



**Wyre Borough Council**  
**Date of Publication: 18 October 2023**  
**Please ask for: Marianne Unwin**  
**Democratic Services Officer**  
**Tel: 01253 887326**

Dear Councillor,

You are hereby summoned to attend a meeting of Wyre Borough Council to be held at the Civic Centre, Breck Road, Poulton-le-Fylde on **Thursday, 26 October 2023** commencing at 7.00 pm.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Huddleston", written over a light grey grid background.

**Rebecca Huddleston**  
**Chief Executive**

The Mayor will invite the Mayor's Chaplain, Reverend John Squires, to say prayers.

**COUNCIL AGENDA**

1. **Apologies for absence**
2. **Confirmation of minutes** (Pages 3 - 10)  
To approve as a correct record the Minutes of the meeting of the Council held on Thursday 14 September 2023.
3. **Declarations of Interest**  
To receive any declarations of interest from any Member on any item on this agenda.
4. **Announcements**  
To receive any announcements from the Mayor, Leader of the Council, Deputy Leader of the Council, Members of the Cabinet, a Chairman of a Committee or the Chief Executive.

**5. Public questions or statements**

To receive any questions or statements from members of the public under Procedure Rule 9.1.

**6. Questions "On Notice" from councillors**

To receive any questions from Members of the Council to the Mayor, a member of the Cabinet or the Chairman of a Committee under Council Procedure Rule 12.1.

**7. Executive reports**

To receive reports from Cabinet Members. (In accordance with Procedure Rule 11.3 Councillors will be able to ask questions or make comments).

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|-----|---|-----------------|
| (a) | Leader of the Council (Councillor Vincent)  | (Pages 11 - 14) |
| (b) | Resources Portfolio Holder (Councillor McKay)                                     | (Pages 15 - 18) |
| (c) | Street Scene, Parks and Open Spaces Portfolio Holder (Councillor Bridge)          | (Pages 19 - 22) |
| (d) | Planning Policy and Economic Development Portfolio Holder (Councillor Le Marinel) | (Pages 23 - 26) |
| (e) | Neighbourhood Services and Community Safety Portfolio Holder (Councillor Berry)   | (Pages 27 - 30) |
| (f) | Leisure, Health and Community Engagement Portfolio Holder (Councillor Bowen)      | (Pages 31 - 34) |

**8. Constitution amendments**

(Pages 35 - 102)

Report of Councillor Michael Vincent, Leader of the Council and Rebecca Huddleston, Chief Executive.

**9. Periodic report - Licensing Committee**

(Pages 103 - 112)

Report of Councillor Colette Birch, Chair of the Licensing Committee.

**10. Notices of Motion**

None.

If you have any enquiries on this agenda, please contact Marianne Unwin, tel: 01253 887326, email: [Marianne.Unwin@wyre.gov.uk](mailto:Marianne.Unwin@wyre.gov.uk)



## Council Minutes

The minutes of the Council meeting of Wyre Borough Council held on Thursday, 14 September 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

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### **Council members present:**

Councillors Robinson, Catterall, Amos, Baxter, Beavers, Berry, Birch, Bolton, Bowen, Bridge, Cartridge, Collinson, Duffy, Ellison, Fail, Fielding, Higginson, Higgs, Ibison, Jackson, Le Marinel, Leigh, Livesey, Martin, McKay, Meekins, Minto, Moliner, Nicholls, Preston, Raynor, Rendell, Rimmer, Rushforth, Smith, Sorensen, C Stephenson, B Stephenson, Belshaw, Swatton, Swift, Thewlis, Vincent, A Walker, C Walker and Wells

### **Absent- apologies received:**

Councillors Lady D Atkins, Sir R Atkins, Blair and Kay

### **Officers present:**

Rebecca Huddleston, Chief Executive  
Mark Billington, Corporate Director Environment  
Marianne Hesketh, Corporate Director Communities  
Clare James, Corporate Director Resources and Section 151 Officer  
Bethan McDonough, Senior Communications Officer  
Marianne Unwin, Democratic Services and Scrutiny Manager (Temporary)  
George Ratcliffe, Assistant Democratic Services Officer  
Jane Collier, Human Resources Manager and Deputy Monitoring Officer  
Joanne Billington, Head of Governance and Business Support  
Mary Grimshaw, Legal Services Manager and Monitoring Officer  
Jake Durkin, Intranet and Internal Communications Officer

Three members of the public attended the meeting.

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### **11 Confirmation of minutes**

The minutes of the Council meeting held on 6 July 2023 were **approved**, unanimously, by those who were in attendance.

### **12 Declarations of Interest**

None.

### **13 Announcements**

The Mayor reminded councillors that tickets for the Blackpool Male Voice Choir evening song performance at Hambleton Church on Friday 6 October were still available. Tickets were £5 and could be purchased from Debra Thornton, Civic Officer, or at the venue on the night; the proceeds were to be donated to her Mayor's charities.

### **14 Public questions or statements**

None received.

### **15 Questions "On Notice" from councillors**

None received.

### **16 Executive reports**

#### **16a Leader of the Council (Councillor Vincent)**

The Leader of the Council, Councillor Michael Vincent, submitted a report.

Councillor Vincent introduced his report and gave an update on the staff listening day sessions and the Lancashire Devolution Deal. He also stated that he would be featured on the BBC's Politics North West on Sunday 17 September 2023.

Councillor Fail raised comments regarding the Bourne Hill development and the ongoing archaeological works. Councillor Vincent responded to a question from Councillor Fail about the council's views regarding the archaeological finds on the site.

Councillor Wells made additional comments about the ongoing archaeological works at the Bourne Hill site and questioned what steps were made by Cabinet to inform their decision to dispose of the land in 2022. Councillor Vincent explained that Bourne Hill was a site of archaeological interest and that this was covered by a planning condition which enforced developers to conduct an archaeological survey before building took place.

Councillor B Stephenson made comments regarding the protection of any potential finds following the archaeological works at the Bourne Hill site.

Councillor Preston advised all new councillors to attend public Planning Committee meetings in order to become familiar with the planning policy that frames decisions on planning applications.

The report was noted.

16b Resources Portfolio Holder (Councillor McKay)

The Resources Portfolio Holder, Councillor McKay, submitted a report.

Councillor McKay introduced her report.

Councillor McKay responded to questions from Councillor Fail regarding potential equal pay claims and reinforced autoclaved aerated concrete (RAAC). Councillor McKay reassured members that the council had commissioned a visual inspection of council owned assets, however due to demand there was a six week delay. Regarding equal pay claims, Councillor McKay made assurances that the council had no arising issues at this time.

Councillor Vincent confirmed that the council did not have any specific concerns regarding RAAC.

The report was noted.

16c Street Scene, Parks and Open Spaces Portfolio Holder (Councillor Bridge)

The Street Scene, Parks and Open Spaces Portfolio Holder, Councillor Bridge, submitted a report.

Councillor Bridge introduced his report. He explained that he had recently visited the eco garden at Baines High School and encouraged members, when visiting their local schools, to promote the many benefits of eco gardens to children's health and wellbeing.

In response to Councillor B Stephenson, Councillor Bridge welcomed the suggestion of a future ward walk around Warren ward.

In response to Councillor Beavers question regarding the Love Clean Streets app, Councillor Bridge explained that the council was still looking into several options to find a solution that would be compatible with the councils existing systems. He reassured Councillor Beavers that he would raise this with officers again. Councillor Beavers handed out a promotional card which explained how to report all highway issues via the Love Clean Streets app supported by Lancashire County Council.

Councillors Birch and Preston thanked staff for their hard work in maintaining the cemeteries and green open spaces in the Poulton area. Councillor Bridge echoed these thanks.

The report was noted.

16d Planning Policy and Economic Development Portfolio Holder  
(Councillor Le Marinel)

The Planning Policy and Economic Development Portfolio Holder, Councillor Le Marinel, submitted a report.

Councillor Le Marinel introduced his report.

Councillor Fail made several comments regarding the consultation for the Cleveleys Transport Study. He made the suggestion that public consultations should be reviewed by key stakeholders, including ward councillors, before going live. Councillor Le Marinel encouraged the residents of Cleveleys to submit responses to the consultation and reassured Councillor Fail that key stakeholders and ward councillors would be involved in the conversations regarding the possible re-design of the centre of Cleveleys.

Councillors Fail and Martin raised comments regarding the parking issues at Ellerbeck Road, Cleveleys.

Councillor Beavers raised concerns regarding the impact of planning developments on the future of the Poulton to Fleetwood railway line and the possible future decision to outsource Wyre's theatres. Councillor Le Marinel welcomed a possible railway line but clarified that the decision of its future was with the Government and Network Rail. He also stressed the issues regarding the high subsidies to the Wyre theatres and encouraged residents to submit responses to the public consultation.

Councillor Le Marinel responded to comments from Councillors Minto and B Stephenson.

Report was noted.

16e Neighbourhood Services and Community Safety Portfolio Holder  
(Councillor Berry)

The Neighbourhood Services and Community Safety Portfolio Holder Councillor Berry, submitted a report.

Councillor Berry introduced his report.

Councillor Martin asked Councillor Berry for an update on the discussion had at his meeting with United Utilities. Councillor Berry updated members that he was told that the works to solve the initial fault had been carried out and that a survey of the whole plant would be conducted. He added that there was a need for improved communications from United Utilities and Environment Agency. He also acknowledged that additional signage could be explored.

Councillor Berry responded to a question from Councillor Baxter

regarding future investment plans from United Utilities.

Councillor Berry responded to comments from Councillor Beavers regarding bad sewage smells in Fleetwood.

Councillor Sorensen raised a question regarding issue of flooding, specifically exploring planning policy to ensure water soakaways in front gardens of new developments and the funding of flood pumps for specific areas like Preesall. Councillor Berry agreed to meet with Councillor Sorensen to discuss these issues.

The report was noted.

16f Leisure, Health and Community Engagement Portfolio Holder  
(Councillor Bowen)

The Leisure, Health and Community Engagement Portfolio Holder, Councillor Bowen, submitted a report.

Councillor Bowen introduced her report.

Councillor Bowen responded to a question from Councillor Duffy regarding the insurance and rebuild of three beach huts in Fleetwood.

Councillor Bowen responded to a question from Councillor Baxter regarding the recent permanent closure of YMCA Kirkham Rural Splash and the impact this had on attendance at Wyre's swimming pools.

She responded to comments from Councillor Martin regarding the future of Heritage Open Days at Marine Hall.

She responded to a question asked by Councillor Collinson about the work ongoing to address the high subsidies to Marine Hall and Thornton Little Theatre and the future of the theatres both for the community and for commercial use.

Councillor B Stephenson made comments about Marine Hall.

Councillor Wells asked about the possibilities of the council reviewing the pricing structure for events at Marine Hall and Thornton Little Theatre. Councillor Bowen confirmed that pricing would be reviewed in the consultation process.

The report was noted.

16g Questions and comments from members of the Cabinet to their colleagues

Councillor Vincent made comments regarding the beach huts in Fleetwood and addressed past recruitment issues within the estate

department.

Councillor Duffy raised a point of order about Councillor Vincent's comments and who he was addressing them to.

Councillor Vincent also made comments regarding Ellerbeck Road, Cleveleys and the Cleveleys Transport Study.

Councillors Fielding and McKay left the meeting before item eight.

Councillor Swatton had left the room during item eight, he returned for item nine.

## **17 Proposal to establish a Mayoralty Working Group**

The Leader of the Council, Councillor Michael Vincent, and the Chief Executive, Rebecca Huddleston submitted a report to enable a Mayoralty Working Group to be set up to discuss civic matters.

Councillor Vincent introduced the report.

The following recommendations were **approved** unanimously:

- That the Council appoints a Mayoralty Working Group.
- That five Conservative councillors and three Labour councillors be appointed as members of the Working Group for the remainder of the 2023/24 Municipal Year.
- That, an initial meeting of the new group be held on a date to be arranged in October 2023 and that a limited number of further meetings then be arranged before the Group (i) feeds its comments in to the discussions of the Independent Remuneration Panel and (ii) reports its recommendations to the Council early in 2024.

## **18 Appointments to Committees, Groups and Lead Member roles**

The Leader of the Council, Councillor Michael Vincent, and the Chief Executive, Rebecca Huddleston submitted a report to enable changes to be made to the membership of a Committee, Group or Lead Member role for the remainder of the 2023/24 Municipal Year.

Councillor Vincent introduced the report.

The following recommendation was **approved** (42 to 0 with 2 abstentions)

- That Councillor David Higgs of the Conservative Group be appointed to the Planning Committee in place of Councillor Andrea Kay.

The following recommendations were noted:

- That Councillor Sue Catterall of the Conservative Group be nominated



as a substitute for the Councillor Development Group in place of Councillor Andrea Kay

- That the appointment of Councillor Callum Baxter of the Conservative Group as the Lead Member for Children and Young People in place of Councillor Andrea Kay

**19 Appointment of an Independent Person to the Audit and Standards Committee**

The Leader of the Council, Councillor Michael Vincent, and the Corporate Director Resources, Clare James submitted a report seeking the approval to appoint an independent person to the Audit and Standards Committee.

Councillor Vincent introduced the report.

The following recommendation was **approved** (43 to 0 with 1 abstention):

- That Mr Paul M. Taylor be appointed as a co-opted independent member onto the Audit and Standards Committee.

**20 Appointment to the Lancashire Police and Crime Panel**

The Leader of the Council, Councillor Michael Vincent, and the Chief Executive, Rebecca Huddleston submitted a report to enable a second member to be appointed to the Lancashire Police and Crime Panel for 2023/24.

Councillor Vincent introduced his report.

The following recommendation was **approved** (41 to 0 with 3 abstentions):

- That Councillor Le Marinel be appointed as Wyre's second representative on the Lancashire Police and Crime Panel.

**21 Notices of Motion**

None.

The meeting started at 7.00 pm and finished at 8.09 pm.

**Date of Publication:** 21 September 2023.

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Report of:	To:	Date
Councillor Michael Vincent, Leader of the Council	Council	26 October 2023

<b>Executive Report: Leader of the Council</b>
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## 1. Purpose of report

- 1.1 To inform Council of progress on key objectives and the current position on a number of issues, as set out below.

## 2. Lancashire Devolution Deal

- 2.1 Lancashire County Council, together with Blackburn-with-Darwen and Blackpool Councils continue to work with a small group of senior civil servants to progress a level two devolution deal for Lancashire. The level two deal is seen very much as a starting point from which to build on.

- 2.2 It means more decisions about key issues affecting our communities can be made in Lancashire rather than at Westminster, and Lancashire will be better placed to tackle key local priorities, improve employment and skills, and boost economic prosperity.

- 2.3 In the last month further work has been done to identify capital projects to deliver the deal objectives. These capital regeneration projects aim to drive growth and levelling up across Lancashire by:

- Delivering a geographical spread of benefits across Lancashire
- Delivering innovation led growth;
- Exploiting the National Cyber Force opportunity;
- Growing the low carbon technology sector; and
- Improving housing quality.

- 2.4 The deal is due to be submitted to government this month.

## 3. Blackpool, Fylde and Wyre Economic Prosperity Board

- 3.1 I attended the Blackpool, Fylde and Wyre Economic Prosperity Board in September where updates were given on the Blackpool Enterprise Zone and the Hillhouse Enterprise Zone.

- 3.2 The update on the Hillhouse Enterprise Zone, noted that the Fleetwood /Poulton rail line was still awaiting ministerial decision. However in the meantime Network rail appointed consultants are continuing to develop the proposals for a tram/train option. This includes a study and concept design for a new Northern approach road and bridge over the rail line.
- 3.3 Work continues to market the site, with refreshed signage for the site, work progressing to update the relevant Enterprise Zone websites and plans already underway to attend next years' Real Estate Investment and Infrastructure Forum.
- 3.4 There are a number of current enquiries being progressed which is promising. It was noted that due to the nature of these large-scale enquiries and split of planning responsibilities between Wyre and Lancashire County Council these can take considerable time.

#### **4. Council Plan Development and Organisation Structure Review**

- 4.1 Work is underway to refresh the Council's business plan. As usual following the elections this will be a more significant refresh of the plan's priorities, projects and measures.
- 4.2 Overview and Scrutiny will be provided with an overview of the process and asked for their feedback at a meeting on 16 October and the final plan will be presented to the Council meeting in November.
- 4.3 Work is also underway to review the council's organisation structure, specifically focusing on potential changes to the director and head of service level posts and the services they are responsible for. This is to ensure that the senior leadership team is fit for purpose, and we have the right skills and capacity to deliver the council's priorities. Further information about these proposed changes will be provided to future meetings.

#### **5. Update on the future operation of the theatres**

- 5.1 Since the Cabinet report approval in September, work has been progressing well on the approved recommendations.
- 5.2 The public consultation exercise finished on 22 October and feedback is now being analysed. The soft market testing exercise for Thornton Little Theatre is underway. It has generated lots of interest and two open days were held mid-October to show interested parties the facilities. The deadline for expressions of interest is the end of this month.
- 5.3 On 2 October, GJG consultancy were appointed to progress a service review of Marine Hall. Their work will include an in depth review of current operations and financial performance and benchmarking against other

similar sized venues. An options appraisal of operating models and governance structures and the feasibility of these models for Marine Hall will be carried out and they will then produce a comprehensive report of all the findings and recommendations for future consideration by Council. This report is due to be completed in November, therefore a report to Council is now expected to be ready in January 2024.

**6. Comments and questions.**

- 6.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.

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Report of:	To:	Date
Councillor Lesley McKay, Resources Portfolio Holder	Council	26 October 2023

**Executive Report: Resources Portfolio Holder**

**1. Purpose of report**

**1.1** To inform Council of progress on key objectives and the current position on issues within the Resources Portfolio, as set out below.

**2. Finance and ICT**

**2.1** Migration of the council’s telephone service to 8x8’s hosted service is scheduled to take place in the first week of November, subject to successful testing. The system will integrate with our existing Microsoft Teams communication platform providing enhanced connectivity and improved user experience. The overall resilience of the system will be improved as will its capacity and reliability during peak periods.

**2.2** The Council’s Medium Term Financial Plan went before Cabinet on 18 October. The plan shows our financial forecast for the current year and four years ahead with a revised projected gap of just under £4m in 2027/28. This results largely from an assumed reduction in central government funding owing to the lack of a multi-year settlement, as well as unusually high inflationary pressures. All members are encouraged to watch the recorded briefing made available to them by the S.151 Officer on the Councillor Portal.

**2.3** A technical consultation paper on the 2024/25 Local Government Finance Settlement is expected to be produced for local authorities to consider before the provisional financial settlement is announced at the end of the year. Ultimately the full details and their impact on Wyre’s finances is only expected to be known in December and as a result, the forecast will be further updated in the new year to reflect the outcome of the wider consultation process on the settlement.

**3. Governance and Business Support**

**3.1** There is still no agreement on the 2023/24 Pay Award. The NJC Unions met on 19 September to discuss the employers full and final pay offer and agreed to reconvene for further discussions after GMB’s strike ballots close on 24 October.

- 3.2** Equal Pay Claims within councils have received media interest recently. Birmingham City Council have issued a Section 114 Notice as part of the plans to meet the council's financial liabilities relating to Equal Pay claims and an in-year financial gap within its budget which currently stands in the region of £87m. In addition to this, an Employment Tribunal has recently ruled that the Fife Council Job Evaluation Scheme did not meet the requirements of the Equality Act 2010.
- 3.3** Whilst we can never rule out the possibility of a claim there is nothing to indicate that there is a risk at Wyre on the scale of that experienced by Birmingham. In this case bonuses paid to a group of staff were the particular issue and performance related pay doesn't apply at Wyre. In respect of the ruling at Fife the problem was not so much the scheme itself but the way Fife carried out their Job Evaluation exercise. At Wyre all job evaluation reviews for both existing and new roles are carried out in liaison with union representatives which should minimise the potential of a similar claim.
- 3.4** The Human Resources Team will be taking part in regional activities run by North West Employers to consider if there are any improvements in line with best practice that can be made to the council's job evaluation scheme.

#### **4. Contact Centre**

- 4.1** Applications for payments from the Household Support Fund (HSF) are now being accepted from single persons and couples with no dependent children. The qualification criteria for these groups to receive a payment are that their gross household earnings must be too high to claim social benefits, but under £25,000 (single person) and £30,000 (couple). Successful applicants will receive a payment of £150 in supermarket vouchers. We received 14 applications in the first seven days after applications were invited.
- 4.2** After a slow start, the volume of applications for a HSF payment being received from families and single parents with dependent children, but not in receipt of any social benefits other than child benefit is starting to increase as winter approaches. It is envisaged that some forthcoming publicity on social media, specifically Facebook, will help increase take-up further.

#### **5. Assets and Estates**

- 5.1** In September 2023 central government issued guidelines to local authorities and other public bodies to investigate the possible presence of reinforced autoclaved aerated concrete (RAAC) in their property estate. Based on those published guidelines an initial desktop review has been undertaken and following a short procurement exercise a firm of structural engineers has been appointed to carry out surveys on those buildings considered to be at some risk of having RAAC present. Priority properties will be reported on before the end of October with the rest completed by mid-November 2023.



- 5.2** The minimum energy efficiency standards regulations (MEES) for commercial property changed with effect from the 1 April 2023 making it unlawful to continue to let a commercial property with an F or G rating even if the lease was granted prior to the MEES Regulations coming into force in 2018.
- 5.3** In order to comply with the new regulations an Energy Performance Certificate (EPC) surveyor has been commissioned to complete fourteen further EPC surveys within the Council's commercial estate. The results of the surveys should be available before the end of October 2023 at which time we will have confirmation of the EPC rating for each property and a summary of any works required to bring the property up to the required minimum rating of E along with an estimated cost for those works.
- 5.4** Within the new Neptune fish and food processing development at Fleetwood, lettings have now been completed over the largest Unit 1 and Units 2-8 within the terrace with each lease being for a 10 year term commencing 9 August 2023.

## **6. Comments and questions**

- 6.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.

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Report of:	To:	Date
Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder	Council	26 October 2023

## Executive Report: Street Scene, Parks and Open Spaces Portfolio Holder

### 1. Purpose of report

- 1.1 To inform council of progress on key objectives and the current position on issues within the Street Scene, Parks and Open Spaces Portfolio as set out below.

### 2. Parks and Open Spaces

- 2.1 The High Sherriff of Lancashire and Mayor of Wyre recently visited Rossall Point Tower to celebrate the work of the National Coastwatch (NCI) and handed out long service awards to dedicated volunteers from Fleetwood. The volunteers have a daily presence at their base on the second floor of the Tower, watching out for the safety of ships and recreational users of the seas and our coast. They link with the Coastguard on safety incidents and with Wyre Council to raise awareness of water safety issues. The Tower is open to visitors (Thursday to Sunday) and our countryside volunteers run tours to the top of the Tower for spectacular views of the Morecambe Bay and Fleetwood`s coastline.
- 2.2 The Wyre Rivers Trust have been undertaking a programme of work on the Royles Brook Restoration Project at King Georges playing field, Thornton in partnership with Wyre Council. The project includes the creation of ponds and wetland areas to capture drainage water from the playing pitches and surrounding areas. The channel restoration will restore wildlife and habitat and support the natural flow of the watercourse.
- 2.3 Volunteers have helped in the construction of pathways connecting King Georges playing field to the adjacent Church Road playing field via the footbridge across the main watercourse, improving access for all. Future works will include the construction of a boardwalk, planting of wetland plants and trees and the installation of interpretation panels. This project has received funding from United Utilities, Lancashire Environmental Fund, and Wyre Council and has been supported in kind by Sapphire Ltd, Wyre Coast and Countryside volunteers and Wyre Rivers Trust volunteers.

- 2.4** Conservation students from Myerscough College have undertaken practical study days, supporting projects around Wyre Estuary Country Park.
- 2.5** The autumn Wyre Great Outdoor programme has commenced with a wide variety of activities including bat walks and moth survey sessions with local naturalists at Hawthorne Park, Wyre Estuary Country Park, and Rossall Point Tower and at Scorton Picnic Site with the Wyre Rivers Trust.
- 2.6** The annual Heritage Open Days were well supported with sessions at The Mount, Fleetwood Lower Lighthouse and Rossall Point Tower and heritage walks at Fleetwood Cemetery, Wyre Estuary Country Park, Garstang, Knott End and Fleetwood.
- 2.7** On 19 October I had the pleasure of attending an event to celebrate the installation of a new rope swing on Memorial Park, I would like to thank the Friends of Memorial Park who helped to secure the grant funding to purchase the equipment.
- 2.8** Work to regenerate Cottam Hall community gardens is progressing well - the ground has been stripped back and a new polytunnel installed; work is due to commence on raised growing beds to achieve an accessible community growing area. Funding has been secured from 'together we make a difference' and the UK Shared Prosperity Fund (UKSPF). The Poulton in Bloom group have been working with the Active Lifestyle team to facilitate community cohesion, engaging local volunteers in the project.
- 2.9** The Activity Development Officer has been running regular community gardening events at The Mount involving members of the public, local schools and The Bay, nature and wellbeing group. Activities have included the planting of new bulbs around The Mount to improve the gardens and attract wildlife. Monthly seasonal demonstration workshops are still running, together with the final HLF artist and scientist in residence sessions. Books showcasing highlights from their residency events, artworks and local information have been on display throughout October.

### **3. Environmental Enforcement**

- 3.1** Between the start of July and 19 September, WISE have successfully issued 835 Fixed Penalty Notices during their patrols as follows:

<b>Offence Type</b>	<b>Offence Numbers</b>
Littering	787
PSPO-Dogs Exclusion Zones	30
PSPO-Dog bags	3
Dog Fouling*	15
<b>Total:</b>	<b>835</b>

\* Issued in: Cleveleys (5), Thornton (2), Fleetwood (4), Garstang (1), Preesall (1) and Poulton-le-Fylde (2)

**3.2** A new performance measure has been introduced to capture examples of positive dog ownership and officers have recorded the following positive behaviours:

- Number of dog handlers observed removing dog fouling 312
- Number of dog handlers producing dog bags on request 527

**3.3** The table below shows the amount of time spent within each area and any resulting enforcement action.

<b>Area</b>	<b>Patrol Hours (July to September 2023)</b>	<b>Number of FPN's</b>
<b>Cleveleys</b> (Victoria & Norcross, Jubilee and Cleveleys Park)	696	429
<b>Fleetwood</b> (Park, Mount, Rossall, Pharos and Warren)	311	316
<b>Thornton</b> (Pheasants Wood, Marsh Mill, Stanah and Bourne)	30	3
<b>Poulton-le-Fylde</b> (Hardhorn with Highcross, Carleton, Breck and Tithebarn)	176	85
<b>Rural East</b> (Brock with Catterall, Garstang, Calder and Wyresdale)	4	1
<b>Rural West</b> (Hambleton & Stalmine, Great Eccleston, Preesall and Pilling)	3	1

**3.4** Wyre's in-house Environmental Enforcement Officers have issued a range of warnings and sanctions for littering, other waste offences and dog related issues. This includes the issuing of 12 FPNs as follows:

- Litter 2 FPN's (Bourne and Mount wards)
- Fly-Tipping 3 FPN's (Brock with Catterall and Pharos wards 2)
- Off Lead 2 FPN's (Mount/Brock with Catterall/Jubilee)
- Dog Exclusion Zone 3 FPN's (Mount and Bourne wards 2)
- Dog Fouling 2 FPN's (Cleveleys Park/Hardhorn)

**3.5** Community Protection Warnings/Notices and Acceptable Behaviour Contracts (ABC's associated with Dog PSPOs) have been issued in the areas highlighted below, as well as verbal warnings issued in Mount and Pharos wards:

- 4 ABC in Fleetwood/Cleveleys/Preesall/Pilling
- 1 CPW in Fleetwood
- 1 CPN in Fleetwood

**3.6** In addition, a local Waste Carrier is under investigation in relation to multiple fly-tipping offences and a resident of Breck Ward is being prosecuted under the Single Justice Process for a fly-tipping offence.

#### **4. Public Conveniences**

**4.1** Planning permission has been received to commence works on the Changing Places facility at Wyre Estuary Country Park. This will be a new, modular unit, assembled off site and dropped in place, adjacent to the existing public conveniences on site.

**4.2** The facility has been made possible through grant funding from the Department for Levelling Up, Housing and Communities in partnership with Muscular Dystrophy UK, with capital funding in support of the provision from Wyre Council. Danfo will be supplying the new facility, with cleansing and maintenance provided as part of the existing contract. This new Changing Places facility will enable dignity, independence and safety for residents and visitors with disabilities of a complex nature, and their carers.

#### **5. Comments and questions**

**5.1** In accordance with procedure rule 11.3 any member of council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with procedure rule 11.5.



Report of:	To:	Date
Councillor Peter Le Marinel Planning Policy and Economic Development Portfolio Holder	Council	26 October 2023

**Executive Report: Planning Policy and Economic Development Portfolio Holder**

**1. Purpose of report**

**1.1** To inform Council of progress on key objectives and the current position on issues within the Planning Policy and Economic Development Portfolio, as set out below.

**2. UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF)**

**2.1** With just under half of the 37 planned projects commencing, the UKSPF/REPF programme is making steady progress. Work is now underway to secure further pipeline project starts. The REPF community infrastructure grant programme panel was held in early October and have recommended projects for award, which will add much needed support to rural community hubs, and will be announced on receipt of signed grant agreements. The first [UKSPF newsletter](#) was published in September highlighting a selection of the current projects, with a sign-up option to receive more information. Future editions will feature individual projects, opportunities and progress, further raising awareness of how the fund is being used.

**2.2** There are lots of consultations underway including Cottam Hall Playing Fields and the Garstang Town Centre consultation due to commence this autumn. Please encourage residents to get involved – the link is [www.wyre.gov.uk/have-your-say](http://www.wyre.gov.uk/have-your-say). These will inform the progression of future UKSPF project and preparedness for future funding opportunities.

**2.3** In October, Wyre launched the first of its low carbon business events to raise awareness and to promote the fully funded support offered to all Wyre businesses. The offer focuses on environmental and energy efficiency good practice, developing carbon reduction plans, and guidance on low carbon technology adoption. The support will be delivered via a suite of events, masterclasses and 1-2-1 bespoke support, the first session being led by the Director of Sustainability at [East Lancashire Chamber of Commerce](#)

### **3. Fylde Coast Sub-Region Strategic Flood Risk Assessment (SFRA) Level 1**

**3.1** Wyre, Blackpool and Fylde Councils have commissioned JBA Consulting to prepare a joint Fylde Coast Strategic Flood Risk Assessment (SFRA) (Level 1). The SFRA will provide a strategic appraisal of the extent and nature of flood risk from all sources, now and into the future, taking into account the effects of climate change. This will form part of the evidence base for each local authority's local plan and will also support planning decisions.

### **4. Town Centre Regeneration Frameworks**

**4.1** Development of the Poulton Town Centre Regeneration Framework (PTCRF) is progressing well. The report will be the culmination of a process that has involved public and stakeholder engagement this summer, a baseline context review and the subsequent development and refinement of a vision, objectives and key strategic project interventions. Pursuit of public and stakeholder responses to the draft report and the projects contained within will be undertaken before adoption of the PTCRF is sought from Cabinet.

**4.2** Proposals for improvements to the centre of Cleveleys, commissioned by the Council in partnership with the Cleveleys Together Partnership Board, were presented for public comment and feedback in September. The projects recommended for implementation using UKSPF monies will be the subject of a Portfolio Holder report due to be published this autumn.

**4.3** Work on regeneration proposals for Fleetwood seafront is progressing well and thanks goes to the public and stakeholders who have taken part in the consultation on potential improvements to the Leisure Centre and neighbouring outdoor space, as well as options for changing the offer and operating model at Marine Hall.

### **5. Wyred Up Event**

**5.1** The recent campaign theme focussed on business growth with an event held on 27 September at the Civic Centre. Speakers covered topics such as finance options, the funded support programmes and team of business advisors at Boost Lancashire and the membership support available from The Federation of Small Businesses. There were fewer attendees able to make the event than were registered owing to weather warnings and travel advice on the day. However the speakers were filmed and the footage made available to all 782 Wyred Up members.

**5.2** Tickets are now on sale for the eighth Wyre Business Awards which will be held on 7 November at Marine Hall, Fleetwood. The number of entrants was significantly higher than 2022 with 74 different businesses applying and 148 category entries.



## **6. Comments and questions**

- 6.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.

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Report of:	To:	Date
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder	Council	26 October 2023

**Executive Report: Neighbourhood Services and Community Safety Portfolio Holder**

**1. Purpose of report**

- 1.1** To inform council of progress on key objectives and the current position on issues within the Neighbourhood Services and Community Safety Portfolio as set out below.

**2. Community Safety**

- 2.1** The Police have recently launched a new operation, Clear, Hold, Build in an area of Fleetwood. This has the objective of:
- Clear – Removing and impeding organised crime groups from operating in the area.
  - Hold – Preventing would be perpetrators from capitalising on the vacuum whilst improving community confidence with better security and reassurance.
  - Build – Improving the living, working and recreational environment for residents with the assistance of partner agencies and making the community more assertive and confident and adoptive to a zero tolerance approach to crime and ASB.
- 2.2** At the launch event which was very well attended by local organisations I confirmed the support of the council and the Wyre Community Safety Partnership.
- 2.3** In many respects organised crime in Wyre centres around the import and sale of illegal drugs and through analysis of crime data, the police have identified an area within Wyre where organised crime activity has had a disproportionate impact on the local area.
- 2.4** In response the police have issued 36 warrants since June 2022 in Wyre and 13 of those have been in the ‘Clear, Hold, Build’ area. Targeted stop searches have increased from 461 to 727 in the last six months compared to the previous six month period.
- 2.5** There have been 51 arrests of Organised Crime Group members across Wyre and three criminal behaviour orders have been successfully issued as well as two closure orders on properties used by organised

crime groups. This enforcement activity has recovered in excess of £1 million pounds worth of drugs and £300,000 from the proceeds of crime has also been seized at the same time.

- 2.6 For several years the Wyre Community Safety Partnership have been working with partners offering diversionary activity to children in danger of being involved in organised crime. Other local organisations such as Fleetwood Town Community Trust are heavily involved in the champion's programme where they receive bespoke support and Lancashire Fire and Rescue run the Prince's Trust programme for older young persons.
- 2.7 Where youngsters have been identified as participating in anti-social behaviour, multi-agency meetings are held to review what they have been doing and what has been tried before, in order to choose the most appropriate intervention based on all the evidence available. This could be diversionary activity or an escalation of enforcement action (Civil or Criminal) or a mixture of all three. The aim is always to give children the opportunity to take a step back, and reassess what they are doing and direct them into more positive activity.
- 2.8 What the Clear, Hold, Build project aims to do is improve on the work already undertaken and build the community resilience as far as possible, in order to make the area a less attractive one for organised crime to work in, and prevent criminal exploitation of our young people.

### **3 Police and Crime Panel for Lancashire**

- 3.1 Cllr Le Marinel and myself attended a recent Panel Meeting which was addressed by the Chief Constable Chris Rowley. The Chief Constable stressed the importance of Operations such as the Clear, Hold, Build referred to above and also targeting ASB Hot Spots with visible patrols of police officers and PCSOs in designated areas in the evenings and at weekends. This is backed up by a team of officers to deal with specific ASB issues in those areas. Again this Operation is already underway in parts of Fleetwood.
- 3.2 The Chief Constable also referred to a road safety operation on the M6 targeting speeding, mobile phone and seat belt use, drink and drug driving and vehicle safety checks.
- 3.3 In one week 204 fixed penalty notices were handed out and £16,000 in fines issued. He suggested that more residents should join Lancashire Talking promoting In the Know to find out what was happening in their area and contribute with information. Operation Snap allows road users to submit evidence from their cameras and dash cams of moving traffic offences and 58% of these submissions have been actionable by the Police.

### **4. Wyre Beach Management Scheme**

- 4.1 The Phase 1 - Beach revetment work is now complete and the crest wall installation commenced during September with completion due prior to Christmas. Approximately 30 units have been cast to date. No new 'sink

holes' have found in the period since the last board meeting. Balfour Beatty will continue monitoring inspection to identify any further issues.

- 4.2** A Public Liaison Officer has been appointed and will be available every Thursday morning in The Venue, Cleveleys to discuss any concerns residents or visitors may have.

- 4.3** Phase 2 - work to install the rock armour groynes and concrete crossover ramps has commenced and is progressing well.

## **5. Comments and questions**

- 5.1** In accordance with procedure rule 11.3 any member of council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with procedure rule 11.5.

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Report of:	To:	Date
Councillor Lynne Bowen, Leisure, Health and Community Engagement Portfolio Holder	Council	26 October 2023

**Executive Report: Leisure, Health and Community Engagement Portfolio Holder**

**1. Purpose of report**

- 1.1 To inform Council of progress on key objectives and the current position on issues within the Leisure, Health and Community Engagement Portfolio, as set out below.

**2. Environmental Health**

2.1 The Food Standard Agency (FSA) have reported that Environmental Health teams across the country are seeing the cost of living crisis resulting in food businesses and consumers cutting corners over food safety. The FSA Compliance Director, reported that data showed about 25% of people have reduced cooking times or temperatures and 20% have turned down fridges and freezers to save money. They highlighted that Environmental Health Departments had done a great job in delivering their Local Authority recovery plan. The profession’s ongoing recruitment shortages within Local Authorities was highlighted. The Agency intends to publish research around the challenges faced in order to find solutions. Finally, there will be a new model for delivering food standard’s control. The aim is to balance more frequent checks on non-compliant businesses with reduced checks on businesses demonstrating good level of compliance.

2.2 Thanks go to our Wyre team for the part they have played in delivering the recovery plan in our area and their work to return to normal expectations in the Food Law Code of Practice.

**3. Tourism and Events**

3.1 We were pleased to be able to offer free family activities once again during half-term. Nightmare before Christmas themed theatre took place on Saturday 21 October at Poulton Community Hall and Sunday 22 October at Pilling Village Hall. There’s lots of other Halloween fun taking place across Wyre and we will be promoting what’s on across our Discover Wyre social media and website.

- 3.2** The Festive Get Together is returning for our more senior residents. After last year's successful event we are putting on a day of cheer at Poulton Community Hall on Friday 8 December. Residents can come and socialise, enjoy some entertainment, meet and chat to people from various council services as well as local clubs and societies.

#### **4. Health and Wellbeing**

- 4.1** Lord Victor Adebowale, current Chair of the NHS Confederation, visited Fleetwood on 19 and 20 September to see first-hand the good work going on to improve health and wellbeing across the town. Highlights of his trip included visits to the new community café 'Strive' at Flakefleet Primary School, Fleetwood Beach Wheelchairs, Men's Shed and The Hub at the old Fleetwood Hospital site. Representatives from the NHS, the council and Regenda Homes accompanied Lord Adebowale on his visits and highlighted the positive partnership working between the statutory and voluntary, community and faith sectors as being instrumental in supporting this work. Lord Adebowale was impressed with what he saw and undertook to highlight the community led work of Healthier Fleetwood to senior NHS and ministerial colleagues.
- 4.2** To support the delivery of the new Lancashire Place Based Partnerships, a new Fylde and Wyre Health and Wellbeing Partnership has been formed with the purpose of working collaboratively to improve the health and wellbeing outcomes of our residents. The partnership consists of key stakeholders from a variety of organisations – voluntary, community, faith, social enterprise, NHS, councils, public health, hospice and education. A series of workshops are being arranged to determine key priority areas that the partnership can collectively focus on.

#### **5. Active Lives and Community Engagement**

- 5.1** **Holiday Activity & Food Programme (HAF):** Summer 2023 has proven to be our most successful season of camps to date, with attendances way above those of previous years. The quality and consistency of the camps has once again shone through with provision reaching more children than ever in both primary and secondary schools across the borough. In total we ran 19 HAF camps during the summer holidays (24 July – 1 September). We used 11 local providers across 21 local venues including schools, community centres, churches, sports centres and parks. Camps ran across the borough with events in Fleetwood, Thornton, Over Wyre, Garstang, Carleton, Poulton and Hambleton. All eligible children had access to 16 days free holiday provision. During the holidays a total of 6,082 places were filled with 5,402 of these places being filled with children from primary schools. Our camps also supported children with special educational needs and disabilities with 523 places being filled by children from this group. In total 1,168 different children in the borough accessed HAF provision during the summer. This is more than double the number of last summer's provision. HAF will return after Christmas with provision likely to be running from 2 January 2024. Bookings for the Christmas sessions will open in early December.



- 5.2** We have had a busy summer providing a range of arts projects including the Market Heritage Arts Project – a successful eight weeks of sessions which created artwork that celebrates the heritage and social importance of Fleetwood Market. A resultant exhibition of selected works by the participants ran in the gallery space at the market during September. Nine other artists delivered over 60 creative sessions at HAF summer camps creating much joy and delight for the children. Just Reminiscing sessions were held as part of the Alexandra Care Home (Poulton) Summer Fayre which saw over 50 visitors engage with us and receive information about Wyre’s health and wellbeing offer. Children’s arts and crafts session were also held at the outdoor classroom at Wyre Estuary Country Park. During these sessions the children were inspired to make beautiful nature-inspired dreamcatchers.
- 5.3** UK Shared Prosperity Funding Cottam Hall Community Garden is making good progress with the ground being cleared and laid with weed suppressant material. A poly-tunnel has been installed and consultation with the wider community is being carried out. Once the site is finished, we will be working with Poulton-in-Bloom volunteers to develop a growing area to support the displays in and around Poulton as well as working with local social prescribing teams to create community garden clubs.
- 5.4** We have had a great response to the Active Wyre Awards with over 70 nominations for physical activity groups, sport groups and individuals who have contributed to supporting others to become more active across Wyre. There are 10 award categories and we have winners in every category. Choosing those winners has been extremely difficult, with the standard of applicants being very high. A celebratory afternoon tea event was held on 17 October with the Deputy Mayor in attendance. All of the Wyre winners will be going on to represent Wyre at the Active Lancashire awards celebration in November.

## **6. Marine Hall and Thornton Little Theatre**

- 6.1** The Fylde Coast Food and Drink Festival, held at Marine Hall on Sunday 10 September was a great success and plans are now well underway for the Fleetwood Christmas Festival Weekend taking place on Saturday 25 and Sunday 26 November. It is sure to be a weekend to remember with exciting events, live performances, gift stalls, amazing activities and of course festive food and drink.
- 6.2** The Fleetwood Fireworks Extravaganza returns to Marine Gardens on Sunday 5 November for the first time since 2019. This fabulous display is free to attend with donations welcomed on the night. This will be followed by the annual Wyre Business Awards 2023 on Tuesday 7 November.

## **7. Comments and questions**

- 7.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.





Report of:	Meeting	Date
Councillor Michael Vincent, Leader of the Council and Rebecca Huddleston, Chief Executive	Council	26 October 2023

<b>Constitution Amendments</b>
--------------------------------

**1. Purpose of report**

1.1 To enable changes to be made to the Council's Constitution.

**2. Corporate priorities**

2.1 To have an up-to-date Constitution and effective governance arrangements.

**3. Recommendations**

3.1 That the proposed amendment to the Council Procedure Rules be approved.

3.2 That the proposed amendments to the Overview and Scrutiny Article and Procedure Rules be approved.

3.2 That the proposed amendments to the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process be approved.

**4. Background**

4.1 The Local Government Act 2000 requires all local councils to have a written Constitution. Most still very closely follow a national model drawn up when the 2000 Act was implemented. The Council's Constitution outlines Wyre's organisational structure and decision-making process. It also contains the procedures that make sure Wyre Council is efficient, transparent and accountable to local people. Reports are submitted by the Chief Executive on a regular basis to enable the Council to approve changes to the Constitution to take account of new legislation, changes to functions, structures, roles, responsibilities or procedures.

## **5. Key issues and proposals**

- 5.1** At the Annual Council meeting held on 18 May 2023 committees were established and members were appointed to them. The Employment and Appeals Committee was established with a membership of four; consequently, the council must agree on the quorum for this committee (the minimum number of members that must be present), as the quorum calculation of one-quarter of the total number of members is ineffective with such a small committee. To ensure that business can be conducted properly, a quorum of three members is recommended for this committee.
- 5.2** The proposed revised version of the Council Procedure Rules is attached at Appendix 1.
- 5.3** The Overview and Scrutiny Committee agreed the appointment of the Climate Change Sub-Committee in June 2023 and its terms of reference in July 2023. When considering the terms of reference for the sub-committee, it was noted that the Council's Constitution needed updating to reflect this appointment and potential future appointments of sub-committees. The last update to the constitution relating to scrutiny occurred in 2019 and so it was an opportune time to review this section and recommend updates. At their meeting held on 4 September 2023, the Overview and Scrutiny Committee approved the suggested amendments and agreed for this to be recommended to full Council for approval.
- 5.4** The proposed revised version of the Overview and Scrutiny Article and Procedure Rules are attached at Appendix 2.
- 5.5** The recent outcome of the case R (on the application of The Spitalfields Historic Building Trust) v London Borough of Tower Hamlets [2023] EWCA Civ 917 was brought to the attention of the Head of Planning and Regeneration and the Chair of the Planning Committee. It confirmed that the reasoning for restricting the ability of councillors to vote was not irrational and was perfectly reasonable in *Wednesbury* terms (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223) where the determination of a matter was deferred to a later meeting. Following discussions between the Head of Planning and Regeneration, the Chair of the Planning Committee and the Leader of Council, it was agreed that amendments to the Local Code of Good Practice for Councillors and Officers Involvement in the Planning Process should be recommended to Council for approval. These revisions align with best practice and will offer more clarity about councillors' requirement to be present for the whole planning application debate and voting on deferred applications.
- 5.6** The proposed revised version of the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process is attached at Appendix 3.

## 6. Alternative options considered and rejected

- 6.1** An alternative option of a quorum of two members was considered for the Employment and Appeals Committee. However this was rejected as it was seen as being too small to reflect fair representation of the Committee.
- 6.2** An alternative option was to delay a review of the scrutiny elements of the Constitution until a more detailed review of the whole document was commissioned. However, it was noted that several references to relevant legislation were out of date or incorrect; it was therefore necessary to complete this update promptly.
- 6.3** An alternative option discussed was to continue without the amendments relating to voting restrictions and await a refresh of the Model Members Planning Code, but this was rejected because it was believed that the amendments resolved ambiguity in the Constitution regarding this matter.

<b>Financial, Legal and Climate Change implications</b>	
Finance	There are no direct financial impact arising from this report.
Legal	The council is required to have an up to date Constitution, including Rules of Procedure and Scheme of Delegation to ensure that all decisions are taken lawfully.
Climate Change	There are no direct Climate Change impact arising from this report.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
ICT	x
data protection	x

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and

processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Marianne Unwin	01253 887326	Marianne.Unwin@wyre.gov.uk	28.09.2023

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

**List of appendices**

- Appendix 1 – Council Procedure Rules
- Appendix 2 – Overview and Scrutiny Article and Procedure Rules
- Appendix 3 – Local Code of Good Practice for Councillors and Officers Involved in the Planning Process

# Council Procedure Rules

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### **Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Time and place of meetings
5. Notice of and summons to meetings
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7. Quorum
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9. Questions and statements by members of the public
10. Presentation of Petitions
11. Executive Member reports
12. Written Questions “on notice” by Councillors
13. Reports from Chairmen of the Overview and Scrutiny, Audit and Standards, Licensing, Planning Committees
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**Rule**

- 22. Members' conduct
- 23. Disturbance by public
- 24. Suspension and amendment of Council Procedure Rules
- 25. Application to Committees, and Sub-Committees
- 26. Substitution of members of Committees

**Note: All of these Council procedure rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-7, 15, 16, 18, 19.1, 21, 22.3, 22.4, 22.5 and 23 apply to meetings of Committees and Sub-Committees and have been marked with an \***



## 1. **Annual Meeting of the Council**

### 1.1 **Timing and Business**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The Annual Meeting will:

- (i) elect a Councillor to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) in an election year, elect the Leader;
- (vii) note the decision of the Leader as to the number of members of the Executive; who he or she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers (see also Part 4.04/1 – paragraph 1.2).
- (viii) appoint at least one Overview and Scrutiny Committee, and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- (ix) consider any proposed changes to the Council's scheme of delegation
- (x) consider any business set out in the notice convening the meeting.

### 1.2 **Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee and outside body; and

- (v) at the Annual Council Meeting following each Wyre Council election appoint to those outside bodies, except where appointment to those bodies has been delegated by the Council or are Executive appointments.

## 2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme published by the Chief Executive following discussion with Group Leaders (the Chief Executive will take into consideration comments from Group Leaders but the Chief Executive has the ultimate responsibility for determining the programme of Ordinary meetings) which will:

- (i) elect a Councillor to preside if neither the Mayor or the Deputy Mayor are present;
- (ii) Confirm the Minutes of the last meeting. Only Members who were present at the last meeting are eligible to vote. Any debate on the Minutes must be limited to matters of fact not interpretation;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader, Members of the Cabinet, a Chairman of a Committee or the Chief Executive;
- (v) receive questions and/or statements from, and provide answers to, members of the public;
- (vi) receive a petition (if the requirements of the Petitions Scheme in Part 5.08 of the Constitution have been met);
- (vii) deal with any business adjourned from the last Council meeting;
- (viii) receive written questions “on-notice” from Councillors and hear responses from the Portfolio Holders to whom they are addressed;
- (ix) consider items for decision by the Council, including any recommendations from the Cabinet or Portfolio Holders that involve changes to the budget, or Policy Framework or officer reports on procedural issues, or relating to Council functions listed in Part 3 of the Constitution;
- (x) receive Executive Reports from the Leader and each Portfolio Holder and deal with questions and answers on any of those reports;
- (xi) receive periodic reports from Chairmen of Committees and deal with questions and answers on those reports. The periodic reports must contain the attendance record of each member of the committee for that period;
- (xii) consider any Notices of Motion;
- (xiii) consider any other business specified in the summons to the meeting.

### **3. Extraordinary Meetings**

#### **3.1 Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

Only the business specified in the summons may be transacted at an extraordinary meeting.

### **\*4. Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

### **\*5. Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons, signed by him or her, to every Member of the Council to their council e-mail address, by post and or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **5.1. Apologies for absence**

Any member unable to attend a meeting must send their apologies and the reason for their absence by e-mail to [democratic.services@wyre.gov.uk](mailto:democratic.services@wyre.gov.uk) as soon as practicably possible and not less than 24 hours before the start time of the meeting as stated on the summons or notice. Where there are exceptional circumstances preventing compliance with this rule, members must contact Democratic Services and / or the relevant Chair of the meeting as soon as practicably possible to give their apologies and the reason for them. It is also considered good practice to advise the Leader of their group accordingly.

When a member complies with the requirements of this rule, they shall be recorded in the minutes as having tendered their apologies. Whether exceptional circumstances apply shall be at the absolute discretion of the Chair of the meeting who is to take the reasonable advice of the relevant officer in attendance.

When a member fails to comply with this rule or it is considered that a member did not have exceptional circumstances for not doing so, they shall be recorded as having failed to attend or tender their apologies for absence.

**\*6. Chairing a Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of a Committees or a Sub-Committee.

**\*7. Quorum**

The quorum of a meeting will be one quarter of the whole number of Members (13 for full Council meetings). The Quorum for the Employment and Appeals Committee meeting shall be 3.

During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**8. Duration of Meeting**

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor or person presiding. If he/she does not fix a date (at the conclusion of the adjourned meeting or subsequently), the remaining business will be considered at the next ordinary meeting.

**9. Questions and Statements by Members of the Public**

**9.1 General**

Members of the public who live in the Borough may ask questions of Members of the Cabinet or make representations in the form of a statement or present a petition about any issue affecting the Borough at ordinary meetings of the Council. The period of time allocated for such questions and statements shall not normally exceed 30 minutes. No person may speak for longer than 5 minutes.

**9.2 Order of Questions, Statements and Petitions**

Questions will be asked, statements will be made and petitions presented in the order notice of them was received, except that the Mayor or person presiding may group together similar questions or statements, on issues which relate to the same topic.

**9.3 Notice of Questions and Statements**

A question may only be asked, or a statement be made, if notice has been given by delivering the question or statement in writing or by electronic mail

to the Chief Executive no later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.) Each question must give the name and address of the questioner and name the Member of the Cabinet to whom it is put.

#### **9.4** Supplementary Questions

Any questioner who has asked a question in person may ask one supplementary question, without notice, to the Cabinet Member who answered the original question. The supplementary question must arise directly from the original question or the reply given. The Mayor may reject a supplementary question if it does not arise directly from the original question or the reply given.

Unless the Mayor agrees otherwise, a member of the public making a statement will not be permitted to comment further following a response from the Leader or a Portfolio Holder.

#### **9.5** Scope of Questions and Representations

The Chief Executive may reject a question or refuse to allow a statement if it:

- is not about a matter for which the local authority has a responsibility or which does not affect the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

#### **9.6** Circulation of Questions

Copies of all valid questions will be published on the Council agenda.

#### **9.7** Asking the Question at the Meeting

If a questioner is not present at the Council meeting the Mayor will request that a written response from the relevant Portfolio holder be sent to the questioner and the contents of the response will be recorded in the minutes.

If a questioner is present, the Mayor will either invite them to read their question or, if it has been published and copies have been circulated to all those present, she/he may ask Council to agree that it be taken as read and ask the relevant Portfolio Holder to respond.

**9.8** Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or any other reason, will be dealt with by a written answer.

**9.9** Reference of a Question or a Statement to the Cabinet or a Committee

No discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be referred either to the Cabinet or to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

**9.10** Responses to Questions and Statements

A summary of the response made to each question asked or statement made by a member of the public will be included in the Minutes and a copy will be sent to the questioner.

**10.** Presentation of Petitions

**10.1** If the criteria set out in the Petitions Scheme in Part 5.08 of the Constitution have been met, the organiser of a petition (or their representative) will be invited by the Mayor to present their petition to the Leader of the Council. The petition organiser (or their representative) will then be able to ask a question to the Leader of the Council or the relevant Portfolio Holder about the topic of the petition. They will have up to 5 minutes to do so.

**10.2** The Mayor will invite the Leader of the Council, or the relevant Portfolio Holder to respond. They will have up to 5 minutes to do so.

**10.3** There will be no opportunity for a supplementary question or a general discussion or debate on the topic of the petition.

**11.** Executive Member Reports**11.1** Content of Reports

At each ordinary meeting of the Council, the Leader and each Portfolio Holder will present a report to the Council. These reports will cover recent activities, current and forthcoming issues within their respective remits, achievements and progress on key objectives.

**11.2** Presentation of Reports

The Leader and each Portfolio Holder will each have a maximum of three minutes to present their report to Council.

**11.3** Questions and Comments on Executive Reports

Any Non-Executive Member of Council may ask a question or make a comment to the Leader or the relevant Portfolio Holder on the contents of

their report or on any issue which falls within their area of responsibility. A maximum of ten minutes will be allocated for questions or comments to and responses by each Member of the Executive (Cabinet). At the end of these proceedings a further ten minutes in total will be allowed for the Executive Members to ask a question or make a comment on their respective fellow Executive Members reports/areas of responsibility.

#### **11.4 Time Limit for Questions and Comments**

There shall be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

#### **11.5 Responses to Questions and Comments**

After each question or comment, the Leader or Portfolio Holder will respond. He or she will have a maximum of three minutes to do so.

Responses may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

The Mayor will decide whether or not a question, or part of a question, is “political”.

In the absence of a Portfolio Holder the Leader will respond or nominate another Portfolio Holder to respond.

## **12. Written Questions “On-Notice” By Councillors**

### **12.1 Questions on Notice at Council**

Subject to Rule 12.2 a Member of the Council may ask:

- the Mayor;
- a Member of the Cabinet;
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties, or which affects the area.

## 12.2 Notice of Questions

A Member may only ask a question under Rule 12.1 if either:

- (a) they have delivered the question in writing or by e-mail to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)
- (b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the Chief Executive by 10.30 a.m. on the day of the meeting. Urgent matters will be those that could not have been anticipated by the deadline for questions set out in 12.2 (a) above and/or they cannot await the next meeting of the Council.

## 12.3 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).  
The Mayor will decide whether or not a question or part of a question, is "political"

## 12.4 Supplementary Question

A Member asking a question under Rule 12.1 may ask one supplementary question without notice of the Cabinet Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## 13. Reports from Chairmen of the Overview & Scrutiny, Audit and Standards, Licensing, Planning Committees

### 13.1 Frequency of Reports



The Chairman of the Overview and Scrutiny, Audit and Standards, Licensing and Planning Committees as well as the Chairman of the Planning Policy Group will each submit a report to an Ordinary Council meeting at least once in a municipal year. The sequence of reporting will be agreed by the Chief Executive.

**13.2** Content of Reports

The reports will cover topical issues, achievements since the previous report, any significant issues expected to be dealt with prior to the next report or, the Committee's work generally and must comply with rule 2(xi).

**13.3** Presentation of Reports

The Chairman of the reporting Committee will have a maximum of three minutes to present his or her report.

**13.4** Questions and Comments

Any Member of Council may ask a question or make a comment to the Chairman of the reporting Committee on the contents of his or her report or on any issue which falls within their area of responsibility. A maximum of 10 minutes will be allocated for questions to and responses by the Chairman of the Committee submitting a report.

**13.5** Time Limit for Questions and Comments

There will be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

**13.6** Responses to Questions and Comments

After each question or comment the Chairman will respond. He or she will have three minutes to do so.

Responses may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

In the absence of the Chairman, the Deputy Chairman will respond.

**14. Motions On Notice****14.1 Notice**

Except for motions which can be moved without notice under Rule 15 written notice of every motion, signed by at least 4 Members, must be delivered to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)

**14.2 Motions Set Out on the Agenda**

Motions for which notice has been given will be listed on the Agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

**14.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

The Proper Officer may reject a motion if it:

- (i) is not about a matter for which the Borough Council has a responsibility or is not about a matter of regional or national policy which affects the Borough disproportionately;
  - (ii) is defamatory, frivolous or offensive and in the case of the latter, which names, or clearly identifies a member of staff or other individual;
  - (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
  - (iv) requires the disclosure of confidential or exempt information;
- or
- (v) is either unlawful or incapable of having practical effect.

Such Motions submitted will be dealt with by the Proper Officer and the proposer of the Motion will be given advice accordingly in line with this criteria.

**\*15. Motions without Notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the factual accuracy of the Minutes;

- (c) to change the order of business in the Agenda;
- (d) to refer an issue to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or the adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put (provided that a minimum period of 20 minutes has elapsed or at least two Members have spoken in favour of the motion and at least two Members spoken against the motion);
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) suspend time limit on speeches.

**\*16. Rules of Debate**

**\* 16.1 No Speeches Until Motion is Moved and Seconded**

If a motion set out in the agenda is not moved and seconded, either by a councillor who gave the notice or by some other councillor, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be considered again without fresh notice.

**\* 16.2 Right to Require Motion in Writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.



\* **16.3** Seconders's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

\* **16.4** Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Mayor.

\* **16.5** When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

\* **16.6** Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words and/or insert or add others
 as long as the effect of (ii) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

\* **16.7** Alteration of Motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

\* **16.8** Withdrawal of Motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

\* **16.9** Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

\* **16.10** Motions Which May be Moved During Debate

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4 hours in duration;

- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

\* **16.11** Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

\* **16.12** Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

\* **16.13** Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.



## 17. Previous Decisions And Motions

### 17.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 Members.

### 17.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## \*18. Voting

### \* 18.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### \* 18.2 Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### \* 18.3 Show of Hands

Unless a recorded vote is demanded under Rule 18.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### \* 18.4 Recorded Vote

If four Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

### \* 18.5 Recorded votes at budget meetings

For all decisions at budget meetings of the Council relating to the setting of the Council's budget and the Council Tax, including any proposed amendments, the names of councillors voting for and against a motion or abstaining from voting will be taken down in writing and recorded in the minutes.

(Budget meetings are defined in paragraph 11 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as "a meeting of the Council at which it makes a calculation (whether originally or by way

*of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992”).*

\* **18.6** Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

\* **18.7** Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

**\*19.** Minutes

\* **19.1** Confirming the Previous Minutes

The Mayor will move that the Minutes of the previous meeting be confirmed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

**19.2** Form of Minutes

Minutes will be written in a concise style referring only to the documents considered and the decisions taken. A footnote will be included in each set of minutes providing a link to the audio reading of the meeting on the Council's website. Only Members who have attended the meeting can approve or second the accuracy of minutes.

**20.** Record of Attendance

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**\*21.** Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

**22.** Members' Conduct

**22.1** Standing to Speak

Unless the Mayor indicates otherwise, when a Member speaks at the Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is

speaking unless they wish to make a point of order or a point of personal explanation.

**22.2** Mayor Standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

\* **22.3** Member Not to be Heard Further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

\* **22.4** Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

\* **22.5** General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

**\*23.** Disturbance By Public

\* **23.1** Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

\* **23.2** Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

**24.** Suspension and Amendment of Council Procedure Rules

**24.1** Suspension

All of these Council Rules of Procedure except Rule 18.6 (Right to Require Individual Vote to be Recorded) and 19.1 (Confirming the Previous Minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

**24.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion, to allow time to properly consider its effect, to the next ordinary meeting of the Council.

**\*26. Substitution of Members**

In exceptional circumstances, where a member is likely to be absent from their duties as a councillor for a period of two months or more a substitute can be nominated. The Chief Executive must have confirmed to Democratic Services no less than 24 hours in advance that exceptional circumstances apply. The members of a Committee or Sub-Committee may propose a motion that the member who is absent be replaced at that meeting and that meeting only by a substitute member provided always that said member is a member of the same political group of the Council as recognised by this constitution and has undergone the necessary training. The replacement member's right to sit on the Committee or Sub-Committee shall terminate at the end of that meeting.

Nothing in this rule prevents the same replacement member sitting as a substitute member for more than one meeting of the same Committee or Sub-Committee provided always that the procedure set out in this rule is followed.

**25. Application to Committees and Sub-Committees**

All of these Council Procedure Rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-8, 15 and 16, 18, 19.1, 21, 22.3, 22.4, 22.5, 23 and 26 apply to meetings of Committees, and Sub-Committees, and are marked with an \*.

## Article 10 - Overview and Scrutiny Committee

### 10.01 **Membership**

12 Members of the Council.

### **Delegation of functions**

See Scheme of Delegation (Part 7).

### **Functions**

The Committee will discharge the functions conferred by Section 21 of the Local Government Act 2000 and Local Authorities (Committee System) (England) Regulations 2012/1020, ~~or Regulations under Section 32 of the Local Government Act 2000.~~

In addition the committee will:

- (i) assist the Council and the Cabinet in the development of its budget and policies, with particular responsibility for Treasury Management;
- (ii) challenge the boundaries of existing policies and think creatively about possible new policies or solutions to problems;
- (iii) conduct research, community and other consultation and to consider possible options;
- (iv) make a positive contribution to the improvement of services;
- (v) liaise with external organisations operating in the area, to ensure that the interests of local people are enhanced by collaborative working;
- (vi) review and scrutinise the decisions made or other action taken, in connection with the discharge of any functions of the authority; ~~review and scrutinise the decisions made by and performance of the Cabinet or individual portfolio holders and by Council officers where decisions have been delegated, both in relation to individual decisions and over time;~~
- (vii) review and scrutinise the performance of the Cabinet in relation to the Council's policy objectives, performance targets and/or particular service areas;
- (viii) make recommendations to the Cabinet and/or the Council arising from the scrutiny process;
- (ix) to make reports or recommendations to the Cabinet and/or the Council on matters which affect the authority's area or the inhabitants of that area;

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- (ix) undertake the Council's statutory requirements to scrutinise the Crime and Disorder partnership, ~~and;~~ ~~and;~~
- (xi) consider any Councillor Call for Action (CCfA) submitted to it by the Democratic Services and Scrutiny Manager. If appropriate, the Committee will make recommendations to the Cabinet, in accordance with the procedures set out in the Council's CCfA Scheme (Part 5.09).

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## Overview and Scrutiny Procedure Rules

### **1. Appointment of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**

- 1.1 The Council will appoint an Overview and Scrutiny Committee with the Terms of Reference set out in Article 10.
- 1.2 The Committee may appoint one or more sub-committees, and may arrange for the discharge of any of its functions by any such sub-committee. The Terms of Reference for each Sub-Committee will be agreed by the Overview and Scrutiny Committee.
- 1.3 Sub-Committees may appoint Task and Finish Groups to consider in detail a specific issue, or to review the effectiveness of a policy or delivery of a service within its Terms of Reference. There shall be no more than one Task and Finish Group per Sub-Committee at any one time.
- ~~1.4~~ 2 The Committee may appoint Task and Finish Groups to consider in detail a specific issue, or to review the effectiveness of a policy or delivery of a service within its Terms of Reference.

### **2. Membership of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**

- 2.1 The Overview and Scrutiny Committee will comprise 12 members who will be appointed in accordance with the political balance rules.
- 2.2 All Councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.3 The sub-committees appointed by the Overview and Scrutiny Committee will comprise of no more than eight members, and will reflect the political balance of the council. Membership of the sub-committees will be agreed by the Overview and Scrutiny Committee.
- ~~2.4~~ 3 The number of members on a Task and Finish Group ~~will be decided by the Overview and Scrutiny Committee, but~~ will not normally be less than 5 or more than 10.
- ~~2.5~~ 4 All non-executive Councillors will normally be invited to express an interest in being a member of a Task and Finish Group. The membership of each Task and Finish Group will then be ~~decided~~ agreed either by the Overview and Scrutiny Committee or by a mechanism agreed by the Committee. There is no requirement for Task and Finish Groups to be politically balanced.
- ~~2.6~~ 5 There is an expectation that most Task and Finish Groups will complete their work and submit a report to Cabinet within ~~3 to 6~~ three to six months. There will not, normally, be more than ~~three~~ 3 Task and Finish Groups active at any one time, including Task and Finish Groups commissioned by a sub-

committee. The number of Task and Finish Groups active at any one time is a matter for the Overview and Scrutiny Committee but will take into account the available resources in terms of Member and officer time.~~In view of financial constraints and capacity issues, it is expected that around 6 Task and Finish reviews will be undertaken each year.~~

### **3. Meetings of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**

- 3.1** Ordinary meetings of the Overview and Scrutiny Committee will be programmed to take place at approximately ~~six~~<sup>6</sup>-weekly intervals. Dates will be published by the Democratic Service and Scrutiny Manager at the beginning of each Council Year.
- 3.2** An additional Overview and Scrutiny Committee meeting may be called by the Chairman, by any ~~four~~<sup>4</sup> members of the Committee or by the Democratic Services and Scrutiny Manager.
- 3.3** If necessary or appropriate, a meeting of an Overview and Scrutiny Committee may be cancelled or re-arranged by the Democratic Services and Scrutiny Manager, in consultation with the Chairman.
- 3.4** Meetings of each Sub-Committee will be convened no more than quarterly by the Democratic Services and Scrutiny Manager.
- 3.5** Dates and times will be published by the Chief Executive in the Calendar of Meetings and agreed by Full Council.
- 3.6** An additional meeting of a sub-committee may be called by the Chair, by any three members or by the Democratic Services and Scrutiny Manager.
- 3.7** If necessary or appropriate a meeting of a Sub-Committee may be cancelled or re-arranged by the Democratic Services and Scrutiny Manager, in consultation with the Chair.
- 3.8**<sup>4</sup> Meetings of each Task and Finish Group will be convened by the Democratic Services and Scrutiny Manager in consultation with the Chairman of that Group. Task and Finish Groups will meet as frequently as necessary to complete their designated task within the proposed timescale.
- 3.9**<sup>5</sup> Each Task and Finish Group will decide whether its meetings will be held in public or in private. Final reports and, if necessary, interim reports will be submitted to the Overview and Scrutiny Committee and, unless they contain exempt or confidential information as specified in the Access to Information Procedure Rules, will be made public at that stage.

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### **4. Quorum**

- 4.1** The quorum for meetings of the Overview and Scrutiny Committee shall be ~~four~~<sup>three</sup> members.
- 4.2** The minimum number for a meeting of a Sub-Committee or -Task and Finish Group shall be three members.



## 5. **Chairman of the Overview and Scrutiny Committee**

- 5.1 The Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be elected at the first meeting in each Council year, from among the members of the Committee with reappointments being made annually.

## 6. **Chairmen of Sub-Committees**

- 6.1 The Chairman will be elected from among members of the Overview and Scrutiny Committee and elected annually by the Sub-Committee.

## 7. **Chairmen of Task and Finish Groups**

- 7.1 The Chairman of each Task and Finish Group will be elected at the first meeting of the Group by the Overview and Scrutiny Committee, and may be from any political party.

## 8. **Work Programme**

- 8.1 A work programme, including both proposed Task and Finish Group reviews and key issues for consideration by the Committee, will be approved by the Overview and Scrutiny Committee.

- 8.2 The programme will be developed annually after taking into account the views of the Cabinet, the Management Team, members of the Committee and following consultation with all Councillors.

- 8.3 A work programme for each appointed Sub-Committee will be developed in consultation with officers and approved by the Sub-Committee.

- 8.4~~7.~~  
2 When considering items for inclusion in the work programme, the Overview and Scrutiny Committee and its Sub-Committees will have regard to any criteria currently in place for choosing such items.

## 9. **Agenda Items**

- 9.1 Any Councillor shall be entitled to give notice to the Democratic Services and Scrutiny Manager that he/she wishes an item relevant to the functions of ~~an~~ Overview and Scrutiny to be included on the agenda for the next available meeting of the Committee or relevant Sub-Committee. On receipt of such a request, the Democratic Services and Scrutiny Manager will consult with the Chairman (or in his/her absence the Vice-Chairman) who will decide whether or not the item will be included on an Agenda for a meeting of the Committee. If an item is included on the agenda, the Councillor requesting it will be entitled to speak at that meeting.

- 9.2 The Overview and Scrutiny Committee and Sub-Committees will monitor and manage their ~~its~~ work programmes to ensure a suitable response can

be made to unforeseen activities or requests to carry out additional items of work. Where required to do so, the Overview and Scrutiny Committee and its Sub-Committees shall report their findings and any recommendations on such activities to the Cabinet and/or Council.

#### **109. Conduct of Reviews**

**109.1** The Overview and Scrutiny Committee, Sub-Committees or Task and Finish groups appointed by it may hold hearings and investigate available options. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

**109.2** Where the Overview and Scrutiny Committee, a Sub-Committee or a Task Group asks people to attend to give evidence the meeting should be conducted in accordance with the following principles:

- (a) all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak; and
- (b) those assisting the Committee by giving evidence will be treated with respect and courtesy.

#### **1140. Reports from Task and Finish Groups to the Overview and Scrutiny Committee**

**1140.1** When a Task and Finish Group has completed a review, a report describing the method of the review, and setting out its findings, conclusions and recommendations, will be submitted to the Overview and Scrutiny Committee. If agreement on a final report cannot be reached, one minority report may be proposed and submitted to the Overview and Scrutiny Committee. Prior to consideration by the Committee of the report(s) the Council's Corporate Management Team will be given an opportunity to comment on any proposals or recommendations made, particularly on any legal or financial implications.

#### **124. Reports from Task and Finish Groups to the Overview and Scrutiny Sub-Committees**

**12.1** When a Task and Finish Group has completed a review, a report describing the method of the review and setting out its findings, conclusions and recommendations, will be submitted to the relevant Sub-Committee. Prior to the consideration by the Sub-Committee, the Corporate Management Team will be given the opportunity to comment on any proposals or recommendations made, particularly on any legal or financial implications.

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**12.2** If the Chair of the Sub-Committee agrees, the report can be submitted to the Overview and Scrutiny Committee for their consideration if it is deemed that the matter is urgent and cannot wait until the next scheduled meeting of the Sub-Committee.

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### **13. Reports from Overview and Scrutiny Sub-Committees to Cabinet**

**13.1** When a Sub-Committee has considered the report of a Task and Finish Group, it will forward the report to Cabinet with its endorsement of the recommendations made and any other comment it wishes to make. Cabinet will consider the recommendations and either accept or reject the recommendations.

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**13.2** A Sub-Committee may also submit recommendations to the Cabinet on issues considered by the Sub-Committee itself, without review by a Task and Finish Group.

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### **14. Report From the Overview and Scrutiny Committee to the Cabinet**

**11.1** When it has considered the report(s) of a Task and Finish Group the Committee will forward the report(s) to the Cabinet, with its endorsement of the recommendations made or any other comment it wishes to make.

**11.2** The Committee may also submit recommendations to the Cabinet on issues considered by the Committee itself, without a review by a Task Group.

**11.3** Reports will be submitted to the Cabinet under the name of both the Chairman of the Overview and Scrutiny Committee and, if relevant, the Chairman of the Task Group which has undertaken a review and they will be permitted to present the report to the Cabinet.

**11.4** The Cabinet's response to each of the recommendations made will be reported by the Democratic Services and Scrutiny Manager to the next meeting of the Overview and Scrutiny Committee.

**11.5** Any recommendations of the Overview and Scrutiny Committee which would have an impact on the budget or policy framework, which are accepted by the Cabinet will be submitted to the Council for consideration before any changes are implemented.

**11.6** The Chairman of the Overview and Scrutiny Committee will submit periodic reports on its activities to the Council, including the work of any appointed Sub-Committees.

### **15. Attendance by Members and Officers to Provide Information and Answer Questions**

**12.1** The Overview and Scrutiny Committee and Sub-Committees can ask any member of the Cabinet, the Chief Executive and/or any other senior Officer (Director/ Head of Service/Service Manager or an appropriate senior manager nominated by the Head of Service) to attend before it to explain in relation to matters within their remit;

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or

(c) their performance

and, it is the duty of those persons to attend, if so required.

**15.2.** Where, in exceptional circumstances, the relevant Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee and its Sub-Committees shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place as soon as possible.

**15.3.** The Overview and Scrutiny Committee may also invite a representative of an external organisation to provide information or to answer questions at a meeting (for example, representatives of Wyre's Community Safety Partnership, the Lancashire North Integrated Care Board, the Police and Crime Panel for Lancashire, and the council's representative on the Lancashire County Council Health and Adult Services Scrutiny Committee).

**15.4.** In addition to the provisions in paragraph 12.1 one member of the Cabinet will normally be invited to attend each ordinary meeting of the Overview and Scrutiny Committee, on a rota basis, to report progress on key objectives within their portfolio, to provide information on any forthcoming decisions within their area of responsibility (including those listed in the Schedule of Executive Decisions) and to answer questions from Members of the Committee.

**16.3. Call-In of Executive Decisions**

**16.3.1** When a decision is made by the Cabinet, or an individual member of the Cabinet, or a key decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, normally within two working days of being made. All members of Council will be sent copies, usually by email, of the records of all such decisions.

**16.3.2** That notice will include the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless any four Members of the Council request that it be called in. During that period, the Democratic Services and Scrutiny Manager shall call in a decision for scrutiny by the Overview and Scrutiny Committee, if so requested by any four Members of the Council, and shall then notify the decision-maker of the call-in.

~~13.3 During that period, the Democratic Services and Scrutiny Manager shall call in a decision for scrutiny by the Overview and Scrutiny Committee, if so requested by any four Members of the Council, and shall then notify the decision maker of the call-in.~~

**16.3.3-4** The call-in request shall be submitted on a Call-In Request Form (attached as an Appendix to these procedure Rules), which shall be completed and received by the Democratic Services and Scrutiny Manager, in hard copy or by email, within the timescale specified in paragraph 13.2 above. The Call-In Request Form must include the names of the minimum of four supporters of the call-in, the councillor nominated as the spokesperson, the reasons for the call-in, the issues to be considered by the Overview and Scrutiny Committee and the desired outcomes. Any documents to be referred to at the meeting of the Overview and Scrutiny Committee should where possible be submitted to the Democratic Services and Scrutiny Manager in advance of the meeting.

**16.4** A meeting of the Overview and Scrutiny Committee will be called after consultation with the Chairman of the Committee, and if possible within ten days of the call-in being received, unless there is a scheduled meeting of the Overview and Scrutiny Committee within a reasonable timescale.

**The Call-In meeting**

~~16.5.3~~ While the call-in meeting is a meeting that is open to the public to attend (unless a resolution is passed excluding the press and public under Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006), there is no provision for public representation or public speaking.

~~16.6.3~~ The spokesperson shall be invited to present the reasons for the call in as documented on the call-in form and any suggested actions to be taken by the committee.

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- ~~16.73~~  
8 The Portfolio Holder shall be invited to respond to the call in by addressing the points raised by the spokesperson as documented on the call-in form.
- ~~16.83~~  
9 The members of the Overview and Scrutiny Committee shall be given the opportunity to ask questions of the spokesperson and the Portfolio Holder. The spokesperson and the Portfolio Holder will have the opportunity to make any points of clarification.
- ~~16.93~~  
10 When they have done so, the spokesperson and the Portfolio Holder will be informed by the chairman that they will have no further opportunity to make comments or ask questions and they will be asked to vacate their place at the meeting table.
- ~~16.10~~  
3.11 Unless a resolution is passed to exclude the public and press because of the need to avoid the disclosure of exempt or confidential information for one of the reasons specified in Schedule 12A of the Local Government Act 1972 the committee will discuss the call in and decide what action to take in public.
- ~~16.11~~  
3.12 The committee shall either support or not support the call in and shall state reasons for the decision.
- ~~16.12~~  
3.13 If the Overview and Scrutiny Committee has agreed to support the call in it may refer the decision back to the decision making person or body for reconsideration setting out in writing the reasons for the committee's decision based on the evidence presented. The circumstances in which a call in will be reported to the Council and the process to be followed, if that occurs, are set out in the Budget and Policy Framework Procedure Rules. The decision maker shall then reconsider the matter within a further five working days, amending the decision or not, before adopting a final decision. In the case of Cabinet, unless there is a scheduled meeting within a reasonable timescale, an additional meeting of Cabinet will be convened at the earliest opportunity.
- ~~16.13~~  
3.14 If, following consideration of an objection to a decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.

#### **174. Urgent Decisions**

- ~~17.1~~  
4.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or a Portfolio Holder is urgent. See Part 4.02, paragraph 16, General Exception and paragraph 17, special urgency. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both the Mayor and the Deputy Mayor, the Chief Executive's or his/her nominee's consent shall

be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

## **18. The Party Whip**

**18.1** It is generally accepted good practice, that “the party whip” should be suspended in relation to the deliberations of all overview and scrutiny committees.

**18.2** However, if a member of the Overview and Scrutiny Committee is subject to the party whip on any issue, the member must declare the existence of the whip, and the nature of it, before the commencement of the Committee's deliberations on the matter. The declaration and the detail of the whip imposed shall be recorded in the Minutes.

**15. The Party Whip**

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Appendix



## **1. CALL-IN REQUEST**

Please complete this form to register a request for a decision of the Executive to be called-in for consideration by the Overview and Scrutiny Committee, in accordance with the Council's Constitution (Part 4.05 - *Overview and Scrutiny Procedure Rules* – paragraph 13).

### **Contact details**

Name:  
Address:  
Daytime telephone number:  
Email address:  
Date call-in sent:

### **Details of the decision to be called-in**

Decision title:  
Decision reference number:  
Date the decision was taken:

### **Reasons for call-in and issues to be considered**

(This will assist officers to ensure that the relevant issues are addressed during the Overview and Scrutiny Committee's consideration of the decision. Please use an additional sheet if necessary.)

- 1 Reasons for call-in (please give details):
  
  
  
  
  
  
  
  
  
  
- 2 What issues would you like the Overview and Scrutiny Committee to consider? (please list):

3 What outcomes are you seeking to achieve by calling-in the decision and/or what alternative actions do you wish the decision maker(s) to take?

Would you like to make a statement or representation in respect of your objection-call-in at the meeting that considers the call-in?

Yes  No

**Names of objectors/councillors**

- 1. ....(Spokesperson)
- 2. ....
- 3. ....
- 4. ....
- 5. ....

Please note that any request to call-in a decision must be supported by at least four members of the Council.

If you wish to refer to any documents (apart from the Portfolio Holder/Cabinet report and the Cabinet Minute/Portfolio Holder Decision Notice) when the call-in is considered by the Overview and Scrutiny Committee you should, where possible, submit any such document(s) to the Democratic Services Team before the day of the meeting as soon as practically possible or by the publication of the agenda.

Please email this completed form to [democratic.services@wyre.gov.uk](mailto:democratic.services@wyre.gov.uk). Alternatively, you can return the form to the Democratic Services and Scrutiny Manager, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU.

Field Code Changed

If you have any queries or difficulties regarding completion of the form, please contact the Scrutiny Officer on 01253 887606 or 887326.

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**For internal use only**

Date request received:  
Date committee meeting called:  
Date of meeting:  
Signature of the 'Proper Officer':

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# **LOCAL CODE OF GOOD PRACTICE FOR COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING PROCESS**

# Contents

1. Introduction.
2. Background.
3. General Role and Conduct of Councillors and Officers.
4. Registration and Declaration of Interests: Predetermination, Predisposition or Bias.
5. Development Proposals submitted by Councillors and Officers; and Council Development.
6. Lobbying of and by Councillors.
7. Pre-Application Discussions.
8. Officer Reports to Committee.
9. Public Speaking at Planning Committee Meetings.
10. Decisions Contrary to Officer Recommendations and/or the Development Plan.
11. Committee Site Visits.
12. Annual Review of Decisions.
13. Complaints and Record Keeping.

## Appendices

- (1) Protocol for the Involvement of Members in Pre-Application Discussion
- (2) Protocol for Committee Site Visits

## 1. Introduction

- 1.1 This updated Code of Practice has been prepared based on advice issued in the 2019 version of the Local Government Association's Probity in Planning guide and the 2014 version of the Lawyers in Local Government Model Members' Planning Code or Protocol.
- 1.2 Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.
- 1.3 The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.
- 1.4 Planning decisions involve balancing many competing interests. In doing this, decision makers' need an ethos of decision-making in the wider public interest on what can be controversial proposals.
- 1.5 It is recommended that councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

## 2. Background

- 2.1 In 1997, the Third Report of the Committee on Standards in Public Life (known as the Nolan Report) resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. In today's place shaping context, early councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need.
- 2.2 This Local Code of Good Practice is intended to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimises the risk of legal challenges.
- 2.3 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework.
- 2.4 Decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.
- 2.5 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

- 2.6 Whilst councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.
- 2.7 The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

### 3. The General Role and Conduct of Councillors and Officers

- 3.1 Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate, whilst officers are responsible to the council as a whole. Officers advise councillors and the council and carry out the council's work. They are employed by the council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's positions.
- 3.2 Both councillors and officers are guided by codes of conduct. The Code of Conduct for Members is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and promotes and supports high standards of conduct when serving in public posts.
- 3.3 Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. Similarly, staff who are solicitors are subject to Solicitor's practice rules and various Codes made under these Rules.
- 3.4 In addition to these codes, the council's standing orders set down rules which govern the conduct of council business.
- 3.5 Councillors and officers should be cautious about accepting gifts and hospitality and should exercise their discretion. Guidance on these issues for both councillors and officers are included in the Guidance for Councillors and Officers on Gifts and Hospitality. As a general rule, business gifts and hospitality should not be accepted by any councillor. However, if a gift is received or hospitality accepted, unless it is of a purely "token" value, it should be declared to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt. Such details will be recorded in the Register of Gifts and Hospitality which is open to inspection by the public. Prior to accepting any gift or hospitality with a value of £50 or more a Councillor must seek authorisation from the Monitoring Officer.
- 3.6 Similarly, officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. The Council have adopted a policy for Officers on gifts and hospitality, which is contained in the Guidance for Councillors and Officers on Gifts and Hospitality. Wherever possible, offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and unless it is of "token value" declare its receipt as soon as possible to the officer's Line Manager and the Audit and Risk Manager. Prior permission of the officer's Line Manager or Director is required before accepting gifts or hospitality of £25.00 or over. The Council provides a register to

record such offers whether or not accepted which is held by the Head of Governance This register is reviewed regularly by the Council's Monitoring Officer. Failure by an officer to make an entry is likely to lead to disciplinary measures.

- 3.7 Employees must always act impartially and in a politically neutral manner. The Local Government and Housing Act 1989 enables restrictions to be set on the outside activities of senior officers, such as membership of political parties and serving on another council. Councils should carefully consider which of their officers are subject to such restrictions and review this regularly.
- 3.8 Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.
- 3.9 Whilst the determination of a planning application is not a 'quasi-judicial' process, it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Ombudsman on grounds of maladministration or a breach of the authority's code.
- 3.10 Finally, as planning can sometimes appear to be complex and as there are currently many changes in planning taking place, the Local Government Association endorses the good practice of many councils which ensures that their councillors receive training on planning when first appointed to the planning committee or local plan steering group, and regularly thereafter. The Council provides training on the planning process.

<b>DO</b>	first apply the rules in the Member's Code of Conduct. This includes the rules on, Disclosable Pecuniary Interests (DPIs), any other interests, and the general rules giving effect to the seven principles of public life: <b>selflessness, integrity, objectivity, accountability, openness, honesty and leadership.</b>
<b>DO</b>	then apply the rules in this Local Code of Good Practice. Failure to do so may put: - the Council at risk of proceedings on the legality of the related decision or maladministration; and - yourself at risk of being named in a report made to the Council; and, - if the failure is also likely to be a breach of the interest provisions in the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
<b>DON'T</b>	accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that: - it is of a minimum, - prior authorisation has been obtained from the Monitoring Officer where necessary;

	- its acceptance is declared to the Monitoring Officer as soon as possible and always within 28 days of receipt; and it is recorded in the Register of Gifts and Hospitality where necessary.
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#### 4. Registration and Declaration of Interests Predetermination, Predisposition or Bias and 'Calling-in' a Planning Application

- 4.1 Chapter 7 of the Localism Act 2011 places requirements on councillors regarding the registration and disclosure of their pecuniary interests and sets out the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of disclosable pecuniary interests are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences.
- 4.2 For full guidance on interests, see Openness and transparency on personal interests: guidance for councillors, Department for Communities and Local Government, March 2013. (This Code of Practice does not seek to replicate the detailed information contained within the DCLG guidance note). Advice should always be sought from the Council's Monitoring Officer or Deputy Monitoring Officer. Ultimately, responsibility for fulfilling the requirements rests with each councillor.
- 4.3 The provisions of the Localism Act 2011 seek to separate interests arising from the personal and private interests of the councillor from those arising from the councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the councillor's involvement would be appropriate.
- 4.4 The Code of Conduct for Members establishes what interests need to be disclosed. All disclosable interests should be registered and a register is maintained by the Council's Monitoring Officer and made available to the public. Councillors should also disclose that interest orally at the committee meeting when it relates to an item under discussion.
- 4.5 A councillor must provide the Monitoring Officer with written details of any disclosable interest which the Council has decided should be included in the register within 28 days of their election or appointment to office. Any new interests or changes to those interests must similarly be notified within 28 days of the councillor becoming aware of such changes.
- 4.6 A disclosable pecuniary interest relating to an item under discussion requires the withdrawal of the councillor from the committee during any discussion or voting. In certain circumstances, a dispensation can be sought from the appropriate body or officer to take part in that particular item of business.
- 4.7 If a councillor has another interest (as described in the Council's Code of Conduct for Members) he or she should disclose that interest but then, depending on the circumstances may speak and vote on that particular item. This includes being a member of an outside body or any other significant interest (for example where a councillor anticipates that a decision might reasonably be deemed to benefit or disadvantage him or herself a member of the councillor's family or a person with



whom the councillor has a close association to a greater extent than another Council constituent). In such circumstances, the councillor must consider whether his/her participation in the matter relating to his/her interest would be reasonable in the circumstances particularly if the interest may give rise to a perception of a conflict of interest and/or is likely to prejudice his/her judgement. If this is the case, the councillor may make representations if there is an entitlement for a member of the public to speak but must not participate or vote on the matter being discussed and must leave the room whilst any discussion or voting takes place.

- 4.8 It is always best to identify a potential interest early on. If a councillor thinks that they may have an interest in a particular matter to be discussed at a planning committee he or she should raise this with their Monitoring Officer or Deputy Monitoring Officer as soon as possible.
- 4.9 Members of a planning committee, Planning Policy Working Group (or full Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.
- 4.10 The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.
- 4.11 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a court quashing such planning decisions.
- 4.12 Section 25 of the Localism Act 2011 also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
- 4.13 This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased.
- 4.14 For example, a councillor who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a councillor who states: "Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area."
- 4.15 If a councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter.

- 4.16 This will apply to any member of the planning committee who wanted to speak for or against a proposal, as a campaigner (for example on a proposal within their ward).
- 4.17 A councillor is not required to cast aside views on planning policy that he or she held when seeking election or otherwise acting as a member, in giving fair consideration to points raised.
- 4.18 A ward councillor representing the ward within which a planning application site lies or a ward councillor representing an adjoining ward can request that a planning application be considered by the Planning Committee rather than by the Head of Planning & Regeneration in accordance with Part 7.02 of the Constitution - Scheme of Delegation. In doing so the councillor must not have a disclosable pecuniary interest relating directly to the planning application.

<b>DO</b>	disclose the existence and nature of any interests as required by the Members' Code of Conduct
<b>DO</b>	take into account <b>that</b> the Principle of Integrity is defined in terms that " <i>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships</i> ".
<b>DON'T</b>	seek or accept any preferential treatment or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a councillor. This would include where you have a disclosable or other interest in a proposal using your position to discuss that proposal with officers or councillors when other members of the public would not have the same opportunity to do so.
<b>DO</b>	note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
<b>DO</b>	notify the Monitoring Officer where you have a disclosable pecuniary interest in an application and note that where possible you should notify the Monitoring Officer no later than submission of that application and you must not get involved in the processing of the application.
<b>DON'T</b>	fetter your discretion by approaching a decision with a closed mind.
<b>DO</b>	keep at the front of your mind that, when you come to make a decision, you: <ul style="list-style-type: none"> <li>- are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;</li> <li>- keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;</li> <li>- are only entitled to take account of material considerations; and you must disregard considerations irrelevant to the question and legal context at hand; and</li> <li>- only come to a decision after giving what you feel is the right weight to those material considerations.</li> </ul>

<b>DO</b>	<p>consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:</p> <ul style="list-style-type: none"> <li>- the proposal does not substantially effect the well-being or financial standing of the consultee body;</li> <li>- you make it clear to the consultee body that: <ul style="list-style-type: none"> <li>· your views are expressed on the limited information before you only;</li> <li>· you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;</li> </ul> </li> <li>and</li> <li>- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.</li> </ul>
<b>DO</b>	<p>take the opportunity to exercise your speaking rights as a member of the public where you have represented your views or those of local electors and predetermined the matter or have an Other Significant Interest, but do not have a Disclosable Pecuniary Interest .</p>

## 5. Development Proposals Submitted by Councillors and Officers; and Council Development

- 5.1 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.
- 5.2 Such proposals must be handled in a way that gives no grounds for accusations of favouritism.
- 5.3 A councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but the councillor, as applicant, should also not seek to improperly influence the decision.
- 5.4 Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers.
- 5.5 Proposals submitted by serving and former councillors, officers and their close associates and relatives are more likely to be presented to the Planning Committee for a decision than would otherwise be the case.

<b>DO</b>	<p>be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of the planning committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)</p>
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## 6. Lobbying of and by Councillors

- 6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee.
- 6.2 As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".
- 6.3 Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question and require that councillor to declare an interest unless care and common sense is exercised by all the parties involved.
- 6.4 As noted earlier in this Code, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, councillors (members of the planning committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving advice about the process and what can and can't be taken into account.
- 6.5 Councillors can raise issues which have been raised by their constituents, with officers. If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.
- 6.6 If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the committee may have been influenced by their continuing presence.
- 6.7 It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual councillor.
- 6.8 This Local Code of Good Practice addresses the following more specific issues about lobbying:
- Planning decisions cannot be made on a party political basis in response to lobbying; the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
  - Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors.

- Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise the officers' impartiality or professional integrity.

6.9 The responsibilities and duties under the Code of Conduct apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this code.

<b>DO</b>	explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or have such a firm point of view that it amounts to the same thing.
<b>DO</b>	remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
<b>DO</b>	pass on any lobbying correspondence you receive to the Head of Planning Services at the earliest opportunity.
<b>DO</b>	promptly refer to the Head of Planning Services any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
<b>DO</b>	inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
<b>DON'T</b>	become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
<b>DO</b>	join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
<b>DON'T</b>	excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
<b>DON'T</b>	decide or discuss how to vote on any application at any political group meeting, or lobby any other councillor to do so. Political Group Meetings should never dictate how councillors should vote on a planning issue.

## 7. Pre-Application Discussion

7.1 Pre-application discussions between a potential applicant and a council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

- 7.2 Some councils have been concerned about probity issues raised by involving councillors in pre-application discussions, worried that councillors would be accused of predetermination when the subsequent application came in for consideration. Now, through the Localism Act and previously the Audit Commission, the Local Government Association and Planning Advisory Service recognise that councillors can have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors lead on community issues and helps to make sure that issues don't come to light for the first time at committee. The Planning Advisory Service recommends a 'no shocks' approach.
- 7.3 The Localism Act 2011, particularly section 25, by endorsing this approach, has given councillors' much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors' might have fettered their discretion, such discussions should take place within clear, published guidelines which are attached as an appendix to this document.

<b>DO</b>	refer those who approach you for planning, procedural or technical advice to officers.
<b>DON'T</b>	agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should ask the Head of Planning Services to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the pre- application file.
<b>DO</b>	<ul style="list-style-type: none"> <li>- follow the Council's rules on lobbying;</li> <li>- consider whether or not it would be prudent in the circumstances to make notes when contacted; and</li> <li>- report to the Head of Planning Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.</li> </ul>
	<b>In addition in respect of presentations by applicants/developers:</b>
<b>DON'T</b>	attend a planning presentation without requesting an officer to be present.
<b>DO</b>	ask relevant questions for the purposes of clarifying your understanding of the proposals.
<b>DO</b>	remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the planning committee.
<b>DO</b>	be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee meeting.

## 8. Officer Reports to Committee

- 8.1 As a result of decisions made by the courts and ombudsman, officer reports on planning applications must have regard to the following:

- Reports should be accurate and should include the substance of any objections and other responses received to the consultations.
- Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations, and any other material planning considerations.
- Reports should have a written recommendation for a decision to be made.
- Reports should contain technical appraisals which clearly justify the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

8.2 Any oral updates or changes to the report should be recorded.

## 9. Public Speaking at Planning Committee Meetings

9.1 The Council agreed on 20 September 2007 to introduce a process to enable members of the public to speak at Planning Committee meetings. The arrangements were implemented from December 2007, and have since been reviewed in June 2008, in 2015, in February 2017, and in April 2021.

9.2 The revised arrangements reflect national best practice and are intended to provide more open, transparent and informed decision making whilst making effective use of Member and Officer time.

### 9.3 Who can speak at the Planning Committee meeting?

Members of the public who are supporting or objecting to a proposal which is the subject of a planning application can make a request to address the Committee. Ward, Parish, Town, and County Councillors representing the ward or parish within which the application site lies may also address the Committee under the provisions of this guidance. In addition, the Ward councillor representing an adjoining ward, who has called the application in, can address the Committee under the provisions of the guidance. A Ward, adjoining Ward, Parish, Town, or County Councillor may speak only once and cannot speak as a representative of more than one body. The applicant and/or agent (which can include any person employed or engaged by the applicant to support the application) may also address the Committee to put their case, or to reply to matters raised by other speakers. Speakers may only speak in relation to applications for planning permission and not in relation to any other report presented to the Planning Committee for consideration, including any proposals relating to Tree Preservation Orders.

### 9.4 How much time is allowed?

Each speaker will have a maximum of 3 minutes. The time will be controlled by the Chairman and by a 'traffic light' system operated by the Committee Clerk.

Objectors will have a maximum of 12 minutes in total, supporters will have 12 minutes in total, Ward, adjoining Ward, Parish or Town and County Councillors will have 3 minutes each.

The applicant may speak for 3 minutes but if the applicant does not wish to speak, the applicant may instead nominate another person to speak in substitution on their behalf for 3 minutes.

In addition, the applicant's planning or other agent may also speak for 3 minutes.

**An individual may only speak for a maximum of 3 minutes.**

#### 9.5 How many people are allowed to speak?

In circumstances where there are a number of members of the public who wish to speak, either as objectors or supporters of an application, it is recommended that up to a maximum of 4 spokespersons should be nominated to speak. In any event, no individual may speak for more than 3 minutes unless under exceptional circumstances at the discretion of the Chairman.<sup>1</sup>

Only one Parish or Town Councillor, one adjoining Ward Councillor (if they called in the application) and the County Councillor, may speak.

Where a ward in Wyre is represented by more than one councillor, each of those councillors will be able to speak on an application if they wish, i.e. up to three Wyre Councillors representing the ward in which the application site is located. Where there is no Wyre Ward Councillor available or wishing to speak under the provisions of this scheme, a member of the Planning Committee who is also a member for the ward within which the application site lies may, if they wish, speak as a Ward Councillor but would then be limited to 3 minutes and thereafter would not be able to take part in the debate as a member of the Planning Committee and would not be able to vote on that item.

Members of the Committee may ask the speaker questions of clarification on factual matters after they have finished speaking.

#### 9.6 Registering to speak

Those wishing to speak must register a request to speak with the Council's Committee Clerk no later than 24 hours before the start of the meeting. Any requests to speak received after the deadline will not be accepted except under exceptional circumstances at the Chairman's discretion.<sup>2</sup>

Not more than one person per household may register to speak and any person registering to speak must confirm that they will be available on the day of the

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<sup>1</sup> The Chairman in liaison with officers will be responsible for continuing to ensure that there is equality of access to the public speaking process and time limits for speaking can be extended, late registration to speak accepted and/or a spokesperson nominated in appropriate circumstances. See paragraph 'Additional Help' for further detail.

<sup>2</sup> The Chairman in liaison with officers will be responsible for continuing to ensure that there is equality of access to the public speaking process and time limits for speaking can be extended, late registration to speak accepted and/or a spokesperson nominated in appropriate circumstances. See paragraph Additional Help for further detail.



meeting. Unless there are exceptional circumstances (and at the Chairman's discretion) speakers may not use proxies to speak or read out statements on their behalf.

The requirement to pre-register also applies to applicants and/or agents

Ward, adjoining Ward, Parish, Town, or County Councillors do not need to register their intention to speak in advance.

- 9.7 The procedure allows the public to speak to the Committee, but when addressing the committee under this procedure no material or information may be displayed or circulated to the Committee Members. This is because Councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. It may also result in delays to the proceedings.

Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

#### 9.8 Additional Help

The Council is committed to ensuring equality of access to the public speaking process.

Individuals who have a disability or do not speak English as their first language or have some other appropriate need (for example require an interpreter/spokesperson) should contact [democraticservices@wyre.gov.uk](mailto:democraticservices@wyre.gov.uk) and reasonable adjustments will be made to assist which may include extending the timescales for speaking, accepting late registration to speak and/ or accepting the nomination of a spokesperson.

#### 9.9 The procedure

1. The application will be introduced by the Chairman.
2. If there is an update from the Head of Planning & Regeneration requesting the deferment of the application, the Chairman will ask the Committee to consider this request without any public speaking. If the motion to defer the application is carried, the Chairman will move on to the next item, otherwise he will move to the next stage as set out below.
3. The Chairman will introduce the item stating whether or not the members of the Committee have visited the site.
4. ,The Head of Planning & Regeneration, the Development Manager or other planning officer will then present any updates, play any video showing the site, display relevant plans, photographs or other information.
5. The order in which the Chairman will call the public to speak will be:
  - Those objecting to the application
  - Those supporting the application

- A local Parish or Town Council Member
- Wyre Ward Councillors
- The Adjoining Ward Councillor (if they called in the application)
- A County Councillor
- The applicant and/or agent for the application

6. After each person has spoken the Members of the Committee may ask the speaker questions of clarification on factual matters only.

7. The Committee will then debate the application without further public involvement under the direction of the Chairman. The Chairman may also invite the Head of Planning & Regeneration to comment on matters raised or respond to questions as appropriate during or at the end of the debate.

8. The Committee will then reach a decision by voting on any properly tabled recommendation/ motion.

9. After each decision the Chairman will inform the meeting of the decision.

If, during the debate of an item by the Committee (point 7 above), there is a motion to defer the application which is carried, when the application is brought back to the Committee, there shall be no further opportunities for the public or non-committee members to speak, unless the deferral has resulted in a material change to the application, additional information, or revised plans upon which there has been further publicity and/or consultation.

A guide explaining the procedures is available on the Council's website.

<b>DON'T</b>	allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias
<b>DO</b>	ensure that you comply with the Council's procedures in respect of public speaking.

## 10. Decisions Contrary to Officer Recommendations and/or the Development Plan

10.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).

10.2 This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.

10.3 The courts have expressed the view that the committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.

- 10.4 Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.
- 10.5 Planning committees should take the following steps before making a decision which differs from the officer recommendation:
- if a councillor is concerned about an officer recommendation they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting
  - record the detailed reasons as part of the mover's motion.
- 10.6 Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same councillors will be asked to reconsider the application when it is returned to committee. If this renders the committee inquorate then the item will have to be considered afresh and public speaking rights triggered again.
- 10.~~7~~<sup>6</sup> If the planning committee makes a decision contrary to the officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full, and by reference to planning policy and/or other material planning considerations their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.
- 10.~~8~~<sup>7</sup> The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.
- 10.~~9~~<sup>8</sup> The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officer's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

## 11. Committee Site Visits

- 11.1 National standards and local codes also apply to site visits. Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or a covert lobbying device.
- 11.2 This Code applies whenever the councillor is conducting official business, which will include site visits. The council has set out the criteria for deciding when a site visit is justified and considered the procedures for such visits, the details of which can be found at Appendix 2 to this Code.
- 11.3 Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with an officer present to assist, are normally the most fair and equitable approach. They should not be used as a lobbying

opportunity by objectors or supporters. This should be made clear to any members of the public who are there.

- 11.4 Once a councillor becomes aware of a proposal they may wish to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points (e.g. the public highway) and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

<b>DO</b>	try to attend site visits organised by the council where possible.
<b>DO</b>	ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
<b>DO</b>	ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
<b>DON'T</b>	hear representations from any other party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
<b>DON'T</b>	express opinions or views.
<b>DON'T</b>	enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless: <ul style="list-style-type: none"> <li>- you feel it is essential for you to visit the site other than through attending the official site visit,</li> <li>- you have first spoken to the Head of Planning Services about your intention to do so and why (which will be recorded on the file) and</li> <li>- you can ensure you will comply with these good practice rules on site visits.</li> </ul>

## 12. Annual Review of Decisions

- 12.1 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 12.2 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.
- 12.3 Scrutiny or standards committees may be able to assist in this process but the essential purpose of these reviews is to assist planning committee members to refine their understanding of the impact of their decisions. Planning committee members should be fully engaged in such reviews.

## 13. Complaints and Record Keeping

- 13.1 The Council has a complaints procedure.

- 13.2 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should, up to the point of decision (including any decision on appeal or legal challenge) contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by committee and under delegated powers, and to applications, enforcement and development plan matters.

## **APPENDICES TO THE LOCAL CODE OF GOOD PRACTICE FOR COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING PROCESS**

### **(1) PROTOCOL FOR THE INVOLVEMENT OF MEMBERS IN PRE- APPLICATION DISCUSSIONS**

### **(2) PROTOCOL FOR COMMITTEE SITE VISITS**

**Appendix 1****Protocol for the Involvement of Members in Pre-application Discussions (to be attached as an appendix to the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process')****1. Existing Guidance**

1.1 Existing guidance for members involved in the planning process may be found in Part 5.07 of the Council's Constitution to which this protocol is an appendix. Additionally, members may refer to other national publications including:

- Positive Engagement – a guide for planning councillors (CLG, PAS, POS, LGA)
- Probity in Planning for councillors and officers (Local Government Association, Planning Advisory Service)
- Model Council Members' Planning Code or Protocol (Lawyers in Local Government)

**2. Ways to be involved****2.1 Informal Member Briefing**

Following the formal closure of the Planning Committee each month, the Head of Planning & Regeneration or Development Manager will report to members on the details of any pre-application discussions held in respect of a 'Major' or 'Large Major' development proposal since the previous Committee meeting.

- Once the Committee meeting has been formally closed and after all members of the public and other non committee members have left, the Head of Planning & Regeneration, or Development Manager, will inform Members of the Planning Committee of any pre-application discussions commenced or ongoing since the previous committee meeting.
- The presentation will include a display of any plans submitted by the prospective applicant, a summary of the key issues identified, and the key policy considerations.
- In order not to influence members or give rise to any possibility of predetermination or bias, officers will not report to members on any views that they have previously expressed or forwarded to the prospective applicant.
- Members may ask questions or comment on the proposals identifying:
  - Consultation gaps or the need for wider consultation (within limits)
  - Issues that have not been identified but are of local significance
  - Issues that have not been identified and are of wider significance
  - Issues that will be of concern to the community that the applicant can be asked to resolve
  - What opportunities exist to incorporate a development into the local context
- In order to provide transparency to this process, members' questions and comments will be noted in writing and used to provide feedback to a developer.

- All members of the Planning Committee are aware of the law relating to predetermination and will disqualify themselves from considering future applications if they have actually predetermined the matter. Any statements which members make therefore at this stage which might be interpreted as indicating that a member has a view on the merits of the application should be taken as indicating a preliminary view which is capable of being changed and that the member will consider the application on its merits if presented to the Planning Committee. The test here is whether a fair-minded and informed observer, having considered the facts, would decide that there was a real possibility that the councillor had predetermined the issue or was biased.

## 2.2 Developer Presentation

Following a written request to the Head of Planning & Regeneration, and subject to the agreement of the Head of Planning & Regeneration, in consultation with the Chairman of Planning Committee and the Planning and Economic Development Portfolio Holder, a developer may make a formal presentation to members and officers in order to seek their views in a prearranged and time limited meeting.

- For certain applications which have strategic implications or are likely to raise significant public interest, officers may suggest to a developer that they request the opportunity to make a presentation.
- Any member who considers that a presentation by a developer is appropriate/desirable, should make their request via the Head of Planning & Regeneration and should not approach the developer direct.
- The types of scheme that may be presented include major development proposals, development proposals that otherwise raise complex policy issues, or schemes that are wholly innovative in terms of design or concept.
- There will usually only be one opportunity to make a presentation to members per proposal.
- In order to ensure that the developer also carries out a pre-application consultation with the public (including the Parish/Town Council where appropriate), a request for a meeting will only be accepted provided that the developer has, prior to making such request, held a separate public consultation event in accordance with the council's Statement of Community Involvement.
- The meeting will be held at the Civic Centre
- Invitations to the meeting will be extended to the members of the Planning Committee, the Planning and Economic Development Portfolio Holder, the Leader of the Council and any ward member for the ward within which the proposed development is situated.
- The meeting will be chaired by the Chairman of Planning Committee who will explain the role of Members at the meeting. It should be explained that the main purpose is to learn about the emerging proposal, and to identify outstanding issues to be dealt with. Planning Committee members will not be in a position to indicate any view as they need to balance all material considerations before



reaching a view on any application in due course. This can act as a reminder to Councillors as well as a general explanation to all present. Where non Planning Committee members are present, they can express initial views on behalf of communities, whilst planning committee members should restrict themselves to questions or clarification.

- At least two officers must attend, one of which should be the Head of Planning & Regeneration or the Development Manager.
- The meeting will not be open to the public.
- The senior officer present will introduce the purpose of the meeting and advise how it will be conducted. Members will be advised as to the confidentiality status of the proposal (unless the developer advises otherwise).
- Developers will be given the opportunity to make a presentation that should describe their proposal and should explain how the proposal relates to both relevant national and local policy, and any other material considerations that they believe members should give weight to. The format and length of the presentation should be agreed with the Head of Planning & Regeneration beforehand (to ensure that it will not lead members into negotiations and to check for accuracy) and should be limited to the development proposal. They should not normally last longer than 20 minutes.
- Members will be able to ask questions following the presentation but must refrain from entering into debate directly with the applicant or giving advice that indicates a pre-judging of the proposals.
- Members must maintain an impartial listening role and Planning Committee members must avoid expressing an opinion to the applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations. It is equally important at this stage for members not to have closed minds as to the merits of the proposal.
- The Chairman will then conclude the meeting. After the applicants have left the meeting members can then discuss the proposals with officers and may advise officers of any concerns they may have and any elements with which they feel would benefit from negotiation with the developer. They will then be guided by professional officers as to what negotiations would be reasonable and would align with policy. Negotiations will be undertaken by professional officers only.
- A planning officer will record the meeting and take a note of all persons present, the issues discussed and the follow up actions. This will be placed on the file by the officer involved, to protect the members and the authority by showing what issues were discussed and that no pre-determination arose.
- The involvement of members will be recorded in any subsequent Committee Report.

## 2.3 Developer Forums

Within the Council's Statement of Community Involvement developers are encouraged to present their proposals to the public prior to the submission of an application, and incorporate a mechanism for getting the views of the public on such proposals.

Such events may simply involve written consultation with local residents around the site, or may (more likely) to be in the form of an exhibition held in a local venue where the proposed plans are on display and the public are invited to ask questions of the prospective applicant or their agents, and are asked for their views. Such views may be expressed verbally (and may be recorded by the event organisers) or they may be made in writing (often on pre-printed response forms).

Members are encouraged to attend such events but should act in accordance with the following guidance:

- Do not go 'incognito' – if approached (as you may well be) be open about your position as a councillor.
- Do not express an opinion until you have looked at the information (plans/models etc.) that is on show, as to do otherwise may indicate bias.
- Non planning Committee members may freely express an opinion on the proposals but are advised to make it clear whether this is a personal opinion or one made on behalf of local residents.
- Planning Committee members must maintain an impartial role and must avoid expressing an opinion to the prospective applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern. Comments should not be made in writing.

## 2.4 Private meetings/briefings involving officers and developers/landowners.

There may be some occasions where developers or landowners wish to discuss strategic developments or developments on strategic sites, which have implications for the council's corporate priorities and aims regarding regeneration and its economy. At the early stage of any discussions it may be appropriate to involve the Leader of the Council and/or the Planning and Economic Development Portfolio Holder in such discussions. Occasionally, other relevant Portfolio Holders may also be required. It would not be appropriate to involve any other Wyre Member.

- An invitation to the Leader of the Council and /or relevant Portfolio Holder to attend such a meeting shall come only from the Head of Planning & Regeneration or more senior officer.
- The Head of Planning & Regeneration shall attend all such meetings.
- The Leader and/or Portfolio Holder shall not, at any time, discuss the proposals with the developer/landowner without the Head of Planning & Regeneration or more senior officer being present.

## 2.5 Ward Members and rural affordable housing schemes.

The provision of affordable housing is a key priority and the delivery of schemes in rural areas requires a partnership approach involving officers, Registered Providers, landowners, Parish Councils and local Ward members. This requires that local Ward members should be involved in the delivery of rural affordable housing schemes from the site identification stage, through to the completion of the development. Much of this is at pre application stage. As community leaders they need to be actively seeking out landowners to bring forward suitable sites that would otherwise be unacceptable for development if they were not for affordable housing. Local Ward Members need to be sponsors of suitable affordable housing sites in their Wards and be a key link with local people, developers and Parish Councils.

- Local Ward Members may identify sites within their own area and seek the views of planning officers on the suitability of such sites for development.
- Local Ward Members may attend relevant meetings between the partners during the design stage of the proposal and should feel free to contribute views and comments which enable the scheme to evolve.
- Any local Ward Member who is also a Member sat on Planning Committee shall not, at any time during the pre application or application stage, publicly express a view for or against a development prior to its formal consideration.

## 3. General Guidelines

- Wyre Members' involvement in pre-application discussions should be limited to the ways set out in this protocol. Members of the Planning Committee should not arrange private meetings with developers.
- Any Planning Committee Member who elects to publicly support a view for or against a proposed development prior to its subsequent determination will predetermine their position to the extent that they will be advised to declare an other significant interest and thus be free to present their views to Committee in the event of the Committee considering the subsequent application, but they should not be able to take part in the debate or vote on the application.
- Wyre Members should not, at any time, seek to influence or put pressure on officers to support a particular form of action or a particular view.

**Appendix 2****Committee Site Visits****Introduction**

This protocol relates to Section 11 of the Local Code of Good Practice for Councillors and Officers involved in the Planning Process.

A lack of any common approach on when and why to hold a site visit and how to conduct it can leave a council open to the accusation that such visits are arbitrary and unfair or a covert lobbying device. A protocol setting out the arrangements for the Planning Committee encourages consistency and transparency of process.

The general approach should be that a site visit should only be used where the expected benefit is clear and substantial given that officers will have already visited the site and identified material considerations on behalf of the council.

Site visits should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.

**When will a site visit be carried out?**

A site visit will be carried out where one or more of the following criteria are met:

- a) the impact of the proposed development is difficult to visualise from the plans or from any supporting material, including photographs taken by officers.
- b) there is a good reason why the written comments of the applicant and objectors cannot be understood or appreciated without a site visit (e.g. to see particular features of the neighbourhood or wider landscape), or if the proposal is particularly contentious.
- c) a ward Councillor makes a request in writing to the Head of Planning & Regeneration not later than 2 working days after the publication of the agenda, and such a request contains reasons that show that there would be a clear and substantial benefit from visiting the site.
- d) the development is a major development and is considered to be of strategic importance/significance.

In all cases, the decision as to whether sites are visited rests with the Head of Planning & Regeneration or Development Manager in consultation with the Chairman of the Planning Committee. The reason(s) for carrying out a site visit will be recorded in the report of the Head of Planning Services.

**How will the site visit be conducted?**

It should be noted that any Member, may, at any time visit an application site, although any such visit will be restricted to that which can be viewed/assessed from any public land (e.g. highway or other public right of way). Members must not enter onto private land unless it is with the express permission of the landowner. In such circumstances members must be careful to remain impartial and not express any opinion indicating support for or objection to the development. For such reason, independent site visits are not recommended.

As at present, the site visits will be carried out prior to the Committee Meeting and will not constitute a part of the meeting.

The site visits will consist of an inspection by Members of the Planning Committee only, accompanied by planning officers (normally the Development Manager and/or the Head of Planning & Regeneration). The inspection should be unaccompanied (i.e. without the applicant/agent and/or objectors/supporters).

Prior to Members viewing the site (and during the site visit as appropriate), the officers shall describe the proposal and any accompanying plans and explain the key issues, particularly where relevant to what Members will be looking at on the site visit. Members may ask questions of the officers for clarification on any matter relating to the application, but should not express their opinion on the merits of the application, nor enter into any debate on the merits of the application with other Members at this time.

For particularly contentious applications objectors/supporters may be at the site (or gathered on public land adjacent to the site) and will be looking to make representations verbally to Members or to hand out material to Members to support their case. In these instances Members should explain that the purpose of their visit is to view the site and its surroundings and that they cannot enter into any discussion in respect of the merits of the application, and cannot accept any written or other material.

If the applicant or agent needs to be present to provide access to the site, they shall be requested to allow the Members to view the site unaccompanied. An exception to this would be where the applicant/agent is required to show the Planning Committee around – either for safety or security reasons or where it involves looking inside any occupied building. Under such circumstances, the applicant/agent will be asked not to speak on any issues concerning the merits of the application.

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Report of:	Meeting	Date
Chairman of the Licensing Committee, Cllr Colette Birch	Council	26 October 2023

**Periodic Report – Licensing**

## 1. Purpose of report

- 1.1 To inform the Council of the current position on issues dealt with by the Licensing Committee and Licensing Team during the period October 2022 to September 2023 (inclusive).

## 2. Licensing Committee hearings

- 2.1 The Licensing Committee has met in person 11 times.

In total it has considered and dealt with fifteen separate matters.

### 2.2 Licensing Act 2003

One application for the review of an existing premises licence and one objection to a Temporary Event Notice by a Responsible Authority were put before the Licensing Committee during this reporting period.

These matters are summarised below:

- Fleetwood Food and Wine / West End News PL(A)0013 of 19 Shakespeare Road, Fleetwood FY7 7HQ. Application for review submitted by Lancashire Police on basis Licensing Objectives of *Prevention of crime and disorder and Protection of children from harm had been undermined*.

DECISION - The Committee accepted the proposed conditions 1-10 from Lancashire Constabulary, and also accepted conditions 10 and 11 proposed by the appellant (set out in the below schedule). However, in ensuring the promotion of the licensing objectives, **agreed** to suspend the licence for three months to ensure that the premises could implement the agreed conditions. The applicant appealed the decision to the magistrates' court. Pending appeal, the length of the suspension was mediated between the parties and a lesser period of six weeks suspension

was agreed, which was subsequently approved by the magistrates' court.

- Temporary Event Notice intended to cover activities at Lancashire College of Agriculture, St Michaels Road, Bilsborrow on 24<sup>th</sup> and 25<sup>th</sup> June 2023. The matter was put before committee following an objection from Nick Clayton of the Environmental Health team at Wyre Council. Decision – The Committee agreed with the objection and resolved to issue a counter notice to prevent the event from going ahead. In reaching their decision the committee stated their support for the event and understood its nature as a fundraising event for the organisation, but accepted the concerns raised by the environmental health officer about potential noise which could not be adequately controlled via the TEN's process and was likely to cause a public nuisance. It was considered that a premises licence be more appropriate to allow for conditions to alleviate concerns.

### **2.3 Gambling Act 2005**

No matters have been referred to the Licensing Committee during the relevant reporting period.

### **2.4 Hackney Carriage and Private Hire licensing**

One application for a new dual driver licence was referred to the Licensing Committee during the relevant reporting period. The application was refused by the Licensing Committee on grounds that the applicant was not considered to be a fit and proper person to hold such a licence.

Two licensed drivers had to be referred to Licensing Committee on the basis of they had knowingly used vehicles for licensed work whilst there was no vehicle licence in place or valid MOT Certificate. One of the drivers received a 3 month licence suspension and the other was issued with a final written warning.

Additionally, 6 vehicle applications (4 private hire and 2 hackney carriage) were referred to Licensing Committee because they fell outside the current Hackney Carriage and Private Hire Licensing Policy for Wyre Council on basis of emissions standard. All six vehicle applications were granted.

On 28 March 2023 Committee considered the findings and recommendations of the unmet demand survey as presented by Ian Millership of LVSA. Following discussion, members acknowledged the conclusions of the unmet demand survey and agreed to reaffirm the council's position to continue to limit the number of hackney carriage licences to 160.



On 25 April 2023 Committee also considered and approved another request from the licensed trade to increase the existing hackney carriage tariff.

At the time of preparing the previous report Wyre Council was due to defend its position in relation to an appeal against the decision of the Licensing Committee to refuse to grant a Wyre Dual Licence. The magistrates overturned the decision of the Committee and awarded costs against the Council at the hearing in November 2022.

### **3. Licences, permits and registrations issued by the Licensing Unit**

#### **3.1 Licensing Act 2003**

There are currently 412 licensed premises in the Borough and the council is the relevant licensing authority for 2,267 personal licence holders.

During the reporting period licensing officers have dealt with applications for:

- 12 New premises licences
- 54 Variations to existing premises licences
- 18 Applications to transfer existing licences
- 92 New personal licences
- 39 Amendments to personal licences
- 258 Temporary Event Notices

#### **3.2 Gambling Act 2005**

The Borough currently has

- 9 Betting shops
- 2 Bingo premises
- 10 Adult Gaming Centres
- 1 Licensed Family Entertainment Centres
- 6 Family Entertainment Centre permits
- 26 Licensed premises gaming machine permits (3 or more machines)
- 53 Licensed premises gaming machine notification (up to 2 machines)
- 13 Club machine permits
- 1 Club gaming permit
- 2 Prize gaming permits
- 147 Small Society Lottery Registrations

During the reporting period licensing officers issued two new or varied permits in respect of gambling permissions.

#### **3.3 Taxi Licensing**

The Borough currently has 160 licensed hackney carriages and 89 licensed private hire vehicles, with vehicle licences issued for one year at a time.

Hackney carriage numbers are limited in the Borough (limit considered during triennial unmet demand survey referenced in this report) and so proprietors have kept their vehicle licences current to protect their plate during the pandemic. Many of these vehicles and their drivers have now returned to work.

There is no equivalent restriction on the number of private hire vehicles that the council will licence. Historically there was a fleet of around 120 licensed private hire vehicles working across the Borough at any given time, many of which relied on bookings for airport transfers as their main area of business. However, the onset of the COVID-19 pandemic created a rapid drop in demand for private hire services. Approximately one quarter of private hire vehicle proprietors allowed their vehicle licences to expire and the number of licensed vehicles has dropped by seven since the previous report.

There are 36 Private Hire Operators licensed to trade in the Borough and these licences are valid for five years from their respective dates of issue.

There were 385 dual driver licences current at the end of this reporting period and whilst the number remains stable against last year it is still approximately one tenth lower than pre-pandemic numbers.

Overall, there remains recognition that a lack of working drivers is having an impact on the availability of licensed vehicles to support the hospitality industry. This issue is now nationally recognised and whilst not unique to the Borough it is still reportedly evident at weekends in relation to dispersal of patrons from late hours premises situated in Poulton.

34 new Wyre driver licences were issued during this reporting period. By contrast, 35 new driver licences were granted during the previous 12 month reporting period.

The Licensing Authority has processed applications relating to licensed vehicles, drivers and operators as follows -

- 214 Hackney Carriage Vehicle Licences
- 102 Private Hire Vehicle Licences
- 139 Dual Driver Licences
- 7 Private Hire Operator Licences

### **3.4 Animal Welfare Licensing**

Wyre has a variety of premises licensed for activities involving animals under The Animal Welfare (Licensing of Activities Involving Animals)

(England) Regulations 2018. Registrations fall into the following categories:

- 12 Dog breeders
- 11 Catteries
- 3 Boarding dogs in kennels
- 18 Home boarding for dogs
- 4 Dog day care
- 4 Selling animals as pets
- 5 Hiring horses
- 3 Exhibiting animals

Licences are granted for one, two or three years, depending on the star rating awarded by the inspecting officer.

During this reporting period, officers assessed 21 applications for the grant or renewal of licences. All have been granted on the basis that the appointed inspector was satisfied that animal welfare standards could be adequately maintained by the applicant.

The Borough had previously experienced a sharp increase in the number of licensed commercial dog breeders and this was consistent with the situation across the country. However, the total number of licensed breeders has decreased by 1 since the last reporting period. Registrations related to other activities have remained more or less the same.

### **3.5 Miscellaneous Licensing/Permitting**

Officers have also issued the following permits, consents and registrations

- 8 Street Trading Consents
- 4 Registrations for skin piercing, tattooing electrolysis, etc.
- 5 Variations to Caravan site licences
- 7 Temporary Pavement Licences
- 16 House to House Collection Permits
- 30 Street Collection Permits

## **4. Licensing Activity**

### **4.1 Licensing Act 2003**

Annual fee payments continue to be closely monitored by licensing officers and where premises licence holders fail to pay their annual fees, licensing officers suspend licences until such time as the fees are paid.

Generally speaking suspensions against alcohol licensed premises are short lived because they stop a business from being able to trade. Thus, outstanding monies tend to be paid promptly following receipt of a

suspension notice.

At the end of this reporting period, 20 premises licences are under suspension with a further seven at imminent risk of being so. However many of these businesses may have now closed because they have been unable to recover from the economic damage caused by the COVID-19 pandemic. Therefore, the actual number is subject to change and where a licence holder does not surrender their licence they will continue to attract liability for an annual fee under the Licensing Act 2003.

Most compliance work is now centred on investigating complaints relating the hospitality sector in partnership with Environmental Health officers and Lancashire Police. However, the overwhelming majority of businesses subject to complaints work hard with partnership agencies to address and remedy any concerns that have been raised about the manner in which they have been operating. Statistics firmly support this as only one existing alcohol licensed premises has required formal action to be taken against it during the relevant period.

#### **4.2 Gambling Act 2005**

The Statement of Gambling Policy for Wyre Council was reviewed and put before the Licensing Committee without revision in October 2021. The Licensing Committee agreed that the existing policy remained fit for purpose and recommended that the matter be put before Council so the policy could remain in place from 1 April 2022.

Annual fees that are payable under the Gambling Act are also closely monitored by licensing officers, as the Act requires the licensing authority to revoke licences or permits, where licence holders fail to pay the annual fees on time. Five gambling authorisations have been revoked during the reporting period for non-payment. All of these were Small Society Lottery registrations.

#### **4.3 Hackney Carriage and Private Hire Regulation**

The Licensing Authority consulted on a revised policy covering the regulation of hackney carriages, private hire vehicles, their drivers and operators in the spring of 2021. The outcome of the consultation was reported to the Licensing Committee on 27 September 2021 and members resolved that the revised policy be approved without alteration to take effect from 1 April 2022. The revised policy aligns matters such as the stance on criminal and motoring convictions directly with Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport in July 2020. At the time of producing this report the current policy is subject of review.

The council has undertaken the triennial unmet demand survey, which is required because it limits the number of hackney carriage vehicles it licenses. The current limit is 160, and has been for many years. The final report from CTS Traffic and Transportation, who were

commissioned to undertake the study, was presented to Licensing Committee in March 2023. The decision of the Licensing Committee is listed at 2.3 of this report.

As outlined previously one licensed driver had their licence suspended by the Licensing Committee and another received a final written warning. No other existing licence holders have required formal action to be taken against them during the relevant period.

Stop Notices, which suspend a vehicle licence, continue to be issued by the MOT testers at Copse Road and licensing officers during compliance checks. The purpose of suspending vehicle licences for hackney carriages or private hire vehicles in this manner is because those vehicles have been inspected and have been deemed to be unfit to be used to transport members of the public on inspection. Conversely, once a vehicle is repaired and re-presented in an acceptable condition, the notice is lifted and licence restored.

#### **4.4 Temporary Pavement Licences**

As reported in 2021 and 2022, The Business and Planning Act 2020 was introduced with very little lead time during June and July of 2020. Following its introduction it created a completely new area of regulatory responsibility for the Council.

A bill proposing this legislation was first presented to Parliament on 25 June 2020 and the act came into force on 22 July 2020. This gave licensing officers just over a month to develop, have ratified and publish a policy including the fees to be charged, whilst developing an application process and consultation requirements for applications.

This new legislation provides a very streamlined application process for premises to obtain a temporary licence from the council to put tables and chairs onto adopted highway land adjacent to their premises, such as pavements. Initially these licences were due to expire on 30 September 2021, but the provisions were extended for a further twelve months over the summer of 2021. The subsequent extension period was due to conclude on 30 September 2022 but the provisions were again extended until 30 September 2023. Government have since extended the provision again until at least 31 March 2025. This is in line with amendments made to the Licensing Act 2003 that create a provision for off sales of alcohol for qualifying alcohol licensed premises.

The number of premises currently operating with a temporary pavement licence is outlined at section 3.5 of this report.

#### **4.5 Freedom of Information Act requests**

Licensing Officers have responded to 20 requests for information from members of the public and pressure groups submitted under the Freedom of Information Act 2000.

There have been 10 requests relating to animal welfare, 6 relating to taxi and private hire regulation, 2 about alcohol and entertainment licensing, 1 about general licensing and 1 about caravan site licensing.

<b>Financial, Legal and Climate Change implications</b>	
Finance	No financial implications arising from this report.
Legal	No legal implications arising from this report.
Climate Change	No climate change implications arising from this report.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
ICT	x
data protection	x

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Patrick Cantley	01253 887218	<a href="mailto:patrick.cantley@wyre.gov.uk">patrick.cantley@wyre.gov.uk</a>	28 September 2023

<b>List of background papers:</b>
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name of document	date	where available for inspection
None		

**List of appendices**

None

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