



**Wyre Borough Council**  
**Date of Publication: 29 March 2017**  
**Please ask for : Roy Saunders**  
**Democratic Services and Scrutiny Manager**  
**Tel: 01253 887481**

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, 6 April 2017** commencing at 7.00 pm.

Yours sincerely,

A handwritten signature in black ink that reads "Garry Payne".

**Garry Payne**  
**Chief Executive**

### **COUNCIL AGENDA**

**1. Prayers**

The Mayor will invite Rev Paul Critchley to say prayers.

**2. Apologies for absence**

**3. Confirmation of minutes**

To approve as a correct record the Minutes of the meeting of the Council held on 2 March 2017.

**4. Declarations of Interest**

To receive any declarations of interest from any Member or Officer on any item on this Agenda.

All Members are asked to submit any declarations in writing by 9.30am on Wednesday 5 April, 2017 if possible.

**5. 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.

**6. Public questions or statements**

(Pages 1 - 2)

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

Any questions or statements received by the specified deadline of noon on Friday 31 March 2017 will be published and circulated separately.

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

(Pages 3 - 4)

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

Any questions received by the specified deadline of noon on Friday 31 March 2017 will be published and circulated separately.

**8. 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).

- (a) Leader of the Council (Councillor Gibson) (Pages 5 - 6)
- (b) Resources Portfolio Holder (Councillor A Vincent) (Pages 7 - 8)
- (c) Street Scene, Parks and Open Spaces Portfolio Holder (Councillor Henderson) (Pages 9 - 10)
- (d) Planning and Economic Development Portfolio Holder (Councillor Murphy) (Pages 11 - 14)
- (e) Neighbourhood Services and Community Safety Portfolio Holder (Councillor Berry) (Pages 15 - 16)
- (f) Leisure and Culture Portfolio Holder (Councillor Bowen) (Pages 17 - 18)
- (g) Health and Community Engagement Portfolio Holder (Councillor V Taylor) (Pages 19 - 22)

**9. Resignation of Councillor Reeves**

Natalie Reeves formally submitted her resignation as a Councillor on 23 March 2017. A by-election to fill the consequential vacancy for Bourne Ward will take place on Thursday 4 May 2017.

The requirement for the allocation of places on non-executive Committees to reflect the overall political balance of the Council, specified in Section 15 of the Local Government Act 1989, is unaffected by her resignation. However, following consultation with the Leader of the Labour Group the vacancy on the Overview and Scrutiny Committee will remain unfilled for the one remaining meeting of the municipal year. A report on the appointment of members to all Committees, for 2017/18 taking account of the by-election result will be submitted to the Annual Council meeting on 11 May 2017.

**10. Overview and Scrutiny Committee Periodic Report** (Pages 23 - 28)

Report of the chairman of the Overview and Scrutiny Committee (Councillor Michael Vincent).

**11. Treasury Management and Annual Investment Strategy and Minimum Revenue Provision Statement 2017/18** (Pages 29 - 48)

Report of the Resources Portfolio Holder (Councillor A Vincent) and the Head of Finance (Section 151 Officer).

**12. Exploring Different Delivery Modules for Public Services in Wyre** (Pages 49 - 56)

(Report of the Leader of the Council (Councillor Gibson) and the Chief Executive.

**13. Public Speaking at Planning Committee Meetings and "Call In" of Planning Applications to the Planning Committee** (Pages 57 - 90)

Report of the Leader of the Council (Councillor Gibson) and the Chief Executive.

**14. Notices of Motion**

None received.

If you have any enquiries on this agenda, please contact Roy Saunders, tel: 01253 887481, email: [roy.saunders@wyre.gov.uk](mailto:roy.saunders@wyre.gov.uk)

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**COUNCIL MEETING**  
**6 APRIL 2017**

**AGENDA ITEM 6**

**PUBLIC QUESTIONS OR STATEMENTS**

No questions have been received from members of the public under Procedure Rule 9 by the deadline of 12.00 noon on Friday 31 March, 2017.

Published Friday 31 March, 2017  
Democratic Services  
Tel: 01253 887481

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**COUNCIL MEETING**  
**6 APRIL 2017**

**AGENDA ITEM 7**            **QUESTIONS "ON NOTICE" FROM COUNCILLORS**

No questions have been received from Councillors under Procedure Rule 11.1 by the deadline of 12.00 noon on Friday 31 March, 2017.

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Report of:	To:	Date	Item No.
Cllr. Peter Gibson, Leader of the Council	Council	6 April 2017	8(a)

<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. Minutes

- 2.1 At the last meeting of full Council Cllr Fail raised again the format and level of detail of the minutes. Cllr Fail questioned who was responsible for the format and content of the minutes and requested that the minutes be greater in detail.
- 2.2 For a number of months Members have agreed the format and contents of the minutes of full Council. The minutes and level of detail have been consistent for a number of meetings and have been approved in the format and content as currently detailed in this agenda. The tedious repetition and questioning about the minutes by Cllr Fail is becoming rather wearing, adds no value to the debate and a line needs to be drawn under this matter. The Constitution is clear in that **only factual matters** related to the minutes may be considered; the format or detail of minutes is **not** a matter for debate.

## 3. Appointment and Ratification of the Chief Constable for Lancashire

- 3.1 As part of the interview process on the 28 February 2017 candidates were questioned by two stakeholder panels and the Chief Executive formed part of one of the two stakeholder panels. Two experienced and credible candidates were interviewed over a two day period and as a result the Police & Crime Commissioner offered Andrew Rhodes, the Deputy Chief Constable for Lancashire the post and on the 20 March 2017 the Police & Crime Panel held a Confirmation Hearing.
- 3.2 I would like to take this opportunity to congratulate Andrew on his appointment, wish him well in his new role and I, Cllr Berry and Officers look forward to working with him and his Officers, particularly on the Early Action agenda.

#### **4. LGA Peer Challenge**

**4.1** On the 14 March I welcomed an LGA Peer Challenge Team who were with us for 3 days and their focus was the health agenda and specifically:

- (a) How public sector agencies in Wyre can further accelerate progress on delivering improved health outcomes.
- (b) How Wyre Council can strengthen its internal working arrangements to ensure strong delivery of the Healthier Wyre priority.

Cllr Vivien Taylor will cover this matter in greater depth, but I would like to thank the Peer Team for their work and also the staff and Partners for their very valuable contributions.

#### **5. County Council Elections and Purdah**

**5.1** As Members are aware the County Council Elections will be held on Thursday 4 May with the verification and count commencing at 10am on Friday 5 May at Marine Hall, Fleetwood. In addition, due to the resignation of Councillor Natalie Reeves there will be a local election in the Bourne Ward and the verification and count for the local seat will take place on the same day and at the same venue as the County Election.

**5.2** The purdah period commenced on the 24 March (publication of the Notice for Elections) but that does not prevent the Council conducting normal business or decision making, it is only matters that are directly related to County matters or matters affecting Bourne Ward that we will not promote or attribute to any of our currently elected County Councillors or Borough Councillors or potential Ward candidates who are standing for election.

#### **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.



Report of:	To:	Date	Item No.
Cllr Alan Vincent, Resources Portfolio Holder and Deputy Leader	Council	6 April 2017	8(b)

<b>Executive Report: Resources Portfolio Holder</b>
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**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**

**2.1** Members should now have received their council tax bills for the 2017/18 financial year reflecting this Council's decision to increase its element of the bill by just £5 on a Band D equivalent property to £188.31 or just under 52p per day.

**2.2** Whilst the total band D council tax (excluding parish precepts) is now £1,641.00, I wish to remind members that the Wyre element is only 12% of the charge with the costs of Lancashire County Council (74%), the Police and Crime Commissioner (10%) and the Fire Authority (4%) all contributing to the final bill that drops through our residents' letterboxes.

**2.3** With our most recent financial projections in the Medium Term Financial Plan indicating a gap between expenditure and income of £2.2m in 2020/21, there is still a great deal of work to be done between now and then to identify further efficiency savings. The Corporate Management Team and Heads of Service in conjunction with specific project teams are working on a variety of schemes to ensure our continuing financial sustainability.

**3. Human Resources**

**3.1** The Cross Directorate Project Group tasked with revamping the performance appraisal process has now met a number of times and generated some really innovative ideas. Their ideas and recommendations will be presented to CMT for approval before being rolled out across the Council from June. The scoping meeting of the next Cross Directorate Project Group was held on 20 March 2017, this group is looking at our approach to marketing to ensure that we are maximising commercial opportunities.

#### **4. Procurement**

**4.1** The Building Maintenance team have completed a procurement exercise which has signed up 11 local companies to a new Reactive Repairs and Maintenance works framework agreement for eight different lots. The lots include: groundworks; joinery; plumbing and drainage; electrical; roofing and cladding; mechanical engineering; painting and decorating and general building work. The framework agreements will run for one year with an option to extend annually for a maximum contract period of four years.

#### **5. Asset Management**

**5.1** As Members will know, one of our business plan priorities is to make the best use of our assets, the aim being to improve the return thereby promoting sustainability of our services. Fleetwood Market is one of these key assets. We have recently installed a cash machine at the market and have been progressing repairs to the roof and tiled flooring. A new lighting scheme is shortly to be installed and the external signage is being updated with the new Fleetwood Market branding along with some external repairs and decoration. A digital marketing plan is being prepared with the emphasis on developing an online presence for the market to help raise the profile both locally and nationally.

#### **6. Comments and questions**

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arm/ex/cou/cr/17/0604 Item 8(b)



Report of:	To:	Date	Item No.
Cllr David Henderson Street Scene, Parks and Open Spaces Portfolio Holder	Council	6 April 2017	8(c)

**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. Street Scene**

- 2.1 The annual highway weed spraying programme is due to commence in Fleetwood during this month, then continue across the rest of the borough over a period of 3-4 weeks (weather permitting).
- 2.2 Area Officers are engaging with local communities to try and tackle issues relating to waste, dog fouling and littering within alleyways. The early support from residents regarding a cohesive approach has been encouraging and I will report further on progress with this initiative at a later date.
- 2.3 Blackpool Council has recently been successful with two prosecutions of offenders known to be responsible for fly tipping within both boroughs. The pair received a custodial sentence along with a fine and a Criminal Behaviour Order. This punishment will hopefully send out a message to others who may dump waste illegally.
- 2.4 Officers have a number of on-going investigations into other fly tipping incidents within the borough and some joint cases are being progressed with Fylde, Lancaster and Blackpool councils.
- 2.5 The Lancashire Fly Tipping working group is finalising the joint fly tipping strategy including a communication strategy with the support of the Environment Agency. This is to ensure consistent hard hitting messages regarding this issue are delivered across all Lancashire Authorities. Key messages will be aimed at households and businesses regarding the need to undertake the correct checks before paying someone to take away waste, and to be cautious of sourcing people via social media such as Facebook.

### **3 Waste and Recycling**

- 3.1** Subscriptions are now live online for this year's garden waste service and to ensure a continuous service, customers must re-subscribe by mid April. The garden waste is now being processed and delivered direct to a facility at Out Rawcliffe as directed by Lancashire County Council. The green waste is being turned into compost using open windrow methods.
- 3.2** Officers have been asked to undertake a range of presentations to external stakeholders based on the authority's success in winning the best performer for Waste and Recycling Services.

### **4 Parks and Open Spaces**

- 4.1** I had pleasure in welcoming volunteers and partners to a celebratory event held in January regarding the award of a development grant for the Mount Grounds project. Following this a start-up meeting was held with the Heritage Lottery Fund on the 8 February and the work to procure a design team and consultants to assist with consultation and activity planning is underway.
- 4.2** The consultation to gather resident's views of land at King George's and Church Road Playing Fields in Thornton was launched at Marsh Mill on 20 January at an event featured by Radio Lancashire. Over 100 residents returned surveys at this event, online and at the display shown at Thornton YMCA and Wyre Estuary Country Park. Proposals are now being developed in preparation for further consultation this spring.
- 4.3** The Friends of Jean Stansfield/Vicarage Park, Poulton have been successful with a bid for funding from Tesco's 'Bags of help' fund, the grant will be put together with other funds the group have, to install additional play equipment on the park.

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

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arm/ex/cou/cr/17/0604 Item 8(c)



Report of:	To:	Date	Item No.
Cllr Pete Murphy, Planning and Economic Development Portfolio Holder	Council	6 April 2017	8(d)

<b>Executive Report: Planning and Economic Development Portfolio Holder</b>
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**1. Purpose of report**

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

**2. Coastal Communities Fund (CCF) Scheme**

2.1 We are awaiting full guidance details for CCF 5 and potential projects to be put forward are being collated.

**3. Coastal Community Teams (Fleetwood and Cleveleys)**

**Fleetwood**

3.1 We are continuing to support new and existing businesses and to date 13 town centre businesses have received funding towards shop front improvements. A business support advisor has advised a total of 20 businesses within Fleetwood Town Centre including Fleetwood Market as part of a short term project funded by Coastal Community team funding.

**Cleveleys**

3.2 In January 2017 DCLG awarded £10,000 to create a new Coastal Community Team for Cleveleys. The team then co-ordinated a town centre questionnaire, which has informed the development of an action plan, which was submitted to DCLG in March 2017.

**4. Hillhouse Enterprise Zone (EZ)**

4.1 Members will recall that the Memorandum of Understanding between Wyre Council and central government was signed by Andrew Percy MP, Parliamentary Under Secretary of State (Minister for the Northern Powerhouse) at the Department for Communities and Local Government and our Chief Executive, at an official ceremony on

9 November.

**4.2** Since the signing of the MOU we have dealt with over 30 business enquiries for the site and Council officers working in collaboration with staff from Blackpool Council have been able to assist with investment proposals and planning matters.

**4.3** Council officers submitted a bid to Government for 'Commercial Funding Support' for Hillhouse. The sum of £50,000 was awarded in January and will be used to develop a Master Plan and other elements. The Master Plan will impact upon the finalisation of the draft 5 year Implementation Plan for DCLG.

## **5. Business support**

**5.1** The first event of the year was held at Thornton Football Club and was hosted by Addison Academy and 30 members were taken on a guided tour of the Hillhouse Site enabling businesses to strengthen opportunities with flagship companies situated on site.

**5.2** Two further businesses have been awarded flood grants as a result of the damage caused from the floods of December 2015. The grants totalled £9,762.73 bringing our total of flooded businesses receiving grant aid to 11.

## **6. Planning policy**

### **Local plan**

**6.1** An update on the progress on the preparation of the Local Plan was considered by the Council's Overview and Scrutiny Committee on 6 February 2017.

**6.2** Since my last report work with Lancashire County Council (LCC) has continued to finalise evidence on the capacity of the local network to support development with deliverable mitigation and a final version of the highways evidence has now been submitted and published.

**6.3** The Highway Study for Poulton-le-Fylde which was due to be completed by consultants appointed by LCC by mid-December is expected imminently.

**6.4** At the end of March, the Planning Inspectorate commenced hearings into Fylde Borough Council's Local Plan. Despite working closely with Fylde (and Blackpool) under the Government's Duty to Cooperate, Fylde Council has not, in our view, adequately addressed the issue of our inability to meet our own housing needs due to our constraints. This issue was originally raised with both of our neighbouring authorities formally in writing and at regular meetings in 2015, with no positive response. We have therefore had no option but to submit a formal representation for consideration by the Inspector stating that we do not consider that Fylde Council has met its statutory duty to cooperate.



## **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.

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Report of:	To:	Date	Item no.
Cllr. Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder	Council	6 April 2017	8(e)

**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. CCTV and Lancashire Constabulary**

2.1 The partnership between our CCTV control room and neighbourhood policing teams continues to go from strength to strength. The Wyre and Fylde CCTV control room is at the centre of intelligence led policing, providing valuable information to target criminal activity within both Wyre and Fylde. The information gathered by the team is used to undertake operational orders within the borough and has led to arrests. It is essential that close co-operation between public sector agencies is maintained to help keep Wyre a safe place to live, work and visit.

**3. Funding to support victims of domestic abuse in Lancashire**

3.1 We are a partner in a bid by Lancashire councils for funding to support victims of domestic abuse. On 8 March we were informed of a successful outcome and Lancashire will share more than £1.3m of government funding for refuge provision and support to victims of domestic abuse.

3.2 The new funding will allow the creation of new bed spaces in refuges and other specialist accommodation, supporting victims with somewhere safe to live and rebuild their lives with additional access to education, employment and life skills training.

**4. New funding to support community-led housing projects**

4.1 Based on council tax information provided, in December 2016 we were awarded a grant from the Department for Communities and Local Government's (DCLG's) Community Housing Fund to help deliver community-led housing projects in our area. The grant is being

distributed in two equal tranches, the first of which was paid up front in January 2017. The payment of the second tranche is dependent on our provision of satisfactory evidence that the money is to be spent in accordance with the objectives of the Fund. Evidence has been submitted to DCLG to support the second tranche of receipt of funding.

## **5. Flooding Events Resilience**

**5.1** Following the closure of applications for flood resilience grants in December the final applications are being determined. In total, 97 properties received the £500 flood hardship payments and 89 applications for resilience grants have been made of which 71 have been approved, 3 refused and 5 are pending. The pending applications require Environmental Permits from the Environment Agency and discussions are ongoing.

## **6. Rossall Coastal Defence Improvement Scheme**

**6.1** Good progress continues to be made on the UK's largest coastal defence scheme. A presentation was made to members prior to the Full Council meeting on 2 March. Works to the bridging structure over the United Utilities pipeline commenced 9 March. The coastal defence scheme is scheduled for completion at the end of November with the landscaping and planting scheduled for completion the following Spring.

## **7. Comments and questions**

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arm/ex/cou/cr/17/0604 item 8(e)



Report of:	To:	Date	Item No.
Cllr. Lynne Bowen, Leisure and Culture Portfolio Holder	Council	6 April 2017	8(f)

<b>Executive Report: Leisure and Culture Portfolio Holder</b>
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## 1. Purpose of report

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

## 2. Volunteering

- 2.1 Our Volunteering Services continue to go from strength to strength with the number of volunteer hours delivered in 2016/17 exceeding all previous years. New volunteer opportunities for 2017 will include The Mount in Fleetwood, with volunteers helping to support events within the building as well as looking after its gardens.

## 3. Tourism and visitor services

- 3.1 The Discover Wyre Guide 2017 has been produced and circulated to our three Tourist Information Centres and six Tourist Information Points prior to the Easter break. We also hold a stock of leaflets for National marketing opportunities as well as for any enquiries and promotional opportunities throughout the year.
- 3.2 Hosted by the Council, the Marsh Mill AGM took place on 23rd February with approximately 25 attendees. It was announced during the AGM that Marsh Mill would open its doors to visitors on Easter Saturday and be staffed by a dedicated group of volunteers. There will be a programme of visitor events throughout the year when the sails will turn supported by varied activities within the Mill and in the village.

## 4. Sports development

- 4.1 A number of projects were submitted from Wyre for Sportivate funding. We have three successful projects and these are a clubbercise project for students at Myerscough College, self defence sessions for women in Fleetwood and a beginners running group also aimed at women in Fleetwood. These projects will be delivered during 2017.

**4.2** A successful funding application was made to Table Tennis England to provide a table and equipment at Fleetwood YMCA. New programmes of activity to promote table tennis will now be developed to encourage use of the tables.

**4.3** Planning is underway for Year 2 of Trysport activities with our partners Fylde Coast YMCA and Fleetwood Town Community Trust. Both service delivery partners have been awarded contract extensions and a new programme brochure will be launched after Easter. A new reward scheme is now in operation to encourage increased participation and retention.

## **5. Comments and questions**

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arm/ex/cou/cr/17/0604 Item 8(f)



Report of:	To:	Date	Item No.
Cllr. Vivien Taylor, Health and Community Engagement Portfolio Holder	Council	6 April 2017	8(g)

**Executive Report: 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 Health and Community Engagement Portfolio, as set out below.

**2. Community engagement**

- 2.1 LGA Communications Health Check** - Earlier this year we participated in an LGA Communications Health check. Health checks are improvement-orientated and tailored to meet individual councils' needs. Our health check explored whether the current communications service is fit for purpose and whether the Engagement Team structure, strategy and activities are in the best possible shape to deliver the corporate priority on engagement. I met with the reviewers during the health check as did a number of officers from across the council. I am pleased to report that reviewers found the Engagement Team enthusiastic and passionate about delivering a high standard of work for the council and its residents. We are well on our way to developing positive engagement activity and have a number of best practice examples which we should be proud of. The shift to the focus on community engagement has been embraced by the team and its importance is understood. The reviewers identified that the development and implementation of an engagement strategy, completion of the marketing review and the embedding of a commercial mind-set were all important areas to be taken forward in order to ensure that the council's priorities are delivered.

- 2.2 Together We Make a Difference Network** - In these early stages building relationships with partners and fact finding including mapping local assets in local communities is crucial. The team have been meeting with a number of parish and town councils to find out what are local people's priorities, as well as partner agencies and other local groups. If you are involved with a local community group then send the details to [together@wyre.gov.uk](mailto:together@wyre.gov.uk) so that the team can make contact.

**2.3 Seagull Campaign** - Before the nesting season begins we have been running another seagull campaign to try and control numbers. All relevant information and advice is held on [www.wyre.gov.uk/seagulls](http://www.wyre.gov.uk/seagulls). We have been creating new social media content for Facebook and Twitter which started in February and features tips on bird proofing your home ahead of the nesting/breeding season (between March and May). An article has also appeared in the spring edition of Wyre Voice, which has been distributed to all households. Future messages will include asking residents and visitors not to feed the birds, trying to prevent bathing water pollution and keeping your waste covered.

### **3. Health and wellbeing**

**3.1** Between 14 and 16 March we welcomed a Local Government Association Peer Review Team into the Authority to challenge us on work underway around our 'Healthier Wyre' theme. The review also included a focus on Council governance and leadership.

**3.2** Whilst we await a full written report we have had initial feedback from the Peer Review Team. I am pleased to report that the feedback has been very positive. The review team have identified that we have strong, credible political and organisational leadership, we have good core services, we are financially sound, partnership working is strong, we are highly regarded by partners, are delivering innovative projects, have a can do attitude and capable, well-motivated and talented staff.

**3.3** We are clearly well placed to deliver against our Business Plan priority of improving the health and wellbeing of our communities. I would like to thank all officers, elected members, partners and stakeholders who took part in what was clearly a challenging and comprehensive review. We await the full report but it is clear there is some great work underway, work that we will continue to build upon in the creation of a healthier Wyre.

### **4. Environmental health**

**4.1** The Environmental Protection team have been attending the Police led Wyre Early Action meetings since the initiative commenced. This has yielded some very positive outcomes in that the team have now made good links with Adult Social Care at Lancashire County Council, with Integrated Care Coordinators from NHS Fylde and Wyre CCG, and with Supported Housing providers such as Creative Support in Fleetwood. This has been particularly useful recently in dealing with a number of cases of self-neglect. These are always difficult cases but Early Action is now helping agencies to work better together to achieve the best outcome for the individual concerned.

**4.2** The Environmental Protection Team continues to explore the use of anti-social behaviour powers to resolve issues such as rubbish accumulations on private land which are not directly prejudicial to health. In the past the team would not have been able to address these issues formally but new anti-social behaviour powers now provide the Authority with another enforcement tool to utilise.



**5. Comments and questions**

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Report of:	Meeting	Date	Item No.
Cllr Michael Vincent, Chairman of Overview and Scrutiny Committee	Council	6 April 2017	10

<b>Overview and Scrutiny Committee: Periodic Report</b>
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## 1. Purpose of report

1.1 To inform Council about the work that the Overview and Scrutiny Committee has undertaken since the last periodic report was submitted.

## 2. Recommendation

2.1 That the report be noted.

## 3. Background

3.1 Since the last periodic report to Full Council the Overview and Scrutiny Committee has met on eleven occasions. Ten of these were scheduled meetings and there was one additional meeting arranged for a call-in.

## 4. Committee meetings

4.1 Councillor Michael Vincent was elected as Chairman of the Committee on 22 September 2014, with Councillor Kerry Jones elected as Vice Chairman.

4.2 The committee's work has been centred on the delivery of the annual Overview and Scrutiny Work Programme. The committee's Work Programme has been a very flexible arrangement during 2016/17, with several topics for review having been identified early in the year, leaving capacity for the Committee to respond to other issues that have arisen during the course of the year.

4.3 The committee dealt with a call-in about the proposed fees and charges for 2016/17 for the splash-pad facility in Fleetwood.

4.4 The Leader of the Council and the Chief Executive attended two meetings.

The first was to introduce the Strategic Narrative which described a new approach by which the council would deliver its strategic goals, including an essential element of increased commerciality.

The second was to introduce the Council's draft Business Plan 2015-2019, following the 2017 update. The committee made a number of comments and suggestions for amendment, which were supported by the Leader of the Council and the Chief Executive.

- 4.5** Quarterly Business Plan performance reports have been received from the Service Director Performance and Innovation. The reports have been very helpful in assisting the committee to identify topics for further scrutiny.
- 4.6** The committee has continued to closely monitor the development of the Local Plan by receiving quarterly progress reports from the Planning Policy and Economic Development Manager. Councillor Murphy, the Planning and Economic Development Portfolio Holder was also invited to a meeting to answer questions about the Local Plan's preparation.
- 4.7** Twelve months after the submission of the task group's report to Cabinet, the committee reviewed the progress of the implementation of the recommendations agreed by the Cabinet of the Engaging with Communities task group. The recommendations of two other task groups will be reviewed in April 2017, namely those that looked at:
- (i) Clinical Commissioning Groups, and
  - (ii) Building Stronger Relationships with Town and Parish Councils.
- 4.8** The committee continues to fulfil its requirement to scrutinise the work of the Community Safety Partnership (CSP) at least annually, receiving a report about the CSP's performance and priorities for the coming year. A report about the Partnership was most recently received by the committee on 6 March 2017.
- 4.9** The council has a co-opted representative on Lancashire County Council's Health Scrutiny Committee, who reports to the committee at least annually. The next report is due on 10 April 2017.
- 4.10** Other reports received by the committee from officers and representatives of external organisations included the following:
- Council Tax Discount
  - Proposed cuts to Lancashire County Council's Supporting People funding
  - Fleetwood Market
  - Left Coast
  - Strategic Narrative
  - 'Together We Make a Difference' initiative
  - Engaging with Communities task group – review of

- recommendations
- Proposed fees and charges 2017/18
- Cost profiles benchmarking
- Treasury Management Strategies and Policies
- Switching energy suppliers
- Grant funding and the YMCA
- 2030 Vision for health care in Wyre – Fylde and Wyre Clinical Commissioning Group

## 5. Task groups

### 5.1 Localised Council Tax Support (LCTS)

The task group met twice and reported its findings to the Overview and Scrutiny Committee on 6 June 2016.

The task group considered a number of different options for modifying the council's scheme. The task group concluded that the council's scheme is as good as it can be at the current time. There was a danger of reducing eligibility for LCTS which would then increase the council tax payable and would ultimately result in increased write offs, meaning that the council was no better off.

### 5.2 Lancashire County Council Property Strategy – Library service consultation

On 12 May 2016 Lancashire County Council's Cabinet agreed to commence a twelve-week public consultation on a proposed property strategy, which ran until 14 August 2016. The property strategy sought to suggest how savings might be made through the property portfolio, detailing how and where the County Council would deliver its services in the future. 238 buildings across Lancashire were subject to the review and there are proposals to continue to deliver services from 132 of them.

A task group was convened to scrutinise the impact of proposed library closures, which were part of the strategy, on the residents of Wyre.

The task group submitted its response, which was endorsed by the Cabinet, to meet Lancashire County Council's deadline of 14 August 2016.

### 5.3 Food hygiene

The Food Hygiene task group was set up to review the way in which the Food Hygiene Rating Scheme is delivered in Wyre and to identify any actions that should be taken to improve ratings. This followed a series of press reports which highlighted the fact that some food premises in the borough had very low Food Hygiene Standards Ratings.

The task group reported its findings to the Cabinet on 22 March 2017.

The implementation of the task group's recommendations accepted by the Cabinet will be reviewed by the Overview and Scrutiny Committee in March 2018.

#### **5.4 Domestic abuse**

The task group was commissioned to review the current provision for domestic abuse services in Wyre and to make recommendations for improvements that could affect Wyre residents.

The task group carried out extensive scrutiny of the roles and work of the myriad of organisations that contribute to the delivery of domestic abuse services in Wyre and made recommendations to the Cabinet based on a newly commissioned integrated domestic abuse service that commenced under the auspices of the Police and Crime Commissioner on 1 April 2017.

The task group reported its findings to the Cabinet on 22 March 2017.

The implementation of the task group's recommendations accepted by the Cabinet will be reviewed by the Overview and Scrutiny Committee in March 2018.

#### **5.5 Citizens Advice Bureau**

A scrutiny group undertook a review of the CAB's performance and, specifically, the council's contribution to the funding of the CAB, during two meetings held in October and November 2016.

The task group recommended to the Cabinet on 18 January 2017 that the Service Level Agreement with Citizens Advice North West be renewed, with appropriate updating and redrafting to reflect other specific recommendations, for a further period of three years from 1 June 2017, a recommendation that was accepted.

#### **5.6 Parliamentary Select Committee inquiry into overview and scrutiny in local government**

On Tuesday 24 January 2017 the Communities and Local Government (CLG) Committee launched an inquiry into overview and scrutiny in local government. The Committee will consider whether overview and scrutiny arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils.

A Working Group of the Overview and Scrutiny Committee met to discuss the specific points raised by the Select Committee inquiry and submitted a response to the Select Committee, meeting the deadline date of 10 March 2017.

## 6. Future work

### 6.1 Overview and Scrutiny Work Programme 2017/18

The Overview and Scrutiny Work Programme for 2017/18 will be discussed and agreed at the first meeting of the new Municipal Year on 22 May 2017. As always, members are invited to make suggestions about potential task group topics for inclusion in the Programme. Scrutiny is member-led and without suggestions from councillors about task group topics the Programme will not achieve its purpose.

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Report of:	Meeting	Date	Item no.
Cllr Alan Vincent, Resources Portfolio Holder and Clare James, Head of Finance	Council	6 April 2017	11

<b>Treasury Management and Annual Investment Strategy and Minimum Revenue Provision Policy Statement 2017/18</b>
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## 1. Purpose of report

1.1 Confirmation of the Treasury Management and Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy Statement 2017/18.

## 2. Outcomes

2.1 A Treasury Management and Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy Statement.

## 3. Recommendations

3.1 To approve the Treasury Management and Annual Investment Strategy and MRP Policy Statement for 2017/18 as considered by Cabinet at their meeting 22 March 2017.

## 4. Background

4.1 A review of the Treasury Management Policy Statement, Treasury Management Practices, Strategy and MRP Policy Statement is undertaken each year and reported to Cabinet in March.

4.2 However, in order to comply with the CIPFA Code of Practice for Treasury Management, the full Council is formally required to approve the Treasury Management and Annual Investment Strategy and the MRP Policy Statement for the forthcoming financial year.

## 5. Key issues and proposals

- 5.1 The Treasury Management and Annual Investment Strategy are attached at Appendix 1 and the MRP Policy Statement is attached at Appendix 2.

<b>Financial and legal implications</b>	
Finance	The financial implications arising from the adoption of the Treasury Management and Annual Investment Strategy and the MRP Policy Statement have been reflected in the Revenue Estimates which were agreed by Council at their meeting 2 March 2017.
Legal	Compliance with relevant legislation, codes of practice and guidance.

### **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 an x.

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

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

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<b>List of background papers:</b>		
name of document	date	where available for inspection

### **List of appendices**

Appendix 1 – Treasury Management and Annual Investment Strategy 2017/18  
 Appendix 2 – Minimum Revenue Provision Policy Statement 2017/18

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## **TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18**

### **1. Introduction**

#### **1.1 Background**

The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

CIPFA defines treasury management as:

*"The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."*

#### **1.2 Reporting requirements**

The Council receives and approves, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals.

#### **Prudential and Treasury Indicators and Treasury Strategy** (this report) -

The first, and most important report covers:

- the capital plans (including prudential indicators);
- a Minimum Revenue Provision Policy (how residual capital expenditure is charged to revenue over time);
- the Treasury Management Strategy (how the investments and borrowings are to be organised) including treasury indicators; and
- an Investment Strategy (the parameters on how investments are to be managed).

**An Annual Treasury Report** – This provides details of compliance with prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

**A Mid Year Treasury Management Report** – This will provide members with the activities undertaken, any variation from agreed policies, amending prudential indicators as necessary, and whether any policies require revision.

### **Scrutiny**

The Overview and Scrutiny Committee are responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies and their annual work programme reflects this requirement.

## **1.3 Treasury Management Strategy for 2017/18**

The strategy for 2017/18 covers two main areas:

### **Capital Issues**

- the capital plans and the prudential indicators;
- the minimum revenue provision (MRP) policy.

### **Treasury Management Issues**

- the current treasury position;
- treasury indicators which will limit the treasury risk and activities of the Council;
- prospects for interest rates;
- the borrowing strategy;
- policy on borrowing in advance of need;
- debt rescheduling;
- the investment strategy;
- creditworthiness policy; and
- policy on use of external service providers.

These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the CLG MRP Guidance, the CIPFA Treasury Management Code and the CLG Investment Guidance.

## **1.4 Training**

The CIPFA Code requires the responsible officer to ensure that members with responsibility for treasury management receive adequate training in treasury management. This especially applies to members responsible for scrutiny. All members responsible for scrutiny were invited to attend a Treasury Management training session delivered by our Head of Finance at the Overview and Scrutiny meeting 9 January 2017 and further training will be arranged as required.

The training needs of treasury management officers are periodically reviewed.

## 1.5 Treasury management Consultants

The Council uses Capita Asset Services, Treasury solutions as its external treasury management advisors.

The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external providers.

It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

## 2. The Capital Prudential Indicators 2017/18 to 2020/21

The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators, which are designed to assist members' overview and confirm capital expenditure plans. The Cabinet at its meeting on 15 February 2017 approved the list of Prudential indicators which is set out at Annex 1.

### 2.1 Capital Expenditure

Capital expenditure plans and how these plans are being financed by capital or revenues resources were approved by Cabinet on 15 February 2017.

Prudential indicator number 1 summarises the Councils capital expenditure plans. The table below illustrates how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a need to borrow.

	2016/17 Estimate £m	2017/18 Estimate £m	2018/19 Estimate £m	2019/20 Estimate £m	2020/21 Estimate £m
Capital expenditure	24.253	22.810	1.735	1.863	1.945
Financed by:					
Capital receipts	0.371	0.144	0	0	0
Capital grants and Contributions	23.002	22.405	1.518	1.518	1.518
Revenue/Reserves	0.880	0.261	0.217	0.345	0.427
Net financing need for the year	0	0	0	0	0

### 2.2 The Council's Borrowing Need (the Capital Financing Requirement)

The Capital Financing Requirement (CFR) is the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital sources. It is essentially a measure of the Council's underlying borrowing need. Any capital expenditure, which has not immediately been paid for, will increase the CFR.

The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the borrowing need in line with each asset's life.

The CFR includes any other long term liabilities (e.g. PFI Schemes, finance leases). Whilst these increase the CFR, and therefore the Council's borrowing requirement, these types of scheme include a borrowing facility and so the Council is not required to separately borrow for these schemes. The Council does not currently have any such schemes within the CFR.

Prudential indicator number 3 at Annex 1 summarises the Council's Capital Financing Requirement. This is shown gross of Adjustment A (the unreconciled difference between the previous credit ceiling and the new CFR per the Prudential Code). In essence, Adjustment A provides a debt liability of £9.5m which the Council is not required to repay through MRP.

### **2.3 Minimum Revenue Provision (MRP) Policy Statement**

The council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (the minimum revenue provision – MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision – VRP).

CLG Regulations have been issued which require the full Council to approve an MRP Statement in advance of each year. The Council is recommended to approve the MRP Policy Statement at Appendix 4.

### **2.4 Affordability Prudential Indicators**

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. The indicators at Annex 1, provide an indication of the impact of the capital investment plans on the Council's overall finances.

Prudential indicator number 2 identifies the trend in the cost of capital (borrowing costs net of investment income) against the net revenue stream. Prudential indicator number 4 identifies the revenue cost associated with proposed changes to the capital programme approved by Cabinet on 15 February 2017 compared to previous approved commitments and current plans. As there is no new borrowing planned for 2017/18 or beyond, the increased costs reflect income foregone by using reserves and balances to finance the capital programme. The assumptions are based on the budget and therefore include some estimates.

## **3. Borrowing**

The capital expenditure plans set out in Prudential indicator number 1 provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cashflow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury/prudential indicators, the current and projected debt positions and the annual investment strategy.

### **3.1. Current portfolio position**

The Council's treasury portfolio position at 31 March 2016, with forward projections are summarised on the following table. The table shows the actual

external debt (the treasury management operations), against the underlying capital borrowing need (the Capital Financing Requirement - CFR) highlighting any over or under borrowing.

<b>£000</b>	<b>2015/16 Actual</b>	<b>2016/17 Estimate</b>	<b>2017/18 Estimate</b>	<b>2018/19 Estimate</b>	<b>2019/20 Estimate</b>	<b>2020/21 Estimate</b>
<b>External Debt</b>						
Debt at 1 April	1,552	1,552	1,552	1,552	1,552	1,552
Expected change in Debt	0	0	0	0	0	0
Other Long Term Liabilities (OLTL)	9	9	9	9	9	9
Expected change in OLTL	0	0	0	0	0	0
<b>Actual Gross Debt at 31 March</b>	<b>1,561</b>	<b>1,561</b>	<b>1,561</b>	<b>1,561</b>	<b>1,561</b>	<b>1,561</b>
<b>Capital Financing Requirement</b>	<b>11,643</b>	<b>11,547</b>	<b>11,451</b>	<b>11,355</b>	<b>11,259</b>	<b>11,163</b>
<b>Under/(over) borrowing</b>	<b>10,082</b>	<b>9,986</b>	<b>9,890</b>	<b>9,794</b>	<b>9,698</b>	<b>9,602</b>

Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well-defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2016/17 and the following two financial years. This allows some flexibility for limited, early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes.

The Council complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view takes into account current commitments, existing plans, and the proposals in this budget report.

### **3.2. Treasury Indicators: Limits to Borrowing Activity**

The Treasury Management indicators at Annex 2 were approved by the Cabinet at its meeting on 15 February 2017.

The Authorised Limit (Treasury management indicator number 1) represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

The Operational Boundary (Treasury management indicator number 2) is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt.

**3.3.** The Council has appointed Capita Asset Services as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates and provide an economic commentary as follows:-

Annual Average %	Bank Rate %	PWLB Borrowing Rates % (including certainty rate adjustment)		
		5 year	25 year	50 year
March 2017	0.25	1.60	2.90	2.54
June 2017	0.25	1.60	2.90	2.70
Sept 2017	0.25	1.60	2.90	2.70
Dec 2017	0.25	1.60	3.00	2.70
March 2018	0.25	1.70	3.00	2.80
June 2018	0.25	1.70	3.00	2.80
Sept 2018	0.25	1.70	3.10	2.90
Dec 2018	0.25	1.80	3.10	2.90
March 2019	0.25	1.80	3.20	3.00
June 2019	0.50	1.90	3.20	3.00
Sept 2019	0.50	1.90	3.30	3.10
Dec 2019	0.75	2.00	3.30	3.10
March 2020	0.75	2.00	3.40	3.20

The Monetary Policy Committee, (MPC), cut the Bank Rate from 0.50% to 0.25% on 4th August in order to counteract what it forecast was going to be a sharp slowdown in growth in the second half of 2016. It also gave a strong steer that it was likely to cut the Bank Rate again by the end of the year. However, economic data since August has indicated much stronger growth in the second half of 2016 than that forecast; also, inflation forecasts have risen substantially as a result of a continuation of the sharp fall in the value of sterling since early August. Consequently, the Bank Rate was not cut again in November or December and, on current trends, it now appears unlikely that there will be another cut, although that cannot be completely ruled out if there was a significant dip downwards in economic growth. During the two-year period 2017 – 2019, when the UK is negotiating the terms for withdrawal from the EU, it is likely that the MPC will do nothing to dampen growth prospects, (i.e. by raising the Bank Rate), which will already be adversely impacted by the uncertainties of what form Brexit will eventually take. Accordingly, a first increase to 0.50% is not tentatively pencilled in, as in the table above, until quarter 2 2019, after those negotiations have been concluded (though the period for negotiations could be extended). However, if strong domestically generated inflation (e.g. from wage increases within the UK) were to emerge, then the pace and timing of increases in the Bank Rate could be brought forward.

Therefore economic and interest rate forecasting remains difficult, with so many external influences weighing on the UK. The above forecasts (and MPC decisions) will be liable to further amendment depending on how economic data and developments in financial markets transpire over the next year. Geopolitical developments, especially in the EU, could also have a major impact. Forecasts for average investment earnings beyond the three-year time horizon will be heavily dependent on economic and political developments.



PWLB rates and gilt yields have been experiencing exceptional levels of volatility that have been highly correlated to geo-political, sovereign debt crisis and emerging market developments. It is likely that these exceptional levels of volatility could continue to occur for the foreseeable future.

Investment rates are likely to remain low during 2017/18 and beyond. Borrowing interest rates have been on a generally downward trend during most of 2016 up to mid-August; they fell sharply to historically low levels after the referendum and then even further after the MPC meeting of 4<sup>th</sup> August when a new package of quantitative easing purchasing of gilts was announced. Gilt yields have since risen sharply due to a rise in concerns around a 'hard Brexit', the fall in the value of sterling and an increase in inflation expectations. The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years. However, this needs to be carefully reviewed to avoid incurring higher borrowing costs in later times when authorities will not be able to avoid new borrowing to finance capital expenditure and/or to refinance maturing debt. There will remain a 'cost of carry' to any new long-term borrowing that causes a temporary increase in cash balances, as this position will, most likely, incur a revenue cost – the difference between borrowing costs and investment returns.

### **3.4. Borrowing Strategy**

The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement) has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is still an issue that needs to be considered.

Against this background and the risks within the economic forecast, caution will be adopted with the 2017/18 treasury operations. The Head of Finance will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:

- **if it were felt that there was a significant risk of a sharp FALL in long and short term rates**, (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings will be postponed, and potential rescheduling from fixed rate funding into short term borrowing will be considered.
- **if it were felt that there was a significant risk of a much sharper RISE in long and short term rates than that currently forecast**, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates are still lower than they will be in the next few years.

Any decisions will be reported to Council at the next available opportunity.

#### **Treasury Management limits on activity**

There are three debt related treasury activity limits, the purpose of which are to restrain the activity of the treasury function within certain limits, thereby managing

risk and reducing the impact of any adverse movements in interest rates. These can be found at Annex 2 Treasury Indicators numbers 4 to 6 which were approved by Cabinet on 15 February 2017.

### **3.5 Policy in Borrowing in Advance of Need**

The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds. Risks associated with any borrowing in advance will be subject to prior appraisal and subsequent reporting through the mid-year or annual reporting mechanism.

### **3.6 Debt Rescheduling**

As short term borrowing rates will be considerably cheaper than longer term fixed interest rates, there may be potential opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the current treasury position and the size of the cost of debt repayment (premiums incurred).

The reasons for any rescheduling to take place will include:

- a) The generation of cash savings and/or discounted cash flow savings;
- b) Helping to fulfil the treasury strategy;
- c) Enhance the balance of the portfolio (amend the maturity profile and/or the balance of volatility).

Consideration will also be given to identify if there is any residual potential for making savings by running down investment balances to repay debt prematurely as short term rates on investment are likely to be lower than rates paid on current debts.

All rescheduling will be reported as soon as possible after completion of the exercise to Council.

## **4. Annual Investment Strategy**

### **4.1 Investment policy**

The Council's investment policy has regard to the CLG's Guidance on Local Government Investments ("the Guidance") and the revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code"). The Council's investment priorities will be security first, liquidity second and then return.

In accordance with guidance from the CLG and CIPFA, and in order to minimise the risk to investments, the Council applies minimum acceptable credit criteria in order to generate a list of highly creditworthy counterparties which also enables diversification and thus avoidance of concentration risk. The key ratings used to monitor counterparties are the Short Term and Long Term ratings.

Ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinions of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as 'credit default swaps' and overlay that information on top of the credit ratings.

Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

Investment instruments identified for use in the financial year are listed in TMP 1 Schedule 1 under the 'specified' and 'non-specified' investments categories. Counterparty limits will be as set through the Council's treasury management practices – schedules.

### **4.2 Creditworthiness Policy**

This Council applies the creditworthiness service provided by Capita Asset Services. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard and Poor's. The credit ratings of counterparties are supplemented with the following overlays:

- credit watches and credit outlooks from credit rating agencies
- Credit Default Swaps (CDS) spreads to give early warning of likely changes in credit ratings
- sovereign ratings to select counterparties from only the most creditworthy countries

This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will therefore use counterparties within the following durational bands

- Yellow 5 years (only Local Authorities)
- Dark Pink 5 years for Enhanced Cash Funds with a credit score of 1.25
- Light Pink 5 years for Enhanced Cash Funds with a credit score of 1.5
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour Not to be used

Organisation	Minimum credit criteria / colour band	Max Amount per institution	Max. maturity Period
Term deposits with UK Clearing Banks and UK Building Societies	Purple Orange Blue Red Green	£6m £6m £6m £6m £6m	Up to 2 years Up to 1 year Up to 1 year* Up to 6 months Up to 100 days
Certificates of Deposit with UK Clearing Banks and UK Building Societies	Purple Orange Blue Red Green	£6m £6m £6m £6m £6m	Up to 2 years Up to 1 year Up to 1 year* Up to 6 months Up to 100 days
UK Local Authorities	Yellow	£6m £6m	Up to 5 years Up to 1 year
Enhanced Cash Funds with credit score of 1.25	Dark pink / AAA	£6m	liquid
Enhanced Cash Funds with credit score of 1.5	Light pink / AAA	£6m	liquid
Money Market Funds	AAA	£6m	liquid

\* Part nationalised banks

Capita Asset Services creditworthiness service uses a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just once agency's ratings.

Typically the minimum credit ratings criteria the Council use will be a Short Term rating (Fitch or equivalents) of F1 and a Long Term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

All credit ratings will be monitored weekly but the Council is alerted to changes to ratings of all three agencies through the use of Capita Asset Services creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a daily basis via its Passport website, provided exclusively to it by Capita Asset Services. Extreme market movements may result in the downgrade of an institution or removal from the Council's lending list.

Sole reliance will not be placed on the use of this external service. In addition the Council will also use market data and market information, information on any external support for banks to help support its decision making process.

#### **4.3 Country Limits**

Due care will be taken to consider the country, group and sector exposure of the Council's investments.

The Council has determined that it will only use approved counterparties from countries, other than the UK, with a minimum sovereign credit rating of AA- from Fitch (or equivalent). The list of countries that qualify using this credit criteria as at 16 December 2016 are shown in Annex 3. This list will be updated prior to any investments being made outside of the UK.

#### **4.4 Investment Strategy**

##### **In-House Funds**

Investments will be made with reference to the level of earmarked reserves and cashflow requirements and the outlook for short term interest rates (i.e. rates for investments up to 12 months).

##### **Investment returns expectations**

The Bank Rate is forecast to remain unchanged at 0.25% until quarter 2 2019 and not to rise above 0.75% by quarter 1 2020. Bank Rate forecasts for financial year ends (March) are as follows: -

- 2016/2017 0.25%
- 2017/2018 0.25%
- 2018/2019 0.25%
- 2019/2020 0.75%

The suggested budgeted investment earnings rates for returns on investments placed for periods of up to 100 days during each financial year for the next eight years are as follows:

- 2016/2017 0.25%
- 2017/2018 0.25%
- 2018/2019 0.25%
- 2019/2020 0.50%
- 2020/2021 0.75%
- 2021/2022 1.00%
- 2022/2023 1.50%
- 2023/2024 1.75%
- Later years 2.75%

The overall balance of risks to these forecasts is currently probably slightly skewed to the downside (i.e. start of increases in Bank Rate occurs later) in view of the uncertainty over the final terms of Brexit. If growth expectations disappoint and inflationary pressures are minimal, the start of increases in Bank Rate could be pushed back. However, should pace of growth quicken and/or forecasts for increases in inflation rise, there could be an upside risk i.e. Bank Rate increases occur earlier and/or at a quicker pace. The Council has determined the budget for investment returns at 0.35% on investments placed during the 2017/18 financial year. This was based on the current investment profile.

#### **4.5 Investment treasury indicator**

There are currently no plans for funds to be invested for a period greater than 364 days. These limits are set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment and are based on the availability of funds after each year end. For its cash flow generated balances, the Council will seek to utilise its instant access and notice accounts, money market funds, short rated deposits (overnight to 100 days) and 6 month deposits in order to benefit from compounding of interest.

#### **4.6 Investment Risk benchmarking**

This Council will use an investment benchmark to assess the investment performance of its investment portfolio of 7 day LIBID (London Interbank Bid Rate).

#### **4.7 End of year investment report**

At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report.

**Prudential Indicators**

Indicator No.

1. The actual capital expenditure incurred in 2015/16 and the estimates of capital expenditure for the current and future years that are recommended for approval are:

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
	£000	£000	£000	£000	£000	£000
	Actual	Estimate	Estimate	Estimate	Estimate	Estimate
Housing	957	1,500	1,515	1,498	1,498	1,498
Environmental Protective and Cultural Services	18,496	22,753	21,295	237	365	447
<b>Total</b>	<b>19,453</b>	<b>24,253</b>	<b>22,810</b>	<b>1,735</b>	<b>1,863</b>	<b>1,945</b>

2. Estimates of the ratio of financing costs to net revenue stream for the current and future years, and the actual figures for 2015/16 are:

Ratio	0.00%	0.58%	0.85%	0.96%	0.55%	0.53%
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The estimates of financing costs include current commitments and the proposals in the budget report.

3. Estimates of the end of year capital financing requirement for the authority for the current and future years and the actual capital financing requirement at 31<sup>st</sup> March 2016 are:

	31/3/16	31/3/17	31/3/18	31/3/19	31/3/20	31/3/21
	£000	£000	£000	£000	£000	£000
	Actual	Estimate	Estimate	Estimate	Estimate	Estimate
Total Capital Financing Requirement (Expenditure less capital grants and use of usable/setaside receipts)	11,643	11,547	11,451	11,355	11,259	11,163

The capital financing requirement measures the authority's underlying need to borrow for a capital purpose.

To ensure that debt over the medium term is only for capital purposes, debt should not except in the short term exceed the Capital Financing Requirement for the previous, current and next two financial years.

4. Estimates of Impact of Capital Investment Decisions on the Band D Council Tax

	2016/17	2017/18	2018/19	2019/20	2020/21
	£	£	£	£	£
	Estimate	Estimate	Estimate	Estimate	Estimate
Wyre Council Band D Council Tax	183.36	183.37	183.40	183.45	183.51

These forward estimates reflect the impact of future capital programmes, are not fixed and do not commit the Council.

## Prudential and Treasury Management Indicators

### Treasury Management

Wyre Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in the Public Services.

Indicator  
No.

#### 1. External Debt - Authorised Limit (Old Section 45 Limit/New Section 3 Limit)

	2016/17	2017/18	2018/19	2019/20	2020/21
	£000	£000	£000	£000	£000
	Estimate	Estimate	Estimate	Estimate	Estimate
Borrowing	24,000	24,000	24,000	24,000	24,000
Other Long Term Liabilities	0	0	0	0	0
Total Authorised Limit	24,000	24,000	24,000	24,000	24,000

Limit for total external debt (gross of investments).

#### 2. External Debt - Operational Boundary (Reasonable Limit-day to day)

	2016/17	2017/18	2018/19	2019/20	2020/21
	£000	£000	£000	£000	£000
	Estimate	Estimate	Estimate	Estimate	Estimate
Borrowing	13,643	13,643	13,643	13,643	13,643
Other Long Term Liabilities (Deferred Liabilities)	9	9	9	9	9
Total Operational Boundary	13,652	13,652	13,652	13,652	13,652

Limit for total external debt (gross of investments).

#### 3. Actual External Debt

	31/03/16
	£000
	Actual
External Debt-Temporary Borrowing	0
External Debt-PWLB	1,552
Other Long Term Liabilities	9
Total Actual External Debt	1,561

It should be noted that actual external debt is not directly comparable to the authorised limit or operational boundary, since the actual external debt reflects the position at one point in time.



## 4. Fixed Interest Rate Exposures

	2016/17	2017/18	2018/19
	%	%	%
	Estimate	Estimate	Estimate
Principal sums outstanding in respect of borrowing at fixed rates	100	100	100
Principal sums outstanding in respect of investments that are fixed rate investments	25	25	25

## 5. Variable Interest Rate Exposures

	2016/17	2017/18	2018/19
	%	%	%
	Estimate	Estimate	Estimate
Principal sums outstanding in respect of borrowing at variable rates	25	25	25
Principal sums outstanding in respect of investments that are variable rate investments	100	100	100

## 6. Maturity Structure of Borrowing

It is recommended that the Council sets upper and lower limits for the maturity structure of its borrowing as follows.

Amount of projected borrowing that is fixed rate maturing in each period as a % of total projected borrowing that is fixed rate at the start of the period.

	Upper Limit	Lower Limit
Under 12 months	100	0
12 months and within 24 months	45	0
24 months and within 5 years	75	0
5 years and within 10 years	75	0
10 years and above	100	0

## 7. Total principal sums invested for periods longer than 364 days

	2014/15	2015/16	2016/17
	£000	£000	£000
	Estimate	Estimate	Estimate
Total principal sum invested to final maturities beyond the period end	0	0	0

**Approved Countries for Investment (as at 16/12/16)**

Countries listed by sovereign ratings of AA- or higher and also (except Hong Kong, Norway and Luxembourg), have banks operating in sterling markets which have credit ratings of green or above in the Capita Asset Services credit worthiness service.

## AAA

- Australia
- Canada
- Denmark
- Germany
- Luxembourg
- Netherlands
- Norway
- Singapore
- Sweden
- Switzerland

## AA+

- Finland
- Hong Kong
- U.S.A.

## AA

- Abu Dhabi (UAE)
- France
- Qatar
- U.K.

## AA-

- Belgium

## MINIMUM REVENUE PROVISION POLICY STATEMENT 2017/18 (England and Wales)

### 1. The Council's Adopted Approach

The Council implemented the new Minimum Revenue Provision (MRP) guidance in 2008/09 and will assess their MRP for 2017/18 in accordance with the main recommendations contained within the guidance issued by the Secretary of State under section 21(1A) of the Local Government Act 2003.

All expenditure reflected within the debt liability at 31 March 2008 will under delegated powers be charged over a period which is reasonably commensurate with the estimated useful life applicable to the nature of expenditure, using the equal annual instalment method (Asset Life Method). For example, capital expenditure on a new building, or on the refurbishment or enhancement of a building, will be related to the estimated life of that building.

Estimated life periods will be determined under delegated powers. To the extent that expenditure is not on the creation of an asset and is of a type that is subject to estimated life periods that are referred to in the guidance, these periods will generally be adopted by the Council. However, the Council reserves the right to determine useful life periods and prudent MRP in exceptional circumstances where the recommendations of the guidance would not be appropriate.

As some types of capital expenditure incurred by the Council are not capable of being related to an individual asset, asset lives will be assessed on a basis which most reasonably reflects the anticipated period of benefit that arises from the expenditure. Also, whatever type of expenditure is involved, it will be grouped together in a manner which reflects the nature of the main component of expenditure and will only be divided up in cases where there are two or more major components with substantially different useful economic lives.

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Report of:	Meeting	Date	Item no.
Cllr Peter Gibson, Leader of the Council and Garry Payne, Chief Executive	Council	6 April 2017	12

<b>Exploring different delivery models for future public services in Wyre</b>
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## 1. Purpose of report

- 1.1 To provide options around different delivery models for future public service delivery in Wyre.

## 2. Outcomes

- 2.1 Sustainable and integrated public services for the residents of Wyre.
- 2.2 Cost effective, quality services.

## 3. Recommendation/s

- 3.1 That full Council note the report and give authority to Officers to start discussions with key partners (Blackpool Council, Fylde Council, Lancashire County Council, Police and Crime Commissioner for Lancashire, Lancashire Combined Fire Authority and the four CCG's (Fylde & Wyre, Blackpool, Greater Preston and Morecambe Bay)) on the proposed Fylde Coast Collaborative model of service delivery (as set out at paragraph 5.2.5).
- 3.2 That the Council supports the development and the principles of a Multispeciality Community Provider (MCP) model for Fylde and Wyre.

## 4. Background

- 4.1 All public services are faced with significant challenges including increasing demand-led pressures, expectations and an ageing population against a backdrop of reduced central government funding. Wyre Council has continued to evolve and adapt to respond to such challenges but we are still faced with a potential £2.2m gap in 2020/21. These factors ultimately lead to the need to explore whether the current two-tier governance structure is effectively working for Wyre and our residents.

- 4.2** Over the last 12 months, local government has witnessed a number of developments which could fundamentally reshape local public services. Alongside continuing budget pressures, devolution deals and wider public service reforms, there has also been a change in Government policy on local government reorganisation. The Cities and Local Government Devolution Bill includes an invitation for unitary proposals that do not require the consent of all partners. Government has also stated their support for local areas to have discussions about structural reform.
- 4.3** Combined Authorities were the ‘main game in town’ with respect to devolution and local growth but in the November 2016 Autumn Statement, there was little clarity or direction around this and no new deals or agreements were announced. A number of agreements have also been withdrawn including the North East Combined Authority, East Anglia and Greater Lincolnshire.
- 4.4** Lancashire continues to progress the Combined Authority route and a shadow Lancashire Combined Authority (LCA) was formed. In December 2015, full Council made a decision not to be part of the LCA due to a significant lack of information on the benefits and costs associated with it. Fylde Council have now also indicated that they are withdrawing their support for the LCA and devolution. The fact that Wyre and Fylde do not support the establishment of a LCA puts the formation of a LCA at considerable risk.
- 4.5** Various discussions have started across Lancashire to explore different service models for public services especially in the light of the financial challenges faced by Lancashire County Council (LCC) and the potential impact this will have on local services and residents. LCC is currently not in a sustainable financial position and is forecast to have a cumulative deficit of £411m by the end of 2020/21 and an in year deficit that year of £146m. In this context, LCC commissioned PWC to undertake work to develop a new public sector operating model for Lancashire. This report was published in early February and sets out a proposed Lancashire Public Services Model. (It is understood there has been no formal approval of this new model.) The report was very disappointing and the role of District Councils was somewhat overlooked with the main suggestion being that waste collection services would transfer to the LCA.
- 4.6** Different service delivery models are also emerging through our health partners which are important to consider as part of any structural reform. For example, the NHS Five Year Forward View Planning Guidance required every local health and care system in England to create a Sustainability and Transformation Plan (STP). An STP is a new planning framework for NHS services and is intended to be a health blueprint for delivering the ambitions NHS bodies have for a transformed health service. STPs are:

- Based on a 'place' footprint rather than single organisations (our STP footprint being Lancashire and South Cumbria)
- Umbrella strategies, spanning a range of delivery plans which may cover different geographies (in our case one for The Fylde Coast and a more local one for Fylde and Wyre) or types of services
- Required to cover the full range of health services in the footprint, from primary care to specialist provision, with an expectation that they will also cover local government (especially social care) provision

**4.7** Public Sector agencies agree that future services must be better organised and delivered to get the best possible health and wellbeing outcomes for citizens of all ages and communities. These services must be in the right place – which is in our neighbourhoods, making the most of the strengths and resources of the community as well as meeting their needs. Care, information and advice must be available at the right time, provided proactively to avoid escalating ill health and with an emphasis on wellness. Services must be designed with citizens and centred on the needs of the individual, with easy and equitable access for all and making best use of community provision. These services must also be provided by the most appropriate body.

**4.8** District Councils provide services that have a direct impact upon the health and wellbeing of their communities. Districts are by their nature and size in touch with their communities and as a result communities directly benefit from that close relationship. A paper produced by The Kings Fund: “The district council contribution to public health: a time of challenge and opportunity” clearly evidences the important role that District Councils play.

**4.9** On a local footprint, led by Fylde and Wyre Clinical Commissioning Group, discussions have begun regarding the potential development of a Multispeciality Community Provider (MCP). Initial discussions have focussed on our population and health care challenges, the development of new models of care to meet these challenges and key organisational design characteristics and participation options. Collaborative purpose, the case for change, service scope and phasing together with provider and commissioner functions, leadership, governance and legal arrangements of an MCP must also be considered.

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

**5.1** It is unlikely that public services in Wyre are going to be successfully transformed and become more sustainable if we continue operating within the current two-tier governance structure. Research shows that different services and functions are best suited to different population sizes and geographical footprints. Some need to be delivered at scale on a larger geographical footprint than others in order for them to be more efficient and sustainable e.g. adult social care, children’s social care, transport and education. Whereas other services may benefit from better

collaboration between neighbouring District authorities stakeholders and partners. However, there is no need to lose current democratic accountability.

**5.2** A number of different service delivery options have been explored and these are set out below.

**5.2.1 Do Nothing** – as mentioned above at 5.1, the status quo is unlikely to be sustainable based on the financial challenges faced by all public services. There is a danger that if we do nothing our communities will lose many vital services and demand will only continue to increase and become unmanageable.

**5.2.2 Unitary Wyre** – There have been indications that the new Communities for Local Government Secretary of State is prepared to determine unitary proposals. He is not requiring local consensus before making such a determination but it is believed that unitary proposals are preferred for population sizes between 300,000 and 700,000. For this reason, there seems little point considering the unitary option as Wyre does not have the scale that Central Government would be seeking in creating new unitaries. A number of councils are still pursuing this route including Chorley Council and these could be viewed as ‘test cases’ which, if successful, could lead to the option being re-evaluated.

**5.2.3 A single Lancashire Unitary Authority** – Structural reform research carried out on behalf of the County Council network has shown that if looking purely at financial drivers then creating a single authority within a county area has the largest capacity for savings. The research suggests the most effective foundations for structural reform are building on the scale and geography of county councils. What this research does not address is the quality of the service provision or the risk of losing local identity and democratic accountability. A Lancashire Unitary would cover a population of 1.45 million. It is felt that this option would be detrimental to local accountability and the quality services that Wyre currently delivers. In addition, there is also the current financial predicament that LCC face, in that they may not be able to set a balanced budget for 2018/19 and if that is the case they may be the subject of Government intervention.

**5.2.4 Merged District Authorities** – This option would see all local authority controlled service expenditure across Lancashire managed through two tiers of governance with consolidation of the District tier of governance across Lancashire. This option of reorganisation is being explored across a number of areas with districts in East Kent, Suffolk and Somerset making public their intentions to explore a merger of district councils. It is not clear how merging district functions would improve public services



across Lancashire.

**5.2.5 Fylde Coast Collaborative Model** – This option reflects that different services and functions are better delivered at different geographical levels and also by different partners. There are clear synergies and opportunities to be realised by working across the Fylde Coast and there are already some good examples of working together e.g. recent success in the DCLG homelessness trailblazer project. This model could be achieved with less structural reform than other options and does not affect elected member sovereignty or local democratic accountability. The table below sets out the different elements of the collaborative model.

<b>Spatial Level</b>	<b>Lead Public Service provider</b>	<b>Function</b>
Borough level	Wyre / Fylde / Blackpool Councils	This would include services which are best placed to be delivered at a District level, statutory officers and the democratic core.
Across Wyre and Fylde	Fylde and Wyre CCG – Multispeciality Community Provider (MCP)	This would include public health, adult social care and other health related services (including, potentially, District Council Services where appropriate).
Pan-Fylde Coast (pop. 325,571)	Shared responsibility	Explore opportunities for more shared services across the Fylde coast.

**5.3** It is well documented that within the public sector, health is an area where there is both the greatest service demand and greatest spend. The Fylde Coast Collaborative model provides the best opportunity to investigate new models of service delivery that would not only deliver savings but would allow focus on our principle shared priority – improving the health and wellbeing of our community. The collaborative model allows services to be delivered at the right spatial level and does not affect elected member sovereignty with the local democratic core being retained by the borough.

- 5.4** Working across Wyre and Fylde, the Multispeciality Community Provider (MCP) model provides partners with the opportunity to formally work together to deliver improved outcomes and financial savings. An MCP is about integration and currently on the Fylde Coast public sector agencies including the CCGs, Lancashire County Council and the Districts (Fylde & Wyre) operate within different geographical boundaries and the boundaries make it harder to provide joined-up care that is preventative, high quality and efficient. The MCP model dissolves the divides. It involves redesigning care around the health of the population, irrespective of existing institutional arrangements. It is about creating a new system of care delivery that is backed up by a new financial and business model. The underlying logic of an MCP is that by focusing on prevention and redesigning care, it is possible to improve health and wellbeing, achieve better quality, reduce avoidable hospital admissions and elective activity, and unlock more efficient ways of delivering care. We expect that a Fylde and Wyre MCP will exist, in shadow form, sometime over the next year.
- 5.5** The Fylde Coast Collaborative model offers opportunities to explore shared service responsibility for both front and back office functions to deliver savings across the Fylde Coast.
- 5.6** Working collaboratively with other local authorities and public services across the Fylde Coast is the most advantageous in terms of achieving sustainable public services whilst retaining community identity and local democratic accountability.

<b>Financial and legal implications</b>	
Finance	None arising from this report.
Legal	None at this stage.

**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	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

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

report author	telephone no.	email	date
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<b>List of background papers:</b>		
name of document	date	where available for inspection

**List of appendices**

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Report of:	Meeting	Date	Item no.
Cllr Gibson, (Leader of the Council) and the Chief Executive	Council	6 April 2017	13

**Scheme of Delegation and Local Code of Good Practice for Councillors and Officers Involved in the Planning Process and Public Speaking at Planning Committee Meetings: Constitution Amendments**

## 1. Purpose of report

- 1.1 To make changes to Part 7.02 of the Council's Constitution (Scheme of Delegation) in respect of the Non-Executive Functions Delegated to the Head of Planning and Regeneration, and to make changes to section 9 of the Local Code of Good Practice for Councillors and Officers involved in the Planning Process (Procedures for public speaking at Planning Committee meetings) and to update the Council's Constitution to enable the changes to be implemented.

## 2. Outcomes

- 2.1 More efficient and effective Planning Committee meetings.

## 3. Recommendations

- 3.1 That the Council's Constitution be amended as described in section 6 of this report.
- 3.2 That the revised Local Code of Good Practice for Councillors and Officers Involved in the Planning Process, attached as Appendix 1, including the changes to section 9 – 'Public Speaking at Planning Committee Meetings', be approved and included in Part 5.06 of the Constitution, in place of the existing Code.
- 3.3 That the revised procedures be implemented from the first meeting of the Planning Committee in the 2017/18 Council Year, now scheduled for 7 June 2017.
- 3.4 That, prior to implementation, information explaining the new procedures be made widely available, via the Council's website and directly to new applicants, objectors, agents, Parish and Town Councils and the media.

## **4. Background**

- 4.1** Section 101 of the Local Government Act 1972 allows the local planning authority to arrange for the discharge of any of its functions by a committee, sub-committee or an officer. National Planning Practice Guidance (NPPG) states that the exercise of the power to delegate planning functions is generally a matter for individual local planning authorities, having regard to practical considerations, including the need for efficient decision-taking and local transparency. It is in the public interest for the local planning authority to have effective delegation arrangements in place, to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area. Local planning authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.
- 4.2** The Council has a long standing Local Code of Good Practice for Councillors and Officers involved in the Planning Process (Part 5.07 of the Constitution). The Council first agreed to introduce a process to enable members of the public to speak at Planning Committee meetings on 20 September 2007, which was implemented from December 2007. Those arrangements were reviewed in June 2008, resulting in some minor amendments. A further review took place in 2016 resulting in the present process; although that was subject to a requirement to be reviewed after it had been in operation for 6 months.
- 4.3** The Council's original approach was to operate on the basis of an informal process, which was flexible, simple to administer and easy for members of the public to understand and use. However, a significant increase in the number of members of the public wishing to speak, particularly since 2015 has made the original scheme cumbersome, time-consuming, and inefficient; such that the revised scheme with a limited number of speakers and a requirement to pre-register to speak was agreed.
- 4.4** Although there is no statutory right for members of the public to speak at Planning Committee meetings, it is considered that by offering the opportunity to do so, the process becomes more inclusive, open and transparent. Any scheme adopted is therefore at the discretion of the individual local planning authority, but must be fair in order to meet the requirements of Article 6 of the Human Rights Act. However, any scheme should also allow the Planning Committee to operate in an efficient and effective way; making the best use of Member and Officer time in the Planning Committee and allowing Members to come to decisions on applications before them.

## **5. Key issues**

- 5.1** Since the publication of the National Planning Policy Framework (NPPF) in March 2012, which seeks positive sustainable growth, including the need to provide housing for a growing population; the nature and amount of applications being determined has changed significantly. This involves the Planning Committee making decisions on some applications where the application of policy is less clear cut than previously, with the NPPF being itself, a material consideration of significant weight. The responsibility of the Planning Committee is to make sound decisions on a larger number of major, contentious applications and within the last few years has given rise to a number of issues, including a significant increase in the number of people wishing to speak at Planning Committee meetings. This led to a review of the scheme for public speaking at the end of 2015 and a revised scheme, currently being operated, agreed in March 2016. The scheme was agreed on the condition that it was reviewed after it had been in operation for 6 months. It was introduced in the first Planning Committee meeting of the municipal year 2016/17 which was on 1 June 2016.
- 5.2** The review has looked at how the process has worked since its introduction in June 2016 and has also looked at comparisons between the scheme operated by Wyre and those of other local planning authorities both within and outside Lancashire.
- 5.3** Whilst the introduction of a restriction on the number of speakers gave rise to some concerns that it represented a loss of democracy and the right of an individual to express their view, this is not considered to be of significant weight. All members of the public have a right to express their view on an application and may also express such views to any elected members should they so wish. The law does not grant any right to be able to express such views verbally at meetings of the Planning Committee, the conduct of which is a matter for the Council. The present scheme for Wyre allows up to four speakers as objectors and four as supporters, in addition to the applicant and agent. Most other local authorities within Lancashire and some outside are generally far more restrictive, with some allowing a more limited time, or more limited number of speakers than Wyre. By comparison, therefore, it is considered that Wyre's present scheme provides generous opportunity for individual members of the public, the applicant/agent, and other elected County, Borough or Parish/Town Councillors to make verbal representations to the Planning Committee.
- 5.4** No amendments are proposed in respect of how many people may speak, or for how long, but amendments are recommended to clarify the position in respect of Ward Members and to ensure that any Member may only speak once and not speak on behalf of more than one body. It is also recommended to amend the procedure following the end of public speaking, to allow the Chairman more flexibility in handling the debate of the item by Members of the Committee and the involvement of officers at

this stage.

- 5.5** At present and as proposed, the scheme for public speaking allows a Ward Councillor representing the ward within which the application site lies, to speak to the Planning Committee. It does not make provision for any non committee member to speak. The present scheme of delegation, however, allows any member to 'call in' an application whether the application site is in their Ward or not. It is therefore recommended, that to ensure consistency, it is only right and proper that only the Ward member(s) should be able to call an application to Planning Committee. A further minor amendment is also recommended to the Scheme of Delegation, to reflect the change in the way the weekly list of planning applications is published. The list is no longer produced as a separate document distributed to members electronically, but is included within a searchable facility on the council's public access system (via our website) and members are provided with a link to this list, via an email. The 10 working days within which any mandatory 'call in' can be made commences on the date this email is sent.

## **6. Key proposals**

- 6.1** An amended Scheme of Delegation in respect of the Non-Executive Functions Delegated to the Head of Planning and Regeneration so that Paragraph 1 reads:

*1. To determine of all forms of applications for permission, approval, consent, certificates and prior approvals/notifications, consultations and other determinations made under Town and Country Planning legislation, including legislation relating to listed buildings, conservation areas and hazardous substances, unless:*

*(a) A ward councillor representing the ward within which the application site lies has requested that the application be considered by the Planning Committee, subject to the request being received by the Head of Planning and Regeneration within 10 working days of the date of the email providing members with a link to the weekly list of planning applications, which includes the planning application requested.*

*Note: this exception shall only apply to applications for Planning Permission or Advertisement Consent and does not apply to resubmitted applications where no substantial change has been made to the original application which was refused or withdrawn. Where the councillor requesting the determination by Planning Committee is unable to attend the meeting to speak, consideration of a letter from that councillor will be at the discretion of the Chairman of the Committee.*

- 6.2** An updated Section 9 (Public Speaking at Planning Committee Meetings) of the Local Code of Good Practice for Councillors and Officers involved in the Planning Process is attached as Appendix 1.



<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	The changes proposed in this report are in accordance with current legislation and guidance.

**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
sustainability	x
health and safety	x

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

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David Thow, Head of Planning and Regeneration.	01253 887287	david.thow@wyre.gov.uk	10/03/2017

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

**List of appendices**

Appendix 1: Revised Local Code of Good Practice for Councillors and Officers involved in the Planning Process

Appendix 2: Public speaking arrangements for Planning Committee meetings in other local planning authorities within and outside Lancashire

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Appendix 1

**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 2013 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.

## 4. Registration and Declaration of Interests Predetermination, Predisposition or Bias

- 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, Local Plan steering 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.

<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 that 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>	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

	<p>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; and</li> </ul> </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>	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 .

## 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.

<b>DO</b>	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.)
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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 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 consultation.
- 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, and in February 2017.

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 The review of the scheme that took place in February 2017 was in accordance with the Council's resolution made in March 2016 when the present scheme was adopted. The arrangements set out below represent the revised scheme agreed

following that review.

#### 9.4 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. A 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.

#### 9.5 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, Parish or Town and County Councillors will have 3 minutes each and the applicant and/or agent will have 6 minutes in total to reply.

#### 9.6 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 and one County Councillor may speak, but 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.

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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.

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

- 9.8 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.

## 9.9 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 the Council's Committee Clerk ([carole.leary@wyre.gov.uk](mailto:carole.leary@wyre.gov.uk) or Tel 01253 887444) 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.

## 9.10 The procedure

1. The application will be introduced by the Chairman.

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<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.



2. If there is an update from the Head of Planning and 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. Where no site visit has been necessary, the Development Manager will then play any video showing the site and will display the relevant plans.
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
  - Local Wyre Ward Councillors
  - 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 and 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
  - recording the detailed reasons as part of the mover's motion.
- 10.6 If the planning committee makes a decision contrary to the officers' 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 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'.
- 10.7 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.
- 10.8 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 officers' 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 officer assistance, 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 be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points 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 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 Services 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 Services, 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 Services, and subject to the agreement of the Head of Planning Services, 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 Services 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 Services 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, how it meets local needs and preferences 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 Services 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 Services).
- The Head of Planning Services 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 Services 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 Services 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 Services 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 Services). 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 to 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 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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## Appendix 2

### Review of Public Speaking arrangements – February 2017

Public speaking arrangements for Planning Committee meetings in other local planning authorities within and outside Lancashire

#### Blackburn/Darwen

No information found

#### Blackpool

No limit on number but only 5 mins total for objectors/5 mins total for supporters (applicant or agent speak as a supporter).

#### Burnley

No limit on number but only 5 mins total for objectors/5 mins total for supporters (applicant or agent speak as a supporter).

#### Chorley

Only one objector or supporter allowed to speak on each application – 3 minutes each (applicant or agent speak as a supporter).

#### Fylde

Unlimited speakers, 3 minutes each, review proposed

#### Hyndburn

2 speakers on behalf of applicant/agent and 2 others – 5 minutes each

#### Lancaster

Unlimited speakers, 3 minutes each – applicant/agent can only speak if objectors speak

#### Pendle

No formal structure – each speaker has up to five minutes. If there are several people wishing to speak, the chairman may give a shorter time. If there are several wishing to speak on the same subject, chairman may ask one to speak on behalf of the others.

#### Preston

Maximum of 3 speakers for each item - each person is permitted to speak for a maximum of 3 minutes. The total time allocated to public speaking for each item is 9 minutes.

#### Ribble Valley

No time limit. Maximum of 2 speakers also allowed on each planning application - one will be the applicant/agent; the other an objector. Parish Council counts as objector.

#### Rossendale

One supporter (including applicant/agent and supporter) and one objector only. 3 minutes each.

South Ribble

Up to 5 objectors and up to 5 supporters and applicant/agent. 4 minutes each

West Lancs

No formal structure. Anyone can register to speak - If there is more than one speaker in any category then the Chairman of the Committee will decide how many can speak. Each person will be limited to 3 minutes. Applicant/agent can only speak if an objector speaks.

Other Ipas outside Lancashire:

Fenland DC

Applicant/agent /supporters – 5 mins

Objectors – 5 mins

No limit on numbers

York City

1 objector

1 supporter (including applicant)

3 minutes each

More speakers allowed at Chairman's discretion if major/contentious application.

Wychavon

Objectors – 3 minutes in total

Supporters (including applicant/agent) - 3 minutes in total

Horsham DC

No limit on numbers (never seen more than 6) – 2 minutes each

Maldon DC

1 objector

1 supporter

Applicant/agent

2 minutes each

South Northamptonshire DC

1 objector

1 supporter (including applicant)

3 minutes each

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