

# Public Document Pack



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

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

CYNGOR SIR YNYS MÔN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfeydd y Cyngor - Council Offices  
LLANGFNI  
Ynys Môn - Anglesey  
LL77 7TW

Ffôn / tel (01248) 752500  
Ffacs / fax (01248) 750839

<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR GWAITH</b>	<b>THE EXECUTIVE</b>
<b>DYDD LLUN, 21 HYDREF 2013</b> <b>10.00 o'r gloch</b>	<b>MONDAY, 21 OCTOBER 2013</b> <b>10.00 am</b>
<b>SIAMBR Y CYNGOR</b> <b>SWYDDFEYDD Y CYNGOR</b> <b>LLANGFNI</b>	<b>COUNCIL CHAMBER</b> <b>COUNCIL OFFICES</b> <b>LLANGFNI</b>
Rheolwr Gwasanaethau Pwyllgor	<b>Mr John Gould</b> <b>01248 752 515</b> Committee Services Manager

## **Annibynnol/Independent**

R Dew, K P Hughes, H E Jones and Ieuan Williams (Cadeirydd/Chair)

## **Plaid Lafur/Labour Party**

J A Roberts (Is-Gadeirydd/Vice-Chair) and Alwyn Rowlands

## **Heb Ymuno / Unaffiliated**

A M Jones (Democratiaid Rhyddfrydol Cymru / Welsh Liberal Democrats)

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 y Pwyllgor Gwaith 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 Executive.

## 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     MINUTES (Pages 1 - 8)**

To submit for confirmation, the minutes of the meeting of the Executive held on 9<sup>th</sup> September, 2013.

**4     THE EXECUTIVE'S FORWARD WORK PROGRAMME (Pages 9 - 18)**

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

**5     TO MAKE CHANGES TO THE CONSTITUTION (PARA 3.5.3.15.5) AND TO PLANNING PROCEDURE RULES (SECTION 4.6 OF THE CONSTITUTION) (Pages 19 - 44)**

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

**6     NUCLEAR NEW BUILD - BLUEPRINT FOR ACCOMMODATION SOLUTIONS (Pages 45 - 70)**

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

**7     BRWYNOG RESIDENTIAL CARE HOME (Pages 71 - 76)**

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

**8     CAPACITY AND RESOURCES FOR CHANGE (Pages 77 - 86)**

To submit the report of the Deputy Chief Executive.

## THE EXECUTIVE

### Minutes of the meeting held on 9 September 2013

- PRESENT:** Councillor Ieuan Williams (Chair)  
Councillor J Arwel Roberts (Vice-Chair)
- Councillors R Dew, K P Hughes, A M Jones, H E Jones and Alwyn Rowlands
- IN ATTENDANCE:** Chief Executive  
Deputy Chief Executive  
Director of Sustainable Development  
Director of Lifelong Learning  
Director of Community  
Head of Function (Resources) and Section 151 Officer  
Legal Services Manager (RJ)(Item 17 only)  
Head of Service (Policy)(Items 5, 8 and 9)  
Older People and Physical Disability Service Manager (IR)(Item 12 only)  
Head of Service (Adult Services)(Items 11 and 12 only)  
Programme Manager School Modernisation (EB)(Item 15 only)  
Business Planning & Programme Manager (GM)(Item 9 only)  
Corporate (ET)(Item 10 only)  
Principal Officer (Childrens' Services)(Item 13 only)  
Communications Officer (GJ)  
Committee Services Manager
- ALSO PRESENT:** Councillors Carwyn Jones (Item 15), John Griffith, and Bob Parry, OBE (Items 6 and 19)
- APOLOGIES:** Councillor R Meirion Jones

#### 1 DECLARATION OF INTEREST

Councillor Ieuan Williams declared an interest in Item 16 of these minutes in his capacity as Chair of the Governors at Ysgol Goronwy Owen, Benllech. He remained at the meeting but did not take part in any discussion or voting thereon.

The Head of Service (Policy) declared an interest in Item 19 of these minutes in view of the fact that the report made reference to his post, and he was not present at the meeting during any discussion or voting thereon.

Councillor Alwyn Rowlands wished it to be noted that he had received dispensation from the Standards Committee on 4<sup>th</sup> September, 2013, to speak and vote in relation to Item 15 of these minutes (Ysgol Llanddona).

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

None to declare.

### 3 MINUTES

Submitted for confirmation, the minutes of the Executive held on 15<sup>th</sup> July, 2013.

**RESOLVED - That the minutes of the meeting of the Executive held on 15<sup>th</sup> July, 2013 be confirmed as a true record.**

### 4 MINUTES FOR INFORMATION

Submitted for information - The minutes of the following meetings:-

- Voluntary Sector Liaison Committee - 11<sup>th</sup> July, 2013
- Corporate Parenting Panel - 22<sup>nd</sup> July, 2013

**RESOLVED to note the contents of the above minutes.**

### 5 THE EXECUTIVE'S FORWARD WORK PROGRAMME

Submitted - The report of the Head of Service (Policy) seeking approval for the Executive's updated Forward Work Programme for the period October, 2013 to April, 2014.

**RESOLVED to confirm the updated work programme for the period October, 2013 - April, 2014.**

### 6 2013-14 REVENUE BUDGET MONITORING REPORT - QUARTER 1

Submitted – The progress report of the Head of Function (Resources) on the Council's revenue spending for the first quarter of 2013-14, together with a projected position for the year as a whole, an overview of available reserves and a review of progress by services in achieving agreed savings.

Based on Quarter 1, the report set out a projected year-end position of an overspend of £1.299m, the principal one being the continuing overspend in Adult Social Care, which at £1.295m was almost equal to the net projected deficit. A number of other overspending services were identified, together with some offsetting underspends, the main one resulting from additional grant income in Education of £600k.

Councillor Bob Parry, OBE, stated that he was unhappy with an overspend so early in the financial year. He expressed concern that there did not seem to be any movement by the Executive as to where next year's cuts could be achieved. Earlier in the year, the Portfolio Holder had promised to convene a seminar at the end of August to discuss the budget but this was yet to take place. Scrutiny would also require an opportunity to comment on any proposals. He also requested further clarification at the meeting as regards the Social Services' overspend.

The Portfolio Holder in response stated that today's report dealt specifically with projections following Quarter 1 of the financial year. As far as next year's budget was concerned, the Department had only last month received bids by Departments on the savings and the way forward and these would be discussed at a seminar between the Executive and the SLT in the near future. He could not recall promising a seminar on the budget for the end of August. However, once more information was to hand, budget seminars would be held later in the year where an input was expected from all members of the Council. There was also a requirement in November to consult on the budget with the general public.

The Head of Service (Adult Services) provided a response to the projected overspend and stated that there were positive signs that the Service was on track for the second quarter.

**RESOLVED**

- **To note and monitor the position set out in respect of financial performance to date, the projected year-end deficit and the actions being taken to address this;**
- **That the impact increase of claimants be noted and monitored;**
- **That approval is given for the use of £60k from the Performance Improvement Reserve, to fund the costs in 2013-14 of the post of Corporate Programme Manager. (As referred to in Table B2 of the report).**
- **That the funding of this post for future years be the subject of a growth bid within the 2014-15 budget process.**

**7 2013-14 CAPITAL BUDGET MONITORING REPORT - QUARTER 1**

Submitted - The report of the Head of Function (Resources) on the capital budget monitoring report for the first quarter of the financial year. The appendix to the report included a summary of expenditure against the budget up to the end of June, 2013.

**RESOLVED to note the progress of expenditure and receipts against the capital budget.**

**8 IMPROVEMENT REPORT (PERFORMANCE REVIEW OF 2012/13)**

Submitted - The report of the Head of Service (Policy) seeking Executive approval of the Performance Report for 2012-13 for consideration at the County Council meeting on 10<sup>th</sup> October, 2013. This report covered the production of the 'Draft Performance Report for 2012/13, which looked back over the Council's performance for 2012/13, and was presented as a brief summary of the main headings to be found within the actual document.

**RESOLVED that authority be given to the Head of Service (Policy) in consultation with the Portfolio Holder and Executive's Business Manager to finalise the draft 2012/13 Performance Report for consideration at the Full County Council meeting on 10th October, 2013.**

**9 CORPORATE SCORECARD - QUARTER 1, 2013/14**

Submitted - The report of the Head of Service (Policy) seeking Executive approval on a review undertaken earlier this year, which resulted in the formulation of a corporate scorecard. This scorecard was developed to identify and inform its users of progress against indicators which explicitly demonstrated the successful implementation of day to day activity of the Council. The scorecard portrayed the current end of the Quarter 1 position and would become a regular document for consideration by the Executive each quarter.

**RESOLVED :-**

- **To note the contents of the report and to also note areas of mitigation for Officers;**
- **To note and endorse the recommendations of the Corporate Scrutiny Committee held on 29<sup>th</sup> July, 2013 in this respect.**

**10 LOCAL CODE OF GOVERNANCE**

Submitted - The report of the Deputy Chief Executive seeking Executive approval to an extended and re-drafted Local Code of Governance.

The aim of the Code was to bring together the key elements of corporate governance which existed within the Authority. The Executive approved the original Local Code of Governance on 15<sup>th</sup> October 2012. As a result of a review by Wales Audit Office of our arrangements and the conclusions of other national studies, the Local Code had been extended and redrafted.

**RESOLVED to adopt the revised Local Code of Governance.**

**11 ADULTS' SAFEGUARDING - ANNUAL REPORT 2012/13**

Submitted - The report of the Head of Service (Adults' Services) seeking Executive approval on the annual appraisal and judgement on safeguarding arrangements for vulnerable adults and also to endorsing the 2013-14 local improvement priorities.

**RESOLVED:-**

- **To endorse adult safeguarding progress during 2012/13;**
- **To support the 2013/14 local improvement priorities identified in respect of adult safeguarding;**
- **To endorse the intention of the North Wales Adult Safeguarding Board to publish its first annual report in July, 2014 covering activity across both Ynys Môn and Gwynedd;**
- **To support priority being given to developing Elected Member scrutiny of safeguarding.**

**12 DUBLIN DECLARATION ON AGE-FRIENDLY CITIES AND COMMUNITIES IN EUROPE 2013**

Submitted - The report of the Head of Service (Adults' Services) seeking Executive approval for this Authority to sign up to the Dublin Declaration on Age Friendly Cities and Communities in Europe.

Each Council in Wales would participate within a thematic national network, facilitated by Ageing Well in Wales, to collaborate on making changes to buildings, homes, parks, leisure, planning and transport in order to help people living in their community to age well and lead positive lives irrespective of their age. To date, 17 of the Welsh Local Authorities had either signed the public document, or were in the process of doing so. The Partnership

and Regeneration Committee on 25<sup>th</sup> July, 2013, supported the recommendations contained within this report.

**RESOLVED:-**

- **To welcome the merits of engaging in a Wales and European wide network of excellence and innovation to create Age Friendly Communities by 2020;**
- **To support agreement to make a public declaration of intent as set out by the proposed Dublin Declaration (with the WLGA to co-ordinate representation through remote arrangements);**
- **To support agreement to participate within the thematic network on creating Age friendly communities co-ordinated by the Ageing Well in Wales programme (hosted by the Office of the Commissioner for Older People);**
- **To support further dialogue through the WLGA and the WHO, for Wales to contribute to adapting WHO's guidelines for communities by using welsh communities as pilot sites;**
- **To support accepting the WLGA's offer comprising of one day's free support/development training on demographic change and/or creating age friendly communities – which will be negotiated by the Council's newly appointed Older People's Champion.**

**13 LOCAL AUTHORITY ENGAGEMENT IN THE ESTABLISHMENT OF A NATIONAL ADOPTION SERVICE**

Submitted – The report of the Head of Service (Children's Services) seeking Executive approval to establish a National Adoption Service for Wales, supported by Regional Adoption collaboratives.

**RESOLVED to approve the development of a National Collaborative Adoption Service.**

**14 MEASURES TO ENSURE THAT PLAY AREAS ARE SMOKE-FREE**

Submitted – The report of the Director of Lifelong Learning seeking Executive approval in extending non-smoking policies to school playing fields and play areas.

**RESOLVED that a sum of approximately £4,000 be set aside from within the Education budget (when resources allow) to meet the costs of erecting no-smoking signage in school yards, playing fields, libraries and outside leisure centres.**

**15 ANGLESEY PRIMARY SCHOOLS MODERNISATION - LLANDDONA SCHOOL**

Submitted – The report of the Director of Lifelong Learning upon the response to the statutory consultation process on the option to close Ysgol Llanddona.

Councillor Carwyn Jones (one of the three local members) accepted that there were surplus places at Ysgol Llanddona. However, he felt that before any decision was taken to close the school, a strategy and vision for the future of education in south-east Anglesey was required. The school was a community hub for a rural area such as Llanddona and closure where the Welsh medium was foremost was a big decision to take. Closure would

have a resultant effect not only upon education but on the culture, language and economy of the area.

He suggested that in the long term pupils should be integrated within a 21<sup>st</sup> century school for Llanddona, Beaumaris and Llandegfan. He requested information as to the cost of transporting the children from Llanddona to Ysgol Llangoed along a dangerous Class III road. Consideration by the Executive of the safety of the children was paramount.

The Leader in response stated that consultation on the preferred option had commenced long before the present administration came to power. He requested the Director to provide Councillor Jones with details of transportation costs outside of this meeting.

Councillor Alwyn Rowlands (local member and Portfolio Holder) stated that he had received dispensation from the Standards Committee on 4<sup>th</sup> September, 2013 to speak and vote on the matter. He went on to state that much discussion had taken place prior to today's meeting. If the school closed he felt it was important that the pupils continued with their education and that they were safely transported by the Authority to Ysgol Llangoed (or to wherever their parents decided upon, at their own expense).

The remaining members of the Executive were sympathetic to the views expressed by Councillor Carwyn Jones, but at the end of the day continuing education at Ysgol Llanddona with only 13 registered pupils was unsustainable.

**RESOLVED:-**

- **To follow the statutory process regarding the proposal to cease to maintain Ysgol Llanddona on 31<sup>st</sup> August, 2014 and transfer the pupils to Ysgol Llangoed;**
- **To combine the catchment areas of Ysgol Llanddona and Ysgol Llangoed;**
- **To give attention again in due course to the primary school provision in South-east Anglesey as part of the School Modernisation Programme with a view to establishing a long-term strategy for primary education in the area;**
- **To accept that the Class III road past Bryn Bella and the B5109 through Beaumaris as the only suitable road between Ysgol Llanddona and Ysgol Llangoed and that minor repair works only are made to the lay-by outside Ysgol Llangoed to provide for the school bus service.**

**16 LOWERING AGE OF ADMISSION AT YSGOL GORONWY OWEN, BENLLECH**

Submitted – The report of the Director of Lifelong Learning seeking Executive approval to commence the process of consultation on the proposal to lower the age of admission at Ysgol Goronwy Owen, Benllech.

**RESOLVED that authority be given to officers to consult on the proposed lowering of the age of admission at Ysgol Goronwy Owen, Benllech.**

**17 SCRAP METAL DEALERS ACT 2013**

Submitted - A joint report by the Head of Service (Planning and Public Protection) and the Legal Services Manager seeking Executive approval to accept that the powers and



responsibilities of the Council under the Scrap Metal Dealers Act 2013 was an executive function and to delegate any hearings to the Portfolio Holder and any other matter to Trading Standards Officers (with an exception) until new regulations came into force at some later date in the year clarifying that the Act was no longer to be an executive function.

**RESOLVED:-**

1. **To accept that the powers and responsibilities of the Council under the Scrap Metal Dealers Act 2013 (“the Act”) is an executive function;**
2. **That in all those cases under the Act where an applicant or a licensee has exercised the right to make oral representations to the Council (pursuant to paragraph 7 of Schedule 1 to the Act) before a matter is determined, the power to hear those representations and to determine such matters on behalf of the Council shall be delegated to the Portfolio Holder for Planning and Public Protection.**
3. **That all other powers and responsibilities of the Council under the Act be delegated to the Head of Service (Planning and Public Protection) with the exception that the Head of Service may, at his discretion and for whatever reason, choose not to exercise his delegated powers in which case that matter may be determined by the Portfolio Holder for Planning and Public Protection.**

**18 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

**“Under Section 100(A)(4) of the Local Government Act 1972, to exclude the press and public from the meeting during discussion on the following item on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the said Act and in the attached Public Interest Test”.**

**19 HEADS OF SERVICE REVIEW - STRUCTURE CONSIDERATIONS**

Submitted – The report of the Deputy Chief Executive updating the Executive on the Heads of Service Review and to propose an appropriate salary structure.

**RESOLVED to recommend to the County Council that it endorses the recommendations contained within the report.**

The meeting concluded at 11.20 am

**COUNCILLOR IEUAN WILLIAMS  
CHAIR**

This page is intentionally left blank

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>The Executive</b>
<b>Date</b>	<b>21 October 2013</b>
<b>Subject</b>	<b>The Executive's Forward Work Programme</b>
<b>Portfolio Holder(s)</b>	<b>Cllr Ieuan Williams</b>
<b>Lead Officer(s)</b>	<b>Deputy Chief Executive</b>
<b>Contact Officer</b>	<b>Huw Jones Head of Service – Policy (Tel. 01248 752108)</b>
<b>Nature and reason for reporting:</b>	
To seek approval of the Executive's updated Forward Work Programme in accordance with the Council's Constitution.	

<b>A – Introduction / Background / Issues</b>
See CH – Summary

<b>B – Considerations</b>
See CH – Summary

<b>C – Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	-
<b>2</b>	<b>Legal / Monitoring Officer</b>	-
<b>3</b>	<b>Human Resources</b>	-
<b>4</b>	<b>Property Services</b>	-
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	-
<b>6</b>	<b>Equality</b>	Impact assessments will need to have been undertaken on all new or revised policies submitted to meetings of the Executive

<b>C – Implications and Impacts</b>		
<b>7</b>	<b>Anti-poverty and Social</b>	-
<b>8</b>	<b>Communication</b>	-
<b>9</b>	<b>Consultation</b>	-
<b>10</b>	<b>Economic</b>	-
<b>11</b>	<b>Environmental</b>	-
<b>12</b>	<b>Crime and Disorder</b>	-
<b>13</b>	<b>Outcome Agreements</b>	-

<b>CH – Summary</b>	
<b>1.0</b>	<b>Background</b>
1.1	The Executive’s forward work programme enables both Members of the Council and the public to see what key decisions are likely to be taken by the Executive over the coming months. It includes information on the decisions sought and who the lead officers and portfolio holders are for each item.
1.2	The Executive’s Forward Work Programme for the period <b>November 2013 – April 2014</b> is attached.
1.3	It should be noted, however, that the forward work programme is a flexible document as not all items requiring a decision will be known that far in advance and some timescales may need to be altered to reflect new priorities etc. Arrangements are therefore in place to review the list of items and submit updates to the Executive on a monthly basis. Both strategic and operational issues are covered to inform the scrutiny process. Some items are likely to be determined by portfolio holders under delegated authority.

## 2.0 **Role of Scrutiny**

- 2.1 The Board of Commissioners have already acknowledged the importance of the scrutiny role, and in particular task and finish groups, in the process of supporting the corporate work programme.
- 2.2 This work programme offers a basis for further developing the work of the scrutiny committees. Further refinement of the work programme will be necessary to ensure better alignment of the schedule of meetings in the future in order to allow for pre-decision scrutiny.

## **D – Recommendation**

Members of the Executive are requested to:

confirm the attached updated work programme which covers November 2013 – April 2014;

identify any matters subject to consultation with the Council’s Scrutiny Committees and confirm the need for Scrutiny Committees to develop their work programmes further to support the Executive’s work programme;

note that the forward work programme is updated monthly and submitted as a standing monthly item to the Executive.

**Name of author of report: Huw Jones**

**Job Title: Head of Service - Policy**

**Date: 10 October 2013**

### **Appendices:**

Executive Forward Work Programme: November 2013 – April 2014.

### **Background papers**

Previous forward work programmes.

# THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013



The Executive's forward work programme enables both Members of the Council and the public to see what key decisions are likely to be taken by the Executive over the coming months. It includes information on the decisions sought and who the lead Officers and Portfolio Holders are for each item.

The Executive's draft Forward Work Programme for the period **November 2013 – April 2014** is outlined on the following pages.

It should be noted, however, that the work programme is a flexible document as not all items requiring a decision will be known that far in advance and some timescales may need to be altered to reflect new priorities etc. The list of items included is therefore reviewed regularly.

Some matters identified in the forward work programme may be delegated to individual portfolio holders for approval.

Reports will be required to be submitted from time to time regarding specific property transactions, in accordance with the Asset Management Policy and Procedures. Due to the influence of the external market, it is not possible to determine the timing of reports in advance.

Issues to be reported to the Council's Sustainability Board are currently under review.

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*

## THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013

	Subject and * Category (Strategic / Operational / For information)	Why the decision is sought from the Executive	Lead Department	Responsible Officer/ Lead Member & contact for representation	Pre-decision / Date to Scrutiny	Date to Executive	Date to Full Council
1	<b>The Executive's Forward Work Programme</b>  Category: <b>Strategic</b>	To update the work programme.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Ieuan Williams		4 November 2013	
2	<b>Corporate Plan 2013-17</b>  Category: <b>Strategic</b>	Adoption of Plan in accordance with Policy Framework	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Alwyn Rowlands		4 November 2013	5 December 2013
3	<b>Improvement Plan 2013/4</b>  Category: <b>Strategic</b>	Approval.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Alwyn Rowlands	28 October 2013	4 November 2013	
4	<b>Corporate Scorecard – Qtr2, 2013/14</b>  Category: <b>Strategic</b>	Quarterly performance monitoring report.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Alwyn Rowlands	28 October 2013	4 November 2013	
5	<b>2013/14 Revenue and Capital Budget Monitoring – Qtr 2</b>  Category: <b>Strategic</b>	Quarterly financial monitoring report.	Deputy Chief Executive	Clare Williams Head of Function – Resources  Cllr Hywel Eifion Jones		4 November 2013	
6	<b>2014/15 Budget</b>  Category: <b>Strategic</b>	To begin dialogue on the Executive's intentions.	Deputy Chief Executive	Clare Williams Head of Function – Resources  Cllr Hywel Eifion Jones		4 November 2013	

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*

## THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013

Subject and * Category (Strategic / Operational / For information)	Why the decision is sought from the Executive	Lead Department	Responsible Officer/ Lead Member & contact for representation	Pre-decision / Date to Scrutiny	Date to Executive	Date to Full Council
7 <b>Changes to the Planning Procedure Rules</b>  Category <b>Strategic</b>	To make recommendat- ions to full Council.	Deputy Chief Executive	Lynn Ball Head of Function – Legal and Administration  Cllr J Arwel Roberts		4 November 2013	5 December 2013 (or earlier extraordinary meeting, if convened)
8 <b>Service Charges for Tenants and Leaseholders</b>  Category: <b>Strategic</b>	Secure endorsement for introducing service charges for tenants of Council Housing and leaseholders.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		4 November 2013	
9 <b>Income Management Strategy – Housing Services</b> Category: <b>Strategic</b>	Adoption.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		4 November 2013	
10 <b>Welsh Public Library Standards, Annual Return 2012-2013</b>  Category: <b>Strategic</b>	Welsh Government / CyMAL: Museums Archives and Libraries Wales require the approval of the Authority of the Annual Return.	Community	Pat West & Rachel Rowlands Leisure & Culture  Cllr Ieuan Williams		4 November 2013	
11 <b>School Organisation Code</b>  Category: <b>Strategic</b>	To inform the Executive about changes in the School Reorganisation Code which became effective from 1 October 2013 and how this will affect the Council's procedure for receiving objections to statutory school closure notices.	Lifelong Learning	Dr Gwynne Jones Director of Lifelong Learning  Cllr Ieuan Williams		4 November 2013	

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*



## THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013

	Subject and * Category (Strategic / Operational / For information)	Why the decision is sought from the Executive	Lead Department	Responsible Officer/ Lead Member & contact for representation	Pre-decision / Date to Scrutiny	Date to Executive	Date to Full Council
12	<b>Future EU convergence Programme Priority Activities</b>  Category: <b>Strategic</b>	Secure formal support to underpin the Council's project development activity.	Sustainable Development	Dylan Williams Head of Economic Development  Cllr Aled Morris Jones		4 November 2013	
13	<b>Community Benefit Contributions</b>  Category: <b>Strategic</b>	Secure formal endorsement for the Council's policy and strategy.	Sustainable Development	Dylan Williams Head of Economic Development  Cllr Aled Morris Jones		4 November 2013	
14	<b>The Executive's Forward Work Programme</b>  Category: <b>Strategic</b>	To update the work programme.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Ieuan Williams		2 December 2013	
15	<b>HRA Subsidy Reform</b>  Category: <b>Strategic</b>	Changes and impact of the Housing Revenue Account subsidy system in Wales.	Community	Clare Williams Head of Function – Resources / Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		2 December 2013	
16	<b>Supporting People Commissioning Plan 2014/15</b>  Category: <b>Strategic</b>	Approval.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		2 December 2013	

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*

## THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013

	Subject and * Category (Strategic / Operational / For information)	Why the decision is sought from the Executive	Lead Department	Responsible Officer/ Lead Member & contact for representation	Pre-decision / Date to Scrutiny	Date to Executive	Date to Full Council
17	<b>2014/15 Budget</b>  Category: <b>Strategic</b>	To finalise the Executive's initial draft budget proposals for consultation.	Deputy Chief Executive	Clare Williams Head of Function – Resources  Cllr Hywel Eifion Jones		16 December 2013	
18	<b>The Executive's Forward Work Programme</b>  Category: <b>Strategic</b>	To update the work programme.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Ieuan Williams		13 January 2014	
19	<b>Informal Carers – Commissioning Intentions and Priorities</b>  Category: <b>Strategic</b>	Approval.	Community	Anwen Davies Head of Adults' Services  Cllr Kenneth P Hughes	28 October 2013	13 January 2014	
20	<b>Môn/Gwynedd Building Control Integration</b>  Category: <b>Operational</b>	Support the proposed joint working arrangements.	Sustainable Development	Jim Woodcock Head of Planning and Public Protection  Cllr J Arwel Roberts	June 2013	13 January 2014	
21	<b>Corporate Scorecard – Qtr 3, 2013/14</b>  Category: <b>Strategic</b>	Quarterly performance monitoring report.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Alwyn Rowlands	3 February 2014	10 February 2014	
22	<b>2013/14 Revenue and Capital Budget Monitoring Report – Qtr 3</b>  Category: <b>Strategic</b>	Quarterly financial monitoring report.	Deputy Chief Executive	Clare Williams Head of Function – Resources  Cllr Hywel Eifion Jones		10 February 2014	

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*

## THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013

	Subject and * Category (Strategic / Operational / For information)	Why the decision is sought from the Executive	Lead Department	Responsible Officer/ Lead Member & contact for representation	Pre-decision / Date to Scrutiny	Date to Executive	Date to Full Council
23	<b>2014/15 Budget</b>  Category: <b>Strategic</b>	Adoption of final proposals for recommendation to the County Council.	Deputy Chief Executive	Clare Williams Head of Function – Resources  Cllr Hywel Eifion Jones	Corporate – 14 Jan 2014 Partnership – 15 Jan 2014 Democratic – 30 Jan 2014	10 February 2014	27 February 2014
24	<b>Housing Revenue Account (HRA) Business Plan and HRA Shadow Business Plan</b>  Category: <b>Strategic</b>	Approval.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		10 February 2014	
25	<b>The Executive's Forward Work Programme</b> Category: <b>Strategic</b>	To update the work programme.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Ieuan Williams		17 February 2014	
26	<b>Housing Rents 2014/15</b>  Category: <b>Operational</b>	Approval of proposed rent increase for 2014/15 for Council house tenants.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		17 February 2014	
27	<b>Service Charges for Council Tenants and Leaseholders</b>  Category: <b>Strategic</b>	Adoption of policy to introduce service charges to tenants.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		17 February 2014	
28	<b>The Executive's Forward Work Programme</b>  Category: <b>Strategic</b>	To update the work programme.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Ieuan Williams		17 March 2014	

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*

## THE EXECUTIVE'S FORWARD WORK PROGRAMME

Period: November 2013 – April 2014

Updated: 10 October 2013

	Subject and * Category (Strategic / Operational / For information)	Why the decision is sought from the Executive	Lead Department	Responsible Officer/ Lead Member & contact for representation	Pre-decision / Date to Scrutiny	Date to Executive	Date to Full Council
29	<b>Annual Equality Report</b>  Category: <b>Strategic</b>	To approve the annual report for publication	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Kenneth P Hughes		17 March 2014	
30	<b>Public Sector Housing Capital Programme 2014/15</b>  Category: <b>Strategic</b>	To approve the capital programme and allocated budget.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		17 March 2014	
31	<b>Common Allocations Policy</b>  Category: <b>Strategic</b>	Adoption of new Common Allocations Policy.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		17 March 2014	
32	<b>Deposit Local Development Plan</b>  Category: <b>Strategic</b>	For comment / support before submission to the Joint Planning Policy Committee.	Sustainable Development	Jim Woodcock Head of Planning and Public Protection  Cllr J Arwel Roberts		17 March 2014	
33	<b>The Executive's Forward Work Programme</b>  Category: <b>Strategic</b>	To update the work programme.	Deputy Chief Executive	Huw Jones Head of Policy  Cllr Ieuan Williams		22 April 2014	
34	<b>Local Housing Strategy 2014-2019 – draft</b>  Category: <b>Strategic</b>	To approve the strategic direction prior to consultation.	Community	Shan L Williams Head of Housing Services  Cllr Kenneth P Hughes		22 April 2014	

\* Key:

*Strategic – key corporate plans or initiatives*

*Operational – service delivery*

*For information*

## AGENDA ITEM NO.

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>Standards Committee, The Executive &amp; Full Council</b>
<b>Date</b>	<b>Standards Committee 12.09.13 Executive 21.10.13 Full Council ...12.13</b>
<b>Subject</b>	<b>To Make Changes to the Constitution (3.5.3.15.5) and to Planning Procedure Rules (Section 4.6 of the Constitution)</b>
<b>Portfolio Holder(s)</b>	<b>Councillor J. Arwel Roberts</b>
<b>Lead Officer(s)</b>	<b>Head of Service (Planning and Public Protection) Legal Services Manager</b>
<b>Contact Officer</b>	<b>Robyn Jones (x2134)</b>
<b>Nature and reason for reporting</b>	
<p>1.1 To make changes to the Constitution, one to paragraph 3.5.3.15.5 and the other to section 4.6: Planning Procedure Rules (the Rules):</p> <p>1.1.1 <u>Change 1</u> (paragraph 3.5.3.15.5) - That, in future, departure applications made by councillors, relevant officers or their close family or friends can, rather than being referred to the Planning Committee (the Committee) as at present, be refused by planning officers under delegation and then subject to a full report to the next Committee meeting. Where officers would want to approve such a departure application then it could only be approved by the Committee.</p> <p>1.1.2 <u>Change 2</u> (section 4.6) - The Rules be amended to reflect the legal position and to take account of section 25 of The Localism Act 2011. In short, that members of the Committee are allowed to express an opinion on the merits of an application even before it comes to the Committee for a decision provided the opinion they express is a predisposition and not a predetermination. This would include allowing members of the Committee who are also members of a Town or Community Council to participate in a planning matter at meetings of their Town or Community Council.</p> <p>1.2 All of the proposed changes are set out in tracked changes to the documents attached to this report.</p> <p>1.3 The Standards Committee are consulted on these proposals.</p>	

1.4 The Executive is asked to make a recommendation to the full Council in respect of the proposed changes, and

1.5 The full Council is asked to take a decision to make the changes as shown in the Appendices to this report.

## **A – Introduction / Background / Issues**

The current Constitution provides as follows.

### 2.1 Change 1

2.1.2 Planning officers are not allowed to make decisions on planning applications submitted by councillors, relevant officers (senior officers and those directly involved in the planning process) and their close family and friends. Such applications at present are decided by the Committee. However, there is a loophole, in respect of departure applications. A departure application is one contrary to the (statutory) development plan. The development plan is the primary tool for making decisions on planning applications and applications must be decided according to that plan's provisions in most cases.

2.1.3 Departures are decided by officers where they want to refuse the application but all departures must go to the Committee where officers want to approve the application. The loophole arises where a departure application made by a councillor, relevant officer or their close family or friends goes straight to Committee for a decision whereas such an application made by other people would, most likely, be refused by officers under delegation.

2.1.4 To close this loophole, it is proposed that all departure applications made by councillors, relevant officers, or their close family or friends can be determined by officers under delegation where they wish to refuse the application. Such a refusal would then be subject to a full written report to the next meeting of the Committee to ensure transparency and accountability. Where the planning officer wants to approve the departure application then, like all other departures, the matter will still need to go to the Committee for approval.

### 2.2 Change 2

2.2.1 The present Rules take an unduly narrow approach to what a member of the Committee may do and say outside the confines of the Committee meeting. For example, they prevent a Committee member from expressing any views on the merits of an application before it comes to the Committee and they also prevent Committee members from participating on planning matters in their capacity as members of a Town or Community Council in meetings of those councils. These rules are unnecessarily restrictive in the light of section 25 of The Localism Act 2011.

2.2.2 Whilst it has always been the case that to express a predisposition on a matter was legally permissible, to express predetermination is not. In simple terms, it is permitted to indicate what your view is at a particular point in time provided that you give a clear indication that you have not closed your mind to making a decision on the merits of that matter at a later date. Section 25 of the Localism Act 2011 has sought to reinforce that position and a copy of that section is attached. No doubt the present Rules were drafted back in 2001 based on the situation then perceived as prevailing in fact as well as, perhaps, in law.

2.2.3 However, in light of section 25 and the election of a new Council, it is now thought appropriate to change the Rules so that they better reflect the position in law. The changes to the Rules in the Appendices now allow members of the Committee to give a public view on the merits of an application subject to the safeguards mentioned, demonstration that the view is provisional and that a final decision will be made on the merits as they are then known. Whether members on the Committee wish to take advantage of these provisions will be a matter for each individual, but the changed Rules gives them a range of options for the future.

## **B - Considerations**

3.1. Change 1 – The current Rules provide for a loophole and mean that departure applications made by councillors, relevant officers, or their close family or friends are treated differently to departure applications made by other applicants. As planning is a high-profile subject for all Councils it is better that all applicants who make departure applications are seen to be treated the same subject to certain safeguards. In this case the safeguard is the need to submit a written report to the next meeting of the Committee where a departure application by a councilor, relevant officer, or their close relatives or friends is refused by officers under delegated powers.

3.2. Change 2 – The current Rules are likely to be a reflection of the times during which they were drafted. They are, by now, unduly restrictive and prevent members of the Committee from expressing any view on the merits of an application before it comes to the Committee. Likewise, members of the Committee are prevented from participating in planning matters in their capacity as Town or Community Councillors. These restrictions are not a reflection of the legal position which allows members of the Committee to express a predisposition but not to be predetermined. The Rules can be changed and advice included so as to allow members of the Committee the discretion to play a more active part in public matters outside of the confines of the Committee.

<b>C – Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	
<b>2</b>	<b>Legal / Monitoring Officer</b>	The Committee’s legal adviser is a co-author of the report and the legal view is expressed in it
<b>3</b>	<b>Human Resources</b>	Not applicable
<b>4</b>	<b>Property Services</b> (see notes – separate document)	Not applicable
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	Not applicable
<b>6</b>	<b>Equality</b> (see notes – separate document)	These changes will not have a differential impact on any of the groups protected under the Equality Act 2010.
<b>7</b>	<b>Anti-poverty and Social</b> (see notes – separate document)	Not applicable
<b>8</b>	<b>Communication</b> (see notes – separate document)	No comments
<b>9</b>	<b>Consultation</b> (see notes – separate document)	All elected members were consulted on the proposals. Responses received will be reported to the meeting.



<b>C – Implications and Impacts</b>		
<b>10</b>	<b>Economic</b>	Not applicable
<b>11</b>	<b>Environmental</b> (see notes – separate document)	Not applicable
<b>12</b>	<b>Crime and Disorder</b> (see notes – separate document)	Not applicable

<b>CH - Summary</b>
<p>4.1 The new Rules will:</p> <p>4.1.1 Mean that any departure application made by a councillor, relevant officer, or their close family or friends can now be refused by planning officers under delegated powers but subject to a full, written report being presented to the next Committee meeting for transparency and accountability. Where officers want to approve such a departure application then only the Committee may grant such approval. This brings the treatment of these departure applications into line with those made by other applicants and closes a potential loophole in the Rules.</p> <p>4.1.2 Clarify that members of the Committee will be able to express a view on the merits of planning applications before they come to the Committee for a decision. This will be subject to safeguards to ensure that members may express a predisposition (which is allowed) but fall short of expressing a predetermination (which is not allowed). Members on the Committee will, likewise, be able to participate in planning matters in their capacity as Town or Community Councillors should they wish. The changes allow members a greater range of options on how to deal with planning matters but how they choose to deal with matters will be a matter for the discretion of individuals who may, of course, seek advice as they see fit.</p> <p>4.1.3 To make the above changes and other minor and consequential changes to the Constitution as shown in the Appendices to this Report.</p>

**D - Recommendation**

5.1 The recommendations are as follows:

To the Standards Committee

5.2 For any comment as a consultee.

To the Executive:

5.3 To recommend to the full Council that the changes to the Rules in the Council's Constitution as detailed in the the Appendices to this report are made.

To the Full Council:

5.4 To make the changes to the Rules in the Council's Constitution as detailed in the the Appendices to this report, and

5.5 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: 06 August 2013**

**Appendices:**

Copy of the Rules showing the proposed amendments.

**Background papers**

None.

Extract from Constitution showing proposed changes in red:

“3.5.3.15.5 all functions relating to town and country planning and building control as contained within the following Acts :

- The Town and Country Planning Act 1990
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning (Hazardous Substances) Act 1990
- The Caravan Sites and Control of Development Act 1961
- The Environment Act 1995
- The Planning and Compensation Act 1991
- Land Compensation Act 1961
- The Building Act 1984

NB The above provides that determining all planning applications, with the exception of the following, is delegated to Officers:

(i) applications which are considered Departures from the Development Plan on which the recommendation is to approve the proposal.

(ii) applications which are accompanied by an Environmental Impact Assessment,

(iii) applications submitted by or on behalf of the County Council or involving land owned by the County Council,

(iv) applications for consent to erect electricity lines which have a capacity of 132 kV or above,

(v) applications where the Councillor in whose ward the proposed development is located submits a written request to the Head of Development Control within the established time scale, that the matter be referred for determination to the Planning and Orders Committee.

The right granted by this paragraph shall not apply to any planning application which is deemed by or on behalf of the Head of Planning Service to be a departure from the development plan unless that application either:

PI-16971-RWJ/175854

amounts to or includes the creation of five or more new dwellings, or  
amounts to or includes the direct creation of five or more new jobs.

(vi) applications including Lawful Development Certificate applications submitted by serving Members of the Council or Officer of the Council who may be seen to be involved in processing and / or determination of planning applications (ie staff employed in the Planning Service, Chief Executive, **Deputy Chief Executive**, Corporate Directors, Heads of Service and other Officers who regularly have an input into the planning system – eg highways and drainage, legal, environmental health, housing officers, economic development or their close relatives (defined as spouses / partners, parents, children, brothers and sisters) or a close friend of a serving councillor or such officer).

**The provisions of this paragraph shall not apply to such applications as are deemed to be departure applications. Those departure applications may be refused by officers under delegated powers and then subject to a full written report to the next meeting of the Committee so as to ensure the transparency and accountability of the decision taken. Where officers wish to approve such a departure application then that approval must be granted by the Committee.”**

## **4.6 Planning Procedure Rules**

### **CONTENTS**

**4.6.1 Introduction**

**4.6.2 Decision making on planning applications**

**4.6.3 Pre-determination discussions by officers with applicants**

**4.6.4 Lobbying of and by councillors**

**4.6.5 Seating and speaking arrangements at meetings of the Planning and Orders Committee**

**4.6.6 Public meetings relating to development proposals**

**4.6.7 Councillors who are members of the Planning and Orders Committee and who are also town or community councillors**

**4.6.8 Correspondence received by councilors**

**4.6.9 Registration and declaration of interests**

**4.6.10 Development proposals submitted by councilors and officers**

**4.6.11 Officers' report to the Planning and Orders Committee**

**4.6.12 Decisions contrary to officer recommendation**

**4.6.13 Appeals against Council decisions**

**4.6.14 Conduct of officers**

**4.6.15 Councilor/officer relationship**

**4.6.16 Site visits by the Planning and Orders Committee**

**4.6.17 Gifts and hospitality**

**4.6.18 Training**

**Appendix**

## **4.6.19 Protocol for site visits by the Planning and Orders Committee**

## **4.6.20 Role of the Committee Chairperson**

## **4.6.21 Public Speaking**

### **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 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 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. Of those instances where the decision may be made by the Committee, the potentially most significant is where the local councillor (that is any one of the councillors in whose ward the proposed development site is located) may require that the application (which would otherwise be decided by officers) should be submitted to the Committee for determination. In these cases, the local councillor must 'call-in' such application in writing addressed to the Chief Planning Officer within 21 days of the date of the 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(s) who called-in the application 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 the decisions affect the 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, the financial value of landholdings and the quality of the environment. 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 that a decision has been partial, biased or not well-founded.

### **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 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 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.

4.6.3.2 Any advice given will:

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

4.6.3.3 No Councillor - whether they serve on the Committee or not - 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 councillor to the Council's Monitoring Officer.~~

### 4.6.4 Lobbying of and by Councillors

#### 4.6.4.1 Councillors who are Members of the Committee

4.6.4.1.1 Councillors who are members of the 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, councillors 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 that person, this may disqualify them from taking part in the decision on the application. Instead potential lobbyists should be advised to contact either their local councillor (see 4.6.4.3 below) or an appropriate officer within the Planning Department.

4.6.4.1.2 Councillors who are on the Committee should not organise local support or opposition to a planning proposal if they later wish to take part in the discussion on the application.

4.6.4.1.3 In taking into account the need to make decisions impartially, councillors on the 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 councillor 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.



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 Committee~~**

Councillors who are ~~not~~ members of the Committee should not be lobbied or allow themselves to be lobbied, whether by applicants, objectors or anyone else interested in the outcome of a planning application. Councillors - whether or not they are on the Committee - should not lobby councillors who are on the Committee. If approached such councillors should inform the person seeking to lobby them that they should either contact one of their local councillors (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 Committee and he/she will not be entitled to speak at meetings of the Committee.

#### **4.6.4.3 Local Councillors**

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

4.6.4.3.2 If the local councillor is not a member of the 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, he/she will be entitled to make representations to and address the Committee. However he/she must not themselves lobby, whether directly or indirectly, councillors who are on the Committee.

4.6.4.3.3 If a 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 another councillor who is not on the 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 may not become involved in making any representations at meetings of the 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 Committee. If a local councillor is in this position he / she should refer any potential lobbyists to another councillor who is not on the 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 councillors who

represents those properties may also speak as local councillors at the 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 Committees**

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.

4.6.5.2 The right to address the Committee shall apply to any member of the Planning and Orders Committee (including a 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 councilor, or
- is a councillor who represents another ward as referred to in 4.6.4.3.3.

However if this right is exercised, the councillor on the 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.

## 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 those councillors should be cautious in expressing their views on the merits of proposals. They may express a predisposition but should not express what can be interpreted as either predetermination or bias towards or against the proposal. Councillors who wish to comment are advised to clearly state that their view is provisional, based on their knowledge as at that date, and that they will be called upon to consider the matter anew and in the light of all relevant matters when making a decision on the proposal. no view on the merits or otherwise of a proposal should be given. Where a councillor who is a member of the Committee indicates that they have a closed mind on a particular proposal (i.e. they are predetermined) or that they are biased on the proposal then the law prohibits them from participating in the decision-making process.

## 4.6.7 Councillors who are Members of the 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 Committee as provided for in of these Rules but not otherwise take part in the deliberations of the 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 Committee.~~

~~4.6.7.3 **NB:** those councillors who sit on the 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.~~

~~4.6.7.1 In law there is nothing in principle to prohibit a councillor who has participated in a planning matter at a Town or Community Council meeting from then participating on that matter as a member of the Planning Committee **provided that the councillor is not predetermined on or biased as regards that application.**~~

~~4.6.7.2 Councillors are entitled to demonstrate a predisposition on a matter but they must ensure that they are not predetermined (i.e. that they have closed their mind on the merits of the proposal) on that matter. In other words, a councillor who sits on the Planning~~

Committee may publicly give an indication of their view on any application before they are called to make a decision on it but their view must be couched in reasonable terms and they must acknowledge that they have not closed their minds to making a decision on the merits of the matter at a future date.

4.6.7.3 Any councillor who sits on the Planning Committee and who feels the need to make a public statement on an application before it comes to that Committee is strongly advised to specifically indicate that their view is provisional; based on what they know at that point in time; and that they will need to consider the matter anew in the light of all the relevant matters relating to that application when it comes to making a decision on the application (see also 4.6.6.2 above).

#### **4.6.8 Correspondence Received by Councillors**

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

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

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

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

#### **4.6.9 Registration and Declaration of Interests**

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

#### **4.6.10 Development Proposals Submitted by Councillors 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 Chief Executive, 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 councillor 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.

#### **4.6.11 Officers' Report to the Committee**

4.6.11.1 All planning applications reported to the 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 Development Control Section.

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

4.6.12.1 Where the 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 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 Councillor / Officer relationship**

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

4.6.15.2 Councillors 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 councillors 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 Councillors 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) site visits can:

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

(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:

(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 Chief Planning Officer/ 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 councilors.

4.6.19.3.9 All local councillors 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 the Committee at its first meeting following the annual Council meeting. The councillors 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 councillors, 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 councillors to speak first after the officer's report. This is whether the local councillors wish 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 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.

## AGENDA ITEM NO.

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>Executive Committee</b>
<b>Date</b>	<b>21 October, 2013</b>
<b>Subject</b>	<b>Nuclear new build – blueprint for accommodation solutions</b>
<b>Portfolio Holder(s)</b>	<b>Councillor Kenneth Hughes</b>
<b>Lead Officer(s)</b>	<b>Shan Lloyd Williams, Head of Housing Services</b>
<b>Contact Officer</b>	<b>Shan Lloyd Williams</b>
<b>Nature and reason for reporting</b>	
<ul style="list-style-type: none"> <li>▪ To consider the potential short and long term impacts of the Energy Island Programme on the local housing market;</li> <li>▪ To seek endorsement from Executive Committee on the recommendations from the 'Housing Needs for local residents and Housing Solutions resulting from the Energy Island Programme Report' (September 2013);</li> <li>▪ The findings of the Report will inform the evidence base for the Local Housing Strategy and Local Development Plan, and hence the Anglesey Viable and Vibrant places bid;</li> <li>▪ To consider the wider strategic and policy context for the Local Authority and plan appropriately to minimize risks and maximize legacy housing opportunities.</li> </ul>	

<b>A – Introduction / Background / Issues</b>	
<b>1.0</b>	<b>Introduction</b>
1.1	<p>As preparation for the next Local Housing Strategy, forming part of the evidence base for the emerging Local Development Plan and to strategically plan for the accommodation needs of contractors resulting from the Energy Island Programme, the Head of Housing Services commissioned a Local Housing Market Assessment [LHMA] and a Housing Solutions report. This study culminated in two separate reports, the LHMA<sup>1</sup> [without Energy Island developments] and secondly the Housing Solutions Report, and was funded jointly by Housing Strategy funding and Social Housing Management Grant from Welsh Government. The LHMA will also inform the Nuclear New Build Supplementary Planning Guidelines.</p> <p>The company who delivered the study was HDH Planning and Development Ltd, Amec and URS – and was commissioned through the Energy Island framework.</p>
1.2	The study builds on the Council's position statement developed by DTZ

<sup>1</sup> Presented to Executive Committee, July 2013

Consultants in 2010, the preferred option was identified as being a Mixed Accommodation Approach which concluded as follows:

1/3 of workers accommodated in purpose built accommodation (a minimum on-site to meet operational requirements but the majority off-site); 1/3 in private rented accommodation (mix of new and existing); 1/3 in tourist accommodation (mix of new and existing).

1.3 The study is based on the limited information that is publically available and as further information becomes available, there will be opportunities to further develop the strategic and operational direction. The Council will obviously need to enter into discussion with Horizon / Hitachi to develop the options and to maximise opportunities for legacy benefits of quality accommodation options which may be available for the longer term.

1.4 It has concluded that at the maximum point of construction activity accommodation for 3,761 EIP workers will be required on the island divided between purpose-built, private rented and tourism accommodation.

## **2.0 Key findings: Short-term impact of Energy Island Programme on housing market**

2.1 In respect of purpose built accommodation, it is envisaged that of the 1,254 employees, 40 will take advantage of on-site provision with the remaining 1,214 construction workers in this sector at peak employment housed off-site. It is likely that the requirements of the majority of construction workers will dictate a need for largely one bedroom units.

2.2 In respect of private rented accommodation, which equates to annual average of 406 employees and peak of 1,254 employees. It is assumed that within the private rented sector that 70% of single persons will reside in shared accommodation, but the other household groups will reside in an individual dwelling. This means that the peak of 1,254 employees to be housed within this sector will result in a requirement for a peak of 865 homes. The study indicates the greatest need for two (30.8%) and three (43.6%) bedroomed accommodation.

2.2.1 Whilst lettings are likely to increase as a consequence of the more transient population, the rate is likely to be greater than the usual number of re-lets in the tenure each year. This is likely to have a dramatic affect on housing need unless the Council effectively intervenes to assist the sector and new private rented accommodation will be required.

2.3 In the tourist accommodation sector it is suggested that over 60% of workers to be housed within the sector will require a room in serviced accommodation over a third will live in a self-catered home and less than 2% will reside in a caravan or cabin home. To ensure sufficient capacity is maintained to support the tourist industry, owner-occupiers willing to house a lodger and supportive second homes owners could support existing accommodation at peak employment.

2.3.1 The peak requirement of 788 rooms in serviced accommodation represents 65.4% of the sectors total capacity and a certain amount of spare capacity will be needed to provide availability during holiday periods and ensure that the



tourism market is not undermined. It also would not be appropriate for construction workers to have undesired insecurity of tenancy over the tourist season.

2.3.2 The Report suggests that construction workers take up a maximum of 25% of the capacity of serviced accommodation which would meet the average annual requirement but only 38% of the identified peak requirement for this group. To a certain extent experience from elsewhere suggests that in the summer months the higher holiday rents commonly paid by tourists will regulate the number of construction workers accommodated although it is recommended that active mitigation strategies are developed rather than reliance upon market forces.

2.4 The household survey undertaken to inform the LHMA indicates that 818 owner-occupiers would be interested in accommodating a lodger and this work further suggests that there would be a minimum of 1,004 rooms available to let to potential lodgers within the existing household population. Whilst this is substantially more than the expected need, appropriate advertising will be required and support mechanisms established.

### **3.0 Key findings: Long term impact of Energy Island Programme on the housing market**

3.1 The Report Authors suggest that once the construction work for the development has been completed (post 2029) there will be an additional 1,550 permanent employees associated with the Energy Island. If it is anticipated anticipate 90% (1,395) of the permanent jobs will be taken up by residents living within 90 minutes drive of the site then this would suggest that just 155 jobs would be filled by someone moving to the travel to work area from outside. As by 2025 over half of the current Welsh nuclear workforce will have retired it is possible that a greater proportion of employees will be new in-migrants.

3.2 Scenarios are therefore presented for 10% of jobs going to in-migrants requiring new homes as well as 20% and 30%. The results are presented are a worst case scenario assuming that:

- all of the additional housing requirement will be met on the island, whereas it is likely that some will be met in the wider travel-to-work area.
- that 98% of these jobs will result in a new household (there will be a very small number of in-migrant households that contain more than one person employed on the Energy Island) and
- that 90% of these households will reside on the island.

3.2.1 The vast majority of these in-migrant households will require market housing, although a small proportion (3.0%) will require an intermediate home. Within the market sector over 80% of this additional demand will be for three and four bedroom homes.

- 3.2.2 As the employee profile is expected to continue to remain the same post 2029, the results shown for 2032 are added to the results generated from the standard population and household projections ( Chapter 8 of the Part 1 LHMA). The results presented are therefore the changes required for the whole housing market by 2032.
- 3.2.3 Scenario 1 assumes that only 10% of the new jobs go to people outside of the travel-to-work area: this creates an additional requirement of 137 new homes within a total of 4,107 new dwellings required in the County over the next 20 years. Of these 66% should be market dwellings, 21% intermediate housing and 13% social rented accommodation. An extra 137 households requiring market housing is relatively small compared to current turnover in the sector, (estimated at around 2,150 moves to owner-occupied or market rented homes each year) **therefore this additional demand is unlikely to dramatically impact on house prices or market rent levels.**
- 3.2.3 Scenario 2 whereby 20% of permanent Energy Island jobs are taken by in-migrants to the travel-to-work area then a further 273 new homes within a total of 4,243 new dwellings are required in the County over the next 20 years. Of these, 67% should be market dwellings 19.9% intermediate and 13.0% social rented. Again **the scale of the additional demand is relatively small compared to existing turnover.**
- 3.2.4 Scenario 3 whereby 30% go to people outside of the travel-to-work area, then a further 410 new homes within a total of 4,243 new dwellings 4,370 further homes will be required and 68% should be market dwellings, 19% intermediate housing and 13% social rented accommodation. **An extra 410 households requiring market housing may start to increase pressure on the housing market - particularly if this additional demand is very localised. It is possible that prices and rents in certain parts of the County may increase as a consequence of this level of new households moving into the Isle of Anglesey. This is a potential risk.**

## **B - Considerations**

### **Policy and Strategic responses**

The Report concludes that the Council should:-

1. engage with EIP developers in order clarify the actual delivery of the main components of the EIP and when the accommodation will be required;
2. seek early funding to establish a 'Housing Hub' to coordinate the best use of the available accommodation forming a first point of contact for EIP employees and contractors;
3. establish the views of developers to the establishment of a Housing/Accommodation Fund to support enabling solutions and a separate Housing Investment Partnership or company;
4. increase the stock of affordable housing;
5. identify broad locations for the provision of purpose built accommodation (including 'campus' style) with a view to maximising accessibility to the EIP construction sites but also maximising regeneration and longer term legacy use;
6. initiate discussion with Welsh Government, and in conjunction with social housing providers, identify the potential for grant funding;
7. seek early engagement with the EIP developers with regard to a Housing/Accommodation fund which would seek to provide financial support for the appointment of enabling and facilitation officers and the establishment of other solutions identified to support the private-rented sector as set out within the report;
8. mitigate negative effects upon tourism provision.

### **Other considerations**

#### **Capacity**

Consideration needs to be given for additional capacity within the Housing Services' Strategic Unit to plan appropriately for the accommodation of Energy Island Programme contractors, supporting the Head of Housing Services.

<b>C – Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	Comment requested
<b>2</b>	<b>Legal / Monitoring Officer</b>	No comment
<b>3</b>	<b>Human Resources</b>	No comment
<b>4</b>	<b>Property Services</b> (see notes – separate document)	No comment
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	
<b>6</b>	<b>Equality</b> (see notes – separate document)	
<b>7</b>	<b>Anti-poverty and Social</b> (see notes – separate document)	
<b>8</b>	<b>Communication</b> (see notes – separate document)	
<b>9</b>	<b>Consultation</b> (see notes – separate document)	
<b>10</b>	<b>Economic</b>	Comments have been incorporated within the Report
<b>11</b>	<b>Environmental</b> (see notes – separate document)	The implications for the Council's duties under the Countryside and Rights of Way (CROW) Act, 2000 and the Natural Resources and Countryside (NERC) Act, 2006 will be considered in the preparation of the Local Development Plan and in making decisions on individual planning applications.
<b>12</b>	<b>Crime and Disorder</b> (see notes – separate document)	
<b>13</b>	<b>Outcome Agreements</b>	

<b>CH - Summary</b>
See above
<b>D - Recommendation</b>
<p>Members of the Executive Committee are requested to:</p> <p>R1. Note and endorse the recommendations from the 'Housing Needs for local residents and Housing Solutions resulting from the Energy Island Programme Report' (September 2013);</p> <p>R2. Recommend that findings of the Report will inform the evidence base for the Local Housing Strategy and Local Development Plan, and hence the Anglesey Viable and Vibrant places bid;</p> <p>R3. Consider the wider strategic and policy context for the Local Authority and support the actions outlined within the Report to plan appropriately thereby minimize risks and maximize legacy housing opportunities;</p> <p>R4. Support that dialogue takes place with the developers with regards to the way forward and additional staffing capacity to take forward the recommendations within the Report;</p> <p>R5. Note that early engagement with EIP developers is required and a commitment from those developers to identify and support solutions which deliver more than solely short-term accommodation solutions, if significant legacy benefits are to be delivered in the longer term;</p> <p>R6. Note that the Council is likely to require support from local and national partners in discussions with the EIP developers and in developing the mechanisms to deliver the housing solutions.</p>

**Name of author of report: Shan Lloyd Williams**

**Job Title: Head of Housing Services**

**Date: 02/10/13**

<b>Appendices:</b>
<p>Executive Summary : Housing Needs for local residents and Housing Solutions resulting from the Energy Island Programme – part 2, October 2013</p>

<b>Background papers</b>
<p>DTZ Report, 2010</p> <p>Anglesey County Council's Accommodation Position Statement, 2011</p> <p>Full Report: Housing Needs for local residents and Housing Solutions resulting from the Energy Island Programme – part 2, October 2013</p>

---

Housing Needs for local residents and  
Housing Solutions resulting from the  
Energy Island Programme

Executive Summary of Report 2: Housing  
Solutions

---

September 2013



### **Important Notice**

HDH Planning and Development Ltd has prepared this report (as sub-contractors to AMEC) with AMEC and URS Infrastructure & Environment UK Limited for the sole use of Isle of Anglesey Council in accordance with the proposal and instructions under which our services were performed. No other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us. This report may not be relied upon by any other party without the prior and express written agreement of HDH Planning and Development Ltd.

Some of the conclusions and recommendations contained in this report are based upon information provided by others and upon the assumption that all relevant information has been provided by those parties from whom it has been requested. Information obtained from third parties has not been independently verified by HDH Planning and Development Ltd, unless otherwise stated in the report. The recommendations contained in this report are concerned with affordable housing and current planning policy, guidance and regulations which may be subject to change. They reflect a Chartered Surveyor's perspective and do not reflect or constitute legal advice and the Council should seek legal advice before implementing any of the recommendations.

Certain statements made in the report may constitute estimates, projections or other forward-looking statements and even though they are based on reasonable assumptions as of the date of the report, such forward-looking statements, by their nature, involve risks and uncertainties that could cause actual results to differ materially from the results predicted. HDH Planning and Development Ltd specifically does not guarantee or warrant any estimate or projections contained in this report.

### **HDH Planning and Development Ltd**

Bellgate, Casterton  
Kirkby Lonsdale  
Cumbria. LA6 2LF  
simon@drummond-hay.co.uk  
015242 76205 / 07989 975 977

Issued: 1<sup>st</sup> October 2013

### **COPYRIGHT**

© This report is the copyright of HDH Planning and Development / RS Drummond-Hay MRICS ACIH. Any unauthorised reproduction or usage by any person other than the addressee is strictly prohibited

## Executive Summary

The purpose of this report is to set out the short, medium and long-term impacts on the Anglesey housing market of the Energy Island Programme and to identify appropriate responses to the likely changes that will result. It should be read in conjunction with the Local Housing Market Assessment (LHMA) report and uses the information obtained, modelling and presented within that report. In accordance with *'Planning Policy Wales'* this study will form part of the evidence base for the Local Development Plan, however it is important to emphasise that neither this document nor the LHMA report sets out the Council's policy but is evidence that the Council can use to determine policy.

The production of both of the reports has been iterative; the views of stakeholders have been necessary to help the research evolve.

The identification of the likely impacts is informed by research into similar large-scale construction projects within the UK and in Europe and has enabled an understanding of the potential significance for changes to the housing market to be gained. The research has also supported the report authors in the identification of opportunities to enhance the positive effects that may accrue.

Suggested interventions focus upon the mitigation of potential effects through improvement in the supply of affordable housing and approaches to the delivery of workers accommodation in the purpose-built, private rented and tourist accommodation sectors of the local housing market with a view to medium and longer term legacy benefits. A number of potential solutions are offered. What is clear however is that there is a need for the Council to act as enabler, in conjunction with Energy Island developers, to ensure that structures are in place before construction on Energy Island projects begin.

### **Short-term impact of Energy Island Programme on housing market**

Based upon experience of similar developments elsewhere in Britain and the initial development programme, it is expected that construction employment related to the Energy Island Programme will peak at approximately 6,000 jobs. Information on the number and type of jobs likely to be taken by people already living within 90 minutes drive of the sites results in a conclusion that of this total 3,761 construction workers that will require accommodation.

The Council's preferred housing mix to meet the accommodation needs of the construction workforce is for a third of workers to be accommodated in purpose built accommodation, a third in private rented accommodation and a third in tourist accommodation – each would equate to 1,254 employees. Using information on the income, skill levels and age of workers likely to require accommodation, an occupation profile of workers is derived for the three accommodation sectors. This is then converted to a household typology, which is used to identify the nature of housing required in each sector.



In respect of purpose built accommodation, it is envisaged that of the 1,254 employees, 40 will take advantage of on-site provision with the remaining 1,214 construction workers in this sector at peak employment housed off-site. . It is likely that the requirements of the majority of construction workers will dictate a need for largely one bedroom units as set out below.

<b>Size of off-site purpose built accommodation required</b>		
<i>Dwelling size</i>	<i>Number of dwellings at peak employment</i>	<i>Percentage of dwellings</i>
One bedrooms	733	93.6%
Two bedrooms	50	6.4%
Three bedrooms	0	0.0%
Four or more bedrooms	0	0.0%
Total	783	100.0%

In respect of private rented accommodation, which equates to annual average of 406 employees and peak of 1,254 employees. It is assumed that within the private rented sector that 70% of single persons will reside in shared accommodation, but the other household groups will reside in an individual dwelling. This means that the peak of 1,254 employees to be housed within this sector will result in a requirement for a peak of 865 homes. The table below breaks this by size indicating the greatest need for two (30.8%) and three (43.6%) bedroomed accommodation.

<b>Size of private rented accommodation required</b>		
<i>Dwelling size</i>	<i>Number of dwellings at peak employment</i>	<i>Percentage of dwellings</i>
One bedroom	170	19.7%
Two bedrooms	267	30.8%
Three bedrooms	377	43.6%
Four or more bedrooms	51	5.9%
Total	865	100.0%

Whilst lettings are likely to increase as a consequence of the more transient population, the rate is likely to be greater than the usual number of re-lets in the tenure each year. This is likely to have a dramatic affect on housing need unless the Council effectively intervenes to assist the sector and new private rented accommodation will be required.

In the tourist accommodation sector it is suggested that over 60% of workers to be housed within the sector will require a room in serviced accommodation over a third will live in a self-catered home and less than 2% will reside in a caravan or cabin home. To ensure sufficient capacity is maintained to support the tourist industry, owner-occupiers willing to house a lodger and supportive second homes owners could support existing accommodation at peak employment.

<b>Profile of tourist accommodation required</b>			
<i>Accommodation type</i>	<i>Number of workers (peak)</i>	<i>Percentage of workers</i>	<i>Number of workers (average annual)</i>
Room in serviced accommodation	788	62.9%	255
One or two bedroom self-catered home	290	23.2%	94
Three or more bedrooms self-catered home	156	12.4%	51
Caravan/cabin home	20	1.6%	6
Total	1,254	100.0%	406

The peak requirement of 788 rooms in serviced accommodation represents 65.4% of the sectors total capacity and a certain amount of spare capacity will be needed to provide availability during holiday periods and ensure that the tourism market is not undermined. It also would not be appropriate for construction workers to have undesired insecurity of tenancy over the tourist season.

It is therefore suggested that construction workers take up a maximum of 25% of the capacity of serviced accommodation which would meet the average annual requirement but only 38% of the identified peak requirement for this group. To a certain extent experience from elsewhere suggests that in the summer months the higher holiday rents commonly paid by tourists will regulate the number of construction workers accommodated although it is recommended that active mitigation strategies are developed rather than reliance upon market forces.

The household survey undertaken to inform the LHMA indicates that 818 owner-occupiers would be interested in accommodating a lodger and this work further suggests that there would be a minimum of 1,004 rooms available to let to potential lodgers within the existing household population. Whilst this is substantially more than the expected need, to facilitate this sector there will be a need to provide advice on the financial and tenancy issues arising from the use of a private dwelling for lodging. The role of the housing accommodation officer, funded by the Energy Island developers would be important in this regard. It is envisaged that the housing accommodation officer would maintain a record of available accommodation within the private rented sector, included lodging and HMOs. The role would be to ensure that all properties are enrolled on an accreditation scheme or similar in order to ensure that both the construction worker(s) and accommodation providers understand the level of service, accommodation and responsibilities required of both parties. This accreditation scheme could run as an alternative or in parallel to the Landlord Accreditation Scheme Wales but would be compulsory. In order to further facilitate take-up it is suggested that the Council could give consideration to the preparation of generic contracts which may be particularly welcome by private individuals seeking a lodger. The accommodation officer could also hold workshops and events to publicise the opportunities and provide advice to prospective accommodation providers, building links with private landlords.

It will be important that the available accommodation is used efficiently. The project will call on numerous trades and professions, many of which may be through sub-contractors. It is also recommended that consideration is given to the housing accommodation officer maintaining some form of list to 'match-make' those wishing to share accommodation.

There is the potential for construction workers to dominate and dissuade tourists and for the competition for accommodation could increase costs for tourists outside of the high season. Nonetheless research into effects on tourism around Sizewell B (Glasson and Chadwick 1995) found that the impact on the private rented, particularly bed and breakfast/guest house sectors can be positive if it helps to spread high occupancy levels over time as incoming workers vacated at weekends.

It will be clearly important for the Council to establish a tourism mitigation strategy and to ensure that regular monitoring is undertaken as it is assumed that in most cases tourism providers will be free to offer accommodation to construction workers without regulation. Control would be most appropriately controlled through the contracts awarded by the Energy Island developers and conditions or obligations to planning or DCO consents could require that the mitigation strategy is prepared, implemented and monitored. Opportunities are also available to provide new accommodation for workers which can subsequently be used by tourists and substantial schemes are presently before the Council. Again this could form part of the mitigation strategy to determine the appropriateness of whole or partial sites being occupied by construction.

### **Long-term impact of Energy Island Programme on housing market**

It is envisaged that once the construction work for the development has been completed (post 2029) there will be an additional 1,550 permanent employees associated with the Energy Island. If it is anticipated that 90% (1,395) of the permanent jobs will be taken up by residents living within 90 minutes drive of the site then this would suggest that just 155 jobs would be filled by someone moving to the travel to work area from outside. As by 2025 over half of the current Welsh nuclear workforce will have retired it is possible that a greater proportion of employees will be new in-migrants.

Scenarios are therefore presented for 10% of jobs going to in-migrants requiring new homes as well as 20% and 30%. The results are presented are a worst case scenario assuming that:

- all of the additional housing requirement will be met on the island, whereas it is likely that some will be met in the wider travel-to-work area.
- that 98% of these jobs will result in a new household (there will be a very small number of in-migrant households that contain more than one person employed on the Energy Island) and
- that 90% of these households will reside on the island.

The vast majority of these in-migrant households will require market housing, although a small proportion (3.0%) will require an intermediate home. Within the market sector over 80% of this additional demand will be for three and four bedroom homes.

As the employee profile is expected to continue to remain the same post 2029, the results shown for 2032 are added to the results generated from the standard population and household projections ( Chapter 8 of the Part 1 LHMA). The results presented are therefore the changes required for the whole housing market by 2032.

If, as is initially envisaged, Scenario 1 assumes that only 10% of the new jobs go to people outside of the travel-to-work area then this creates an additional requirement of 137 new homes within a total of 4,107 new dwellings required in the County over the next 20 years. Of these 66% should be market dwellings, 21% intermediate housing and 13% social rented accommodation. An extra 137 households requiring market housing is relatively small compared to current turnover in the sector, (estimated at around 2,150 moves to owner-occupied or market rented homes each year) therefore this additional demand is unlikely to dramatically impact on house prices or market rent levels.

Should Scenario 2 apply whereby 20% of permanent Energy Island jobs are taken by in-migrants to the travel-to-work area then a further 273 new homes within a total of 4,243 new dwellings are required in the County over the next 20 years. Of these, 67% should be market dwellings 19.9% intermediate and 13.0% social rented. Again the scale of the additional demand is relatively small compared to existing turnover.

Should Scenario 3 apply and 30% go to people outside of the travel-to-work area, then a further 410 new homes within a total of 4,243 new dwellings 4,370 further homes will be required and 68% should be market dwellings, 19% intermediate housing and 13% social rented accommodation. An extra 410 households requiring market housing may start to increase pressure on the housing market - particularly if this additional demand is very localised. It is possible that prices and rents in certain parts of the County may increase as a consequence of this level of new households moving into the Isle of Anglesey.

There is relatively limited previous research on the impacts of the operational workforce of large infrastructure projects on housing markets against which to compare these scenarios. The sole example that has been identified relates to Sizewell and Drax power stations. The study concludes a relatively limited impact on the local housing market with the private sector providing for the majority of operational workers needs allied with a limited amount of local authority provided housing. A key point to make is that there was much less mobility in the labour market at this time and a more limited pool of operational labour from which to draw . This would suggest that the operational workforce would have a much higher proportion of in-migrant workers than would be the case on Anglesey where there is existing skilled labour and improved accessibility to the power station.

Previously work on Sizewell B was limited to construction but did monitor effects over eight years. The lack of research into the longer term effects of major projects on local housing markets may suggest that changes have not been sufficiently noticeable to warrant consideration. If the research at Sizewell found little effect then it is perhaps unlikely that effects arising from fewer full-time employees will be significant. However it should be borne in mind that full-time employees are more likely to favour certain housing sectors over those favoured by construction workers (our assessment assumes 68% market) and Scenario 3 could raise accommodation costs which may increase the barriers to access already experienced by the local population. With this potential scenario in place it is therefore important for the accommodation provided to support the EIP construction phase to remain in part in place to accommodate permanent workers and/or displaced local residents.

### **Achievable Solutions and Policy Implications**

It is clear that there are a range of potential impacts that could arise from the Energy Island Programme upon the Island's housing market. At the same time however there are opportunities both to mitigate these impacts and to enhance the housing offer currently available to existing residents in the longer term.

It is considered that strategic and non-strategic solutions are required to mitigate impacts and enhance the housing offer as part of a co-ordinated action plan. This should seek to identify the key actions to be taken forward in order to establish new arrangements/institutions where appropriate, identify the requirements for the co-ordination of responses and methods of working and set out what the Council and its partners require from the promoting developers.

The model used by the Somerset authorities in the recent granting of a DCO for Hinkley Point C was the establishment of a Housing Investment Fund, provided by the developer. The situation in Anglesey is however different as there are a number of developers promoting Energy Island schemes, each will have differing levels of impacts upon the local housing market. It is recommended that consideration be given to the opportunity of establishing a common Housing/Accommodation Fund into which each developer can make their contribution (the level of which would be set by magnitude of their potential impact upon the housing market). This fund would be secured via a legal agreement as part of the DCO and be tailored, in particular, to specific local circumstances at the different stages of the construction process of a new power station. This would then enable initiatives referred to earlier in this report such as the funding of Private Sector renting solutions, together with other solutions such as a Tourism Mitigation and Monitoring Strategy, to operate across the Island's communities and would remove the requirement to identify the causation of any effects to individual developments as the solutions could be funded from a common pot of money.

The following potential solutions begin with the means to improve access to housing for the Island's resident population, the difficulties for which are likely to increase as a result of the Energy Island Programme.

## Increasing the Stock of Affordable Housing

The recommendations for the amount of tenure and type of stock to be made available concluded that existing difficulties in accessing affordable housing are likely to increase in the short to medium term as a result of the EIP. If Long-Term Scenario 3 (where 30% of jobs are taken by in-migrants) were to transpire, then these effects could become a permanent feature on the Island. If an increase in the availability of affordable housing is met in an appropriate way, it could also serve to support the longer-term needs of operational workers and local communities.

The established mechanisms of requiring developers of market housing to provide a proportion of their schemes as affordable housing or through direct development of affordable housing by housing associations with grant assistance have been severely constrained in recent years, the development of market housing has slowed considerably due to the on-going economic downturn and government funding, there are other ways in which the Council may be able to promote increased delivery to address an existing problem which may be exacerbated as demand for housing increase as a result of the EIP.

The report reviews case studies which provide a number of alternative mechanisms and approaches which have either been recently used or are under current development. These exclude tried and tested approaches such as HomeBuy etc, but focus on the next generation of products such as cash deposit loans. It should be noted that these may or may not satisfy the TAN2 definition of “affordable housing”.

Such new approaches will require flexibility within both the planning and housing departments with close attention being given to what is provided. Whilst the delivery of affordable housing has traditionally been the domain of housing and planning the Council has a large land bank<sup>1</sup> and other resources that may be able to be used, directly (providing land for development) or indirectly (through providing financial guarantees). There is no one answer and solutions will often be a blend of approaches and will have to adapt as new ideas and mechanisms emerge.

Although many examples can be found, they ‘boil down to’ three different approaches that are then tailored to the locality and can be described as:

- Approaches making use of land assets in joint ventures and asset-backed vehicles.
- Approaches that make use of new or particular products, investments and other funding.
- Revenue supported products to assist purchase.

---

<sup>1</sup> No formal analysis of the Council's land bank has been undertaken as part of this study to establish its suitability, however it has a large rural estate as well as other operational and non-operational land holdings.

### Increasingly local authorities are entering into Special Purpose Vehicles / Joint Venture Companies

offering publicly owned land to support affordable housing delivery. This may be redundant (disused depots etc) or from agricultural estates and be made available at reduced costs, for free or subject to a deferred payment. This may also be on a site by site basis or through a partnership approach with other stakeholders. Generally, the Local Authority offers its investment into these partnerships 'in kind' using its land assets and receiving a return from its investment. These are commonly called Special Purpose Vehicles (SPV) (usually having less risk and return for the Authority) and Joint Ventures (JV) (where risks, control and return are increased for the Authority).

An SPV enables internal trading of units between partners to create capital investment and assumes that all homes traded are at an investment valuation (lower than open market valuation) and not released for market sale. The SPV would take on the responsibility for the design, development and delivery of sites and would take on all risk. Some of this could be offset by sharing risk with a contractor partner in return for securing ongoing site development.

To generate profit/surplus, the SPV would need to sell the units that it builds. However, in the current economic climate and with limited track record this becomes a major risk. The solution is to create an internal trading market between partners selling the homes through a pre sales agreement to the Partnership. The value would be based on the future rental stream and could be secured through:

- Rental under a social, affordable or market rent.
- Sale using a number of low cost homeownership options such as shared equity or rent to buy.
- Sale on the open market at a future date if they felt the market conditions would enable this to be achieved; A proportion of any additional profit achieved may be payable to the SPV through the pre sales agreement.

By taking this approach the SPV is able to recycle its development capital back onto the next site. Profit generated from the transaction would provide investment return to partners. Current examples of these include Kings Lynn and West Norfolk Council, Staffordshire Moorlands and Flintshire Council.

Whilst not operating as an SPV it should be recognised that the Council has facilitated the provision of affordable housing at Bryn Paun in conjunction with the North Wales Housing Association and represents a useful model which could be taken forward either directly or indirectly with the EIP developers. The use of developer funding to replace grant funding towards the provision of affordable housing is one of a suite of opportunities identified for funding within the Hinkley Point C S106 and early engagement with Energy Island developers in order to understand their appetite for this approach should be undertaken.

A Community Land Trust (CLT) is a mechanism for the long term ownership of land by the local community. Land is separated from its productive use so that the impact of land value is removed, therefore enabling long-term affordable and sustainable local development. Through CLTs, local residents and businesses, participate in, and take responsibility for planning and delivering redevelopment schemes. The number of affordable homes provided so far has been small and this may be a result of the capacity of local residents and businesses to lead on such schemes.

Although primarily linked to rural schemes there is potential to take them into an urban setting. Such an approach could be blended with the Bryn Paun model and would see the Council providing land to the local community, the loss of the land value to the Council (for example agricultural land value) compensated by the Energy Island developers enabling the Council to divert more land to affordable housing. Support from a housing enabling officer funded through the common Housing/Accommodation Fund, could then take the development forward.

A major 'new' source of funding is anticipated to be institutional investment although it is likely that this will be funding a market rented (or sub rent) offer. This is likely to be dependent on scale and to be in conjunction with one of the other options – for example to provide the funding for the Council to develop its own land in partnership with a housing association and local developer. Kings Lynn and West Norfolk Council are pursuing the development of their own land funded by institutional monies.

### **Revenue supported products/mortgages to assist purchase.**

Sector Treasury Services were commissioned to look at the options for delivering Local Authority Mortgage Support Scheme (LAMS) and subsequently reached agreement with a major banking group to operate a national scheme. The key principles of the scheme are:

- The Local Authority specifies the qualifying characteristics for a mortgage against housing need and strategy. If a potential buyer meets the credit criteria applied by the lender as well then the Local Authority will provide a top-up guarantee whereby the buyer obtains a 95% mortgage on the same terms as a 75% mortgage, but without the need for a substantial deposit.
- The guarantee will be in place for a fixed 5 year period but may be extended if a mortgage were in arrears at the end of this period.
- The guarantee would only be called upon if a loss is crystallised by the lender. If a property with a mortgage of £95,000 and with Local Authority guarantee of £20,000 is sold at £70,000, then the difference would be met by the Local Authority within 30 days.
- The scheme requires investment which is repayable with interest after 5 years, to provide an indemnity should first time buyers default.



- The Council has agreed in principle to enter a scheme £1 million, which could be resourced through prudential borrowing, making use of reserves or other sources available. There is also the option of an un-funded indemnity where Local Authorities will receive a "premium" payment of circa £500.00 for each mortgage completion.

Investing in LAMS is being considered by a number of Welsh Local Authorities, both Conwy and Powys have already agreed to participate as have a number of English Authorities. To date, 33 local authorities have signed-up and a further 230 local authorities are actively considering the documentation.

First Buy offers first time buyers with household income of less than £60,000 a year, but with a 5% deposit, a 20% equity loan (funded jointly between Government and developers). This product has now been withdrawn but the Council could mirror this offer to developers using the 'Housing/Accommodation Fund' e. This fund would be recycled at a future point in time and enable further households to be supported.

A shared equity product would possibly be the most important to reduce the overall property price, although would need to be specifically targeted at households and neighbourhoods and sites. It could be an attractive offer for income groups where there is a lack of choice given their income but homeownership is considered affordable. The product could be considered with a number of options and incentives. Options to support this product include:

- Enabling the owner to incrementally purchase the share over a prescribed period of time.
- Maintaining the equity share in perpetuity so that the home remains affordable.
- Offering the share for a fixed time period or introducing a charge.
- Offer an equity charge proportionate to the share purchased. The bigger share purchased the lower the charge
- Offering a shared equity arrangement rather than shared ownership is likely to appeal to the target market, which in this case is more than likely the current private renters and newly forming households.

It is recognised that the subsidy required by such products impacts on cost recovery. Subsidy could however be provided by EIP developers through the common Housing/Accommodation Fund and it is again recommended that early discussion take place with the lead Energy Island developers to discuss the remit and provision of such a fund.

The Welsh Assembly operates the Equity Loan scheme under the name Homebuy which works by purchasing the property outright by taking out two loans. The first loan is a conventional mortgage with an equity loan for the remainder of the purchase price. The buyer, therefore, owns 100% of the property but must repay the mortgage and the equity loan (and a proportion of any capital growth) should they sell.

To be eligible for the Homebuy programme, an applicant must meet a number of criteria. Some RSLs also allow applicants to buy a property that they are currently renting under the scheme.

At Hinkley Point C, the Housing Investment Fund includes for the provision of equity loans to enable residents to move out of the social rented sector and into owner-occupation. A similar approach could be undertaken for Anglesey with monies from the common Housing/Accommodation Fund providing the equity loan. However this should not duplicate the scheme offered by Welsh Government and to be an effective use it must result in additional purchases occurring otherwise monies may be better spent on alternative solutions.

There has been an increase recently in the options available for rent to purchase. Introducing a product on a longer time frame, with options to save for deposits and incentives for doing so, may be attractive to the current private renters and newly forming households. It could also attract in-migrants and be targeted at Key Workers. This product would assist potential purchasers to commit to a property and neighbourhood in the current market without having to purchase.

The case studies cited above are funded in the main by the public sector although there is no barrier to privately funded interventions. At Hinkley Point C for example, the Housing Fund includes financial support for rent deposits and guarantees, the provision of equity loans, and indeed equity investment in new market housing schemes to bring forward otherwise stalled development. When combined with the initiatives to invigorate the private-rented sector, these solutions could provide a kick start to the housing market to mitigate some of the impacts arising from the EIP.

## **Other Responses**

First and foremost the certainty of Energy Island proposals is the spur to action. When such a 'go ahead' is announced, there will likely be a very urgent need to bring forward the trajectory of delivery. Whilst the market could respond relatively quickly to this certainty, a good deal should be put in place to enable action and reduce the policy constraints upon this response.

### ***Facilitating the delivery of new housing sites***

As the Council is in the process of preparing its local development plan it could take a proactive approach to identify alternative sites thus taking control of its own land supply and also encourage other stakeholders to commit to development by offering Council owned land discounted or with deferred land payments, the early consent of rural exception sites, a proactive approach to other major landowners – e.g. MoD and the non-renewal of unimplemented consents.

The study has identified a good example of site facilitation known as the Ely Mill scheme in Cardiff. This is funded via an innovative model where risk is accepted with the support of Welsh Government to prepare the site and start building with long-term investors then invited to become involved to generate continued funds for development on the site. On 3 May 2013, Welsh Government announced a £16.7m grant to enable Council's to bring forward land using this model and discussion with the Council has suggested that there are clearly opportunities for Anglesey to take advantage of this for sites where regeneration benefits would be greatest.

There is also the opportunity to engage with EIP developers via a similar bespoke model. For example EDF are proposing a workers campus for Hinkley Point C which will be temporary for the duration of the construction but leave a reclaimed and serviced site for future development. Such a model could also be adopted on Anglesey ensuring that whether the 'campus' is permanent or temporary, that a legacy of a serviced and remediated site is left behind for development.

Where long-term agricultural tenancies do not apply, development could also be promoted on Council owned sites. Similarly the Council owns a range of non-residential property across the Island, including educational establishments. Rationalisation of sites and premises may provide opportunities to release property for conversion depending upon its location and accessibility to the developments, neighbouring uses, physical condition, the costs of conversion and value for money. The Council should undertake a review of its portfolio and seek to prioritise sites and premises with development potential in those locations where the greatest economic and social legacy benefit may occur.

### ***Delivering improved tourism accommodation and mitigating effects***

The tourist accommodation of the Island has already prompted development that has the potential to accommodate a significant number of bed spaces and could provide a significant contribution to the accommodation of construction workers over the short to medium term. There are potential concerns in respect to conflict with the needs of visitors, displacement of tourists and increases in tourism prices. On the positive side however, research at Sizewell found that occupation by construction workers could be compatible with a visitor economy. It is therefore suggested that a tourism mitigation strategy be established by the Council but in consultation with the Energy Island developers and tourism industry representatives on the Island.

The provision of 'hostel' accommodation could, in appropriate locations, serve to meet the long term need for the island's elderly population. Such modular development incorporating private rooms, communal areas and social facilities could offer conversion opportunities for conversion into sheltered either sheltered or care home accommodation. Whilst there would be some commonality between the requirements of construction workers and the elderly, there are also obvious additional requirements that would impact upon the design of a 'hostel' should the future intention be to use it as, for example, sheltered accommodation.

### ***Private Rented Accommodation***

HMOs and Lodging represent a particular form of private rented accommodation. The LHMA identified a level of supply of lodger accommodation which could accommodate an element of the construction workforce and provide income to local residents. As many residents would be offering lodging for the first time this sector will be a need to provide advice on the financial and tenancy issues. The role of the housing accommodation officer funded through the Housing/Accommodation Fund would be important in this regard.

It is envisaged that the housing accommodation officer would maintain a record of all available accommodation and would ensure that all properties are enrolled on an accreditation scheme or similar in order to ensure that both the construction worker(s) and accommodation providers understand the level of service, accommodation and responsibilities required of both parties.

The current churn in private sector re-lets and suggested that the rate of re-letting could be increased, enabling existing private tenants to access more appropriate accommodation, freeing-up existing accommodation to new tenants using funding provided to the common Housing/Accommodation Fund. Such funding could provide grants to private owners to undertake improvements to make their properties appropriate for renting, provide equity loans to tenants to move into the owner-occupied or intermediate rented sector, support rent deposit or guarantee schemes.

Intermediate Rent is the 'new' social tenure, set at 80% of median market rent, or lower if there is evidence to justify it. Evidence presented in the LHMA suggests that Intermediate Rent set at 70% of median market rent would be most suitable in terms of meeting locally arising housing need. Intermediate Rent is normally delivered by RPs but can also be provided through other organisations (both for profit and not-for-profit). We understand that the Council has started working with RPs in delivering affordable housing under this tenure and plans to continue to do so.

It is clear from the assumptions made for the Travel to Work Area relative to the EIP that workers will travel from locations from further afield than the island. The operation of the Joint Planning Policy Unit between Anglesey and Gwynedd provides an excellent opportunity to co-ordinate planning policy responses to the EIP and it will be necessary to ensure that the Council's housing policy approaches are complementary and that solutions on Anglesey for example do not lead to problems elsewhere.

## Conclusion and Next Steps

Access to housing is a key issue for the island of Anglesey irrespective of the effects arising from the Energy Island Programme. The Council has long recognised this issue and has sought solutions to ease current accommodation problems which include the appointment of an Empty Homes Officer, the operation of the Empty Homes Loans Scheme, and the position of a Rural Housing Enabler amongst others.

The construction and operation of projects as part of the Energy Island Programme will lead to a substantial increase in demand for accommodation across all tenures. The Housing Solutions Report has sought to estimate the number of bedspaces required for each development phase (construction and operation) and to apportion these to appropriate tenures and accommodation types. It has concluded that at the maximum point of construction activity accommodation for 3,761 EIP workers will be required on the island divided between purpose-built, private rented and tourism accommodation.

Experience of how other communities have coped with the impacts arising from significant construction projects is limited. Construction on the scale of works proposed via the Energy Island Programme is uncommon and similar examples are most notably other nuclear-led programmes in Europe and the UK. Research into the European examples suggests that different models for accommodation provision were followed to that now proposed for the Energy Island. In France and in Finland for example, greater emphasis was placed upon the provision of temporary accommodation with seemingly less thought to longer-term opportunities. At Sizewell B (Suffolk) a similar model was also proposed with the result that the effects upon the local housing market were potentially less, yet at the same time the positive legacy benefits lower also.

The Council is clearly committed to maximising the social and economic opportunities that could arise through the Energy Island programme, yet it is likely to require help and support from both public and private bodies if the potentially negative impacts that may also arise are to be successfully mitigated. A conclusion to be drawn from this study is that the greater the emphasis upon legacy benefits, the greater the potential for short-term negative impacts. Furthermore, in order to mitigate negative impacts and deliver legacy then a wide portfolio of solutions is required to accommodate the two thirds of the workers who would not be housed in purpose built accommodation.

This study has therefore sought to identify a range of housing solutions which, if implemented, may mitigate the potential short terms impacts arising from an influx of construction workers whilst ensuring that there are longer benefits for the island. What is clear is that early engagement with and commitment from the Energy Island developers is required in advance of their applications for consent. If the solutions identified to address negative effects and deliver legacy benefits are to arise, then such solutions need to be in place in advance of the construction phase.

The following 'next steps' are recommended:

### **General**

- First and foremost, on the back of this report, the council should engage with EIP developers in order to discuss the key solutions identified. In particular the Council should engage with EIP developers in order to clarify the actual delivery of the main components of the EIP and when the accommodation will be required. This will provide an element of certainty and enable potential providers to plan investments.
- The Council should seek early funding to establish a 'Housing Hub' to coordinate the best use of the available accommodation forming a first point of contact for EIP employees and contractors. The Housing Hub would act as a focal marketing point for providers and private landlords as well as managing the fluctuating needs of employers and the requirement for support services. Hub staff would include the accommodation officer and enabling officer referred to within this report who would be funded via the EIP. The Hub could also be responsible for the delivery of many of the solutions identified within this report together with the monitoring of impacts arising from the Programme, including impacts upon the tourist sector in partnership with the Council.

### **Purpose Built accommodation, including affordable housing provision**

- The council should seek to establish the views of developers to the establishment of a Housing/Accommodation Fund to support enabling solutions and a separate Housing Investment Partnership or company which can look to bring forward new properties for both construction workers and legacy use (such as affordable housing and/or elderly care).
- The Council should seek to identify broad locations for the provision of purpose built accommodation (including 'campus' style) with a view to maximising accessibility to the EIP construction sites but also maximising regeneration and longer term legacy use. Identification of council land/premises within such locations, and potential availability for development (in planning and land-use terms) should also be undertaken to maximise the opportunity for JV or similar approaches to development (with reference to the Housing Investment Fund discussed above).
- Discussions with Welsh Government should be initiated, and in conjunction with social housing providers, identify the potential for grant funding via the Ely Mill development model as a way of opening up brownfield land for development.

## **Private rented accommodation**

- As above, early engagement with the EIP developers with regard to a Housing/Accommodation fund which would seek to provide financial support for the appointment of enabling and facilitation officers and the establishment of other solutions identified to support the private-rented sector as set out within this report.

## **Tourism**

- The magnitude of effects upon the tourism accommodation sector is, to a certain extent, dependent upon whether current proposals are implemented by third party developers. Other solutions to mitigate negative effects upon tourism provision include encouraging use of second homes and encouraging lodging during the high season. Such measures could be encouraged through actions supported by the Housing/Accommodation fund and therefore, as above, early discussion with EIP developers will be critical. In addition the Council Tax implications of letting second homes to construction workers would need to be adjusted so as not to disincentivise this solution and appropriate advice as to the feasibility of this solution should be sought.

Whilst EIP construction is unlikely to commence within the next 3-4 years, the Council should begin to put into place solutions to address the issue of housing need in Anglesey. Early engagement with EIP developers and a commitment from those developers to identify and support solutions which deliver more than solely short-term accommodation solutions will be required if significant legacy benefits are to be delivered in the longer term. The Council is likely to require support from local and national partners in these discussions and in developing the mechanisms to deliver the housing solutions. Early wins (e.g. in the form of affordable housing provision), which provide a model that can be scaled up prior to and during the EIP construction phase will be important in this regard.

This page is intentionally left blank



<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>Meeting of the Executive</b>
<b>Date</b>	<b>21 October 2013</b>
<b>Subject</b>	<b>Brwynog Residential Care Home</b>
<b>Portfolio Holder(s)</b>	<b>Richard Dew</b>
<b>Lead Officer(s)</b>	<b>Rhys Griffiths</b>
<b>Contact Officer</b>	<b>Rhys Griffiths</b>
<b>Nature and reason for reporting</b>	
To give consideration to concerns relating to the condition of the Brwynog Residential Care Home and consider options for remedial work together with the allocation of a budget to enable work to be carried out.	

<b>A – Introduction / Background / Issues</b>
Concerns have been raised recently about the condition and future of the Residential Care Home at Brywnog, Amlwch. This report provides information regarding the condition of the building together with the additional budget required to address these concerns.

<b>B – Considerations</b>
<p><u>Current Budget Situation</u></p> <p>The present Council arrangements provide for an annual capital budget for Buildings Risk Management which is utilised for all buildings except schools and smallholdings and for which separate ring-fenced budgets are provided. The required works are identified from surveys covering the next five years for all buildings together with annual advice from Building Surveyors and Client services. The capital budget is managed by prioritising required works using a risk matrix. The matrix considers the following categories of risk and associated considerations:</p> <ul style="list-style-type: none"> <li>• Health and Safety</li> <li>• Service Failure</li> <li>• Component Failure</li> <li>• Consequential Damage</li> <li>• Legal Duty</li> <li>• Grant Funding Availability</li> <li>• Invest to Save Funding</li> <li>• Affordability</li> <li>• A Client service weighting is also applied</li> </ul> <p>Through use of the above matrix the capital risk management budget is fully committed for</p>

the current year.

### Consideration of the Condition of Brwynog Home

The list of projects together with a budget estimate for Brwynog taken from the current risk management bids but which are not funded in the current year includes the following;

- Provision of a DDA compliant ramp to the rear door of the EMI unit with handrail. £5,000
- Replacement of rear door and frame with new double doors and frame. £3,000
- Complete refurbishment of toilets and shower rooms in the EMI wing, making one room from two. £20,000
- Provision of a level hard surface area for residents (and their visitors) to sit, walk and possibly tend to vegetables or flowers, to include the EMI wing. £25,000
- External re-decoration (Particularly the timber windows, panels and soffits). £2,000
- Renewal of suspended ceilings and lights to the ground floor corridors. £15,000
- Redecoration of the Ground floor corridors and bedrooms . £12,000
- Redecoration of the First floor corridors and bedrooms. £12,000

Total £94,000

Consideration of the current condition surveys indicates that, at present, if the above schedule of works are carried out no further planned maintenance work is likely to be required over the next five years to retain the building in its present condition. This schedule of works does not include any improvement works which may be desired in relation to Client Service requirements or to reflect a different standard of service provision. In addition to the above, furniture and curtains are needed in most rooms. It is suggested also that consideration be given to employing an interior designer to make best use of any budget which becomes available. Overall an additional budget of £120,000 in the current year would enable the condition of the building to be brought up to a reasonable standard of accommodation throughout and ensure all rooms are available and acceptable for occupation. Social Services advise that this option would meet minimum CSSIW standards in regulatory terms.

The basic design of the building reflects an earlier “institutionalised” style of accommodation. Whilst the overall standard of accommodation may be enhanced, the impression presented to prospective residents through the style of building would not be changed simply by carrying out the works as noted above. To adapt the building to one of a more modern style of residence will require a further input of capital. Elements which might then be changed would include painting and refreshing the external rendering, changing a large proportion of the internal doors to something more acceptable or “homely” to potential residents, etc. An injection of a further approx. £400k would enable such changes to be made and to enable the Council to offer a much higher standard of residential accommodation to the residents.

None of the above, however, would provide en-suite facilities in all rooms, for example. There have been earlier studies carried out to determine how such provision could be made and which would require a budget in excess of £1M. These studies have not been updated for the purposes of this report and it is noted that en-suite provision could not be provided without a reduction in the number of existing rooms, unless proposals for an extension are also developed.

A decision is required as to what standard of accommodation the Council is seeking to provide and for an appropriate budget to be allocated.

Having raised the standard of accommodation the Council would need to keep it at that level during the next 5-6 years. Much depends on what level is required and also on what the turnover of residents may be each year. Based on an assumption that redecoration of each room would be required as it becomes vacant prior to re-occupation and allowing for several such occurrences each year, plus routine planned maintenance, plus day to day reactive maintenance, it is believed that an annual budget of some £20k should be sufficient.

In summary, therefore, three initial options may be considered:

- Option 1. Restore all rooms to a reasonable standard of accommodation: £120k
- Option 2. Provide a more modern style of accommodation throughout the home: £500k
- Option 3. Provide full en-suite facilities to all rooms and an appropriately high standard of accommodation: over £1M

<b>C – Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	
<b>2</b>	<b>Legal / Monitoring Officer</b>	
<b>3</b>	<b>Human Resources</b>	
<b>4</b>	<b>Property Services</b> (see notes – separate document)	Included in the report
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	
<b>6</b>	<b>Equality</b>	

<b>C – Implications and Impacts</b>		
	(see notes – separate document)	
<b>7</b>	<b>Anti-poverty and Social</b> (see notes – separate document)	
<b>8</b>	<b>Communication</b> (see notes – separate document)	
<b>9</b>	<b>Consultation</b> (see notes – separate document)	
<b>10</b>	<b>Economic</b>	
<b>11</b>	<b>Environmental</b> (see notes – separate document)	– No implications for Council’s responsibilities under the Countryside and Rights of Way (CROW) Act, 2000 nor the Natural Environment and Rural Communities(NERC) Act, 2006.
<b>12</b>	<b>Crime and Disorder</b> (see notes – separate document)	
<b>13</b>	<b>Outcome Agreements</b>	

<b>CH - Summary</b>
<p>A decision is required regarding the appropriate level of accommodation to be provided at Brwynog Residential Care Home and to enable a budget to be confirmed for implementation.</p> <p>The options presented in this report are:</p> <ol style="list-style-type: none"> <li>1. Restore all rooms to a reasonable standard of accommodation together with a an annual maintenance budget of £20,000 required to retain these levels of accommodation once the capital works have been completed. £120k</li> <li>2. Provide a more modern style of accommodation throughout the home: £500k</li> <li>3. Provide full en-suite facilities to all rooms and an appropriately high standard of accommodation: over £1M</li> </ol>

<b>D - Recommendation</b>
---------------------------

Bearing in mind the future suitability of the building and the restricted availability of budget it is recommended that Option 1 be approved.
---

**Name of author of report: Mike Barton**  
**Job Title: Head of Service Property**  
**Date: 2 October 2013**

<b>Appendices:</b>

<b>Background papers</b>

This page is intentionally left blank

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>EXECUTIVE</b>
<b>Date</b>	<b>22 October</b>
<b>Subject</b>	<b>Capacity and Resources for Change</b>
<b>Portfolio Holder(s)</b>	<b>Alwyn Rowlands</b>
<b>Lead Officer(s)</b>	<b>Deputy Chief Executive</b>
<b>Contact Officer</b>	<b>Deputy Chief Executive</b>

## **1. Purpose of the Report**

The purpose of this report is to outline the additional capacity that it is currently anticipated the Council will need in order to support the delivery of the Transformation Plan and, for the Executive to approve the funding of these posts from the cost of change budget.

## **2. Background**

The Transformation Plan was approved in January 2013 by the Executive. Since that time a Corporate Programme Manager has been appointed to support the delivery of the Plan and in particular to set up the proper governance arrangements.

The transformation of services is critical to the future sustainability of the council. Many of IOACC services are in need of modernisation to both ensure their effectiveness in meeting need, present and future aspirations and to become more efficient and/or sustainable.

Three Programme Boards have been established and each of these have now prioritised their work streams. See Appendix 1.

We therefore now need to rapidly move into delivery mode. In order for delivery to be achieved the need for additional capacity was identified by the previous council with the allocation of £500k within the current year budget for the Cost of Change.

This paper outlines the capacity which is required to be built within the Transformation Team to deliver the priority work streams.

### **3. Priority Programmes/Projects Resource Requirements**

In order to deliver the strategic service changes required increased capacity is needed. This will enable a focus on the challenging agenda ahead and work undertaken to develop the change programmes has identified the requirement for the roles set out below.<sup>1</sup>

Unless otherwise stated while the post holders will work under the project leadership of the Senior Responsible Officer (usually a Director) and closely with the Head of Service, the posts referred to below will be managerially located in the new Corporate Transformation Department. This is to ensure that post holders are not distracted or reallocated from Transformation projects to cover operational service requirements.

This arrangement also has the benefit of developing a team of individuals who can cover and supplement capacity as required across the Transformation projects.

In this way capacity and focus will be brought together to drive the agenda forward with pace.

#### **3.1 Adult Social Care**

Adult Social Care has a significant change agenda ahead and the need for additional capacity to drive and implement the change has been identified.

A Programme Manager post was agreed in 2012/13 to address the Residential Homes agenda but now the Programme has been explored more fully 6

---

<sup>1</sup> Full Job Descriptions need to be developed and then evaluated



interrelated work streams have been identified. Given the complexity and sensitivity of the programme progress is currently proving too slow. There have been some constructive developments more recently and there is a need to maintain this momentum. Such developments includes taking forward proposals for investment in Extra Care Housing and determining how to support the change agenda with reference to the current residential provision and services for residents. This is having the consequence of staff and members being confused over the plan, a growing anxiety as to whether the required changes will be delivered and significant concern over the consequences to the budget. Additional focused, senior capacity is urgently needed to disengage the transformation agenda from the operational pressures and management of the service. Visible progress is now needed.

There is therefore the requirement for a Strategic Transformation Project Manager for adult social care.

The role of this individual being to define the programme, prioritise and to oversee and manage all aspects of delivery.

This role should clarify the current uncertain responsibilities and provide clear senior leadership to get on with the work in a co-ordinated and prioritised manner, leaving the Head of Service to concentrate on delivering business as usual and some of the smaller operational changes required for improvement.

### **3.2 Education Transformation**

There are 7 key areas of activity which have been identified to respond to the Estyn report.

These primarily fall into 3 areas:-

- i) Raising standards
- ii) Improving the way the Education Department works
- iii) Reducing surplus places.

A Programme Board has been established to oversee the full PIAP.

The role of the new HoS will be to concentrate on areas i) and ii) which are in effect business as usual for the Education Department. They will therefore, be supported from within the department to drive these agendas and Transformation Monies have been made available to enhance the capacity in these areas through the appointment of a Senior School Standards and Inclusion Officer.

It is proposed for the third area (Reducing Surplus Places) that a specific Project Manager is appointed as part of the Transformation Team to manage the individual School projects once agreements have been reached and they are ready to progress e.g. the new 21<sup>st</sup> Century Primary School in Holyhead.

### **3.3 Asset Transformation**

Much of the transformation agenda will impact on the Council's assets and, therefore, in order to be successful it is proposed that a Strategic Asset Programme Manager is created to drive asset rationalisation and transformation, and to provide professional advice to the key service transformations working as part of the Corporate Transformation Team.

Specific responsibilities would include;

- Office Rationalisation and Agile working
- Strategic Property Asset Rationalisation Plan
- Project managing service and asset transfers to community organisations
- Property expertise in particular to the school, social care and leisure services modernisation programmes.
- Leading on the liaison between the Transformation Programmes and the property and legal departments on all matters related to estate rationalisation and on commissioning proper technical support for projects.

It is also proposed that the post holder will also get support from a grant funded post (Economic Development) the role of which is to support the development of the 3<sup>rd</sup> sector.

### **3.4 Transformation and Governance Business Manager**

Full business cases will need to accompany all of the major transformation projects. Currently such a regime is not well embedded within the work of the Council.

The business case for example for the Adult Social Care changes will require significant work as will the business cases for individual school changes.

Business cases are more than just finance and need a strategic understanding of the Council, the service in question and an analysis of available information, statistics and options.

It is expected that this post holder will develop an expertise in Business Cases, co-ordinating those which are complex and significant to the authority and which will form the basis of the transformation agenda. In particular;

- Schools modernisation
- Social care Modernisation
- Asset rationalisation
- Leisure Services

The post holder will also provide advice to others in the development of Business Cases and will have a role in challenging these before their formal submission.

They will lead on the liaison between the Transformation programmes and the Section 151 Officer, in relation to the provision of financial support and information to the Programmes and Business Cases.

There is also a need to annually review the Council's governance arrangements and to ensure that this element of our transformation continues with robust arrangements in place. This role will also therefore annually produce the Governance Statement and will throughout the year track progress in this area.

### **3.5 Summary**

Executive approval is sought to the creation of these posts for a period of three years which will be funded through the Cost of Change Budget.

It is estimated that the cost of these posts will be in the region of £230,000 for a full year.

## **4. Information Commissioner Audit**

Following a number of breaches of the Council's statutory duty to keep people's personal information secure, the Council was required to sign Undertakings under the Act. As part of the Information Commissioner's Office's (ICO) follow-up, the Council's compliance with the Data Protection Act 1998 was audited during July 2013. The audit looked at three scope areas, which were likely to present risks to the security of personal information.

The ICO's audit report indicates that the Council's arrangements are inadequate and over 100 recommendations were made. In response, the Authority has prepared a '*DPA Action Plan for Improvement*' which has been endorsed by SLT and accepted by the ICO on the basis that it delivers to time.

the 'DPA Action Plan for Improvement' incorporates all previous regulatory activity relating to information governance; and that the plan is tailored to the Council's needs and what it can deliver - it is a realistic evaluation of what can be achieved, rather than a wholesale adoption of the ICO's audit recommendations.

The Information Governance Project Board, part of the Council's Business Transformation Programme will be the vehicle for delivering the action plan. The *Information Governance Project Board* has identified appropriate owners for the actions, and those owners have agreed that the actions are necessary.

The Action plan demonstrates that the work will have a major impact upon Human Resources, ICT, and the Corporate Information Officer. It is apparent that existing resources and capacity are not adequate. There are clear and serious capacity issues in three of these service areas, which will require additional capacity to deliver on time by August 2014.

Human Resources	0.5 post (until Aug. 2014) £20K (inc. 30% on-costs)
ICT	1 x SO1 (until Aug. 2014) - £33.8k (inc. 30% on-costs)
Corporate Information Officer	<ul style="list-style-type: none"> <li>• Providing additional project management support to the IGPB; and funding the outsourcing of work packages - £30,000*;</li> <li style="text-align: center;">or</li> <li>• 0.5 backfill of the CIO post - £35.5k (external supplier) plus outsourcing of work packages £10k.</li> </ul>
Total	£83.8k <b>OR</b> £99.3k* (dependent upon suitable options for role of CIO)

The risks of failing to implement this action plan on time are unacceptable. The likelihood of a serious fine up to £500k and damage to the Council's reputation following a breach of the Act remains high. In addition, the ICO's audit will be repeated in the near future, and failure to implement change could result in enforcement action being taken against the Council.

<b>5.0 Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	<p>The base budget for 2013/14 includes an amount of £500k for the cost of change. The request for funding to improve is a total of £300k and can be funded from this cost of change budget. The council will be experiencing significant budget reductions over the next few years and it is crucial those savings are met through transformation and any investment into posts to achieve transformation should be justified and appropriate options considered. The posts in Education and Adult Social care have been discussed with S151 and clear plans are in place to justify the posts. The Asset Transformation posts has not been discussed with S151 and clarity that the capacity is currently not available within the service and duties of this post are not currently being carried out within the service are sought.</p> <p>The Transformation and Governance post makes reference to the preparation of business cases. Clarity over how this would work in practice should be sought as my understanding is that there will be duplication with the work of the leads of the Education, Assets and Adult social care leads and finance. The S151 officer and Finance Managers within the department will be working direct with the project leads with regards to the provision of financial information and will be supporting the projects not the Transformation and Governance Business Manager and this has been considered in the Finance structure</p>

<b>5.0 Implications and Impacts</b>		
		<p>currently being implemented and therefore there is a clear duplication with this post and those currently funded within Finance. The production of the annual governance statement is part of the role of Internal Audit and forms part of the accounts.</p> <p>The Information Governance action plan support the investment into Information Governance.</p> <p>S151 advice to fund the Information Governance support, Adult, Assets and Education and put appropriate measures to monitor the return on this investment, and to obtain further clarity over the role of Transformation and Governance Business Manager before agreeing to fund as there are clear duplications with the service provided by the Finance Department.</p>
<b>2</b>	<b>Legal / Monitoring Officer</b>	
<b>3</b>	<b>Human Resources</b>	
<b>4</b>	<b>Property Services</b> (see notes – separate document)	
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	
<b>6</b>	<b>Equality</b> (see notes – separate document)	
<b>7</b>	<b>Anti-poverty and Social</b> (see notes – separate document)	
<b>8</b>	<b>Communication</b> (see notes – separate document)	

<b>5.0 Implications and Impacts</b>		
<b>9</b>	<b>Consultation</b> (see notes – seperate document)	
<b>10</b>	<b>Economic</b>	
<b>11</b>	<b>Environmental</b> (see notes – seperate document)	
<b>12</b>	<b>Crime and Disorder</b> (see notes – seperate document)	
<b>13</b>	<b>Outcome Agreements</b>	

**Name of author of report**  
**Job Title**  
**Date**

**Bethan Jones**  
**Deputy Chief Executive**  
**9 October 2013**

This page is intentionally left blank