



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

**GWYS A RHAGLEN**

**SUMMONS AND AGENDA**

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for a

**CYFARFOD O  
GYNGOR SIR  
YNYS MÔN**

**MEETING OF THE  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

a gynhelir yn

to be held at the

**SIAMBR Y CYNGOR  
SWYDDFA'R SIR  
LLANGEFNI**

**COUNCIL CHAMGER  
COUNCIL OFFICES  
LLANGEFNI**

**DYDD IAU, 6 RHAGFYR, 2012**

**THURSDAY, 6 DECEMBER 2012**

**→ am 2.00 o'r gloch ←**

**→ at 2.00 pm ←**

# A G E N D A

## 1 **PRESENTATIONS**

The Chair of the County Council will present the Anglesey Annual Sports Awards for 2012 to the following categories:-

- Girl of the Year
- Boy of the Year
- Team of the Year
- Sports Person of the Year
- Volunteer of the Year
- Young Volunteer of the Year
- Outstanding Achievement in Sport

## 2 **MINUTES** (Pages 1 - 16)

To submit for confirmation and signature, the minutes of the meetings of the County Council held on the following dates:-

- 27th September, 2012
- 4th October, 2012 (**Extraordinary**)
- 23rd October, 2012 (**Extraordinary**)

## 3 **DECLARATION OF INTEREST**

To receive any declaration of interest from any Member or Officer in respect of any item of business.

## 4 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, THE EXECUTIVE OR THE HEAD OF PAID SERVICE**

## 5 **MINUTES FOR INFORMATION - SUSTAINABILITY BOARD** (Pages 17 - 22)

To submit for information, the minutes of the meeting of the Sustainability Board held on 1st October, 2012.

## 6 **PRESENTATION OF PETITIONS**

In accordance with Paragraph 4.1.11 of the Constitution, the Chief Executive will present the Chair with the following petitions from the residents of Llanfaelog and Pencarnisiog:-

- Petition calling for the establishment of safe-crossing facilities for walkers and the disabled between the surgery and the Post Office in the village of Llanfaelog;
- Petition opposing the decision of the Council to end bus service 25/45 through the village of Pencarnisiog.

## **7** CHANGES TO THE COUNCIL CONSTITUTION (Pages 23 - 42)

### **(a) Democratic Services Committee**

To report that the Democratic Services Committee at its meeting on 18th October, 2012, had resolved to recommend to the County Council:-

- “That it extends the remit of the Committee to undertake responsibilities for the Member training and development programme, including their I.T. skills and support;*
- “That the Committee holds three general meetings in addition to its Annual Meeting each Municipal Year, with the right to arrange further meetings as required”.*

To give consideration to the above, and if so minded that Paragraph 3.4.12 of the Council Constitution (Democratic Services Committee) be amended accordingly.

### **(b) Review of Fraud and Corruption Policies**

To submit the report of the Head of Service (Audit)

**[Note: These policies were considered and approved by the Audit Committee on 25th September, 2012 and by the Executive on 15th October, 2012]**

## **8** PLANNING MATTERS PROCEDURE RULES (Pages 43 - 78)

To consider making permanent changes to the Planning Matters Procedure Rules following the end of a 12 month trial period.

To submit a joint report by the Legal Services Manager and the Head of Service (Planning and Public Protection)

**(Copy previously issued to all Members as part of the Executive papers for 3rd December, 2012)**

## **9** DELEGATIONS (Pages 79 - 80)

The Chief Executive will present for information, a report setting out any changes to the scheme of delegation relating to Executive functions made by the Executive since the last Ordinary meeting (Rule 4.4.1.2 of the Executive Procedure Rules of the Constitution refers).

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Meeting of the Isle of Anglesey County Council 27.09.2012

## MEETING OF THE ISLE OF ANGLESEY COUNTY COUNCIL

### Minutes of the meeting held on 27<sup>th</sup> September, 2012

**PRESENT:**

Councillor R LI Jones - Chairman  
Councillor G O Jones (Vice-Chairman)(on the day)

Councillors W J Chorlton; Jim Evans; Lewis Davies;  
R Anthony Dew; D R Hughes; K P Hughes; R LI Hughes;  
W I Hughes; W T Hughes; Vaughan Hughes;  
Aled M Jones; Eric Jones; G O Jones; H Eifion Jones;  
O.Glyn Jones; Raymond Jones; R Dylan Jones; T H Jones;  
Rhian Medi; C McGregor; A Mummery; Bryan Owen;  
R L Owen; Bob Parry OBE; G O Parry MBE; Eric Roberts;  
P S Rogers; E Schofield; Ieuan Williams; S Williams.

**IN ATTENDANCE:**

Chief Executive  
Deputy Chief Executive  
Director of Sustainable Development  
Director of Community  
Director of Lifelong Learning  
Interim Head of Function (Resources)  
Head of Service (Finance)  
Head of Service (Property)  
Head of Service (Policy)  
Solicitor (ORH)  
Committee Services Manager

Commissioners Alex Aldridge, Mick Giannasi and Gareth Jones

**APOLOGIES:**

Commissioner Byron Davies; Councillors E G Davies;  
K Evans; Cliff Everett; Ff M Hughes; T LI Hughes(on  
Council business); J V Owen; J Arwel Roberts; G W  
Roberts OBE.

## 1. MINUTES

Confirmed as a true record, the minutes of the meetings of the County Council held on the following dates:-

- 3<sup>rd</sup> May, 2012
- 10<sup>th</sup> May, 2012
- 10<sup>th</sup> May, 2012 (AGM)
- 17<sup>th</sup> May, 2012
- 27<sup>th</sup> June, 2012

**Arising thereon -**

Councillor Aled Morris Jones wished it to be noted that he was not present at the 27<sup>th</sup> June meeting as he was representing this Council on other business.

## 2. DECLARATION OF INTEREST

None to declare.

## 3. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, BOARD OF COMMISSIONERS OR THE HEAD OF PAID SERVICES

The Chair extended a warm welcome to Councillors Alun Mummery and Vaughan Hughes, who were attending their first meeting of the County Council.

On behalf of the Council, the Chair congratulated Mr. Gareth Evans (Holyhead Weightlifting Club) who had competed at the London Olympic Games in July. Gareth finished eighth overall in Group 8, and broke the Welsh 'clean and jerk' record by lifting 158kg. He also equaled the Welsh record of 130kg in the 'snatch' but missed out on breaking the 10 year old British record with a failed attempt at 133kg. He expressed his appreciation to all those Volunteers who had made the Olympics such a success.

Congratulations were also extended to those who had been successful at the National Eisteddfod at Glamorgan and also at the Anglesey Show this summer and also to those secondary school pupils who had been successful in their O and A level results. Best wishes were also extended to those commencing their University careers.

Congratulations to Councillor Trefor Lloyd Hughes upon his appointment as President of the Football Association of Wales.

Congratulations also to the following award winners, in a competition held jointly by Eden Food Service and the County Council:-

Lyn Evans, Ysgol Kingsland, Holyhead – Primary School Cook of the Year 2011-12;

Gwen Johnson and Linda Samuels, Ysgol David Hughes – Secondary School Cook of the Year 2011-12;

Debra Roberts, Ysgol Beaumaris – Working in Partnership Award 2011-12.

The Leader and Councillor O. Glyn Jones were given the opportunity to congratulate the Housing Department with regard to the Chartered Institute of Housing "*Empty Homes Surgery*" project which had been short-listed for the Welsh Housing Award for developing and regenerating communities. During the judging process, the Judging Panel felt that the application was better suited to the award of "*Outstanding Leadership by a Local Authority*" and had therefore been transferred and short listed.

On a sadder note, the Chair extended his deepest sympathy to Mr. Matthew Maynard (of Menai Bridge), Mrs. Sue Maynard and their daughter Ceri and all the family and friends of Tom Maynard who died tragically in June aged 23 years. Tom Maynard, joined Surrey County Cricket Club from Glamorgan and was selected for the England Lions last winter. He was a prodigiously talented young batsman who had made an incredible start to his career and was clearly destined for far greater things.

Sympathy was extended to the family of Flight Lieutenant Hywel Poole from Bangor who was an RAF pilot killed in a mid-air Tornado crash in Scotland. Hywel, who was 28 years old, attended Ysgol David Hughes. Two of his colleagues were also killed in the accident and the Council's sympathy was extended to all the families.

Also to the family of Peter Richard Radcliffe Roberts aged 20 years from Holyhead who tragically died whilst serving on HMS Vigilant. The Chair mentioned that he had attended the funeral last Friday.

The Chair on behalf of the Council extended his deepest condolences to Councillor R.Dylan Jones upon the loss of his mother.

The Chair also took the opportunity of sympathising with any Member or member of staff who had suffered bereavement. Members and officers stood in silent tribute as a mark of their respect.

Finally, the Chair thanked everyone for their support during his recent charity walk from St.Cybi's Church in Holyhead to St.Seiriol's Well at Penmon. The amount raised was now over £2,000. He also mentioned that the RAF Freedom Parade would be held at Holyhead on 17<sup>th</sup> November, 2012

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The Chief Executive drew the Council's attention to the statement made by the Minister for Local Government and Communities to the Assembly on 19<sup>th</sup> September, 2012 where he outlined a change to the electoral arrangements in Anglesey from May 2013, by reducing the number of elected members from the present 40 to 30 members, to be based in 11 multi-member wards.

This Council had recently discussed the proposals put forward by the Boundary Commission and had resolved to accept their recommendations. The Minister had also stated that he had received the 28 comments made on the consultation document including the response of this Council.

The Chief Executive reported that the Minister now intended to issue an Order in the Senedd to bring these changes into force in readiness for this Council's elections in May 2013. This Council could now commence planning for those elections and the first task would be the formation of a register of electors which needed to be completed by 15<sup>th</sup> October. The Council would then move to ensuring adequate publicity within the communities to these changes in a clear and transparent manner, including the location of polling stations, what was expected of voters and the opportunities available to the public to stand as candidates in the election.

#### **4. MINUTES FOR INFORMATION – SUSTAINABILITY BOARD**

Submitted for information, the minutes of the meetings of the Sustainability Board held on the following dates:-

- 28<sup>th</sup> May, 2012
- 16<sup>th</sup> July, 2012

**RESOLVED to note the contents of the minutes of the meeting of the Sustainability Board held on 28<sup>th</sup> May and 16<sup>th</sup> July, 2012, respectively, subject to the name of Councillor Bob Parry, OBE being included in the list of those members present at the meeting held on 16<sup>th</sup> July, 2012.**

#### **5. QUESTIONS RECEIVED PURSUANT TO RULE 4.1.12.2.1**

None received.

#### **6. PRESENTATION OF PETITIONS**

The Chief Executive presented the following petitions to the Chair of the Council:-

1. Petition to reinstate Cemaes Bay beach toilets (Over 340 signatures).
2. Petition to the opposition of the erection of commercial wind turbines in the area of Llanfechell and Mynydd Mechell (Over 300 signatures).

3. Petition in favour of a children's park in Malltraeth (Over 30 signatures).

**RESOLVED that the petitions be referred to the following Committees for consideration:-**

1. **Executive Committee**
2. **Environment and Technical Services Scrutiny Committee**
3. **Education and Leisure Scrutiny Committee**

## **7. ANNUAL TREASURY MANAGEMENT REPORT 2011-12**

Submitted – The report of the Interim Head of Function (Resources) on the annual treasury management review for 2011-12. The Audit Committee considered the report on 24 July and resolved to accept the report and approve its contents for referral to the County Council.

**RESOLVED to note the annual treasury management report for 2011-12 together with the prudential indicators for the year which have been scrutinised by the Audit Committee.**

## **8. STATEMENT OF ACCOUNTS 2011-12**

Submitted - The report of the Interim Head of Function (Resources) on the Statement of Accounts including the Annual Governance Statement. The Audit Committee on 25 September, 2012, had resolved as follows:-

- to confirm acceptance of the Statement of Accounts;
- to confirm that no further provision be made at this time, in respect of after care at the Penhesgyn waste site;
- to confirm that no amendments be made in respect of accounts payable.

**RESOLVED to confirm acceptance of the Statement of Accounts for 2011-12 and the views put forward by the Audit Committee on the 25<sup>th</sup> September.**

## **9. SUPPLEMENTARY PLANNING GUIDANCE : MENAI BRIDGE CONSERVATION AREA CHARACTER APPRAISAL REPORT**

Reported - That the Board of Commissioners at their meeting on 3<sup>rd</sup> September, 2012 had resolved to recommend to the County Council that it *'approves the Menai Bridge Conservation Area Character Appraisal for adoption as Supplementary Planning Guidance.'*

**RESOLVED to endorse the recommendation of the Board of Commissioners in this respect.**

## **10. CORPORATE PROPERTY AND ASSET MANAGEMENT PLAN.**

Submitted - The report of the Head of Service (Property) on changes proposed by the Board of Commissioners on 23<sup>rd</sup> July, 2012, to the Asset Management Plan in accordance with Section 3.2.2.1.3 of the Council Constitution.

Councillor H.Eifion Jones requested that a report be brought back to the Executive as regards reference under Page 4 of the report of 23<sup>rd</sup> July that *'the rationalisation of Property Task and Finish Panel developed a list of properties to be disposed of, but it was recognised that this constituted essentially the first phase of quick disposals.'*



**RESOLVED**

- **To endorse the recommendations of the Board of Commissioners of 23<sup>rd</sup> July, 2012 with regard to the Corporate Property and ICT Asset Management Plan;**
- **That the Head of Service (Property) be requested to report back to the Executive in due course with an update on the work previously carried out by the Property Task and Finish Panel.**

**11. MOTION RECEIVED PURSUANT TO RULE 4.1.2.2.12 OF THE CONSTITUTION**

**RESOLVED to note that the Notice of Motion submitted by Councillors Aled Morris Jones and Selwyn Williams had been withdrawn.**

**12. COMMISSIONERS 5<sup>th</sup> QUARTERLY PROGRESS REPORT**

Commissioner Mick Giannasi presented the Commissioners 5<sup>th</sup> Quarterly Progress Report which provided a summary of the progress which the Commissioners had made during that time and set out what further work needed to be done going forward to sustain the recovery process.

The briefing also referred to setting out the revised recommendations which the Commissioners made about the potential for a return to democratic control; a summary of the Minister's response to those recommendations as provided in a statement to the Assembly on 24<sup>th</sup> September, and a brief outline of the way in which the next phase of the intervention would develop.

**RESOLVED to accept the contents of the report.**

**13. DEMOCRATIC RENEWAL**

(a)The Chief Executive referred to the statement made by the Minister for Local Government and Community on 25<sup>th</sup> September, 2012, as regards reducing the level of intervention.

He went on to mention that an extraordinary meeting of the Council next week would be considering a transformation plan entitled "*The Roadmap to the New Anglesey*" which would transform the method of working within this Council by establishing an appropriate implementation framework suitable for a modernised local authority, based on an effective arrangement, whereby Officers and Members, and engaging with the wider public, private and community sectors in an inclusive manner to deliver continuous service improvement for the residents of Anglesey.

The recent WAO Improvement Assessment letter had been very encouraging and supportive stating that the Council had made great steps towards getting to grip with some of the basic weaknesses that had been identified. The Authority was also experiencing good progress on the 10 Recovery themes established by the Commissioners and this no doubt had had an impact upon the Minister's decision in reducing the level of intervention.

On behalf of the Officers of the Council, the Chief Executive took the opportunity of thanking Commissioners Margaret Foster and Gareth Jones whose term of office would be expiring today. He thanked them for their work and the way in which they had completed their duties conscientiously and effectively and also the way they had dealt with us in a positive and sustainable manner. Their knowledge and experience had been of immense help to the Authority.

**RESOLVED to note the verbal report by the Chief Executive.**

(b)The Chief Executive reported verbally with regard to the recommendations of the Independent Remuneration Panel for Wales. The IRP had been considering payments for the future and they were in a process of consultation. The WLGA would decide tomorrow on their stance as an Association and the Leader and Deputy Leader would be representing this Council at that meeting. He requested the Council to consider declaring that it was ready to support the WLGA's stance, since it was important to adopt the same stance as other Welsh Local Authorities in this respect. He further requested the Council to request the IRP to restore payments to the members of the Executive from 1<sup>st</sup> October, 2012, the date of the transfer back of powers to elected members.

Councillor Bryan Owen and G.O.Parry, MBE took the opportunity of expressing their appreciation to the Commissioners for their work. They also thanked Commissioners Margaret Foster and Gareth Jones, for their much valued contributions to the recovery process.

Commissioner Gareth Jones thanked the members for their kind words, expressed his gratitude to fellow Commissioners, thanked the members and officers and wished the Authority well for the future.

## **RESOLVED**

- **That the Council supports the response of the WLGA on behalf of all member authorities in responding to the Draft Annual Report for 2013-14 and requests that the Independent Remuneration Panel for Wales accepts this as the Anglesey response when arriving at their final determination;**
- **That Council accepts the recommendations of the Independent Remuneration Panel for Wales in respect of the arrangements made under the IRP determinations specifically for Anglesey as outlined in their letter of 10<sup>th</sup> August, 2012, to remain effective until the elections of the Council on 2<sup>nd</sup> May 2013;**
- **To request the IRP to determine that the implementation of remuneration for Executive Committee members should be fully effective from the date of reinstatement of democratic governance (1<sup>st</sup> October, 2012) having regard to the fact that payments would be deferred until due process allows payments to be made.**

## **14. BETSI CADWALADR SERVICE REVIEW CONSULTATION DOCUMENT**

The Chair extended a warm welcome to the following representatives of the Betsi Cadwaladr University Health Board:-

1. Andrew Jones – Executive Director of Public Health
2. Sally Baxter – Assistant Director of Planning
3. Kathryn Thomas, Locality Matron, Llangefni.

By means of a slide show, Mr Andrew Jones, drew the Council's attention to the changes proposed in the public consultation document deposited between 20<sup>th</sup> August - 28<sup>th</sup> October, 2012 entitled "*Healthcare in North Wales is Changing*". The main messages of the proposed changes were in relation to the following:-

- Neonatal intensive care services
- Vascular services
- Older People's Mental Health
- Enhancing Care in the Community

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The Members were provided with an opportunity for a question and answer session following the presentation.

**RESOLVED to note the contents of the presentation.**

The meeting concluded at 5:15 pm

**COUNCILLOR R LI. JONES  
CHAIR**

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## **EXTRAORDINARY MEETING OF THE ISLE OF ANGLESEY COUNTY COUNCIL**

### **Minutes of the meeting held on 4<sup>th</sup> October, 2012**

- PRESENT:** Councillor R.Ll.Jones – (Chairman)  
Councillor E.G.Davies - (Vice-Chairman)
- Councillors W.J.Chorlton; Jim Evans; Lewis Davies;  
R.Anthony Dew; D.R.Hughes; K.P.Hughes; R.Ll.Hughes;  
W.I.Hughes;Vaughan Hughes; Aled M Jones; G.O.Jones;  
O.Glyn Jones; T.H.Jones; C.McGregor; A.Mummy;  
Bryan Owen; J.V.Owen; Bob Parry OBE; G.O. Parry MBE;  
Eric Roberts; P.S. Rogers; S.Williams.
- IN ATTENDANCE:** Chief Executive  
Deputy Chief Executive  
Director of Lifelong Learning  
Head of Function (Legal and Administration)  
Head of Service (Education)  
Committee Services Manager  
Communications Officer
- Commissioners Alex Aldridge and Mick Giannasi
- APOLOGIES:** Councillors C.Ll.Everett, K.Evans, Ff.M.Hughes,  
W.T.Hughes, E.Jones, H.E.Jones, Rhian Medi, R.L.Owen,  
G.W.Roberts,OBE, J.A.Roberts, E.Schofield, I.Williams.

#### **1. DECLARATION OF INTEREST**

None to declare.

#### **2. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, BOARD OF COMMISSIONERS OR THE HEAD OF PAID SERVICES.**

On behalf of Councillor Aled Morris Jones, the Chair congratulated Dyfed Pritchard from Rhosybol and Aled Pennant from Llangristiolus on their success upon becoming champions of the “*Welsh Tarmac Rallying Championship*.” They were the first from Anglesey to ever win this Championship.

The Leader of the Council congratulated the Chair upon his recent charity walk from St.Cybi’s Church in Holyhead to St.Seiriol’s Well at Penmon. The walk had raised over £2,000.

#### **3. ESTYN POST INSPECTION ACTION PLAN**

Reported - That the Education and Leisure Scrutiny Committee on 21<sup>st</sup> September, 2012, had upon consideration of a paper,upon steps that had been taken to formulate a post-inspection plan,resolved:-

*“That the quality of the planning as outlined in Appendices 2 and 3 of the report was appropriate and sufficiently detailed to formulate a robust action plan that will satisfy in full the recommendations made by Estyn.”*

Prior to consideration of the report by the Director of Lifelong Learning, the Chief Executive drew the Council's attention to the statement made by Leighton Andrews, Minister for Education and Skills on 3<sup>rd</sup> October, 2012. With the full support of the Minister for Local Government and Communities, the Minister had yesterday established a Recovery Board to sustain and advise the Welsh Government Commissioners and to challenge and support the Council's officers and members in respect of Anglesey's education services.

The Recovery Board would be chaired by Professor Mel Ainscow, Professor of Education and Co-Director of the Centre for Equity at Manchester. He was the Chief Adviser for the Greater Manchester Challenge, previously a head teacher, a local education authority inspector and a lecturer at the University of Cambridge.

The Board would also include Geraint Rees, Executive Head Teacher of Glyn Derw and Michaelston Federation. Further Board members would include a senior education official from the Welsh Government and Dr. Chris Llewellyn from the WLGA. The Board would hold its first meeting during October 2012 and thereafter provide the Minister with reports in respect of progress being made. The Minister would be keeping the structure and membership of the Board under review and add additional members if considered necessary.

Submitted - The report of the Director of Lifelong Learning, providing members with an overview of the steps taken to respond to Estyn's report on the quality of local education services for children and young people, and to present the post-inspection Action Plan for acceptance.

Reported - That Estyn's report on the quality of Local Authority education services for children and young people on Anglesey was published at the end of July, 2012 (Appendix 1 to the report). The overall judgements on Current Performance and the Prospects for Improvement were noted as unsatisfactory, and these were referred to at Paragraph 1.2 of the Director's report. As a result, Estyn was of the opinion that the Authority fell into the follow-up category of requiring special measures.

The Council was expected to produce by 9<sup>th</sup> October, 2012, an Action Plan (PIAP) to Estyn to show how it would address the 7 recommendations contained within their report. The report summarised the actions taken to produce the PIAP submitted for members to consider (Appendix 2 of the report).

Expected improvements for each of the recommendations had been formulated - and these were highlighted at the end of each recommendation on pages 8-11 of the Director's report. A detailed action plan for each recommendation had also been produced (pages 12-39 of the report) and a monitoring programme was included at the end of each section of the action plan. This information would be useful to the Recovery Board and to the Education and Leisure Scrutiny Committee.

A performance matrix to record three year performance data for key indicators and highlight planned improvements over a two year period (pages 40-45 of the report) had been produced, together with an outline project management plan, highlighting actions to be taken, associated timelines, possible areas of overlap and the key individuals with overall responsibility for leading on each action (page 46 of the report).

The Council, with WLGA and Welsh Government support had commissioned external consultants ISOS to assess capacity and capability to address the outcomes of the Estyn inspection. A copy of their initial report was attached (Appendix 3 of the report) (*The Chair extended a warm welcome to Mr. Leigh Sandals, ISOS Partnership who addressed the Council in this respect*).

The Council was also working with the Hay Group to develop a robust Organisational Development Plan. As part of this partnership, the educational expert within the Hay Group had focused on the contents of the PIAP and had submitted comments which were included at Appendix 4 of the report.

Various issues were raised by members and a response was provided at the meeting by the Director of Lifelong Learning.

**RESOLVED to note the decision of the Education and Leisure Scrutiny Committee on 21<sup>st</sup> September, 2012, and to accept the contents of the post-inspection Action Plan as the Council's response to the Estyn report.**

#### **4. NEW ANGLESEY ORGANISATIONAL DEVELOPMENT**

Reported by the Chief Executive - That the Council's Senior Leadership Team, during the past few weeks, had been working with specialist external consultants from the Hay Group, to develop a transformation plan entitled "*The Roadmap to the New Anglesey*." The report set a clear direction for the priorities of the new Anglesey Council and outlined the main matters to receive attention by Members and Officers working together to address the opportunities and challenges facing the Island and its citizens.

The process of developing this framework plan involved consultation with Commissioners and the Shadow Executive and the Council was invited to comment on the contents of the report in terms of vision, aims and objectives, fitness for purpose of the recommended processes together with the matters that should be the main focus of attention.

**RESOLVED to adopt the plan as a framework for action and forward planning to create an effective Council for the future.**

The meeting concluded at 4:00 p.m.

**COUNCILLOR R LI. JONES  
CHAIR**

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## **EXTRAORDINARY MEETING OF THE ISLE OF ANGLESEY COUNTY COUNCIL**

### **Minutes of the meeting held on 23rd October, 2012**

- PRESENT:** Councillor R.Ll.Jones – (Chairman)  
Councillor E.G.Davies - (Vice-Chairman)
- Councillors W.J.Chorlton; Lewis Davies; R. Anthony Dew;  
Jim Evans; Ff.M.Hughes; K.P.Hughes; W.I.Hughes; Aled  
M.Jones; E.Jones; T.H.Jones; Raymond Jones;  
C.McGregor; A.Mummery; Bryan Owen; G.O.Parry;MBE;  
Eric Roberts; J.A.Roberts; P.S. Rogers; S. Williams.
- IN ATTENDANCE:** Chief Executive  
Deputy Chief Executive  
Director of Lifelong Learning  
Director of Community  
Head of Service (Property)  
Head of Service (Policy)  
Committee Services Manager  
Communications Officer
- Commissioner Mick Giannasi
- APOLOGIES:** Councillors K. Evans; R.Ll. Hughes; V.Hughes; H. Eifion  
Jones; O. Glyn Jones; R.L.Owen; R.G. Parry, OBE;  
G.Winston Roberts,OBE; Ieuan Williams.

#### **1. DECLARATION OF INTEREST**

None to declare.

#### **2. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, THE EXECUTIVE OR THE HEAD OF PAID SERVICES.**

The Chair congratulated the following from Anglesey who received awards at the Scottish Power/Trinity Mirror Awards Ceremony held at the St. George's Hotel, Llandudno on Friday, 12<sup>th</sup> October, 2012:-

Ms Lucy Beesley, Bowstones, Marianglas (Person)  
Mr David Hughes, 10 Queen's Park Court, Holyhead (Volunteer)  
Mr Steven Rossington, 18 Maes yr Haf, Holyhead (Team)  
Mr Alan Williams, 10 Newry Fields, Holyhead (Team)  
Mr Gareth Evans, Ty'n Rhos, Minffordd Road, Caergeiliog (Sport)

The Chair mentioned that Councillor R.L.Owen had been taken unwell at a meeting last Thursday. Best wishes were extended to Councillor Owen for a full and speedy recovery.

The Chair reminded members of the RAF Freedom Parade to be held at Holyhead on 17<sup>th</sup> November, 2012.

The Chief Executive reported for information that he was this morning in receipt of a final supplementary report from the Chair of the Independent Remuneration Panel for Wales regarding the remuneration of members of this Council, following the Minister's direction of 24<sup>th</sup> September returning executive powers to the Council with effect from 1<sup>st</sup> October, 2012. The contents of the report would be discussed with Group Leaders this Thursday and a copy would be forwarded to the members of the Council for information.

### 3. IMPROVEMENT PLAN PERFORMANCE REVIEW 2011-12

- (a) Reported - That the Executive on 15<sup>th</sup> October, 2012 had resolved to recommend to the County Council as follows:-
- *To note the observations of the Corporate Scrutiny Committee held on 8<sup>th</sup> October, 2012;*
  - *To authorise Officers to undertake further work on the draft Plan in consultation with the Portfolio Holder and to submit a revised version of the Plan to the County Council for approval.*
- (b) Submitted – An extract from the minutes of the meeting of the Corporate Scrutiny Committee held on 8<sup>th</sup> October, 2012 in this respect.
- (c) Submitted – The revised version on the Improvement Plan (separate document).

Reported – That this report covered the production of the 'backward looking' draft Performance Review which looked back over the Council's performance for 2011-12, and was presented as a brief summary of the main headings within the actual Performance Review document.

**RESOLVED to approve the contents of the Improvement Plan Performance Review for 2011-12, and that any final editorial work be finalised in consultation with the Portfolio Holder prior to publication on 31<sup>st</sup> October, 2012.**

### 4. BETSI CADWALADR UNIVERSITY HEALTH BOARD – SERVICE REVIEW CONSULTATION DOCUMENT

Submitted – A copy of the Council's proposed response (*prepared by the Portfolio Holder and Director of Community*) to the consultation document on Health Care in North Wales.

It was agreed that as part of the response to the consultation, the following paragraph should be included under Paragraph 8 of the report (Comments and general questions):-

*"What opportunities are there to strengthen collaborative arrangements as regards asset management. It is suggested that progress had been evidenced with the North Wales Police and Fire Authorities respectively".*

**RESOLVED to approve and authorise the Chief Executive to submit the County Council's response to the document consultation period by the expiry date.**

The meeting concluded at 11:30a.m.

**COUNCILLOR R LI. JONES  
CHAIR**

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## SUSTAINABILITY BOARD

Minutes of the meeting held on 1<sup>st</sup> October, 2012, (11:00am)

- PRESENT:** Commissioner Mick Giannasi (Chair)
- Councillors W.J.Chorlton; K.P.Hughes; T.Lloyd Hughes; Bryan Owen; Bob Parry,OBE; G.O.Parry,MBE; Tom Jones (as Chair of the Audit Committee);Selwyn Williams (as Chair of the Corporate Scrutiny Committee); Chief Executive; Deputy Chief Executive; Director of Community; Director of Sustainable Development; Director of Lifelong Learning.
- IN ATTENDANCE:** Head of Service (Policy)  
Head of Service (Finance)  
Head of Service (Audit)  
Head of Service (Children's Services)  
Risk and Insurance Manager (JJ)  
Committee Services Manager
- ALSO PRESENT:** Messrs. Andy Bruce and Huw Lloyd Jones (Wales Audit Office)
- APOLOGIES:** Commissioners Byron Davies and Alex Aldridge  
Councillor O.Glyn Jones

Commissioner Mick Giannasi provided a presentation on the Phase Two Transition of the Intervention and paid particular reference to the following matters:-

- Providing some context to the meeting of the Improvement and Sustainability Board;
- Summarising the effect of the Ministerial Direction which was issued on 24<sup>th</sup> September, 2012;
- Explaining the role which the 'slimmed down' Commissioners would be adopting in future;
- Outlining the way in which the next phase of the Intervention (Phase Two – Improvement and Sustainability) would develop;
- Providing some insight into the emerging thinking about the Phase Two governance model;
- Explaining the role and function of the Commissioners Improvement and Sustainability Board going forward.

### 1. DECLARATION OF INTEREST

None to declare

### 2. APOLOGIES

As above

### **3. MINUTES**

Submitted and confirmed as a true record, the minutes of the meeting of the Sustainability Board held on 16<sup>th</sup> July, 2012.

### **4. RECRUITMENT AND RETENTION OF STAFF AT SOCIAL SERVICES**

Reported by the Director of Community – That Children Services in Anglesey had been the subject of detailed scrutiny throughout 2011- 2012 with concerns about the capacity and quality of services being the focus of CSSIW inspection and review. A response had been developed with two distinct phases in mind. The first had been to stabilise the services along with a rigorous focus upon performance and the injection of a sense of pace and ambition to succeed. The second had been to improve quality and bring about transformation to create a service fit for purpose over the next decade.

Improving performance had in no small part been due to the way the Department had been able to procure experienced agency support to complement its own staff. However, if agency staff were replaced one for one with inexperienced newly qualified staff, this would create a serious imbalance and weakness in child protection assessment in particular. It was a similar position with regard to management, particularly at service manager level. Details of the number and costs of Agency staff employed were detailed at Para 2.1 of the report.

Clearly, there were a number of challenges for the Council in meeting its corporate obligation to ensure that it provided a skilled and competent workforce for its Children's Services. Officers had worked hard during the year to tackle the workforce challenges recognised within the service and to provide a range of training and development opportunities for staff. The Recruitment and Retention Strategy placed the Department in a potentially positive position in taking forward many of these issues.

The risks to the organization of not having in place sufficiently qualified and skilled social workers for children services could not be underestimated. The proposal (for one additional Senior Practitioner and two additional Social Workers) required funding over and above the service budget of £121,000 p.a. These posts alongside the establishment posts, were however intended to lead to a no agency worker situation in the Service. By replacing agency staff with Mon employees, this would lead to a cost saving of approximately £150k for the next full financial year (without Agency workers). The proposed additions would also support significant longer term gains in improved efficiencies, more stable workforce and improved morale, all contributing to improved performance and delivery.

Whilst significant improvements had been secured, this would not be sustainable without the workforce issues being satisfactorily addressed, and these impacted upon sustainability, quality of service provision and projected workforce expenditure, all of which would need to be carefully managed, monitored and reported upon. It was recognised that this would mean continued pressure on the workforce budget. Nevertheless it would contribute significantly to the Council's approach to risk management with reference to service outcomes, performance management and longer term cost avoidance.

*The Sustainability Board resolved to note the contents of the report and subject to there being a satisfactory discussion at the SLT of the Business Case and means of funding,*

*agreed in principle to the appointment for a time limited period of up to 2 years, of a further two social workers and one senior practitioner (this to enable on-going training support with a view to ultimately reducing significantly the amount of agency work) .*

## **5. CORPORATE RISK REGISTER (INCLUSIVE OF STRATEGY AND WORKING GUIDELINES)**

Reported by the Interim Head of Function (Resources) and S.151 Officer – That the Audit Committee on 24 July, 2012 resolved that an update on the risk register be presented at its next meeting.

As part of this update, a review of the draft Corporate Risk Register, the Risk Management Strategy and associated Guidance had been undertaken with a view to presenting an agreed draft of all three documents to the Audit Committee on 25 September 2012 for it to recommend adoption of the strategy and guidance by the next Executive meeting.

The Risk Management Strategy included a recommendation that a Risk Management Group be introduced which would be responsible in the future for ensuring that the Risk Management Framework was implemented and kept under review on an ongoing basis. This Group would be responsible for helping to identify new and emerging risks and for assessing and scoring these in line with the Risk Management Strategy requirements. The Group would also have responsibility for regularly reviewing and updating the Corporate Risk Register following review of the service risk registers.

Following adoption of the Risk Management Strategy and Guidance by the Executive the Authority would have a functioning Risk Management Framework for the identification, evaluation, mitigation and reporting on corporate risks.

*The Sustainability Board:-*

- Noted the contents of the report and the progress contained therein;*
- Noted that it would be the responsibility of the Leader of the Council to approve the statement of internal control approving the public disclosure of the annual assurance statement and publishing it in the Annual Statement of Accounts.*

## **6. IMPROVEMENT ASSESSMENT LETTER – AUDITOR GENERAL FOR WALES**

Mr. Huw Lloyd Jones presented the Improvement Assessment letter dated 24<sup>th</sup> September by the Auditor General for Wales which reported upon the audit and assessment work undertaken as to whether this Council had discharged its duties and had met the requirements of the Local Government (Wales) Measure 2009.

The letter could be summarised as follows:-

- The Council had discharged its improvement planning duties under the Measure and had acted in accordance with Welsh Government guidance;*
- Based on, and limited to, work carried out to date by the Wales Audit Office and relevant regulators, it was believed that the Council was likely to comply with the requirement to make arrangements to secure continuous improvement during this financial year;*

- *The Council was making good progress in addressing the Commissioners' 10 Corporate Governance improvement themes;*
- *The Council's clarity of direction was improving and there had been reasonable progress in addressing the proposals for improvement identified in the last Annual Improvement Report;*
- *Though not yet complete, the restructuring of senior management added significantly to the Council's capacity and its capability to deliver further improvement in both corporate and service-specific functions;*
- *The Council was dealing more maturely than before with controversial issues and had taken steps to ensure that the improvement was sustainable;*
- *The Council had improved its engagement with the public and was beginning to address democratic renewal;*
- *The Council had responded constructively and responsibly to the recent highly critical inspection of its education services by Estyn and the Wales Audit Office.*

The letter referred to further proposals for improvement/recommendations with regard to the gradual transfer of decision making power from the Commissioners to the shadow Executive and upon re-defining the role of Commissioners so that they now monitored the Council's progress, whilst retaining the power to intervene as necessary. The letter also provided an update to the Wales Audit Office work plan and timetable for delivering the Improvement Assessment work.

WAO would continue to monitor and report on the progress made by the Council in implementing the proposals set out in previous reports and letters.

*The Sustainability Board noted and welcomed the contents of the report.*

## **7. QUARTER 1 – CORPORATE PERFORMANCE REPORT**

Reported by the Deputy Chief Executive - That in line with the Corporate Planning and Performance Management Framework, this report outlined the progress made in the Council's performance against planned arrangements across key areas of delivery as outlined in the Corporate Business Plan 2012-15.

This report enabled the Council to evaluate progress against its planned arrangements and enable the Corporate Scrutiny Committee to scrutinise and carry out its performance management function. Where performance risks had been identified, mitigating measures had been put in place by Officers.

The report presented the position at the end of Quarter 1 (2012-13) following the 1st round of quarterly performance monitoring arrangements. A separate report was to be tabled at the Corporate Scrutiny Committee on 8<sup>th</sup> October, 2012 to present the Council's picture of performance against planned arrangements in the Corporate Business Plan during 2011-12.

The details within the report were presented in accordance with the agreed RAG rating formulation so as to give a clear indication of the current state of play with regard to



performance. Appendix 1 to the report provided exceptions information on each key performance area, allowing members and officers to focus on current areas of weakness.

Details of potential overspends within 4 Services, corporate risk budget projected overspend and slippage on the corporate aspects of the savings programme were referred to at Para 4 of the report.

The issues relating to meeting the targets of the Outcome Agreement were a cause for concern, as failure to achieve outcome agreements may result in a loss of grant during 2012-13. Based on 2010-11 performance, achievements against planned arrangements would result in a 75% grant being received. The Sustainability Board were of the opinion that this needed to be tightened up in order to maximize the amount of grant available.

*The Sustainability Board noted the contents of the report.*

## **8. CORPORATE SUPPORT TO IDENTIFIED RISKS AND PROJECTS**

Reported by the Interim Head of Function (Resources) and S.151 Officer – That during the current financial year, the reports that had been presented to this meeting had highlighted the following main risks within the 2012-13 budget:-

- Integration
- Adult Services Transformation
- Children's Out of County placements
- Parks and Outdoor facilities
- Outsourcing of Beaumaris Leisure Centre
- Slippage on Corporate efficiency savings

A number of these risks had led to specific projects being undertaken and additional corporate support being provided by the Directorates. From the potential overspends identified above, the main activities that had commenced and the support provided were listed at Paras 2 & 3 of the report.

A programme of service reviews had also commenced recently. These would focus on identifying savings and were intended to feed into an Efficiency Strategy for 2013 onwards. Wherever, possible, savings identified would be implemented in the current year.

The SLT recently confirmed that driving efficiency savings and challenging potential overspends would become a priority for them, in order to ensure a real corporate approach at the most senior officer level and that budget holders received appropriate support and challenge. It was envisaged that this programme be shared with the Executive at regular meetings. There would be monthly monitoring of these high risk budgets.

A potential overspend of up to £2.2m was identified in the first quarter budget monitoring report. Part of this could be corrected by actions of budget holders, with the support of Finance and robust management by the SLT. The Finance Service would be identifying options for budget amendments and regularly reviewing projections.

*The Sustainability Board noted the contents of the report, endorsed the actions taken and the plans for programme management. It was also noted that the SLT would be regularly reporting back on addressing the potential overspend of £2.2m which had been identified in the first quarter monitoring report.*

## **9. FUTURE MEETINGS**

*It was noted that the next meeting would be held at 11:00am on Thursday 29<sup>th</sup> November, 2012.*

The meeting concluded at 1:00p.m.

**COMMISSIONER MICK GIANNASI  
CHAIR**

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE:</b>	<b>COUNTY COUNCIL</b>
<b>DATE:</b>	<b>DECEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF FRAUD AND CORRUPTION POLICY</b>
<b>REPORT BY:</b>	<b>HEAD OF SERVICE - AUDIT</b>
<b>ACTION:</b>	<b>Recommendation to the Council to amend Constitution with the revised policy.</b>

**1. INTRODUCTION**

- 1.1 **Policy for Prevention of Fraud and Corruption** - The authority's Policy for Prevention of Fraud and Corruption was last reviewed in 2007 and is currently therefore in need of review and update. This report includes the draft revised policy for adoption by the Committee.
- 1.2 The Policy for Prevention of Fraud and Corruption is part of the Council's Constitution and currently is incorporated in section 5.6 of that document.
- 1.3 The Policy was presented to the Audit Committee on 25 September 2012 and to the Executive on 15 October 2012.
- 1.4 The Council is asked to adopt the revised policy and to amend the Constitution accordingly. A copy of the revised policy is attached as **Appendix A**.

Head of Service – Audit  
November 2012

## Appendix A

Version No.	Version 2: 2012
Date Adopted	September 2012
Adopting body	Executive
Next Review Date	September 2014
Author	Head of Service - Audit
Implementation Responsibility	Section 151 Officer
Target Audience	All Council employees, Members, Partners, Contractors, Agents and other stakeholders.

### 1. **COMMITMENT**

- 1.1 The Council expects the highest standards of propriety and accountability from Members, employees, consultants, suppliers, contractors and other partner organisations.
- 1.2 The Council is firmly committed to countering fraud and corruption in all its activities and in the wider community and will deal equally with perpetrators from inside and outside the Council. Wherever fraud is uncovered it will be investigated and appropriate prosecution, disciplinary and / or recovery action will be taken.
- 1.3 An important part of this approach is maintaining a Policy for Prevention of Fraud and Corruption which the Council will use to advise and guide Members and staff in issues of countering fraud and corruption.

### 2. **PURPOSE**

- 2.1 This document provides an overview of the Council's policy for the prevention of fraud and corruption. The Policy is designed to achieve the following:
  - Express the Council's zero tolerance of fraud and corruption;
  - Explain what the Council means by fraud and corruption;
  - Encourage fraud prevention;

- Promote fraud detection;
  - Show how the Council will investigate fraud and corruption;
  - Promote fraud awareness.
- 2.2 It is recognised that procedures which prevent and detect fraud also prevent and detect genuine mistakes. This policy is intended for the protection of the innocent as well as the countering of fraud and corruption.

### 3. **DEFINITIONS**

3.1 The following are the definitions that the Council will adopt when referring to the different offences covered by the term fraud and corruption.

#### 3.2 **Fraud**

Can be defined as "the intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets or otherwise for gain".

3.3 The Fraud Act 2006, which came into force in January 2007, introduced a new general offence of fraud and three ways of committing it:

- **Fraud by false representation** – where an individual dishonestly and knowingly makes a representation that is untrue or misleading.
- **Fraud by wrongfully failing to disclose information** – where an individual wrongfully and dishonestly fails to disclose information to another person when they have a legal duty to disclose it, or where the information is of a kind that they are trusted to disclose it, or they would be reasonably expected to disclose it.
- **Fraud by abuse of position** – where an individual who has been given a position in which they are expected to safeguard, **or not to act against**, another person's financial interests dishonestly and secretly abuses that position of trust without the other person's knowledge.

3.4 For all of the three ways of committing fraud outlined above, the Fraud Act outlines two basic requirements which must be met before any of the above can be charged:

- the defendant's conduct must be dishonest and
- his / her intention must be to make a gain or cause a loss (or the risk of a loss) to another.

3.5 The Council will therefore, with regard to these offences, recognise that in any referral relating to fraud:

- No loss or gains need to materialise – an intent to make a gain or cause a loss will be construed as an act of fraud;

- A gain does not have to be for the person committing the act of fraud – it could be for another;
  - “Gain” and “loss” are as defined by Section 5 of the Fraud Act – it could be money or other property (whether real or personal, tangible or intangible), it could be permanent or temporary and: a “gain” includes a gain by keeping what one has, as well as gain by getting what one does not have, and a “loss” includes a loss by not getting what one might get, as well as a loss.
- 3.6 All referrals relating to fraud as defined above will be undertaken in the first instance by the Council’s Internal Audit Service.
- 3.7 **Internal and External Fraud**  
In this policy, “Internal Fraud” is defined as fraud perpetrated by the Council’s own employees or Members, with an intention of causing a loss to the Isle of Anglesey County Council, and where the fraud has been perpetrated or facilitated as a result of an individual’s or group of individuals’ position within the organisation. “External fraud” is defined as fraud committed by individuals from outside the organisation, or from outside an employee’s normal area of work, with a view to causing a loss to the Council.
- 3.8 **Benefit Fraud**  
Benefit Fraud can be defined as the ‘obtaining of Housing Benefit or Council Tax Benefit by deception, fraud regarding other related benefits and associated frauds committed against the Council.’ All cases of Benefit Fraud, whether committed by Council employees or Members or the general public, will be treated as “external fraud”.
- 3.9 The Council’s policy for dealing with Benefit Fraud will differ from its approach to dealing with other kinds of fraud committed against the Council. Other than in exceptional circumstances, Benefit Fraud will be investigated pursuant to, and as defined by, the Social Security Administration Act 1992 as amended by subsequent legislation, rather than the Fraud Act 2006. Benefit Fraud is defined by Sections 111 and 112 of the Social Security Administration Act - Section 111A deals with dishonest representation in order to receive benefits etc., whilst Section 112 deals with false representation in order to obtain benefits etc.
- 3.10 Benefit Fraud will be investigated by the Benefit Fraud Team, which is part of the Council’s Finance Service.
- 3.11 **Corruption**  
Corruption is defined as “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.
- 3.12 Legislation relating to corruption **includes the Prevention of Corruption Act 1916 and the Bribery Act 2010**. Section 2 of the 1916 Act introduced the presumption of corruption, which shifted the burden of proof in bribery cases to the defence. This legislation remains fundamentally unchanged today, and

this means that a defendant has to prove on the balance of probabilities that a gift or advantage was not an inducement or reward for another's gain.

3.13 The Council will consider the presumption of corruption, pursuant to the 1916 Act, when undertaking investigations into allegations of corrupt practices.

3.14 **Related offences**

The following offences are also covered by this policy:

- **Theft:** - is defined by the Theft Act 1968 as being the dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it; and
- **Failure to disclose an interest:** whether or not financial benefit is involved.

3.15 **Bribery**

The Bribery Act 2010 provides definitions of the criminal offence of bribery and identifies four key offences:

3.16 • **Bribing another person** - A person commits an offense by offering, promising or giving a financial or other advantage to another person, directly or through an intermediary:

intending that advantage to induce a person to perform improperly a function or to reward a person for so doing (whether or not it is the same person to whom the advantage is offered); or

knowing or believing that accepting the advantage would itself be improper performance of a function.

3.17 • **Being bribed** - A person commits this offence by requesting, agreeing to receive or accepting a financial or other advantage, directly or through a third party, for his or her own or someone else's benefit:

that person intends that, as a consequence, there is improper performance of a function or

there is improper performance of a function (whether as a reward, in anticipation of or as a consequence of the request, agreement or acceptance). The request, agreement or acceptance itself may be the improper performance of a function.

3.18 • **Bribery of a Foreign Public Figure** – This offence will be committed if a person offers or gives a financial or other advantage to a foreign public official with the intention of influencing the foreign public official and obtaining or retaining business, where the foreign public official was neither permitted nor required by written law to be so influenced.

3.19 • **Failing to prevent Bribery** - A company is “strictly liable” for any bribe paid by a person performing services on its behalf, unless the organisation proves that adequate anti-bribery procedures were in place.

3.20 The maximum penalty for the offenses is 10 years' imprisonment and/or an unlimited fine. For the "failure to prevent" offense, the fine alone applies.

3.21 The Bribery Act 2010 replaces the fragmented and complex offences at common law and in the **Prevention of Corruption Act 1916**.

### 3.22 **Money Laundering**

The main legislation concerning money laundering is:

- Proceeds of Crime Act 2002;
- Money Laundering Regulations 2007;
- Terrorism Act 2000; and
- Anti-Terrorism, Crime and Security Act 2001.

### 3.23 **Definition of Money Laundering**

The Proceeds of Crime Act uses the term ‘money laundering’ to cover a number of offences involving the proceeds of crime and terrorism. In terms of the Act money laundering involves the following:

- concealing, disguising, converting, transferring or removing criminal property from England, Wales, Scotland, or Northern Ireland;
- being concerned in an arrangement, which you know or suspect facilitates the acquisition, retention, use or control of criminal property.

3.24 Money Laundering involves knowing or suspecting that someone they know, or know of, is benefiting financially from dishonest, criminal activities.

3.25 Criminal property has a wide definition which includes the proceeds of crime committed by somebody else, but also the proceeds of an individual’s own crime. It does not matter how small the amount of money involved is.

### 3.26 **Money Laundering Offences**

There are three principal offences. These are:

- **Concealing** – where someone knows or suspects a case of money laundering, but conceals or disguises its existence;
- **Arranging** – where someone involves him/herself in an arrangement to assist in money laundering;
- **Acquisition/Use/Possession** – where someone seeks to benefit from money laundering by acquiring, using or possessing the property concerned.



3.27 Associated third party offences are;

- **Failure to disclose** one of the three principal, offences above;
- **Tipping off** – where someone informs a person or people who are, or are suspected of being, involved in money laundering, in such a way as to reduce the likelihood of their being investigated, or prejudicing an investigation.

3.28 **Anti Money Laundering Procedures** - The Council has a separate Money Laundering policy which sets out how the Council complies with the requirements of the Money Laundering Regulations 2007. In this respect the Council has nominated the Section 151 Officer as the officer to be responsible for anti money laundering measures. The authority's nominated Money Laundering Reporting Officer (MLRO) is the Head of Service – Audit or another member of the Internal Audit Team in the absence of this officer.

3.29 The Council has also set cash limits for the receipt of cash which are set out in the Anti Money Laundering policy document.

#### 4. **CULTURE**

4.1 All Council members and staff are subject to this policy. As provided in the relevant Codes of Practice, Members and Officers will lead by example to ensure that high standards of propriety and accountability are established and adhered to, and that personal conduct is above reproach at all times. Staff have a responsibility while going about their daily duties to be alert to the potential of fraud, to guard against it, and report any suspicions.

4.2 The Council also demands that all individuals and organisations which come into contact with the Council will act towards the Council at all times with the same integrity and without fraudulent or corrupt intent. Contractors working for the Council and bodies receiving funding from the Council are expected to maintain similar procedures to guard against fraud and corruption. Contract Procedure Rule 4.9.7.8 imposes specific anti-corruption requirements on all contracts.

4.3 The Council will ensure that staff and members are reminded of the need to be vigilant against theft, fraud and corruption and are provided with training relevant to their responsibilities to maintain awareness.

#### 5. **RESPONSIBILITIES**

5.1 The prevention of fraud and corruption is the responsibility of all Council Members and staff within their daily activities. However, specific responsibility for co-ordinating the prevention of fraud and corruption and responsibility for investigation are assigned by this policy as below.

5.2 The Section 151 Officer has responsibility for co-ordinating the Council's activities to counter fraud and corruption and, together with the Head of

Function Legal and Administration, will advise the Council, the Executive and the Council's Committees on policies, strategies and procedures to support this policy.

- 5.3 The Council's arrangements for investigating alleged fraud and corruption under this policy will make provision for an appropriate Officer such as Head of Service - Internal Audit to take charge of any individual investigation, but notwithstanding the procedures when investigating individual allegations, responsibility for co-ordinating the Council's activities to counter fraud and corruption will remain with the Section 151 Officer.
- 5.4 Managers are responsible for promoting this policy in their areas of work.
- 5.5 All elected members and employees are expected to provide investigators with all assistance, documents and access requested, and will provide written statements, including statements to the Police should they be required to do so.
- 5.6 The Executive monitors and implements the policies and the Audit Committee receives reports about activities related to countering fraud and corruption and their success.

## **6. MEASURES TO COUNTER FRAUD AND CORRUPTION**

### **6.1 Reducing opportunities**

For a fraud to take place requires an opportunity for the fraudster to obtain monies or other personal benefit from our systems. If we can reduce opportunities for fraud and corruption to occur we can reduce fraud and corruption. We can do this by ensuring that there is a robust and effective internal control framework in place and by ensuring that custody and administrative arrangements do not create an environment where theft or fraud and corruption can take place.

### **6.2 Internal Control System**

In order to safeguard public funds, it is essential that employees comply with internal controls and systems that have been put in place by management to prevent fraud and corruption. When fraud or corruption has occurred due to weakness in the Council's systems and procedures, Heads of Service will ensure appropriate controls are implemented to prevent recurrence.

6.3 In most cases, Internal Audit will review such controls as part of its overall assurance review, and should be given the support and co-operation of all managers and staff.

6.4 Managers have an additional responsibility for:

- Ensuring that staff for whom they are responsible are aware of the risk of fraud and corruption.

- Taking steps to prevent fraud and corruption through the use of appropriate internal controls and monitoring.
- Making sure that suitable levels of internal check are included in working procedures, in particular financial procedures. It is essential (where practically possible) that duties are specified and segregated, so that individuals cannot carry out a complete transaction without input and/or verification by another appropriate officer.
- Implementing agreed internal audit and other regulators recommendations.
- Encouraging staff to report suspected fraud, corruption and abuse as directed in the Council's Whistleblowing Policy.

#### 6.5 **Internal Audit**

The Head of Service – Audit is to be notified of all suspected or detected fraud, corruption or impropriety, to inform his opinion on the internal control environment and Internal Audit's work programme as well as to allow him to ensure appropriate action is taken.

6.6 Internal Auditors are alert in all their work to minimise risks and exposures that could allow fraud or corruption to occur. Internal Auditors are also alert to any indications that fraud or corruption may have been occurring and will advise the appropriate officers accordingly.

6.7 However, it is recognised that Audit procedures alone, even when performed with due professional care, cannot guarantee that fraud or corruption will be detected.

#### 6.8 **Prevention**

The Council seeks to prevent fraud and corruption by:

- Raising awareness of the risk of fraud and corruption;
- Making Members and employees aware of their roles and responsibilities;
- Ensuring that administrative systems, such as internal check and separation of duties, make it more difficult for theft or fraud to take place;
- Working with other agencies and bodies.

6.9 All Members and employees should be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with the appropriate people. Policies and procedures for raising concerns must be clearly set out and made available to Members, employees and the public.

- 6.10 The Council must follow appropriate recruitment procedures when employing new staff or agency staff. This includes reviewing the previous employment records of potential staff with regard to their propriety and integrity. This applies to both temporary and permanent staff. This may be done by the use of references from previous employers and review of qualification.
- 6.11 The Council is also committed to working and co-operating with other organisations to prevent organised fraud and corruption. Wherever possible, the Council will be prepared to develop and encourage the exchange of information (on national and local fraud and corruption activity) with other local authorities and external agencies, such as the Police, inter-authority audit officer groups, the Wales Audit Office and Government departments (including the Department of Work and Pensions).
- 6.12 Due care in protecting the integrity and confidentiality of data is particularly important when exchanging information.
- 6.13 **Deterrence**  
The Council will deter fraud and corruption by ensuring that potential perpetrators are made aware that the Council is vigilant in relation to fraud and corruption and will ensure that once identified appropriate action is taken. Such deterrent is reinforced when people are made aware that the details that they provide are validated and checked not just within the Council but between public bodies.
- 6.14 The Council will publicise all successful prosecutions to demonstrate that the Council does carry out prosecutions or other sanctions against offenders.
- 6.15 **Detection and Investigation**  
Financial Procedure Rules require the reporting of suspected irregularities. There will always be a presumption of formal action in cases of alleged fraud and corruption, and they will always be deemed as being sufficiently serious to warrant an official Internal Audit investigation.
- 6.16 The authority will maintain adequate resources to pursue prompt investigations in suspicion of theft, fraud or corruption and, if necessary, to report onwards to police or other prosecuting authorities.
- 6.17 **Prosecution and Recovery**  
The authority recognises that the public interest demands the prosecution of (or other sanctions against) perpetrators, notwithstanding any embarrassment caused to itself. Financial Procedure Rules (4.8.5.3.6) and approved prosecution policies lay down the standards to be followed. The authority aims always to recover stolen or defrauded assets or their value, by all means available.
- 6.18 A comprehensive policy, including prosecution and recovery, has been adopted for the Benefits Services. Procedures will be introduced for other areas where a need is identified.

6.19 The Council has adopted a Fraud Response Plan which provides guidance on the action to be taken when a fraud is suspected or discovered and covers areas such as: to whom the fraud will be reported, responsibilities for actions, who will investigate the incident and how employees under suspicion will be dealt with.

## **7. TRAINING**

7.1 The Council recognises that the continuing success of this Policy and its general credibility will depend, in part, on the effectiveness of programmed training and responsiveness of employees throughout the organisation.

7.2 Appropriate training will be available to all Members and staff who will be aware of, and adhere to, these procedures, and who will appreciate their overall effectiveness is to ensure high standards of propriety and to prevent an oppressive culture.

7.3 Managers, auditors and investigators will receive appropriate training and will follow formal operational procedures for investigating fraud and corruption and will comply with the Regulation of Investigatory Powers Act, Police and Criminal Evidence Act, Public Interest Disclosure Act, Human Rights Act, Data Protection Act and any other relevant legislation.

## **8. SUPPORTING POLICIES AND PROCEDURES**

8.1 The Council's Constitution includes the following key procedures, codes and protocols which support this policy:

- Financial Procedure Rules (including in particular 4.8.2.3 which requires financial control and internal check and 4.8.5.3 which establishes internal audit and requires the reporting of suspected irregularities);
- Contract Procedure Rules;
- Members' Code of Conduct and Principles of Conduct (including in particular at 5.1.3 the requirement to declare interests and to register gifts and hospitality);
- Officers' Code of Conduct (including in particular at 5.2.8 the need to declare interests and to register gifts and hospitality);
- Protocol for Member / Officer Relations;
- Bullying and Harassment Policy; and
- Whistleblowing Policy (which provides direct routes for reporting suspicions when normal reporting lines are unavailable); and
- Complaints Procedure.

## **9. PARTICIPATION IN OTHER AGENCY INITIATIVES**

9.1 The Council will implement antifraud initiatives, in partnership where appropriate, including:-

- data matching;
- fraud hotlines;
- publicising antifraud and prosecution activity;
- National Fraud Initiative.

The Council will also participate in other appropriate related initiatives sponsored by the Wales Audit Office, Audit Commission, Department for Work and Pensions and other agencies.

## 10. **POLICY REVIEW**

10.1 The Council shall continue to review its rules and procedures, therefore it is essential that this Policy is regularly reviewed to maintain its effectiveness and continued compliance with legislation.

10.2 The Section 151 Officer will make arrangements for the regular review of this policy and will make annual report to the Audit Committee on its operation.

<b>Policy Name</b>	<b>FRAUD RESPONSE PLAN – DRAFT</b>
Version No.	Version 1: 2012
Date Adopted	September 2012
Adopting body	Executive
Next Review Date	September 2014
Author	Head of Service - Audit
Implementation Responsibility	Section 151 Officer
Target Audience	All Council employees, Members, Partners, Contractors, Agents and other stakeholders.

## **1. INTRODUCTION**

The Council is committed to sound corporate governance and to protecting the public funds with which it has been entrusted. However, the determined perpetrator will sometimes find a way around systems and procedures. Minimising any losses to fraud is an essential part of ensuring that the Council's resources are used for the purposes they are intended. To this end, the Council's Policy for the Prevention of Fraud and Corruption has been developed and maintained.

All managers need to be aware of what is required in the event of being notified of a suspected fraud. This Fraud Response Plan should be read in conjunction with the Policy for the Prevention of Fraud and Corruption which sets out the process for staff who wish to notify any suspicions and notes how the Council's officers should respond. This Plan provides guidance on the action to be taken when a fraud is suspected or discovered and covers areas such as: to whom the fraud will be reported, responsibilities for actions, who will investigate the incident and how employees under suspicion will be dealt with.

It is vitally important that the Plan is followed by all concerned in order to ensure that the situation is handled professionally and to safeguard against the case being compromised. The use of the Plan may enable the Council to:

- prevent further loss,
- establish and secure evidence necessary for criminal and disciplinary action,
- notify the relevant authority, funding body and the Police,
- minimise and recover losses,



- take disciplinary action against those involved,
- review the reasons for the incident, the measures taken to prevent a recurrence and implement actions needed to strengthen procedures.

Further, this Plan aims to ensure that any investigation complies with the following Council policies and procedure:

- The Council's Staff Code of Conduct,
- The Council's Financial Procedure Rules,
- The Council's Whistleblowing Policy,
- The Council's Disciplinary Procedures.

### **Definitions**

The definitions of "Fraud", "Internal and External Fraud", "Benefit Fraud" and "Corruption" are as found in the Policy for the Prevention of Fraud and Corruption.

### **Benefit Fraud**

This Plan is not relevant to Benefit Fraud (as defined in the Policy for the Prevention of Fraud and Corruption), for which separate procedures exist.

## **2. REPORTING A SUSPECTED FRAUD**

### **Actions by Staff**

Suspected fraud can be discovered in a number of ways in all cases, it is important that staff feel able to report their concerns and that they are aware of the means by which they are able to do so. Suspicion of fraud will be treated seriously and will be reviewed and analysed in accordance with relevant legislation and the Policy for the Prevention of Fraud and Corruption.

All staff should be aware that the Officer's Code of Conduct and the Financial Procedure Rules (both of which are part of the Council's Constitution) between them place an obligation on all employees to report suspected cases of fraud, corruption and irregularities to the Section 151 Officer and/or the Head of Service – Audit.

**Officer's Code of Conduct, Section 5.2.9:** In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

**Financial Procedure Rule 4.8.5.3.6:** Any matter which involves, or which might involve, irregularities concerning money, stores or any property of the Council or entrusted to it shall be reported forthwith to the Corporate Director - Finance or other officer identified in an approved



antifraud or prosecution policy, who shall take such steps as he or she considers necessary. Any matter where, following consultation with the Director of Legal Services, there is prima facie evidence of a breach of the criminal law by any person, shall, except where there is an appropriate approved prosecution policy, be reported jointly by the Corporate Director - Finance and the Director of Legal Services to the Police or appropriate prosecuting authority. Antifraud and prosecution policies shall be approved by the Executive on the advice of the Corporate Director - Finance and the Director of Legal Services.

However, the Council is fully aware that reporting these suspicions can be extremely stressful and traumatic (especially if the person under suspicion is the employee's line manager, or a colleague with whom they work on a daily basis, and/or with whom they share an office). As a result, a number of measures are in place in order to protect employees who report genuine concerns. In particular, the Public Interest Disclosure Act encourages people to raise concerns about malpractice in the workplace and helps ensure that organisations respond by:

- addressing the message rather than the messenger; and
- resisting the temptation to cover up serious malpractice.

Further guidance can be found in the Council's Whistleblowing Policy, which outlines the way in which any employee can report suspicions. However, the Whistleblowing Policy covers a far wider range of malpractice than fraud, corruption and financial irregularities.

These other matters must be dealt with on their own merits and reported to the most appropriate place – usually to the relevant Senior Manager or Head of Service.

Any initial concerns and discussions that an employee may have will be treated sensitively and in complete confidence, and no-one should be afraid to raise them. There may be an innocent explanation for whatever the employee is concerned about - if this proves to be the case, then no further action will be needed and at least the concerns will have been aired.

A member of staff may choose to report their concerns anonymously and such anonymity will be respected. It should be noted that, if the report suggests criminal activity, and the case is to be pursued by the Police, the identity of the person reporting the details will be needed at a later date if criminal proceedings are to be pursued effectively; identification is preferred and will assist the investigation.

If anyone becomes aware of a suspected fraud or irregularity, their concerns should be written down as soon as is practically possible. A note should be

made of all relevant details, such as what was said in phone or other conversations, the date, the time and the names of anyone involved.

The matter should be reported immediately either:

- to their own Line Manager, Head of Service, Head of Function or Director who will contact the Section 151 Officer and / or the Head of Service - Audit, or
- direct to the Section 151 Officer and / or the Head of Service – Audit.

When reporting their concerns, staff should arrange to hand over any notes they may have taken and any evidence gathered to the appropriate investigator. Confidentiality for all parties will be maintained in respect of reports made in good faith which cannot be substantiated following investigation. Staff must not do any of the following:

- contact the suspected perpetrator in an effort to determine facts or demand restitution,
- discuss the case facts, suspicions, or allegations with anyone outside of the Council (including the Press) unless specifically asked to do so by the Section 151 Officer or Head of Service – Audit,
- discuss the case with anyone within the Council other than their own Line Manager, Head of Service, Head of Function, Director, Section 151 Officer or Head of Service – Audit,
- attempt to personally conduct investigations, carry out surveillance or interview or question anyone.

### **Action by Managers**

If managers have reason to suspect fraud or corruption in their work area, they should do the following:

- Listen to the concerns of staff and treat every report received seriously and sensitively, making sure that all staff concerns are given a fair hearing. Managers should also reassure staff that they will not suffer because they have told them of their suspicions.
- Obtain as much information as possible from the member of staff, including any notes and any evidence they have that may support the allegation. Managers should not interfere with any evidence, and should make sure it is kept in a safe place.
- Report the matter immediately to the Section 151 Officer or Head of Service – Audit. They must not try to carry out an investigation themselves or ask an individual to covertly obtain further information,

as this may compromise evidence (thus preventing appropriate disciplinary or criminal action in due course).

### **Action by Auditors**

If the Council's internal auditors discover what they suspect to be fraud, corruption or improper conduct during the course of an audit, they must secure all evidence and make detailed notes of all evidence collected. They should then report their suspicions immediately to the Head of Service - Audit at the earliest possible opportunity. The investigation process (section 4 below) will follow.

### **3. MALICIOUS ALLEGATIONS**

If an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the person making the allegation.

### **4. INVESTIGATION PROCESS**

Internal Audit is responsible for initiating and overseeing all fraud investigations. Internal Audit will ensure that all investigations conform to the same standard and in accordance with legislation. All alleged breaches of the Council's rules and standards will require an investigation to be held as soon as possible, unless the relevant line manager is of the opinion that the alleged offence is minor. However, in accordance with the Policy for the Prevention of Fraud and Corruption, no manager should view allegations of fraud, corruption or financial irregularities as minor offences.

The investigation procedure is not part of the disciplinary procedure; it is merely a process of gathering all of the facts related to the allegations, and this will be explicitly stated to any employee who is assisting the Council with such an investigation.

Investigation results will not be disclosed to, or discussed with, anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct, and to protect the Council from potential civil liability.

In cases where an individual is suspected of fraud which a subsequent investigation does not substantiate, it is important that the potential damage to the individual's reputation is minimised. Whoever originally reported the suspected fraud or irregularity will be informed that the investigation has revealed no wrongdoing.

Any necessary investigative activity will be conducted without regard to any person's relationship to the Council, position or length of service.

Once the investigation has been completed, Internal Audit will prepare a written report which states the facts discovered by the investigation. The

report will avoid speculation and no statement shall be made that cannot be supported by the facts.

## **5. PROCEEDINGS**

Where evidence exists to support the allegation of fraud or corruption, consideration will be given to "triple-tracking" the enquiry. That is, whether the steps to be taken should be criminal, civil, disciplinary or a combination of all three.

### **Disciplinary Action**

Where evidence of fraud or corruption has been gathered, the Internal Audit report described above will always be used as a formal record of an investigation. Disciplinary procedures will be conducted by the relevant line manager, who will use the Internal Audit investigation report as major evidence; the investigating auditor(s) should be required to present the evidence at a disciplinary hearing. However, Internal Audit investigators will not form part of a disciplinary panel.

### **Criminal Action**

The Council's Financial Procedure Rules (4.8.5.3.6) state that the Director of Finance, following consultation with the Director of Legal Services, shall where there is prima facie evidence of a breach of the criminal law by any person, except where there is an appropriate approved prosecution policy, report the matter jointly with the Director of Legal Services to the Police or appropriate prosecuting authority.

If an employee is involved, disciplinary action shall be taken as a matter of urgency in accordance with the Council's Disciplinary Procedures whether or not the matter is referred to the Police.

If the police decide that a formal investigation is necessary, all staff are expected to cooperate fully with any subsequent requests or recommendations. All contact with the Police following their initial involvement will usually be via Internal Audit.

### **Civil Action**

Where the Council has suffered loss, restitution will be sought of any benefit or advantage obtained and the recovery of costs will be sought from individual(s) responsible for fraud.

As a first step the individual concerned will be asked to make good the loss. It may be appropriate to consider recovering the loss from any monies due to the individual on termination (if the perpetrator is an employee). The advice of the Section 151 Officer and Legal Services should be sought before attempting to make recovery.

If the individual will not make good the loss, consideration should be given to taking civil action to recover the loss, subject to legal advice received. Since

the misappropriated funds are taxpayer's money, the civil recovery can be as important as a successful prosecution. Civil remedies can be used even if a criminal case fails, or if criminal charges have not been pursued, due to the differing burden of proof.

As a last resort, if on the basis of legal advice a civil remedy action is not pursued, the Council's Fidelity Guarantee Insurance Policy may be enacted to recover losses. However, in cases where fraud has occurred following particularly poor management or supervision the full amount may not be recovered.

In any event, the Insurance & Risk Manager must be kept informed from an early stage in the investigation in order to ensure that the insurance claims are dealt with as effectively and efficiently as possible.

### **Parallel Sanctions**

There is no legal reason why the three types of proceedings listed above should not proceed at the same time, or at least overlap. The general approach of the courts is not to give automatic precedence to criminal proceedings. Other forms of proceedings should not be postponed until after the conclusion of the criminal hearing unless there is a real – not merely notional – danger that the disclosure of the defence in the civil action would, or might, lead to a potential miscarriage of justice (by, for example, enabling prosecution witnesses to prepare a fabrication of evidence).

## **6. LEARNING FROM EXPERIENCE**

Where a fraud has occurred, management must make any necessary changes to systems and procedures to ensure that similar frauds will not recur. Where appropriate, Internal Audit will include in their reporting where there has been a failure of supervision, or a breakdown / absence of control. Such reports will provide recommendations to avoid further occurrences, both in the specific area where the fraud occurred and, where appropriate, within the wider context of the Council's administration.

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<b>Policy Name</b>	<b>DRAFT ANTI MONEY LAUNDERING POLICY &amp; GUIDANCE</b>
Version No.	Version 1: 2012
Date Adopted	September 2012
Adopting body	Executive
Next Review Date	September 2014
Author	Head of Service - Audit
Implementation Responsibility	Section 151 Officer
Target Audience	All Council employees - particularly those involved with land or property transactions, arranging loans or receiving cash.

### **Purpose**

The purpose of the Policy is to increase the awareness of staff concerning what money laundering means and the legal responsibilities that the related legislation imposes on **organisations and individuals**. The policy relates to all staff but on behalf of the Council.

The Council's policy is to do all that it can to prevent, wherever possible, the Council and its staff being exposed to money laundering by identifying all potential areas where it may occur and by complying with all legal and regulatory requirements especially in relation to the reporting of actual or suspected cases.

**It must be stressed however that it is the personal responsibility of every member of staff to be vigilant.**

### **Main Legislation**

The main legislation concerning money laundering is:

- Proceeds of Crime Act 2002;
- Money Laundering Regulations 2007;
- Terrorism Act 2000; and
- Anti-Terrorism, Crime and Security Act 2001.

## Definition of Money Laundering

The Proceeds of Crime Act uses the term 'money laundering' to cover a number of offences involving the proceeds of crime and terrorism. In terms of the Act money laundering involves the following:

1. concealing, disguising, converting, transferring or removing criminal property from England, Wales, Scotland, or Northern Ireland;
2. being concerned in an arrangement, which you know or suspect facilitates the acquisition, retention, use or control of criminal property.

Money laundering involves knowing or suspecting that someone they know, or know of, is benefiting financially from dishonest, criminal activities.

Criminal property has a wide definition which includes the proceeds of crime committed by somebody else, but also the proceeds of an individual's own crime. It does not matter how small the amount of money involved is.

## Money Laundering Offences

There are three principal offences. These are:

- i) **Concealing** – where someone knows or suspects a case of money laundering, but conceals or disguises its existence;
- ii) **Arranging** – where someone involves him/herself in an arrangement to assist in money laundering;
- iii) **Acquisition/Use/Possession** – where someone seeks to benefit from money laundering by acquiring, using or possessing the property concerned.

Associated third party offences are;

- i) **Failure to disclose** one of the three principal offences above;
- ii) **Tipping off** – where someone informs a person or people who are, or are suspected of being, involved in money laundering, in such a way as to reduce the likelihood of their being investigated, or prejudicing an investigation.

## Council Anti Money Laundering Procedures

### i) Nominated Officer



The Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 (MLR) require that organisations appoint a 'nominated officer' responsible for the receipt of reports on suspicions of money (or other property) which involves the proceeds of any form of crime who is also responsible for reporting these suspicions to the Serious Organised Crime Agency (SOCA).

The Council has nominated the Section 151 Officer as the officer to be responsible for anti money laundering measures. The authority's nominated Money Laundering Reporting Officer (MLRO) is the Head of Service – Audit or another member of the Internal Audit Team in the absence of this officer.

#### ii) Limits on Cash Amounts Accepted

The Council will not accept any sum of 7 500 Euros (approx £5 000) in cash and any attempt to make such payment must be reported to the MLRO.

#### iii) Staff Training

The Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 (MLR) require that organisations must ensure that relevant staff are trained in Anti-Money Laundering awareness and procedures.

The Council will provide updated Anti-Money Laundering training for cashiers, Finance staff and staff involved with property transactions or arranging loans.

#### iv) Anti- Money Laundering Reporting Procedures

The Council has devised procedures for reporting suspicious transactions and, if necessary, making an appropriate report to the Serious Organised Crime Agency (SOCA).

#### v) Record Keeping Procedures

The Council will maintain procedures for verifying and recording the identity of counterparties and reporting suspicions.

### **Reporting Suspected Cases of Money Laundering**

You should report any suspected cases of money laundering and any receipts of cash over the sum of £5 000 (7 500 Euros) to the Money Laundering Reporting Officer (MLRO) immediately by telephoning 01248 752611 or by emailing details to [JFXFI@anglesey.gov.uk](mailto:JFXFI@anglesey.gov.uk) . The Money Laundering Reporting Officer will consider the circumstances of each case and make a decision as to whether to report the case to the Serious Organised Crime Agency (SOCA).

### **Implications for Staff**



Whilst the consequences of staff committing an offence are considered unlikely the **failure to disclose** a suspicion of a case of money laundering is in itself a serious offence and staff are advised to report any such suspicion immediately.

The penalties for money laundering offences depend on their severity. Those tried at a Magistrates Court can attract fines of up to £5000 and / or up to six months in prison. Cases tried at Crown Court can attract unlimited fines and sentences from two to fourteen years.

### **Examples of Suspicious Activities**

People involved in crime or the handling of criminal property need ways to safeguard the proceeds of their activities. This includes the laundering of money obtained from such activities. Situations they may give rise to suspicion of money laundering include;

- Any transaction involving an unusually large amount of cash;
  - Making cash payments over and above the amount necessary to settle a transaction and therefore requiring a refund.
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## AGENDA ITEM NO.

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>The Executive &amp; Full Council</b>
<b>Date</b>	<b>Executive 03.12.12 Full Council 06.12.12</b>
<b>Subject</b>	<b>To Make Changes to the Planning Matters Procedure Rules (Section 4.6 of the Constitution) Permanent</b>
<b>Portfolio Holder(s)</b>	<b>Councillor Robert Lloyd Hughes</b>
<b>Lead Officer(s)</b>	<b>Head of Service (Planning and Public Protection) Legal Services Manager</b>
<b>Contact Officer</b>	<b>Robyn Jones (x2134)</b>
<p><b>Nature and reason for reporting</b></p> <p>1.1 To make changes to the Constitution, section 4.6: Planning Matters Procedure Rules, permanent following the end of a 12 month trial period.</p> <p>1.2 The Executive is asked to make a recommendation to the full Council in respect of the permanent changes and the full Council is asked to take a decision to make those changes permanent.</p>	

<b>A – Introduction / Background / Issues</b>
<p>2.1 At its meeting on 20 June 2011, the Board of Commissioners made changes to the Planning Matters Procedure Rules (the Rules) following a significant period of consultation with a range of stakeholders.</p> <p>2.2 The changes dealt with a number of issues from restrictions on the conduct of members at the Planning Committee down to clarifying planning applications from which officers should be reserved for decision to the Planning Committee.</p> <p>2.3 The changes and the reasons for them are set out in the Appendix to this report. It sets out the report that was presented to the Board of Commissioners in June 2012 and also the rationale for the changes and the reasons for their implementation.</p> <p>2.4 The review of the Rules originally arose as part of a Corporate Governance Inspection and recommendations made to the Planning Service and from their Action Plan in response.</p>

2.5 Under the Ministerial Direction then in force, changes to the Constitution were reserved to the Minister. He made the necessary changes by written notification to the Council dated 20 November 2011. The changes then took effect and the arrangements have been operational since then.

2.6 The changes were made for a trial period of 12 months and that period has now elapsed.

2.7 The matter is re-presented to members with a recommendation that the changes be made permanent. Delegated power is requested to be granted to the Head of Function (Legal and Administration) to make the necessary changes to the Constitution to implement the recommendation.

## **B - Considerations**

3.1 In addition to a number of minor and consequential amendments, there were three principal changes. These were:

3.1.1 To prevent a member of the Planning Committee from proposing, seconding or voting on an application located within their ward,

3.1.2 To require that all members of the Committee who vote on an application to have been present at all previous considerations of that application by the Committee including any official site visit, and

3.1.3 Amendments to the Rules clarifying which planning applications by members and officers and their relatives should be determined by the Committee as opposed to being decided by officers under delegated powers.

3.2 The reasons for the changes are as set out in the Appendix to this report. Officers are of the view that these remain relevant considerations.

3.3 In practice officers' are not aware that the changes to the Rules have caused any problem affecting decision-making.

3.4 The new Rules on "members' and officers' applications" have been operated without any problem. These changes are an improvement on the previous version by providing a greater degree of certainty and clarity as to whose applications now need to be reported to the Committee for a decision. Officers' are of the view that this change should be made permanent.

3.5 The two changes affecting members of the Planning Committee have also been

operated without any known problem. Any potential problem with the Committee not being quorate owing to Committee members not being able to vote because they had not been on the site visit has not arisen. As the number of site visits has reduced and with the likelihood that this will continue, then there is no reason to expect that this risk will materialize in future.

3.6 Officers believe that the reasons advanced for making the changes as set out in the recommendation to the Board of Commissioners remain sound and sensible. Making these changes permanent will:

3.6.1 Bolster clarity, transparency and certainty in decision-making by the Committee. It will help protect decision-making from adverse public perception.

3.6.2 Be of benefit to members on the Committee by providing them with safeguards as to their participation in decision-making.

3.6.3 Be of benefit to Planning Officers by providing them with certainty as to which “members’ and officers’ applications” need to be decided by the Planning Committee.

<b>C – Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	No comments received
<b>2</b>	<b>Legal / Monitoring Officer</b>	The Committee’s legal adviser is a co-author of the report and the legal view is expressed in it
<b>3</b>	<b>Human Resources</b>	Not applicable
<b>4</b>	<b>Property Services</b> (see notes – separate document)	Not applicable
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	Not applicable
<b>6</b>	<b>Equality</b> (see notes – separate document)	These changes will not have a differential impact on any of the groups protected under the Equality Act 2010. Providing clarity, transparency and certainty in decision-making will help ensure that everyone is treated fairly.
<b>7</b>	<b>Anti-poverty and Social</b> (see notes – separate document)	Not applicable

<b>C – Implications and Impacts</b>		
	document)	
<b>8</b>	<b>Communication</b> (see notes – seperate document)	No comments
<b>9</b>	<b>Consultation</b> (see notes – seperate document)	The original proposals were subject to significant consultation as detailed in the Appendix
<b>10</b>	<b>Economic</b>	Not applicable
<b>11</b>	<b>Environmental</b> (see notes – seperate document)	Not applicable
<b>12</b>	<b>Crime and Disorder</b> (see notes – seperate document)	Not applicable
<b>13</b>	<b>Outcome Agreements</b>	Not applicable

<b>CH - Summary</b>
<p>4.1 The changes to the Rules were made in November 2011 following a lengthy period of consultation with stakeholders.</p> <p>4.2 The genesis of the changes were a Corporate Governance Inspection of the Planning Service and a need to put in place a robust procedure to protect members and officers who engage in deciding planning applications and to protect the system from adverse public perception.</p> <p>4.3 The changes were made by the Minister for a 12 month trial period. That trial period has now elapsed and the Council is asked to consider making those changes permanent.</p> <p>4.4 Practical experience during the trial period has not led to evidence that the changes do not work or that they have hampered decision-making by the Planning Committee.</p>

**D - Recommendation**

5.1 The recommendations are as follows:

To the Executive:

5.2 To recommend to the full Council that the changes made to the Council's Constitution by the Minister to the Rules (for a trial period of 12 months from 20 November 2011) and as detailed in the report to the Board of Commissioners on 20 June 2011 (the Appendix to this report) are made permanent.

To the Full Council:

5.3 To make permanent the changes to the Council's Constitution made by the Minister to the Rules (for a trial period of 12 months from 20 November 2011) and as detailed in the report to the Board of Commissioners on 20 June 2011 (the Appendix to this report), and

5.4 To delegate to the Head of Function (Legal and Administration) the power to make the necessary changes to the Constitution to implement the Council's decision.

**Name of author of report: Robyn W. Jones**  
**Job Title: Legal Services Manager**  
**Date: 15 November 2012**

**Appendices:**

Copy of the report submitted to the meeting of the Board of Commissioners on 20 June 2011 together with its enclosures.

**Background papers**

Other reports and papers submitted to public meetings of the Council and its Committees during the process of reviewing the Rules.

## AGENDA ITEM NO.

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>REPORT TO</b>	<b>MEETING OF THE BOARD OF COMMISSIONERS</b>
<b>DATE</b>	<b>20 JUNE 2011</b>
<b>SUBJECT</b>	<b>REVIEW OF THE PLANNING MATTERS PROCEDURE RULES</b>
<b>PORTFOLIO HOLDER(S)</b>	<b>ALEX ALDRIDGE MICK GIANNASI</b>
<b>LEAD OFFICER(S)</b>	<b>INTERIM CHIEF EXECUTIVE, DIRECTOR OF LEGAL SERVICES, HEAD OF SERVICE (PLANNING AND PUBLIC PROTECTION)</b>
<b>CONTACT OFFICER</b>	<b>Robyn Jones (tel: 01248 752134)</b>

**1. Please confirm the nature of the report by clicking one of the following boxes:**

For information.....

Operational.....

Strategic.....

**2. Reason/s why a decision required by the Commissioners**

To obtain a recommendation from the Commissioners. Any changes to the Rules will be a change to the Constitution to be made by the Minister. The matter was reported to full Council for comment.

**3. Report summary**

Changes to the Planning Matters Procedure Rules following a Corporate Governance Inspection (CGI) Review into planning matters by WAO and PwC in 2009. The review was part of the Planning Department's Improvement Plan 2010-11.



#### 4. Recommendation/s and reasons

##### **Recommendation:**

That the Commissioners make a recommendation on proposed changes to the Rules:

- (i) as to which applications by members, officers and their relatives should be referred to the Committee for a decision and not be dealt with by officers under delegation,
- (ii) that members of the Planning Committee will only be allowed to participate in discussion on applications if they have been present at all previous substantive considerations of that application by the Committee. This includes being present at any official site visit. Substantive consideration means where there has been a presentation by the officer on the application or any discussion by the Committee on the merits of the application
- (iii) that members on the Planning Committee who represent the ward where a development site is located may not vote or make or second a recommendation on such an application

##### **Reasons:**

To address recommendations made by the WAO and PwC in the 2009 CGI on Planning as incorporated into the Planning Improvement Plan 2010-11.

Changes to tighten and clarify the wording of the Rules and accord with best practice.

To address possible concerns regarding the perceived involvement in decision-making by the local councillor as a member of the Planning Committee.

To ensure that decision-makers are aware of all previous considerations on an application before a decision is made.

#### 5. Other options and reason/s for rejection

The option of not making the changes rejected as it would mean failing to address recommendations made in the 2009 CGI.

## 6. Consultation

- 6.1 Finance/Section 151.....  yes..... no
- 6.2 Legal/Monitoring Officer.....  yes..... no
- 6.3 Human Resources.....  yes..... no..... n/a
- 6.4 Property Services.....  yes..... no..... n/a
- 6.5 Communications Unit.....  yes..... no

6.6 Others consulted (including members):

Standards Committee (14.12.10), Planning Committee (02.02.11),

All Members, Group Leaders and other Welsh Authorities.

## 7. Any Policy Framework issues

None

## 8. Environmental issues

Does the item/matter have regard to:

1. Wildlife (biodiversity) under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006\* .....  yes..... no..... n/a

2. Anglesey's Area of Outstanding Natural Beauty (AONB) under Section 85 of the Countryside and Rights of Way Act 2000\*\* .....  yes..... no..... n/a

(\* Ecological and Environmental Advisor can advise: ext. 2470)

(\*\* Countryside and AONB Officer can advise: ext. 2429)

[Notes](#)

## 9. Background papers

The Planning Decision-Making Process Improvement Plan 2010-11

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	<b>COMMISSIONERS BOARD MEETING</b>
<b>DATE:</b>	<b>20 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF THE PLANNING MATTERS PROCEDURE RULES</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE DIRECTOR OF LEGAL SERVICES / MONITORING OFFICER AND HEAD OF SERVICE (PLANNING AND PUBLIC PROTECTION)</b>
<b>PURPOSE OF REPORT:</b>	<b>TO CONSIDER ADOPTION OF THE PROPOSED CHANGES TO THE RULES</b>

## **1. Introduction**

1.1 At its meeting on 26 April the Commissioners considered the adoption of procedural rules relating to the involvement of Councillors in the decision making process.

1.2 The Commissioners considered the outcome of consultation within the Council, the context of the perceptions relating to planning matters, and the unique position relating to the Ministers' intervention in Anglesey to address corporate governance in order to restore public confidence in the decision making processes. The Commissioners also took account of the Wales Audit Office and PwC (external auditors) views that the Council should review its planning processes. The statutory officer recommendations to the Commissioners was accepted as being reasonable in all the circumstances and Commissioners took the view that they wished to remove any perception of a failure in dealing with conflicts of interest at both Councillor and Officer level whilst accepting that the perception is not always reality.

1.3 At its meeting on 12 May, full Council received the report of the 26 April and resolved that this matter be referred back to the Commissioners with a recommendation that they be asked to reconsider the matter bearing in mind the changes that have already taken place within the Planning and Orders Committee of this Authority.

1.4 This report addresses the process for Commissioner to consider the Council's request and to arrive at a decision on the matter of Planning Matters Procedure Rules ("the Rules"), which are currently set out at section 4.6 of the Constitution.

1.5 The previous recommendation to the Commissioners was to recommend approval of the changes to the Rules for a 12 month trial period, that the matter be referred to full Council for comment and then submitted to the Minister for changes to the Constitution. Therefore it is incumbent on Commissioners to take all these matters into account and decide on the matter

## **2. WAO / PwC CGI Report 2009**

- 2.1 The proposals arise from various Audit recommendations and specifically the 2009 Corporate Governance Inspection on planning undertaken by WAO and PwC (December 2009).
- 2.2 The WAO and PwC undertook the specific Corporate Governance Inspection of planning matters in 2009 (as part of the wider CGI) and as a result of some responses to public consultation as part of the wider CGI. The WAO / PwC report suggested a review of the Rules to help establish clear and well-communicated roles and expectations of members and officers involved in the planning process, including the role of committee members and the balance between their role as ward member and as committee member.

### **3. The Review**

- 3.1 The task of reviewing the Rules was incorporated into the Planning Service's "Planning Decision-Making Process Improvement Plan 2010-11" and the specific task was undertaken by the Legal Services Manager who also acts as the Council's planning lawyer.
- 3.2 The Legal Services Manager reported back to the Head of Service (Planning and Public Protection) in November 2010. The result of the review by way of suggested amendments to the Rules is set out in the Appendix to this report. There are three major changes: two involve restrictions on members of the Committee and the third clarifies the rules as to which applications by members and officer need to go to Committee to be determined.

### **4. Consultation**

- 4.1 A significant and wide-ranging consultation was undertaken on the proposed changes.
- 4.2 Standards Committee. The Standards Committee was consulted on the proposed changes at its meeting on 14 December 2010. Their response has already been publicized in previous reports.
- 4.3 Elected Members. All elected members were consulted on the proposed changes with the closing date for responses being 31 January 2011. Three responses were received; two supported all the changes and the other supported two of the changes and asked a question about the third.
- 4.4 The Planning Committee. The Planning Committee were consulted on 2 February 2011 and resolved to note the report but did not express a view as the matter was open to each member to consider at full Council.
- 4.5 The then Executive. The matter was reported to the then Executive for consultation as any changes to the Rules would be a change to the Constitution. At its meeting on 23 February the then Executive resolved to support the three major changes.
- 4.6 Group Leaders. Consultation was made with the Group Leaders at their meeting held on 2 March 2011.

- 4.7 Full Council. The matter was reported to full Council at its meeting on 8 March 2011. Full Council resolved to defer the matter to its next ordinary meeting and, in the meantime, to request officers to enquire what is the practice at other Welsh local authorities. This has been done and is reported on below.
- 4.8 Other Councils. The two major changes involving members of the Committee were consulted on with both the Monitoring Officers and with the Chief Planning Officers (or the equivalent officers) of the other 21 principal councils in Wales.
- 4.8.1 Of the replies received, only one other Welsh principal council (Carmarthenshire) restricts participation at Planning Committee to only those members who have been on the official site visit for that application. However, and as would be expected, there is a variety of practice across Wales. Some Councils have Site Visit Sub-Committees, others have Site Visit Panels and some have Site Visits Sub-Committees or Panels who have delegated powers to actually decide applications.
- 4.8.1 Of the replies received, only Gwynedd Council has a rule which prevents a local member who is also a member of the Planning Committee from voting on an application in his ward.
- 4.9 Recent Local Government Association (LGA) advice stresses the importance of the involvement of ward Councillors in the development process provided adequate safeguards are in place to avoid accusations of pre-determination.

The changes that have been decided on by the Commissioners in Anglesey will preserve the right of local members to still speak at the Committee and therefore the involvement of Councillors is preserved with the safeguards to prevent any perception of pre-determination also provided.

Whilst Commissioners were aware that no other local authority in Wales apart from Carmarthenshire and Gwynedd practice this arrangement the Commissioners took the view that given the current circumstances applying to Anglesey and that a similar system did work in Carmarthenshire and Gwynedd the statutory advice was reasonable in terms of giving protection to Councillors in Anglesey from any possible public perception of conflicts of interest

## **5. The Proposals on Local Members and Participation at Planning Committee**

- 5.1 It is proposed that members on the Planning Committee who represent the ward where a development site is located may not vote or make or second a recommendation on such an application (paragraph 4.6.4.3.3 of the Rules).
- 5.1.1 At present there are no such restrictions on “the local member” who is also a member of the Committee. The local member is at present free to speak, to make or second a recommendation and to vote on such an application. This may give rise to the **public perception** (but not necessarily the reality) that the local member (when speaking, making or seconding a recommendation and / or voting) may be acting as an advocate for or against the application by virtue of them being the local member. That would not be the proper role

for a member of the Committee in discharging a quasi-administrative function. **The proposed change removes the risk of that perception.**

**5.1.2 The change does not affect the local member's right to speak at the Committee in his capacity as the local member and the change may help improve public perception of the planning system.**

5.2 It is proposed that members of the Planning Committee will only be allowed to participate in discussion on applications if they have been present at all previous substantive considerations of that application by the Committee. This includes being present at any official site visit (paragraphs 4.6.5.1 and 4.6.19.1.1(vi) of the Rules). Substantive consideration means where there has been a presentation by the officer on the application or any discussion by the Committee on the merits of the application.

5.2.1 At present there are no rules which require that a member of the Committee must have been present at all previous considerations of an application before they can participate at the next consideration. This is the case both as regards official site visits which have been undertaken and also generally.

**5.2.2 Previous substantive considerations and the official site visit in particular inform subsequent considerations and members should have had an opportunity to hear and see all the deliberations on an application before being involved in deciding that application. This change may help improve public perception of the planning system.**

## **6. Conclusions**

6.1 The following matters are submitted to Commissioners as being relevant in considering the recommendations:

6.1.1 Planning History. It is recognised that Ynys Môn's planning history points to the need for ensuring that any accusations of impropriety are avoided.

6.1.2 Public Perception. The Commissioners will want to consider the Council's current circumstances and the need to tackle the poor public perception (but not necessarily reality) that surrounding the planning system. The Commissioners will want to ensure that the Council has the best and most robust safeguards in place whilst accepting that this is in order to address concerns about public perceptions and not reality. The recent acceptance of the Council at its EGM in relation to the Ombudsman findings on planning maladministration in relation to officer errors was a positive step forward in addressing public perception

6.1.3 Other Local Authorities -WAO / PwC Report. Whilst other Councils may not adopt these procedural rules, the WAO and PwC had specific cause to undertake a specific review of planning matters at this Council as part of the 2009 CGI and recommended that the Rules be reviewed with the aim of clarifying the roles of Committee members who were both local member and member of the Committee.

- 6.1.4 Planning Service's Improvement Plan. The WAO / PwC recommendations were incorporated into the Planning Service's "Improvement Plan" which required a review of the rules not confined to what was thought good practice at other Councils.
- 6.1.5 Addressing Perceived Weaknesses. The two proposed changes involving members of the Committee address what may be perceived weaknesses in the functioning of the Planning Committee. These are: non-attendance at earlier deliberations of an application including official site visits and the risk that a local member who sits on the Committee may be seen to act and, likewise, recommend and vote as an advocate for or against a proposal in their ward.
- 6.1.6 Boosting Public Confidence. The changes are aimed to boost public confidence in Anglesey and the public domain generally and contribute to the progress that is being made in corporate governance matters generally within the Council through establishing a planning process that maintains the right of ward members to contribute to the debate without any perception of a conflict of interest.
- 6.1.7 Consultation. The proposals have been the subject of extensive consultation within the Council since the start of the year.
- 6.1.8 Trial Period. The proposed changes are to be for a 12 month trial period. This will allow an opportunity to review the affect of the changes.
- 6.1.9 Protecting Members. The changes provide a measure of protection to members from complaints or challenges about the Committee member – ward member issue. Members will retain the right to speak as ward member at Committee.
- 6.1.11 There is overwhelming support for clarification of the Rules about member/officer applications being referred to Committee.

Previous Decision. The Commissioners decided to support the changes at their meeting on 26 April.

## **7. Recommendation**

- 7.1 That the Commissioners reaffirm its decision to support a 12 month trial period for:
  - 7.1.1 Changes to clarify the Rules on member/officer applications and those of their relatives and close friends which should be reported to the Planning Committee for decision,
  - 7.1.2 Changes to the Rules that:
    - 7.1.2.1 Members on the Planning Committee should not be allowed to make or second a recommendation or vote on an application which is located in their ward, and



7.1.2.2 Other than speaking as local councillor, members of the Planning Committee should not be allowed to participate on an application at Committee if they have not been present when that application was previously substantively considered by the Committee. This includes any official site visit that has occurred.

7.1.3 Other minor changes to the Rules as set out in the Appendix to this report.

7.2 All the changes to the Rules to implement the above are set out in the Schedule to this report. Further, minor changes are set out in the Rules set out in the Appendix to this report.

7.3 Under the terms of the Ministerial Direction dated 16 March 2011, the Commissioners approve the changes being submitted to the Minister with a request that he makes a decision to change the Constitution as necessary in order to implement the recommendations for a 12 month trial period.

Richard Parry Jones  
Chief Executive  
Statutory Head of Paid Service

### **Background Papers**

The Planning Decision-Making Process Improvement Plan 2010-11.



## **The Schedule**

### 1. Recommendation 5.1.1

That section 4.6.10 of the Planning Matters Procedure Rules be changed to read as follows:

#### **“4.6.10 Development Proposals Submitted by Councilors and Officers**

4.6.10.1 Proposals by serving councillors (whether or not they are councillors on the Committee), certain categories of officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is vital that they are handled in a way which gives no grounds for accusations of favouritism. In these rules “relatives” encompass spouse or partner, parent, grandparent, child, grandchild, brother or sister.

4.6.10.2 Planning applications falling within the following categories will be reported to the Committee for consideration and not dealt with by officers under 'delegated powers':

- those where the applicant is a serving councillor or the relative of a serving councillor,
- those where a serving councillor acts as agent or has prepared any part of the application or plans,
- those where the applicant is a relevant officer or their relative. In this rule “relevant officer” means the Managing Director, all Corporate Directors, all Heads of Service, all officers working in the Planning Department and all other officers whose work is directly linked to the development control process (such as officers in Highways and Environmental Health who are consultees or lawyers who advice and represent the Planning Department in development control matters),
- those where the applicant is a close friend of a serving councilor or relevant officer.

In this rule “planning application” shall mean all applications required by statute to be made and which (apart from this rule) would fall to be determined under the Council’s Constitution by the Head of Planning Service. These would include applications for outline consent, reserved matters approval, listed building consent, conservation area consent, consent under Tree Preservation Orders and so forth.

4.6.10.3 Planning officers shall endeavour to identify and highlight such applications and shall accordingly inform the Head of the Planning Service and the Authority's Monitoring Officer. Serving councillors who make applications, who act as agents or who prepare plans or whose relatives make applications, should play no part in the decision-making process for that proposal.

4.6.10.4 The Monitoring Officer should confirm in the Committee report that such application has been processed normally and must, therefore, be given the opportunity to review the file.

4.6.10.5 Officers involved in the development control process must not prepare plans or act as agent for any person or body (including their relatives) pursuing a planning matter with the Council. If they submit a proposal on their own behalf, they should take no part in the processing of that application.”

2. Recommendation 5.1.2.1

That paragraph 4.6.4.3.3 of the Rules be changed so as to read as follows:

“4.6.4.3.3 If the local councillor is a member of the Committee then, the provision of rule 4.6.4.3.2 above will also apply to them and he/she may address the Committee but will **not** have the right either to propose or second any recommendation or to vote on the application. But he/she may should they so wish, refer the person seeking to lobby them to a councillor who represents an adjoining ward and who is not on the Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.”

3. Recommendation 5.1.2.2

That paragraph 4.6.5.1 of the Rules be changed so as to read as follows:

“4.6.5.1.1 When attending meetings of the Committee, councillors who are not members of the Committee should sit quite separately from councillors who are on the Committee - whether or not they intend addressing the Committee. They should not communicate with those councillors who are on the Committee and who will be making decisions. The objective of this rule is to emphasise the quasi-judicial nature of the Committee’s proceedings when considering planning applications.

4.6.5.1.2 Other than speaking as local councillor, members of the Committee may only participate on an application where they have been present at all previous substantive considerations of that application by the Committee. Substantive consideration means where there has been a presentation by the officer on the application, any discussion by the Committee on the merits of the application or an official site visit of the application site.”

That a new rule 4.6.19.1.1(vi) be added to the Rules to read as follows:

“(vi) if the Committee are of a view that the site needs to be visited and seen before the application can be determined, then only those members who attended the official site visit may participate in and vote on the application when it is further considered by the Committee.”

**APPENDIX**

## **4.6 Planning Matters Procedure Rules**

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#### 4.6.1 Introduction

4.6.1.1 Determining planning applications is an important duty undertaken by the County Council. These rules set out how the Council as local planning authority will deal with planning applications. The rules apply to ~~both councilors~~ and officers as the context requires.

4.6.1.2 Most applications will be determined by planning officers acting on behalf of the local planning authority and the ~~Council's~~ Planning and Orders Committee (the Committee) will determine all other applications. The rules as to whether officers or the Committee will determine applications are contained in Part 3 of this Constitution at paragraph ... – Of those instances where the decision may be made by the Committee, the potentially most significant is where which includes a provision that the local councilor (that is the councilor in whose ward the proposed development site is located) may require that ~~thean~~ application (which ~~would~~might otherwise be decided by officers) should be submitted to the ~~Planning and Orders~~ Committee for determination. In these cases, provided that the local councilor must 'call-in' such application indicates this in writing addressed to the Chief Planning Officer/Head of Development Control within 21 days of the date of the notification letter notifying him / her of the application. In the case of those applications classified as 'fast-track' economic ones, the period within which to refer it to the Committee will be only 14 days. The local councilor may withdraw their call-in at any time before the Committee Agenda is published by notifying to the case officer and confirming the withdrawal in writing.

4.6.1.3 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because ~~theits~~ decisions affect the ~~daily~~ lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking a decision) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

4.6.1.4 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, ~~particularly~~ the financial value of landholdings and the quality of the ~~environmentir~~ settings. It is important, therefore, that local planning authorities should make planning decisions affecting these interests, openly, impartially, with sound judgement and for justifiable reasons. The process should leave no justifiable grounds for suggesting ~~with any justification~~ that a decision has been partial, biased or not well-founded ~~in any way~~.

#### 4.6.2 Decision Making on Planning Applications

4.6.2.1 Decisions on planning applications are sometimes referred to as regulatory or quasi-judicial decisions and this means that those making such decisions must

4.6.2.1.1 take into account all relevant planning considerations

4.6.2.1.2 ignore irrelevant or non planning considerations

4.6.2.1.3 act impartially, fairly and not take into account any political considerations

4.6.2.2 Planning law requires local planning authorities to determine planning applications in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise. The emphasis in determining applications is upon a 'plan-led' system.

4.6.2.3 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved.

4.6.2.4 Those persons determining planning applications have a duty to take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. This conclusion should not be reached by the ~~Planning and Orders~~ Committee until all the facts have been presented in the officer's report to the Committee.

4.6.2.5 Councillors must not give a commitment in relation to any planning matter prior to its consideration at Committee. It is recognised, however, that councillors will from time to time be approached individually by applicants, agents and objectors in relation to planning proposals. These rules are intended to assist councillors in dealing with these approaches and is designed to ensure that the integrity of the decision making process is preserved.

4.6.2.6 Failure to follow these rules without good reason could be taken into account in investigations into possible maladministration and any investigation regarding the conduct of councillors and / or officers.

### 4.6.3 Pre-determination Discussions by Officers with Applicants

4.6.3.1 In any discussions on planning issues, it will always be made clear at the outset, ~~that such discussions~~that such discussion:

- ~~will~~ not bind the local planning authority to make a particular decision, and
- ~~that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.~~

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4.6.3.2 Any advice given will:

- ~~be~~ consistent and based upon the Development Plan and other material considerations~~;~~
- ~~Furthermore any advice given shall~~ be impartial and, the best that the officer can give in the circumstances, and
- ~~try to~~ highlight any apparent problems.

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4.6.3.3 No Council~~or shall~~ take part in the officers' discussions with applicants at any stage prior to determination of the application. Where this does occur, a complaint may be made against the council~~or~~ to the Council's Monitoring Officer.

### 4.6.4 Lobbying of and by Council~~ors~~

#### 4.6.4.1 Council~~ors~~ who are Members of the ~~Planning and Orders~~ Committee

4.6.4.1.1 Council~~ors~~ who are members of the ~~Planning and Orders~~ Committee are likely to be approached by applicants, objectors and others interested in the outcome of planning applications. Because of the quasi-judicial or regulatory nature of planning decisions, council~~ors~~ on the Committee should not allow themselves to be lobbied by anyone - whether for or against an application. If approached they should inform the person seeking to lobby them that if they discuss the application with ~~the~~ ate person ~~seeking to lobby them~~, this ~~may~~ will disqualify them from taking part in the decision on the application. Instead potential lobbyists should be advised to contact either ~~their~~ local council~~or~~ (see 4.6.4.3 below) or an appropriate officer within the Planning Department.

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4.6.4.1.2 Council~~ors~~ who are on the ~~Planning and Orders~~ Committee should not organise local support or opposition to a planning proposal if they later wish to take part in the ~~discussion~~ decision on the application.

4.6.4.1.3 In taking into account the need to make decisions impartially, council~~ors~~ on the ~~Planning and Orders~~ Committee should not favour or appear to favour any person, company, group or locality and should not declare which way they intend to vote in advance of the meeting. To do so without all relevant information and views would be unfair and prejudicial. If the council~~or~~ feels that the public would believe he/she had come to a conclusive view on the planning matter or application before the meeting, or that he/she has been lobbied by an interested person then he/she should not take part in the debate, nor vote on the issue - this is without prejudice to his/her right to address the committee as provided for in section 4.6.5.2 of these rules ~~notes~~.

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4.6.4.1.4 Where the Monitoring Officer or his/her representative believes that a councillor has prejudiced his/her position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer or his/her representative will advise the councillor that it would be inappropriate for him/her to take part in the debate, or vote on the application. The final decision, however, rests with the councillor - subject to any external scrutiny.

#### 4.6.4.2 Councillors who are not members of the ~~Planning and Orders~~ Committee

Councillors who are not members of the ~~Planning and Orders~~ Committee should not be lobbied, whether by applicants, objectors or anyone else interested in the outcome of a planning application. If approached such councillors should inform the person seeking to lobby them that they should either contact their local councillor (see 4.6.4.3 below) or an appropriate officer in the Planning Department. If such a councillor is lobbied he/she should not lobby councillors who are members of the ~~Planning and Orders~~ Committee and he/she will not be entitled to speak at meetings of the ~~e~~Committees.

#### 4.6.4.3 Local Councillors

4.6.4.3.1 There are ~~differences~~exceptions to the lobbying to the rules set out in 4.6.4.1.1 and 4.6.4.2 in relation to the 'local councillor' i.e. the councillor in whose ward the proposed development is located.

4.6.4.3.2 If the local councillor is not a member of the ~~Planning and Orders~~ Committee then he/she can legitimately be lobbied by an applicant, objector or anyone else interested in the outcome of a planning application. If such councillor is lobbied then, provided that he/she does not have an interest to declare in accordance with the Council's Code of Conduct ~~for Councillors~~for Councillors, he/she will be entitled to make representations to and address the ~~Planning and Orders~~ Committee. However he/she must not themselves lobby, whether directly or indirectly, councillors who are on the ~~Planning and Orders~~ Committee.

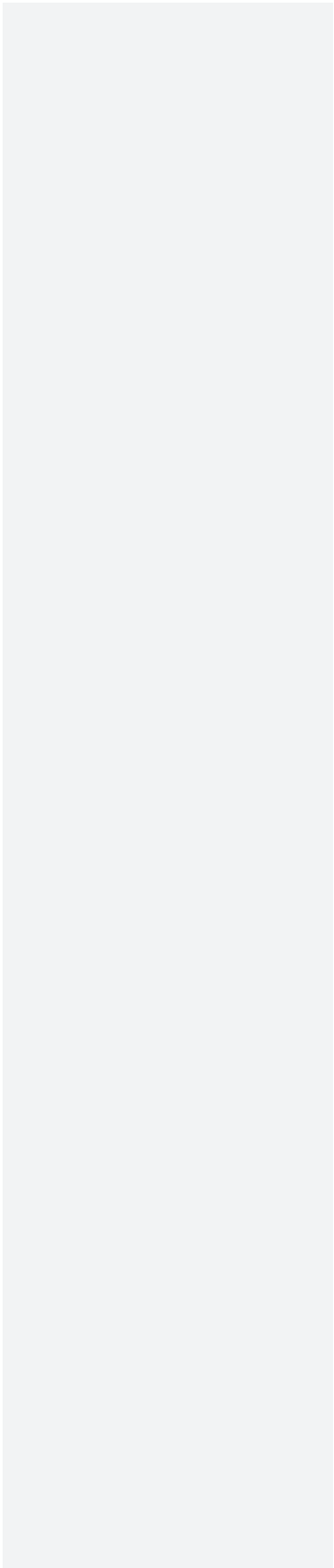
4.6.4.3.3 If the local councillor is a member of the ~~Planning and Orders~~ Committee then ~~he/she has a choice, i.e., the provision of rule 4.6.4.3.2 above will also apply to them and he/she may address the Committee but will not have the right either to propose or second any recommendation or to vote on the application. But he/she may should they so wish, refer the person seeking to lobby them to a councillor who represents an adjoining ward and who is not on the Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.~~

#### **either**

~~(i) to inform the person seeking to lobby them that if they discuss the application with the person seeking to lobby them, this will disqualify them from taking part in the decision on the application, although they will be entitled to address the Planning and Orders Committee in the same way and subject to the same conditions as set out in 4.6.4.3.2, the provision of rule 4.6.4.3.2 above will also apply to them and he/she may address the Committee but will not have the right either to propose or second any recommendation or to vote on the application.~~



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~~(ii) he/she may address the Committee but will not have the right either to propose or second any recommendation or to vote on the application but they may refer the person seeking to lobby them to a councillor who represents an adjoining ward and who is not on the Planning and Orders Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.~~

4.6.4.3.4 Local councillors, ~~as referred to in these rules,~~ may not become involved in making any representations at meetings of the ~~Planning and Orders~~ Committee or participating in decision making on planning applications if they have an interest to declare in accordance with the Council's Code of Conduct for Councillors. ~~This is so~~ regardless as to whether or not they are on the ~~Planning and Orders~~ Committee. If a local councillor is in this position he / she should refer any potential lobbyists to a councillor who represents an adjoining ward and who is not on the ~~Planning and Orders~~ Committee and, for the purpose of these rules, such a councillor will be regarded as a local councillor.

4.6.4.4 Where letters of 'neighbour notification' of a planning application are sent to properties not in the same ward as the application site, then the councillor who represents those properties may also speak as a local councillor at the ~~e~~Committee. This rule only gives the right to speak at the Committee and confers no other rights on that councillor as a local councillor.

#### **4.6.5 Seating and Speaking Arrangements at Meetings of the ~~Planning and Orders~~ Committees**

4.6.5.1.1 When attending meetings of the ~~Planning and Orders~~ Committee, councillors who are not members of the Committee should sit quite separately from councillors who are on the Committee - whether or not they intend addressing the Committee. ~~They~~ and should not communicate with those councillors who are on the Committee and who will be making decisions. The objective of this rule is to emphasise the quasi-judicial nature of the Committee's proceedings when considering planning applications.

4.6.5.1.2 Other than speaking as local councillor, members of the Committee may only participate on an application where they have been present at all previous substantive considerations of that application by the Committee. Substantive consideration means where there has been a presentation by the officer on the application, any discussion by the Committee on the merits of the application or an official site visit of the application site.

4.6.5.2 The right to address the Committee shall ~~also~~ apply to any member of the Planning and Orders Committee (including the local councillor) who:

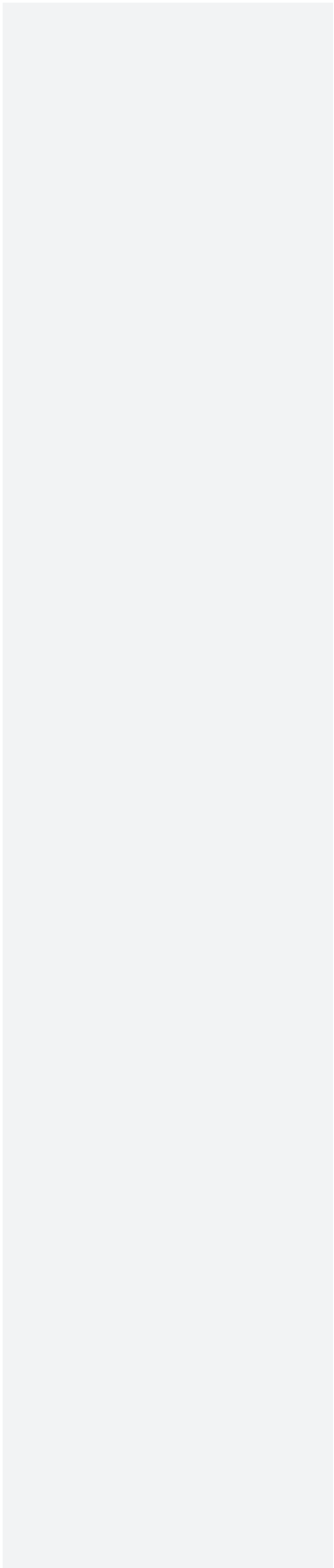
- has been lobbied, or
- who may have already expressed a conclusive view on an application, or
- who has spoken on the application at Town or Community Council level or the local councillor/councilor, or
- is the councillor who represents an adjoining ward as referred to in 4.6.4.3.3(ii).

–However if this right is exercised, the councillor on the ~~Planning and Orders~~ Committee should comply with paragraph 4.6.5.1 above when consideration is given to the particular matter and may not participate in the decision making and should declare at the meeting why he/she is not participating in the decision.

4.6.5.3 The Committee Chairperson will conduct business at the meeting in accordance with the attached Appendix.

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#### 4.6.6 Public Meetings Relating to Development Proposals

4.6.6.1 Officers involved in the processing or determination of planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless those meetings have been arranged by or with the express agreement of the Authority. To do so could lead to allegations of bias or prejudice in relation to a particular point of view. If put in such a position of attending meetings arranged by, or with the consent of, the Authority, or by accident, then officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

4.6.6.2 Similarly, councillors involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. At such meetings no view on the merits or otherwise of a proposal should be given.

#### 4.6.7 Councillors who are Members of the ~~Planning and Orders~~ Committee and who are also Town or Community Councillors

These councillors should make a choice in relation to every planning application which may be considered by a Town or Community Council (or a committee or subcommittee of the same). The choices are either:

4.6.7.1 Participate in the discussion at Town or Community Council level and then, if they wish, speak at the ~~Planning and Orders~~ Committee as provided for in Section 5.4 of these Rules but not otherwise take part in the deliberations of the ~~e~~Committee or vote on the application, or

4.6.7.2 Take no part in discussions at Town or Community Council level (and preferably not be in the room when the matter is discussed) and then participate fully at the ~~Planning and Orders~~ Committee.

4.6.7.3 **NB:** those councillors who sit on the ~~Planning and Orders~~ Committee but who are **not** members of the Town or Community Council have, like any other member of the public, the right to attend public meetings of that Council. In these cases those councillors should only observe proceedings at the Town or Community Council and not take part in them.

#### 4.6.8 Correspondence Received by Councilors

Should councilors receive directly any correspondence from persons interested in the outcome of a planning application ~~directly~~ they shall ensure that a copy is forwarded to the ~~Development~~Planning Control Section. The ~~S~~Section will then:

4.6.8.1 if time permits, send a copy to the applicant or his/her agent so as to allow him/her an opportunity to respond.

4.6.8.2 place a copy of all representations on the Planning file.

4.6.8.3 if time permits ensure that the report to Committee refers to the correspondence received.

#### 4.6.9 Registration and Declaration of Interests

The Law and the Council's Code of Conduct for both councilors and officers in relation to these matters is of particular relevance applicable to those dealing with planning applications and must be followed at all times.

#### 4.6.10 Development Proposals Submitted by Councilors and Officers

4.6.10.1 Proposals by serving councilors (whether or not they are councilors on the ~~Planning and Orders~~ Committee), and certain categories of officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is vital that they are handled in a way which gives no grounds for accusations of favouritism. In these rules "relatives" encompass spouse or partner, parent, grandparent, child, grandchild, brother or sister.

4.6.10.2 Planning applications falling within the following categories will be reported to the Committee for consideration and not dealt with by officers under 'delegated powers':

- those where the applicant is a ~~S~~erving councilor or the relative of a serving councilor.
- those where a serving councilor acts as agent or has prepared any part of the application or plans.
- those where the applicant is a relevant officer or their relative. In this rule "relevant officer" means the Managing Director, all Corporate Directors, all Heads of Service, all officers working in the Planning Department and all other officers whose work is directly linked to the development control process (such as officers in Highways and Environmental Health who are consultees or lawyers who advice and represent the Planning Department in development control matters).
- those where the applicant is a close friend of a serving councilor or relevant officer.

In this rule "planning application" shall mean all applications required by statute to be made and which (apart from this rule) would fall to be determined under the Council's Constitution by the Head of Planning Service. These would include applications for outline consent, reserved matters approval, listed building consent, conservation area consent, consent under Tree Preservation Orders and so forth.. ~~who prepare plans or generally act as agents for people pursuing a planning matter should play no part in the decision-making process for that proposal. Similarly, if they submit a proposal themselves, they should take no part in the processing of that application or endeavour to influence the final decision on the application.~~

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4.6.10.3 ~~Planning~~ officers shall endeavour to identify and highlight such applications and shall accordingly inform the Head of the Planning Service and the Authority's Monitoring Officer. Serving councillors who make applications, who act as agents or who prepare plans or whose relatives make applications, should play no part in the decision-making process for that proposal.

4.6.10.4 ~~Those proposals will be reported to the Planning and Orders Committee for consideration and not dealt with by officers under 'delegated powers'.~~ The Monitoring Officer should confirm in the ~~Committee~~ report that ~~such~~ the application has been processed normally and ~~therefore must, therefore,~~ be given the opportunity to review the file.

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4.6.10.5 Officers involved in ~~any way in the development control~~ planning process must not prepare plans or act as agent for any person or body (including ~~members of their relatives own family~~) pursuing a planning matter with the Council. If they submit a proposal on their own behalf, they should take no part in the processing of that application. ~~Such proposals will be reported to the Planning and Orders Committee for consideration and will not be dealt with by officers under "delegated powers".~~

~~4.6.10.6 Officers not involved in the planning process must not prepare plans or act as agent for any person or body other than themselves or close members of their family (i.e., spouses, parents, grand parents, children, brothers or sisters) and in any of these cases the Head of the Planning Service should be made aware of their involvement so that the matter can be referred to the Planning and orders committee and not be dealt with by officers under "delegated powers".~~

#### **4.6.11 Officers' Report to the Planning and Orders Committee**

4.6.11.1 All planning applications reported to the Planning and Orders Committee will have a full written report including a reasoned assessment of the proposal and a justified Recommendation.

4.6.11.2 Any new matters which have arisen between the preparation of the report and the date of the Committee will be reported orally and references to this will be included in the minutes.

4.6.11.3 Every planning application file will contain an accurate account of events throughout its life, particularly the outcome of meetings or significant telephone conversations.

4.6.11.4 The same principles of good record keeping will also be observed in relation to enforcement matters. Monitoring of record keeping will be undertaken on a continuous basis by managers within the DevelopmentPlanning Control Section.

#### **4.6.12 Decisions Contrary to Officer Recommendation**

4.6.12.1 Where the Planning and Orders Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution.

4.6.12.2 The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised.

4.6.12.3 In the case where councillors wish to add or amend conditions which are recommended by officers, the officers should be invited to draft such a condition and bring this back for approval at the subsequent meeting unless the drafting is straightforward and can be agreed at the initial meeting.

4.6.12.4 Where planning officers are unable to defend such decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute - RTPI) they shall make this point known to the Committee before the final vote is taken. In such cases the Committee shall nominate (at least) two of its members who voted contrary to the recommendation to appear at any appeal and explain the Committee's decisions and the reasons for them. These should, normally, be the proposer and seconder of the proposal which was contrary to the officer's recommendation.

#### **4.6.13 Appeals Against Council Decisions**

4.6.13.1 Officers will organize and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council.

4.6.13.2 In giving evidence, officers will present the best possible case on behalf of the Council whilst complying with the RTPI Code of Professional Conduct.

4.6.13.3 Where a decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, officers shall report the appeal to the next Committee meeting. - Councillors will then be responsible for presenting the Council's case at the appeal.

#### **4.6.14 Conduct of Officers**

4.6.14.1 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute (RTPI) Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they -

4.6.14.1.1 Shall act with competence, honesty and integrity;

4.6.14.1.2 Shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;

4.6.14.1.3 Shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;

4.6.14.1.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;

4.6.14.1.5 Officers shall not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;



4.6.14.1.6 Officers shall decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

#### **4.6.15 Councilor / Officer relationship**

4.6.15.1 In order to engender a committed professional relationship between both officers and councilors, each shall have respect and regard for the roles both play within the decision making process.

4.6.15.2 Councilors shall respect the advice given by officers at Committee or when dealing with delegated applications and shall not place pressure on officers for a particular recommendation or decision. Any officer who considers that this has happened should deal with the matter as set-out under section 5.3.4 of this Constitution (Bullying, Intimidation and Harassment).

#### **4.6.16 Site Visits by the Planning and Orders Committee**

4.6.16.1 The protocol on site visits is attached as an Appendix to these Rules.

#### **4.6.17 Gifts and Hospitality**

4.6.17.1 Advice to councilors on registration of gifts and hospitality is contained within the Council's Code of Conduct for Members and shall be accordingly observed.

4.6.17.2 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of hospitality of any kind. If the receipt of hospitality is unavoidable officers must ensure that the absolute minimum level is accepted and declare its receipt as soon as possible to the Monitoring Officer.

## 4.6.18 Training

4.6.18.1 No member may sit on the Planning and Orders Committee unless and until they have attended Induction Training. The contents of the Induction Training shall from time to time be determined by the Head of Service (Planning and Public Protection). Updating training thereafter will be provided at least twice a year to include changes in legislation or procedure.

4.6.18.2 Councilors shall ensure that they attend a minimum 3 training events over a two year period in order to keep abreast of planning matters and thus provide a positive input into the decision making process. Attendance records will be monitored and reported to the Council. Any member of the Planning and Orders Committee who fails to attend the stated minimum number of training sessions shall be removed or suspended from the Committee by vote of the full Council at such time as when the attendance records are reported.

## Appendix

### 4.6.19 Protocol Regarding Site Visits by the Planning and Orders Committee

#### 4.6.19.1 Criteria for Site Visits

4.6.19.1.1 It is important that criteria should be set out for deciding when a site visit is justified and consider the procedure for such visits. In this respect account should be taken of the following points:-

(i) ~~(i)~~ site visits can:

- cause delay to the decision making process, ~~and~~
- possibly lead to an appeal to 'The Planning Inspectorate' on the basis of 'non-determination',
- affect the ~~s~~Service's performance in respect of its 8 week target, and
- lead to additional costs both to the ~~s~~Service and possibly to the applicant(s).

(ii) there needs to be consistency both in the way that it is decided that a site visit should take place and in the conduct of such visits. Otherwise it may leave the Authority open to the accusation that site visits are arbitrary or possibly a lobbying device.

(iii) site visits should be carefully organised and well-attended to ensure that the purpose, format and conduct are clearly established at the beginning and subsequently adhered to.

(iv) site visits should be used only where the expected benefits are substantial. The 'substantial benefit' test should apply in every case. Site visits should only be necessary if the impact of the proposed development is difficult to visualise and comprehend, i.e. where lack of clarity with the application makes visual assessment necessary

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(v) site visits may be appropriate to consider large, more complex applications.

(vi) if the Committee are of a view that the site needs to be visited and seen before the application can be determined, then only those members who attended the official site visit may participate in and vote on the application when it is further considered by the Committee.

Recommendation of site visits by officers shall be referred to within the report to Committee.

4.6.19.1.2 Site visits should **not** apply in the following cases:

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(i) to solely consider boundary or neighbour disputes,

(ii) to consider objections issued on competition grounds,

(iii) to consider objections raised on the ground of loss of property values,

(iv) to consider any other issues which are not material planning considerations,

(v) where councillors have already visited the site within the last 12 months, except in exceptional circumstances

#### **4.6.19.2 Requests for Site Visits**

In order to adopt a structured approach to site visits the following format should be adhered to:-

4.6.19.2.1 All requests for site visits must be made in writing to the Head of Development Control / Planning Control Manager by 1.00pm on the final working day prior to the Committee meeting. Any verbal request received prior to the Committee meeting must be followed up in writing before the Planning Committee commences. The reason for the 'site visit' shall be clearly stated and accordingly reported to the Planning Committee.

4.6.19.2.2 If a request is made for a 'site visit' during the Planning and Orders Committee Meeting once again the reasons for the visit shall be recorded in the minutes.

#### **4.6.19.3 Procedures at the Site Visit**

4.6.19.3.1 The applicant shall be informed that a site visit will take place but will not be allowed to be present during the visit to make any representations.

4.6.19.3.2 The primary purpose of the site visit will be for the planning officers to explain the planning issues relating to the case and for councillors to view the site.

4.6.19.3.3 There shall be no discussions at the site visit as regards the merits of the application. The site visit shall not be used as a forum for debate.

4.6.19.3.4 The Chairperson or Vice-Chairperson shall conduct and lead the site visit. If either the Chairperson or the Vice-Chairperson is absent, councillors shall vote for one of their number to act as Chairperson.

4.6.19.3.5 The Chairperson shall formally open the meeting and set out the reasons for the visit.

4.6.19.3.6 The planning officer shall be requested to outline the proposal and the main issues.

4.6.19.3.7 The councillors shall view the site, relevant buildings and surroundings as necessary.

4.6.19.3.8 Councillors shall be offered the opportunity to raise questions or seek clarification of points of fact with the planning officer and/or local councillors.

4.6.19.3.9 The local councillor in whose Ward the application site is located (if present) shall be offered the opportunity to comment on the proposal.

4.6.19.3.10 Notes shall be made of the site meeting and these shall be accordingly minuted at the following Planning Committee Meeting when the application is discussed.

#### **4.6.19.4 Regular Review of Decisions**

4.6.19.4.1 The Audit Commission's Report 'Building Quality' recommends that councillors should visit a sample of implemented planning permission to assess the quality of the decision. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence, and assist with reviews of planning policy.

4.6.19.4.2 The review should be undertaken annually. It should include examples from a range of categories of development including applications which officers have determined under delegated powers.

#### **4.6.20 Role of the Committee Chairperson and Conduct of Business at the Committee**

##### **4.6.20.1 Election of the Chairperson / Vice-Chairperson**

4.6.20.1.1 The Chairperson shall be elected to his/her post by the councillors on Planning and Order the Committee at its first meeting following the annual Council meeting. The Ccouncillors shall at the same time elect a Vice-Chairperson for the same period of office or until such time as either or both of them step down.

4.6.20.1.2 In the absence of the Chairperson for the whole or part of the Committee meeting, the Vice-Chairperson shall be the Chairperson. If the Vice-Chairperson shall be absent, the Committee shall choose one of ~~their~~ number present to be Chairperson for that meeting or part of it until the Chairperson (or Vice-Chairperson) returns.

#### **4.6.20.2 Responsibility of the Chairperson**

The Chairperson shall have the following responsibilities:

4.6.20.2.1 to preside over meetings so that Committee business can be carried out efficiently and with regards to the rights of councilors, officers and the interest of the community as a whole.

4.6.20.2.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning matters and statutory orders only.

4.6.20.2.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution.

4.6.20.2.4 to support the planning officers and the Monitoring Officer's representative in reminding members about their duty to adhere to genuine and material planning discussions in their decision making process.

#### **4.6.20.3 The Role of Officers at Committee Meetings**

4.6.20.3.1 Officers shall provide professional advice to the Chairperson in order to ensure that he/she is able to discharge the duties of the post.

4.6.20.3.2 Officers shall provide advice as follows:

(i) at pre-Committee meetings so that the Chairperson is fully briefed on issues that may arise at meetings

(ii) at any post-Committee meetings (if relevant)

(iii) during Committee meetings where questions are directed towards the Chairperson for response

(iv) during any meetings which may be convened by officers in order to discuss issues relevant to 'planning' or 'orders' issues

#### 4.6.20.4 Conduct of Committee Meetings

4.6.20.4.1 Each agenda item for discussion or for information shall be introduced by the Chairperson.

4.6.20.4.2 Once introduced the Chairperson shall ensure that the officer is allowed to report on the item. Where the public speaking procedure applies to a particular application, this shall occur before the officer reports on the item.

4.6.20.4.3 The Chairperson shall allow the local councillor to speak first after the officer's report. This is whether the local councillor wishes to speak for or against the item and whether or not they are on the Committee.

4.6.20.4.4 The Chairperson shall then allow the councillors to participate in the discussion in the order in which he/she acknowledges their wish to speak.

4.6.20.4.5 The Chairperson will ensure that all councillors shall abide by the provisions of the Council's Constitution and by the relevant provisions of these Procedure Rules.

4.6.20.4.6 All those councillors wishing to speak shall be allowed an opportunity to do so. Councillors shall refrain from making speeches and shall address the Committee on 'planning' (i.e. material planning considerations) and 'orders' matters only. The Chairperson may intervene and curtail councillors who are making repetitions or irrelevant statements.

4.6.20.4.7 Where officers need to respond to comments or questions from councillors then the Chairperson shall ensure that officers are given that opportunity.

4.6.20.4.8 If the Chairperson wishes to speak as a local councillor on an item then the provision of the Constitution shall apply equally to him/her as they apply to all councillors.

4.6.20.4.9

(i) At the conclusion of the discussion the Chairperson shall request councillors on the Committee to vote on the matter under discussion. Unless councillors disagree with the officers' recommendation they shall indicate their voting intention through the showing of hands.

(ii) Should an amendment be proposed and seconded to the officer's ~~recommendation,~~ that recommendation that amendment will be voted on first.

4.6.20.4.10 All councillors and officers shall respect the position of Chairperson. The ruling of the Chairperson on all questions of procedure at the Committee shall be final and not open to discussion. The Chairperson shall ensure that at all times regard is had by all councillors (including himself/herself) and officers to the protocol on Member/Officer relationship and that respect is shown to the advice given by officers at the Committee.

#### **4.6.21 Public Speaking**

##### **Eligibility to Speak**

4.6.21.1 The planning application concerned must be on the agenda of the Planning and Orders Committee meeting in question. In the event of an application being deferred, public speaking will not be allowed if an opportunity has already been given at a previous Committee meeting when the application has been fully considered.

4.6.21.2 Both applicants (or their agents) and objectors (or their agents) can speak and there are no other qualifying criteria other than compliance with the Council's procedure.

4.6.21.3 Normally only one person can speak for and one person against an application. Very exceptionally the Chair of the Committee may exercise his/her discretion to allow one additional speaker per 'side'. This discretion will usually only be exercised for major applications where there are significant differences of view within one 'side' (e.g. two people speaking against an application for a large supermarket where one represents the views of retailers and the other the views of nearby residents). In such cases the 'other side' will be allowed 2 speakers or twice the normal time, if they wish to use it.

4.6.21.4 Anyone requesting to speak must allow the Council to give their name and contact number to other people (of the same view) wishing to speak so that they can agree on a spokesperson, the issue to raise etc. If they cannot agree, the first person who notified the Council of his/her intention to speak will normally be chosen to speak.

4.6.21.5 Requests to speak must be made to the Administrative Officer in the Planning Department before the deadline referred to in the notification letters sent to applicants and neighbours.

##### **Time allowed to Speak**

4.6.21.6 The spokesperson will be allowed up to 3 minutes to address the Committee.

##### **Visual Aids**

4.6.21.7 The spokesperson may not circulate or display written material in the Committee meeting. Any written representations should have been submitted to the Council during the statutory publicity period and will be summarised in the Officer's report.

##### **Procedure**

4.6.21.8 The procedure for public speaking at Committee is described in the appropriate documents.

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## ISLE OF ANGLESEY COUNTY COUNCIL Record of Executive Decision taken by the Leader

<b>1. MADE BY</b>	The Leader of the Council
<b>2. THE DECISION</b>	<p>Pursuant to the Ministerial Direction of 24 September 2012, returning power to the Executive, I hereby appoint Councillor Lewis Davies to represent the Council at the AGM of Cwmni Cynnal and I also appoint the following members to be Directors of the Management Committee of Cwmni Cynnal:-</p> <ol style="list-style-type: none"> <li>1. Councillor G O Parry, MBE</li> <li>2. Councillor E G Davies</li> </ol>
<b>3. MADE ON</b>	1 <sup>st</sup> October, 2012
<b>4. REASONS FOR THE DECISION</b>	For continuity purposes.
<b>5. DECLARATION OF INTEREST</b>	None
<b>6. DISPENSATION GRANTED?</b>	Not applicable.
<b>7. CONSULTATION, IF ANY</b>	Chief Executive, Solicitor to the Monitoring Officer
<b>8. SUBJECT TO CALL-IN?</b>	Yes
<b>DATE OF PUBLICATION:</b>	4 <sup>th</sup> October, 2012
<b>DATE OF IMPLEMENTATION:</b>	12 <sup>th</sup> October, 2012

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