committee approved a new Draft Street Trading Resolution for public consultation. The new Draft Resolution would enable all streets within the Ashfield District be “Consent Streets”. A copy of the Draft Resolution is attached at **Appendix Two**.

The consultation ran from 9th November 2020 to 20th December 2020 and was publicised on the Council website, all current Street Traders were written to, and both the Police and Highways

Authority were notified. No responses were received. As such, this Committee is asked to recommend that Council adopt the new Draft Street Trading Resolution originally approved for consultation by this Committee.

If Council adopts the new Draft Resolution, it must publish it for two consecutive weeks in a local paper (the first of which must not be less than 28 days before the date specified in the Resolution for the designation to come into force).

Protections are in place for communities and existing businesses within the Street Trading Policy, in order that street trading is not a cause of nuisance, unfair competition, or would negatively impact on any location.

Members will already be aware of the seven criteria contained within the Street Trading Policy which define locations that may not be deemed suitable for Street Trading (a copy of the Policy is attached at **Appendix Three**) in order to promote the above matters, which are that Street Trading applications for the following locations will likely be refused:

- **In close proximity to a place of worship;**
- **In close proximity to a place of education;**
- **In close proximity to a place of healthcare;**
- **In close proximity to a place of cultural or historical local / national significance;**
- **In close proximity to primarily residential properties;**
- **In close proximity to a business offering the same goods / services;**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

Implications

Corporate Plan:

Legal:

The Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) sets out the process for designating Consent Streets and rescinding any existing Street Trading Resolution(s).

The process to be followed has been detailed within this report.

Finance:

The cost of administering the Street Trading Scheme is recovered through the fees and charges applicable to this specific licensing function, and such fees are reviewed annually.

This report is effective from **27th January 2021** and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

There are no Human Resources implications contained within this report.

Environmental/Sustainability

By approving the draft Resolution, the Council is able to control Street Trading throughout the District, ensuring the protection and sustainability of the local environment.

Equalities:

There are no diversity or equality implications contained within this report.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Appendix One: New Draft Street Trading Resolution

Appendix Two: List of current Consent Streets

Appendix Three: Street Trading Policy

Report Author and Contact Officer

**Julian Alison
Licensing Manager**

Email: j.alison@ashfield.gov.uk

Tel: 01623 457364

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DRAFT RESOLUTION

Pursuant to paragraphs 2(3) and (13) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, Ashfield District Council, for the purposes of regulating street trading in the District, hereby resolves with effect from a date not earlier than one month from the date hereof:

- 1) to rescind paragraph 5(b) of the resolution made by this committee on 6 March 2002 which adopted all non-consent streets in the District as prohibited streets.**
- 2) to designate every street in the District, not already so designated, a consent street on which street trading is permitted by holders of a street trading consent granted by the Council. For the avoidance of doubt street trading on a consent street is prohibited without the prior consent of the Council.**

APPENDIX TWO

LICENSING AND REGISTRATION COMMITTEE.

Meeting held in the Council Chamber,
Council Offices, Urban Road, Kirkby in Ashfield,

on Wednesday 6th March, 2002, at 9.30 a.m.

Present: Councillor J.E. Blagden in the Chair;
Councillors A. Butler, M.A. Carey, G. Dove,
D. Hague, Mrs. R.E. Madden and Mrs. C.A. Young.

Apology for Absence: Councillor T.C. Locke.

Officers Present: W. Buckley, M. Needham, Miss J. Robinson and
S. Wormald.

LR7.1 MINUTES.

RESOLVED

that the minutes of the meeting of the Licensing and Registration Committee held on 19th December, 2001, be taken as read and signed by the Chairman as a correct record.

LR7.2 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS.

Councillor Mrs. C.A. Young declared a general non-pecuniary interest in respect of any matters relating to Hire Vehicles.

LR7.3 LICENCE, REGISTRATION CONSENT AND PERMIT FEE INCREASES FOR 2002.

Additional information in respect of this item had been circulated to Members. The Committee was asked to consider the level of increases of licensing, registration and permit fees for 2002. In addition to consider an additional increase in order to finance a part-time Licensing Enforcement Officer for 2002/03.

Prior to reaching a decision Members considered the alternative option of leaving fees at the existing rates or make an increase or reduction of the existing or proposed fees.

RESOLVED that

- (a) the level of fee increases, as set out in Column (B) in the Addendum to the report, to cover the part-time Licensing Enforcement Officer post, be approved from 1st April, 2002;
- (b) in view of the additional duties to be undertaken by the Licensing Section the Personnel Committee be requested to consider an additional part-time post (proposed scale 3/4) to support the work of the Licensing Section;
- (c) the Head of Environmental Health Services, in consultation with the

Chairman of this Committee, be authorised to consider any representations made in respect of the proposed fees and agree any variation to the proposed fees which may be deemed appropriate.

Reason:

The Council's current financial strategy includes provision for a minimum of 5% increase in income. In addition, the Environmental Health Services Business Plan 2001-2005 makes provision for a part-time Licensing Enforcement Officer for 2002/03.

LR7.4

STREET TRADING - ADOPTION OF WHOLE OF DISTRICT
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SECTION 3 SCHEDULE 4.

Additional information in respect of this item was circulated to Members at the meeting. The Committee was asked to consider the control of street trading across the whole of the district.

Prior to reaching a decision Members considered the alternative options available as follows:-

1. Adopt all streets, lay-bys etc. within the Ashfield area as Consent to Trade Areas
2. Adopt all areas as prohibited streets.
3. Adopt the whole district as a licensed trading area.
4. Adopt specific sites as licensed trading areas with the remainder as prohibited sites.
5. Leave as status quo.

RESOLVED that

- (a) those areas within the District of Ashfield where there are existing traders, shall be designated as consent streets for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982;
- (b) all remaining streets within the District be adopted as prohibited streets;
- (c) the level of fee to be charged for a consent to trade shall be £821.20 for all applicants;
- (d) the Strategic Director, Community Services, in consultation with the Chairman and Vice-Chairman of this Committee, be authorised to implement the above decisions and take all necessary steps in accordance with the statutory procedure, and consider any representations or objections arising;
- (e) the Cabinet be informed of this Committee's proposals to adopt a combination of consent street trading areas and prohibited streets across the whole of the District.

Reason:

To control street trading across the whole of the District.

(The meeting was adjourned at 11.00 a.m. and reconvened at 11.25 a.m.)

LR7.5

SECTION 100 (A) LOCAL GOVERNMENT ACT 1972;

EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED

that in accordance with the provisions of Section 100(A) of the Local Government Act 1972, the press and public be now excluded from the meeting during the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 9 of Part I Schedule 12(A) of the Act.

LR7.6

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976,
TOWN POLICE CLAUSES ACT, 1847,
CONSIDERATION OF REFUND OF FEE.
(EXEMPT BY VIRTUE OF PARAGRAPH 9).

The Committee was asked to consider a request for a refund of a private hire operators licence fee.

The Section Head Environmental Health Officer (Commercial) presented his report which outlined the request. Members were then able to ask questions of the Section Head.

The applicant then presented his case to the Committee. Members were then able to ask questions of the applicant.

The Section Head and the applicant then made short closing addresses to the Committee.

The Chairman then required all parties other than Members of the Committee and the Committee Clerk to withdraw from the meeting to enable Members to deliberate on the application. The Chairman re-called the Legal Officer into the meeting to give advice to the Committee.

Prior to reaching a decision Members considered the alternative options available as follows:-

1. Refund the whole fee of £260.50.
2. Do not make any refund.

The Chairman subsequently invited all parties to return to hear the decision of the Committee.

RESOLVED that

- (a) in accordance with Section 70(6) of the Local Government Act (Miscellaneous Provisions) Act, 1976, and without setting any precedent regarding refunds to applications in the future, half of the private hire operators licence fee be refunded to Mr. M.S.;
- (b) the decision of the Committee to be confirmed to the applicant in writing.

Reason:

Due to the short period of time that the licence had been in force a refund of part of the fee was thought to be appropriate.

(The meeting was adjourned at 11.55 a.m. and reconvened at 1.00 p.m. Councillor A. Butler left the meeting at 11.55 a.m. following consideration of the above item and did not return to the meeting.)

LR7.7

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,
TOWN POLICE CLAUSES ACT, 1847,
APPLICATION FOR A HIRE VEHICLE DRIVER'S LICENCE - MR. D.M.R.
(EXEMPT BY VIRTUE OF PARAGRAPH 9).

The Committee was asked to consider an application for a hire vehicle drivers licence.

The Section Head Environmental Health Officer (Commercial) presented his report which outlined the application.

The applicant then presented his case to the Committee. Members and the Section Head were then able to ask questions of the applicant.

The Section Head and the applicant then made short closing addresses to the Committee.

The Chairman then required all parties other than Members of the Committee and the Committee Clerk to withdraw from the meeting to enable Members to deliberate on the application. The Chairman re-called the Legal Officer into the meeting to give advice to the Committee.

Prior to reaching a decision Members considered the alternative options available as follows:-

1. Grant the Licence.
2. Grant the licence and issue a warning.
3. Refuse the application.

RESOLVED that

- (a) in accordance with the Local Government (Miscellaneous Provisions) Act, 1976, Town Police Clauses Act 1847, a hire vehicle driver's licence be granted to Mr. D.M.R. for an initial period of six months, subject to a strict warning being issued to the applicant advising him that the Committee would view subsequent convictions very seriously and revocation of his licence would be considered;
- (b) the decision of the Committee to be confirmed to the applicant in writing.

Reason:

The Committee were satisfied that the applicant was a fit and proper person to hold a hire vehicle driver's licence.

LR7.8

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847
CONSIDERATION OF REVOCATION OF HIRE VEHICLE DRIVER'S LICENCE -
MR. P.S.A. (EXEMPT BY VIRTUE OF PARAGRAPH 9).

Members were advised that the applicant Mr. P.S.A. had failed to notify the Licensing Section whether or not he would be attending the meeting. In the event he did not attend the meeting.

The Committee was asked to consider a revocation of a hire vehicle driver's licence. The Section Head Environmental Health Officer (Commercial) presented his report which outlined the application.

Members were then able to ask questions of the Section Head.

The Section Head then made a short closing address to the Committee.

Prior to reaching a decision Members considered the alternative options available as follows:

1. Remove the existing suspension and allow Mr. P.S.A. to continue to be licensed.
2. Continue with the suspension.

RESOLVED that

- (a) in accordance with the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, the hire vehicle driver's licence of Mr. P.S.A. be revoked with immediate effect;

- (b) the decision of the Committee to be confirmed to the applicant in writing.

Reason:

The Committee had regard to Section 61(1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 and to a number of incidents concerning Mr. P.S.A.'s use of the hire vehicle, which had resulted in Mr. P.S.A. being on Police bail. The Committee viewed the incidents very seriously and, in the absence of mitigation from Mr. P.S.A. concluded that revocation of the licence was warranted. The priority of the Committee being protection of the public.

The meeting closed at 1.50 p.m.

Chairman

m0306jr-1a



LICENSING AUTHORITY

STREET TRADING POLICY

Effective from: 26th July 2019

Adopted: 25th July 2019

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GLOSSARY

The Act:	Schedule 4: Local Government (Miscellaneous Provisions) Act 1982
The Council:	Ashfield District Council.
The Applicant:	The trader who has submitted an application for a Street Trading Consent.
Consent Holder:	An individual who holds a Street Trading Consent.
A Street:	Includes any road, footway, beach or other area to which the general public have access without payment.
A Trading Consent:	A permission, given by the Council to trade, subject to conditions and payment of a fee.
A Roundsman:	An individual who visits a “round” of customers and delivers the orders of those customers, i.e. a milkman. A person operating an ice-cream van is not classed as a roundsman.
A Pedlar:	<p>A Pedlar is a trader who must:</p> <ul style="list-style-type: none"> • Hold a valid Pedlar’s Certificate issued by a Chief Constable of Police. • Keep moving, stopping only to service customers at their request. • Move from place to place, and not circulate within the same area. • Carry all goods for sale and not set up a “stall”.
Mobile Trader:	<p>A Mobile Trader is one that visits more than one location within the District, and who:</p> <ul style="list-style-type: none"> • Continually moves from location to location. • Does not wait in one location for more than 20 minutes. • Moves at least 50 metres from the last trading location; and • Does not return to the same trading location within 4 hours. • Does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the educational establishment).
Licensing Officer:	An Authorised Officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (the legislation regulating Street Trading).
Activities that do not require a Street Trading or Mobile Trading Consent:	<p>Trading:</p> <ul style="list-style-type: none"> • As a Pedlar under a Pedlar’s Certificate. • As a News Vendor • At a Market or fair, the right to hold which having been obtained by a grant, enactment or order. • At or adjoining a shop premises as part of the business of the shop. • As a Roundsman (i.e. delivering pre-ordered goods to customers). • From a licensed highway area • Under a Street Collection Permit for charitable purposes.

1. PURPOSE OF THE POLICY

- 1.1 This Policy sets out the framework for the management of Street Trading in the area for which Ashfield District Council has responsibility.
- 1.2 The powers to control Street Trading within the Council's area are conferred by Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, which has been adopted by the Council. Under Schedule 4 of the Act, the Council is able to manage Street Trading by designating streets as Consent Streets, Licence Streets, or Prohibited Streets.
- 1.3 The Council recognises the valuable contribution that Street Trading can make to the local culture and economy, and the services that Street Traders provide to residents and visitors. Street Trading can provide people with a flexible way of working, to meet the demands of the public where and when such demands arise.
- 1.4 Ashfield District Council is committed to improving the support provided to small businesses, ensuring that there are no unnecessary burdens placed on them, and that they are provided with sufficient guidance and advice to enable them to operate safely and successfully.
- 1.5 Issues can arise where Street Traders do not pay due regard to their location and operation, or make it dangerous for the public and road users to move around them. Street Trading can also result in littering and other nuisances to persons in the vicinity.
- 1.6 This Policy sets out the criteria the Council will use when considering applications for Street Trading Consents. It sets out the grounds upon which decisions are made about Street Trading applications, and any enforcement actions if required.
- 1.7 This Policy also supports the Council's commitment to work in partnership with other agencies and avoiding duplication with other statutory controls.
- 1.8 This Policy intends to promote a flexible approach in relation to applicants seeking to operate new Street Trading businesses, whilst also endeavoring to promote a well regulated Street Trading function by ensuring that such Trading does not become a source of nuisance or annoyance to those who live in, work in and visit the District.

2. POLICY CONSULTATION

2.1 In determining this Policy, the Council has consulted with the following:

- **Nottinghamshire Police**
- **Nottinghamshire Police Licensing Unit**
- **Nottinghamshire Fire & Rescue**
- **Nottinghamshire County Council Highways**
- **Nottinghamshire County Council Trading Standards**
- **Parish and Town Councils**
- **Current Street Traders**
- **Local businesses**
- **Residents**

2.2 In addition the Council's regulatory and enforcement services have been consulted. These include:

- **Planning**
- **Environmental Health**
- **Health & Safety**
- **Environmental Protection**
- **Environmental Services**
- **Economic Development**
- **Place & Communities**
- **Markets**
- **Car Parks**

3. DURATION OF POLICY

- 3.1 This Policy will be reviewed every 5 years. If required, periodic updates to the Policy may be carried out.
- 3.2 When reviewing this Policy, a consultation with the public, business, and holders of Consents will be carried out.

4. LEGISLATION & CURRENT PROVISIONS

4.1 The Act sets out a number of definitions and provisions:

Street Trading is defined as “the selling or exposing or offering for sale any article (include a living thing) in a street – subject to a number of exceptions,” such as:

- **Trading as a Pedlar under the authority of a Pedlar’s Certificate granted under the Pedlars Act 1871.**
- **Any trade in a Market or Fair, the right to hold which having been obtained by a grant, enactment or order.**
- **Trading in a trunk picnic road area provided by the Secretary of State under Section 112 of the Highways Act 1980.**
- **Trading as a News Vendor (subject to S.3. of the Act).**
- **Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop.**
- **Offering or selling things as a Roundsman.**
- **The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway.**
- **The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.**
- **The doing of anything authorised by regulations made under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for charitable purposes.**

4.2 Schedule 4 of the Act defines a street as any road, footway, beach or other area to which the public have access without payment, and a service area as defined in Section 329 of the Highways Act 1980.

4.3 A Consent Street is a street in which Street Trading can only take place if the consent of the Local Authority has first been obtained.

4.4 All streets within the Council's area are designated as Consent Streets, as such no trading may take place without the Council having issued a Street Trading Consent to the trader. A list of locations already designated as approved Street Trading locations can be found on the Council website.

4.5 The Council has determined that applications for a Street Trading Consent will be refused for locations that are deemed to be:

- **In close proximity to a place of worship;**
- **In close proximity to a place of education;**
- **In close proximity to a place of healthcare;**
- **In close proximity to a place of cultural or historical local / national significance;**
- **In close proximity to primarily residential properties;**
- **In close proximity to a business offering the same goods / services;**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

- 4.5 Prohibited Streets are streets that have been designated as ones where no Street Trading may take place.
- 4.6 There are no Prohibited Streets within the Ashfield District Council area. The M1 is designated as a motorway and Street Trading is forbidden on motorways.
- 4.7 A Licence Street is a street that requires a formal Licence to have been granted before any Street Trading can take place.
- 4.8 There are no Licence Streets within the Council's area.
- 4.9 Street Traders who serve hot food or hot beverages at any time between 23:00 hours and 05:00 hours will also require a Premises Licence granted by the Licensing Authority in accordance with the Licensing Act 2003.

4.10 TYPES OF CONSENTS ISSUED BY THE COUNCIL

- 4.11 For the purposes of this Policy and to assist applicants, Ashfield District Council issues 4 types of Street Trading Consents, each specific in its nature:

- **Street Trading Consent:** Trading from a stall / unit / vehicle from a single designated location on a regular basis.
- **Mobile Trading Consent:** Trading from a vehicle at various locations across the Ashfield District, but for no more than 20 minutes at a time, and no location to be revisited within a 4 hour period.
- **Community & Charity Event Trading Consent:** Trading at non-profit making events (within the Ashfield District) held by a registered charity or community association, whether for a single day or for the duration of the entire event.
- **Special Event Trading Consent:** Trading at events (within the Ashfield District) where the organiser intends to make commercial gain, whether for a single day or for the duration of the entire event.

4.12 CONSULTATION PERIOD FOR STREET TRADING CONSENT APPLICATIONS

- 4.13 All Street Trading Consent applications (save for Mobile Traders, Community & Charity Event Traders, and Special Event Traders) for locations not already adopted by the Council will be subject to a 28 day consultation period.
- 4.14 The consultation will seek the views of local residents and businesses that may be directly affected, and statutory agencies whose responsibilities may be impacted by the proposed business.
- 4.15 Consideration will be given to all written representations that are not deemed to be irrelevant, frivolous, vexatious, or repetitive. Representations will be vetted by Officers of the Licensing Team for validity.
- 4.16 Applications subject to valid representations will be determined at a Hearing chaired by the Director: Place & Wellbeing, who is delegated authority by the Licensing Committee to determine such applications.

4.17 RELEVANT CONSIDERATIONS APPLICABLE TO ALL APPLICATIONS

4.18 The following criteria will be considered in deciding whether or not a Consent will be granted, and on what conditions:

a) Public Safety

Whether any Street Trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions, or danger that may occur when a Trader is accessing the site. Nottinghamshire County Council Highways Department will be consulted on all applications to ensure high standards of road safety for applicants, the public and other road users.

b) Public Order

Whether the Street Trading activity represents, or is likely to represent, a risk to public order. Nottinghamshire Police will be consulted on all applications regarding public order.

c) Preventing Nuisance or Annoyance

Whether the Street Trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter, or the discharge of fluids, particularly in areas of residential properties. The Council's Environmental Protection Team will be consulted on all applications with regard to the prevention of nuisance.

d) Written Representations from Local Residents

Residents will be alerted to Street Trading (fixed single sites only) applications via a yellow A4 notice erected at the proposed Street Trading location. The relevant District Ward Councillor will be consulted on applications for Street Trading Consents in their area.

e) Planning Permission

A Street Trading Consent will only be issued where planning permission has been granted or where there is written evidence that planning permission is not required.

f) Suitability of Proposed Trading Location

Applications for a Street Trading Consent will be refused for locations that are:

- **In close proximity to a place of worship;**
- **In close proximity to a place of education;**
- **In close proximity to a place of healthcare;**
- **In close proximity to a place of cultural or historical local / national significance;**
- **In close proximity to primarily residential properties;**
- **In close proximity to a business offering the same goods / services;**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

g) Appearance of the Stall / Vehicle / Unit

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet with the criteria, including size, laid down in the standard conditions attached to the grant of any Street Trading or Mobile Trading Consent.

h) Food Traders

Applicants for stalls or vehicles selling food, must provide proof of registration and inspection with their local Food Authority/ Environmental Health Department.

This is to be evidence by way of the most recent **Food Hygiene Rating Scheme Score** that has been issued to them, as all businesses must be registered with the Food Safety Team (Environmental Health) in the district within which the stall or vehicle is kept overnight, and if such a district is not Ashfield District Council, the business is still required to notify the Ashfield District Council Food Safety Team that it is trading at a location within our area.

Should the business change its registered address, then a notification must be sent to both the Licensing Team and Food Safety Team at Ashfield District Council, in order that our records may be updated.

All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.

5. DELEGATION OF FUNCTIONS

- 5.1 The Licensing Committee has a duty to recommend and review the Street Trading Policy, and to recommend and review the fees and charges applicable to Consents issued by the Council.
- 5.2 The Licensing Committee agrees and recommends the standard conditions that are attached to the grant of any Street Trading and / or Mobile Trading Consent issued by the Council.
- 5.3 The Director: Place & Communities is delegated authority by the Licensing Committee to determine applications for Street Trading and Mobile Trading Consents, and to review existing Consents should relevant information come to light that would bring into question the suitability of an existing Consent holder or the Consent held.
- 5.4 The Director: Place & Communities is authorised to:
- a) Issue Street Trading Consents and attach such conditions as are considered reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982.
 - b) Refuse any application for a Street Trading Consent that:
 - (i) In the opinion of the Director does not comply with the Council's Street Trading Policy or conditions applicable to Street Trading or Mobile Trading Consents; or
 - (ii) Has been subject to valid objections from Nottinghamshire Police, Nottinghamshire Fire & Rescue, or Nottinghamshire County Council Highways on the grounds of public or highway safety.
 - c) Review and (if necessary) vary the conditions attached to an existing Street Trading or Mobile Trading Consent when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the Consent, or information has come to light as to the suitability of the Trader.
 - d) Review and (if necessary) suspend or revoke a Street Trading or Mobile Trading Consent issued to an existing Trader when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the Consent, or information has come to light as to the suitability of the Trader.

6. CONDITIONS ATTACHED TO STREET TRADING CONSENTS

- 6.1 The Council will apply standard conditions to all Street Trading and Mobile Trading Consents.
- 6.2 The standard conditions applied to Street Trading Consents are attached to this Policy at **Appendix One**.
- 6.3 The standard conditions applied to Mobile Trading Consents are attached to this Policy at **Appendix Two**.
- 6.4 These standard conditions are not exhaustive and other conditions may be added to individual consents as required to meet with the criteria of this Policy.
- 6.5 Street Trading may only be carried out from the stall / vehicle / unit authorised under the conditions of the Street Trading Consent.
- 6.6 Mobile Trading may only be carried out from the vehicle authorised under the conditions of the Mobile Trading Consent.
- 6.6 Any changes to or replacement of the approved stall / vehicle / unit must first be approved by the Licensing Authority before such a vessel may be used for the purposes of Street Trading or Mobile Trading.

7. STREET TRADING CONSENTS

7.1 PROCEDURE: MAKING A STREET TRADING CONSENT APPLICATION

- 7.2 A list of currently adopted Street Trading locations (including those currently vacant) can be found on the Council website.
- 7.3 Applications for a Street Trading Consent to be issued for locations not currently adopted will be welcomed, however applicants are strongly advised to refer to the section within this Policy that details where such locations would be deemed not suitable for trading.
- 7.4 Applicants who submit an application for a location not already adopted shall place a Yellow A4 Notice at the proposed trading site detailing the application and consultation period. A template is available from the Council website.
- 7.5 All applications for the grant of a new Street Trading Consent, or to renew an existing Street Trading Consent must be submitted to the Licensing Team, and shall include the following:
- **The completed Street Trading Consent Application Form.**
 - **The completed Direct Debit Mandate (if paying by monthly instalments).**
 - **Current Food Hygiene Rating Scheme Score and Level 2 Food Hygiene Certificate (if a food business).**
 - **Current Electrical and Gas Safety Certificates (if applicable).**
 - **Current Public Liability Insurance (to a minimum value of £5,000,000).**
 - **Evidence that the applicant and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.**
 - **Evidence of consent given by the landowner for the business to trade from the location (private land only).**
 - **Evidence that Planning Permission has been granted, or is not required (private land only).**
 - **A map showing the proposed trading site, and showing all streets and other public areas covering a 200 metre radius surrounding the proposed Street Trading location.**
 - **Photographs of the stall / vehicle / unit from which trading is to take place (the photographs must clearly show the internal and external visual condition of the unit and all signage affixed to it).**
 - **Copy of the A4 Yellow Notice placed at the proposed trading site (only applicable to new sites not already adopted by the Council).**
- 7.6 On the first working day following receipt of your completed application form and all other necessary documents, and payment of the application fee (or part-fee if payment is to be made by way of monthly direct debit instalments), a 28 day consultation will commence with relevant stakeholders.
- 7.7 If there are no valid objections received during the consultation period, or any concerns that may arise in relation to the application are resolved, then a Street Trading Consent will be issued for a maximum period of 12 months or a minimum period of 6 months (upon request by the applicant).

7.8 DETERMINATION OF APPLICATIONS

- 7.9 Officers of the Licensing Team will evaluate all applications in order to assess the suitability of the applicant and the suitability of the specified trading location.
- 7.10 A Street Trading Consent will be automatically granted if the application meets with the criteria of the Street Trading Policy, and that there are no valid objections outstanding at the end of the 28 day consultation period applicable to all applications for a new trading site.
- 7.11 Where an application is the subject of valid objections that remain unresolved by the end of the 28 day consultation period, the application will be referred to the Director: Place & Communities and a Hearing convened to determine the application.
- 7.12 The Director will determine each application on its own merits, taking into consideration all information attached to the application, the comments of the objectors, and any information provided by the Licensing Team in relation to the applicant, the nature of the business, and the proposed location.
- 7.13 Following the determination of an application, the Licensing Authority will notify the applicant (and any objectors) of the decision (and the reasons for the decision), within 10 working days of the Hearing.
- 7.14 There is no statutory right of appeal against a refusal to issue a Street Trading Consent, or against the conditions that may be attached to the grant of a Street Trading Consent.

7.15 GRANT OF APPLICATIONS

- 7.16 The applicant will be advised by letter that the Street Trading Consent has been granted. The Street Trading Consent will be enclosed with the letter, and attached to the Street Trading Consent will be the standard conditions (and any additional conditions if the application was determined at a Hearing) imposed by the Council, which must be adhered to at all times.

7.17 DURATION OF STREET TRADING CONSENTS

- 7.18 Any Street Trading Consent granted, will be issued for a maximum period of 12 months, or a minimum period of 6 months (if requested by the applicant).
- 7.19 An application to renew an existing Street Trading Consent must be submitted to the Licensing Authority prior to the current Consent expiring (ideally no later than 28 days prior to the expiry date), and all necessary documents to satisfy the Councils criteria must be submitted every time a renewal application is made.

7.20 REFUSAL OF APPLICATIONS

- 7.21 Where an application is refused, the applicant will be informed in writing as to the reasons for the refusal.
- 7.22 There is no right of appeal to the Magistrates Court following the refusal of an application.

7.23 A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

7.24 TRANSFER OF STREET TRADING CONSENTS

7.25 Under no circumstances may a Street Trading Consent be transferred or sold to another person, save for such a person being a documented business partner or a member of the Street Traders immediate family in the event of the Traders death or incapacity.

7.26 The sub-letting of a Street Trading Consent to another party is not permitted.

8. MOBILE TRADING CONSENTS

8.1 Traders that meet with the criteria detailed below will be classified as Mobile Traders. Ice cream vans and mobile sandwich sellers (i.e they do not have specific customers to whom they visit on a “round”) would typically be deemed to be Mobile Traders.

8.2. A Mobile Trader is one who:

- **Moves from location to location;**
- **Moves at least 50 metres from his / her last trading location and does not return to that location within four hours;**
- **Does not wait in one location for more than 20 minutes; and**
- **Does not trade within 100 metres of any entrance to any educational establishment (without having first received a formal invitation from the educational establishment).**

8.3 Due to the nature of their trade over a wide geographical area and their limited impact upon a single location, Mobile Traders will automatically be granted a Mobile Trading Consent, subject to the applicant and application meeting all of the above criteria.

8.4 However, certain restrictions are required in order to prevent harmful competition, any negative impact on locations, and to protect the business interests of existing permanent premises selling similar goods and services to those that may potentially be offer by Mobile Traders. These restrictions are:

- **That Mobile Trading may not take place from any Council owned park or recreational space during the operating hours of any existing permanent structure selling similar goods and services as those proposed to be offered by the Mobile Trader; and**
- **That no location may be occupied by more than one Mobile Trader at any given time.**

8.5 Mobile Trading Consents are granted for periods of 12 months (or 6 months if requested by the applicant), and require renewal before the expiry of any current Mobile Trading Consent that has been granted.

8.6 PROCEDURE: MAKING A MOBILE TRADING CONSENT APPLICATION

8.7 All applications for the grant or renewal of a new Mobile Trading Consent shall include the following:

- **The completed Mobile Trading Consent Application Form;**
- **The completed Direct Debit Mandate (if paying by monthly instalments).**
- **Current Food Hygiene Rating Scheme Score and Level 2 Food Hygiene Certificate (if a food business).**
- **Current Electrical and Gas Safety Certificates (if applicable).**
- **Current Public Liability Insurance (to a minimum value of £5,000,000).**
- **Evidence that the applicant and any person(s) operating the vehicle holds a valid right to work in the U.K.**

- **A map / maps showing the proposed trading sites, and showing all streets and other public areas covering a 200 metre radius surrounding the proposed Mobile Trading locations.**
- **Photographs of the vehicle from which trading is to take place (the photographs must clearly show the internal and external visual condition of the vehicle and all signage affixed to it).**
- **Evidence that the vehicle may legally be driven on the highway be way of a valid M.O.T., valid Motor Insurance and valid Vehicle Excise Duty.**

8.8 DETERMINATION OF APPLICATIONS

- 8.9 Officers of the Licensing Team will evaluate all applications in order to assess the suitability of the applicant and the suitability of the specified trading locations.
- 8.10 A Mobile Trading Consent will be automatically granted if the application meets with the criteria of the Street Trading Policy.
- 8.11 Where an application is deemed by the Officers of the Licensing Team to not meet with the criteria of this Street Trading Policy, the application will be referred to the Director: Place & Communities and a Hearing convened to determine the application.
- 8.12 The Director will determine each application on its own merits, taking into consideration all information attached to the application, and any information provided by the Licensing Team in relation to the applicant, the nature of the business, and the proposed locations.
- 8.13 Following the determination of an application, the Licensing Authority will notify the applicant (and any objectors) of the decision (and the reasons for the decision), within 10 working days of the Hearing.
- 8.14 There is no statutory right of appeal against a refusal to issue a Mobile Trading Consent, or against the conditions that may be attached to the grant of a Consent.

8.15 GRANT OF APPLICATIONS

- 8.16 The applicant will be advised by letter that the Mobile Trading Consent has been granted. The Mobile Trading Consent will be enclosed with the letter, and attached to the Mobile Trading Consent will be the standard conditions (and any additional conditions if the application was determined at a Hearing) imposed by the Council, which must be adhered to at all times.

8.17 DURATION OF MOBILE TRADING CONSENTS

- 8.18 Any Mobile Trading Consent granted, will be issued for a maximum period of 12 months, or a minimum period of 6 months (if requested by the applicant).
- 8.19 An application to renew an existing Mobile Trading Consent must be submitted to the Licensing Authority prior to the current Consent expiring, and all necessary documents to satisfy the Councils criteria must be submitted every time a renewal application is made.

8.20 REFUSAL OF APPLICATIONS

- 8.21 Where an application is refused, the applicant will be informed in writing as to the reasons for the refusal, specifying the grounds for the decision.
- 8.22 There is no right of appeal to the Magistrates Court following the refusal of an application. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

8.23 TRANSFER OF MOBILE TRADING CONSENTS

- 8.24 Under no circumstances may a Mobile Trading Consent be transferred or sold to another person, save for such a person being a documented business partner or a member of the Mobile Traders immediate family in the event of the Traders death or incapacity.
- 8.25 The sub-letting of a Mobile Trading Consent to another party is not permitted.

9. COMMUNITY & CHARITY EVENT TRADING CONSENT

9.1 Traders at an event organised and run by a registered charity or recognised community association (or other non-profit making organisation) for public benefit will be exempt from the requirement to obtain a Special Events Trading Consent for the location of the event, subject to the following restrictions:

- **Traders cannot remain at the event location for any period other than for the duration of the event.**
- **Traders must be invited to trade at the event by the event organisers**
- **Traders of hot foods and / or hot non-alcoholic beverages operating after 23:00 hours, or Traders selling alcohol, must submit a Temporary Event Notice in accordance with the requirements of the Licensing Act 2003.**
- **That the organisers of the event make no “commercial gain” from the event (i.e. that all profits made are put back into the purpose of the registered charity / community association).**
- **That the Traders make a financial contribution from any profits made to the community and / or charity for which the event is held.**
- **That no more than 4 Traders are permitted to attend the event.**
- **That when events are held on Council owned parks and recreational spaces, that the goods and services offered by Traders are not similar to those provided during the operating hours of any permanent structure sited at that location.**

9.2 PROCEDURE: MAKING A COMMUNITY & CHARITY EVENT TRADING APPLICATION

9.3 The event organiser will notify the Events Team at Ashfield District Council of the intended event.

9.4 Within the Event Application submitted by the event organiser to the Council, details of each trader and the goods being sold from each stall / vehicle / unit will be provided.

9.5 The Events Team at the Council will forward a copy of the Event Application to the Licensing Team.

9.6 The Events Team at the Council will consult with the Licensing Team at the Council to determine whether the event is “not for profit”, and to establish that the Traders are making a financial contribution from any profits they make to the community and / or charity for which the event is held.

9.7 If the Licensing Team deem the event to be “not for profit” and that the Traders are making a financial contribution from any profits they make to the community and or charity for which the event is held, the Events Team will be notified, and the Events Team will confirm this status to event organiser, and forward a Community & Charity Event Trading Consent to the event organiser to provide to each Trader attending the event.

9.8 If the Licensing Team deem the event to be for “commercial gain”, the Licensing Team will notify the Events Team, and the Events Team will confirm this status to the event organiser, and a Special Event Trading Consent Application Form will be sent to the event organiser.

10. SPECIAL EVENTS TRADING CONSENTS

10.1 Traders attending an event organised for “commercial gain”, require a Special Events Trading Consent to be granted to the event organiser, subject to the following restrictions:

- **Traders cannot remain at the event location for any period other than for the duration of the event.**
- **Traders must be invited to trade at the event by the event organiser.**
- **Traders of hot foods and / or hot non-alcoholic beverages operating after 23:00 hours, or Traders selling alcohol, must submit a Temporary Event Notice in accordance with the requirements of the Licensing Act 2003.**
- **Traders must provide evidence of a current Food Hygiene Rating Scheme Score (if a food business).**
- **Traders must provide evidence of current Electrical and Gas Safety Certificates for their stalls / vehicles / units (if applicable).**
- **Traders must provide evidence of holding current Public Liability Insurance (to a minimum value of £5,000,000).**
- **Traders must provide evidence that they and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.**
- **That no more than 4 Traders are permitted to attend the event.**
- **That when events are held on Council owned parks and recreational spaces, that the goods and services offered by Traders are not similar to those provided during the operating hours of any permanent structure sited at that location.**

10.2 PROCEDURE: MAKING A SPECIAL EVENT TRADING APPLICATION

10.3 The event organiser will notify the Events Team (if on public land) or the Licensing Team (if on private land) at Ashfield District Council of the intended event.

10.4 The Licensing Team will contact the event organiser to discuss the proposed trading at the event, and forward a Special Event Trading Application Form to the event organiser for completion, submission and payment of the appropriate fee.

10.5 The fee payable by the event organiser will depend on the number of trading stalls attending the event. Details as to the fees applicable to Special Event Trading Consents can be found on the Councils website or on enquiry to the Licensing Authority.

10.6 If any stall / vehicle / unit at the event sells alcohol, or provides hot food and / or hot beverages after 11.00 p.m. the Licensing Team will advise the event organiser that a Temporary Event Notice granted in accordance with the Licensing Act 2003 will be required to cover these licensable activities.

10.7 A copy of the Special Event Trading Consent (listing each Trader) must be displayed at all stalls / vehicles / units trading at the event.

11. MARKETS

- 11.1 Markets (including Temporary Markets) held in the market towns of the District fall outside of the scope of the Street Trading Policy.
- 11.2 A market is comprised of not less than five stalls, stands, vehicles or pitches from which articles are sold and may sometimes be held as part of a wider event. The Ashfield District Council Market Policy can be found online at: **www.ashfield.gov.uk/markets**
- 11.3 Alternatively Ashfield Markets can be contacted on 01623 551385, or by email at: **markets@ashfield.gov.uk**
- 11.4 The Council has adopted two locations for Street Trading where local markets take place, but Street Trading is not permitted at these locations during the hours that the Markets are in operation.

12. ENFORCEMENT

- 12.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and to work in partnership with all enforcement agencies, in order to promote a consistent, transparent and proportionate approach to the enforcement of licensing matters.
- 12.2 Where licensable activities are conducted without the relevant permissions having been granted by the Licensing Authority, or where conditions / permitted trading hours are breached, the Council will gather evidence and take the necessary enforcement actions as required.

13. FEES & CHARGES

- 13.1 Fees are set and reviewed annually on a full cost recovery basis.
- 13.2 The level of fees applicable to the Street Trading function takes into account the administrative costs associated with the consideration of applications, the issue and administration of the Consent, and the costs associated with compliance checks carried out by the Licensing Authority to ensure that Traders operate in accordance with the conditions of their Consent.
- 13.3 Details as to the fees applicable to the Street Trading function can be found on the Councils website or on enquiry to the Licensing Authority.
- 13.4 Details as to acceptable payment options can be found on the Council website or on enquiry to the Licensing Authority.
- 13.5 No application will be deemed valid until payment of the appropriate fee (or payment of the initial fee if opting to pay by monthly instalments), and all agreed instalment plans must be maintained in accordance with the terms of the payment agreement.
- 13.6 Where trading ceases during the term of a Street Trading Consent or Mobile Trading Consent, refunds will not be issued for any outstanding period of less than three months.
- 13.7 Where a Special Event Trading Consent has been granted, no refund will be issued should a Trader not attend the event, or the event is cancelled.

14. EQUALITY AND DIVERSITY

- 14.1 Ashfield District Council is committed to promoting equal opportunities, valuing diversity and tackling social exclusion.

The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all.

Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination.'

Further information on the Council's policy can be viewed on the website at: **www.ashfield.gov.uk**

- 14.2 Advice and guidance will be made available in English which is the most common language of customers and stakeholders.

On request the Council will signpost customers to providers of guidance and information relating to translation services.

15. LICENSING AUTHORITY CONTACT DETAILS

Licensing Team
Ashfield District Council
Council Offices
Urban Road
Kirkby in Ashfield
Nottinghamshire
NG17 8DA

Tel: 01623 457589

Email: licensing@ashfield.gov.uk

Web: www.ashfield.gov.uk/streettrading

APPENDIX A: STANDARD CONDITIONS - STREET TRADING CONSENTS

1. No trading to which this Street Trading Consent attached consent relates shall take place other than in accordance with the times and days stated on the Street Trading Consent.
2. The holder of the Street Trading Consent shall ensure that the stall / vehicle / unit is positioned only in the designated space of the location for which the Street Trading Consent is granted.
3. Trading shall only be carried out from the stall / vehicle / unit detailed within the application for which this Street Trading Consent is granted.
4. The holder of the Street Trading Consent shall ensure that the stall / vehicle / unit is kept in a clean, safe and well maintained condition, and be of an appearance acceptable to the Council.
5. The Street Trading Consent holder shall conduct the business in such a manner to ensure that:
 - no nuisance is caused to the occupiers of premises / properties in the immediate vicinity;
 - no obstruction is caused to other vehicles or pedestrians by the siting of the stall / vehicle / unit;
 - no danger is caused to occupiers of premises / properties in the immediate vicinity, or to other users of the location of the stall / vehicle / unit.
6. The holder of the Street Trading Consent shall provide customers with a means of disposal for any litter associated with the sales of goods from the stall / vehicle / unit.
7. The holder of the Street Trading Consent shall ensure that the trading location is left clear of refuse at the completion of trading each day; and that the area in the immediate vicinity of the stall/ vehicle / unit is kept clear of all refuse originating from their trade at all times.
8. The holder of the Street Trading Consent shall ensure that all waste originating from their trade is disposed of responsibly and in an environmentally-friendly manner.
9. The holder of the Street Trading Consent shall not provide any facilities such as tables or seating (either internally or externally) without having first sought the permission of the Council. Should the provision of tables and seating be likely to result in a nuisance or annoyance to those occupiers of premises and properties in the immediate vicinity or present a danger to the users of the street, such permission will not be granted, or any previous permission will be rescinded.
10. The holder of the Street Trading Consent shall seek the approval of the Council prior to affixing any signage, livery or and advertisements to the stall / vehicle / unit.
11. The holder of the Street Trading Consent shall notify the Council of any proposed changes to be made to the stall / vehicle / unit to which the Street Trading Consent is granted, and shall not undertake such changes until the Council has first approved the proposals.

12. The holder of the Street Trading Consent shall notify the Council of any proposed replacement stall / vehicle / unit to which the Street Trading Consent is granted, and shall not replace the existing stall / vehicle / unit until the Council has first approved the proposed replacement stall / vehicle / unit.
13. The holder of the Street Trading Consent shall comply with all statutes, statutory instruments and byelaws currently in force; in particular the requirements of the Health & Safety at Work Act 1974, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990.
14. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
15. The holder of the Street Trading Consent shall take adequate precautions to prevent the risk of fire at the stall / vehicle / unit. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
16. The holder of the Street Trading Consent shall ensure that where the stall / vehicle / unit has a 240 volt electrical system that an up to date annual electrical safety certificate is in force.
17. The holder of the Street Trading Consent shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.
18. The holder of the Street Trading Consent shall ensure that a first aid kit is maintained on the stall / vehicle / unit and made available to any customers injured by the activities of the business operation.
19. The holder of the Street Trading Consent shall notify the Council as to the identity of any person employed to operate his / her stall / vehicle / unit.
20. The holder of the Street Trading Consent shall not sub-let his / her stall / vehicle / unit to another person.
21. The holder of the Street Trading Consent shall ensure that the Street Trading Consent issued by the Council is clearly displayed within the stall / vehicle / unit when trading, and is to be produced on demand to any Authorised Officer.
22. The holder of the Street Trading Consent shall have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover shall be £5,000,000 and shall cover the holders' stall / vehicle / unit and any additional equipment under their control.
23. The holder of the Street Trading Consent shall maintain any instalment plan for the payment of the Street Trading Consent issued by the Council in accordance with the terms of the instalment arrangement. Failure to adhere to the terms of the instalment arrangement shall likely result in the forfeiture of the Street Trading Consent.
24. The holder of the Street Trading Consent shall understand that any failure to comply with the conditions and permitted trading hours attached to the Street Trading Consent may result in the Street Trading Consent being revoked.

APPENDIX B: STANDARD CONDITIONS: MOBILE TRADING CONSENTS

1. No trading to which this Mobile Trading Consent relates shall take place other than in accordance with the times and days stated on the Mobile Trading Consent.
2. No trading to which this Mobile Trading Consent relates shall take place at any Council owned park or recreational spaces during the operating hours of any permanent structure sited at such a location that offers similar goods and services.
3. No trading to which this Mobile Trading Consent relates shall take place other than from the permitted vehicle stated on the Mobile Trading Consent.
4. The holder of the Mobile Trading Consent shall ensure that when carrying out the trading activities permitted on the Mobile Trading Consent that:
 - The vehicle shall not wait in one location for more than twenty minutes.
 - The vehicle shall move at least 50 metres from the last trading location and shall not return to that location within four hours.
 - The vehicle shall move from location to location within the permitted area.
 - The vehicle shall not trade or park within 100 metres of any entrance to any educational establishment, unless a prior formal invitation has been issued by the educational establishment.
5. The holder of the Mobile Trading Consent shall ensure that the vehicle is kept in a clean, safe and well-maintained condition, and be of an appearance acceptable to the Council.
6. The holder of the Mobile Trading Consent shall conduct the business in such a manner to ensure that:
 - no nuisance is caused to the occupiers of premises / properties in the immediate vicinity;
 - no obstruction is caused to other vehicles or pedestrians by the siting of the vehicle;
 - no danger is caused to occupiers of premises / properties in the immediate vicinity, or to other users of the location of the vehicle.
7. The holder of the Mobile Trading Consent shall provide customers with a means of disposal for any litter associated with the sales of goods from the vehicle.
8. The holder of the Mobile Trading Consent shall ensure that all waste originating from their trade is disposed of responsibly and in an environmentally-friendly manner.
9. The holder of the Mobile Trading Consent shall seek the approval of the Council prior to affixing any signage, livery or and advertisements to the vehicle.
10. The holder of the Mobile Trading Consent shall notify the Council of any proposed changes to be made to the vehicle to which the Mobile Trading Consent is granted, and shall not undertake such changes until the Council has first approved the proposals.
11. The holder of the Mobile Trading Consent shall notify the Council of any proposed replacement vehicle to which the Mobile Trading Consent is granted, and shall not replace the existing vehicle until the Council has first approved the proposed replacement vehicle.

12. The holder of the Mobile Trading Consent shall comply with all statutes, statutory instruments and byelaws currently in force; in particular the requirements of the Health & Safety at Work Act 1974, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990.
13. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
14. The holder of the Mobile Trading Consent shall take adequate precautions to prevent the risk of fire in the vehicle. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
15. The holder of the Mobile Trading Consent shall ensure that where the vehicle has a 240 volt electrical system that an up to date annual electrical safety certificate is in force.
16. The holder of the Mobile Trading Consent shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.
17. The holder of the Mobile Trading Consent shall ensure that a first aid kit is maintained in the vehicle to treat any customers injured by the activities of the business operation.
18. The holder of the Mobile Trading Consent shall notify the Council as to the identity of any person employed to operate his / her vehicle.
19. The holder of the Mobile Trading Consent shall not sub-let his / her vehicle to another person.
20. The holder of the Mobile Trading Consent shall ensure that the Mobile Trading Consent issued by the Council is clearly displayed within the vehicle when trading, and is to be produced on demand to any Authorised Officer.
21. The holder of the Mobile Trading Consent shall have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover shall be £5,000,000 and shall cover the holders' vehicle and any additional equipment under their control. Proof of such cover must be produced to an Authorised Officer on demand.
22. The holder of the Mobile Trading Consent shall maintain any instalment plan for the payment of the Mobile Trading Consent issued by the Council in accordance with the terms of the instalment arrangement. Failure to adhere to the terms of the instalment arrangement shall likely result in the forfeiture of the Mobile Trading Consent.
23. The holder of the Mobile Trading Consent shall understand that any failure to comply with the conditions attached to the Mobile Trading Consent may result in the Mobile Trading Consent being revoked.
24. The holder of the Mobile Trading Consent shall understand that should evidence be obtained that trading has occurred outside of the times and days permitted, or at locations within the Ashfield District not listed on the Mobile Trading Consent that he / she may be prosecuted for committing an offence.

Report To:	COUNCIL	Date:	4 FEBRUARY 2021
Heading:	MINUTES OF CABINET AND COMMITTEE MEETINGS PUBLISHED SINCE THE LAST ORDINARY MEETING ON 3 DECEMBER 2020		
Portfolio Holder:	LEADER, COUNCILLOR JASON ZADROZNY		
Ward/s:	N/A		
Key Decision:	N/A		
Subject To Call-In:	N/A		

Purpose Of Report

To present a list of minutes of Cabinet and Committee meetings which have been published since the last ordinary meeting of the Council and for Members to consider whether they wish to give notice of their intention to ask a question of the relevant Chairman under Council Procedure Rule 13.2.

Background

As part of the 2013 annual review of the Constitution, approved by the Council on 6 June 2013, the former practice of printing the minutes of Cabinet and Committees within the Council agenda papers was discontinued and replaced with an index that lists the minutes published since the previous meeting of the Council. The index outlined below and the web link enables Members to access the minutes on the Council website for perusal as required.

In accordance with Council Procedure Rule 13.2, Members may give notice of their intention to ask a question of a relevant Chairman in respect of the published minutes. Questions are limited to a maximum of two per Member.

MINUTES PUBLISHED SINCE 3 DECEMBER 2020.

The minutes are accessible via the Council website:

[Click here to access documents](#)

Committee Meeting:	Date of Meeting:
Scrutiny Panel A	19 November 2020
Planning Committee	25 November 2020 16 December 2020

Overview and Scrutiny Committee	26 November 2020
Audit Committee	30 November 2020
Cabinet	1 December 2020
Standards and Personnel Appeals Committee	7 December 2020 9 December 2020
COVID-19 Response and Recovery Panel	10 December 2020

Report Author and Contact Officer

Ruth Dennis

Director of Legal and Governance (and Monitoring Officer)

(01623) 457009

r.dennis@ashfield.gov.uk