

Public Document Pack



Cambridge City Council

CIVIC AFFAIRS

To: Committee Members: Councillors McPherson (Chair), Benstead (Vice-Chair), Cantrill, Pitt, Hart and Robertson

Alternates: Councillors Bick, Moghadas

Despatched: Tuesday, 20 January 2015

Date: Wednesday, 28 January 2015

Time: 6.30 pm

Venue: Committee Room 1 & 2 - Guildhall

Contact: Glenn Burgess

Direct Dial: 01223 457013

AGENDA

- 1 **Apologies for absence**
- 2 **Minutes of previous meeting** (*Pages 7 - 12*)
- 3 **Declarations of Interest**

Members are asked to declare at this stage any interests that they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal Services before the meeting.

- 4 **Public Questions**
- 5 **Electoral Review of Cambridgeshire**

Report attached separately.

- 6 Ernst & Young Report on Audit of Grant Claims (Pages 13 - 20)**
- 7 2013/14 Audit Scale Fee Variation (Pages 21 - 22)**
- 8 Council Tax Base and Business Rates Calculations (Pages 23 - 26)**
- 9 Planning Code of Good Practice (Pages 27 - 36)**
- 10 Pay Policy Statement 2015/16**
Report attached separately.
- 11 Calendar of Meetings 2015/16 (Pages 37 - 40)**

Information for the Public

Location

The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

Public Participation

Some meetings may have parts that will be closed to the public, but the reasons for excluding the press and public will be given.

Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

Speaking on Planning or Licensing Applications is subject to other rules. Guidance for speaking on these issues can be obtained from Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Further information about speaking at a City Council meeting can be found at;

<https://www.cambridge.gov.uk/speaking-at-committee-meetings>

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Filming, recording and photography

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

Anyone who does not want to be recorded should let the Chair of the meeting know. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded

Fire Alarm

In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

Facilities for disabled people

Level access to the Guildhall is via Peas Hill.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request prior to the meeting.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Queries on reports

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

**General
Information**

Information regarding committees, councilors and the democratic process is available at <http://democracy.cambridge.gov.uk/>.

**Mod.Gov
App**

Modern.gov offer an app that can be used to ensure you always have the latest meeting papers for the committees you are interested in.

<http://www.moderngov.co.uk/our-solutions/tablet-app-paperless-meetings>

This page is intentionally left blank

CIVIC AFFAIRS

17 September 2014

6.00pm - 6.45 pm

Present: Councillors McPherson (Chair), Benstead (Vice-Chair), Cantrill, Pitt, Hart and Robertson

Officers present:

Chief Executive: Antoinette Jackson

Director of Resources: Ray Ward

Head of Legal Services: Simon Pugh

Head of Internal Audit: Steve Crabtree

Head of Customer Services: Jonathan James

Principal Auditor: Bridget Bishop

Accountant (Projects and Publications): Charity Main

Committee Manager: Glenn Burgess

Others present:

Director of Ernst & Young: Mark Hodgson

Independent Person: Sean Brady

Deputy Independent Person: Rob Bennett

FOR THE INFORMATION OF THE COUNCIL

14/45/CIV Apologies for absence

No apologies were received.

14/46/CIV Minutes of previous meeting

The minutes of the meeting held on 25 June 2014 were approved as a correct record and signed by the Chair.

It was agreed that the minutes of the meeting held on 15 July 2014 would be brought to the next meeting for approval.

14/47/CIV Declarations of Interest

No interests were declared.

14/48/CIV Public Questions

It was agreed that a public question from Mr Richard Taylor would be taken prior to the agenda item.

14/49/CIV Implementation of Internal Audit Agreed Actions

The committee received a report from the Head of Internal Audit regarding implementation of Internal Audit agreed actions.

In response to members' questions the Head of Internal Audit, the Principal Auditor and the Chief Executive said the following:

- i. As individual water meters were not present in all Council buildings it was not possible to accurately capture and monitor efficiency targets. This overdue audit action was therefore no longer applicable.
- ii. The lead officer assigned to the Fire Safety Management audit action had now left the Council. This action would be reassigned to the new Head of Service who would be in place by October 2014.
- iii. The lead officer assigned to the Property Security audit action had now left the Council. This action would be reassigned to a new lead officer in due course.
- iv. Internal audit were confident that any revised dates for completion of audit actions were achievable.

The committee thanked officers and welcomed the significant reduction in the number of overdue audit actions.

At the request of members it was agreed that an update on the implementation of agreed Internal Audit actions would be circulated to the committee on a quarterly basis.

Resolved (unanimously) to:

- i. Note the progress made on implementation of Internal Audit agreed actions.

14/50/CIV Statement of Accounts 2013/14

The committee received a report from the Accountant (Projects and Publications) regarding the statement of accounts 2013/14.

The committee received a report from the Director of Ernst & Young regarding the external audit conclusions.

In response to members' questions the Accountant (Projects and Publications) said the following:

- i. The following changes since the draft accounts presented to the committee in June have an impact on the Council's usable reserves:
 - £186,000 decrease in General Fund reserves as a result of an adjustment to the carrying value of the Council's LBI deposit.
 - a net £30,000 increase in General Fund earmarked reserves resulting from a £198,000 increase in safety net grant in respect of business rates retention and a £168,000 decrease reflecting an adjustment in respect of new car park equipment.
- ii. The business rates retention adjustment is a timing difference reflecting that whilst the council recognises the safety net payment in 2013/14, the deficit it is funding is recovered from the General Fund in future years. The car park equipment adjustment reflects expenditure which would otherwise have been recognised in 2014/15.

In response to members' questions the Chief Executive said the following:

- i. Despite changes to process and the management of the service the Finance Team had ensured a successful audit with no risks identified.
- ii. Further improvements to financial processes would be progressed by the new Head of Finance in due course.
- iii. Interim shared services with South Cambs District Council had assisted with the process and would help ensure resilience going forward.

The committee specifically thanked the Accountant (Projects and Publications) and welcomed the audit results.

Resolved (unanimously) to:

- i. Receive the audit findings presented by Ernst & Young.
- ii. Approve the Statement of Accounts for the year ending 31 March 2014.

- iii. Authorise the Chair to sign the Letter of Representation and audited Statement of Accounts for the financial year ending 31 March 2014 on behalf of the Council.

14/51/CIV Annual Complaints Report

The committee received a report from the Head of Customer Services regarding the annual complaints report.

The committee made the following comments:

- i. Whilst welcoming a 14% reduction in the number of complaints received it was noted that, as the reporting method had changed, it was difficult to directly compare against previous years. More useful comparisons would be possible from 2015/16 onwards.
- ii. Emphasised the importance of highlighting trends and identifying areas for organisational learning.

In response to members' questions the Head of Customer Services said the following:

- i. Due to differences in demographics it was difficult to compare local authorities against one another with regards to complaints. Whilst no specific benchmarking had been undertaken, Cambridge City Council did not appear to be out of kilter with other authorities of a similar size.

Resolved (unanimously) to:

- i. Approve the Annual Complaints Report 2013-14 for publication on the Council's website.

14/52/CIV Constitution-changes to comply with legislation on recording officer decisions and recording meetings

Mr Taylor addressed the committee and made the following points:

- i. Welcomed the recent changes to the law regarding recording Council meetings and encouraged the committee to support the proposed changes to the Constitution.

- ii. Expressed disappointment that the new legislation and the guidance regarding provision for those not wanting to be filmed did not align with one another. Suggested that local authorities lobby the Government in order to address this.
- iii. Highlighted Cambridgeshire County Council's more open and welcoming approach to members of the public wishing to film and report on meetings. Suggested that the City Council's approach could be improved.

The committee received a report from Head of Legal Services regarding constitutional changes to comply with legislation on recording officer decisions and recording meetings.

Councillor Cantrill welcomed the report and supported Mr Taylor's comments. It was important that the Council was as open and transparent as possible and it was suggested that in-house webcasted should be investigated further.

Resolved (unanimously) to:

- i. Recommend Council to adopt the revised 'Part 4B- Access to Information Rules' set out in the appendix of the officer's report.
- ii. Authorise the Monitoring Officer to make consequential changes to other parts of the Constitution that refer to recording meetings and public speaking rights.

The meeting ended at 6.45 pm

CHAIR

This page is intentionally left blank

The Members
Cambridge City Council
The Guildhall
Cambridge
CB2 3QJ

9 January 2015

Direct line: 01223 394547

Email: mhodgson@uk.ey.com

Dear Members

Certification of claims and returns annual report 2013/14 Cambridge City Council

We are pleased to report on our certification work. This report summarises the results of our work on Cambridge City Council's 2013/14 claims and returns.

Scope of work

Local authorities claim large sums of public money in grants and subsidies from central government and other grant-paying bodies and are required to complete returns providing financial information to government departments. In some cases these grant-paying bodies and government departments require certification from an appropriately qualified auditor of the claims and returns submitted to them.

Under section 28 of the Audit Commission Act 1998, the Audit Commission may, at the request of authorities, make arrangements for certifying claims and returns because scheme terms and conditions include a certification requirement. When such arrangements are made, certification instructions issued by the Audit Commission to appointed auditors of the audited body set out the work they must undertake before issuing certificates and set out the submission deadlines.

Certification work is not an audit. Certification work involves executing prescribed tests which are designed to give reasonable assurance that claims and returns are fairly stated and in accordance with specified terms and conditions.

In 2013/14, the Audit Commission did not ask auditors to certify individual claims and returns below £125,000. The threshold below which auditors undertook only limited tests remained at £500,000. Above this threshold, certification work took account of the audited body's overall control environment for preparing the claim or return. The exception was the housing benefits subsidy claim where the grant paying department set the level of testing.

Where auditors agree it is necessary, audited bodies can amend a claim or return. An auditor's certificate may also refer to a qualification letter where there is disagreement or uncertainty, or the audited body does not comply with scheme terms and conditions.

Statement of responsibilities

In March 2013 the Audit Commission issued a revised version of the 'Statement of responsibilities of grant-paying bodies, authorities, the Audit Commission and appointed auditors in relation to claims

and returns' (statement of responsibilities). It is available from the Chief Executive of each audited body and via the Audit Commission website.

The statement of responsibilities serves as the formal terms of engagement between the Audit Commission's appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

This annual certification report is prepared in the context of the statement of responsibilities. It is addressed to those charged with governance and is prepared for the sole use of the audited body. We, as appointed auditor, take no responsibility to any third party.

Summary

Section 1 of this report outlines the results of our 2013/14 certification work and highlights the significant issues.

We checked and certified two claims and returns with a total value of £44.7million. We met the submission deadlines for both the housing benefits subsidy claim and the pooling of capital receipts return.

We issued one qualification letter for the housing benefits subsidy claim. Details of the qualification matters are included in section 1. Our certification work found errors which the Council corrected. The amendments had a marginal effect on the grant due.

Fees for certification work are summarised in section 2. Indicative fees are set by the Audit Commission and reflect the amount of work required by the auditor to certify the claims and returns in that year.

We welcome the opportunity to discuss the contents of this report with you at the January 2015 Civic Affairs Committee.

Yours faithfully



Mark Hodgson
Director
Ernst & Young LLP
Enc

Certification of claims and returns annual report 2013-14

Contents

1. Summary of 2013-14 certification work.....	1
2. 2013-14 certification fees.....	3
3. Looking forward.....	4

1. Summary of 2013/14 certification work

We certified two claims and returns in 2013/14. The main findings from our certification work are provided below.

Housing benefits subsidy claim

Scope of work	Results
Value of claim presented for certification	£ 37,821,064
Amended	Yes – subsidy decreased by £560 to £37,820,504
Qualification letter	Yes
Fee – 2013/14	£20,102
Fee – 2012/13	£18,189

Councils run the Government's housing benefits scheme for tenants. Councils responsible for the scheme claim subsidies from the Department for Work and Pensions (DWP) towards the cost of benefits paid.

The certification guidance requires auditors to complete more extensive '40+' testing (extended testing) if initial testing identifies errors in the calculation of benefit or compilation of the claim. We found errors and carried out extended testing in several areas.

Extended '40+' testing and other testing identified errors for which an accurate amendment could be made to the claim. The amendments made by the Council reduced the subsidy claimed by £560. We reported the impact of other errors to the DWP. The following are the main issues included in our qualification letter:

- Income assessment errors across all three main housing benefit types, Non HRA Rent Rebates, HRA Rent Rebates and Rent Allowance. Extended 40+ testing was applied to quantify results and report.
- Incorrect classification of eligible overpayments for Rent Allowances. Extended 40+ testing was applied to quantify results and report.

Pooling of housing capital receipts

Scope of work	Results
Value of return presented for certification	£ 6,870,177
Limited or full review	Limited review
Amended	No
Qualification letter	No
Fee – 2013/14	£795
Fee – 2012/13	£521

Councils pay part of a housing capital receipt into a pool run by the Department of Communities and Local Government. Regional housing boards redistribute the receipts to those councils with the greatest housing needs. Pooling applies to all local authorities, including those that are debt-free and those with closed

Housing Revenue Accounts, who typically have housing receipts in the form of mortgage principal and right to buy discount repayments.

We found no errors on the pooling of housing capital receipts return and we certified the amount payable to the pool without qualification.

2. 2013/14 certification fees

The indicative fee was based on actual certification fees for 2011/12 adjusted for schemes no longer requiring certification. The fees for certification of housing benefit subsidy claims have been reduced by 12 per cent, to reflect the removal of council tax benefit from the scheme.

Audit work in 2013/14 exceeded the indicative composite fee of £11,271 for Cambridge City Council. A fee variation of £9,625 has been agreed with the Council and is subject to formal Audit Commission approval of this variation. This compares to a charge of £20,655 in 2012/13.

Claim or return	2012-13	2013-14	2013-14
	Actual fee	Indicative fee	Actual fee
	£	£	£
Certification of claims and returns including the annual report	20,655	11,271	20,896

Fees for annual reporting, planning, supervision and review have been allocated directly to the claims and returns.

3. Looking forward

The DCLG and HM Treasury are working with grant-paying bodies to develop assurance arrangements for certifying claims and returns following the closure of the Audit Commission in 2015. Subject to confirmation, we expect these new arrangements to apply to 2014/15 claims and returns and therefore the CFBO6 Pooling of housing capital receipts scheme to fall outside the Audit Commission's arrangements.

We expect to certify the Authority's 2014/15 claim for housing benefit subsidy from the Department for Work and Pensions (DWP) under the arrangements developed by the Audit Commission. Arrangements for 2015/16 onwards are to be confirmed, but it is likely that auditor certification will be needed until Universal Credit replaces housing benefit.

For 2014/15, the Audit Commission has calculated indicative certification fees based on the latest available information on actual certification fees for 2012/13, adjusted for any schemes that no longer require certification.

The Council's indicative certification fee for 2014/15 is £16,000. The actual certification fee for 2014/15 may be higher or lower than the indicative fee, if we need to undertake more or less work than in 2012/13 on individual claims or returns. Details of individual indicative fees are available at the following link: [<http://www.audit-commission.gov.uk/audit-regime/audit-fees/201415-work-programme-and-scales-of-fees/individual-indicative-certification-fees>].

Variations from the indicative fee should only occur only where issues arise that are significantly different from those identified and reflected in the 2012/13 fee.

We can act as reporting accountants where the Commission has not made or does not intend to make certification arrangements.

Ernst & Young LLP

Assurance | Tax | Transaction | Advisory

www.ey.com/uk

The UK firm Ernst & Young LLP is a limited liability partnership registered in England and Wales with registered number OC300001 and is a member firm of Ernst & Young Global Limited

Ernst & Young LLP, 1 More London Place, London, SE1 2AF.

© Ernst & Young LLP 2015. Published in the UK.
All rights reserved.

Caroline Ryba
Head of Finance and Section 151 Officer
Cambridge City Council
3rd Floor, Guildhall
Market Square
Cambridge
CB2 3QJ

24 November 2014

Direct line: 01223 394485

Email: mhodgson@uk.ey.com

Dear Caroline

Cambridge City Council - 2013/14 Audit Scale Fee - late variation

We issued our formal 'Annual Audit Letter' on the 2 October 2014, to formally report the outcome from our work in respect of the 2013/14 audit year. Within this report, we set out the 'final' audit fees, as required by the Audit Commission.

However, the Audit Commission has recently consulted on a supplement to the 2014/15 audit scale fees. In that consultation, the Audit Commission applied a permanent variation of £900 to the base scale fee. This reflects the additional audit procedures required to gain sufficient audit assurance around business rate income and expenditure within the Collection Fund.

This additional work is required because the certification work on Business Rates (the NNDR3 grant claim) is no longer within the Audit Commission's grant regime - it was withdrawn for 2013/14. Auditors were previously able to use the certification work on the NNDR3 claim as the required assurance for the audit opinion on the financial statements (including the Collection Fund). As a result, the 2013/14 grant certification scale fee was reduced by £1,945.00, to reflect this.

The Audit Commission has now acknowledged that auditors were required to undertake these additional audit procedures to be able to gain assurance for the 2013/14 financial statements opinion. Indeed, business rates were included as a significant audit risk within our Audit Plan. In recognising that this applies equally to 2013/14, the Audit Commission has asked us to agree a scale fee variation of £900 to that audit fee with you.

The revised final scale fee in respect of the 2013/14 audit is set out in the table below.

	2013-14	2013-14
	Reported final fee (within Annual Audit Letter)	Amended final fee (revised and final)
	£	£
Audit Code Scale Fee	68,405	69,305

I appreciate that any increase to the audit scale fee is unwelcome news, but I hope that the narrative above sets out the Audit Commission's rationale for the increase. I think that this increase should be seen in the context of the Audit Commission reducing the 2015/16 scale fee by a further 25%, as a result of its latest procurement exercise.

If you wish to discuss this in more detail please do let me know, so we can arrange a call or a meeting. Otherwise, I would be grateful if you could acknowledge this letter and the variation to the scale fee. This letter should then be included within the agenda for the next Civic Affairs Committee, as we are required to report the final audit fee to 'those charged with governance' of the Council.

I look forward to catching up with you in due course.

Yours sincerely



Mark Hodgson
Director
Ernst & Young LLP

CAMBRIDGE CITY COUNCIL

REPORT OF: Caroline Ryba, Head of Finance

TO: Civic Affairs Committee

28/1/2014

WARDS: All

COUNCIL TAX BASE AND BUSINESS RATES CALCULATIONS

1 INTRODUCTION

- 1.1 The Council is required to set the Council Tax Base (the number of equivalent Band D properties for council tax raising purposes) in advance of the start of each financial year. This base is used by the Council and precepting bodies (the county council, fire and police) to estimate council tax yield for budget setting purposes.
- 1.2 The introduction of the Business Rates Retention scheme from 1 April 2013 has given increased significance to the business rates forecasting form (NNDR1) which is completed by authorities and submitted to the Department of Communities and Local Government (DCLG) by the end of each January. This return estimates the amount of non-domestic rates income that the Council, central government, county council and fire authority expect to receive in the following financial year and is therefore also an important element of the budget setting process.
- 1.3 This report asks the Committee to recommend Council to formally confirm the current practice of delegation of approval of these items to the Chief Financial Officer.

2. RECOMMENDATIONS

- 2.1 To recommend Council to formally confirm the delegation to the Chief Financial Officer (Head of Finance) of approval of the Council Tax Base and submission of the National Non-Domestic Rates Forecast Form (NNDR1) for each financial year.

3. **BACKGROUND**

- 3.1 Calculation of the council tax base and the NNDR1 calculations are technically based and determined by regulation.

Council Tax Base

- 3.2 The Council approves the Council Tax Base as part of the Budget Setting report in February each year. However, the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992 require that the authority notifies the council tax base to the precepting authorities by 31 January before the start of the financial year.
- 3.3 Approval of the Council Tax Base is not required by Council and can be delegated. Approval of the base has been effectively delegated to the Chief Financial Officer for more than a decade, but current officers have been unable to identify a formal delegation either in the Constitution or having been taken through this Committee.

Business Rates

- 3.3 The NNDR1 form has a renewed significance under business rates retention as it estimates the funding that the authority will receive from business rates for the following year. The DCLG has indicated in the Practitioner's Guide to Business Rates Retention that it considers that the form is not required to be approved by Council and that this can be carried out by the Chief Financial Officer.
- 3.4 It is considered to be best practice to formally document the delegation of approval of the NNDR1 form.

4 **IMPLICATIONS**

- (a) **Financial Implications** The calculation of the non-domestic rating income and the council tax base are key statutory elements in the budget process.
- (b) **Staffing Implications** None
- (c) **Equal Opportunities Implications** The council tax base and NNDR1 calculations form part of the wider budget process for which an Equalities Impact Assessment is prepared.
- (d) **Environmental Implications** None

(e) **Procurement** None

(f) **Consultation and communication** The council tax base and NNDR1 calculations form part of the wider budget process which is subject to public consultation.

(g) **Community Safety** None

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

The Local Authorities (Calculation of Council Tax Base) Regulations 1992

The Local Government Finance Act 1992

To inspect these documents contact Charity Main on extension 8152

The author and contact officer for queries on the report is Charity Main on extension 8152.

Report file: O:\accounts\Committee Reports & Papers\Civic Affairs\January 2015\Civic Affairs Draft Report Jan 2015 - CT base and NNDR1 approval.docx

Date originated: 19 January 2015

Date of last revision: 19 January 2015

This page is intentionally left blank



To: Executive Councillor for Planning Policy and Transport: Councillor Kevin Blencowe
Report by: Head of Planning Services
Relevant scrutiny committee: Civic Affairs Committee 28/1/2015
Planning Committee 4/2/2015
Council 16/4/2015
Wards affected: All

PLANNING CODE OF GOOD PRACTICE UPDATE

Not a Key Decision

1. Executive summary

1.1 The Council's Planning Code of Good Practice has been rewritten to reflect recent changes in legislation and best practice.

2. Recommendations

2.1 Civic Affairs Committee is recommended:
To endorse the approval of the updated Planning Code of Good Practice

3. Background

3.1 The planning code is the council's guidance for Members and officers about operating good practice in the planning process. It supplements the code of conduct for Members and aims to ensure that the council makes, and is seen to make planning decisions properly, openly, impartially and for sound and justifiable reasons.

3.2 The attached document is the updated version of the Council's planning code of best practice and it has been drawn up using the model guidance provided by the Local Government Association and the Planning Advisory Service.

4. Implications

(a) **Financial Implications** – none but adoption of a best practice code would be considered an appropriate risk management approach.

- (b) **Staffing Implications** - none
- (c) **Equalities and poverty Implications** – there are no adverse implications, an EQIA assessment has not been considered necessary to support the update of the code of good practice document. Openness, equity and fairness in the operation of the planning process are enshrined within the code.
- (d) **Environmental Implications** – there are nil climate change implications. Making good planning decisions is a fundamental part of delivering sustainable development.
- (e) **Procurement** – there are no procurement implications
- (f) **Consultation and communication** – the revised document will be circulated to all Members and relevant officers. Copies will be placed upon the council website. The Executive Councillor for Planning Policy and Transport, Opposition Spokes, Chair and Vice-Chair of Planning Committee, Democratic Services Manager and the Head of Legal Services were consulted during the updating of the revised document.
- (g) **Community Safety** – there are no direct community safety implications

5. Background papers

These background papers were used in the preparation of this report:

Local Government Association/Planning Advisory Service: Probity in Planning for Councillors and Officers Guidance November 2013
(<http://www.pas.gov.uk/documents/332612/6482760/Probity+guide+for+cllrs+revised/25ed9243-0850-49fa-8e1a-4eb3935084a2>)

6. Appendices

Appendix A: Cambridge City Council Planning Code of Good Practice 2015

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Author's Name: Patsy Dell
Author's Phone Number: 01223 - 457103
Author's Email: patsy.dell@cambridge.gov.uk

Appendix A:

**Cambridge City Council
Planning Code of Good Practice 2015**

1. Introduction
2. Relationship to the Members' Code of Conduct
3. Development Proposals and Interests under the Members' Code
4. Open and Fair Decision Making
5. Contact with Applicants, Developers and Objectors
6. Site Visits
7. Public Speaking at Meetings
8. The role of Officers
9. Decision Making
10. Development Control Forums
11. Training

1. Introduction

- 1.1 This Code offers guidance to Councillors about good practice in the planning process. It supplements the Council's Code of Conduct for Members and aims to ensure that the Council makes and is seen to make planning decisions properly, openly, impartially, and for justifiable reasons.
- 1.2 This Code applies to Members involved in the planning process. It applies to formal decision-making and to less formal occasions, such as development control forum meetings, meetings with officers or the public and consultative meetings, planning enforcement matters or site-specific policy issues as well as to the consideration of planning applications.
- 1.3 The purpose of the planning system is to consider development proposals in the public interest. To be successful the planning system relies on Councillors and officers acting in a way that is fair and clearly seen to be fair and even handed. Councillors have a special duty to their constituents but a wider duty to the community of the City of Cambridge. Where planning matters are concerned the interests of the wider public have to be considered as well as the Development Plan and all other relevant material considerations.

2. Relationship to the Members' Code of Conduct

- 2.1 This Code is intended to supplement the adopted Member Code of Conduct. It is unlikely that there will be any conflict between the two codes but, if there is, the provisions of the general Code will take precedence.
- 2.2 It is very important that Members are careful to apply both the general Code of Conduct and this Code in dealing with planning issues. Failure to do this may place the Council at risk of legal challenge or a finding of maladministration and for individual Members the potential for complaint about them to the Monitoring Officer.

3. Development Proposals and Interests under the Members' Code

- 3.1 If you have a Code of Conduct interest in any matter, you must disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. It is best to disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. The Members' Code of Conduct sets out the circumstances which give rise to a disclosable pecuniary interest or a personal interest.
- 3.2 If you have a disclosable pecuniary interest, or a personal and prejudicial interest, you may not participate in making the decision, either formally or informally. You should also avoid giving any impression of participation, as it is important to maintain public confidence in the impartiality of councillors in decision-making. (A personal interest is classed as "prejudicial" if it is "one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.")
- 3.3 There are other things you should avoid if you have a disclosable pecuniary interest or a personal and prejudicial interest. These include the following:
- You try to avoid representing ward or local views on a matter in which you have such an interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;
 - You should avoid getting involved in the processing of the application by using your position as a councillor to get access to officers or papers;
 - You should not lobby other members of the Council, including the circulation of letters or emails, or by raising the matter in group or similar meetings;
 - You may address the meeting that considers the application or other matter in the same way that members of the public may address the meeting. However you should then withdraw from the meeting (formal or informal) at which the matter is under consideration. You may not sit in at the meeting, even as a member of the public, and you may not vote. This is the position even if you are not a member of the committee which is making the decision;
 - If you are submitting your own planning application, or have a disclosable pecuniary interest or a personal and prejudicial interest in a planning application, you should be particularly careful to avoid any impression of either seeking or receiving special treatment. You should also make sure that the Head of Planning Services is aware of the interest. You may wish to consider employing an agent to act on your behalf in dealing with officers and/or addressing the committee. However, as mentioned above, you may exercise the same speaking rights as are afforded to members of the public, provided that you then withdraw from the meeting when the item is considered.

4. Open and Fair decision making

- 4.1 Cambridge City Council Planning Committee takes decisions on planning matters openly and in public. For a decision to be open and fair:

- Those taking the decision should not be biased or have pre-determined how they will decide;
- Those taking the decision should not have a prejudicial interest in the outcome;
- The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
- The reasons for the decisions should be clearly set out

Avoiding Bias or Pre-determination

- 4.2 It is entirely permissible for Committee Members who are democratically accountable decision makers, to be pre-disposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application but must not make up their mind on how to vote before formally considering the application and any representations. Committee Members must have an open mind on the merits of a proposal before it is formally considered at the committee meeting. They must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.
- 4.3 If the committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the committee members were biased, or had pre-determined the application, the court will assess the case on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 4.4 Section 25 of the Localism Act 2011 came into effect on January 15 2012 and provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because;
- (a) The decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter; and
- (b) The matter was relevant to the decision.
- 4.5 The position remains the same that Councillors should approach planning applications with an open mind and are able to weigh all the arguments right up to the point at which a decision is made. The safest course is to avoid statements as to support or opposition for an application (that may leave the impression that minds have been made up). If a Member has made such a statement they must be satisfied they can still consider the application with an open mind and be prepared to take into account any matters in favour or against the proposed development until the decision is made.
- 4.6 Care should be taken with the following, where you are likely to be a decision-maker:
- Making statements in advance of the meeting that you have made up your mind how you are going to vote;
 - Taking up a campaigning role for or against an application;
 - Acting as an advocate for groups opposed to or supporting the application;

4.7 Issues around bias and predetermination are difficult and getting it wrong can lead to legal challenge and/or reference to the Local Government Ombudsman. Each case needs to be considered on its facts and if you are in any doubt you should seek advice from the Head of Legal Services.

5. Contact with Applicants, Developers and Objectors

5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process and is important to local democracy; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or a member of the Planning Committee. However, unless care is taken, lobbying can lead to the impartiality of a member being called into question and to difficulties for the member participating in the decision.

5.2 When being lobbied, members should have regard to the advice in Section 4 about the dangers of appearing to approach a decision with a “closed mind”. However, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you can:

- Listen to/receive viewpoints from residents or other interested parties
- Make comments and express views to residents, interested parties, other members or appropriate officers
- Give non-technical advice on planning procedures, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to Committee
- Seek information through appropriate channels
- Alert the decision-making committee to issues and concerns that have been drawn to your attention.

5.3 If you are approached by applicants or others seeking planning, procedural or technical advice, they should be referred to officers.

5.4 If you are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents’ associations) or supporters, you should inform the case officer dealing with the application. It is generally better to put formal meetings on an official basis, with Planning Department support and a note taken of the meeting. This applies to all stages of the planning process, including the pre-application stage.

5.5 If you receive any approaches which raise new issues or bring new information to light, you should let the case officer know what these are as soon as possible. If a developer offers any planning gain, or offers to accept any conditions on development in return for consent, be sure to let the case officer know as soon as possible.

5.6 If any approach by a developer or anyone else gives you cause to feel uneasy, please approach the Head of Legal Services.

- 5.7 In addition, if you consider any issue or fact to be a relevant consideration, and other members may not be aware of it, be sure to raise it when the application is considered. You should not rely on information which is not in the public arena in reaching a decision.
- 5.8 In personal dealings with applicants, objectors etc, you should be mindful of the need to avoid giving a firm commitment to support/oppose the application if you are to participate in the decision. Bear in mind that your overriding duty is to the whole community not just to the people in your ward, that planning decisions need to be taken on planning grounds and that you should avoid the appearance of improperly favouring any person, company, group or locality
- 5.9 You should not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. If acceptance of some hospitality is unavoidable, it should be kept to a minimum and should be declared and recorded in the Council's hospitality register. The Council's policy is that all hospitality beyond the insignificant (tea and biscuits or similar) should be entered in the register. If significant hospitality is offered, you should seek advice from the Head of Legal Services before accepting.

6. Site Visits

- 6.1 Individual Planning Committee members may wish to visit a site on which they have been asked to determine an application. If you decide to visit a site, you should avoid putting yourself in a position where you could be accused of partiality by any interested party to the application. It is best to visit a site unaccompanied by the applicant or by objectors. However, if a site visit is carried out in the presence of the applicant and/or their agent, or of residents/objectors, you should bear in mind the advice given in paragraphs 4.2 and 4.3 of this Code. You should avoid being put under undue pressure from any interested party to visit a site.
- 6.3 You should not enter onto private land or premises without first obtaining the permission of the owner. Where possible, you should seek to familiarise yourself with the site from a public viewpoint. If you go onto a site, you should only do so if satisfied that it is quite safe to do so. You should not, for instance, enter a site where excavations or building works are in progress unless guided by a responsible site manager. If you anticipate a need to ask to enter onto land, you should attempt to make arrangements in advance and should carry (and produce) your Council identity card.
- 6.4 You should ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- 6.5 Formal Committee site visits may be arranged at the request of members, but this is likely to be practical only where there is a clear and substantial benefit. When they occur a record will be kept of why the visit is being held and who attended. An officer, who will point out any relevant factors and issues concerning the site and its surroundings, will accompany committee members. A site visit is not a meeting to discuss the planning merits of the scheme or to make decisions.

7. Public Speaking at Meetings

- 7.1 You should not allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for

public speaking, as this may give an appearance of bias or special access to councillors.

- 7.2 All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as confidential under the provisions of the Local Government Act, 1972, in which case the public will be asked to leave the room.
- 7.3 Applicants, agents and members of the public who have made written representations on an application will be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council procedures.
- 7.4 You should avoid overfamiliarity with applicants, objectors and other members of the public when attending meetings, as this is open to misinterpretation.

8. The role of Officers

- 8.1 Planning officers must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct; primarily the Royal Town Planning Institute's Code of Professional Conduct. The views, opinions and recommendations of planning officers may on occasion differ from the views, opinions or decisions of the Committee or its Members. Officers are there to give professional and impartial advice, to make sure that members have all the information they need for decision making. They are there to advise on the context of the planning application in terms of the development plan and all other relevant material planning considerations. Officers will give a clear, accurate written analysis of the issues and a recommendation with reasons for the decision they are suggesting. Officers are there to advise (other than where the decision has been delegated to them) and to carry out the decisions of the planning committee.
- 8.2 It is critical to the openness and transparency of the planning service that mutual trust between members and their officers is demonstrated and that there is clear understanding of and respect for the other's role.
- 8.3 All members should pay particular attention to the professional advice and recommendations from officers. Planning decisions are not an exact science so interpretations may vary from time to time. You are not bound to follow officers' advice or recommendations, but you should only depart from advice or recommendations where you have good reason to do so, based on clear and legitimate planning grounds. These will need to be voted on and recorded. The Council has adopted an 'Adjourned Decision Protocol (ADP) procedure that will apply in major application cases where a decision contrary to the advice of officers is being considered.

9. Decision Making

- 9.1 If you ask for a proposal to go before the Planning Committee rather than be determined through officer delegation, make sure that your reasons are recorded and repeated in the report to the Committee and that wherever possible you attend the meeting to speak to the item. Any such request must state the planning grounds on which it is based.
- 9.2 You should demonstrate through your conduct at the meeting that you are giving careful, fair and balanced consideration to the issues under discussion. It is particularly important that applicants and members of the public have confidence

in the way in which decisions are reached. The conduct of members can be important in ensuring that faith in the planning process is maintained.

- 9.3 You should keep in mind your obligation to make decisions in accordance with the Development Plan unless material considerations indicate otherwise, as required by section 38(c) of the Planning and Compulsory Purchase Act 2004.
- 9.4 The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. You should be particularly careful to ensure that any decision on a Council application is based purely on relevant planning considerations.
- 9.5 You should make a decision only after you have considered all the relevant information needed to make a decision. If you feel you have had insufficient time to digest new information or that you need further information, you should say so and, if necessary, ask for a deferral or abstain.
- 9.6 You should not vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- 9.7 If you are expressing a view contrary to officer recommendations or the development plan, you should identify clearly the planning reasons leading you to take a different view. The use of the Adjourned Decision Protocol will be considered in appropriate cases.

10. Development Control Forums

- 10.1 The provisions of this Code apply equally to member participation in Development Control Forums. In particular:
- You should declare any disclosable pecuniary or personal interest;
 - You should not participate in a Development Control Forum if you have a disclosable pecuniary or personal and prejudicial interest;
 - Member decisions are not made at Development Control Forums and you should be careful to avoid giving the impression that you are approaching the merits of the application with a closed mind.

11. Training and Development

- 11.1 Planning decisions are often complex and differ in nature from some of the other decisions taken by the Council. It is crucial that planning decisions are based on legitimate planning grounds and that appropriate weight is given to possibly competing factors. The Council offers training and development to councillors on planning law and procedure and Members who sit on regulatory committees will need to have had at least minimum planning familiarisation training before they attend their first meeting.
- 11.2 Post hoc review of new development by the Planning or Joint Development Control Committees will be arranged on a bi-annual or more frequent basis to aid ongoing development of Members and officers. Bite sized updates and briefing sessions will be provided on committee days along with thematic training sessions on specific topics each municipal year.

APPENDIX TO PLANNING CODE OF GOOD PRACTICE

MEMBER GUIDANCE REQUESTS TO REFER PLANNING APPLICATIONS TO COMMITTEE

1. The scheme of delegation for planning, allows any Member of the City Council and any County Member representing a City Ward to request that an application be referred to the Planning Committee for determination, provided the request is made within the timescales set out, that it is in writing, and that it states the planning grounds on which the request is made. Late requests should be avoided.
2. Members are advised to check the progress of the application with the case officer before making a request and also to inspect the application file. This may avoid the need for a referral.
3. It is important that the planning grounds for referral are stated in the written request. An information leaflet entitled 'How to Comment' explains what factors can typically be considered in assessing planning applications, depending on the circumstances of the case. This leaflet is sent out with neighbour notification letters. Planning grounds can include: whether the development accords with planning policy; whether the development is appropriate for the area; whether the development would cause harm to neighbouring amenity; whether the proposal would cause traffic congestion or be a danger to highway safety. Loss of property value, loss of trade to businesses and moral objections are not planning grounds. The case officer can give further advice if required.
4. Members may feel that a particular planning application raises planning issues of the kind described above that ought to be discussed and determined at Committee, rather than being determined under delegated powers. However, in deciding whether to make such a request, it is important that Members consider their role and responsibility in the decision making process.
5. On receipt of a written request by a Member for an application to be determined by Committee, the case officer will acknowledge the request in writing or by telephone. The case officer will also check with the Member that it is necessary for the application to be determined by Committee, rather than under delegated powers. There may be particular circumstances, depending upon the officer recommendation where a committee decision is not necessary, this should be discussed with the planning case officer.
7. Members' representations are summarised in the officer report.
8. It is not appropriate for a Member to request that Committee determines an application if they have a disclosable pecuniary or personal and 'prejudicial' interest in it under the Council's

CAMBRIDGE CITY COUNCIL

REPORT OF: Democratic Services Manager

TO: Civic Affairs Committee

28/1/2015

WARDS: None directly affected

MUNICIPAL YEAR 2015/16

1 INTRODUCTION

The report seeks approval to the Council's meeting calendar for the Municipal Year 2015/16.

2. RECOMMENDATIONS

To agree the meetings calendar attached.

3. BACKGROUND

3.1 This committee sets the forward programme of dates for the Council and committee meetings, following consultation with Leaders of all party groups (who were informed on 24.12.14). Area Committees agree dates in the next couple of months. The proposed calendar respects conventions of avoiding school holidays and political party conferences where possible.

3.2 The calendar reflects a similar pattern to 2014/15 with some following changes which reduce the number of scheduled meetings in the calendar:

- quarterly Development Plan Scrutiny Sub-Committees (special meetings may still be called if necessary)
- deletion of the S&R Scrutiny Committee in late September (the Mid Year Financial Review will be reported to the October meeting).
- deletion of January and March Civic Affairs Committee, replacing these with a meeting in February.

4. **CONSULTATIONS**

Officers in Internal audit, Planning and Finance have been consulted on the changes proposed.

5. **OPTIONS**

The Committee can suggest alternatives to the calendar proposed.

6. **IMPLICATIONS**

- (a) **Financial Implications** n/a
- (b) **Staffing Implications** n/a
- (c) **Equality and Poverty Implications**

The calendar spreads the meetings across the days of the week (Monday-Thursday) and the hours of the day. There are more meetings in the late afternoon/evening to suit councillor preferences.

- (d) **Environmental Implications**
- (e) **Procurement**
- (f) **Consultation and communication**
- (g) **Community Safety**

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report: None

The author and contact officer for queries on the report is Gary.Clift@cambridge.gov.uk 01223 457011.

Date originated: 19 January 2015
Date of last revision: 19 January 2015

Cambridge City Council - Meeting Card - 2015/2016

2015												2016				
May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May				
Sat			1					Sat				Sat				
Sun			2			1		Sun				Sun				
Mon		1	3	1		2		Mon	1	10:00am Licersing C *		2				
Tue		2	4			3	1	Tue		1 4:30pm DPSS		3				
Wed		3	5	2		4	2	Wed	2			4				
Thur									3	10am Planning	2 10am Planning	5				
Fri	1							Fri	4			6				
Sat	2							Sat	5			7				
Sun	3							Sun	6			8				
Mon	4	8	6	10	7	5	9	Mon	7	10:00am Licersing D *		9				
Tue								Tue	8			10				
Wed								Wed	9	5:30pm JSEF	8 5:30pm Housing	11				
Thur								Thur	10	10:00am DCF Planning **	9 10:00am DCF Planning **	12				
Fri								Fri	11			13				
Sat								Sat	12			14				
Sun								Sun	13			15				
Mon	10:00am Licersing A *		5:00pm Strat & Res		10:00am Full Licersing	5:00pm Strat & Res		Mon	14	10:00am Licersing A *		16				
Tue								Tue	15			17				
Wed								Wed	16			18				
Thur								Thur	17			19				
Fri								Fri	18			20				
Sat								Sat	19			21				
Sun								Sun	20			22				
Mon	6:00pm Civic Affairs	10:00am Licersing B *	10:00am Full Licersing	10:00am Licersing B *	10:00am Licersing B *		10:00am Licersing A *	10:00am Licersing B *	21	10:00am Full Licersing		23				
Tue		4:00pm Equalities Panel					4:00pm Equalities Panel		22	5:00pm Strat & Res		24				
Wed							5:30pm JSEF		23			25				
Thur									24			26				
Fri									25			27				
Sat									26			28				
Sun									27			29				
Mon	10:00am Licersing B *	5:30pm Housing	5:30pm JSEF		6:00pm S&R (MFR) ??	10:00am Licersing B *		Mon	28	10:00am Full Licersing	10:00am Licersing C *	30				
Tue								Tue	29			31				
Wed								Wed	30							
Thur								Thur	31							
Fri								Fri								
Sat								Sat								
Sun								Sun								

Key

Yellow	Liberal Democrats Party Conference	Blue	Council	Green	West/Cent Area	Orange	Civic Affairs	Grey	Strat & Res	Cyan	Jnt Dev Control	Light Green	JSEF
Red	Labour Party Conference	Dark Blue	North Area	Light Green	South Area	Light Blue	Planning	Light Blue	Environment	Light Blue	DCF JD Control	Light Green	Equalities Panel
Blue	Conservative Party Conference	Light Blue	East Area	Light Blue	DCF Planning	Light Blue	Comm Services	Light Blue	Housing	Light Blue	DPSS		
Grey	School Holidays				Licensing		Executive						

*-Licensing Sub Committees meet when required to consider within 21 days applications or reviews of personal or premises licences **Development Control Forums are held when a petiti

2011

	Jan	Feb	Mar	Apr	May	
Sat	1					Sat
Sun	2				1	Sun
Mon	3				2	Mon
Tue	4	1	1		3	Tue
Wed	5	2	2		4	Wed
Thur	6	3	3		5	Thur
Fri	7	4	4	1	6	Fri
Sat	8	5	5	2	7	Sat
Sun	9	6	6	3	8	Sun
Mon	10	7	7	4	9	Mon
Tue	11	8	8	5	10	Tue
Wed	12	9	9	6	11	Wed
Thur	13	10	10	7	12	Thur
Fri	14	11	11	8	13	Fri
Sat	15	12	12	9	14	Sat
Sun	16	13	13	10	15	Sun
Mon	17	14	14	11	16	Mon
Tue	18	15	15	12	17	Tue
Wed	19	16	16	13	18	Wed
Thur	20	17	17	14	19	Thur
Fri	21	18	18	15	20	Fri
Sat	22	19	19	16	21	Sat
Sun	23	20	20	17	22	Sun
Mon	24	21	21	18	23	Mon
Tue	25	22	22	19	24	Tue
Wed	26	23	23	20	25	Wed
Thur	27	24	24	21	26	Thur
Fri	28	25	25	22	27	Fri
Sat	29	26	26	23	28	Sat
Sun	30	27	27	24	29	Sun
Mon	31	28	28	25	30	Mon
Tue			29	26	31	Tue
Wed			30	27		Wed
Thur			31	28		Thur
Fri				29		Fri
Sat				30		Sat
Sun						Sun
	Jan	Feb	Mar	Apr	May	