

Public Document Pack

NOTICE OF COUNCIL MEETING - 16 APRIL 2015

Dear Councillor,

A meeting of Cambridge City Council will be held in the Council Chamber - Guildhall on Thursday, 16 April 2015 at 6.00 pm and I hereby summon you to attend.

Dated 8 April 2015

Yours faithfully

A handwritten signature in black ink, appearing to read 'AP Jackson', with a large, stylized initial 'A'.

Chief Executive

Agenda

- 1 To approve as a correct record the minutes of the meeting held on 26 February 2015**
- 2 Mayors Announcements**
- 3 Public Questions Time - see at the foot of the agenda for details of the scheme**
- 4 To consider the recommendations of Committees for Adoption**
 - 4a Planning Committee 04.02.15: Planning Code of Good Practice**

(Pages 9 - 22)

4b Civic Affairs 18.03.15: Members Allowance Scheme

(Pages 23 - 32)

5 To deal with Oral Questions

6 To consider the following Notices of Motion, notice of which has been given by:

6a Councillor M Smart

Cambridge Central Library

The Council recognises the severe financial problems faced by all councils, including Cambridgeshire County Council being forced to make £30 million cuts in 2015/16 because of the latest annual 7% cut in Coalition Government funding, at a time of major pressures from rapidly rising adult care costs.

The Council considers that library provision is a key priority including for disadvantaged areas of the city and where use is greatest in the centre of Cambridge.

The Council therefore calls on the County Council General Purposes Committee to begin a totally fresh review on options for the Central Library, including all options for the third floor and other space given that

- the planned 3rd floor changes were not properly consulted on, nor the risks of the proposed changes fully assessed
- usage of the space in Central Library is increasing, including for study by young people as the city's population grows
- decisions on plans for relocating the Cambridgeshire Collection to Ely have not been finalised, including the need to take account of public consultation there too
- other alternatives to increase income and increase business use, to compensate for the cuts to the libraries budget, need to be considered instead of the loss of a whole floor in the Central Library.

6b Councillors Bick, C Smart, Blackhurst, Avery & Tucker

General Funds Investment

Council calls on the Executive to reconsider the priority it has adopted to use the council's general funds to invest in commercial property above building more affordable homes for the people of the City.

6c Councillor Pitt

Asylum Seekers

The Council notes that asylum seekers can still legitimately be in the United Kingdom following initial refusal of their claims, because they are appealing the decision or because it is not possible for them to return home. Many originally refused applications are then allowed on appeal. However while waiting for a final outcome they can be left with minimal or no support and in some cases in destitution. The cashless azure card scheme does not give enough money for people to live on, does not allow them to save or use public transport, and is dehumanizing.

The principles of natural justice would suggest that they should have decent support to live and assistance with the legal process to ensure they are heard fairly. Refugees who have been waiting for our processes should be expected and allowed to work to support themselves, both to improve integration and reduce the burden on the state, during the legal processes.

The Council further notes the long standing campaigning of the "Still Human, Still Here" campaign to raise this issue.

The Council should

- * Bring a report to the relevant scrutiny committee to consider joining the "Still Human, Still Here" campaign and any impacts this may have on council activity as soon as reasonably possible.

- *Write to both Cambridge's MPs and to the Home Secretary and Immigration Minister, following the General Election, asking them to support those seeking protection from persecution.

* Endorse the findings of the All Party Parliamentary Inquiry on Asylum Support for Children.

* Ask group leaders to work through the Local Government Association to encourage other Councils to join the campaign.

6d Councillor Herbert

Conservators of the River Cam

The Council appoints three City Councillors to the Conservators of the River Cam. Following the resignation of Councillor Price, Council is requested to appoint Councillor Robertson to the vacancy so that he can attend the next meeting of the Conservators which is scheduled for 23 April 2015.

7 Written Questions

No discussion will take place on this item. Members will be asked to note the written questions and answers document as circulated around the Chamber.

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.

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recording
and
photography**

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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

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**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.

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.

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PLANNING

4 February 2015
10.00 am - 4.15 pm

Planning Committee Members: Councillors Dryden (Chair), Blencowe (Vice-Chair), Gawthroe, Hart, Hipkin, Pippas, C. Smart and Tunnacliffe

FOR ADOPTION BY THE COUNCIL

15/27/PLAN Planning Code of Good Practice

The Committee received a report from the Head of Planning Services.

The report referred to the updated Planning Code of Good Practice which had been considered at the meeting of the Civic Affairs Committee on 28/01/15.

The Planning Code of Good Practice had been updated using the model guidance provided by the Local Government Association and the Planning Advisory Service.

The Committee were advised that the Civic Affairs Committee had endorsed the approval of the updated Code and the report would then go to Full Council in March.

The Head of Planning Services explained the changes to the document and advised that the Civic Affairs Committee had recommended that the Code be reviewed every three years.

The Committee:

Councillor Smart proposed and Councillor Tunnacliffe seconded that the Code be reviewed every two years instead of every three years.

Resolved (7 votes to 1 abstention) to:

- i. Endorse the approval of the updated Planning Code of Good Practice.
- ii. Recommend that the Code be reviewed every two years.

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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.
- 1.2 The updated code has been considered by both Civic Affairs and Planning Committees and members at both meetings have supported the adoption of the updated document.

2. Recommendations

- 2.1 Council is asked:
To approve 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.
- 3.3 The updated code has been considered by Members of Civic Affairs and Planning Committee who have supported its adoption (links to the

minutes of those meetings and the record of discussion on these items is provided below). In summary the updated document was found to be helpful, providing clear guidance on issues such as pre-determination which have changed since the last version of the code was adopted. Members asked that the document be subject to regular review in future. Civic Affairs Committee suggested a period of three years and Planning Committee then felt a period of two years would be more appropriate given the pace of change in the planning system at the moment. A two year period has therefore been highlighted in the final document and as an action in the planning service future work programme.

<http://democracy.cambridge.gov.uk/documents/g2490/Public%20reports%20pack%2018th-Mar-2015%2018.00%20Civic%20Affairs.pdf?T=10>

<http://democracy.cambridge.gov.uk/documents/g2607/Printed%20minutes%2004th-Feb-2015%2010.00%20Planning.pdf?T=1>

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 once adopted. 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. Civic Affairs and Planning Committee have considered 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

(For review 2017)

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

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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 ON 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 Member Code of conduct.

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CIVIC AFFAIRS

18 March 2015
6.00 - 7.10 pm

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

FOR ADOPTION BY THE COUNCIL

15/20/CIV Members Allowances Scheme

The Democratic Services Manager introduced the report.

Councillor Hart asked for clarification of when the area committee allowance was introduced and if it was related to the determination of planning applications. The Democratic Services Manager undertook to provide the information to the committee.

The Committee considered that it was appropriate to review the allowances scheme in 2015/16, bearing in mind it had not changed since 2008/09 and noted that a review itself did not commit the Council to make any change to the scheme.

Resolved

- i. To recommend Council that the existing Allowances scheme be continued for 2015/2016 municipal year.
- ii. To review the allowances scheme in 2015/16, noting that a report will be submitted to the June committee seeking approval for how this will be achieved.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Democratic Services Manager

TO: Civic Affairs Committee

18 /3/2015

WARDS: None directly affected

MEMBERS' ALLOWANCES-MUNICIPAL YEAR 2015/16 AND REVIEW

1 INTRODUCTION

The Committee is asked to consider whether the existing Members' Allowances Scheme be retained for 2015/16 and whether a review of the Scheme should be undertaken with recommendations ready for implementation in 2016/17.

2. RECOMMENDATION

- i) To recommend to Council (on 16 April 2015) that the existing Members' Allowances Scheme be continued for the 2015/16 Municipal Year (as appended).
- ii) To decide whether to review the Allowances Scheme in 2015/16 and if so, it being subject to a further report to committee in June 2015 detailing the terms of reference and scope for an Independent Remuneration Panel to work to.

3. BACKGROUND

- 3.1 A Members' Allowances Scheme is agreed by the Council. If any changes are to be made to an existing scheme, it can only be done following consideration of the changes by an Independent Remuneration Panel.
- 3.2 This Council has chosen to agree its Allowance Scheme annually and has also agreed to keep the allowances and scheme at the level set in 2007/08. It is not known to officers if the continuation of a Scheme for so long without reviewing the levels of allowance has

proven to be an impediment to anyone standing for office or seeking re-election.

- 3.3 The Committee is asked whether it wishes to review the Scheme. If so, a report would be brought back to the committee in June to agree how this will be undertaken.

4. **IMPLICATIONS**

(a) **Financial Implications**

There is £252,780 in the 2015/16 budget allocated for Members' Allowances.

(b) **Staffing Implications – none.**

(c) **Equal Opportunities Implications**

An equalities impact assessment was not undertaken as the proposal is for no change. The implications of continuing with the existing scheme are referred to in paragraph 3.

(d) **Environmental Implications- none**

(e) **Procurement- none**

(f) **Consultation and communication –** there is a statutory requirement to publish in a local newspaper the allowances received by each Councillor in a municipal year. There is public interest in the level of allowances politicians receive at a national and local level.

(g) **Community Safety- none**

BACKGROUND PAPERS: None

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Members' Allowances Scheme 2015 to 2016.

Councillors are not paid a salary. However, they do get allowances to cover some of the costs of being a Councillor. The Basic Allowance, the Special Responsibility Allowance, childcare and carer's allowance, and travelling costs are set by the Council having noted recommendations put to it by the Independent Remuneration Panel.

1: Basic Allowance, and Special Responsibility Allowance (taxable).

Basic allowance: This is an annual flat rate payment to all Councillors, intended to recognise the time devoted by Councillors to work in their wards and political groups, recognising the level of out-of-pocket expenses Councillors incur in carrying out their functions (eg stationery, telephone costs, and computer consumables.) It also recognises that Councillors undertake their Council work for the sake of public service and not for private gain. Each Councillor will receive an annual allowance of £2,782.

In addition, all forty-two Members of the Council receive £417 in an Area Committee allowance. Therefore, the total allowance for a City Councillor before adding any other special responsibilities listed below is £3,199.

Special Responsibility Allowance: This is paid to Councillors who have a higher than average workload, and/or hold particular positions of responsibility within the Council:

Leader	£10,433
Executive Councillor	£8,346
Scrutiny Committees - Chair	£1,113
Scrutiny Committees - Vice-Chair	£278
Scrutiny Committees - Minority Spokes (LD)	£1,391
Scrutiny Committees - Minority Spokes (Independent/Conservative)	£556
Planning - Chair	£2,226
Planning - Vice-Chair	£139
Planning - Member (8)	£556
Planning - Minority Spokes (LD)	£1,550
Planning - Minority Spokes (Independent/Conservative)	£835
Licensing - Chair	£696
Licensing - Vice-Chair	£139
Licensing - Minority Spokes (LD)	£696
Licensing - Minority Spokes (Independent/Conservative)	£139
Licensing - Member (12)	£417
Joint Development Control (Chair / City spokes)	£2,226
Joint Development Control - Member (6)	£556
Civic Affairs - Chair	£1,113
Civic Affairs - Vice-Chair	£278
Civic Affairs - Minority Spokes (LD)	£556
Employment Appeals Sub - Members (10)	£139

Special responsibility allowances for Opposition Group Leaders are calculated by allocating an amount equivalent to one fifth of the Basic Allowance (£640) to a notional 'group of one', which is then multiplied by the square root of the number of members that each group has in order to arrive at individual figures.

Area Committees - Chair (4)	£835
Area Committees - Vice-Chair (4)	£139

2: Travel and Subsistence Allowances.

Councillors are paid at the same rates as Officers.

Mileage allowances are:

Casual User Mileage (up to 10,000 miles):	45 pence per mile
Casual User Mileage (after 10,000 miles):	25 pence per mile

Bicycle rate is based on the HMRC advised rates, which is now 20 pence per mile.

The motorcycle rate is 24 pence per mile.

Travel and subsistence allowances are payable for those duties prescribed in Regulations; that is:

- 1: A meeting of the executive;
- 2: A meeting of a committee of the executive;
- 3: A meeting of the authority;
- 4: A meeting of a committee or sub-committee of the authority;
- 5: A meeting of some other body to which the authority make appointments or nominations;
- 6: A meeting of a committee or sub-committee of a body to which the authority make appointments or nominations;
- 7: A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);
- 8: A meeting of a local authority association of which the authority is a member;

9: Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

10: Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of Section 342 of the Education Act 1996; and

11: Any other duty approved by the authority in connection with discharging the duties of the authority or its committees or sub-committees.

Reimbursement of public transport fares can also be made when attending approved council duties. For journeys by train, please ask for a **travel warrant** in advance of the journey from the Members' Services office.

VAT - Please let the staff in Members' Services make your hotel and flight bookings, as the Council can then reclaim the VAT.

You can only claim travel costs **from outside** Cambridge if your absence from Cambridge was unavoidable or if a meeting is called at short notice, and you have to make a journey which you would not otherwise have made. The exception to this rule is attending Planning or Licensing Committee meetings, as these take place more frequently than other meetings.

You cannot claim subsistence allowance for duties carried out within three miles of your home or if meals are provided.

Subsistence: can only be claimed where meals/accommodation are not provided.

Breakfast Allowance: £6.72.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, before 11 am.)

Lunch Allowance: £9.28.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the lunchtime between 12 noon and 2pm.)

Tea Allowance: £3.67.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, including the period 3 pm to 6 pm.)

Evening Meal Allowance: £11.49.
(More than 4 hours away from normal place of residence or where the authority permits, a lesser period, ending after 7 pm.)

Overnight Subsistence.
Absence overnight from the usual place of residence: £79.82
In London, or attending an approved conferences: £91.04

3: Members' Childcare, and Carer's Allowance.

A Childcare/Dependent Carer Allowance is payable for actual expenditure incurred whilst undertaking approved council duties. No cap shall be put on the overall budget for this Allowance, or on that which is paid to an individual member of the Council in any given year. This allowance is set by the Council having had regard to the recommendations annually of the Independent Remuneration Panel. The Panel considered allowances for childcare and dependent relatives and concluded that it was appropriate for actual expenditure to be reimbursed. The allowance should be subject to receipts being submitted. The member must provide care for a person who normally lives with the member as part of his/her family and who is:

- 1: A child below school age during school hours;
- 2: A child under 14 outside of school hours; and
- 3: An elderly, sick, or disabled dependent requiring constant care.

A Carer will be any responsible mature person who does not normally live with the member as part of the member's family.

Payments made under this scheme will be open to public inspection.

Travel, subsistence and care allowances is payable for any invitations (except social events) from any official bodies. The Scheme is set so that payment of care, travel and subsistence allowances would be such that unexpected circumstances or new responsibilities or activities were covered by default, i.e. that rather than having a prescribed list of activities that ARE covered, have a list of proscribed activities (that are not covered).

4: Expenses

All Members are able to claim out of pocket expenses. The Council pays for:

- 1: Council letter-headed paper;
- 2: Plain paper;
- 3: Postage on the letters the Business Support team prepares for dispatch;
- 4: Ink cartridges (providing signature is received confirming that it is used predominantly for Council work);
- 5: Travelling expenses for:
 - A: Meetings that are approved Council duties (including site visits*);
 - B: Meetings instigated by an officer, which are (or had the potential to be) cross party;
 - C: Training and development for councillors organised by the Council
Attendance at conferences and seminars that have been booked by officers;
 - D: Briefings to Councillors that are cross party and organised by the Council;
 - E: Council Working Parties; and
 - F: Meetings of outside bodies attended as a Council representative
Civic duties in capacity

- 6: Hanging files and folders for Council-supplied filing cabinets;
- 7: Phone calls made from the Council offices;
- 8: Hiring of accommodation for Group Away Days; and
- 9: Personalised business cards and compliments slips.

The Councillor pays for:

- 1: Ink cartridges when used mainly for private work;
- 2: Pens, pencils, notepads, post-its and other ancillary stationery;
- 3: Travelling expenses relating to:
 - A: Meetings within the Ward(s);
 - B: Visits to constituents;
 - C: Attendance at civic functions (unless a Bailiff); and
 - D: Single party meetings/briefings.
- 4: Postage on letters typed and despatched by councillors;
- 5: Envelopes;
- 6: Phone calls made from home or mobile phones; and
- 7: Any party political affiliation fees or expenses.

5: Changes.

Entitlements will be payable on a part-year basis in any given year where:

- 1: The scheme is amended;
- 2: A Councillor either is elected to or leaves the Council; or
- 3: A Councillor takes on, or gives up, a position for which a special responsibility allowance is payable.

6: Co-optee's Allowance.

A co-optee's allowance of the minimum wage for hours served, plus out of pocket expenses, is available.

7: Back-dating.

There is no backdating to the beginning of the financial year of the allowances scheme in the event of the scheme being amended.

8: Adjustment.

There is no annual adjustment of allowance levels by reference to an index.

9: Pension Entitlement.

There is no entitlement to a pension for any member under its Allowances Scheme.

10: Advice.

Members may receive advice on the impact of receiving allowances and expenses on their tax and benefit position by contacting Karl Tattam in the Council's Finance Department (458161).

11: Timeliness.

Please make all claims **within two months** on the Council's official claim form. Claims which are received no later than 5 p. m. on the fifth calendar day of each month will be paid on the twenty-fourth day of that month.

12: Foregoing.

Finally, any member of the Council may, by notice in writing given to the Democratic Services Manager elect to forego any part of his/her entitlement to any Allowance under this scheme.