



Committee: COUNCIL BUSINESS COMMITTEE

Date: THURSDAY, 15 NOVEMBER 2007

Venue: MORECAMBE TOWN HALL

Time: 4.30 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 13th September, 2007 (previously circulated).

3. **Items of Urgent Business Authorised by the Chairman**

4. **Declarations of Interest**

5. **Review of Protocol on Planning Procedure (Pages 1 - 14)**

Report of Standards Committee.

6. **UK National Honours Awards (Pages 15 - 17)**

Report of the Head of Democratic Services.

7. **Civic Review - Citizenship Awards (Pages 18 - 27)**

Report of the Head of Democratic Services.

8. **Review of the Member Development Strategy and Training Priorities (Pages 28 - 34)**

Report of Head of Democratic Services.

9. **City Council Meetings Timetable and Meeting Times - 2008/09 (Pages 35 - 42)**

Report of Head of Democratic Services.

10. **Corporate Governance – Constitutional Amendment (Pages 43 - 45)**

Report of Head of Democratic Services.

11. **Response to Consultation on Proposed Closure of Schools (Pages 46 - 47)**

Report of Head of Democratic Services.

12. **Changes to Membership of Committees**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Susan Bray (Chairman), Morgwn Trolinger (Vice-Chairman), Shirley Burns, Geoff Knight, Karen Leytham, Joyce Pritchard and Rob Smith

(ii) Substitute Membership

Councillors June Ashworth, Abbott Bryning, Chris Coates, Jean Dent and Janie Kirkman

(iii) Queries regarding this Agenda

Please contact Gillian Noall, Head of Democratic Services - telephone: 01524 582060 or email gnoall@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

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COUNCIL BUSINESS COMMITTEE**REVIEW OF PROTOCOL ON PLANNING PROCEDURE
15th NOVEMBER 2007****Report of Standards Committee****PURPOSE OF REPORT**

This report enables Council to consider the recommendations of the Standards Committee to amend the "Protocol on Planning Procedure".

This report is public

RECOMMENDATIONS

- (1) **That Council adopts the revised version of the "Protocol on Planning Procedure", as detailed in the Appendix, for inclusion in the Constitution.**

1.0 Introduction

- 1.1 At its meeting on the 13th September 2007, the Standards Committee considered a report from the Monitoring Officer suggesting amendments to the "Protocol on Planning Procedure" which forms part of the Council's Constitution.
- 1.2 A number of amendments were needed to ensure that the Protocol was consistent with the revised Code of Conduct adopted by the Council on the 21st May 2007. In amending the Protocol, the Monitoring Officer had also taken account of new guidance from the Standards Board, good practice recommended by the Association of Council Secretaries and Solicitors (ACSeS), recent case law, and recent advice obtained from Counsel.

2.0 Proposal Details

- 2.1 The Committee considered the amended Protocol which had been drafted by the Monitoring Officer, and suggested some further amendments to the drafting. The Committee resolved to delegate to the Monitoring Officer in consultation with the Chairman of the Committee, the final wording of the Protocol for recommendation to Council for inclusion in the Constitution.
- 2.2 A copy of the revised "Protocol on Planning Procedure", finalised by the Monitoring Officer in consultation with the Chairman is appended to this report.

3.0 Details of Consultation

3.1 It is for the Standards Committee to advise the Council on suitable protocols and Code of Conduct issues generally.

4.0 Options and Options Analysis (including risk assessment)

4.1 Council is asked to consider the amendments recommended by the Standards Committee, noting that it is within the terms of reference of the Standards Committee to ensure that all Members of Council have access to the appropriate written guidance protocols in all aspects of the Code of Conduct. The options open to Council are to approve or reject the Protocol as appended to this report or to approve other amendments to the Protocol.

5.0 Conclusion

5.1 Council is asked to consider the recommendations of the Standards Committee.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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Ref:

PART 5, SECTION 4 - PROTOCOL ON PLANNING PROCEDURE

1 Introduction

The purpose of this protocol is to provide Members with guidance regarding their role in determining planning applications, in particular, when interacting with applicants, objectors or developers. Ward members, who are not members of the Planning Regulatory Committee but who want to address the Committee, also require guidance on interaction over their contact with applicants developers and objectors.

The protocol is designed to offer that guidance and help Members understand their role and the responsibilities associated with that role, and to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

In addition, District the Audit Commission has also raised the need for a protocol on planning in their document, "Probity in Planning".

This protocol sets out detailed guidance for Members, but, in summary, the most important issues for Members to consider are as follows:

- The Code of Conduct, and in particular whether a Member has a personal interest, and if so whether that personal interest is also a prejudicial interest
- Aside from the Code of Conduct, whether there is any legal reason why a Member should not participate in a particular decision
- The need to exercise care and caution in any contact with applicants, developers and objectors
- The dangers of lobbying or being lobbied

2 Natural Justice

These principles apply throughout public administration. They are fundamental principles of administrative law and should be adhered to when determining any planning application.

The two principles of Natural Justice are :-

- (a) The rule against bias
- (b) The duty to act fairly/duty to hear both sides or the other side.

3 The Rule Against Bias

The first principle means that no Member should remain and be a party to a decision which affects their ~~his or her~~ own interests. This is largely the process by which Members declare interests.

In addition to the common law rule against bias, Members must be mindful of the provisions of the Council's Code of Conduct with regard to personal and prejudicial interests, referred to below.

~~If Members in a Committee Meeting are in any doubt about the interest the application of the Code of Conduct, they should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or one of their staff, are advised to err on the side of caution and leave the chamber. Failure to comply with the Code of Conduct may have implications for the individual Member, as there may be a complaint to the Standards Board. If a Member does not take this action it can~~ There may also be implications for the decision making process, with criticism of the Committee and possible lead to criticism or a challenge to the decision on the basis that a Member with an interest remained within the Council Chamber and tainted the integrity of the decision.

4 4 **The duty to act fairly/hear both sides or the other side - Predetermination and Predisposition**

"Predetermination" is where a Member is closed to the merits of any arguments relating to a particular application, and makes a decision without taking them into account.

"Predisposition" is where a Member holds a view in favour of or against an application, but has an open mind to the merits of the argument before making a final decision.

Predisposition is acceptable; predetermination is not.

Both sides, applicant and objector, should have an opportunity to put their view forward and the decision making body must consider both sides—applicant and objector— before coming to its decision. The Member's mind should not be closed until the final decision is made. A Member's mind will be closed if ~~they~~ he or she has already come to a decision on an application prior to entering the Council Chamber. This is predetermination. A decision will be open to challenge if a Member appears to have already decided how they will vote at the meeting so that nothing will change their mind. This impression can be created in a number of different ways such as quotes given in the press, and what they have said at meetings or written in correspondence.

However, simply listening to or receiving viewpoints from residents or other interested parties, seeking information through appropriate channels, or making comments to residents, interested parties or other Members or appropriate officers will not constitute predetermination, provided that the Member makes it clear that they are keeping an open mind.

It is not a problem for Members to be "predisposed", holding a view but having an open mind and being open to persuasion against that view. This includes having formed a preliminary view about how they will vote before they attend the meeting, and/or expressing that view publicly, provided it is clear that their mind is not closed to countervailing arguments.

5 **Example of Maladministration**

The Local Ombudsman ~~recently~~ some time ago made a finding of maladministration against a Merseyside Council because a Member failed to declare an interest and leave the meeting. The Member had a house that was situated near to and affected by a planning proposal. The Member did not declare an interest and remained in the Chamber and voted on the application.

It is important to the integrity of the Planning process and to open and honest governance that justice must not only be done to the planning application – but also that it is seen to be done, thereby giving the public confidence in the system.

There have also been examples of maladministration where Members have encouraged their colleagues to set aside the advice of professional officers by introducing factors which do not amount to material planning considerations. These can include personal circumstances, or land ownership issues. Members should always be cautious and stick only to valid planning considerations.

6. 6. Declarations of Interest and Leaving the Chamber

Personal interests and prejudicial interests are defined in Part 2 of the Council's Code of Conduct. It is important to note that if an interest does not fall within the definition of a personal interest, it cannot be a prejudicial interest.

Under the Council's Code of Conduct, where a decision might reasonably be regarded as affecting the well-being or financial position of a Member, or that of a relative or friend, relative or close associate of theirs, or of a body to which the Member is appointed by the Council, or a body of which the Member is a member which exercises functions of a public nature, is directed to charitable purposes, or whose principal purposes is the influence of public opinion or policy the Member must declare a personal interest. The word "friend" phrase "close associate" is not defined in the Code, but implies more than a passing acquaintance or knowledge covers both social and business associations. The Code of Conduct also requires Members to declare a personal interest in any matter that relates to an interest included in their register of interests.

Where a Member has a personal interest as set out in the Code of Conduct, ~~he or she~~ they must give careful consideration as to whether that interest is also a prejudicial interest (that is, one which a member of the public with knowledge of the facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest). ~~In considering whether the interest is prejudicial, Members are advised to err on the side of caution.~~ In other words, the interest must be perceived as likely to harm or impair the Member's ability to judge the public interest. However, simply knowing the Applicant does not necessarily equate to a prejudicial interest.

The Code of Conduct provides that a prejudicial interest does not arise where the decision does not affect the financial position of the Member or their interests, or does not relate to a licensing or regulatory matter affecting the Member or a person or body in which they have a personal interest.

If the personal interest is not a prejudicial interest, the existence and nature of the interest must be disclosed to the meeting.

Where a Member has a personal interest which is also a prejudicial interest under the Code of Conduct, the general rule is that they must leave the chamber – they are not permitted to return to the public gallery for the debate and they should not be seen by other Members when they are making the decision. This is a requirement of the Code of Conduct. If a Member who had declared an interest was present or could be seen to watch the proceedings, this could in ~~any event~~ be sufficient to taint the process.

However, as an exception to the general rule, the Code of Conduct does now allow a Member who has a personal and prejudicial interest to participate in the same manner that would apply to an ordinary member of the public, that is, in the public participation part of the meeting, but the Member must then leave the room immediately after making such representations. This

reverses the decision of the Court of Appeal in Richardson -v- North Yorkshire County Council, and means that Members are no longer placed in a more disadvantageous position than ordinary members of the public.

~~Because of the quasi-judicial, regulatory nature of the work of the Planning Regulatory Committee, and the requirements of natural justice, Members are advised to err on the side of caution when considering the matter of interests.~~

Dispensations from the Standards Committee are available in limited circumstances, where the existence of prejudicial interests would mean that the political balance principles could not otherwise be complied with. the meeting could not otherwise be quorate.

~~It should be noted that the Court of Appeal case of Richardson v North Yorkshire County Council confirmed that a member of a Council who is not a member of the Planning Committee, but who has a personal and prejudicial interest in an application being considered by the Committee, may not participate and is required to withdraw from the meeting. This means that a Member may be placed in a more disadvantageous position than ordinary members of the public in regard to participating in or observing at meetings.~~

When declaring interests at meetings, Members should make it clear what level of interest they are declaring, and whether the interest prevents them from taking part in the decision making process.

7. **Party Politics**

A Member must not blindly follow the recommendations of their political party. A decision on a particular planning application should not be dictated to by party politics. Party whips should never be used. The Member is part of the decision making body. As far as planning applications are concerned the decision making body is the Planning Regulatory Committee. That Committee sits in a quasi-judicial manner and each decision is made on its own merits, within the Development Plan framework, supported by legislation, government advice and other Council land use policies. Therefore each decision has to be made on the information put before the Committee and should take into account the development plan, the impact of the individual development and any individual site characteristics – not party politics.

8. **Allegations of Bias**

As a Member of the Planning Regulatory Committee the time for decision making is after the Members have heard all relevant considerations i.e. after the application has been presented to the Members in the Committee meeting and when the presentation of the application is completed. Therefore, a decision should not be made before the agenda is sent out, at a site visit or immediately before the meeting begins. If a Member has made theirhis or her mind up before the application is fully presented then this renders the decision open to challenge. This would be on the basis that the application was predetermined, was not considered fairly and that the Member's conduct showed bias. To predetermine an application flies in the face of the principle of the rule 'to hear both sides'.

~~Where the Council is the landowner, developer or applicant, or the proposal has been discussed or supported by another Committee of the Council, a Member who has expressed strong views on the matter is likely to have fettered his discretion if his involvement could make him perceived by the public as being no longer able to act impartially or to determine the proposal purely on its planning merits.~~

Where the Council is the applicant or the landowner, and a Member is both a Member of the Planning Committee and also a Cabinet Member with ongoing land-owning responsibilities, it

is arguable that the issue of predetermination may arise as a result of the Member's perceived proximity to the proposal through discussions in Cabinet. There is a risk that even an apparently genuine consideration of the planning application by such a Member may be perceived as a sham. In the event of such a Cabinet Member choosing to participate in the Planning Committee decision, and in order to avoid the possibility of a real risk of a perceived closed mind, the Member should be able to demonstrate that they have approached their dealings with the proposal with particular scrupulousness, and should spell out at the outset of any debate at Planning Committee that, notwithstanding their Cabinet role, responsibilities and other decisions in Cabinet, here only planning functions are exercised and planning considerations relevant. They should also make it clear that they approach the application debate with a wholly open mind and a preparedness to be persuaded either way.

~~In most cases,~~ However, the simple fact that a Member has been involved in a decision to promote the development of land in the public interest, does not necessarily prevent them from making decisions on the matters of detail. Members approving specific land use allocations in a Local Development Framework for example, would not be prevented from deciding subsequent planning applications. They would be expected to use their decision making abilities to ensure that schemes conform with the requirements of the Framework.

9. **Media Exposure**

A Member should never make any public declaration on an application until the application has been determined. If a Member makes an announcement (that is one sided) prior to the application being determined then that Member is at risk from an allegation of bias i.e. they have not kept their mind open until all matters are before them. In these circumstances it may be inappropriate for the Member ~~may be advised to take refrain from taking part~~ in the decision making process to ensure the decision is not tainted. This will be particularly important where there is adverse public reaction to a planning application in the local press some time before the application has received a recommendation from Officers.

10. **Parish Councillors**

A Member of the Planning Regulatory Committee who is also a parish councillor may speak and vote at both parish and City Council level on the same planning issue. Members who take this course of action will need to declare membership of the parish council as a personal interest at City Council level.

As indicated above, Members are under an obligation to approach decision-making with an open mind, prepared to listen to all sides of the argument. Dual-hatted Members who choose to speak and vote at parish and City Council level will need to make it very clear that their vote at parish level represents a preliminary view and that they will reconsider the matter afresh at City Council level. Failure to do so may result in a challenge on the grounds of predetermination.

Different considerations will apply if the parish council is the applicant in relation to a particular planning application. In that situation a parish councillor would be likely to have a prejudicial interests at the Planning Regulatory Committee.

It must always be remembered that debate at parish council meetings takes place without professional advice from a Chartered Town Planner. It is likely, therefore, that considerations may involve matters not properly restricted to planning considerations. City Council Members involved in such discussions should take specific care to qualify their views accordingly.

11. **Lobby Groups**

A Member of the Planning Regulatory Committee who is a member of a lobbying group which has publicly expressed support for or against a planning application will need to consider whether they/he/she has a personal and prejudicial interest, and whether there is any other reason outside the Code (such as bias or predetermination) why they should not participate in the decision.

Members are required to declare a personal interest if they are a member of a group that lobbies or campaigns about an issue that comes up for discussion or decision. However, a member will not have a prejudicial interest in a developer's planning proposals against which they and their lobby group campaigned if they or any other person or body in which they have a personal interest are not affected financially by the matter. It is not relevant for the purposes of the revised Code that the planning proposal will impact on the aims of the lobby or campaign group the member belongs to. The Code is focused on the actions of individuals and as such is about preventing improper personal advantage. If the matter will have a direct impact on the lobby group, the Member is likely to have a prejudicial interest. If the matter relates only indirectly to the lobby group, the Member may have a personal or prejudicial interest in it, and will need to consider in particular the nature of the Member's involvement with the lobby group, the publicly expressed views of the lobby group, and what the Member has said or done in relation to the particular issue.

A Member who belongs to a general interest group, such as a local civic society, should disclose a personal interest where that organisation has made representations on a particular proposal, and should make it clear that the Member has reserved judgement and the independence to make up their own mind on each separate proposal.

Further guidance can be obtained from the Standards Board publication "Lobby groups, dual-hatted members and the Code of Conduct", and the Standards Board Occasional Paper "Predisposition, Predetermination or Bias, and the Code".

12. Contact by an Applicant Agent or Developer

It is inevitable that Planning Regulatory Committee Members will be approached frequently by a variety of people during the planning process. It is therefore important that Members of the Committee are clear on the nature of the advice and the comments that they give.

Members of the Planning Regulatory Committee should avoid giving any commitment or the impression of any commitment or view~~MEMBERS OF THE PLANNING REGULATORY COMMITTEE SHOULD AVOID GIVING ANY COMMITMENT OR THE IMPRESSION OF ANY COMMITMENT OR VIEW~~ that is held regarding any particular planning application yet to be determined or any matter that may result in the submission of a planning application. It is inappropriate for a Committee Member to meet with the Applicant or Developer to discuss the proposals. Instead they should be directed to the Head of Planning Services and his staff. Equally, any Member of the Committee requiring further information about the application should contact the Head of Planning Services and his staff.

If a meeting or telephone call does take place then Members of the Committee are advised to avoid comments which infer predetermination such as:

- 'I am completely against any development there'
- 'I am all for any kind of economic regeneration'
- 'The developer X normally builds to a high standard'

In the very rare circumstances where a meeting does take place between a Member of the Committee and the Applicant or Developer it is essential that an officer is present and the meeting properly minuted. The Audit Commission states that in these circumstances "all

meetings should be attended by officers, fully minuted and reported to Committee in order to ensure transparency". Therefore those minutes should be reported to the Planning Regulatory Committee prior to any decision being made.

Any significant contact with the applicant or other parties should be reported to the Head of Planning Services, explaining the nature and purpose of the contacts and the member's involvement in them.

13. Presentations by applicants/developers

A Member of the Committee should not attend a planning presentation unless an officer is present and/or it has been organised by officers. A Member should be aware that a presentation is a form of lobbying and should not express any strong view or state how they or other Members might vote.

Where a public meeting is arranged by a developer to present to local residents a scheme which the developer intends to submit, there is nothing to prevent Members attending to obtain information, but they should not make any comment.

14. Approach by a Constituent

If a constituent approaches a Member about an application Members can give advice on planning procedure rules and policy so far as they are able but it is always advisable to direct the constituent to staff of the Planning Service in any event. When speaking to constituents Members must not give any impression of any commitment to the application itself.

15. Approach by a Non-Constituent

If a non-constituent approaches a Member, Members can advise the person on planning procedure rules and policy as far as they are able or alternatively ask them to contact their own Ward Member or the Head of Planning Services and his staff.

16. Disclosure of Information

It is important that Members are clear on what information is a matter of public record and what information is not. Details contained within the planning application are open to the public and the planning process and planning policies are all within the public domain. However, informal observations of the Planning staff will not be information available to the public. If a Member wishes to rely on the observations or comments of the officer then the Member must ask the officer if the information is of a public or confidential nature. If the Member intends to refer such information to a member of the public i.e. not a Council Member, they must make this clear to the officer.

17. Hospitality Offered to Members

It is advisable in all circumstances to simply refuse any hospitality. To accept creates the risk that there has been undue influence on the planning process. In the rare event that the hospitality of an estimated value in excess of £25 is accepted it must be registered as a personal interest under Paragraph 8 of the Council's Code of Conduct. It must also be declared as a personal interest at any meeting within the next three years where an item of business relating to the source of the hospitality is considered. ~~declared to the Council in accordance with paragraph 17 of the Council's Code of Conduct.~~

18. Lobbying of Planning Officers

Members must recognise that they are part of the organisation which employs professional staff who will make their recommendations on planning applications. Public confidence in the planning system is dependant on planning officers being able to reach open and impartial recommendations on applications, based on lawful planning considerations only, without being improperly influenced in reaching their conclusions by political pressure. Whilst it is entirely proper for Members to enquire about progress on applications and to ask for clarification about the reasons for any recommendation, they must take particular care to ensure that they do not give the impression of applying pressure to officers to make any changes to their recommendations. To do so would leave them open to accusations of applying inappropriate pressure in the form of lobbying.

19. **Lobbying of the Planning Regulatory Committee by other Members**

Members should not give an impression of any commitment or view on the application itself and Planning Regulatory Committee Members must consider all matters before forming a view. If the lobbying Member is an applicant the Committee Member must critically assess their relationship to the Applicant-Member. The test is to ask yourself 'is the relationship such that a reasonable person would consider that remaining in the Planning Regulatory Committee meeting when the decision is made would give the impression of bias'. Simply being a member of the same political party does not necessarily equate to a personal or prejudicial interest but Members must ask themselves about their relationship, e.g. Are they friends close associates outside the political arena? Do they socialise with each other? ~~Members are advised to err on the side of caution.~~

20. **Social Contact**

Members of the Planning Regulatory Committee should minimise their direct social contact with known Developers and Agents, especially when developments are contemplated or applications are being proposed or when controversial decisions are likely to be needed.

21. **Site Visits – Informal or Formal**

Again, if Members of the Planning Regulatory Committee, whether or not on a site visit, enter any premises which –

- are the subject of/ affected by a planning application or
- are known to be likely to become subject to or affected by a planning application

for any purpose in connection with such an application/proposed application, the Member should be careful to use the inspection purely as a fact-finding exercise and not express any opinion on the merits of the application. Members must not give any kind of indication of what their views of the application are at this stage as they would be at risk of predetermining the issue.

It is recommended that a member of the Planning Regulatory Committee should not enter a site which is subject to a proposal, other than as part of an official site visit, unless the member feels that it is essential to visit the site other than through attending the official site visit, and the member has first spoken to the Planning Officer about their intention to do so and why (which will be recorded on the file).

22. **Purpose of Formal Visits**

The purpose of a Committee site visit is to give Members the opportunity to see the prospective development site and to see it in context, in relation to the surrounding areas and the neighbouring uses. The Planning Officer will normally identify the site and make a short

factual presentation explaining the proposed development and perhaps highlighting issues which initially prompted the site visit. The Planning Officer will answer, where possible, questions raised by the Committee.

Site visits are not intended to pre-empt the debate. Questions should therefore relate to matters of factual information about the site, the development and the surrounding area rather than a detailed debate regarding the principle or merits of the proposal. Any detailed debate regarding the above should await the formal Committee meeting when all Members of the Committee and members of the public who attend can hear the arguments in a proper setting.

23. **Public Attendance at Formal Site Visits**

Members will often be met by numbers of local residents at a site visit as they are often high profile cases which are under consideration. It is important that the Planning Officer or the Committee Clerk explains clearly the purpose of the site visit to residents before the site visit commences. Members of the public can listen to the officers' presentation but should not join in any subsequent discussion. Public views or objections will be fully presented or reported at the Committee meeting and should properly form part of the overall debate and discussion at that time.

Members should avoid getting into individual dialogue with local residents, although it is appreciated this can be difficult to avoid. The Chairman can invite a spokesperson for the residents to answer any specific questions Members may have but this should not become a general debate about the proposal. If there is a request to visit the site from a particular position or location this can be undertaken at the Chairman's discretion. If it is agreed, all Members should accompany the Chairman if possible.

The applicant or his representative will also be invited to attend the site visit. They are present simply to answer any questions the Committee Members may have but should not address the Members on the general merits of the case. Again the Planning Officer or Chairman should explain this situation to the applicant or representative if necessary.

None of the above text on site visits is intended to stifle debate or prevent local residents from having their say. The proper place for such a debate is however at the Committee meeting when neighbour/local views will be properly reported and a proper discussion in a public forum can take place.

24. **Ward Members Speaking at Planning Regulatory Committee who are Not Members of the Planning Regulatory Committee – Contact by the Applicant, Developer or Objector**

When a Ward Member speaks at a Committee it is important that they make it clear whose views they are expressing. Are they speaking for themselves only? Are they speaking on behalf of their Ward? Are they speaking on behalf of a group of residents? An important difference between Planning Members and Ward Councillors who are not Members of the Planning Regulatory Committee is that Ward Members are permitted to express a view prior to entering the Council Chamber. Also, a Ward Member can inform other Members of their own view. If they are asked to meet with a party who has an interest in an application it should be made clear to that party that the Ward Member cannot lobby Members of the Planning Regulatory Committee – they can inform the Members of their concerns etc but they cannot lobby.

If the applicant/objector/third party asks for information Members should advise them to contact the Planning Service staff. The Ward Member can comment on how they would like the decision to be determined but must not give any impression of interfering with the normal democratic process. Comments like 'I will have a quiet word with the Chairman' 'the Group

will all vote together' or 'it will be sorted' are unacceptable. They infer predetermination and interference, which at the very least is against an open and transparent planning system.

Instead the Member should make it quite clear that they are able to express an opinion to the Committee but the final decision will be made by the Members when they have considered all matters including the Local Development Plan.

When a non Planning Regulatory Committee Member addresses the Committee, it is advisable that they disclose to the Committee any contact they have had with the applicant and/or agent and/or interested party. For example if a Ward Member meets with a Developer and is in favour of an application they should state 'I am the Ward Member and I am here to represent my own views on this matter. I have spoken to the Developer and I have looked at the plans in detail. I am for the application and consider the benefits are ...'. Or 'I am the local Ward Councillor and I am here to represent the views of what I consider is the majority of the residents of my Ward. I have had numerous telephone calls and letters complaining about this. I have met with local resident groups and I am unhappy with the proposal before Members because ...'

A member of the Planning Regulatory Committee may take the opportunity to exercise separate rights as a Ward Councillor where the Member has fettered his/her discretion to participate in the decision making, ~~but does not have a personal and prejudicial interest.~~ However, the Member should make it clear before commencement of the item that ~~he/she is/they are~~ speaking in this capacity, and should remove ~~him/herself/themselves~~ from the Committee seating area for the duration of that item.

25. The Public Participation Process

With the introduction of the public participation process members of the public now have the opportunity to address the Planning Regulatory Committee. Each individual has 3 minutes to speak. Ideally the person would refer only to planning issues. However realistically speaking this is unlikely to occur and in practice they may refer to non-planning and land use matters.

Planning Regulatory Committee Members need to sift through such presentations and concentrate on the land use principles, distinguishing between issues that are and are not relevant to the planning decision. Issues that are not planning matters need to be dismissed or given very little weight, while land use issues should be taken into account and given great weight.

Personal circumstances and financial details are rarely, if ever, determining issues. Members have to give proper weight to the Development Plan and other material land use considerations.

As indicated above, a Member with a personal and prejudicial interest may take part in the public participation process, but must withdraw from the meeting immediately after they have addressed the Committee.

26. The Decision Itself

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 a planning application made under the Planning Acts shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Material considerations are anything that relates to the use and the development of land. "Material considerations must be genuine planning considerations, i.e. they must be related to

the purpose of planning legislation, which is to regulate the development and use of land in the public interest." PPG1 para. 50. 'In the public interest' does not mean determining planning applications on the view of the local residents. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated" para. 60 of PPG1.

If there is public opinion against an application then Members must ask themselves "are the objections based on planning grounds?" and if they are "is there evidence to support them?" If the answer to one or both of these questions is 'no', then Members should not permit the objections to be determine the outcome.

A Member who is proposing, seconding or supporting a decision contrary to officer recommendations or the development plan should clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. It may be necessary to justify the resulting decision by giving evidence in the event of any challenge.

27. **Code of Conduct**

This guide is ancillary to the Council's Code of Conduct and is designed to help Members understand their role in the Planning process. Its production is recommended by District Audit ('Probity in Planning').

28. **Enforcement of the Protocol**

Members need to be aware that this Protocol is for guidance. The breach of its terms will not necessarily result in the decision being invalidated, but may well lead to a decision being challenged.

A breach of the Council's Code of Conduct may lead to a ~~reference to the national complaint, currently to the~~ Standards Board for England. A breach of this Protocol which is not a breach of the Council's Code of Conduct Code could not be referred to the Standards Board, but may be investigated by the Monitoring Officer and subsequently reported to the Council's own Standards Committee.

If Members have any concerns about the above they should contact the Head of Legal and HR and/or the Head of Planning Services.

COUNCIL BUSINESS COMMITTEE**UK National Honours Awards
15th November 2007****Report of Head of Democratic Services****PURPOSE OF REPORT**

To consider how the City Council can increase awareness of the UK National Honours System.

This report is public

RECOMMENDATIONS

That the City Council include a link on the Ceremonial pages of the City Council's website, and issue a press release on a regular basis to increase awareness of the UK Honours system and provide details of how to apply.

1.0 Introduction

- 1.1 The City Council has often been the first port of call for people who wish to make an honours application and who are unsure where or how to apply. On these occasions the Mayor's Office has provided details of the office of the Lord Lieutenant where further information could be obtained.
- 1.2 A review of the nomination processes for UK National Honours has been undertaken by the Government which has reviewed not only the processes to be followed and the allocation of awards but which has also, through statistical analysis, identified areas of the Country where fewer applications for Honours Awards are submitted. The north of England has been identified as one such area.

2.0 Proposal Details

- 2.1 Nominations can be made by anyone at any time, as there are no strict deadlines for receipt of nomination forms by the Ceremonial Secretariat of the Cabinet Office. Consideration of any nomination is likely to take at least 12 to 18 months. Full details of the process for nominations and downloadable application forms are now available on the Cabinet Office website.
- 2.2 Anyone can submit a nomination for an honour, and application forms are readily available in a number of formats from the Cabinet Office. The form is relatively uncomplicated, but the lack of applications may be more to do with not knowing where to obtain the forms, than collecting the information required.

2.3 All nominations for honours should be treated with the strictest confidence. Nominees should not be made aware of their nomination as it would be unfair to raise expectations.

2.3 The Chief Executive has been briefed by the Lord Lieutenant of Lancashire on the availability of these awards, and the City Council has been asked to assist in the promotion of the awards system in the district.

2.4 The Council Business Committee are asked to consider how the City Council can publicise and promote the awards to encourage more nominations to be submitted.

3.0 Details of Consultation

3.1 None.

4.0 Options and Options Analysis (including risk assessment)

4.1 Option 1 – That the City Council include a link on the ceremonial pages of the City Council's website, and issue a press release on a regular basis to increase awareness of the awards and provide details of how to apply.

4.2 Option 2 – That the City Council include a link on the City Council website to the Cabinet Office pages which provide details of the honours system.

4.3 Option 3 – That the City Council take no further action to promote the honours system and continue to provide information to callers on an as and when basis.

5.0 Conclusion

5.1 There must be numerous examples of excellence within the north of England and if the Council can encourage more applications this would seem the right thing to do. By providing information to the public via the website and the local media, the City Council would be attempting to increase the number of nominations being submitted and would provide people with the means to know where they can obtain the necessary forms.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There would be no financial cost to the Council in adding a link to the website and issuing information to the local media.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments to add

LEGAL IMPLICATIONS

There are no legal implications.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

Application form for a UK National Honour
downloaded from the Cabinet Office website.

Contact Officer: Lisa Jackson

Telephone: 01524 582070

E-mail: ljackson@lancaster.gov.uk

Ref:

COUNCIL BUSINESS COMMITTEE**Civic Review – Citizenship Awards
15th November 2007****Report of Head of Democratic Services****PURPOSE OF REPORT**

To establish the Lancaster City Council Citizenship Panel and Citizenship Awards.

This report is public

RECOMMENDATIONS

- (1) To agree the establishment, purpose and make-up of the Lancaster City Council Citizenship Panel.**
- (2) That in relation to the Citizenship Awards, this Committee approve the nomination form and determine the winning categories.**

1.0 Introduction

1.1 Council, at its meeting on 06 December 2006, made a number of recommendations designed to review and update the civic function of the City Council. One of these recommendations was to establish an Annual Citizenship Award, where nominations would be submitted to the Council and an established Panel of judges would decide and announce a winner.

1.2 The Civic Review asked for the creation of a Citizenship Panel to be made up of interested Councillors, Honorary Appointments, dignitaries and community representatives who together would have the following suggested remit:

- To promote citizenship through organising visits to schools, clubs etc.
- To assist with the organisation of Local democracy Week
- To assist with the preparations for Centenary Celebrations for 2009
- To run the Citizenship Awards
- To promote the Mayor's Charity and assist the Mayor with fundraising events
- To assist in the organisation of Mayor Making and Civic events.
- To assist with developing the Civic role.

2.0 Proposal Details

Composition of the Panel

- 2.1 In order to establish a Panel, a decision needs to be made on the number of people to be involved and also to try to encourage a broad range of people to take part. In accordance with the decision of Council, it would be expected that both the Mayor and the Father/Mother of the Council would have automatic membership of the Panel together with 9 other people who would consider the remit listed above and make progress towards achieving this. In addition, they would give consideration to applications received for the Citizenship Awards, and decide the winners.
- 2.2 Council Business Committee are asked to decide whether a Panel of 11 is sufficient, and to determine the make-up of the Panel in addition to the Mayor and Father/Mother of the Council.

How to appoint the Panel

- 2.3 There are several options for making appointments to the Panel. This could be done by either the Council Business Committee, by full Council, by Officers or by ballot.
- 2.4 Once determining who will make appointments to the Panel, consideration needs to be given to whether applicants would be expected to complete application forms, be interviewed or whether the Mayor would draw names from a hat by way of ballot.
- 2.5 Council Business Committee also needs to decide what the criteria for application will be.

Awards Scheme

- 2.6 One of the purposes of the Panel as envisaged by Council would be to oversee the establishment of and run an awards scheme which would recognise individuals and groups who go out of their way to help others and their community, and to have an additional Mayor's Special Award for those individuals who have made an outstanding contribution to help others in their community beyond that which is expected of citizens.
- 2.7 The Panel can decide whether they wish to make just one award from those shortlisted, or whether they wish to recognise a few winners by selecting categories to award, for example an individual award, one for a group and one for outstanding achievement.
- 2.8 A draft application form is included with this report for further consideration by the Council Business Committee.
- 2.9 It would be anticipated that a number of meetings of the Panel would need to be held in order to produce a shortlist of any applications received prior to deciding winner(s). With this in mind, the larger the Panel the harder it may be to ensure that all Panel members would be available to meet.
- 2.10 In making the presentation of the awards, it would be expected that the Mayor would host a presentation evening in Lancaster Town Hall for the winners each to bring with them a small number of guests, together with members of the judging Panel and the local media. The costs for this event would have to be contained within the annual

budget for Mayoral functions and the format and choice of winning gift would be determined by the Mayor.

3.0 Details of Consultation

3.1 None.

4.0 Conclusion

4.1 Council, at its meeting on 06 December 2006, decided that it was keen to pursue the creation of the Citizenship Panel which would have a broad function in relation to the Council and the Mayoralty, but that this would also be the catalyst to the establishment of Citizenship Awards.

4.2 If Council Business Committee are minded to agree to the establishment of both the Panel and the Awards nomination form, progress can be made to the awards being established for 2008. The remaining areas of influence for the Citizenship Panel will be developed once the Panel is in place.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>In hosting an Awards evening and providing prizes, costs will be incurred for this event. It is proposed that the costs of the Awards presentation and any prizes will be contained within the annual budget for Mayoral Functions. At this stage the impact on the Mayoral Functions budget of funding an additional annual event will be to leave less funding available for any ad hoc events for individual Mayors during their year of office. It should be noted however that other amendments to the annual programme may result from the ongoing review of civic events which could generate savings to offset any additional expenditure on this proposal.</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 Officer has been consulted and has no further comments.</p>	
<p>LEGAL IMPLICATIONS</p> <p>There are no legal implications to this report.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer has been consulted and has no further comments.</p>	
<p>BACKGROUND PAPERS</p> <p>Council Minutes – 06 December 2006 Council Business Committee Minutes – 13 September 2007</p>	<p>Contact Officer: Lisa Jackson Telephone: 01524 582070 E-mail: ljackson@lancaster.gov.uk Ref:</p>

Nomination for the Lancaster City Council Citizenship Awards 2008

GUIDANCE NOTES

1. Who can make a nomination

Anyone can make a nomination by completing the attached nomination form and forwarding it to the Mayor's Office, Town Hall, Lancaster, LA1 1PJ by (*closing date to be inserted*).

2. Who can be nominated

The nominee must be a person who provides an outstanding contribution in one or more ways to people in the Lancaster District.

3. Completing the form

Please complete the nomination form as accurately as you can, following the instructions in each section. Please provide as much information as you possibly can about your nominee, trying to explain their contribution to a particular cause or area of work.

You can add sheets of paper to this form, but please make sure that you clearly mark the section to which the additional information refers.

4. Categories for nomination

(These will be confirmed following the meeting of the Council Business Committee)

There are two categories for nomination. These are:

- Individual contribution
- Group Contribution

From these categories an Outstanding Achievement Award will also be presented.

5. Success of your nomination

Whatever the outcome, the nominating person will be advised whether their application has been successful or not. For those who have been selected as winners, they will be advised directly of their nomination and subsequent success.

6. Confidentiality

Because not everyone nominated will receive an award, please treat this application as confidentially as you can. It would not be fair to raise someone's expectations in case they are not successful this year, and you should not be deterred from applying in future years.

7. Enquiries

Enquiries about the Awards can be made to the Mayor's Office, Town Hall, Lancaster, LA1 5JA, telephone (01524) 582070 or by email to mayor@lancaster.gov.uk

Nomination for the Lancaster City Council Citizenship Awards 2008

NOMINEE

Please clearly print or type the following details about the person to be nominated. You must ensure that all sections of the form are completed.

Surname:

Please ensure accurate spelling

Forenames:

Known as:

If different from above

Title:

Eg. Mr, Mrs, Rev, Dr

Building name:

House number and street:

Village:

Town:

County:

Postcode:

Date of Birth:

Approximate age if date of birth not known

Telephone number:

Please note:

The information contained in this nomination form is strictly confidential and will not be used for any other purpose than the administration of the Lancaster City Council Citizenship Awards.

On this page, please provide information on how the nominee has made a significant contribution in their area of activity.

Please tell us how the nominee has changed things for individuals or communities, how they have achieved this and provide examples of how they have achieved this. You must also state whether this has been achieved in the public, private or voluntary sectors.

Please provide as much information as possible about what your nominee has achieved and what makes them stand out against others and make it clear whether they have helped in one area or in a number of different areas.

In what role(s) or area(s) has the nominee excelled?

How has the nominee achieved this?

How has the nominee changed the lives of people, groups or the local community?

How long has the nominee been providing this commitment?

Has the nominee ever received any recognition from elsewhere, for example by media coverage or receiving other awards?

What makes this person stand out from other who do similar work?

In this section please provide details of the work undertaken by the nominee, either in a paid or voluntary capacity. If possible please provide the start and end dates for this activity and indicate whether this person is still involved in this area of activity.

Letters of support

Please obtain letters of support for your nominee from people who are familiar with his or her services. These should be attached to this form on submission. Please list below the names of supporters below.

- 1 _____
- 2 _____
- 3 _____
- 4 _____

DETAILS OF PERSON MAKING THE NOMINATION

Surname:

Please ensure accurate spelling

Forenames:

Known as:

If different from above

Title:

Eg. Mr, Mrs, Rev, Dr

Building name:

House number and street:

This address will be used for an acknowledgment and any future correspondence

Village:

Town:

County:

Postcode:

Date of Birth:

Approximate age if date of birth not known

Telephone number:

Relationship to nominee

Please state your relationship to the nominee eg. Son, friend, colleague

Please return the completed form and all supporting documentation to:

**The Mayor's Office
Town Hall
Lancaster
LA1 1PJ**

**Telephone (01524) 582070
Fax (01524) 582172
Email mayor@lancaster.gov.uk**

COUNCIL BUSINESS COMMITTEE**Review of the Member Development Strategy and training priorities for 2007/08****15th November 2007****Report of Councillor Susan Bray****PURPOSE OF REPORT**

To enable the Council Business Committee to undertake the annual review of the Member Development Strategy and determine the future priorities for Member development.

This report is public

RECOMMENDATIONS

- (1) To consider the report and all of the information contained in the appendices and determine the content of the Member Development Strategy for 2007/08 to include the training priorities, targets, project areas and successes and achievements so far.**
- (2) To agree the training priorities for 2007/8 to 2010/2011, to be used to develop a revised Elected Member Training and Development Programme.**
- (3) That the Strategy be reviewed again in April - May 2008 to ensure that it continues to be adequately aligned to the Council's Corporate Priorities and that the annual review takes place at that time of year in the future.**

1.0 Introduction

- 1.1 As part of the commitment to the support and development of elected Members in their roles, the Council introduced a process whereby all councillors would be offered the opportunity to discuss their individual development training needs.
- 1.2 Therefore, during 2006, approximately 37 Members had a one to one interview with Democratic Services Officers and the Training & Development Officer to discuss their individual training development priorities for the duration of the year. The outcome of the one to one interviews then informed a comprehensive Elected Member Training and Development Programme which aimed to specifically address Member development and support. The first edition of the Training and Development Programme for May 2006 to May 2007 was published and encompassed generic training for all Councillors i.e. chairing skills, questioning techniques, alongside specific training such as speed reading, IT training and leadership training as identified from the one to one interviews.

1.3 The interviews also gave a valuable insight into the requirements of new Members and allowed for a comprehensive induction programme to be developed, tailored to meet the needs of newly elected Members.

1.4 In addition, a Member Development Strategy was developed and adopted by full Council at its meeting in January 2007 which sets out the various ways of supporting Members in the Town Hall and in their wards. The strategy also sets out the development priorities for Members during 2006/07. It was agreed that the Strategy would be an annual document and would be reviewed each year.

2.0 Review of the Member Development Strategy and training priorities for 2007/08

3.1 The Induction Programme for new and returning Members was delivered from May 2007, ensuring that newly elected members received the basic knowledge necessary and all Members could perform any new duties which they had been allocated effectively.

2.2 Since July 2007, 34 Members have again had a one to one interview with officers of Democratic Services and this information has been collated and provides an overview of the key issues and needs affecting newly elected and returning Members for their period of office. This information will be circulated at the meeting.

2.3 An informal workshop took place on Thursday 1st November 2007 and in small groups, Members considered a number of themes including the support required for Cabinet Members, newly elected Members and Members of Overview and Scrutiny. Feedback from the workshop has been collated and is attached at Appendix A.

2.4 Using this together with feedback from training event evaluations and the Induction evaluations and the Council's Corporate Priorities (all to be provided at the meeting), Members are asked to determine the content of the Member Development Strategy to take account of the information gathered. It is clear that with the election of 16 new Councillors this year, the Strategy is even more important to ensure that the Council provides the proper guidance and relevant support to all Members.

2.5 In summary the key issues and needs include

- Support for newly elected members
- Support for the new Cabinet
- Support for Overview and Scrutiny Members
- Access to development for those Councillors with full time commitments
- Access to ward and Council related information
- Communication skills
- Dealing with the media
- Functions and responsibilities of the district and county council.
- Facility for other types of learning and development resources i.e. shadowing, mentoring, on line e-learning, library of books, publications and cd-roms on a range of topics

2.6 Whilst the Strategy when reviewed will be relevant to the Council's position and priorities in 2007/08, those priorities will be reconsidered as part of the Corporate Plan for 2008/09 and it is suggested therefore that this element of the Strategy be reviewed again in April-May 2008 to ensure that it continues to be adequately aligned to the Council's Corporate Priorities and that the annual review takes place at that time of year in the future.

- 2.7 It is also suggested that members determine their training priorities for the remainder of 2007/08 and beyond to 2010/11 when the current term of office ends, so that budgets can be set for future years as part of the Medium Term Financial Strategy to deliver a programme designed to provide the necessary training and development each year as Members' experience grows.
- 2.8 One the training priorities have been agreed a revised Elected Member Training and Development Programme can then be prepared to encompass compulsory committee specific training, general specific training for all Councillors i.e. chairing skills, questioning techniques, and generic skills training such as speed reading, IT training and leadership, based on the needs of Members.
- 2.6 To complement the training programme, Members might also wish to set some targets to improve the work being undertaken, e.g. this could be to increase the percentage of Members having one to one interviews.
- 2.7 In addition, to address some of the key issues, for example, access to ward and Council related information, Members might wish to establish priority project areas on which to focus resources, e.g. to develop the information provided through the Members Newsletter, to expand the dedicated area on the intranet, to develop Ward profiles, establish regular meetings or walk the ward visits.
- 2.8 It is clear that the Council has achieved a lot in the last year and it is felt that these successes and achievements should be reported to Members annually in the Strategy.

RELATIONSHIP TO POLICY FRAMEWORK

The work of Member development supports the corporate priority – to continue to improve the Council.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no direct implications.

FINANCIAL IMPLICATIONS

The Member Training budget of £14,500 available for 2007/08 includes an additional £4,000 carried forward for 2006/07 to ensure that sufficient funding was available for new Members training following the district elections. The intention in producing the Strategy and determining priorities is to ensure that the available budget achieves a better focus and value for money.

Once Members have determined their priorities for training a programme will be drawn up in priority order to be delivered within the available budget in each year.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

Legal have been consulted and have no additional comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add

BACKGROUND PAPERS

Member Development Strategy 2006/07

Contact Officer: Suzanne Smith

Telephone: 01524 582074

E-mail: smsmith@lancaster.gov.uk

Ref:

Feedback from Informal Council Business Committee Workshops 1st November 2007

(1) NEW CABINET MEMBERS

Peer Support

- Political Differences – overcome by use of buddies from neighbouring local authorities

Group Support

- 2 way feedback

Officer Support

- Introductions to key Officers
- Buddies for particular topics
- Basic handbook for each portfolio holder
- Glossary of terms
- More Officer support dedicated to new Councillors/new positions on Committees
- Regular meetings and updates with Officers
- Simpler shorter documents

External Support

- I&DEA training and support

(2) NEW MEMBER SUPPORT

Officer Support

- Understanding the role of a Councillor
- First contact Members' Services
- Introduction to Departments and Managers
- Knowing who to contact
- Promote what help is available
- One to ones
- Support on ALL Committees
- Overview of all Council's main responsibilities and partners
- External role of Council – representation of the Council on outside bodies

- Saturday morning training
- Question & Answer sessions on-line
- Group Administrators should receive some training on what the job entails.

External Support

- P.A.C.T. meetings
- Partnerships

Group Support

- Always available in the form of peer support

(3) COMMUNITY LEADSHIP/WARD ROLES

- Ward newsletters with monthly input from each Council Department concerning their ward.
- Assistance with ward queries
- Emergency out of hours queries – who available at when
- What work is going to be undertaken in Ward, eg road works etc
- Ward info on website
- Information on any complaints/problems in Ward
- Notification of Licensing/Planning applications in Wards

(4) COMMUNICATIONS SKILLS

- Need to know how to communicate with media/other political groups/public
- Importance of I.T. skills
- Public speaking
- Mock Committee meeting
- Cabinet Members attend Leadership Academy in their first year
- Assertiveness training
- I&DEA programmed learning
- Question & Answer session on-line
- On-line training

(5) OVERVIEW AND SCRUTINY

- Direct training is only for 18 out of 60 members – feeling that all non-executive members need to know how it works.
- Members page/newsletter could include a summary of main items considered by O&S.
- Could Group Administrators be tasked with passing info on – summaries of decisions.

(6) DEALING WITH THE MEDIA

- Those that had done it had found it useful
- Difference of opinion over whether this was really a priority
- Some thought it vital to safeguard the Council – others thought it was common sense
- Suggestion that the most useful training would be to know what help the Councils communications section can provide

(7) CITY/COUNTY RESPONSIBILITIES

- Many found it difficult to know who to approach for what
- Lack of understanding about the function of Lancashire Locals
- Important for new Members

(8) GENERAL

- Joint training and opportunities to attend IDeA external training were welcomed – networking with councillors from other authorities
- Distance learning/e-learning suitable for those with limited time or tied to house with young children
- Many didn't know the library existed – promote it more
- Training on budgets – the easy version would be useful
- IT training needed to make sure Members could access the information available
- Staff/Member canteen should be provided
- Group Room - Support of one Group Room for all - should include ; Computers, sockets for laptops, sofas, photocopier, phones, newspapers

COUNCIL BUSINESS COMMITTEE**City Council Meetings Timetable and Meeting Times -
2008/09****15th November 2007****Report of the Chief Executive****PURPOSE OF REPORT**

To consider the meetings timetable and responses regarding preferred times for City Council meetings for the year 2008/09.

This report is public.

RECOMMENDATIONS

- (1) That the times and venues for meetings be considered and that Council be advised of those recommendations.
- (2) That the timetable of meetings for 2008/09, as set out in the Appendix C to the report, be considered and that Council be advised of those recommendations.

1.0 Introduction

- 1.1 At its meeting, held on 28th June 2007, the Council Business Committee considered a report reviewing the start times for meetings included in the timetable for 2007/08.

2.0 Commencement Times of Meetings

- 2.1 In accordance with the decision to review the start times for all meetings included in the timetable for 2007/08 following the elections in May 2007, a survey was carried out amongst all Councillors.
- 2.2 The results of the survey proved inconclusive with no clear preference for daytime or evening meetings, but recognition that a variety of start times provided the best opportunity for Member participation.
- 2.3 The Council Business Committee, therefore, decided to collate some additional information with a view to making any changes for 2008/09, recognising that many Members will have chosen their Committees for this year on the basis of the current start times and their own availability. The Committee advised that all feedback received would be taken into account in setting the timetable for 2008/09. Details of the resolution are set out below:

- (1) That the start time of Council Business Committee meetings be amended from 4.00 pm to 4.30 pm for 2007/08.
- (2) That the Council meeting on 26th September 2007 commence at 4.00 pm on an experimental basis.
- (3) That an item be included on the next agenda of all scheduled meetings requesting consideration of the most appropriate start time for that meeting.
- (4) That Group Administrators be requested to obtain information from their political groups on any Members unable to attend their choice of committee due to its current start time.
- (5) That all feedback received be taken into account in setting the timetable for 2008/09.

2.4 In accordance with the above all meetings included on the Timetable have been consulted and their views are set out in Appendix A to the report for Members consideration.

3.0 Implications

3.1 As previously reported to the Committee in making its decision Members should be aware of the following implications of moving to evening meetings:

3.2 Public engagement:

Meetings such as the Cabinet and Planning and Highways Regulatory Committee have schemes encouraging public engagement through speaking at meetings. Members may feel that these meetings should be held in the evenings in order to encourage public participation but this needs to be balanced against the knowledge that both Cabinet and Planning can be lengthy meetings and dealing with complex issues late at night is not ideal. The scheme for the Planning and Highways Regulatory Committee is popular despite being during the day, with the general public requesting to speak at meetings on a regular basis. Meetings of this Committee commence at 10.30 am in the morning.

Public speaking at Cabinet is a new initiative and it is as yet too early to judge on its success, but feedback to date has not indicated that the daytime meeting is a drawback.

The Overview and Scrutiny Committee also invites the public and representatives from outside organisations to attend meetings and for this reason its start time has been fixed at 6pm, with the Budget and Performance Panel at 4.30pm.

3.4 Participation by other Organisations:

A number of meetings require participation by representatives from other organisations. Members are requested to consider the requirements of each prior to making a decision on the commencement of each meeting. In a number of cases representatives of other organisations may not be available to attend evening meetings.

3.5 Constitutional changes:

If there were changes to the times of meetings consideration may need to be given, in some circumstances, to amendments to other elements of the Constitution, particularly where a given timescale is set out for the production of Minutes (i.e. Cabinet minutes etc).

3.6 Operational issues:

There are a number of operational issues that will affect Service delivery within the Council. With regard to Democratic Services, for instance, a move to all evening meetings would require a change to their working practices which will impact on the way in which the service is delivered during normal office hours. Changes to terms and conditions will also need to undergo the usual process of consultation and negotiation with the staff concerned and unions. This would also be the case if the number of evening meetings were increased beyond a threshold of what is sustainable under the current working arrangements, say 50% of meetings commencing at 6pm or later.

There would also be staffing issues with regard to Property Services who would be required to cover the opening of Council buildings in the evenings/provide refreshments etc and Officers from other Services who may have to attend meetings to present reports and provide specialist advice to Members. There are also potential health and safety issues to be addressed such as door security during the evenings.

4.0 Consultation

4.1 A survey of Members was undertaken after the experimental move of the 26th September 2007 Council meeting start time to 4.00 pm to which 62% of Councillors responded. The results of the survey indicated that the majority of Members preferred the start time of Council to remain at 2.00 pm.

60 % of those who responded to the survey preferred a 2.00 pm start time.
11% preferred a 4.00 pm start time
29% did not express a preference.

4.2 Feedback from the meetings that have been consulted is set out in Appendix A to this report.

4.3 Group Administrators have also been consulted and no comments have been received indicating that Members have been excluded from committees of their choice due to the current start time.

5.0 Meetings Timetable

5.1 The Committee is also requested to consider the timetable of meetings for 2008/09, set out as Appendix C to the report.

5.2 The timetable of meetings for 2008/09 has been prepared for the most part following the same principles as previous years in terms of frequency of meetings, with a recess over August and a short break at Christmas. Minor alterations to the dates of some meetings have been made where external deadlines have to be met. The number of meetings for each Committee is as follows:

<u>Committee</u>	<u>Number of meetings per year</u>
Audit	4
Full Council	11 (including Annual, Budget and Special Councils)
Council Business Committee	6
Cabinet	11
Personnel	4 (with additional meetings called as required)
JCC	4
Planning Regulatory	12
Licensing Regulatory	8
Licensing Act	6 (with Sub-committees called as required)
Overview & Scrutiny Committee	8
Budget & Performance Panel	9
Standards	4 (with additional meetings called as required)
Williamson Park Board	4

- 5.3 The figures above include an additional council meeting in the Autumn as a Special Meeting in line with the Constitution as it has become apparent that using one of the existing dates leaves too long a gap between meetings to deal with any business that arises.
- 5.4 It is also suggested that the date for the 2009/10 Annual Council be fixed at this stage to enable advance arrangements and publicity to commence.
- 5.5 The Budget Council which has for many years been held during the last week of February has been moved to a later date following receipt of information that the Police Authority's precept will not have been received in time for a February tax setting meeting.
- 5.6 With the amendments made to the Terms of Reference of Personnel Committee, including the increase in the scope of the Officer Scheme of Delegation and the Committee hearing personnel appeals, there has been a reduction in the required number of scheduled Personnel Committee meetings with cancellations recently through lack of business, but an increase in the number of ad-hoc meetings to hear appeals. Therefore, it is proposed to reduce the scheduled Personnel Committee meetings to quarterly, which would bring this in to line with the Audit Committee and Joint Consultative Committee.
- 5.7 Efforts have been made to avoid school holidays wherever possible, although on occasions, due to the need to arrange meetings to report to each other and the requirements of the budget setting process this is not always the case.

6.0 Conclusions

- 6.1 The results of the consultations undertaken with other meetings included on the Meetings Timetable are attached as an Appendix to this report. In making any recommendations to Council the Committee should consider those responses together with the need for more public engagement/involvement particularly where there is interest from the general public in the Agenda, or where they may be invited to partake in some way.
- 6.2 The timetable of meetings for 2008/09 has been prepared for the most part following the same principles as previous years in terms of frequency of meetings.

- 6.3 Whilst this committee has delegated power to agree the timetable and related issues on behalf of full council it is suggested that on this occasion the Committee's recommendations be referred to full Council for a final debate to ensure that all Members have had every opportunity to make their views known on the start times of meetings.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

If an increased number of meetings were to be held in the evenings there may be additional costs associated with the opening of the building and staffing and whilst there is some flexibility within the existing Democratic Representation budget, if Members wish to make large scale changes to the timetable as currently published this will need to be evaluated.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

It is a legal requirement that the Council publishes its timetable of meetings by the commencement of each Municipal Year. Amendments can be made throughout the year provided at least 5 days notice is given.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Committee consultation responses contained in the minutes of meetings.

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Ref: Sjm

APPENDIX A

Meeting	Decision
Audit	That the committee's current meeting time of 6pm should be recommended to remain unchanged.
Budget and Performance Panel	That the Council Business Committee be advised that the Budget and Performance Panel prefers a commencement time of 4.30pm for its meetings.
Cabinet	That meetings of Cabinet continue with the existing commencement time and that the Council Business Committee be advised accordingly (i.e. 10.00 a.m.).
Licensing Act	That the Council Business Committee be advised that the preferred commencement time for the Licensing Act Committee for the year 2008/09 be during the daytime.
Licensing Regulatory	That the Council Business Committee be advised that the preferred commencement time for the Licensing Regulatory Committee for the year 2008/09 and the remainder of the year 2007/08 should be 1.00 pm.
Overview and Scrutiny	That the commencement time of the Overview and Scrutiny Committee remain at 6.00pm and the Council Business Committee be advised of this decision.
Personnel	That it be recommended that the Personnel Committee meet at 4.30 pm for the Municipal Year 2008/09.
Planning	That the Council Business Committee be informed that Members of the Planning Committee wish the start time of the Planning and Highways Regulatory Committee remain as 10.30 am.
Standards	The Committee discussed the issue and agreed that meetings of the Committee should be in the day time, with some members preferring afternoon meetings.

APPENDIX B**Current and recommended times and venues of scheduled meetings**

The Committee is requested to consider the times and venues of scheduled meetings. Current and recommended times for scheduled meetings, together with venues are set out below:

Meeting	Current Time	Recommended start time as a result of consultation responses	Venue
Annual Council (Ceremonial)	12 noon	12 noon	LTH
Annual Council (Business)	6.00 pm	6.00 pm	MTH
Council	2.00 pm	2.00 pm	MTH
Council Business Committee	4.30 pm	4.30 pm	MTH
Audit Committee	6.00 pm	6.00 pm	MTH
Budget and Performance Panel	4.30 pm	4.30 pm	LTH
Cabinet	10.00 am	10.00 am	LTH/MTH alternating
Licensing Regulatory Committee	1.00 pm	1.00 pm	LTH
Licensing Act Committee	2.00 pm	2.00 pm	LTH
Overview and Scrutiny Committee	6.00 pm	6.00 pm	MTH
Personnel Committee	2.00 pm	4.30 pm	LTH
Planning and Highways Regulatory Committee	10.30 am	10.30 am	MTH
Standards Committee	10.00 am	2.00 pm	LTH

More details on the recommendations of each meeting are set out in Appendix A. Details of the survey relating to the commencement times of meetings of Council are contained within the consultation section of the report.

MEETINGS TIMETABLE 2008/2009 APPENDIX C

2009

2008

	May	June	July	August	September	October	November	December	January	February	March	April	May
Mon					1 Planning			1 Planning SV					
Tue			1 Cabinet		2 Cabinet			2					
Wed			2 JCC		3 Overview and Scrutiny Com	1 Overview and Scrutiny Com		3				1	
Thur	1		3		4 Licensing Reg	2		4	1 Bank Holiday			2 Licensing Reg	
Fri	2		4	1	5	3		5	2			3 Will Park Board	
Sat	3		5	2	6	4	1	6	3			4	
Sun	4	1	6	3	7	5	2	7	4	1		5	
Mon	5 Bank Hol	2 Planning	7	4	8	6 Planning	3 Planning SV	8 Planning	5 Planning SV	2 Planning SV		6	4 Bank Hol
Tue	6	3 Cabinet	8	5	9 Budget and Performance Panel	7 Cabinet	4 Personnel	9 Cabinet	6	3 Personnel	3	7 Personnel	5 Planning SV
Wed	7	4 Overview & Scrutiny Committee	9 Overview and Scrutiny Committee	6	10	8 JCC	5 Overview & Scrutiny Com	10 Overview & Scrutiny Committee	7	4 Council	4 Budget Council	8 Council	6
Thur	8	5 Licensing Act	10	7	11 Standards	9	6	11	8 Licensing Reg	5	5	9 Standards	7 COUNTY ELECTIONS
Fri	9	6	11	8	12	10	7	12	9 Will Park Board	6	6	10 Bank Holiday	8
Sat	10	7	12	9	13	11	8	13	10	7	7	11	9
Sun	11	8	13	10	14	12	9	14	11	8	8	12	10
Mon	12	9	14	11	15	13	10 Planning	15	12 Planning	9 Planning	9 Planning	13 Bank Holiday	11 Planning
Tue	13	10 Budget & Performance Panel	15 Budget & Performance Panel	12	16	14	11 Cabinet	16	13	10	10	14 Planning SV	12
Wed	14	11	16	13	17 Council	15	12	17 Council	14 JCC	11	11 Overview and Scrutiny Comm	15	13
Thur	15	12 Licensing Reg	17 Licensing Act	14	18 Council Business Cttee	16 Licensing Reg	13 Council Business Cttee	18	15 Council Business Committee	12 Licensing Act	12 Council Business Committee	16 Licensing Act	14
Fri	16 Annual Council	13	18	15	19	17	14	19	16	13	13	17	15 2009/10 Annual Council
Sat	17	14	19	16	20	18	15	20	17	14	14	18	16
Sun	18	15	20	17	21	19	16	21	18	15	15	19	17
Mon	19 Business Council	16	21 Planning SV	18	22	20	17	22	19	16	16	20 Planning	18
Tue	20	17	22 Personnel	19	23	21 Budget & Performance Panel	18	23	20 Cabinet	17 Cabinet	17 Cabinet	21 Cabinet	19
Wed	21	18 Council	23 Council	20	24 Audit	22 Council	19 Council	24	21 Audit	18	18 JCC	22 Audit	20
Thur	22	19 Standards	24 Licensing Reg	21	25 Licensing Act	23	20 Licensing Reg	25 Bank Holiday	22 Standards	19	19	23 Council Business Committee	21
Fri	23	20	25	22	26 Will PK Board	24	21	26 Bank Holiday	23	20	20	24	22
Sat	24	21	26	23	27	25	22	27	24	21	21	25	23
Sun	25	22	27	24	28	26	23	28	25	22	22	26	24
Mon	26 Bank Hol	23 Planning SV	28 Planning	25 Bank Hol	29 Planning SV	27	24	29	26	23	23	27	25 Bank Hol
Tue	27 Planning SV	24	29 Cabinet	26 Planning SV	30	28	25 Budget and Performance Panel	30	27 Budget & Performance Pane	24 Budget & Performance Panel	24	28 Budget and Performance Panel	26
Wed	28	25 Audit	30	27		29	26	31	28 Overview and Scrutiny Com	25	25	29	27
Thur	29	26 Council Business Committee	31	28		30	27 Licensing Act		29	26	26	30	28
Fri	30	27 Will PK Board		29		31	28		30	27	27	29	29
Sat	31	28		30			29		31	28	28	30	30
Sun		29		31			30			29	29	31	31
Mon		30 Planning									30		
Tue											31 Budget & Performance Panel		

COUNCIL BUSINESS COMMITTEE

**Corporate Governance – Constitutional Amendment
17th November 2007**

Report of Head of Democratic Services

PURPOSE OF REPORT

The report recommends a revision to the Constitution.

This report is public

1.0 RECOMMENDATIONS

That Council Business Committee, agree to a new Council Procedure Rule 15.3 (with subsequent re-numbering of 15.3 and 15.4) to be included in the Constitution with immediate effect as follows:

15.3 Officer Briefing Note

Where a Motion for which Notice has been given is included on the Agenda, an officer briefing note will be included on the Agenda to accompany that motion setting out in particular any key risks and potential financial and legal implications for the Council should the proposed motion be carried.

2.0 Introduction

2.1 Members will be aware that the Constitution currently provides for Members to submit written notices of motions for debate at full Council as follows:

'15 MOTIONS ON NOTICE

15.1 Notice

Except for motions which can be moved without notice under Rule 16, written notice of every motion, from at least 2 Members, must be delivered to the Chief Executive not later than 10 days before the date of the meeting in writing or by electronic mail (from a known or recognised source). This can be collective notification for Members of the same political group. These will be entered in a book open to public inspection.

15.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Members who have given notice state, in writing, that they propose to move it to a later meeting or withdraw it.

15.3 **Scope**

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

15.4 **Closure of Debate**

Debate on any motion for which notice has been given may be closed after 45 minutes, when the Mayor may move to the summing up and vote on any amendment then being debated and on the substantive motion without further debate or amendment.'

2.2 In the past 12 months the following have been the subject of a Motion on Notice:

- Proposed Heysham/M6 Link (June 2007)
- Sustainable Communities Bill (Feb 2007)
- Rail Transport - Loss of Services (Feb 2007)
- Micro Renewable Technology (Feb 2007)
- Traffic Calming near Schools(Dec 2006)
- School Bus Fares Increases(Dec 2006)
- Privatisation of NHS (Sept 2006)
- Piccadilly Gardens (Sept 2006)
- Top Up Fees for Students(Sept 2006)
- Climate Change Action (July 2006)

3.0 **Background**

3.1 The custom and practice has been for the Chief Executive, on receipt of any Notice of Motion, to consider any potential for its approval to have implications for the Council and where necessary request an appropriate officer to provide a briefing note to accompany the Motion on the agenda. This sets out any potential risks and provides the opportunity for Members to ask questions of the relevant Director prior to the debate.

3.2 A request has been made and considered and subsequently agreed by Audit Committee that a formal process should be introduced to include an officer briefing note alongside all Member motions.

3.3 Council Business Committee is requested to agree to amend Council Procedure Rule 15 accordingly.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report, although the change to the constitution being considered requires officer resources to be used to produce briefing notes each and every time a member motion is proposed.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

In accordance with Article 15 of the Constitution approval of the proposed amendment is delegated to the Council Business Committee.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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COUNCIL BUSINESS COMMITTEE**RESPONSE TO CONSULTATION ON PROPOSED
CLOSURE OF SCHOOLS
15th November 2007****Report of Head of Democratic Services****PURPOSE OF REPORT**

To ask Members to agree to a variation with regard to responding to a consultation paper and request that the task group report be utilised as the City Council's response.

This report is public

RECOMMENDATIONS

That the Committee agree to a variation of the process regarding responses to consultations and delegate to the Chief Executive approval that the Review of Secondary Education Task Group's report be utilised as the City Council's response to the County Council's consultation exercise.

Introduction and background

At its meeting on the 5th September 2007, the Overview and Scrutiny Committee agreed to establish a task group to consider the impact and effect of Lancashire County Council's consultation on the closure of Hornby and Skerton High Schools and their possible amalgamation with Central High. The terms of reference of the task group stipulate that the task group would feed their views into the consultation process.

The consultation period closes on 31st December 2007. The constitution allows for a task group to make recommendations to Full Council or Cabinet but the scheduled dates of these meetings will not allow for the Task Group report to be approved in time to meet the consultation deadline.

It is suggested therefore that as the report of the Task Group will on this occasion become the Council's response to a consultation document it can be approved in accordance with that process.

The agreed process for agreeing a consultation paper response is that the Chief Executive agrees one of the following options if he feels a response is required:

- (i) That an Officer response be prepared on purely technical matters

- (ii) That a draft response be prepared by Officers on policy matters for comments by the Council Business Committee prior to approval by the Chief Executive.
- (iii) That consultation papers be forwarded to Group Leaders for a response on matters of a purely political nature.

Members are asked to agree to a variation of (ii) whereby the Task Group are asked to provide a draft response rather than Officers and to delegate the approval of that response to the Chief Executive.

<p>RELATIONSHIP TO POLICY FRAMEWORK</p> <p>None</p>	
<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>This report has no direct impact.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no direct financial implications to the Council.</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 Officer has been consulted and has no further comments</p>	
<p>LEGAL IMPLICATIONS</p> <p>There are no direct legal implications. The proposal complies with the requirements of the Council's Constitution and agreed decision making processes.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer has been consulted and has no further comments.</p>	
<p>BACKGROUND PAPERS</p> <p>Consultation papers from Lancashire County Council on the closure of Hornby and Skerton High Schools and amalgamation with Central High, Lancaster.</p>	<p>Contact Officer: Liz Bateson Telephone: 01524 582047 E-mail: ebateson@lancaster.gov.uk Ref:</p>