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CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Mr Richard Parry Jones, BA, MA.
Prif Weithredwr – Chief Executive

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RHYBUDD O GYFARFOD	NOTICE OF MEETING	
PWYLLGOR GWAITH	THE EXECUTIVE	
DYDD LLUN, 3 RHAGFYR 2012 10.00 o'r gloch	MONDAY, 3 DECEMBER 2012 10.00 am	
SIAMBR Y CYNGOR – SWYDDFEYDD Y CYNGOR, LLANGFNI	COUNCIL CHAMBER - COUNCIL OFFICES, LLANGFNI	
Rheolwr Gwasanaethau Pwyllgor	Mr John Gould 01248 752 515	Committee Services Manager

Annibynnol Gwreiddiol/Original Independent

R LI Hughes, K P Hughes, O Glyn Jones, B Owen and G O Parry MBE

Plaid Cymru/The Party of Wales

T LI Hughes and R G Parry OBE

Plaid Lafur/Labour Party

W J Chorlton

COPI ER GWYBODAETH / COPY FOR INFORMATION

I Aelodau'r Cyngor Sir / To the Members of the County Council

Bydd aelod sydd ddim ar y Pwyllgor Gwaith yn cael gwahoddiad i'r cyfarfod i siarad (ond nid i bleidleisio) os ydy o/hi wedi gofyn am gael rhoddi eitem ar y rhaglen dan Reolau Gweithdrefn y Pwyllgor Gwaith. Efallai bydd Bwrdd y Comisiynwyr yn ystyried ceisiadau gan aelodau sydd ddim ar y Pwyllgor Gwaith i siarad ar faterion eraill.

A non-Executive member will be invited to the meeting and may speak (but not vote) during the meeting, if he/she has requested the item to be placed on the agenda under the Executive Procedure Rules. Requests by non-Executive members to speak on other matters may be considered at the discretion of the Board of Commissioners.

A G E N D A

1 DECLARATION OF INTEREST

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

2 URGENT MATTERS CERTIFIED BY THE CHIEF EXECUTIVE OR HIS APPOINTED OFFICER

No urgent matters at the time of dispatch of this agenda.

3 2013/14 BUDGET STRATEGY UPDATE - (A) REVIEW OF FINANCIAL RESERVES AND BALANCES (Pages 1 - 10)

To submit the report of the Interim Head of Function (Resources) and Section 151 Officer.

4 2013/14 BUDGET STRATEGY UPDATE - (B) UPDATE TO BUDGET STRATEGY AND INITIAL DRAFT REVENUE BUDGET 2013-14 (Pages 11 - 24)

To submit the report of the Interim Head of Function (Resources) and Section 151 Officer.

5 NATIONAL PROCUREMENT SERVICE (Pages 25 - 40)

To submit the report of the Head of Service (Finance).

6 PLANNING MATTERS PROCEDURE RULES (Pages 41 - 78)

To consider a recommendation to full Council for 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).

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Executive Committee
Date	3 December 2012
Subject	Review of Financial Reserves and Balances
Portfolio Holder(s)	Councillor John Chorlton
Lead Officer(s)	Interim Head of Function (Resources)
Contact Officer	Gill Lewis (Ext. 2620)
Nature and reason for reporting	
To consider the level of Financial Reserves and Balances and demands on them, and advise on the potential release of reserves.	

A – Introduction / Background / Issues

<p>This report updates previous assessments of financial reserves. The purpose of the review is to ensure that the reserves are still required, adequate for the purpose intended and not excessive. We base the review on Cipfa’s Bulletin on Local Authority Reserves and Balances. The financial reserves are reviewed on an ongoing basis but this formal review is conducted each year in advance of considering the budget.</p>

B – Considerations

See attached

C – Implications and Impacts

1	Finance / Section 151	Author of report
2	Legal / Monitoring Officer	
3	Human Resources	
4	Property Services (see notes – separate document)	
5	Information and Communications Technology (ICT)	
6	Equality (see notes – separate document)	
7	Anti-poverty and Social (see notes – separate document)	
8	Communication (see notes – separate document)	
9	Consultation (see notes – separate document)	
10	Economic	
11	Environmental (see notes – separate document)	
12	Crime and Disorder (see notes – separate document)	
13	Outcome Agreements	

CH – Summary
<p>To assist in budget planning, I can advise the Executive that they may be able to release small amounts from earmarked and restricted reserves as a one off contribution to protect general balances during the current year due to the pressure that the potential overspend could place on balances, but that it will still be necessary to budget for a contribution to balances during 2013-14, particularly if the overspend projected in 2012-13 remains at a high level.</p> <p>As always, these are figures which have to be kept under review in the light of changing circumstances, and which I will formally report on again as the Council sets the budget.</p>
D – Recommendation
None required – report for information at this stage

Name of author of report – Gill Lewis
Job Title –Interim Head of Function (Resources)
Date – 23 November 2012

Appendices:
Appendix A – Earmarked Reserves Appendix B – Restricted Service Reserves
Background papers
Cipfa LAAP Bulletin on Local Authority Reserves and Balances

Most years the aim is to balance the budget without drawing on reserves. This is what we did with general balances in the last four years:

YEAR	Original Budget	Revised Position in Adequacy of Reserves Assessment	Out-turn
2009-10	Recognising the deteriorating position but at that time expecting 2010-11 to be better, the Council's budget drew £1 million from general balances and nearly another £1 million from assorted earmarked reserves.	The monitoring report for 2009-10 suggested that not all the £1 million would in fact be drawn from general reserves, which was fortuitous given that the outlook for 2010-11 and subsequent year was now much worse	£5.8m Increase of £1.1m in general balances as a result of the corporate budgets being underspent and there being some large windfall income; Waste budgets also continued to be under-spent.
2010-11	Minimal use of balances in main budget but with an approved contribution from balances of up to £0.6m to cover severance costs.	As a result of foreseen savings of £2.2m at the end of the third quarter boosting general balances above the required level, it was decided that up to £2.5m could be used in 2011/12 to cover severance costs.	£6.7m [£7.7m comparing like with like] Savings of £2.5m set against 2010-11 severance costs of £0.6m. Net effect was increase of £1.9m in balances before applying a provision (a form of technical adjustment) of £1m to reflect projected severance costs. Those costs were defrayed in 2011-12.
2011-12	The projected improvement in 2010-11 led to the general balances being above the level judged "adequate" and enabled the Executive to release up to £2.5 million to finance	Only about £1m of the £2.5m was required for severance in the main cuts programmes. However the severance programme put additional	£5.8m By the end of the year, the call on general balances had deteriorated

	severance costs. While this strategy was expected to leave the authority with adequate reserves by the end of 2011-12, there was danger of deterioration after that if other risks manifested themselves.	pressure on the key corporate services identified for capacity building. The Board of Commissioners on 14 November approved release of part of the surplus to correct this. At the third quarter budget review an overall overspend of £0.7m was envisaged on net budgets, mitigated by a projected reduction in the cost of redundancies, reducing the call on general balances by £0.7m.	by £0.2m, mainly as a result of further costs from redundancies. However, the contribution from balances was £0.6m less than originally budgeted. The final out-turn for the year is a reduction of £0.9m in General Balances to £5.8m [reduction of £1.9m on like for like basis.]
2012-13	Release of £0.9m (together with £0.3m from earmarked reserves) to finance severance costs and other related one off costs. Given the scale of the budget savings and cuts, it was unlikely that £1.2m would be sufficient for this purpose and in order to avoid the situation where the one off cost of termination might be a barrier to achieving ongoing savings. As an exception to normal arrangements the Chief Executive as Head of Paid Services and in consultation with the s151 Officer authorised to release up to another £1m from balances for this purpose. Use of this £1m would bring the projected level of general balances down to a level of £4m by the end of 2012-13. This level is low in the context of the continuing economic pressures	Likely that the £1.2m released from reserves and balance will be required for severance. The second quarter budget monitoring report indicates an overspend of £2.6m unless mitigating action is taken.	n/a

The second quarter monitoring statement indicated a potential deficit of up to £2.6m on the year. The extent of non achievement of this year's cuts programme had not been foreseen in the report on robustness of estimates and adequacy of reserves. There is also an unforeseen overspend on demand led budgets. This will, therefore, affect financial standing assessments in the current year, as well as being a setback on the savings programmes going forward.

The approach outlined here follows that adopted in recent years as part of the budget round, updated to take account of this year's projections.

As before, it is important to recognise that:-

- all reserves are in the ownership of the Council as a body corporate (except for schools reserves);
- some reserves are statutory and may only be spent as prescribed - e.g. school reserves, housing revenue account;
- some reserves represent commitments already made - e.g. capital expenditure reserve;
- some reserves represent funds already earmarked for a particular purpose by a decision of the Council;
- some reserves have been created by past decisions of the Council but are not earmarked to any particular purpose;
- the remainder of reserves can be a mixture of the above.

I begin by reviewing the financial reserves and provisions which were stated in the Council's balance sheet as at 31 March 2012. The latest position can be projected and compared with the liabilities or spending which have been, or may be, met from such reserves.

1. Schools' Balances

At 31 March 2012 the total of schools' balances were £1.25m, a reduction of almost £1m during the year

The high level of schools' balances in total has been of some interest and controversy. Welsh Government published figures in October which showed that Anglesey's figures are now on average slightly lower than the average for Wales, having been for five years amongst the highest in Wales and one-and-a-half times the national average, both as a percentage of budget and per pupil.

The total reserves are now almost 3.4% of the total budgets, (down from 5.9%) but this conceals considerable variations with 14 schools being in deficit and five being in considerable difficulty with deficits over 5%. Anglesey now has the highest proportion of schools with negative reserves. The highest balances at individual schools are, by value, £0.53 million and, as a percentage of budget, 20%; seven schools had balances of 10% or more.

Actions have been agreed in the Estyn PIAP in relation to the financial management of schools to ensure that budgets are sustainable and work is being done by Education and Finance to review those schools with negative balances. However, the sums are generally available only to the individual schools to support their budgets, not to the Council as a whole. Recent guidance allows clawback from schools balances in restricted circumstances. Any reductions to the schools' quantum would also hit the schools in deficit.

2. Housing Revenue Account

The Housing Revenue Account budget is likely to show a break-even position with balance being £250k approximately by year end because there is a significant revenue contribution to capital and this balance is driven more by the capital financing decision than on the revenue transactions. The reserve is not available to Council Fund services.

3. Earmarked Reserves (other than Service Reserves)

Appendix A reproduces the figures and narrative on earmarked reserves as in the audited 2011-12 statement of accounts, with an update on the current position.

The latest review of these reserves shows limited scope for clawback to support next year's budget. The balances identified for closer review are:

- The Penhesgyn Waste Management Site Reserve – the balance of £886k is earmarked towards potential obligations connected with the landfill site, risks which are difficult to quantify. Reports in previous years advised that it might be possible to release part of the reserve but that a further evaluation of these risks and alternative means of meeting them should they materialise would be required before any part of the reserve could be released. This issue was discussed in detail with External Audit in finalising the 2011-12 accounts – they believe that the separate provision for aftercare of the site is £788k too low. We have advised in previous years that under the circumstances it would not be wise to release the reserve. The Wales Audit Office are continuing to review this area across all Welsh Councils and further advice may well be in place for closure of the 2012-13 accounts. Until we have an agreed position, no further release on this reserve is recommended.

- The insurance reserve has increased in recent years (by £400k to £2,529k last year) as a result of successfully defending some large claims. There may be potential to release part of this fund or to prevent it increasing. In previous years, the advice has been that a review should be commissioned before any significant sum is released. The deteriorating financial standing may change the position. It should also be possible to reduce the budgeted annual contribution to the fund. The position has deteriorated recently with an announcement in November that MMI, the insurer of the Council's predecessor authorities, no longer foresees a solvent runoff. This will lead to partial clawback of paid claims. The first call for clawback is on this reserve.
- The Capital Expenditure reserve has been kept at about £1million by using the year end financing decision to allow the flexibility of carrying forward revenue contributions as well as capital funds. This allows the switching of resources between revenue and capital. As there are unallocated contingencies in this year's capital budget, a one off transfer of up to £1 million is possible.

The Equal Pay, Single Status and Job Evaluation Reserve is likely to be needed as the Council comes to decisions in this area. There are also decisions to be taken in relation to Equal Pay which may or may not lead to a request for permission to capitalise some part of any payments.

4. Service Reserves (other than restricted service reserves)

Service reserves are created when services underspend their annual budgets and carry forward the difference to be spent in subsequent years. Some services are in deficit to the extent that past overspending has not yet been paid back.

In early 2009 this approach was tightened by limiting the carry forward to 1% of budget, except where a commitment has been approved in advance. The Executive agreed to this approach to be applied to carry forwards as at 31 March 2010 and for future years. This approach leads to a balance of £1.5m in aggregate across services as at 31 March 2012, reducing as commitments unwind.

If the Executive wishes to tighten this situation in future years it is possible to amend the percentage that can be carried forward.

5. Restricted Service Reserves

These are mainly reserves created when money earmarked, often by third parties, for specific projects slip from one year to the next. Appendix B reviews the restricted reserves as at 31 March 2012.

There was clawback of £300k from these reserves last year. We are still discussing the detail but it seems that a small amount, say £100k, can be released this year.

I have requested a review of those restricted service reserves that appear to me to be less restricted in terms of the related grant conditions. I will report back on these in due course.

6. Provisions

The best assessment of financial standing is the extent to which the Authority has made provisions for known liabilities and the amount of distributable reserves available to cover other risks. For completeness, provisions are also disclosed here with the reminder that they have a very specific status in the Council's accounts as an item more akin to a commitment than the uncommitted and discretionary status of most reserves. They are discussed and agreed with the auditors who are able to request that the Council sets its provisions at a particular level. As at the balance sheet date, the following provisions had been made:

- Insurance Claims £253k
- Penhesgyn Waste Disposal Site £1,894k
- Termination Benefits £326k
- Other including Equal Pay £3,965k

7. General Revenue Balances

The Council's general revenue balance as at 31 March 2012 stood at £5.80 million, in the Statement of Accounts and the budget for 2012-13 approved the use of £0.90 million of this, leaving a projected balance at year end of £4.90m. The report on the current year's revenue budget now projects a deterioration as a result of non achievement of efficiency savings, as well as overspends on demand led budgets. Efforts are being made to mitigate the overspend and make additional savings, however as we only have four months of the financial year remaining, pulling the spend into line is looking increasingly unlikely and there may still be a significant sum to address. There remains great uncertainty on current year budgets as a result of these issues. The revised projection for general balances is in the range £2.0 million to £2.5 million as at 31 March 2013 unless a transfer is made from earmarked reserves as outlined above.

A long term target of 5% of the net revenue budget excluding schools has been discussed in the past. In previous reports we have also outlined a risk-based approach which takes account of certain types of risk and their possible impact, building up to the amount required in a credible worst case. Both these approaches resulted in a figure in the region of £4 million. In February 2011, this figure was reviewed having regard to the higher level of funding risk inherent in medium term projections of public spending, and the higher level of optimism risk inherent in the Authority's budget. The professional advice at that time was that the figure should be increased to £4.5 million. By February 2012 that figure was set at £5m, with authorisation for the Chief Executive as Head of Paid Services and in consultation with the s151 Officer to release up to another £1m from balances for this purpose. It was noted that use of this £1m would bring the projected level of general balances down to a level of £4m by the end of 2012-13 and that level is low in the context of the continuing economic pressures.

8. Conclusion

To assist in budget planning, I can advise the Executive that they may be able to release small amounts from earmarked and restricted reserves as a one off contribution to protect general balances during the current year due to the pressure that the potential overspend could place on balances, but that it will still be necessary to budget for a contribution to balances during 2013-14, particularly if the overspend projected in 2012-13 remains at a high level.

The Senior Leadership Team and Finance Officers will review the position and feed into future advice. As always these are figures which have to be kept under review in the light of changing circumstances, and which I will formally report on again as the Council sets the budget.

EARMARKED RESERVES

RESERVES	AMOUNT 31-03-12 £'000	STATEMENT OF ACCOUNTS NARRATIVE 2011-12	FURTHER COMMENTS
Capital Expenditure	1,000	To fund capital expenditure in future years. This has been created to ensure committed capital expenditure, including expenditure which has slipped from previous years, is fully financed.	Spent or still committed to capital slippage and budgets in the 2012-13 capital plan. Could be clawed back with corresponding reduction in unallocated capital budgets.
Penhesgyn Landfill Site Reserve	886	This reserve has been created from the net cash assets, less winding up and capping costs, of Cwmni Gwastraff Môn-Arfon Cyf which is in the process of being wound up. The reserve will be used to contribute towards any future liabilities arising from the management of the Penhesgyn site.	There are a number of potential liabilities arising from the ownership of the site which have not been formally provided for. This reserve covers a proportion of those potential liabilities including the £788k referred to by the External Auditor in their ISA 260 report on the Accounts.
Infrequent Events	30	to allow the Council to even out from year to year the cost of making contributions to events which occur less frequently than annually.	£20k spent on Olympic flame celebration. Still useful but not required.
Museum Purchases	15	Earmarked gifts and other finances to fund future expenditure of Oriel Ynys Môn.	Still required.
Leisure Improvements Reserve	215	To fund capital expenditure on improvements to, and provision of, strategic leisure facilities.	This has been partly allocated by the Board of Commissioners. Would require a decision of the County Council to release for other purposes.
School Days	(19)	To equalise the costs of varying number of school days in each financial year.	Still required.
Service Reserves	1,507	Under the Council's Financial Procedure Rules over and under-spending is carried forward as earmarked reserves to the level set by the Executive.	This is the balance with the limit set at 1% of budget plus approved commitments. It is reduced by £400k from 2011, and is likely to be further reduced by year end. Should be reviewed for 2013-14.
Restricted Reserves	1,781	Earmarked budgets within service areas which remain unspent at year end.	Appendix C.
Building Maintenance Service	81	To provide a working balance. A substantial part of this balance accrued under the Unit's previous status as a Direct Service Organisation under Compulsory Competitive Tendering legislation.	Still required but may be reviewed as part of current review of the service.

RESERVES	AMOUNT 31-03-12 £'000	STATEMENT OF ACCOUNTS NARRATIVE 2011-12	FURTHER COMMENTS
Equal Pay, Single Status and Job Evaluation	1,966	As a result of the 'Single Status' agreement, the Authority, in common with most other local authorities, is required to introduce a new pay and grading system with effect from 1 April 2007. The extent to which this may involve an obligation to back pay is uncertain. Negotiations are proceeding on a revised pay and grading structure. A sum has been set aside in the Job Evaluation reserve towards the overall cost of the exercise, including the administrative costs, the cost of new pay scales, any pay protection and any back pay. Although the individual elements cannot be estimated with certainty, the Authority is of the view that the sums set aside are adequate.	Decision of Pay and Grading Panel, October 2009 and Executive, November 2009 fully commit this towards protection and other costs of the grading review.
Section 118 (Mental Health Act 1983)	299	To provide for the anticipated repayment of charges previously levied on some Social Service users.	Known cases could make a substantial call on this and there remain other potential claims.
Recycling	1,473	Landfill cost savings created by diverting waste to recycling. The reserve will be utilised towards recycling initiatives.	Committed by waste grant conditions and past Executive decisions to recycling. Projects approved by Commissioners. The reserve includes £312k for income related to recycling. WG guidance is that this income is also tied by the terms and conditions of the grant.
Risk Management Reserves	65	the Risk Management Reserve was set up to cover work done in collaboration with the Council's Insurers including Corporate Risk Management, Business Continuity and Health and Safety.	Contractually committed.
Performance Management Reserves	1,054	Amounts earmarked towards performance improvement measures from the Outcome Agreement Grant.	This comprises Performance Incentive Grant (now Outcome Agreement Grant received up to 2011-12; all of which has now been allocated. Earmarked as a source of funding for recovery and improvement work this year, as in previous years.
Insurance	2,529	The Council runs an internal insurance account which pays for self insured losses and which receives 'premium' from service accounts. The known losses at year end are provided for. This reserve is the surplus on the internal insurance account plus interest on balances and is intended to cover claims which have been incurred but have not been reported.	Already reduced by £0.4m as part of 2009-10 budget plan, but balance has increased again. However claims experience has deteriorated in some areas and an actuarial assessment would be useful before clawing back. Consider reducing the annual contribution. On 13 November, there was an announcement that MMI, the insurers of predecessor authorities was entering administration. This is likely to mean claw-back of claims previously paid.

RESTRICTED SERVICE RESERVES

RESERVE	£'000	PURPOSE OF RESERVE	COMMENT/UPDATE
Cost of Change	172	Expenditure in preparation for Affordable Priority Programme Projects.	Offset against savings in current and future years.
Oriel Ynys Môn – Llyn Cerrig Bach	4	To fund costs of project.	Still required.
R & M Schools	20	To smooth out costs of schools R & M.	Offset against service reserve.
School Breakfast Set up Cost	37	Balance of Welsh Assembly Government Grant. Used to fund the set up costs for any school where a Breakfast Club is set up.	Still required – grant conditions.
Sickness Absence Scheme	120	Used to fund the cost of supply if teachers are absent through sickness. Schools pay a premium from their budgets each year and costs are funded from these premiums. This reserve represents the net balance of premiums paid over costs incurred.	Still required.
Risk Management	58	Balance of the unused budget from the Corporate Risk Management Budget.	Mostly still required – clawback taken in 2012-13.
Strategic Development Scheme	113	Committed to fund grants already awarded on SDS scheme where the project has yet to be carried out.	Mostly still required – clawback taken in 2012-13.
Licensing	23	Due to cyclical nature of the licences issued, it is projected that the administrative work will be higher every fifth year. Reserve will meet the additional costs in those peak years.	
Mobile CCTV	12	Specific Grant.	Still required.
Maes Awyr Môn	21	Balance of funding received to set up airport. Earmarked to be used to meet any future costs relating to the airport.	Still required.
South Stack	14	To fund future maintenance costs of South Stack.	Still required.
Capacity Fund	80	Balance of unspent budgets from 2010-11.	Being used this year.
Child Protection Board Reserve	24	Balance of unspent budgets from previous years. Will be used to fund costs of the Board which are in excess of the budget in future years.	Still required.
NWW Treatment Plant	535	Unspent budgets.	Still required to cover commitment.
Energy Island	235	Unspent contributions: Council and Third Party.	Carries forward unspent budgets.
Client's funds	43	Clients' funds.	To be re-designated.
Decommitted	252	Various de-committed or re-designated	To be re-designated or given up.
Supporting People	2,074	Unspent amounts set aside for activities related to the programme	Re-designated in 2012-13. To be reviewed.

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Agenda Item 4

AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	EXECUTIVE COMMITTEE
Date	3 DECEMBER 2012
Subject	UPDATED BUDGET STRATEGY AND INITIAL DRAFT REVENUE BUDGET 2013-14
Portfolio Holder(s)	COUNCILLOR J CHORLTON (FINANCE PORTFOLIO HOLDER)
Lead Officer(s)	INTERIM HEAD OF FUNCTION (RESOURCES) AND SECTION 151 OFFICER
Contact Officer	GILL LEWIS/EINIR THOMAS
Nature and reason for reporting:	
To enable the Executive to approve the budget assumptions and the effect of the provisional settlement.	

A – Introduction / Background / Issues		
B - Considerations		
C – Implications and Impacts		
1	Finance / Section 151	Author of the report
2	Legal / Monitoring Officer	
3	Human Resources	
4	Property Services (see notes – separate document)	
5	Information and Communications Technology (ICT)	
6	Equality (see notes – separate document)	
7	Anti-poverty and Social (see notes – separate document)	
8	Communication (see notes – separate document)	
9	Consultation (see notes – separate document)	
10	Economic	
11	Environmental (see notes – separate document)	
12	Crime and Disorder (see notes – separate document)	
13	Outcome Agreements	

CH - Summary
D - Recommendation
<ul style="list-style-type: none">• The draft standstill budget should be adopted by the Executive as a basis for the 2013-14 revenue budget;• That the Executive should seek to make sufficient savings in 2013-14 to balance the revenue budget without use of reserves;• That the Executive should plan to cover unavoidable costs of severance or other one-off costs of delivering savings without the use of reserves.

Name of author of report:

Gill Lewis, Interim Head of Function (Resources) and Section 151 Officer

Date: 26 November 2012

Appendices:
Appendix A : Draft Standstill budget

Background papers

1. BACKGROUND

1.1 Earlier Decisions

1.1.1 The Budget report to Commissioners in July updated the Medium term Financial Revenue Strategy and assumptions for the 2013/14 budget. The report set out the budget gap based on the likely WG settlement and the protection of services. Commissioners approved the direction of travel and the recommendation to model 7% efficiencies across the Council to meet the budget gap. All Directorates were subsequently asked to develop proposals to find 7% savings options in preparation for the 2013-14 budget setting process on the basis that the 2013-14 Aggregate External Finance (AEF) would be as forecast.

1.1.2 The Budget and Strategy Statement presented to Commissioners on 23 July 2012 laid the following underlying principals in establishing the standstill budget:-

- To adopt an intention to increase the Council Tax by 5%;
- Assuming up to 3% for possible 'catch up' pay increases;
- Increases to pensions;
- Actual inflationary increases where these are required by law or by contract, for non-domestic rates etc;
- Utilities inflation of 10%;
- Current inflation for other supplies and services of 2%;
- Other committed changes as a result of decisions already taken.

The plan also includes the expectation that the third year of the Affordable Priorities Programme would be achieved.

1.1.3 Use of reserves. It has been assumed that there will be no use of reserves to fund the revenue budget in 2013-14 as there is a general need to increase rather than reduce general reserves.

1.2 Provisional Local Government Settlement

1.2.1 The Minister for Local Government and Communities announced the provisional local government settlement on 16 October. Consultation has now closed and a response was sent by the Leader by the deadline.

1.2.2 The provisional settlement informs us of our likely AEF of £99.96m which comprises of Revenue Support Grant (RSG) of £78.92m and Redistributed National Non Domestic Rates (NNDR) of £21.04m. There is expected to be further changes to the split between RSG and NNDR, but with no significant changes in the overall AEF.

1.2.3 The provisional settlement confirms a number of 'transfers in' to the settlement of specific grants funding as highlighted below.

1.2.4 In addition to these, there is a significant additional sum for the additional burden of Council Tax Support. Council Tax Support is the new scheme to replace Council Tax Benefit. The sum included in RSG (£4.468 million for Anglesey) has been calculated on the basis of past costs, reduced by 10% and, as Council Tax Benefit claims figures vary over time, we believe the distribution to be out of date. Representations have been made to the Minister to reverse this treatment and to provide specific grant which can be amended during the year.

- 1.2.5** The other 'transfers in' have replaced specific grants according to agreed formulae. Finance Officers have been concerned for a number of years about the detrimental effect to the budget of the transfer in of the Learning Disabilities Resettlement Grant. As it happens, the figures have been transferred on more or less a like for like basis and, therefore, have a neutral overall effect on the Council's budget and services. For Learning Disabilities Resettlement Grant and some other cases, this is the result of phasing in the change over time. It is to be expected that these amounts will change in the final settlement as data is updated.

Transfers Out:

- None

Transfers In:

- Blue Badge Grant Scheme - £9k;
- Appetite for Life Grant - £62k;
- School Counselling Grant - £90k;
- Local Government Borrowing Initiative Grant - £124k;
- Post 16 - SEN in Mainstream £98k;
- Post 16 - SEN Special Schools and Out of County - £411k;
- Learning Disabilities Resettlement Grant £976k.

- 1.2.6** The provisional settlement suggests a 1.07% increase in AEF for Ynys Môn, the sixth lowest increase in Wales and, as was the case last year, that there will be no floor mechanism. The increase in the AEF is £1.007m after allowing for the above transfers in.

Changes in the settlement are caused by data changes in the formula. The updating of the figures within the formula also includes numbers of people and other data which measure the demand on the Authority's services. For these statistics, ultimately it is the Authority's share of the Welsh total which determines whether it has done better or worse than the rest of Wales.

1.3 The Chancellor's Autumn Statement

- 1.3.1** The Chancellor will present his Autumn Statement on 6 December 2012. This will give an update on public finances and the economy.

- 1.3.2** Although this is not expected to impact significantly on the final funding announcements for 2013-14, it will give an indication of the direction of travel.

1.4 The Final Settlement

- 1.4.1** The Final Settlement is due on 11 December. There will be changes to reflect data changes in the formula. The main issues from the consultation are the Council Tax Support Scheme and the top-slice for Collaboration.

2. REVENUE BUDGET 2013-14

2.1 Standstill Budget

- 2.1.1** Appendix A presents the initial draft high level standstill revenue budget for 2013-14. This takes the 2012-13 finalised budget as the starting point and reflects budget movements throughout the year, grant transfers, staffing movements, inflation and committed changes.

- 2.1.2** The standstill budget has taken account of the factors described in 1.1.2 as per the Commissioners Budget Strategy Statement:
- Inflation reduced during 2011-12, ending the year below 3%. It has fallen further this year. The Bank of England projection for August suggested inflation at 2% during 2013-14. The November projection shows a slightly higher rate. It should also be noted that certain factors such as energy have been consistently higher than general inflation for the last few years. A 10% allowance was put in the 2013-14 budget as energy have announced a fresh round of price increases. This will once again need to be monitored carefully due to its volatility and unpredictability.
- 2.1.3** The main change from the Budget Statement is a reduction in the projected pay increase for the year from 3% to 1% based on the initial stages of the pay negotiations and comparisons with other authorities across Wales and the UK. This has a significant effect on the strategy.
- 2.1.4** The standstill budget has also allowed for:
- Loss of Specific Grant income.** The specific grants added to the RSG settlement of £2.155m mean a loss of specific grant income of £2.149m from service budgets. The individual grants are listed in paragraph 1.2.4.
- Staff increments.** An increase in cost of £514k due to staff incremental progression.
- Staff turnover savings.** New staff starting at bottom of scale of £350k.
- Employers Superannuation increases.** Increase in superannuation rates from 22% to 22.5% estimated to cost an additional £145k per annum.
- Increase in capital financing.** A net increase of £107m in costs due to the approved growing level of external debt.
- Penhesgyn gas generation.** A reduction in income budget of £45k because the electricity generation project is not generating as much surplus as was projected in the 2009-10 project – although remaining a viable project.
- 2.1.5** Limited demographic changes have been applied. There is little change in pupil numbers for the year. Discussions are still ongoing with Social Services on their demographic and demand figures and these are discussed as pressures later in the report.
- 2.1.6** The standstill budget assumes that the current year savings under the Affordable Priorities Programme are achieved as far as those projects already underway, but with a small number of amendments to reflect known changes and slippage. The longer term savings, principally from collaboration initiatives, have been removed but are likely to be included in the future years of the Efficiency Strategy.

2.2 Risk and Contingencies

2.2.1 There are a number of key risks which the Authority faces in 2013-14 which may have an impact on its finances as the year progresses. Some of these risks cannot be quantified at this stage, include but not limited to:

- The localisation of Council Tax Support is the most significant financial risk in the coming years. This volatile area is difficult to predict and there are uncertainties around the level of support which should be awarded; the likelihood of collection (the expected rate of collection has been reduced by 1% this year); and the ongoing cost of collection and recovery;
- Changes in benefits as a result of government housing benefit reforms. From 1st January 2012 new benefit rules were introduced and the plans for Universal Credit are well advanced. Changes so far include capping the amount of benefits individuals can claim and will undoubtedly mean pressures on our benefits and housing functions; Pay Award - As highlighted in Para 1.1.2, the budget strategy paper assumed that there could be a pay award in 2013-14 and recognised that this could be between 0 – 3%. In the light of more recent announcements and liaison with other organisations, this has been revised down to 1%, this will remain a risk;
- Specific Grants - As this report is presented there is currently very little detailed information on grant allocations for 2013-14. The standstill position currently reflects some grants which are at 2012-13 levels. Any reductions in grant levels in 2013-14 will have to be managed by equivalent reductions in expenditure, either directly related to the grant or through other areas of the budget. The income budgets in respect of grants that have been transferred in as part of the provisional settlement have been stripped out of the budget, however, this has had a largely neutral effect as mentioned in section 1.2 above;
- Cost of Intervention - Uncertainty remains around the future costs of the intervention. The Commissioners have reduced from 5 to 3 and taken on a different role. However, the Executive have now resumed control from 1 October 2012 and a full year effect will need to be built into the 2013-14 budget. In addition, following the Estyn review earlier in the year, a Recovery Board has now been put in place to assess the improvements measured against the Council's action plan. The costs of this are currently being determined and will need to be built into the 2013-14 budget. It will be necessary to take a view on this before the budget is set;
- The current activity in relation to the potential nuclear power station and the Enterprise Island Programme has been covered in previous budgets. It may be necessary to amend them from time to time and the pressures on the budgets are being reviewed.

2.2.2 Often the uncertainty surrounding proposed budgets is because of a number of major contracts out to tender. This is due to the final value not being known until the tendering exercise is completed. There are only a small number of major contracts due for retendering in 2013-14 and this reduces the uncertainty.

- 2.2.3** The annual contingency budget for Job Evaluation and Employment Costs now stands at £900k, i.e. 2% of the relevant pay bill. This has been this rate for the last 3 financial years. This reflects a decision in 2010-11 to proceed with a review of lower paid workers, mainly on spot salary. More work has now been undertaken on Job Evaluation and potential equal pay claims and the Pay and Grading Panel decided to proceed with the whole Council on Job Evaluation, not just part. A Project Plan has been drawn up with an expected timetable and work will shortly commence to build on the ground work undertaken in the last year. This is a key financial risk and it will require continual review as the Job Evaluation process is developed and methodology agreed. The Medium Term Financial Strategy includes an additional £400k from 2013-14 and a further £400k in the following year. Although reserves have been built up over a number of years, the outcome of this exercise is currently unknown and, given the varying experiences of other Authorities within the UK, is difficult to assess. However, reviewing other schemes and costs, it is likely that there may be insufficient in the reserve currently to implement fully.
- 2.2.4** The 'process' contingency contains an additional £500k which is held to cover uncertainty as the budget process proceeds. It should be possible to remove the main part of this contingency in the next phases of the budget round. No significant contract contingency is required, but a general contingency will be required to deal with unforeseen events during the year.
- 2.2.5** The budget also includes contingency of £190k for mainly one-off spend to support the performance and implementation activities. The service budgets assume £355k Outcome Agreement Grant funding. The major uncertainty is the use of contingency to fund the costs of intervention and also the possibility of a proportion being withheld if the outcome agreements are not achieved.

2.3 Budget Gap

- 2.3.1** It is recommended that the draft standstill budget should be adopted by the Executive as a basis for the 2013-14 revenue budget.
- 2.3.2** Taking the Provisional Settlement figures and assuming the Council increases the Council Tax by 5%, a reduction in tax base of 0.65% (as approved by the Executive), would give a total council tax revenue increase of 4.32%. Therefore, the affordable total budget requirement is:-

	£000
Aggregate External Finance	99,961
Council Tax	<u>27,867</u>
	<u>127,828</u>

- 2.3.3** The standstill budget, i.e. budget, before any additional growth is considered. The budget gap at the draft initial standstill position is £2.3 million.

2.3.4 The Budget Strategy report included a top level forecast showing a potential funding gap of £4.3m for 2013-14. This included £0.7m growth projection over and above demographic growth and protection for schools budgets. The position at standstill is now £3.45m. The main changes are:

- a reduction in the assumption for the pay award from 3% to 1% - less cost of £1.4m;
- a reduction of £0.8m in assumed saving from the third year of the Affordable Prioritise Programme;
- increase in net external funding of £0.2m.

3. BUDGET STRATEGY

3.1 Efficiency Strategy

As part of the budget and service planning framework, an efficiency strategy is now being prepared, based on Annual Service reviews and designed to obtain sustainable efficiency savings over the life of the new Council. These medium term savings are likely to cover:

- Better use of technology;
- Standardisation of systems;
- Procurement and commissioning;
- Internal collaboration and centralisation;
- Collaboration;
- Better use of assets.

3.2 Revised Budget Projections for 2013-14 onwards

3.2.1 Taking account of the foregoing, the following table shows an updated three year budget projection:-

Funding Available:	2012-13 £m	2013-14 £m	2014-15 £m	2015-16 £m
Welsh Government	92.3	100.0	100.7	100.7
Council Tax	26.7	27.9	29.3	30.8
Total	119.0	127.9	130.0	131.5
Previous Year Budget	119.0	125.6	127.9	130.0
Schools Budgets				
Inflation/Growth	0.5	0.8	0.5	0.5
Other net cost increases	1.9	1.3	2.6	2.6
Demographic changes	0.3	0.6	0.5	0.5
Capital Financing & Interest	-0.1	0.1	0.1	0.1
Financing unsupported borrowing	0.1	0.2	0.4	0.4
Salary & Grading Review	0.0	0.4	0.4	0.0
Investing in change/ severance	0.0	1.5	0.0	0.0
Pressures	n/a	1.3	below	below
Other growth	1.3		0.7	0.7
Rounding	-0.1	0.1	n/a	n/a
APP savings	n/a	-0.5	n/a	n/a
Funding Gap	-3.7	-3.5	-3.1	-3.3
Budget	119.2	127.9	130.0	131.5
Adjustment to base	6.4			

The funding figure is derived from the WG provisional settlement. However, this could change further with both the final settlement and future data changes and the current economic environment.

In this table, 2012-13 is a summary of what was done that year and 2013-14 is taken from the latest standstill budget figures, as outlined at section 2 above. The projections for 2014-15 and 2015-16 have been taken from those presented in the Budget Strategy statement, updated for the latest AEF figures from the final settlement. The Council Tax projections assume an annual increase in yield of 5%, although, in practice, this could be made up of an increase in taxbase of 1% say, and an increase in the Council Tax rate of 4% should the housing market/sector pick up in the future.

- 3.2.2** The savings requirement has been treated as a balancing figure in this analysis. It is consistent with the top level analysis in the Budget Strategy report presented in July, that savings totalling around £144 million need to be made over the next three years, although the figures have reduced slightly with the revised assumptions.

3.3 Savings Proposals

- 3.3.1** The need to make revenue savings on an unprecedented scale, not just for 2013-14 but for the foreseeable future, is of course the dominant issue of the budget strategy. The proposals that have been put forward to date by directorates are a mix of Savings, Efficiencies and Service Reductions.
- 3.3.2** The report to the Board of Commissioners in July 2012 highlighted the level of savings needed to balance the budget. If Members choose to protect education and social care in line with the Welsh Government expectations, then the Council will need to find efficiencies of at least 7% without growth pressures.
- 3.3.3** The savings targets will not necessarily be applied in an even pattern across all services, but will reflect choices and priorities as set out by the Executive. To facilitate those options, all services are currently working through proposals for 2013-14 and the following two years to re-model service delivery in line with a reducing financial envelope.
- 3.3.4** The outcome of these deliberations will be discussed at the All Member workshop on 4th December and further refined in preparation for consultation on proposals.
- 3.3.5** The saving proposals that have been submitted to date do not include any allowance for any anticipated redundancies.
- 3.3.6** The majority of the savings proposals that have been submitted to date will, inevitably, have an impact on service delivery to different degrees, which will need to be considered when deciding which options to package.
- 3.3.7** The proposals will depend also on the Executive's objectives. There is a potential that not all the proposals that have been submitted will be implemented, some need further verification, some are not new and many will take time to deliver savings. The Council is currently undertaking service reviews across the Council and, in parallel, is developing an efficiencies strategy to help in taking the Council forward in meeting budget targets over the next three years.

3.3.8 Some of these savings proposals will, inevitably, involve reduction in staff numbers, some of which may be achievable by “natural wastage”. The savings proposals currently assume a full year’s worth of saving in relation to staffing reductions. There is a timing risk associated with these, in that if the staffing is not reduced on 1st April, then the full saving will not be achieved. It is also likely that there will be staff severance costs involved in making savings. For this purpose, it will be necessary to set aside a further contingency for redundancy on a similar scale to that approved in the 2012-13 budget, i.e.£1m.

3.3.9 It is recommended that:

- (a) that the Executive should seek to make sufficient savings in 2013-14 to balance the revenue budget without use of reserves;
- (b) that the Executive should plan to cover unavoidable costs of severance or other one-off costs of delivering savings without use of reserve.

3.3.10 Capital

The provisional settlement for 2013-14 and the indicative settlements for the following two years are:-

Financial Year	Funding indicatives and provisional settlement £’m
2013 - 14	3.446
2014 - 15	3.446
2015 - 16	<i>Indicative figure not provided by Welsh Government</i>

This is a reduction of 15% on the £4.050 million allocation. The 2012-13 capital budget was set by rolling forward the budget from the previous year and by:

- Reviewing and updating budgets for capital maintenance and / or replacement of fixed assets;
- Including known changes;
- Including new grants where known;
- Using the Welsh Government General Capital funding together with an assessment of the capital receipts likely to be available;
- Reviewing and revising the general contingencies (the unsupported borrowing contingency and unallocated contingency) with new budgets of £1m and £0.8m respectively;
- Including the Housing Revenue Account according to the revised and updated 30 year plan.

During the last two years several major programmes were under review, the residential homes programme and the leisure centre rationalisation programme required a new direction and the housing renewal policy was being finalised. This has meant that related capital budgets were not and have not been allocated.

3.3.11 Work is underway on an options appraisal to identify an appropriate solution to the Authority's investment needs for its assets. This is linked to the 21st Century Schools programme; modernisation of adult social care; as well as other key parts of the authority's estate. A new Capital Investment Strategy will also be prepared. As these preparations are made, the proposed approach for 2013-14 is:-

- To complete the current projects;
- To use available capital grant and supported borrowing allocations;
- To allocate £1m in unsupported borrowing for spend to save initiatives;
- To consider allocating budgets for upgrade of the Authority's schools, funded from unsupported borrowing, and to complement the 21st Century Schools programme.

3.5 Growth Bids and Pressures

3.5.1 There was an allowance of £0.7 million for growth in the top level forecast presented in the Commissioners' strategy and budget statement in July.

3.5.2 This has now been reviewed and updated and allowance has been made for a number of pressures, the most significant being:

Welfare reform
Rebase foster care budget
Protection for schools (shown separately in forecast)
Auto-enrolment for pension schemes
Severance contingency
Cost of change – to underpin the savings and modernisation agenda

3.5.3 It should also be noted that a number of growth proposals have also been submitted. The total of the above proposals comes to £2.1 million. These will need to be prioritised against the savings proposals requiring either further saving proposals to be taken or further saving proposals to be identified.

3.5.4 Based on the above the revised gap is £3.45 million as shown in the appendix. There are some options around contingencies and contributions to balances and reserves that require careful consideration before the budget is eventually set.

4. SCHOOL BUDGETS

4.1 Indicative budgets will be issued to schools during December 2012 as soon as the final WG settlement is confirmed. The provisional settlement sets out a level of protection for schools budgets which will need to be modelled taking into account contracts and demographic changes.

4.2 All assumptions applied to the schools budget have been the same as that of other directorates within the Authority. The exception to this is the Authority has not, at present, requested a specific savings level. This request will be dependent on the Authority's overall position and priorities. It should also be noted that all recommendations above and within para 7.3 apply to schools budgets.

4.3 There is to be further consultations with the schools, including the schools forum, during the consultation period.

5. MATTERS FOR DECISION

- 5.1** The content of the Budget is not prescribed, but its timetable requires the co-operation of the the Executive, Scrutiny and the full Council if it is to be adopted in March 2013.
- 5.2** An all Member workshop has been established for 4th December 2012 to go through the options for growth and savings.
- 5.3** The initial proposals for the budget will be presented to the Executive in January. Following that meeting the completion of a consultation document covering both strategy and annual budget issues should serve both the requirements of the Constitution and public consultation.
- 5.4** This report has recommended:-
- The draft standstill budget should be adopted by the Executive as a basis for the 2013-14 revenue budget;
 - That the Executive should seek to make sufficient savings in 2013-14 to balance the revenue budget without use of reserves;
 - That the Executive should plan to cover unavoidable costs of severance or other one-off costs of delivering savings without the use of reserves.

APPENDIX A - Summary of draft standstill budget and budget gap

Directorate	Draft Standstill Position
	£000
Lifelong Learning (including schools)	47,485
Community Services	31,883
Sustainable Development	22,592
Deputy Chief Executive	8,316
Corporate and Democratic Costs	2,269
Council Tax Support - additional responsibilities	4,468
Levies	3,223
Capital Financing and Interest	7,185
Recharges to HRA/ DSO	- 358
Affordable Priorities Programme Initiatives (savings)	- 480
Total	126,583
Outcome Agreement Grant	- 545
Improvement Contingency	190
Process Contingency	500
General Contingency	-
Job Evaluation Contingency	900
Sub Total Standstill Budget	127,628
From Medium Term Plan:	
Additional Job Evaluation Contingency	400
Additional Unsupported Borrowing Contingency	200
Pressures:	
- Looked after Children	600
- Autoenrolment	200
- Welfare Reform	200
- Schools Protection	500
Severances Contingency	1,000
Cost of change Contingency	500
Contribution from/ to Balances	-
Total before Savings	131,228
Funded by:	
Aggregate External Funding	99,961
Council Tax	27,867
Discretionary Rate Relief	- 50
Total Funding	127,778
Funding Gap	3,450

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ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Executive Committee
Date	3 December 2012
Subject	National Procurement Service
Portfolio Holder(s)	Councillor John Chorlton
Lead Officer(s)	Head of Service (Finance)
Contact Officer	Einir Wyn Thomas (Ext. 2605)
<p>Nature and reason for reporting</p> <p>To obtain approval to join the proposed Welsh Public Sector National Procurement Service.</p>	

A – Introduction / Background / Issues
<p>1.1 The 2010 review of procurement in the Welsh Public Sector : “Buying Smarter in Tougher Times” recommended that for common, repetitive spend, contracts should be established on a “Once for Wales” basis.</p> <p>1.2 The Compact emphasised this commitment by confirming the development of a business case to establish a National Procurement Service (NPS).</p> <p>1.3 A full business case for the service has now been developed by the Procurement Board relating to the Efficiency and Innovation Board’s work programme and the Procurement Board have recommended a fully independent central delivery model as the preferred delivery option for the NPS. Subject to business case approval, the proposed service is planned to “go live” in November 2013.</p> <p>1.4 During October, a letter, copy attached as appendix A, was sent to all local authorities inviting participation in the implementation and ongoing operation of the proposed NPS for a period of 5 years. The letter of invitation includes a summary of the proposal, highlighting key features and benefits identified through the development of the business case. Responses to this invitation are requested by 14 December 2012.</p>

B – Considerations

2. Business Case

2.1 The following summary highlights key points from the current version of the business case which has been developed over the last year:

- Based on the identification of a set of specific commodity and service categories and an assessment of total associated expenditure, the current business case has identified an annual savings potential of between £9.2m and £24.6m, with the scope to take a more strategic approach to engagement with Welsh business.
- Creation of the NPS will also free up existing resource to tackle more complex or high risk local procurements.
- The cost of the proposed service is currently estimated at £2.4m p.a., predominately to fund the appointment of an estimated staff of between 23 and 37 officers.
- The proposed service will adopt a category management approach whereby Welsh public sector buying activity of related products and services such as ICT (Information and Communication Technologies), vehicles or stationery are grouped together across participating organisations and mapped onto a supplier market. The approach encompasses the core processes of category planning, strategic sourcing and supplier management.

2.2 The Procurement Board has decided on the establishment of the NPS through a Central Delivery Model – based on the premise that the NPS will have independence from the chosen host organisation's own operation as the service will have its own governance structure with appropriate representation from all sectors.

3. Context

3.1 The local context is that:

- The corporate procurement is being transformed within the Authority in order to improve procurement process.
- The SLA was signed with Bangor University (ICPS) on the 10 October 2012.
- Bangor University will be carrying out a Procurement Needs Analysis within the Authority.
- The North Wales Procurement Partnership, which currently manages a range of regional procurement projects and contracts, is currently being reviewed.
- There is also a project for a new regional collaboration.

3.2 Having regard to the proposed categories of procurement for NPS, and the Council's current activity, the expectation is that the Council should be able to access savings of about £200k p.a.

3.3 One condition of joining the National Procurement Service is that the Council must commit to using the contracts that are created by the service. Any opt-out provision would be by exception and justified by the NPS Board in advance of the tender processes commencing. This will require a significant change of culture and a new discipline for the Council which should not be underestimated.

3.4 However, it is not recommended that the Council opts out of any contracts at this point. Any such decision should be made case by case once the specification and procurement strategy have been finalised. The Council can then make an informed decision as to whether an opt-out should be requested.

4. Concerns

4.1 Two areas of concern commonly raised by officers and members in relation to procurement are the effect on the local economy and compliance with the Council's Welsh Language Plan.

4.2 An Economic Impact Assessment Group was established as part of the project to consider the effect on the local economy. It was agreed that some risks existed but that these were outweighed by the benefits. There are, indeed, risks to the local economy but there are also opportunities for local businesses. The NPS has made arrangements to mitigate these risks and, for example, intends to provide early notification of opportunities to the market, which will allow local businesses time to prepare for tenders. Appropriate lotting strategies will also be adopted. It is expected that only a small proportion of the NPS categories of spend is currently procured from local suppliers.

4.3 The business case makes no reference to the Welsh language and there is some doubt on whether the current proposal will enable the Council to comply with its Welsh Language Plan. The Executive may wish to comment on this point.

C – Implications and Impacts		
1	Finance / Section 151	<p>The estimates of financial savings based on the National Procurement Service business case are theoretical. They do, however, appear to be reasonable assuming that the categories selected are appropriate for the Authority.</p> <p>There is an expectation that Welsh Government will fund the National Procurement Service for 3 years, and the business case suggests that the Service will be self-funding by years 4 and 5. This limits the risk to the Council.</p>
2	Legal / Monitoring Officer	
3	Human Resources	
4	Property Services (see notes – separate document)	
5	Information and Communications Technology (ICT)	
6	Equality (see notes – separate document)	As noted in the FAQ at Appendix B - concerns have been raised regarding the ability and intentions of NPS to provide a bilingual service consistent with the requirements of the Council's language scheme.
7	Anti-poverty and Social (see notes – separate document)	
8	Communication (see notes – separate document)	
9	Consultation (see notes – separate document)	
10	Economic	An Economic Impact Assessment Group was established by the Asset Management and Procurement Board of the PSLG to consider any potential impact of the service on local economies. The Group agreed that, while there are some risks in the proposed collaborative procurement actions, these are outweighed by the opportunities. Both the risks and opportunities can be effectively managed if current SME friendly policies and best practice are applied.
11	Environmental (see notes – separate document)	
12	Crime and Disorder (see notes – separate document)	
13	Outcome Agreements	

CH – Summary

Full business case for a public sector National Procurement Service has now been developed by the Procurement Board relating to the Efficiency and Innovation Board's work programme and, subject to business case approval, the proposed service is planned to "go live" in November 2013.

A letter of invitation has been received, and a response is required by 14 December 2012.

D – Recommendation

1. To commit to joining the National Procurement Service for the procurement of common and repetitive goods and services for an initial period of 5 years.
2. To consider whether the Chief Executive should comment on the provision of a bilingual service.

Name of author of report – Einir Wyn Thomas

Job Title – Head of Service (Finance)

Date – 19 November 2012

Appendices:

Appendix A – Invitation to join the National Procurement Service

Appendix B – National Procurement Service - Frequently Asked Questions

Background papers

Business Case for the National Procurement Service

**EINIR WYN THOMAS
HEAD OF SERVICE (FINANCE)**

19 NOVEMBER 2012

EXEC3 DEC 12 - NATIONAL PROCUREMENT SERVICE EWT/

Ask for / Gofynnwch am
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Civic Centre/Canolfan Ddinesig
Newport/Casnewydd
South Wales/De Cymru
NP20 4UR

8th October 2012

Dear Colleagues

Invitation to join the National Procurement Service

Through signing up to the Compact, we confirmed our commitment to the development of a Business case for a National Procurement Service. Please find attached to this letter a copy of the Executive Summary and the Full Business Case plus appendices for your consideration.

The public sector spend one third of its budget on external goods and services – some £4.3 billion per year. It is our duty to spend wisely and secure maximum value for money in its widest sense.

At least 20-30% of what we buy is common across organisations and is bought year on year. We have had some success from looser forms of collaboration. Now is the time to go to the next level. The 2010 review 'Buying Smarter in Tougher Times' clearly recommended that contracts for this spend should be set up on a 'Once for Wales' basis. This is a necessary step change and one that was fully endorsed by the recent McClelland Review.

The National Procurement Service model has delivered significant benefits to other devolved governments within the United Kingdom. It is a proven approach to maximising procurement benefits and is a model used in the majority of global private sector businesses.

We know that our existing procurement capability is stretched. The McClelland Review points to major weaknesses in certain areas. The recent cross party Inquiry into 'Influencing the modernisation of European procurement policy' calls for us to address 'creativity, capability and capacity'. Collaboration need not have a negative impact on our economy. The McClelland Review shows that stronger centralised procurement, with a focus on economic value, results in a greater level of local spend than with uncontrolled maverick buying.

We cannot continue to ignore the need to strengthen our collaboration, to standardise demand for our common spend areas and to invest in creating capability that will get the best out of the market. The Business Case for the creation of an NPS shows that it will deliver better contracts, efficiencies in process, smarter use of scarce skills, and also the potential for local social and economic benefits.

The Proposal

1. That a National Procurement Service be established to carry out common and repetitive spend once for Wales
2. That it has independent cross-sector governance – through an NPS Board attended by Chief Executives
3. That it be set up on a ‘category management’ basis – structured so that lead officers have a good understanding of spend, future demand and the market and develop appropriate and relevant category sourcing strategies
4. That investment of £2.4million per annum be made in the NPS – to secure a savings benefit of £74.8million over 5 years which is £34million over and above current arrangements. For Local Government, projected savings range from £6million to £16million per annum.
5. That in addition to generating savings the NPS is tasked with developing opportunities to deliver social and economic benefits
6. That organisations commit to using the NPS for a 5 year period – and fully using associated contracts other than on an exception basis agreed in advance of tender and through justification to NPS Board. This is on the assumption that the NPS is centrally funded directly through WG budget process until it reaches a point of maturity; estimated in Year 3 (2016/2017) of operation; at which point it is proposed that the funding model switches to a self funding rebate from 2017/2018 onwards
7. That local procurement expertise be retained to deliver local spend categories and to put in place the controls to ensure organisational compliance with agreed national contracts
8. That sector based collaboration continues so as to service spend areas unique to a given sector where collaboration will drive benefit.

Features

- Strategic vehicle for procuring common goods and services for Wales, taking into account the needs of all sectors.
- Central delivery model with own governance structure with appropriate representation from all sectors
- Focus on three key aspects of the procurement process – Developing Common Specifications, Tendering and Contract Management.
- Structured on a category management basis; will seek to leverage the procurement scale; influence demand management and implementing best practice approaches.
- Utilises Welsh Public Sector Procurement policy to support best practice.
- Capability to procure as yet unknown new or innovative solutions in support of public service reform.
- Co-ordinated approach to procurement which seeks to develop the SME community within Wales.
- Provide effective supplier relationship management through a single route.

Benefits

- Cashable savings achieved through reduced total cost of acquisition for the common and repetitive spend goods and services, estimated at £75million over 5 years
- Cost avoidance benefits delivered through the simplified procurement and increased compliance
- Opportunity to be gained by individual stakeholder organisations by redeploying their scarce resources onto higher risk more critical spend areas
- Developing the professionalism and capability of the procurement community in Wales.
- Positive impact on the Welsh economy
- Easier for suppliers to engage and transact with the Welsh public sector.

Attached with this letter is a copy of the Executive Summary of the Business Case and the full version plus appendices.

We now require a formal commitment from each organisation to join the NPS to enable the investment decision to be made. I would be grateful if you could consider the proposal outlined above. While recognising that the delivery plans and staffing structure of the NPS will be subject to development, you are now asked to confirm your commitment to sign up to joining the NPS for a five year period, recognising that this will mean a financial commitment estimated in 2016/2017 in the form of a rebate, and fully committing to using the contracts that are created by the Service (subject to exceptions agreed by the Procurement Board).

You will also find a pro-forma attached, which I would be grateful if you could duly sign on behalf of your organisation following your own internal approval process and forward a copy to the Project Team (Rebecca.rees2@wales.gsi.gov.uk) by 14th December 2012. Once again, you will need to click on the paper clip links to open the attachment.

Should you require any further information, please don't hesitate to contact the Project Team at the email address just above.



TRACEY LEE

Managing Director, Newport City Council

Appended below—NPS: Categories in scope / out of scope

Category	Subcategories considered within the scope of a National Procurement Service	Subcategories considered <u>out</u> of the scope of a National Procurement Service initially	Subcategories included in NPS review (£m)
Information Communication Technology	Hardware, Consumables, Software, Telecoms, Network and Support	Repair, Photographic Equipment and Website Design	£291.80
Utilities	Electricity, Gas and Petroleum	Water, Wind, Solar, Coal and Wood	£153.30
Facilities & Management Services	Maintenance Services, Travel, Advertising and Printers	Design, Photography and Market Research	£99.50
Human Resources	Employment agencies and translators	Advisory Services and Training	£74.40
Consultancy	Business and Technical consulting	Highly specialised - e.g. Planning, Food and Geological	£68.60
Vehicle Management	Vehicle acquisition, Lease and Hire	Heavy construction and Industrial	£75.80
Catering	Catering Supplies, Food and Vending	Fresh food, Equipment Maintenance, Linen Services and Caterers	£53.00
Legal Services	Solicitors	Specialist support, Barristers	£35.20
Healthcare	Medical and Mobility Equipment	Drugs, Specialist Medical Supplies and Hospital Equipment	£30.00
Construction Materials	General Materials, Electrical Supplies and Equipment Hire	Specialist Materials - e.g. fencing, bathroom and kitchen	£20.00
Stationery	Paper and General Stationery Supplies	Sundries including Promotional items	£14.20
Furniture & Soft Furnishings	Office Furniture & Equipment	Commercial Furniture and Social Care Supplies	£14.20
Mail Services	Postal Services, Couriers and Mailing Equipment	Freight and Mailroom services	£16.40
Clothing	Uniforms, Workwear, Protective and Safety Equipment	Specialist protective clothing	£10.80
Cleaning & Janitorial	Cleaning Materials and Equipment	N/A	£5.70
Education	Audio-visual Equipment & Supplies	Services and Books	£4.20
TOTALS			£967

National Procurement Service

Frequently Asked Questions

About this document

Developed to support the consultation process for the NPS Business Case, these Frequently Asked Questions (FAQs) should provide readers with background to the project, an understanding of its objectives and how the service will be run.

Further information from [Rebecca Rees](#).

What is the National Procurement Service?

The National Procurement Service (NPS) will provide the Welsh Public sector with a strategic vehicle for the procurement of common categories of goods and services that are procured across the Welsh public sector.

What is meant by the term 'common and repetitive spend'?

'Common and repetitive' (C&R) spend categories have been defined as those goods and services purchased by **multiple sectors** each year. These are not necessarily high value or complex – and by their very nature are often transactional. They represent 23% of total public sector spend. Other categories that fall outside of these areas will always need to be managed using local and regional sourcing strategies which are outside of the scope of the NPS. C&R spend includes the following high level categories:

Information Communication Technology, Utilities, Facilities Management Services, Human Resources, Consultancy, Vehicle Management, Catering, Legal Services, Healthcare, Construction Materials, Stationery, Furniture & Soft Furnishings, Mail Services, Clothing, Cleaning & Janitorial, Education.

For details of the sub-categories included in the scope—please refer to the NPS business case.

Why should I sign up to using the service?

Ultimately, the NPS will save money through a category management approach and protect front line services. Research tells us that through stronger centralised procurement, with a focus on economic value, will drive greater levels of local spend than with uncontrolled maverick buying. Finally, it will also free up an organisation's procurement staff focus on where they can add most value (i.e. local commissioning).

Will this affect local suppliers?

A rigorous economic appraisal shows that the economic opportunities (and benefits) to Welsh SMEs outweigh the risks. Only 15% of the spend areas involved currently go to Welsh suppliers. In fact, the NPS creates an opportunity to improve links with economic development activity and strengthen Welsh supply chains in these areas. The McClelland Review shows that stronger centralised procurement, with a focus on economic value, results in a greater level of local spend than with uncontrolled maverick buying.

How will the Service be run?

The NPS will be based on a category management approach where goods and services are organised into distinct groupings based on their related supply markets. The category management approach requires a good understanding of spend and future demand, the market and developing appropriate and relevant category sourcing strategies.

What will the operating model be?

The NPS will be developed as a central delivery operation. This will have independence from the chosen host organisation's own operation as the service will have its own governance structure with appropriate representation from all sectors.

Who will run the service?

It has been agreed that an Expression of Interest (EOI) process will be progressed to identify the host organisation. Potential hosts will be asked to submit their EOI which will then be evaluated by an independent panel who will make a recommendation to both the Project and Procurement Board.

How will the service be funded?

The NPS will be centrally funded directly by Welsh Government until it reaches a point of maturity, estimated in Year 3 (2016 / 2017) of operation. At this point it is proposed that the funding switches to a self funding rebate from 2017 / 2018 onwards

Will the NPS be able to change the C&R spend scope during its operation?

Whilst the scope of the NPS has been defined in the business case, depending on its success, there may be a case to review its scope during operation. Any amendment to scope would be presented to the NPS Board for decision.

What happens to the project if recruitment is delayed?

The Board will be kept updated on progress. Any delay will delay realisation of benefits and current arrangements will need to continue.

Who covers the contingent liabilities if the service is wound up after 5 years?

It is anticipated that the host would firstly mitigate this risk by allowing staff to apply for posts internally. The host would retain rebates while contracts remained in place and use this to cover any redundancy costs.

Consultation

When does consultation start and end?

The consultation process has been developed in conjunction with sector lead representatives on the Procurement Board. The process will commence on 8th October and will take the form of a letter from Tracey Lee to Chief Executives of individual sector organisations. This process will be supported by presentations at sector specific events. The letter includes a pro-forma to capture the response of each individual organisation. These are to be returned to the project team by 14th December.

What will my organisation be signing up to?

Your organisation will be making an up-front 5 year commitment to join the service and will commit to using the contracts developed by the NPS.

Do we have to buy in to everything?

In signing up to the service there is an expectation that each organisation will use contracts set up by the service.

Are there any exceptions to this rule?

There may be a small number of exceptions to this rule e.g. Police mandated to use UK National contracts. These will need to be justified to the National Procurement Service Board. The category manager will develop the strategy for each category in advance of letting the contract. At this point, all spend within the category will be considered in scope and a strategy developed in conjunction with each sector to deliver the optimum value for money within this category. Once the strategy is confirmed, the tender process will commence. It is at this point, that exceptions will need to be justified to the Board i.e. in advance of the tender process commencing.

What if one of the services included within the scope of NPS is delivered in house?

If a service is delivered in house, it is not something that the organisation is procuring and as a result, would not be included within the overall category scope for that organisation.

What happens if some organisations continually pull out of contracts?

Continued membership of the NPS will be considered by the Board, who reserve the right to exclude organisations that are not operating within the spirit of the agreement.

What happens after consultation has ended?

Reponses will be collated and presented to the Procurement Board and the Business Case will be revised to reflect the outputs of the consultation process. It will not be reissued for approval on the basis that the Service is able to generate benefits in excess of its costs.

Staff

Where will the category managers come from?

To support the delivery of Quick Wins, interim resource will be secured externally using existing frameworks. These roles are different to most existing roles within the public sector and the NPS will need to develop appropriate training provision.

What is the recruitment process for the Head of NPS?

This can be considered once the host is appointed. Once the job description has been developed, the Procurement Board will be asked to endorse the it. It is anticipated that the role will be advertised externally and some members of the Procurement Board will be involved in the interview panel. The appointment would also be confirmed by the Procurement Board.

Where will other staff come from?

Hopefully, many of the roles will be fulfilled by staff from across the Public Sector, either with a procurement or category service background. The NPS will also provide opportunities for Homegrown talent placements. Welsh Government HR Services are already providing advice to the project on possible scenarios.

Where will the Service be located?

This will be confirmed, once the host is known. The EOI process examines the extent to which the host can facilitate the NPS, working across all sectors, operating a flexible workforce which matches customer needs and mobility needs of staff.

What about staff already employed to do this work?

This will be looked at on a case by case basis; HR support has already been put in place to address these issues.

Timescales

When will the NPS be operational?

Following consultation, the feedback from organisations will be incorporated into the business case and presented to Procurement Board and PSLG by the end of March 2013. Assuming that approval is then given to enter into the 'Build' phase of the project, this will commence in April and it is hoped concluded by end October to enable 'go live' in November.

When will the Head of NPS be in place?

As soon as the Host is confirmed then the recruitment of the Head of the NPS can commence, though it is anticipated that they will not be in place until the Business Case is approved at the end of March.

Additional Questions raised since Consultation commenced – Date of issue: 19th November 2012

If the host organisation were to run a tender process which was successfully challenged in court and resulted in payment of damages under the Remedies Directive, who would be liable to pay these costs?

The host organisation would be legally responsible for the compliance of any framework agreements and would therefore have to meet any costs of non-compliance. It would not be responsible for the consequences of any non-compliant use of the agreements by user organisations. If such a scenario did occur however, there would clearly be discussions between the host and the NPS board on funding arrangements going forward.

Who will be on the Procurement Board and if nominated, how will they be nominated?

The Governance of the NPS and the future of the Procurement Board will be considered in the period between January and April 2013 as part of the set up decisions. It will be important to ensure regional representation and any suggestions put forward would be welcome for consideration by the existing Board and SRO in due course.

Could you confirm that the NPS will offer a bilingual service to its users in both English and Welsh?

Comments raised regarding Welsh language within the NPS have been forwarded to the decision making panel who will determine the host for the NPS. Final decisions on how the service operates and the extent of Welsh service provision will need to be made by the NPS Board in conjunction with the chosen host."

Could you provide further information as to how the rebate will be applied and what costs organisations may be liable for in the future?

The plan is that Welsh Government will cover the budgeted cost of the NPS until 2017/18. During the last year the Board will review uptake and progress and assuming operations are to plan the NPS will move to a self funding model based on a supplier rebate. While some of the below will be finalised by engagement between the selected host organisation and the Board, I can confirm that the plan is that:

- Suppliers on a contract will mark up their prices by an agreed percentage. It is likely that this percentage will be specified in the contract documentation; certainly it will be transparent to all and envisaged to be fixed for a given contract. Annually or more frequently the suppliers will pay back to the host the revenues received equal to this given percentage of spend;
- Ideally the host organisation would receive the funding in advance of incurring the salary costs so I would imagine the payment if annual would be on 1st April and be accrued during the preceding year;
- The NPS will take some time to set up new contracts so a decision for the Board is whether to get the rebate working from day 1 of each new contract and build up the funds or to apply it mid contract. This will be discussed between Jan and April, once the host organisation is identified;
- The current estimate for the rebate is approximately 0.4% of contract spend - which co-incidentally is the same amount currently charged by GPS (Uk cabinet office) contracts;
- Therefore organisations are not being asked to commit to funding other than through the transparent mark up on the prices paid for the goods and services used.

Can you confirm whether organisations can request an opt-out from an individual contract within a category or do we need to opt-out of the whole category, i.e. at the top level? Also, can we make a statement up front that states we would not wish to participate in some contracts, e.g. that we sign up to 80% of them and state which ones we would not wish to participate in?

The Procurement Board cannot compel an organisation to sign up to or use a contract. The only powers it has are to exclude from membership an organisation that continually seeks exemption from signing up to contracts - ie who is not operating in the spirit of agreement. For each category, work will be undertaken to develop a strategy and decide which contracts are needed. At the point of going to market for each contract, organisations will have a final option to opt out - this decision being made on an informed basis, at a time when the specifications are finalised and the strategy for the contract signed off. Reasons would have to be justified to the Procurement Board who could consider if the reasons were or were not in the spirit of the overall agreement. Organisations are however expected to use the agreements that have gone out to the market in their name. Opting out after award is definitely not in the spirit of agreement. Given that the concept is that the contracts will suit everyone - these are common and repetitive spend areas - it would be premature to opt out of specific categories at this stage

Regarding the statement made in Tracey Lee's letter that the NPS will secure *"a savings benefit of £74.8m over 5 years which is £34 million over and above current arrangements"*. What does the £34m over and above current arrangements mean? What are the current arrangements? If we are talking about current national contracts which we have already adopted, does that mean we have already claimed some of these savings?

One of the challenges to the business case for the NPS was that we already have mechanisms in place to carry out collaborative procurement and if we do nothing these would still remain. The "benefits" calculated for the business case included benefits from challenging demand management and standardising, from leveraging spend and from adopting best practice. It was felt that those benefits that would accrue from leveraging spend would still be available without an NPS structure but the other areas of benefit would not. Therefore the do nothing option (or current arrangements) was given a benefits value. This does however pre-suppose that the Value Wales collaborative procurement programme would remain if the NPS did not proceed and this assumption is not a given.

AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	The Executive & Full Council
Date	Executive 03.12.12 Full Council 06.12.12
Subject	To Make Changes to the Planning Matters Procedure Rules (Section 4.6 of the Constitution) Permanent
Portfolio Holder(s)	Councillor Robert Lloyd Hughes
Lead Officer(s)	Head of Service (Planning and Public Protection) Legal Services Manager
Contact Officer	Robyn Jones (x2134)
<p>Nature and reason for reporting</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>	

A – Introduction / Background / Issues
<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.

C – Implications and Impacts		
1	Finance / Section 151	No comments received
2	Legal / Monitoring Officer	The Committee’s legal adviser is a co-author of the report and the legal view is expressed in it
3	Human Resources	Not applicable
4	Property Services (see notes – separate document)	Not applicable
5	Information and Communications Technology (ICT)	Not applicable
6	Equality (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.
7	Anti-poverty and Social (see notes – separate document)	Not applicable

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

CH - Summary
<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.

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

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

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

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 councillors~~ 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 councillor (that is the councillor or in whose ward the proposed development site is located) may require that thean application (which wouldmight otherwise be decided by officers) should be submitted to the ~~Planning and Orders~~ Committee for determination. In these cases, provided that the local councillor must 'call-in' such application indicates this in writing addressed to the Chief Planning OfficerHead 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 councillor 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 shall~~ 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 th~~at~~e 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 the~~ir~~ 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.

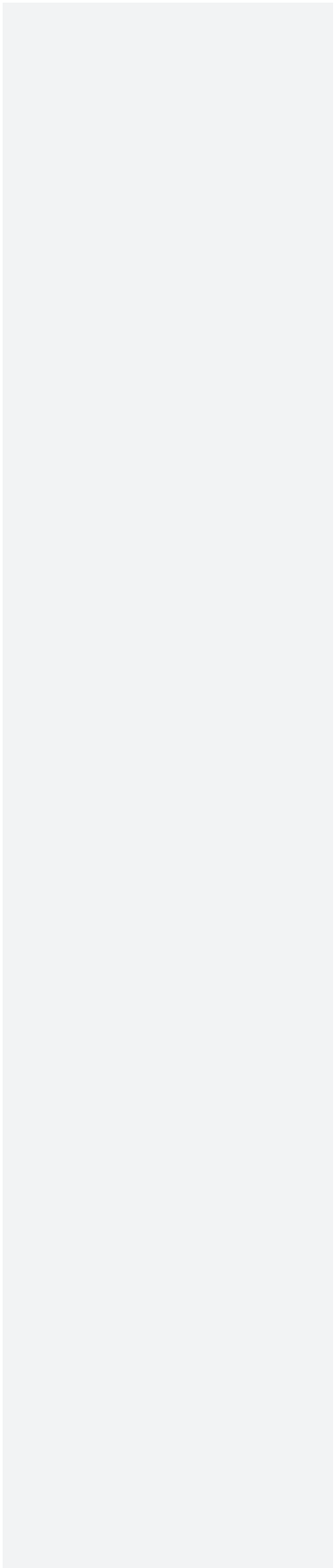
4.6.4.3.2 If the local councillor is not a member of the ~~Planning and Orders~~ Committee then he/she can legitimately be lobbied by an applicant, objector or anyone else interested in the outcome of a planning application. If such councillor is lobbied then, provided that he/she does not have an interest 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.

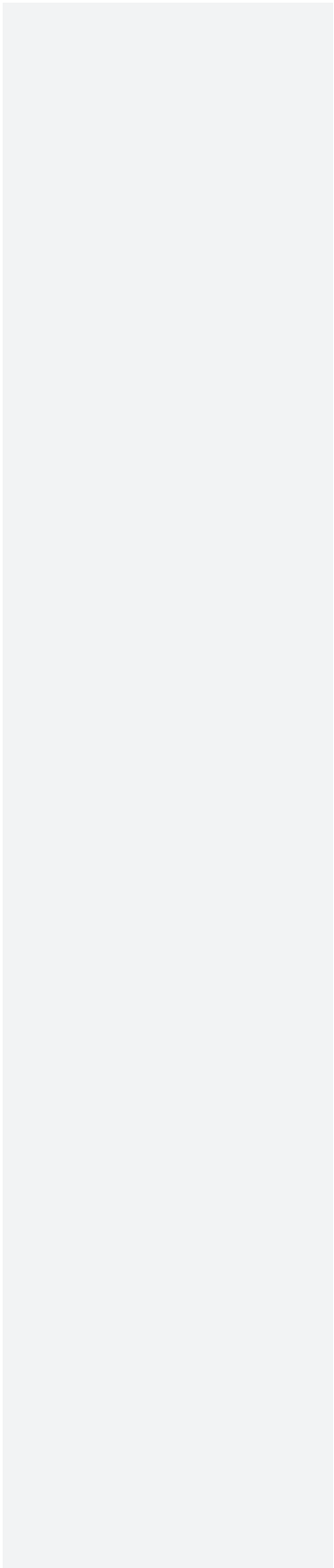
4.6.5.3 The Committee Chairperson will conduct business at the meeting in accordance with the attached Appendix.

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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~~ection 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.~~

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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