



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

GŴYS A RHAGLEN

SUMMONS AND AGENDA

ar gyfer

for a

**CYFARFOD O
GYNGOR SIR
YNYS MÔN**

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

a gynhelir yn

to be held at the

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

**COUNCIL CHAMBER
COUNCIL OFFICES
LLANGEFNI**

DYDD IAU, 5 RHAGFYR, 2013

THURSDAY, 5 DECEMBER 2013

→ am 2.00 o'r gloch ←

→ at 2.00 pm ←

AGENDA

Presentation - Tour de Môn

The Principal Tourism Development Officer and the Portfolio Holder for Economic Development, Tourism and Leisure will present a short video of the Tour de Môn Cycling Race held on 1st September, 2013, together with a review of 2013 events held on the Island.

1 **MINUTES**

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

- 10th October, 2013 (11:30am) (Extraordinary)
- 10th October, 2013 (2:00pm)

2 **DECLARATION OF INTEREST**

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

3 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, EXECUTIVE OR THE CHIEF EXECUTIVE**

4 **QUESTIONS RECEIVED PURSUANT TO RULE 4.1.12.2 OF THE CONSTITUTION**

To submit the following questions on notice by Councillor Bob Parry, OBE, to the Leader of the Council:-

“Is the Council willing to establish a cross party panel to be ready to respond to the Williams report on reducing the number of Councils in Wales?”

- To submit the following question on notice by Councillor Bob Parry, OBE, to the Portfolio Holder for Social Services and Housing:-

“How many Council house tenants have been evicted from their homes because they have been unable to pay bedroom tax?”

- To submit the following question on notice by Councillor Trevor LI Hughes, to the Portfolio Holders for Social Services and Housing :-

I would like to know in detail, the latest position regarding the closure of the County Council’s homes for the elderly on Anglesey, with particular reference to Garreglwyd residential home, Holyhead, with details regarding meetings with staff at the home to explain the situation to them”.

5 **MINUTES FOR INFORMATION - IMPROVEMENT AND SUSTAINABILITY BOARD**

To submit for information, the minutes of the meeting of the Anglesey Improvement and Sustainability Board held on 23rd October, 2013.

6 **CORPORATE PLAN 2013-17**

- (a) To submit the report of the Deputy Chief Executive.
- (b) To submit the observations of the Executive held on 2nd December, 2013, thereon.

7 **TIMING OF MEETINGS**

To submit the report of the Interim Head of Democratic Services.

8 **POLITICAL BALANCE**

To submit the report of the Interim Head of Democratic Services. – **TO FOLLOW**

9 **CHANGES TO THE CONSTITUTION (PARA 3.5.3.15.5) AND TO THE PLANNING PROCEDURE RULES (SECTION 4.6 OF THE CONSTITUTION)**

- a) To submit a joint report by the Head of Regulation and the Legal Services Manager as submitted to the Executive on 21st October, 2013.
- b) To report that the Executive at its meeting on 21st October, 2013, had resolved to recommend to the County Council *“that the changes to the Rules in the Council’s Constitution as detailed in the Appendices to this report are made and that authority be given to Officers to make the relevant changes to the Constitution”*.

To give consideration to the above.

10 **TO MAKE CHANGES TO THE PLANNING PROCEDURE RULES (SECTION 4.6 OF THE CONSTITUTION) PERMANENT**

To submit the report of the Legal Services Manager as submitted to the Executive on 4th November, 2013.

To report that the Executive at its meeting on 4th November, 2013 had resolved to recommend to the County Council:-

- *“That it makes permanent the changes to the Council Constitution as detailed in Para 2.2.3 of the report, namely clarifying planning applications by which officers, and by the relatives of members and officers should be reserved for decision by the Planning Committee;*
- *Not to make permanent changes to restrict members at the Planning Committee to only participating if they had attended all previous meetings on that item (to include any official site visit);*
- *Not make permanent changes to prevent a local member on the Committee from voting, proposing or seconding on an application in their ward.”*

To give consideration to the above.

11 MOTION RECEIVED PURSUANT TO RULE 4.1.2.2.12 OF THE CONSTITUTION

To submit the following Notice of Motion by Councillor Aled Morris Jones, and countersigned by Councillors Bob Parry, OBE, Kenneth P Hughes, Dylan Rees, and Jim Evans.

“We, the undersigned, request that the Isle of Anglesey County Council grant the Freedom of the County to the Royal Navy and the Merchant Navy Association.

This is in recognition of keeping sea lanes safe the trade that exists between the United Kingdom and the rest of the World. This granting of the Freedom should be seen as an event to commemorate The Great War of 1914-1918 and the 70th Anniversary of the Battle of the Atlantic.”

To give consideration to the above.

12 DELEGATIONS

The Chief Executive will present for information, a report seeking out any changes to the scheme of delegation relating to the Executive functions made by the Executive, or the Leader since the last Ordinary meeting (Rule 4.4.1.1.2 of the Executive Procedure Rules of the Constitution refers).

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

Minutes of the meeting held on 10 October 2013

- PRESENT:** Councillor Gwilym O Jones (Chair)
Councillor Raymond Jones (Vice-Chair)
- Councillors R Dew, Jim Evans, Ann Griffith, John Griffith, K P Hughes, T LI Hughes, Vaughan Hughes, Victor Hughes, W T Hughes, Llinos Medi Huws, A M Jones, H E Jones, R LI Jones, R.Meirion Jones, Richard Owain Jones, Jeffrey M.Evans, Alun W Mummery, R G Parry OBE, J A Roberts, Nicola Roberts, P S Rogers, Alwyn Rowlands, Dafydd Rhys Thomas and Ieuan Williams
- IN ATTENDANCE:** Chief Executive
Head of Function (Legal and Administration)
Head of Profession (Human Resources)
Committee Services Manager
- ALSO PRESENT:**
- APOLOGIES:** Councillors D R Hughes, Carwyn Jones and Dylan Rees

1 DECLARATION OF INTEREST

None to declare.

2 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, EXECUTIVE OR THE CHIEF EXECUTIVE

None to declare.

3 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 (category 16) of the said Act.”

4 TO AUTHORISE AN AGREEMENT AND TERMS OF REFERENCE

Submitted – A verbal presentation of a written report by the Chief Executive regarding a proposed agreement and terms of reference for an Investigation and Disciplinary Committee.

Following a lengthy discussion on the matter it was proposed and seconded that the recommendations within the report be accepted.

The proposal was not carried, with the voting being 6 for and 23 against.

RESOLVED

To reject the recommendations of the Chief Executive and the external legal advice contained in the report.

To accept the Terms of Reference for the Investigation and Disciplinary Committees contained within the report.

The meeting concluded at 1.15 pm

**COUNCILLOR G O JONES
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL

Minutes of the meeting held on 10 October 2013

- PRESENT:** Councillor Gwilym O Jones (Chair)
Councillor Raymond Jones (Vice-Chair)
- Councillors Lewis Davies, R Dew, Jim Evans, Ann Griffith, John Griffith, K P Hughes, T LI Hughes, Vaughan Hughes, Victor Hughes, W T Hughes, Llinos Medi Huws, A M Jones, Carwyn Jones, H E Jones, R LI Jones, R.Meirion Jones, Richard Owain Jones, Jeffrey M.Evans, Alun W Mummery, R G Parry OBE, J A Roberts, Nicola Roberts, P S Rogers, Alwyn Rowlands, Dafydd Rhys Thomas and Ieuan Williams
- IN ATTENDANCE:** Chief Executive
Deputy Chief Executive
Director of Lifelong Learning
Director of Sustainable Development
Director of Community
Head of Function (Resources) and Section 151 Officer
Head of Function (Legal and Administration)
Head of Service (Policy)
Head of Profession (Human Resources)
Committee Services Manager
- ALSO PRESENT:** Huw Lloyd Jones (Wales Audit Office) and Andy Bruce (Wales Audit Office)
- APOLOGIES:** Councillor D R Hughes and Dylan Rees

PRESENTATIONS - ISLAND GAMES

The Chair of the Council presented the following successful athletes who competed at the recent Bermuda Island Games in July, 2013 and at the archery events at the Isle of Guernsey, with an award on behalf of the Council:-

Sarah Livett – Silver Medal – Women’s 5000m
Connor Laverty – Bronze Medal – Men’s Shot Putt
Sophie Lewis – Bronze Medal – Women’s 100m
Iolo Hughes – Gold Medal – Men’s 5000m
Rheon Jones – Silver Medal – Men’s 400m Hurdles
Aled Thomas, Connor Laverty, Chris Mcnaught, Michael Bland – Team Bronze – Men’s 4x100m
Aled Thomas, Michael Bland, Chris Mcnaught, Rheon Jones – Team Bronze – Men’s 4 x 400m
Dyfrig Mon – Bronze Medal – Sailing Laser Standard Rig
Eifion Mon – Gold Medal – Sailing Laser Standard Rig
Bleddyn Mon – Silver Medal – Sailing Laser Standard Rig
Mike Thorne, Dyfrif Mon, Bleddyn Mon, Eifion Mon – Gold Medal –Sailing Team Event
Nigel Mathers (Team Manager and Sport Co-ordinator), Val Bamber, John Bamber, Richard Mathers – Bronze Medal – Archery Team Event
Val Bamber – Bronze Medal – Archery Team Compound

1 MINUTES

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

- 16th April, 2013 (Extraordinary)
- 23rd May, 2013 (Extraordinary) (10.00 am)
- 23rd May, 2013 (11.00 am)
- 23rd May, 2013 (First Annual Meeting) (2.00 pm)
- 30th May, 2013 (Adjourned Annual Meeting)
- 18th June, 2013 (Extraordinary)
- 15th July, 2013 (Extraordinary)
- 26th September, 2013 (Extraordinary)

RESOLVED to note the contents of the minutes of the meetings of the County Council.

2 DECLARATION OF INTEREST

The following Councillors declared an interest in Items 14/15 of these minutes and were not present at the meeting during any discussion or voting thereon:-

Richard Owain Jones – family relative, lunchtime assistant

Ieuan Williams – sister-in-law, home carer

K.P.Hughes – related to a former member of staff who was a home carer

Llinos M.Huws – sister-in-law had worked as a breakfast assistant

Trefor Lloyd Hughes – wife works for the Council

Bob Parry, OBE – relatives working for the Council

3 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRPERSON, LEADER OF THE COUNCIL, EXECUTIVE OR THE CHIEF EXECUTIVE

Congratulations to those from the Island who had been successful this summer at the National Eisteddfod at Denbigh, Sioe Môn and at the Royal Welsh Show, Llanelwedd.

Congratulations were also extended to those secondary school pupils who had been successful in their GCSE and 'A' Level results. Best wishes were extended to them for the future and every success to those commencing at college.

Congratulations were extended to Councillor Aled Morris Jones who was awarded an Honorary Life Membership of the Royal Welsh Agricultural Show during the summer. He received the honorary membership for his work as a former Secretary of the Show.

Councillor A. Morris Jones was afforded the opportunity of addressing the Council in respect of the Welsh Memorial in Flanders Campaign. He mentioned that Wales was the only nation who did not have a memorial to those who fell during the First World War. A piece of land had been provided by the city of Ypres, where Hedd Wyn fell after being wounded. He respectfully asked members to raise awareness of the campaign with their respective Town and Community Councils. He appreciated that times were difficult financially but one community council had already pledged £200 to the appeal with the Welsh Assembly also contributing to the target of £90k.

A dragon atop a cromlech would be unveiled hopefully August next. He also respectfully asked the Leader to raise the matter at the next North Wales Leader's meeting, that every County Council should consider making a contribution towards the memorial.

Best wishes were extended to Councillor Jeff Evans whose wife and daughter were unwell at the moment.

The Chair extended his deepest sympathy to Councillor Carwyn Jones upon the death of his grandmother.

Sympathy was also extended to the family of Dr Sian Owen, acting Archdruid of the Anglesey Gorsedd of Bards, whose funeral was held yesterday and to the family of the 7th Marquis of Anglesey, George Charles Henry Victor Paget passed away peacefully at his home in Plas Newydd in July, aged 90.

Mr Hugh Astley, a former Member of Anglesey Borough Council sadly passed away this morning. He represented the Llantrisant area. He was originally from Llanfair Caereinion, and more recently retired to live in Benllech. He was a former Chairman of the Ynys Môn NFU, and also a former President of the Wales Livestock Committee. He was formerly President of the Anglesey Show and was at the forefront of the agricultural world and Young Farmers organisation.

Condolences were also extended to any Member of the Council or staff who has suffered bereavement. Members and Officers stood in silent tribute as a mark of respect.

4 MINUTES FOR INFORMATION - IMPROVEMENT AND SUSTAINABILITY BOARD

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

- 27th June, 2013
- 23rd September, 2013

RESOLVED to note the contents of the minutes of the meetings of the Improvement and Sustainability Board.

5 PRESENTATION OF PETITIONS

The Chief Executive presented the Chair of the Council with a petition by UNISON comprising of approximately 406 signatures objecting to the closure of Caffi Môn. He further reported that a report would be submitted to the Executive upon the review of the main office canteen.

RESOLVED that the matter be referred to the Executive for determination.

6 ANNUAL TREASURY MANAGEMENT REVIEW FOR 2012-13

Reported by the Portfolio Holder - That the Council was required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2012/13. This report met the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and also included borrowing and investment performance during the year.

The Audit Committee considered the report at its meeting on 23 July, 2013 and resolved to accept its content and to refer it to the County Council.

RESOLVED to note the contents of this report, which have been scrutinised by the Audit Committee.

7 IMPROVEMENT REPORT - PERFORMANCE REVIEW OF 2012-13

Reported by the Portfolio Holder – That the Council was required to compile and publish its annual Performance Report by 31st October annually – documenting and analysing past performance over the financial year. This paper 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 Performance Report document.

The Performance Report was presented to full Council for approval prior to final editing and proof reading of the document during October, 2013.

RESOLVED to delegate to the Head of Service (Policy) in consultation with the Portfolio Holder and Executive's Business Manager authority to finalise the editing of the said draft and proof read the 2012/13 Performance Report for publication in accordance with the statutory deadline of the end of October, 2013.

8 ISLE OF ANGLESEY COUNTY COUNCIL IMPROVEMENT ASSESSMENT - LETTER 1

Reported by Mr Andy Bruce – That the Auditor General for Wales was required, under the Local Government (Wales) Measure 2009 (the Measure) to report upon his audit and assessment work in relation to whether the Isle of Anglesey County Council (the Council) had discharged its duties and met the requirements of the Measure.

The presentation to Council today provided the following conclusions:-

- WAO were unable to state whether the Council had discharged its improvement planning duties under the Measure as the Council had not yet published its Improvement Plan for this year;
- Based on, and limited to, work carried out to date by the Wales Audit Office and relevant regulators, the Council was likely to comply with the requirement to make arrangements to secure continuous improvement during this financial year;
- The Council is now better placed to deliver long-term sustainable improvements and the progress it has already made has resulted in Welsh Government intervention ending in May 2013;
- The Council's ambitious improvement programme is supported by an appropriate programme management framework and reflects consultation with the citizens of Anglesey;
- Despite significant and continuing challenges, the Council is managing its financial position robustly and responsibly;
- There has been improvement in a number of key services, but there are weaknesses in some areas that the Council still needs to tackle;
- The Council has improved its processes for developing its Annual Governance Statement but recognises that there is more to do;
- The Council engaged well with other Councils in North Wales and with the Wales Audit Office during our recent Improvement Study on the effectiveness of scrutiny;
- There has been steady progress in implementing most of the proposals for

improvement identified in WAO's previous assessment.

The Auditor General for Wales would update his views during the year and provide a further letter by the end of November, 2013.

RESOLVED to accept the contents of the Improvement Assessment Letter.

9 POLITICAL BALANCE

Submitted – The report of the Interim Head of Democratic Services on political balance arrangements following a reduction in the membership of the Group and the establishment of additional committees.

The proposed changes were highlighted on the matrix attached to the report. The matrix had also been populated with 2 new Committees established by the Council on 26 September to be politically balanced – an Investigation Committee and a Disciplinary Committee. This increased the total number of seats available for allocation from 114 to 120. In accordance with the principles of political balance and local conventions, 1 seat would be allocated on each of these two new Committees to the Independent Group and to Plaid Cymru and 1 to the Labour Group on one of those Committees. By convention the remaining seat would need to be allocated to an Unaffiliated Member in order to reach the maximum number of seats available for allocation (120).

In accordance with political management protocols, the revised political management arrangements [taking account of the reduction in the membership of the Independent Group and the establishment of 2 new Committees] had been discussed with Group Leaders.

RESOLVED:-

- 1. To confirm the political balance arrangements and the number of seats allocated to each of the Groups under the Local Government and Housing Act 1989, and the number of seats given by custom and practice to the Members not subject to political balance as set out in the matrix;**
- 2. In accordance with recommendation 1 above, that the Leader in consultation with Group Leaders determine the allocation of seats to Unaffiliated Members arising from these changes and advise the Committee Services Manager accordingly.**
- 3. That Group Leaders be requested to provide details of committee membership to the Committee Services Manager as soon as possible in accordance with the changes highlighted in this report.**

10 BROADCASTING OF MEETINGS

Reported by the Interim Head of Democratic Services and the ICT Manager – That webcasting of meetings was linked to the provision within the Local Government (Wales) Measure 2011 to strengthen local democracy; the intention being to strengthen the structures and working of local government in Wales at all levels and to ensure that local Councils reach out to, and engage with, all sectors of the community they served. Webcasting was not a legislative requirement but was strongly supported by the Welsh Government.

Webcasting would allow meetings of the Council to be available to view over the Internet by way of streaming media. The website would allow the public to view the meetings live or later through the website via an archive, all the audience required was a device with an internet connection. Interface with Modern.gov management systems was being considered to facilitate engagement.

The report also considered the following matters:-

- Benefits
- Resource Implications
- Staffing and Members
- Risks

RESOLVED:-

- **To proceed with the Webcasting of meetings for a 2 year pilot period in order to utilise the Welsh Government funding;**
- **To authorise the Interim Head of Democratic Services and ICT Manager to procure the necessary equipment based on a hosted solution;**
- **To note the position in relation to remote access as detailed in the report.**

11 REVISED LOCAL DEVELOPMENT PLAN DELIVERY AGREEMENT

Submitted – The report of the Head of Service (Planning and Public Protection) on a revised timetable for the Joint Local Development Plan Delivery Agreement in order to obtain the Council’s approval before submitting it to the Welsh Government.

When the revised timetable was approved by both Councils and then supported by the Government, it would be published on the website of the two Councils and placed in public places, like local public libraries and Council offices.

RESOLVED to approve a revised timetable for the Joint LDP Delivery Agreement, which should be submitted to the Welsh Government for signature.

12 DELEGATIONS

Submitted for information – A report by the Chief Executive setting out any changes to the scheme of delegation relating to the Executive functions made by the Executive, or the Leader since the last Ordinary meeting.

RESOLVED to note the contents of the report.

13 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.

14 PIT TEST - EQUAL PAY CLAIM

The contents were considered by the Council.

15 EQUAL PAY CLAIM

Submitted – A verbal progress update by the Head of Profession (Human Resources).

The Head of Function (Legal and Administration) provided legal advice as to whether or not Members should declare an interest in the matter.

RESOLVED

- **That authority be given to Officers to continue to negotiate the equal pay claims in accordance with the favoured option discussed at today's meeting;**
- **That authority be given to the Head of Function (Resources) to make an urgent application for the relevant capitalisation funds to the Welsh Government.**

The meeting concluded at 3.50 pm

**COUNCILLOR G O JONES
CHAIR**

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IMPROVEMENT AND SUSTAINABILITY BOARD

Minutes of the meeting held on 23rd October, 2013

- PRESENT:** Councillor Ieuan Williams (Chair)
Chief Executive
- Executive : Councillors R.Dew, K.P. Hughes, Aled M. Jones,
Alwyn Rowlands.
- Corporate Scrutiny Chair : Councillor R. Meirion Jones.
- Deputy Chief Executive,
Director of Sustainable Development;
Director of Lifelong Learning;
Director of Community;
Head of Function (Resources),
Service Improvement Manager, Children's Services (JD).
- IN ATTENDANCE:** Committee Officer (MEH).
- ALSO PRESENT:** Professor Mel Ainscow (Chair of the Anglesey
Education Recovery Board),
Mr. Geraint Rees (Education Recovery Board),
Mr.Marc Roberts (Local Authority Inspector, CSSIW).
- APOLOGIES:** Councillor H. Eifion Jones.
Mr. Andy Bruce (Wales Audit Office).

1. DECLARATION OF INTEREST

None to declare

2. APOLOGIES

As noted above.

3. MINUTES

Submitted and confirmed as a true record, the minutes of the meeting of the Improvement and Sustainability Board held on 23rd September, 2013.

4. UPDATE ON THE DEVELOPMENT OF THE ANGLESEY EDUCATION RECOVERY BOARD

Submitted – A report by the Director of Lifelong Learning detailing the work of the Recovery Board up to and including September and outlining the future work programme.

The Director of Lifelong Learning stated that the report highlights the performance and progress of the authority against the action plan following the Estyn inspection. The

focus of the performance of Key Stage 4 (pupils age of 14-16 years old) was highlighted. The most important indicator is the L2+ threshold (5 A* - C grades which include Maths and either Welsh or English). This year's improvement in the L2+ threshold is around 1%, and the Director expressed his slight disappointment in respect of this minor increase. However this does represent an increase of around 5.3% since 2011, in comparison with the national increase of 1.8%. This improvement has been achieved despite the disappointing performance in Mathematics in one school and English in another. The improvement in the other indicators is relatively good as was noted in the chart included within the report. The Chair expressed that as the Portfolio Holder for Education he would challenge the Department to increase the L2+ in 2013/14 period.

Attendance in Secondary Schools has improved over the last three years from 90.9% (2010/11), 92.2% (2011/12) to 93.2% (2012/13). This has improved Anglesey's comparative position from 18th in Wales in 2010/11 to 7th in 2012/13. Anglesey's performance is now 0.6% above the Welsh average and only 0.4% behind the best performing authority in Wales.

The Director referred to the PIAP progress which was the 7 recommendations from the May 2012 Estyn Report and showed that all tasks are on schedule. He emphasized that this is the Lifelong Learning Officer's assessment against each of the priorities noted in the PIAP.

The Chair invited Professor Mel Ainscow (Chair of the Anglesey Education Recovery Board), to address the meeting. Professor Ainscow gave a detailed report on the work of the Recovery Board since November 2011 and stated that the Welsh Government had decided that they are going to change the nature of the Recovery Board for the next period in recognition of the it's achievement. He stated that it is an indication therefore that there has been a considerable progress on Anglesey to meet the expectations of the Review. The co-operation of the Authority with the Recovery Board has been a successful process. He noted that he would be stepping down as Chair of the Recovery Board.

The pattern of the improvements within the data in respect of primary and secondary schools on the Island since 2011 is to be congratulated. There is now a clear indication of progress being made and there is a sense of optimism that this progress will continue in the years to come. The priority of the Recovery Board was to support the authority to achieve the targets set by Estyn.

The Recovery Board has also been interested in the longer term developments within the Local Authority Education system. Professor Ainscow considered that the goal of the authority is to be an exemplar within the education system within Wales and beyond. He highlighted the strong community bond of the Island which is of an advantage in the education system. He further noted that the Recovery Board has identified 5 successful Head Teachers on the Island to become leaders in terms of educational improvement on Anglesey. They have been able to create a powerful strategy and have provided leadership with the support of the Local Education Authority in taking the strategy forward. He suggested that an invitation be given to one of the Head teachers to this Board to explain the achievement of the strategy.

Within the 5 Secondary Schools on the Island, there has been some new appointments of Head teachers recently. They are now taking joint action and responsibility to make sure that there is a better performance in 2014.

Professor Ainscow referred to the role of the 'Consortia' in Wales. He noted that there is a conflict in respect of the role of the LEA staff and the role of the Consortia staff and this is still be debated nationally.

The Chair invited Mr. Geraint Rees, a Member of the Recovery Board team to address the meeting. Mr. Rees explained his role in the Welsh Government and that he was one of four Officers seconded to work with local authorities in respect of the regional Consortia and LEA's. He thanked Professor Ainscow for his work on the Recovery Board and to the previous Portfolio Holder for Education, Mr. G.O. Parry MBE for the immense work to improve the educational provision on Anglesey.

RESOLVED

- **To thank Professor Ainscow for his guidance and leadership in his role as Chair of the Recovery Board;**
- **To invite one of the Headteachers identified to lead the educational improvements on Anglesey to a future meeting of this Board.**

5. UPDATE ON PROGRESS IN CHILDREN'S SERVICES

Submitted – a report by the Director of Community in relation to the above.

The Service Improvement Manager outlined the contents of the report and noted that there is evidence, confirmed in the recent (Draft) Annual Letter from CSSIW, which indicates that the service has achieved and is sustaining change. The basic framework of the management team is largely in place, along with improved processes and procedures and on the whole an enthusiastic workforce. However, due to the relative small size of the service, the relative inexperience of staff and the unpredictability of demands on the service risks to service performance remain. The management team are able to anticipate many of the issues and, even with limited resources or capacity, plan actions to address problems in a way that not only maintains the cohesiveness of the Service but also ensures that managing and meeting performance requirements continues effectively.

The Portfolio Holder (Social Services and Housing), Councillor K.P. Hughes stated there has been progress within this service. However, he stressed the importance of continued improvements is essential in the Children's Services.

The Director of Community emphasized that the job evaluation scheme needs to be resolved as a matter of urgency in this service, to allow the recruitment of the best professional staff to carry out this important role within the authority. Training and mentoring within the service is essential.

Mr. Mark Roberts (Local Authority Inspector, CSSIW) noted that the report accords with CSSIW Annual Report with the same risks and matters identified. There is evidence of significant improvements in the service but concerns are still expressed in respect of the fragile workforce. The Fostering and Children's & Families Services Inspection had, despite concluding there were 'no areas of non-compliance identified', noted there were some areas remaining for improvement.

RESOLVED to accept the report.

6. PROGRAMME BOARDS' PROGRESS REPORT

Submitted – A joint report by the Chairs of the Programme Boards.

The Director of Sustainable Development gave a brief report on the three Programme Boards that oversee and drive change programmes and projects within the Council and with external collaboration partners. The remit of the Boards were noted at 1.1 to 1.3 of the report.

He noted that as well as the Programme Board, Project Boards are now strengthening and achieving the remit of their work. The key messages from the September Programme Boards have been published on the Transformation (MonITor) web pages of the Authority. Work will continue with the Programme and Project Leads and Managers to ensure they are supported to deliver their programmes and projects effectively.

The Chief Executive stated that the Boards must be managed carefully and excessive work load must be avoided; the project needs to be focused and manageable. The work of these Boards should also not duplicate the work of the scrutiny remits.

RESOLVED to note the contents of the report.

The meeting concluded at 12.20 p.m.

**COUNCILLOR IEUAN WILLIAMS
CHAIR**

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Executive Committee
Date	2.12.13
Subject	Corporate Plan 2013-2017
Portfolio Holder	Alwyn Rowlands
Lead Officer(s)	Bethan Jones
Contact Officer	Gethin Morgan 2111
Nature and reason for reporting	
To enable the Executive to formally recommend the Isle of Anglesey Corporate Plan 2013-2017 to Full Council for endorsement and adoption	

A – Introduction / Background / Issues
<p>Ensuring that as a County Council we have a robust and meaningful Corporate Plan is paramount to the successful implementation of the transformational agenda and our vision to build a ‘New Anglesey’.</p> <p>The plan itself has been developed and shaped by:-</p> <p>The views of local people – We are moving towards becoming a much better listening Council and have improved our consultation and engagement practices with our citizens and communities. An extensive and comprehensive citizen engagement process was undertaken between August and September 2013 to identify and indeed confirm further the priorities and outcomes which our citizens seem as important during the citizen survey of 2012.</p> <p>The views of our partners – Almost no service we provide is delivered without the input and involvement of our local partners. In developing this document we have considered the Island wide agenda being developed with partners as part of the revised ‘Our Island, Our Future’ and focused on those areas where we can make a difference by taking the lead.</p>

How well our Services are currently performing – We are improving how we monitor our performance through the associated Performance Management Framework, to ensure we are on track and making continual improvements. If we are not performing at a good enough level, then action is to be taken to put things right. Our priorities reflect a number of areas where improvement is required to build a ‘New Anglesey’.

Political Priorities – Elected Councillors as representatives of their local communities have also highlighted a number of issues through traditional modes of engagement and established workshops and programme boards and these have also been reflected in this document.

National Priorities set by Welsh Government – The Welsh Government’s priorities as highlighted in their Programme for Government document also reflects our local priorities with particular emphasis on supporting the most vulnerable, education, growth and sustainable jobs.

B – Considerations

Previously, the Council’s Transformation Plan as adopted by the Executive Committee (January 2013) provides the base from which the Corporate Plan has been developed.

The new plan will be central to moving the council forward culturally. It will also enable us to become a Council where others seek to benchmark themselves against. This means that by 2016 the Isle of Anglesey Council will have;

- increased the pride in Anglesey, of its elected members, management, staff, services and amenities.
- gained the respect within the local government family in Wales, locally, regionally and nationally.
- elected members, managers and staff who make a difference and grow in capability as a result.
- an understanding of and be proactively managing the performance of our services, targeting improvement actions where and when this is needed
- areas of innovation, good practice and service excellence that other organisations seek to benchmark themselves against.
- productive, transparent and trusting relationships with our partners.
- satisfied our auditors in terms of leadership, governance and organisational capacity.

In transforming our Council there are **6 key themes** that will underpin the way in which we will work. These key themes developed by staff are as follows;

- Theme 1- Professional and Well Run
- Theme 2 - Innovative, Ambitious and Outward Looking
- Theme 3 - Customer, Citizen and Community Focused
- Theme 4 - Valuing and Developing our People
- Theme 5 - Committed to Partnership
- Theme 6 – Achieving

The engagement and consultation exercise has been more detailed and more extensive than any previous exercises undertaken by the Council. The ‘**Making a Difference**’ exercise has from the very beginning of the process included –

- Press and media coverage of the consultation exercise
- Extensive poster exercise across Anglesey (shops, surgeries and other public places)
- Engagement with the public County wide through online and paper questionnaires
- Engagement with public via Corporate Facebook and Twitter
- Consultation @ council offices throughout the County
- Consultation @ public libraries throughout the County
- Consultation @ Leisure Centres throughout the County
- Consultation @ the County Museum
- Workshops with Heads of Service / Senior Leaders & Members

1.3 The key elements of the Plan are as follows –

Aim – “we will be a professional and well run Council innovative and outward looking in our approach, committed to developing people and partnerships in order to deliver efficient and effective services of good quality, that are highly valued by our citizens.”

During the engagement and consultation exercises since 2012, citizens were asked their views about which Anglesey County Council services were most important to them. Across demographics, geographies and different consultation mechanisms the overwhelming and consistent priorities are:

- Supporting the most vulnerable
- Developing the Economy
- Raising the standards of and modernising our schools

These priorities therefore form the basis of the focus areas in this corporate plan: –

- Transform Older Adult Social Care
- Increase our Housing Options & reduce Poverty
- Develop the Economy
- Regenerate our Communities
- Improve Education and modernise our Schools
- Transform our Information and Communication Technologies (ICT)
- Becoming Customer, Citizen & Community Focused
- Transforming our Leisure & Culture Provision

It is identified within the plan that we will take a ‘One Council’ approach to service delivery by supporting the delivery of a modern, flexible workforce, equipped to deliver the Council’s goals. The role of our workforce will change as the plan is delivered. Our evolving role will be to commission services and where it delivers the best outcome be the provider of these services.

Assurance and governance will be key to ensuring the delivery of this corporate plan. In doing so, we will –

- provide an integrated performance management framework, linking the Corporate Plan to the Medium Term Financial Strategy down to the annual budget setting process and individual performance development reviews
- collect and use information to monitor our performance and take action to improve where required
- support the evolving strength of the Council’s democratic decision-making and scrutiny processes
- strengthen our engagement with and involvement of Anglesey citizens in the Council’s decision making and accountability processes
- continue to strengthen our processes around finance and workforce reporting and monitoring

In light of the above, Officers would request the authority to amend and complete the current draft version of the Corporate Plan in collaboration with the Portfolio Holder for Corporate Governance prior to presenting it to full Council on the 5th December, 2013 for adoption.

C – Implications and Impacts		
1	Finance / Section 151	The costs associated with the implementation of the corporate priorities of the council will be considered as part of the budget setting process and development of the medium term financial plan for the next four years.
2	Legal / Monitoring Officer	
3	Human Resources	
4	Property Services (see notes – separate document)	
5	Information and Communications Technology (ICT)	
6	Equality (see notes – separate document)	
7	Anti-poverty and Social (see notes – separate document)	
8	Communication (see notes – separate document)	
9	Consultation (see notes – separate document)	
10	Economic	
11	Environmental (see notes – separate document)	
12	Crime and Disorder (see notes – separate document)	
13	Outcome Agreements	

CH – Summary

Ensuring that as a County Council we have a robust and meaningful Corporate Plan is paramount to the continued corporate governance improvement journey and transformational agenda. It provides a tangible, strategic direction for the organisation, one which Members and Officers can be accountable for its delivery.

It contains the Council's aim, focus areas and outcomes which we as an organisation will be working towards in order to make a difference to the lives of our citizens over the next four years.

D – Recommendation

Recommended to -

1. accept that this draft Corporate Plan 2013-2017 sets out the Council's agenda for the remainder of the term up to 2017.
2. endorse its adoption by Full Council with authorization to Officers in collaboration with the Portfolio Holder for Corporate Governance to make minor changes prior to publication on the Council's website.

Name of author of report –

Gethin Morgan

Job Title –

Business Planning and Programme Manager

Date -

25.11.13

Appendices:

Background papers

Transformation Plan – considered 14/01/13

DRAFT CORPORATE PLAN 2013-2017

The **aim** for Anglesey Council is that by 2017 –

we will be a professional and well-run council, innovative and outward looking in our approach, committed to developing our people and partnerships in order to deliver efficient and effective services of good quality, that are highly valued by our citizens.

In order to achieve that aim, as a Council we will need to transform our services. An essential part of transforming our Council is listening to what our citizens, service users and businesses think – and acting on it.

Some of the most far-reaching engagement and consultation we have ever undertaken has helped to create this plan.

During the engagement and consultation exercises since 2012, citizens were asked their views about which Anglesey County Council services were most important to them, and which they felt weren't as important. Across demographics, geographies and different consultation mechanisms the overwhelming and consistent priorities are:

- Supporting the most vulnerable
- Developing the Economy
- Raising the standards of and modernising our schools

These priorities are the basis of the focus areas in this corporate plan. It is important to note that in 2017 the Council's customer base will essentially be the same; principally our citizens, businesses and visitors. The Council will therefore, work with citizens to change the way we all think about the respective responsibilities of the Council, communities and individuals.

The Council will continue to be responsible for those things only we can do – educating our children, supporting the most vulnerable, enabling people to claim the benefits they are entitled to and protecting people from harm. We will help people stay healthy whilst protecting and promoting our culture, language and heritage in the face of the on-coming external risks. We will also continue to provide and upkeep local facilities such as roads and street lighting.

Whilst the Council will continue to be responsible for the bilingual provision of statutory and core services, the services will increasingly be provided in different ways, and by other providers. We will manage reducing budgets and increasing demand due to demographic and social changes, to ensure top priorities continue to be delivered, for example to vulnerable adults and children, but the service may be provided differently, for example being paid for through the use of direct payments or a charge.

This plan is aspirational and our vision is ambitious. Each key area of focus is intended to contribute to a prosperous, bilingual Anglesey, with outcome measures stated later for each focus area. We will seek opportunities to be held to account for these outcomes, making our measures of success and performance through a performance scorecard accessible to residents, businesses and partners, as our commitment to transparency.

Anglesey, like all other local authorities, is facing significant pressures on budgets and has to focus on greater efficiencies. To compound the situation, the island's economy has the lowest Gross Value Added in the UK, which puts extra pressure on Services.

In order to address the situation and work within these very challenging and changing times, we have adopted a strategic approach to managing our budget. This Medium Term financial outlook identifies the pressures facing the Authority during the period of this document. Based on our forecasts of inflation and growth pressures, and with an annual council tax rise of 5% it is forecast that a further £16million of efficiencies will need to be achieved in the following 3 years.

Given the risks and national / economic / demographic uncertainty facing the Authority there is a demonstrable need to over-plan and over-achieve on savings and this is a key challenge for us as a Council moving forward.

Overall, the Island needs a more vibrant economy with a successful business base, supported by a skilled and qualified work-force and a healthy population, living more independently of public services. This we believe, will contribute to people feeling that Anglesey is a fantastic place to live, and an important measure of success will be local people's experience and feedback.

In light of this therefore, over the next 4 years, as a Council our promises to you are:

That we transform Older Adult Social Care

People are living longer and as such, we expect to see an increase of approximately 70% in the number of people over 85 living on the Island over the next 10 years*. The Isle of Anglesey has one of the highest older people's population in Wales. There is also an increase in the number of people with long-term

complex conditions including dementia. In order to provide the necessary level of support required to meet the growing complexities in demand (in terms of both finance and workforce) the Council recognises that it needs to change the way it delivers adult social care to ensure that they are sustainable now and will remain so for future generations.

In order to transform our older adults social care provision, the Council promises to -

- develop and establish in collaboration with partners 2 extra care housing schemes in the North and centre of the Island with planning for a further extra care housing scheme in the South
- improve the range and availability of community based services for older people which will reduce the reliance and need for residential care homes
- re-develop our re-ablement service to support and help people to get better and regain independence using support plans which are outcome based
- In partnership with the Health Board, develop joint service delivery and management in particular in relation to dementia, older people services in general and support for carers

WHAT WOULD SUCCESS LOOK LIKE – We envisage that success will mean that –

- *Older adults on the Island have a choice and control over where they live*
- *There is a high quality of care that is consistent in all accommodation*
- *That older adults within the Island remain part of the Community in which they live*
- *There is a sustained reduction in hospital admissions or re-admissions*
- *There is an increase in time limited, focused support to enable adults to regain independence*
- *co-locate our Adults Social Care staff in the community with Health colleagues*

COST – We believe that the cost of developing these extra care housing schemes will total approximately £16m of capital funding over the four years. In developing and establishing these schemes we envisage working with partners (Registered Social Landlords / private sector) to share such costs. As a result of this continued improvement in provision we also expect the investment to generate significant revenue savings due to the changing way in which care will be delivered.

We increase our Housing Options & reduce Poverty

Having a quality and affordable place to live is important to ensure that all our citizens live in a safe and appropriate home that allows them to gain maximum benefit for access to jobs, leisure, amenities, education and to gain associated social and economic benefits that they both desire and deserve. With major global energy companies working towards a significant investment in Anglesey we will continue to work with landlords in the social and private sector to maximise the number and quality of homes for contractors. We will also continue our efforts to develop the housing market for local people with particular emphasis being placed on working with partners to plan, develop and establish a greater number of affordable housing options for our citizens.

As a Council therefore, we promise to –

- work with partners to modernise and co-ordinate the benefits advice service so as to improve independence and work towards our anti-poverty strategy and mitigate the effects of welfare reform
- increase the affordable housing options island wide and bring empty homes back into use
- explore options to support young people to enter the housing market
- work with partners to support apprenticeship opportunities for young people
- support those at risk of becoming homeless and homeless individuals to find permanent homes

WHAT WOULD SUCCESS LOOK LIKE – Outcome measures?

- *225 empty homes brought back into use*
- *5 year land supply of housing realised meaning the development of new houses on the island*

- *Greater confidence, control and independence for individuals to manage their own finances*
- *Greater confidence for individuals to seek and access employment*

COST – This priority is dependent on capital investment. We will mainly focus on achieving it through extensive partnership working with private sector developers, registered social landlords and the Welsh Government through their ‘Houses into Homes Loan’ & ‘Help to buy Wales’ scheme. This together with the Council’s own private sector renewal fund will result in an approximate £5m of investment over the duration of this plan.

We Regenerate our Communities and develop the Economy

The Council aspires to a future where local communities, social enterprises, businesses and the public sector come together to agree and progress regeneration priorities, and work in partnership to utilise the proposed economic investment to improve quality of life. In order to do this, we’ll need to think creatively, pool resources and work collaboratively to improve the lives and opportunities of local people.

The economy is a significant issue for many with new job creation seen as critical by our citizens to provide a sound base for improving quality of life. Whilst it is acknowledged that the private sector is the main economic driver and wealth creator on the Island, the Council has a role in establishing an environment for growth where local businesses can grow and new businesses can be established and flourish.

The Energy Island Programme and recently designated Enterprise Zone status provides a once in a generation opportunity to create substantial new jobs as a result of the planned investment and growth potential of the low carbon energy sector. The Council will look at developing schemes which increase employment opportunities for young people, improve infrastructure and support the supply chain. In addition the Council will also continue to support and develop other key sectors, such as tourism, which drive the Island’s economy.

The Council will -

- work with the Welsh Government and other partners to strengthen the competitiveness of the island’s economy by improving infrastructure, skills availability and supporting local companies;
- have through its destination management plan support for the visitor economy by working with partners to promote Anglesey’s image and distinctive strengths;

- work with partners to overcome infrastructure constraints (for example broadband width and mobile technologies) to enable development, investment and job creation;
- effectively undertake our planning responsibilities in relation to all major projects on Anglesey, ensuring that potential negative impacts are lessened and positive community benefits maximised;
- work with the University to develop a science park in the South of the Island adding-value to the proposed energy developments, create jobs and diversify the local economy;
- to drive community regeneration develop holistic town and community plans for the island's main settlements, prioritising Holyhead, Llangefni and Amlwch;
- work with partners to improve the road network through re-surfacing, surface dressing and other infrastructure investments including the upgrading of 12 miles of the A5025 from Valley to Wylfa
- support community regeneration by facilitating and enabling ensuring improved co-ordination, investment and alignment of programmes such as Holyhead Forward and Communities First programmes.

WHAT WOULD SUCCESS LOOK LIKE – Outcome Focused Measures

- *An increase in employment opportunities, particularly within the low carbon energy sector;*
- *We will have capitalised fully on external funding opportunities to enable economic and local community regeneration;*
- *An increase in the number of new business formed;*
- *An increase in visitor numbers;*
- *A reduction in youth out-migration;*
- *A reduction in economic inactivity and unemployment rates;*

➤ *An increase in the working age population*

COST – Earmarking costs for regeneration work is difficult at the best of times due to the different organisations and match-funding requirements expected. However, as a Council we anticipate that in order to accomplish the above, we will need to work with partners in the private sector, the European Union and Welsh Government to achieve inward investment in excess of £20m.

Improve Education, Skills and Modernise our Schools

The Council wants every child, every young person, every learner, wherever they are, irrespective of background and circumstance to achieve their full potential and be prepared to play an active role as future responsible citizens and community champions. In order to realise this, and to contribute to the Welsh Governments ambitious vision for education in Wales, we accept that we need to raise the standard of education in Anglesey. In this respect an accepted priority for the Council is to challenge current thinking, encourage innovation and develop a school infrastructure that will drive up standards of teaching and attainment, reduce surplus places, improve educational outcomes for children and young people and be responsive to our socio-economic and community improvement programme.

We therefore as a Council promise to –

- Continue to raise the standards in educational attainment rates and attendance
- Develop and agree a school modernisation strategy to guide long term decisions which will include -
 - opening our special needs school - Ysgol y Bont
 - the provision of 2 new area primary schools
- Adopt and deliver a regional skills strategy which enables Anglesey and North Wales to up-skill its workforce and align itself with future opportunities

WHAT WOULD SUCCESS LOOK LIKE? – We envisage that by transforming our education provision we will see –

➤ *Improvements in standards across the Island*

- *an increased number of young people gaining accredited outcomes from informal learning*
- *an increased number of children and young people benefitting from out of school hours activities*
- *a decrease in the number of surplus places the schools host*

COST – We estimate a need to secure approximately £20m to realise this modernisation programme and by working in partnership with the Welsh Government and other private sector partners we anticipate that as a Local Authority we will need to invest approximately 50% of such costs. We expect the investment in new school infrastructure to generate revenue savings, as it will decrease the associated costs of maintenance and day to day running of schools.

Transform our Information and Communication Technologies (ICT)

In transforming our services, the Council's resources will be used more efficiently and effectively to achieve targets identified and plan accordingly. The Council will become a 24/7 organisation by using channels such as websites and social media, methods already being used by our customers to access many of their other personal or business needs such as banking or shopping. This way, our customers can access what they need to, when they need to, wherever they are and in the language they prefer.

All interaction, internal and external, will be enabled electronically. Face to face and other routes will exist, for those who need it. By changing the systems it will free staff up to get on and 'do their job' within clear boundaries and using processes which are robust yet agile. Our systems will support our priorities and rigorous rationalisation will ensure that those that do not are no longer used.

In order to achieve this, the Council promises to -

- enable staff to access the computer systems they need securely from any location
- enable customers and citizens to communicate with the Council electronically over the web at a time and place convenient to them
- ensure services use technology more widely to provide more efficient and effective service delivery
- seek out and embrace emerging ICT technologies to meet current and future needs of the Council and the Island's citizens

WHAT WOULD SUCCESS LOOK LIKE – Outcome focused Measures?

- *Staff will be enabled to work flexibly from multiple locations using a variety of devices*
- *Information will be accessed by citizens through a variety of channels at any time of day and from any part of the Island*
- *Staff will be able to move and work easily between roles and services as a result of standardised equipment and processes*
- *The Integration and harmonisation of ICT processes will collectively lead to improved service delivery and increased benefits to citizens and local businesses*
- *A rationalised Council estate*
- *The overhead cost of running the Council will be reduced*

COSTS – It is likely that the Council will need to invest significantly to upgrade and improve its IT provision. Currently, it is anticipated that such investment will be in the region of £1m over the lifetime of this plan.

Becoming Customer, Citizen & Community Focused

We still have a long way to go on standardising and simplifying processes and through our work with other Councils we envisage securing further efficiencies in our supporting functions and better resilience for specialist services and scarce skills. An essential part of transforming our Council will be listening to what our citizens, service users and businesses think – and acting on it. Over the past two years we have demonstrated a real commitment in actively listening to our citizens and engaging with them on (i) their priorities and (ii) areas whereby they identify efficiencies for us. This has resulted in improved service provision which will only get better. We will maximise our bilingual communication techniques through the use of social media such as facebook and twitter as well as traditional face to face focus groups, citizen panels and public roadshows.

In becoming customer and citizen focused, listening and acting upon findings will become a key ingredient of our way of working and in doing this we as a Council promise to -

- develop, agree and sign up to a robust and valid customer charter which in particular sets out our expectation of staff in dealing with customers

- develop and strengthen our engagement with and involvement of Anglesey citizens in the Council's decision making and accountability processes
- explore the quality of the buildings in which customers receive their service, aiming to achieve a consistent standard across the Council that presents the right image for the services available
- ensure the promotion of the Welsh language and Welsh culture through the implementation of a developed Welsh language strategy
- corporately aim to achieve Level 5 accreditation of the Green Dragon environmental standard

WHAT WOULD SUCCESS LOOK LIKE – By becoming an excellent customer service organisation we would like to see -

- *our reputation and credibility improved so that we provide good value for money, we stand for good performance and values that can be trusted*
- *improvements in attitudes and behaviour resulting in increased professionalism and skills*
- *our achievement of the customer service excellence standard award*
- *improvements in accessibility and flexibility so that customers feel that the Council is designed and operates to meet their needs*
- *improve our infrastructure so that it becomes a positive experience of service provision*

COSTS – Associated costs with realising this theme are envisaged to be minimal in the first instance with the outcome realising significant savings through service integration and improved systems being established. Business cases are currently being worked up.

Transform our Leisure & Library Provision

Sport and leisure facilities, and the programmes of activity that use them, play a significant part in the health of the community and in increasing the self-confidence of people. We will work towards adopting a more integrated approach to wellbeing in the future which will enable the role of sport and leisure to be reviewed and re-defined. As the role of community and other groups increase in its provision, we will make sure that our leisure offer is fit-for-purpose and delivering the best value for money possible as we seek to improve the health and wellbeing of our citizens.

We want to keep our place and presence at the heart of communities with our library provision becoming a ‘universal front door’ for us as a council. This will mean more partnership working and shared premises, to give local people improved, simplified and seamless access to the information and services they need.

In undertaking this role, as a Council we promise to –

- develop and implement a medium term leisure strategy to guide decision making which will decrease the need for council investment over the life of this plan
- interlink our indoor sports hall type facilities with our secondary school provision and explore with external community providers to run the facilities in the evening, weekends and school holidays
- encourage to develop and support the provision of sport and leisure activities within communities, by communities
- explore options and implement a revised Library provision model
- explore options surrounding the delivery of our cultural heritage sites and implement (if applicable) new management arrangements

WHAT WOULD SUCCESS LOOK LIKE – Outcome Focused Measures

- *New Library and cultural heritage management models being implemented*
- *Maintain and increase level of participation in sporting activities*
- *Improve visitor numbers to our cultural / heritage sites*
- *A focused and sustainable library provision*

COST – The aim would be to reduce the overall costs of these services to the Council by 60% over the period of this plan.

HOW TO.....

We will take a 'One Council' approach to service delivery by supporting the delivery of a modern, flexible workforce, equipped to deliver the Council's goals. The role of our workforce will change as this plan is delivered. Our evolving role will be to commission services and where it delivers the best outcome be the provider of these services. It is important to note that the service will always be provided within the language of choice (decided by the citizen). The role of the Council is not to be an employer of staff as an end in itself. We are here because of our customers and not the other way round. Supporting services exist to support and drive positive change within front line delivery of services. In achieving this aim, the day to day work of the Council's staff will be underpinned by a set of employee and member expectations (6 key themes) which will outline what is expected in terms of activity and behaviours at all levels across the organisation.

There will be more flexible working arrangements with staff managed by outcomes and less office based, so that they can spend a higher percentage of their time in direct contact with customers. It is envisaged that a 'hub and spoke' model will be in place for a number of services ensuring a central base exists but that staff are based as close to the communities they serve as possible.

Assurance and governance will be key to ensuring the delivery of this corporate plan. In doing so, we will –

- provide an integrated performance management framework, linking the Corporate Plan to the Medium Term Financial Strategy down to the annual budget setting process and individual performance development reviews
- collect and use information to monitor our performance and take action to improve where required
- support the evolving strength of the Council's democratic decision-making and scrutiny processes
- strengthen our engagement with and involvement of Anglesey citizens in the Council's decision making and accountability processes
- continue to strengthen our processes around finance and workforce reporting and monitoring

- put in place robust arrangements for dealing with our financial challenges, ensuring service transformation and innovative delivery is at the heart of what we do

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ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	COUNTY COUNCIL
DATE:	5 DECEMBER 2013
TITLE OF REPORT:	TIMING OF COUNCIL MEETINGS
REPORT BY:	INTERIM HEAD OF DEMOCRATIC SERVICES
PURPOSE OF REPORT:	TO AGREE FUTURE ARRANGEMENTS

In accordance with the statutory guidance issued by the Welsh Government under Section 6(1) of the Local Government (Wales) Measure 2011, the Council is required to survey Members in respect of the times at which meetings of a local authority are held. All local authorities should review the times at which meetings are held at least once every term, preferably shortly after the new Council is elected.

The views of Members and Co-opted Members have been sought on the timing of future meetings. Members were requested to rank in order of preference meeting times held at 10.00am, 2.00pm, 4.00pm and 6.00pm. Preferences have been summarised below:

Committee	Feedback in Order of Preference
Council	
10.00am	2
2.00pm	1
4.00pm	3
6.00pm	4
Executive	
10.00am	1
2.00pm	2
4.00pm	3
6.00pm	4
Scrutiny Committee	
10.00am	2
2.00pm	1
4.00pm	3
6.00pm	4

Quasi Judicial	
10.00am	1
2.00pm	2
4.00pm	3
6.00pm	4
Other Committees	
10.00am	2
2.00pm	1
4.00pm	3
6.00pm	4

It is clear from the feedback received that there is a preference for meetings to continue be held at either 10.00am or 2.00pm. However, it is noted that some additional comments have been received as part of the feedback and these are summarised as follows:

- i. Meetings preferred at either 1.00pm or 1.30pm (1 Member);
- ii. Work commitments need to be acknowledged and consider some meetings before 10.00am and after 6.00pm (1 Member);
- iii. Pilot certain meetings at 4.00pm for one year e.g. a scrutiny committee (1 Member);
- iv. Some evening meetings should be held (1 Member).

Arrangements in other North Wales Authorities

As a matter of information the arrangements in other Authorities can be seen below:

Name of Authority	Arrangements
Gwynedd	No evening meetings apart from Area Committees
Fflintshire	No evening committees apart from Standards at 6.00pm
Denbighshire	No evening meetings
Conwy	Licensing and two Scrutiny Committees held after 6.00pm. Majority of meetings held at 10.00am or 2.00pm
Wrexham	Full Council, Planning, 2 out of their 5 Scrutiny Committees held in the evening. Remainder held during the day including Cabinet meeting.

Current Arrangements

There are approximately 100 meetings in the schedule of meetings published for 2013/14. However, there have been numerous other ad-hoc meetings held since the beginning of the municipal year. Current practice is for meetings to be held either morning or afternoon

with no evening meetings. This matter was last considered by the Council in May 2010 and a report was presented on the feasibility of conducting evening meetings and associated costs in terms of staff resources. The Council resolved to adhere to the existing practice of convening meetings during the day. Members will note that there are resource implications for convening evening meetings including staff time beyond core working hours of 7.00pm and building related costs.

The Group Leaders have considered the feedback received from Members.

Recommendation

The Council is requested to consider whether to adhere to the current practice of convening meetings during the day or whether to agree some other arrangements.

Huw Jones
Interim Head of Democratic Services
25/11/13

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AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Standards Committee, The Executive & Full Council
Date	Standards Committee 12.09.13 Executive 21.10.13 Full Council ...12.13
Subject	To Make Changes to the Constitution (3.5.3.15.5) and to Planning Procedure Rules (Section 4.6 of the Constitution)
Portfolio Holder(s)	Councillor J. Arwel Roberts
Lead Officer(s)	Head of Service (Planning and Public Protection) Legal Services Manager
Contact Officer	Robyn Jones (x2134)
Nature and reason for reporting	
<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.

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

C – Implications and Impacts		
10	Economic	Not applicable
11	Environmental (see notes – seperate document)	Not applicable
12	Crime and Disorder (see notes – seperate document)	Not applicable

CH - Summary
<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:

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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

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4.6.1 Introduction

4.6.1.1 Determining planning applications is an important duty undertaken by the County Council. These rules set out how the Council as local planning authority will deal with planning applications. The rules apply to 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 advise 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.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	The Executive & Full Council
Date	Executive 04.11.13 Full Council 05.12.13
Subject	To Consider Whether to Make Changes to the Planning Matters Procedure Rules (Section 4.6 of the Constitution) Permanent
Portfolio Holder(s)	Councillor John Arwel Roberts
Lead Officer(s)	Head of Service (Planning and Public Protection) Legal Services Manager
Contact Officer	Robyn Jones (x2134)
Nature and reason for reporting	
<p>1.1 To consider whether to make changes to the Constitution, section 4.6: Planning Matters Procedure Rules, permanent following the end of a second 12 month trial period.</p> <p>1.2 The Executive is asked to make a recommendation to the full Council in respect of the changes and the full Council is asked to take a decision whether to make those changes permanent.</p>	

A – Introduction / Background / Issues
<p>2.1 At its meeting on 20 June 2011, the Board of Commissioners made changes to the Planning Matters Procedure Rules (the Rules) following a significant period of consultation with a range of stakeholders.</p> <p>2.2 The changes were, broadly, threefold:</p> <p>2.2.1 Restricting members at the Planning Committee to only participating if they had attended all previous meetings on that item (to include any official site visit);</p> <p>2.2.2 Preventing a local member on the Committee from voting, proposing or seconding on an application in their ward, and</p>

2.2.3 Clarifying planning applications by which officers, and by the relatives of members and officers should be reserved for decision by the Planning Committee.

2.3 The changes and the reasons for them are set out in the Appendix to this report. It sets out the report that was presented to the Board of Commissioners in June 2011 and also the rationale for the changes and the reasons for their implementation.

2.4 The review of the Rules originally arose as part of a Corporate Governance Inspection and recommendations made to the Planning Service and from their Action Plan in response.

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

2.6 The changes were made for an initial trial period of 12 months and were renewed in December 2012 for a further 12 month trial period to take account of changes to form a new Council with a smaller number on the Committee. That second trial period is now ending.

2.7 The matter is re-presented to members for a decision on whether the changes should be made permanent.

B - Considerations

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

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

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

3.5 As to the changes in rules affecting members of the Committee, the following can be noted:

3.5.1 The second trial period was implemented on account of concerns that the Committee under the new Council would be smaller (down from 14 to 11 members) and that there was a risk that it might go inquorate due to the restrictions. This has not happened in practice although some items have had a limited number of Committee members present who are able to participate and vote on them. There is anecdotal evidence that this has raised questions or concerns amongst members of the public present at meetings.

3.5.2 During Summer 2013 the RTPI Cymru published a report and made recommendations in respect of the operation of planning committees in Wales (“Study into the Operation of Planning Committees in Wales”). As regards these particular changes it recommended that:

3.5.2.1 The whole Committee need not visit sites and that failure to visit sites should not prohibit those members who had not seen the site from participating in the matter at Committee;

3.5.2.2 No specific recommendation was made excluding local members on the Committee from voting on a matter in their ward but the difference in role between acting as a member of the Committee and acting as a local member was noted.

3.5.3 The Welsh Government have indicated their intention to bring forward a Welsh Planning Reform Bill in 2014 with a draft Bill to be published before the end of 2013, followed by a period of consultation. Whilst there are no details at present, it is likely that there will be provisions to establish greater standardisation in process and procedures across Wales. This could well include the standardisation of processes for the determination of applications by committee and could cover the matters which are the subject of this report and some of the matters addressed by the RTPI Cymru report.

3.6 Officers believe that the reasons advanced for making the changes as set out in the recommendation to the Board of Commissioners and full Council in December 2012 remain sound and sensible. Members may want to consider the option of making these changes permanent or prolonging the trial period for another year pending the legislative changes proposed in 2014.

3.7 Officers consider that the changes do:

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

3.7.2 Benefit members on the Committee by providing them with safeguards as to their participation in decision-making.

3.7.3 Benefit Planning Officers by providing them with certainty as to which “members’ and officers’ applications” need to be decided by the Planning Committee.

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

C – Implications and Impacts		
10	Economic	Not applicable
11	Environmental (see notes – separate document)	Not applicable
12	Crime and Disorder (see notes – separate document)	Not applicable
13	Outcome Agreements	Not applicable

CH - Summary
<p>4.1 The changes arose from: a Corporate Governance Inspection of the Planning Service; a need to put in place a robust procedure to protect members and officers who engage in deciding planning applications; and to protect the system from adverse public perception.</p> <p>4.3 The changes were made by the Minister for a 12 month trial period in 2011 and were renewed by full Council in December 2012 for a further 12 month trial period. That second trial period is now ending and the Council is asked to consider whether to make those changes permanent.</p> <p>4.4 Practical experience during the trial period has not led to evidence that the changes do not work or that they have prevented decision-making by the Planning Committee.</p>

D - Recommendation
<p>5.1 The recommendations are as follows:</p> <p>To the Executive:</p> <p>5.2 To make a recommendation to the full Council on whether the changes should be made permanent. Officers recommend making all of the changes permanent.</p>

To the Full Council:

5.3 To consider whether to make permanent the changes to the Council's Constitution and as detailed in the report to the Board of Commissioners on 20 June 2011 (the Appendix to this report) – officers recommend making all of the changes permanent, and

5.4 To delegate to the Head of Function (Legal and Administration) the power to make any 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: 21 October 2013

Appendices:

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

Background papers

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

RTPI Cymru – Study into the Operation of Planning Committees in Wales

<http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/policy-in-wales/wales-legislative-programme/study-into-the-operation-of-planning-committees-in-wales/>

AGENDA ITEM NO.

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

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

For information.....

Operational.....

Strategic.....

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

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

3. Report summary

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

4. Recommendation/s and reasons

Recommendation:

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

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

Reasons:

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

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

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

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

5. Other options and reason/s for rejection

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

6. Consultation

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

6.6 Others consulted (including members):

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

All Members, Group Leaders and other Welsh Authorities.

7. Any Policy Framework issues

None

8. Environmental issues

Does the item/matter have regard to:

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

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

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

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

[Notes](#)

9. Background papers

The Planning Decision-Making Process Improvement Plan 2010-11

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

1. Introduction

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

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

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

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

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

2. WAO / PwC CGI Report 2009

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

3. The Review

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

4. Consultation

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

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

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

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

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

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

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

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

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

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

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

6. Conclusions

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

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

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

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

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

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

7. Recommendation

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

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

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

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

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

Richard Parry Jones
Chief Executive
Statutory Head of Paid Service

Background Papers

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

The Schedule

1. Recommendation 5.1.1

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

“4.6.10 Development Proposals Submitted by Councilors and Officers

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

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

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

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

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

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

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

2. Recommendation 5.1.2.1

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

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

3. Recommendation 5.1.2.2

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

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

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

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

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

APPENDIX

4.6 Planning Matters Procedure Rules

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4.6.1 Introduction

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

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

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

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

4.6.2 Decision Making on Planning Applications

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

4.6.2.1.1 take into account all relevant planning considerations

4.6.2.1.2 ignore irrelevant or non planning considerations

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

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

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

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

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

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

4.6.3 Pre-determination Discussions by Officers with Applicants

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

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

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4.6.3.2 Any advice given will:

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

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

4.6.4 Lobbying of and by Council~~ors~~

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

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

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

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

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

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

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

4.6.4.3 Local Councillors

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

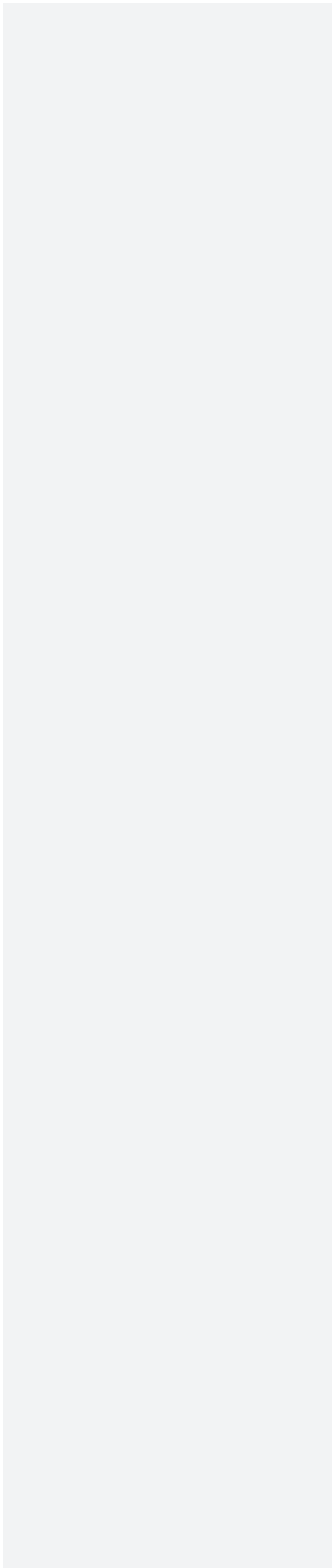
4.6.4.3.2 If the local councillor is not a member of the ~~Planning and Orders~~ Committee then he/she can legitimately be lobbied by an applicant, objector or anyone else interested in the outcome of a planning application. If such councillor is lobbied then, provided that he/she does not have an interest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

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

either

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

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

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

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

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

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

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

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

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

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

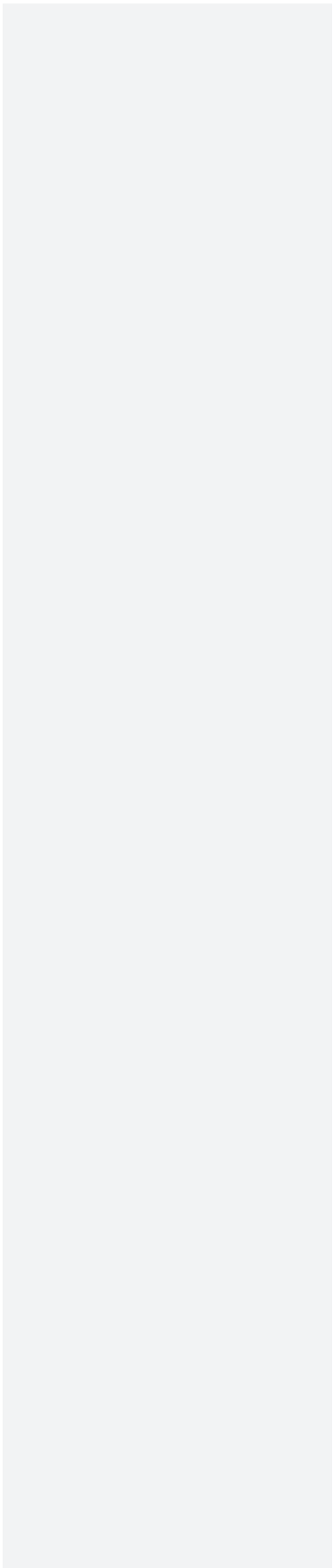
4.6.5.3 The Committee Chairperson will conduct business at the meeting in accordance with the attached Appendix.

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4.6.6 Public Meetings Relating to Development Proposals

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

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

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

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

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

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

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

4.6.8 Correspondence Received by Councilors

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

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

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

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

4.6.9 Registration and Declaration of Interests

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

4.6.10 Development Proposals Submitted by Councilors and Officers

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

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

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

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

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

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

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

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

4.6.11 Officers' Report to the Planning and Orders Committee

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

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

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

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

4.6.12 Decisions Contrary to Officer Recommendation

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

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

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

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

4.6.13 Appeals Against Council Decisions

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

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

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

4.6.14 Conduct of Officers

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

4.6.14.1.1 Shall act with competence, honesty and integrity;

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

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

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

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

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

4.6.15 Councilor / Officer relationship

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

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

4.6.16 Site Visits by the Planning and Orders Committee

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

4.6.17 Gifts and Hospitality

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

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

4.6.18 Training

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

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

Appendix

4.6.19 Protocol Regarding Site Visits by the Planning and Orders Committee

4.6.19.1 Criteria for Site Visits

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

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

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

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

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

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

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

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

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

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

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(i) to solely consider boundary or neighbour disputes.

(ii) to consider objections issued on competition grounds.

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

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

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

4.6.19.2 Requests for Site Visits

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

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

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

4.6.19.3 Procedures at the Site Visit

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

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

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

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

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

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

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

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

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

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

4.6.19.4 Regular Review of Decisions

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

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

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

4.6.20.1 Election of the Chairperson / Vice-Chairperson

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

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

4.6.20.2 Responsibility of the Chairperson

The Chairperson shall have the following responsibilities:

4.6.20.2.1 to preside over meetings so that Committee business can be carried out efficiently and with regards to the rights of 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 councillor to speak first after the officer's report. This is whether the local councillor wishes to speak for or against the item and whether or not they are on the Committee.

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

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

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

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

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

4.6.20.4.9

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

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

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

4.6.21 Public Speaking

Eligibility to Speak

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

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

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

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

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

Time allowed to Speak

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

Visual Aids

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

Procedure

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

ISLE OF ANGLESEY COUNTY COUNCIL

Record of Executive Decision taken by the Leader

1. MADE BY	Councillor Ieuan Williams
2. THE DECISION	To appoint the Portfolio Holder for Human Resources and Councillor John Griffith to serve as the Council's representatives on the Joint Council for Wales (Forum).
3. MADE ON	15 August 2013
4. REASONS FOR THE DECISION	To meet with Local Authority Employers in Wales and the relevant Trade Unions to discuss workforce issues of mutual concern and interest.
5. DECLARATION OF INTEREST	None.
6. DISPENSATION GRANTED?	Not applicable.
7. CONSULTATION, IF ANY	With the Members in question and the Chief Executive.
8. SUBJECT TO CALL IN?	Yes.
DATE OF PUBLICATION:	16 August 2013
DATE OF IMPLEMENTATION	27 August 2013

ISLE OF ANGLESEY COUNTY COUNCIL

Record of Executive Decision taken by the Leader

1. MADE BY	Councillor Ieuan Williams
2. THE DECISION	To appoint Councillor H.Eifion Jones, Portfolio Holder for Finance to serve as this Council's representative on the North Wales Valuation Tribunal – Joint Appointing Panel.
3. MADE ON	15 August 2013
4. REASONS FOR THE DECISION	To reflect new portfolio responsibilities.
5. DECLARATION OF INTEREST	None.
6. DISPENSATION GRANTED?	Not applicable.
7. CONSULTATION, IF ANY	With the Member in question.
8. SUBJECT TO CALL IN?	Yes
DATE OF PUBLICATION:	16 August 2013
DATE OF IMPLEMENTATION	27 August 2013