



Council Meeting

20 July 2016

HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a meeting of the Hastings Borough Council to be held at the Council Chamber, Aquila House, Breeds Place, Hastings, TN34 3UY, on Wednesday, 20th July, 2016 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Aquila House
Breeds Place
Hastings

13 July 2016

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the Annual Council meeting held on 18 May 2016 and the Special Council meeting held on 15 June 2016
3. Declarations of Interest
4. Announcements from the Mayor and Leader
5. Questions (if any) from: -
 - (a) Members of the public under Rule 11
 - (b) Councillors under Rule 12
6. Motion (Rule 14)
Councillor Turner to move, seconded by Councillor Forward, that:
“Hastings Borough Council believes that the Government's plans

threaten patient access to pharmacies and pharmacy services in Hastings. Our local pharmacies are at risk of closure or being forced to cut services such as free delivery of prescription drugs, family planning advice and advice on medicines. This will put more pressure on GPs and hospitals and impact social services and is at odds with the local Clinical Commissioning Group's desire to increase the use of pharmacists to ease pressure on GPs.

We therefore call on the Government to abandon these cuts and maintain a fully-funded community pharmacy service and request the Leader of the Council to write to the Secretary of State for Health, NHS England and Hastings and Rother Clinical Commissioning Group expressing this view"

7. Motion (Rule 14)

Councillor Bacon to move, seconded by Councillor Webb, that:

"Hastings Borough Council condemns discrimination in all its guises. The council fears that recent national events could leave many individuals and communities feeling isolated and fearful. We reassure all people living in Hastings and St Leonards that this council will use every opportunity to celebrate cultural diversity and to promote equality.

Furthermore, Hastings Borough Council will continue its long-term commitment to dealing with the multiple causes of hate crime. We will not allow hate to become acceptable. We will continue to invest in projects to both tackle the causes and support the victims of such crime, including domestic violence and abuse.

Finally, Hastings Borough Council will continue to deliver on its corporate commitment to community cohesion and a tolerant and inclusive Borough.

Hastings Borough council therefore resolves to:

1. Maintain and build on our long-term commitments to fight hate crime and promote community cohesion
2. Write to each of our schools, charities and faith groups to request that they promote the message of "One Hastings, Many Voices"
3. Write to the Police and Crime Commissioner for an assurance that budget cuts will not adversely impact on the ability of the police to both investigate and bring to justice the perpetrators of such crime
4. Work closely with our local police to maintain a community approach to the prevention of hate crime and supporting its

victims

5. Seek clarification from our MP of the detail of additional funding for tackling hate crime recently announced

8. Membership of Committees

To give effect to any request received from a political group for a change in their representation on committee(s)

9. Annual Audit Report 2015/16 to Council

(Report of the Chief Auditor)

10. Reports of Committees

- a) To resolve that the public be excluded from the meeting during the discussion of any items considered while the public were excluded by the relevant committee because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in the respective paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the minutes of the relevant committee
- b) To receive and consider the recommendations and any decisions of the following committees: -

Minute No.	Subject	Cabinet Member / Chair
CABINET – 6 JUNE 2016		
2.	CPO Long Term Empty Street Properties	Forward
3.	Hastings Town Centre Business Improvement District	Poole
4.	Corporate Customer Complaints Policy Review	Cartwright
5. (C)	The Street Trading and Highway Licensing Policy	Davies
6.	Mobile Phone Installations on Council Owned Land	Chowney
8.	1066 Anniversary Community Grants	Poole
9.	Cabinet Appointments to Committees, Working Groups and Partnerships etc.	Chowney
12. (E)	CPO Long Term Empty Street Properties (Part II)	Forward
CABINET – 4 JULY 2016		
14. (C)	Housing Strategy	Forward
15.	Customer First Communication Strategy	Cartwright

	and Action Plan	
16.	Corporate Plan retrospective report on performance during 2015/16 and proposed performance Indicator targets for 2016/17	Forward
17.	Income Generation	Chowney
18. (C)	Updates to the Council's Constitution	Cartwright

(C) – Council Decision

(E) – Exempt

Notes:

- 1) The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed
- 2) No discussion shall take place at this stage upon any part II minute covered by resolution 9 a) above. Any such discussion shall be deferred until item 10 on the agenda

11. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting

Note: Nothing contained in this agenda or in the attached reports and minutes of committees constitutes an offer or acceptance of an offer or an undertaking or contract by the Borough Council

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Agenda Item 2 Public Document Pack

FULL COUNCIL

18 MAY 2016

Present: The Right Worshipful the Mayor (Councillor Judy Rogers) in the Chair, Councillors Sinden, Dowling, Batsford, Cartwright, Chowney, Clark, Cooke, Davies, Forward, Howard, Poole, Roberts, Sabetian, Scott, Street, Turner, Webb, Westley, Wincott, Beaver, Charman, Lee, Fitzgerald, Beaney, Atkins, Edwards, Clarke, Dowling, Bacon, Patmore and Rankin

1. ELECTION OF MAYOR

Councillor Poole proposed that Councillor Judy Rogers be elected Mayor of the Borough of Hastings for the current municipal year, which was seconded by Councillor Street.

Councillor Atkins proposed that Councillor Robert Cooke be elected as Mayor of the Borough of Hastings for the current municipal year, which was seconded by Councillor Lee.

Both Councillors Cooke and Rogers withdrew from meeting during the vote, which was conducted by a show of hands. 7 members having voted for Councillor Cooke and 22 for Councillor Rogers, it was declared: -

RESOLVED that Councillor Judy Rogers is elected Mayor of the Borough of Hastings for the current municipal year

Councillor Rogers made the declaration prescribed by Section 83 of the Local Government Act 1972 and addressed the meeting.

2. PRESENTATION TO RETIRING MAYOR

The Right Worshipful the Mayor proposed that the thanks of the council be extended to Councillor Bruce Dowling for the services rendered by him to the council and the inhabitants of the Borough during his term of office as Mayor from June 2014 until today, which was seconded by Councillor Batsford.

The Right Worshipful the Mayor presented Councillor Dowling with his past mayoral badge.

3. ELECTION OF DEPUTY MAYOR

Councillor Fitzgerald proposed that Councillor Nigel Sinden be elected Deputy Mayor of the Borough of Hastings for the current municipal year, which was seconded by Councillor Clark. There were no further nominations.

RESOLVED that Councillor Nigel Sinden be elected Deputy Mayor of the Borough of Hastings for the current municipal year

Councillor Sinden made the declaration prescribed by Section 83 of the Local Government Act 1972.

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4. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE SPECIAL COUNCIL AND FULL COUNCIL MEETINGS HELD ON 13 APRIL 2016

RESOLVED that the minutes of the Special Council and Full Council meetings held on 13 April 2016 be signed by the Mayor as a correct record of the proceedings

5. AWARD OF THE FREEDOM OF THE BOROUGH TO MAUREEN CHARLESWORTH

The Mayor announced the presentation of the award of Freedom of the Borough to Mrs Maureen Charlesworth. Councillor Peter Chowney and Councillor Matthew Beaver paid tribute to Maureen Charlesworth and her long service to the council and a number of volunteer and charity organisations in the town, on behalf of their groups. Maureen Charlesworth received the scroll awarding the freedom of the Borough and addressed the meeting. She received a standing ovation from all those assembled in the auditorium.

6. TO RECEIVE THE LEADER'S REPORT ON THE APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL

Councillor Chowney reported that Councillor Kim Forward was appointed Deputy Leader of the Council.

7. TO RECEIVE THE LEADER'S REPORT ON THE NUMBER OF MEMBERS TO BE APPOINTED TO THE CABINET AND THE NAMES OF THE MEMBERS OF CABINET APPOINTED

Councillor Chowney reported that: -

- (1) membership of the Council's Cabinet be 8 Councillors
- (2) the seats on Cabinet be allocated 6 to the Labour group (to include the Chair of the Charity Committee) and 2 to the Conservative group and members be appointed in accordance with the nomination of the groups as shown in Schedule A, appended to the minutes.

8. TO RECEIVE THE LEADER'S REPORT ON THE CABINET PORTFOLIOS AND THEIR ALLOCATION TO MEMBERS OF THE CABINET

Councillor Chowney reported that the allocation of responsibilities to Cabinet Lead Members would be as follows: -

<u>Cabinet Lead Member</u>	<u>Portfolio</u>
Councillor Chowney	Leader of the Council and Finance Portfolio Holder
Councillor Forward	Deputy Leader of the Council and

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	Housing, Communications and Equalities Portfolio Holder
Councillor Poole	Regeneration and Culture Portfolio Holder
Councillor Davies	Environment and Place Portfolio Holder
Councillor Cartwright	Corporate Services Portfolio Holder
Councillor Fitzgerald	Charity Committee Chair

9. TO AGREE THE APPOINTMENT OF THE OVERVIEW AND SCRUTINY COMMITTEE AND ITS TERMS OF REFERENCE

RESOLVED that the Overview and Scrutiny Committee be appointed with the following key areas of responsibility: -

Overview and Scrutiny Committee
<ul style="list-style-type: none">• Strategy Targets• Reviewing progress on the implementation of Cabinet decisions• Policy development work with Portfolio Holders, officers and partners• Service reviews• Collection of Council Tax and other charges• Payment of benefits• Management of resources• Public sector efficiency programmes

10. TO APPOINT THE COMMITTEES OF THE COUNCIL, TO DETERMINE THE REPRESENTATION OF POLITICAL GROUPS ON THOSE COMMITTEES, TO APPOINT MEMBERS TO THOSE COMMITTEES AND TO APPOINT THE CHAIRS AND VICE CHAIRS (AS INDICATED) FOR THE MUNICIPAL YEAR 2016/17 (LIST TO BE CIRCULATED SEPARATELY)

Councillor Chowney proposed a motion regarding the appointment of committees, as set out in the resolution below.

RESOLVED that the council adopts the following arrangements for the appointment of committees: -

(1) that membership of the Council's committees be as follows:-

	<u>Councillors</u>	<u>Non-Councillors</u>
Overview and Scrutiny	11	-

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Committee		
Audit Committee	5	-
Standards Committee	5	2
Licensing Committee	15	-
Council Appointments Committee	5	-
Employment Committee	4	-
Employment Appeals Committee	4	-
	10	-
Planning Committee		
Environment and Safety Committee	5	-

- (2) following a review of the political balance on the Council, that the seats on the committees of the Council be allocated to political groups and members be appointed to those committees in accordance with the nominations of the political groups as shown in Schedule A appended to the minutes; and
- (3) the Chairs and Vice – Chairs of the committees be appointed as shown on schedule A, appended to the minutes

(THE MAYOR ADJOURNED THE MEETING AT 4.58PM AND THE REMAINING BUSINESS STOOD REFERRED TO THE RE-CONVENED MEETING TO BE HELD ON 18 MAY 2016 AT 6.00PM)

11. THE YEAR'S PROGRAMME

In accordance with the Constitution Rule 1.1 (xii) the Leader of the Council outlined proposals for the ensuing municipal year. The proposition was seconded by Councillor Forward.

RESOLVED (by 24 votes to 0 with 8 abstentions) that the Council agrees the programme for the ensuing municipal year as proposed by the Leader of the Council

12. COUNCIL MEETINGS 2016/17

RESOLVED that meetings of the Council be held on the following dates: -

6.00pm on 15 June 2016 (Special Council)
6.00pm on 20 July 2016
6.00pm on 12 October 2016
6.00pm on 14 December 2016
6.00pm on 15 February 2017

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6.00pm on 22 February 2017 (Budget Meeting)

6.00pm on 19 April 2017

4.00pm and 6.00pm on 17 May 2017 (Annual Meeting)

(The Mayor declared the meeting closed at. 7.40 pm)

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**HASTINGS BOROUGH COUNCIL APPOINTMENTS TO COMMITTEES – AS OF COUNCIL ON MAY 2016
POLITICAL BALANCE RULES APPLY TO COMMITTEES**

				NOMINATIONS FOR 2016/17		NOTES
COMMITTEE	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS		LABOUR GROUP	CONSERVATIVE GROUP	
		LAB	CON			
Cabinet	Up to 10	6	2	Chowney (Leader) Forward (Deputy Leader) Cartwright Davies Fitzgerald (Chair Charity Committee) Poole	Atkins Lee	1 member from the majority group to be a non-portfolio holder and to Chair the Charity Committee.
Audit Committee	5	4	1	Clark (Vice-Chair) Charman Chowney Sinden	Beaver (Chair)	The Leader of the Council, who shall not be the Chair, is a member ex officio. With the exception of the above, members of this Committee may not be members of Cabinet. The Chair may not be in the same political group as the Leader of the Council.
Council Appointments Committee	5	4	1	Chowney (Chair) Forward Poole Fitzgerald	Atkins	
Standards Committee	5 (+ 2 independents)	4	1	Roberts (Chair) Fitzgerald (Vice-Chair) Bacon Sinden	Lee	No more than 1 Cabinet member who is not to be the Leader. Members may not appoint substitutes.

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SCHEDULE A

				NOMINATIONS FOR 2016/17		NOTES
COMMITTEE	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS		LABOUR GROUP	CONSERVATIVE GROUP	
		LAB	CON			
Employment Appeals Committee	4	3	1	B.Dowling (Chair) Turner (Vice-Chair) Sinden	Beaver	
Employment Committee	4	3	1	Chowney (Chair) Poole (Vice-Chair) Forward	Edwards	
Overview and Scrutiny Committee	11	8	3	Webb (Chair) Howard (Vice-Chair) Bacon Batsford Charman T.Dowling Turner Wincott	Cooke Patmore Rankin	No Cabinet Member may sit on O & S Committees. Mayor and Deputy Mayor not eligible for membership. Political Balance applies to Chairs and Vice-Chairs of O&S Committee

SCHEDULE A

				NOMINATIONS FOR 2016/17		NOTES
COMMITTEE	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS		LABOUR GROUP	CONSERVATIVE GROUP	
Licensing Committee	15	11	4	Sabetian (Chair) Sinden (Vice-Chair) Batsford Beaney Charman B.Dowling T.Dowling Howard Roberts Street Webb	Cooke Patmore Rankin	No Cabinet member with Portfolio. No more than 5 members of Planning Committee. Chair and Vice-Chair not to be elected from members of the Planning Committee.
Planning Committee	10	7	3	Street (Chair) Scott (Vice Chair) Beaney B.Dowling Roberts Rogers Wincott	Edwards Clarke Cooke	No Cabinet member with portfolio
Environment and Safety Committee	5	4	1	B.Dowling (Chair) Sinden (Vice-Chair) Rogers Webb	Cooke	No Cabinet member with Portfolio.

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FULL COUNCIL

15 JUNE 2016

Present: The Right Worshipful the Mayor (Councillor Judy Rogers) in the Chair, Councillors Sinden, Batsford, Cartwright, Chowney, Clark, Cooke, Davies, Forward, Howard, Poole, Roberts, Sabetian, Scott, Street, Turner, Webb, Wincott, Beaver, Charman, Lee, Fitzgerald, Beaney, Atkins, Edwards, Clarke, Dowling, Bacon, Patmore and Rankin

Apologies for absence were noted for Councillor Dowling and Westley

13. **REPORTS OF COMMITTEES**

The Mayor referred members to minute 7 of the Cabinet meeting held on 6 June 2016, which was a matter for Council decision. Cabinet had recommended a response to the Local Government Boundary Commission for England's (LGBCE) consultation, as part of the boundary review, in respect of the new electoral arrangements for the Borough.

Members thanked all those who had contributed to the review process for their efforts.

Councillor Cartwright proposed approval of the recommendations in the minute, which was seconded by Councillor Street.

RESOLVED (unanimously) that Hastings Borough Council (HBC) welcomes the publication of the Local Government Boundary Commission for England's draft recommendations in respect of Hastings Borough Councils' (HBC) electoral arrangements which, in the main, reflect the submitted HBC proposals and accepts the suggested amendments to the warding patter proposals in respect of the Borough

The reason for this decision was:

The LGBCE draft recommendations largely reflect the proposals that the council submitted to the LGBCE in November 2015.

(The Mayor declared the meeting closed at. 6.07 pm)

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Agenda Item 9



Report to: Council

Date of Meeting: 20 July 2016

Report Title: Audit Committee Report 2015/16 to Council

Report By: Tom Davies
Chief Auditor

Purpose of Report

Report from the Audit Committee on its annual review of the effectiveness of Internal Audit to Council.

Recommendation(s)

1. That the Audit Committee Report 2015/16 to Council is accepted.

Reasons for Recommendations

Regulation 6 of the Accounts and Audit Regulations (England) 2015 requires relevant bodies to conduct an annual review of the effectiveness of its system of internal audit and for a committee of the body to consider the findings.

Introduction

1. Regulation 6 of the Accounts and Audit Regulations (England) 2015 requires Local Authorities to conduct a review at least once a year of the effectiveness of its system of internal control and publish a statement on internal control each year with the authority's financial statements.
2. This report, which follows the format recommended by the Chartered Institute of Public Finance and Accountancy, sets out the review of internal control and assurance gathering process as required by the statute and accompanying guidance.
3. In addition, Regulation 6 of the Regulations requires relevant bodies to conduct an annual review of the effectiveness of its system of internal audit and for a committee of the body to consider the findings. Proper practices in relation to internal audit for relevant bodies for the period up to 31 March 2014 may be found in the "Public Sector Internal Audit Standards 2013". We are working with the Sussex Audit Group on a reciprocating basis to arrange a "peer" review of Internal Audit which must be completed by 31 March 2018.

Principal statutory obligations and organisational objectives

Responsibility for Statutory Obligations

4. The Council has formally established responsibilities for its statutory obligations through the Constitution that sets out individual officer and member responsibilities, delegations to officers and committees, and committee terms of reference. These records are accessible on the Council's website and through the Monitoring Officer.
5. Detailed officer responsibilities are set out in job descriptions and structure charts.
6. Directors are accountable for ensuring that responsibilities, authorities and any limits to authorities are appropriately and clearly established within their directorates. The Audit Committee receives internal and external audit reports and ensures that any non-compliance is remedied through appropriate recommendations, and where necessary, requires assurance that recommendations have been implemented.

Organisational objectives and priorities

7. The multi-functional nature of the Council means that there are a large number of mandatory and discretionary requirements and powers. Hastings Borough Council took action to identify its priority objectives resulting in a list of principles and priorities underpinning the Corporate Plan. The priority areas were then devolved through Directors to Service Managers in the form of Work Plan Summaries.
8. There is a Local Code of Corporate Governance. Audit Committee Terms of Reference clearly assign responsibility for the scrutiny of corporate governance arrangements to the Audit Committee.

Performance against planned outcomes

9. The Authority knows how well it is performing against its planned outcomes through a comprehensive and effective performance management system. This system monitors performance against plans, targets, and financial budgets, with quarterly reports to the Overview and Scrutiny Committees.

Identifying principal risks to achieving the objectives

10. 'Risk' is any obstacle, or potential obstacle, to the achievement of the Council's priority objectives or statutory duties. The purpose of risk management is to ensure the achievement of the Council's objectives with efficient use of resources.
11. By identifying high-risk groups or areas, corporate policies and service resources can be targeted on those groups or areas.
12. The Council has a formal Risk Management Framework that was approved by Cabinet. The Framework is designed to encourage managers to 'own' the risks associated with their areas of responsibility. Managers use a corporately agreed matrix for identifying and assessing risks and controls.
13. The council continues to ensure the identification of key risks from both a strategic and operational perspective. Using a process of self-assessment, senior management re-assessed the strategic risks (those to service provision, statutory compliance, and reputation) and services assessed operational risks (financial, physical and contractual risks).
14. During 2015/16 both the Strategic Risk Register and Operational Risk Registers were regularly updated.
15. Council has approved Terms of Reference for the Audit Committee giving it a clear remit to,

"Review, evaluate and approve: The effectiveness of the Council's process for assessing significant risk exposures and the measures taken by management to mitigate risks to an acceptable level".
16. A large part of the internal audit plan is risk-driven.

Key controls for managing principal risks

17. To ensure that its controls are fully up to date with the current operating environment, Financial Operating Procedures provide the framework within which Members and Officers must operate and compliance is routinely checked through audit reports to the Audit Committee.
18. In addition, the Council has these controls in place:
 - a. The Council has adopted the CIPFA Code on Treasury Management to ensure compliance with the Prudential Code
 - b. An Anti-Fraud and Anti-Corruption Strategy (Fighting Fraud Locally)

- c. A Whistle-blowing Policy
- d. Codes of Conduct for Members and Officers
- e. Registers of Interests for Members and Officers
- f. Risk Registers (reviewed by Audit Committee) are updated on an ongoing basis
- g. Performance is monitored through quarterly Performance Reviews
- h. A Corporate Health and Safety system of monitoring and review is in place
- i. A Corporate compliments and complaints procedure operates

Sources of assurance

19. Sources of assurance on the adequacy and effectiveness of the Council's controls over key risks include:
20. a. An Audit Committee that is a fully constituted Committee of the Council
- b. An Internal Audit and Investigations service that is independent in planning, operating, and reporting, and that reports to the Audit Committee
 - c. A Chief Finance Officer with responsibility for ensuring the proper administration of the Council's financial affairs
 - d. Processes for maintaining internal control include a framework of regular management information, Financial Rules and Finance Operating Procedures, administrative procedures (including segregation of duties), management supervision and a system of delegation and accountability
 - e. A performance management system that includes commentary on service-level risk, the setting of targets for service delivery and monitoring of performance against targets and plans
 - f. A strategic Corporate Plan setting out the Council's priorities, which cascades to operational plans at service and project level, including consideration of risks
 - g. An annual budget and quarterly reviews of actual expenditure to budget
 - h. A Local Code of Corporate Governance agreed by Cabinet
 - i. A project management methodology for major projects
 - j. A Risk Management Framework
 - k. Declaration of related party transactions forms for members
 - l. Codes of Conduct for Members and Officers
 - m. A Staff Health & Safety Group that monitors insurable and public liability risks

- n. A Corporate Risk Management Group that meets periodically
- o. Risk management processes designed to ensure that Directors and Managers retain ownership of the risks and internal controls associated with their areas of responsibility. Directors and Managers are therefore an important source of assurance on the effectiveness of controls for managing risks
- p. The Internal Audit service carries out audit and risk reviews of high-risk areas to provide assurance that major risks have been identified and are being actively managed, and that the internal control environment is adequate
- q. The Assistant Director Financial Services and Revenues in his role provides a source of assurance that the requirements of the Local Government Act 1972 Section 151 are being met
- r. The Monitoring Officer, undertakes the relevant statutory duties and provides a source of assurance that the Council's affairs are conducted in compliance with relevant legislation and Codes of Conduct
- s. External audit provides a source of assurance on the operation of internal controls in that BDO inspects internal audit work at each annual external audit

Evaluation of assurances and identification of gaps

Internal Audit

- 21. On the basis of the audits reported to the Audit Committee by Internal Audit, the audit conclusion is that during the year 2015/16, all of the Council's operations that were audited incorporate control systems that are 'Satisfactory' or better.
- 22. In financial systems, the audit aims to evaluate the strength of controls for ensuring the proper administration of financial resources. In the audit of non-financial areas, the audit aims to evaluate the strength of controls for ensuring that external obligations are met and that the success criteria of the activity under review are achieved. The following table shows the audit conclusion for each of the main audits carried out in 2015/16.

23.

Audit Conclusion	No of Audits
A: Good More than the key controls are in place and work effectively. While improvement may be possible, there are no significant audit concerns	5
B: Satisfactory The key controls are in place and work effectively. Improvement is possible but there are no significant audit concerns	3
C: Adequate but with reservations in some areas Some controls in place are adequate but there are audit concerns in some areas	0
D: Poor Controls are not adequate or not present or not adequately complied with. Improvement is essential	0
Total audits	8

24. This compares with previous years as follows:

Audit Conclusion	2012-13	2013-14	2014-15	2015-2016
	No of audits	No of audits	No of audits	No of audits
A, B: Good / Satisfactory	8	4	7	8
C, D: Adequate / Poor	0	1	0	0

25. The audit conclusions are defined in the service's own Internal Audit Manual.

26. All of the International Auditing Standards work was completed within the deadlines and the Housing Benefit Subsidy Grant work was accomplished.

27. Ethical audit consisted of work carried out over Members and staff travel and subsistence expenses.

28. Based on the audit work undertaken by Internal Audit, the Authority's overall internal control system is considered to be satisfactory.

External Audit

External audit is carried out by BDO and is an important source of assurance on the adequacy of the Council's arrangements for ensuring proper arrangements for its financial affairs. During 2015/16 the Audit Committee received the following reports:

29.

Report Title	Date issued
Report on Final Accounts	September 2015
Annual Audit Letter 2014/15	October 2015
Audit Plan to the Audit Committee	March 2016
Housing Benefit Grant Subsidy	March 2016
Planning Letter 2016/17	April 2016

30. BDO gave an unqualified opinion on the Council's accounts for 2014/15 and an unqualified opinion on value for money.

Areas of audit concern arising from internally conducted audits

31. There were no major concerns arising from internally conducted audits.

Areas of audit concern arising from External Audit

32. No significant areas of audit concern have been highlighted in the Annual Audit Letter (October 2015).

33. The key findings reported in it were:

- (i) "We issued an unqualified true and fair opinion on the financial statements for the period ended 31 March 2015 on 30 September 2015. The Council met the Government's deadline for submitting its financial statements to us. We completed our audit in accordance with our plans.
- (ii) We issued an unqualified value for money conclusion on 30 September 2015.
- (iii) The Council has balanced its budget over the medium term through its PIER saving programme and planned drawdown of reserves built up over recent years. While there is a recognised funding gap in the MTFS, we are satisfied that the Council has appropriate arrangements to continue to remain financially sustainable over the medium term.
- (ii) We have not exercised our statutory powers and have no matters to report.
- (iii) We are satisfied that the Annual Governance Statement is not inconsistent or misleading with other information we were aware of from our audit of the financial statements and it complies with relevant guidance.
- (iv) The Council's Whole of Government Accounts (WGA) return was below the threshold for a detailed audit and there is no requirement for further work other than to submit the section on the WGA Assurance Statement to the WGA audit team with the total values for assets, liabilities, income and expenditure".

Policy Implications

Risk Management

34. This report has referred to the way that the council manages its risks.

Wards Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

External Audit Annual Governance Report 2014/15
Annual Audit Letter 2014/15

Officer to Contact

Tom Davies
Email: tdavies@hastings.gov.uk
Telephone: 01424 451524

Agenda Item 10



Report to: Full Council

Date of Meeting: 20 July 2016

Report Title: Amendments to the council's constitution – Refresh of planning protocol

Report By: Christine Barkshire-Jones, Chief Legal Officer and Monitoring Officer

Purpose of the Report

Council is asked to approve the revised planning protocol.

Recommendation(s)

1. To consider and approve the revised planning protocol as part of the Constitution of the Council

Reasons for Recommendations

To agree the revised planning protocol giving clear guidance to Councillors about how they should carry out their duties in relation to planning and development proposals.

Introduction

1. Members are aware of a number of high profile planning applications which have come before the planning committee recently. They have raised debate over a number of matters dealt with by the planning protocol, which required clarification and further discussion.
2. Hastings Borough Council first updated the planning protocol on 18 April 2007. It was revised again because the Local Government Association (LGA) published revised updated guidance in 2009. Cabinet on 10 January 2011 approved the setting up of a pre-application consultation forum to consider major development proposals before they are submitted as a planning application. The LGA in conjunction with the Planning Advisory Service (PAS) produced an update in 2013 to the 2009 version. The protocol was updated again to reflect these changes.
3. There is a need to regularly update and refresh the planning protocol to reflect changes in practice and procedure. The planning protocol has clarified the position in respect of lobbying with the introduction of a declaration of lobbying form in the interest of transparency, clarified the expectation on planning committee members to attend planning training and expanded upon the distinction between predetermination, predisposition and bias amongst other matters of clarification.. The current revision to the protocol has been consulted on amongst officers in planning and legal services and went to Working Arrangements Group (WAG) twice where it was debated thoroughly. WAG agreed this version on 14 April 2016.
4. Following the Cabinet meeting on 4th July 2016, the Chair of Planning Committee requested that the following paragraph be added to the Planning Protocol after paragraph 11. “The Council’s Standing Instructions to Authorised Officers (Part 8 of the Constitution of the Council) sets out the functions and responsibilities in respect of Planning and list the circumstances under which applications as specified in Part 3b paragraph 43 of the Standing Instructions are determined by the Planning Committee and not under delegated authority including (but not limited to) where:

- a. The application has attracted three or more letters of objection from different households or businesses, or a petition as defined in Standing Orders where the Assistant Director Housing and Built Environment or his nominee intends to recommend permission, consent or approval, or
- b. The Chair of the Planning Committee has referred any application to the Planning Committee within 21 days after registration of an application or 21 days after any press advertisement whichever is the later giving clear planning reasons for the referral, or
- c. Any Member of the Council with the consent of the Chair or a Ward member, has given written notice to the Assistant Director Housing and Built Environment within 21 days after registration of an application or 21 days after any press advertisement whichever is the later requiring that application to be considered by the Planning Committee, giving clear planning reasons for the referral.”

Code of Conduct

5. The planning protocol is a council protocol under Part 5 of the constitution of the council. Breach of this protocol could lead to complaints being made to the council’s standards committee.
6. Members are reminded that councillors with a prejudicial interest can address the planning committee, but only for the purpose of making representations, answering questions and giving evidence where a member of the public would be permitted to do so. This would apply if a councillor presented a petition in accordance with the rules of public speaking and is their nominated spokesperson. If the councillor is the applicant they would have a right of reply to a petition against their application. Once they have completed making their representations and answering questions they are required to leave the room in the usual way.
7. Members are also reminded that ward councillors can address the planning committee in accordance with the rules of public speaking at planning committee. A ward councillor who is also a member of the

planning committee and who wishes to represent their constituent's views at planning committee should first approach the other ward Councillor to speak on behalf of their constituents. If this is not possible, the ward councillor may speak at the planning committee on behalf of their constituents as the nominated spokesperson for a petition.

8. However, they should declare their position and after making their representations, sit back and make it clear that they are not taking part in the debate or vote, to avoid accusations of bias and pre-determination.
9. Ward councillors who are also members of the planning committee who wish to address the committee in this manner should give notice to the chair and the Chief Legal Officer prior to the committee meeting. This would also need to be made clear to members of the public and recorded in the minutes when the item is called for consideration. Members are reminded that they need to balance the needs of their constituents with their part in the decision making process of planning committee and also any risk of challenge.

Conclusion

10. It is recommended that the council endorses the revised planning protocol for adoption.

Wards Affected

All Wards

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes

Local People's Views
Anti-Poverty

No
No

Additional Information

Appendix 1 planning protocol version July 2016

Appendix 2 amended planning protocol

Officer to Contact

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Hastings Borough Council

Planning Protocol

Hastings Borough Council

Planning Protocol

Introduction

1. This Protocol replaces and updates that which was adopted by Council on 18th December 2013.
2. Planning has a positive and proactive role to play at the heart of local government. The planning system works best when Councillors, officers and all other parties essential to its effective operation clearly understand their roles and responsibilities and the context and constraints in which they operate. The purpose of this Protocol is to give clear guidance to Councillors about how they should carry out their duties in relation to planning and development proposals. This Protocol seeks to ensure openness, transparency, fairness and consistency in planning decisions and to ensure that the planning process operates properly, legally and effectively. Planning decisions should be made openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way.
3. Planning decisions involve balancing:
 - a. the needs and interests of individual constituents and the community, with
 - b. the need to maintain an ethic of impartial decision making on what can be highly controversial proposals.

This Protocol provides guidance on achieving this balance. It reflects the enhanced role for Councillors as champions of their local communities and recognises their ability to participate in discussions prior to the receipt of a planning application on behalf of their communities. Councillors may be contacted by members of the public and asked to advise them how to make representations on planning applications or if they would address the Planning Committee on their behalf in their role as Ward Councillor. This Protocol provides guidance on the role of Councillors and how to avoid predetermination or bias in decision making.

4. This Protocol applies to Councillors at all times when involved in the planning process. This includes taking part in decision making meetings of the Planning Committee, or when involved on less formal occasions, such as meetings with officers or the public. It applies equally to planning enforcement matters or the making of compulsory purchase orders.
5. If in any doubt about the application of this Protocol, take immediate advice from the Monitoring Officer or Deputy Monitoring Officer, preferably well before any meeting takes place.

The Relationship to the Council's Code of Conduct for Councillors

6. This Protocol is a Council Protocol under Part 5 of the Constitution of the Council. Breach of this Protocol could lead to a complaint being made to the Council's Standards Committee.

7. This Protocol supplements the Council's Code of Conduct for Councillors (the Code). It is unlikely that there will be any conflict between the two but, if there is, the provisions of the general Code of Conduct will take precedence.
8. Councillors must apply both the general Code of Conduct and this Protocol in dealing with all planning issues. Failure to do so may place the Council at risk of legal challenge or a finding of maladministration by the Local Government Ombudsman.

The General Role and Conduct of Councillors and Officers

9. Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors. It follows that instructions may only be given to officers through a decision of the Council or its Cabinet or a Committee. A successful relationship between Councillors and officers can only be based upon mutual trust and understanding of each others positions. This relationship, and the trust which it underpins, must never be abused or compromised.
10. The Code sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, as well as appropriate relationships with other Councillors, staff and the public.
11. In planning terms there is a presumption in favour of sustainable development which must be balanced with that of the wider interest. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Councillors should take account of these views, all Planning Committee members should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
12. Following the Cabinet meeting on 4th July 2016, the Chair of Planning Committee requested that the following paragraph be added to the Planning Protocol after paragraph 11. "The Council's Standing Instructions to Authorised Officers (Part 8 of the Constitution of the Council) sets out the functions and responsibilities in respect of Planning and list the circumstances under which applications as specified in Part 3b paragraph 43 of the Standing Instructions are determined by the Planning Committee and not under delegated authority including (but not limited to) where:

The application has attracted three or more letters of objection from different households or businesses, or a petition as defined in Standing Orders where the Assistant Director Housing and Built Environment or his nominee intends to recommend permission, consent or approval, or

The Chair of the Planning Committee has referred any application to the Planning Committee within 21 days after registration of an application or 21 days after any press advertisement whichever is the later giving clear planning reasons for the referral, or

Any Member of the Council with the consent of the Chair or a Ward member, has given written notice to the Assistant Director Housing and Built Environment within 21 days after registration of an application or 21 days after any press advertisement whichever is the later requiring that application to be considered by the Planning Committee, giving clear planning reasons for the referral

Gifts or Hospitality

13. Councillors shall not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal, including pre-application proposals. A gift or hospitality might be considered to influence a Councillor's judgment and it is important that there can be no justifiable grounds for suggesting a decision either has been, or appears to have been, influenced or biased in any way. The Code, in any event, requires that the Councillor must within 28 days of receiving any gift or hospitality over the value of £50, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality. A gift over £50 will constitute a personal interest and be registerable as such. All details will go on the register of gifts and hospitality, which is open to public inspection and will remain on the register for 3 years. Councillors must consider whether any gift or hospitality over the value of £50 constitutes a prejudicial interest.

Registration and Declaration of Interests

14. The Local Government Act 2000 and the national code place requirements on Councillors on the registration and declaration of their interests, as well as the consequences for the Councillor's participation in consideration of an issue, in the light of those interests.
15. Both Councillors and Officers are required to observe codes of conduct and statutory provisions; the aim of which is to ensure the integrity of the Council and individual Councillors. These require the open disclosure of any personal and/or prejudicial interests in issues being considered by the Council, its Cabinet or any of its Committees. The Code requires that Councillors register their financial or other interests in the Register of Members' Interests held by the Monitoring Officer. This is in addition to the requirement for Councillors to declare any personal interests as defined in the Code. If a Councillor has a personal interest, they should consider whether that interest is prejudicial as defined in the Code.
16. The Council's Monitoring Officer has provided all Members with detailed guidance on the Code and in particular, declaration of interests. This is regularly updated. Members of the Planning Committee must ensure they are familiar with the Code. The requirements must be followed scrupulously and Councillors should review their situation regularly. It is the personal responsibility of individual Members to ensure they comply with the Code and make all appropriate declarations at Planning Committee meetings. Members should take advice early, from the Monitoring Officer or the Solicitor to the Planning Committee, and preferably well before any meeting takes place, if they are in any doubt as to their position.
17. The provisions of the Code are an attempt to separate out interests arising from the personal and private interests of the Councillor and those arising from the Councillor's wider public life.
18. The Register of Members' Interests is maintained by the Monitoring Officer and is available for public inspection. An interest can either be personal, prejudicial or pecuniary. The Code defines these terms and should be referred to for the appropriate detail. If Councillors have an interest in any matter, they must disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with Officers and other Councillors. Councillors are advised to disclose their interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. Councillors can still declare an interest which only comes to mind or light after declarations of interest have been considered on the agenda at any point prior to discussion of that particular matter. The obligation to

disclose the existence and nature of an interest applies to **all Councillors attending the Planning Committee meeting, whether sitting as a Member of the Planning Committee or as a Councillor addressing the Planning Committee or sitting in the public gallery**. The responsibility rests with individual Councillors to ensure that they indicate to the Chair that they have an interest to declare.

19. Where a Councillor has a personal interest in a matter they must always declare the existence and nature of their interest. They can participate in the discussion and be involved in making the decision.
20. If a Councillor has both a personal and prejudicial interest in a matter they must always declare the existence and nature of their interest. They cannot participate in any discussion or be involved in making the decision, either formally or informally and must not seek to influence the decision in any way. They must withdraw from the room during discussion of the matter and cannot remain even as a member of the public. This applies to all Members with a prejudicial interest regardless of whether they are members of the Planning Committee, which is making the decision. A prejudicial interest would require withdrawal of the Councillor from the Committee during consideration of that item.
21. If in any doubt about Registration and Declaration of Interests, take immediate advice from the Monitoring Officer or Deputy Monitoring Officer.

Predetermination, Predisposition or Bias

22. In addition to declaring personal or prejudicial interests, members of a Planning Committee need to avoid any appearance of bias or of having predetermined their view before taking a decision on a planning application. A useful test to determine whether a position or view could be considered to be biased is to think about whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias. Predetermination goes beyond predisposition and essentially evades the process of weighing and balancing relevant factors and taking into account other viewpoints.
23. Section 25 of the Localism Act 2011 introduced provisions for dealing with allegations of bias or pre-determination where the Councillor had or appeared to have a closed mind when making the decision. The Councillor is considered not to have a closed mind "just because" they had previously done anything relevant to the decision, that directly or indirectly, indicated what view the Councillor took, or would or might take, in relation to a planning decision.
24. The fact that a Councillor may have campaigned for or against a proposal does not automatically mean that they have a closed mind. Councillors will need to be careful to consider, and ensure that it is apparent that they have considered, all relevant considerations and made their decision in accordance with their statutory duty. Councillors must be prepared to change their view right up to the point of making the decision. Councillors can listen to applicants and objectors, and indicate their view, but must not be biased in their consideration of the issues. Councillors can support or oppose an application and represent the views of their constituents in their role as a Ward Councillor. To do so as a Planning Committee Member MIGHT compromise their role on the Committee and Councillors are advised to seek advice from the Monitoring Officer or Deputy Monitoring Officer..

Predisposition

25. A distinction is drawn by the Courts between a Councillor having clearly expressed an intention to vote in a particular way before a meeting (pre-determination) and a predisposition to an initial view. Where the Councillor is clear they have an open mind and are willing to listen to all the material considerations presented at the Planning Committee before deciding on how to exercise their vote, there is no predetermination.

Predetermination

26. If a Planning Committee Member has been lobbied by friends or others and wishes to promote or oppose a planning application, they will need to carefully consider whether this has become a personal interest or not. In addition, they also need to consider if their view is likely to be regarded as predetermined. In other words whether they have already made up their mind and are not prepared to listen to the material considerations presented at the Planning Committee before making their decision. If a Councillor has predetermined their position they should not take part in the decision making for that application as to do so will be a breach of the Code of Conduct and leave the decision open to legal challenge by way of judicial review.

Bias

27. Councillors should not participate in the consideration of a planning application if to do so would give the appearance of bias. The test for bias is: "Would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?" It is not the Councillor's view of whether they are biased that is relevant but the view of the independent observer. Perception is important and can lead to judicial challenge in the High Court. If a Councillor believes that their participation would lead a fair-minded observer to consider that there is a real possibility of bias, they should not participate in making the decision and should withdraw from the room. The Courts have held that it is primarily a matter for the Councillor to judge whether to withdraw, but given the scope for challenge the Councillor should always err on the side of caution. Whilst not every application will raise the question of bias, there will be occasions when a member of the public in possession of all the facts might consider that there is a real risk of bias. In these circumstances, the Councillor should seek the advice of the Monitoring Officer or Deputy Monitoring Officer.
28. Councillors do not have to have a personal interest in order to come within the definition of bias. There may not be specific consequences for the Councillor who has failed to acknowledge and respond to their bias, as opposed to failing to declare a personal or prejudicial interest under the Code. Councillors must be aware that in failing to consider the issue of bias there are consequences for the decision, which may be challenged on the grounds of bias in the High Court.
29. If in any doubt about the issue of bias, take immediate advice from the Monitoring Officer or Deputy Monitoring Officer.

Development Proposals Submitted by Councillors and Council Development

30. Planning applications submitted by the Council are considered by the Planning Committee in a public meeting rather than by Officers under delegated authority in accordance with the Council's Standing Instructions to Authorised Officers.
31. Planning applications submitted by Councillors can easily give rise to suspicion of impropriety. Whilst it is perfectly legitimate for such proposals to be submitted it is vital to ensure they are handled in such a way that gives no grounds for accusations of favouritism. All proposals submitted by Councillors are for this reason determined by

the Planning Committee. Current Councillors who submit their own proposals or act as agents for people pursuing planning matters, should not play any part in the decision making process for those proposals.

32. The consideration of a proposal from a Councillor in such circumstances would be considered as a prejudicial interest under the Code, and as such the Councillor would be required to withdraw from any consideration of the matter. The Code also provides that the Councillor should “not seek improperly to influence a decision about the matter”. It is important to emphasise that “improperly” does not imply that a Councillor should have any fewer rights than a member of the public seeking to explain and justify their proposal to an officer in advance of consideration by a Committee.
33. A Councillor submitting a planning application has a prejudicial interest but may address the Planning Committee where members of the public enjoy the same public speaking rights i.e. as the applicant. The Councillor should consider whether it would be wise to address the Planning Committee given all the circumstances of the case, which could include the nature of the prejudicial interest and the relationship of the Councillor with the remainder of the Planning Committee. If the Councillor as an applicant decides to address the Planning Committee they must leave the room once they have made their presentation.

Lobbying of and by Councillors

34. Lobbying of Councillors for or against proposals is a normal part of the planning process. Those who may be affected by a planning decision will often seek to influence it by approaching their elected Ward Councillor or a Member of the Planning Committee. Lobbying can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.
35. It is important in maintaining the integrity of individual Councillors and the Council as a whole that Members of the Planning Committee (or Members who may end up acting as substitutes on the Planning Committee) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Councillors should:-
 - a. If lobbied, explain that, whilst they can listen to/receive viewpoints from residents or other interested parties, they cannot decide or indicate before the relevant Planning Committee meeting which way they intend to vote as it would prejudice their impartiality. They should also explain that it is necessary for them to hear all the arguments both for and against the proposal before making up their mind.
 - b. Avoid giving members of the public planning advice except in relation to general planning procedures and often it may be wise to direct any such request to an appropriate Planning Officer.
 - c. If approached by residents or other interested parties, they should be referred to the appropriate Planning Officer in order that advice can be given and their opinions can be included in the Officers report to the Planning Committee. Copies of any correspondence or other written material received by a Member should be forwarded to the Planning Officer without delay.
36. Councillors should be aware of the need to act fairly and without bias towards every application. Councillors must keep an open mind upon an issue upon which they will be asked to vote, up until the moment that they vote upon it. Failure to keep an open

mind may result in an application for judicial review of the decision reached. Any interested party may apply for judicial review of a planning decision. One of the grounds being that a Councillor who voted in favour of the decision to approve or refuse the application had approached the issue with a closed mind, and so had failed to take all relevant considerations into account. Failure to maintain an open mind may invalidate the entire decision-making process.

Pre-application Discussions

37. Discussions between a potential applicant and Hastings Borough Council prior to the submission of an application can be of considerable benefit to both parties.
38. With the recognition of the need to allow and encourage Councillors to be champions of their local communities it is now accepted that Lead Councillor and Ward Councillor engagement in pre-application discussions on major development is necessary to allow Councillors to fulfill this role. Councils have not previously involved Councillors in pre-application discussions for fear of them being accused of predetermination when the subsequent planning application came before the Planning Committee for determination. In order to avoid perceptions that Councillors might have fettered their discretion in any pre-application discussions, all Councillors should enter into such discussions within clear guidelines, and include:
 - a. Clarity at the outset that any discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional.
 - b. Advice given by Officers should be consistent and based on the Development Plan and material considerations. Officers should be present where practicable when Councillors attend any pre-application discussions. Councillors should not become drawn into any negotiations and should ask Officers to deal with any necessary negotiations to ensure that the Council's position is co-ordinated. Councillors should complete the form at Appendix 1 following any pre-application discussion which will be attached to the Planning file in the interests of openness and transparency.
 - c. Pre-application discussions should be arranged by Officers where practicable. A written note should be made by Officers of all meetings and the matters discussed should be confirmed by letter which should be placed on the file as a matter of public record. If there is a legitimate reason for confidentiality regarding the proposal, a note of the non-confidential issues raised, or advice given, should be recorded on the file in the normal manner.
39. If Councillors are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, they should inform the case officer dealing with the application. This applies to meetings at all stages of the planning process, including the pre-application stage.

Presentations of Development Proposals

40. The Council does, on occasion, allow presentations of development proposals. Presentations are to keep Councillors informed generally on matters, which appear to have or are likely to have strategic importance for the Borough. Presentations will not be allowed in relation to any matter which is the subject of a current planning application to the Council. At such presentations Councillors must try to maintain an impartial role, listening to what is said and asking appropriate questions but not expressing a fixed opinion, and keeping an open mind on the issues at all times. This

applies to pre-application public consultation meetings arranged by Developers in accordance with the Council's Statement of Community Involvement.

Pre-Application Consultation Forum

41. The Council has introduced a Pre-Application Consultation Forum to consider significant major developments, prior to them being submitted as planning applications. Significant development proposals are defined as residential schemes of 30 units or more, employment/industrial scheme of 5,000 m² or more, retail schemes of 2,500 m² or more and leisure schemes of 1,000 m² or more. The Council reserves the right to seek wider community involvement on other applications which do not fall within these thresholds if they consider that they are likely to be particularly sensitive or will have a very significant impact on the local community.
42. A Forum is a meeting held in public where a developer is able to explain proposals directly to Councillors, the public and key stakeholders at an early stage about a development site. The purpose of the Forum is to:-
 - a. enable the developer to explain development proposals directly to Councillors, the public and key stakeholders at an early stage.
 - b. identify any issues that may be considered in any formal application.
 - c. inform Councillors and the public of a development proposal at an early stage in the pre-application process.
 - d. inform officer pre-application discussions with the developer.
 - e. enable the developer to shape an application to address community issues.
43. The Chair of the Forum is the relevant Lead Member or their nominated substitute, who is not a member of the Planning Committee, who will introduce the Forum and explain who is going to speak. The planning officer will provide a background to the proposal. The developer explains the proposal (this may involve contributions from several people). Those persons specified in paragraph 44, then have the opportunity to speak and raise any issues, observations and comments. The developer has an opportunity to respond to what has been said by invited speakers. Councillors present at the Forum may ask questions of the developer. The planning officer summarises the main points raised during the Forum, which is then closed by the Chair of the Forum
44. Forum meetings will be held in public, but only those invited to speak on behalf of recognised key stakeholder groups will be able to raise issues at the Forum. Groups invited to ask questions and express their views at the Forum will be restricted to properly constituted residents' groups covering the area of the proposed development, traders' groups for the immediate area, local campaign groups that have emerged specifically to comment on the development (only one of this type of group will be allowed to ask questions although more than one representation may be received) and properly constituted Borough wide bodies which could include business organisations.
45. Properly constituted is defined as those groups with a published constitution, has an open membership and a democratic election of officers. In addition, registered social landlords will be allowed to ask questions. Individuals do not have an automatic right to speak at the Forum unless invited to do so. Attendees can then make written comments to officers who will forward any comments received to developers. The Forum will not affect any rights to make representations when a formal planning

application is submitted. All Councillors are invited to attend the Forum, including those who are on the Planning Committee.

46. After the Forum, the main points will be recorded and passed to the developer for their consideration during further pre-application discussions with officers and in putting the application together. A copy will be passed to all interested parties and placed on the planning application file. The Planning Committee will in due course consider an application based on the facts, issues and advice and nothing said at the Forum will prejudice that consideration.

Chair's Briefings

47. The purpose of Chair's Briefings will be to brief the Chair and Vice Chair on applications to be brought to the next meeting of the Planning Committee.. The purpose of the Briefing is for Officers to explain the forthcoming agenda, consider whether a site visit is required in respect of a particular application and consider administrative arrangements. Chair's Briefings are not to discuss the planning merits of the application or to make decisions

Officer Reports to Committee

48. All matters requiring a decision by the Planning Committee should be the subject of a written report from Officers, which should be accurate and cover all relevant planning issues. In particular, it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the nature of objections (electronic links to objection letters and correspondence will be provided to Councillors prior to the Planning Committee Meeting). The report shall include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is published shall be reported verbally to the Planning Committee at the meeting. Councillors shall not put improper pressure on Officers to make a particular recommendation and should not do anything which compromises, or is likely to compromise, the officers' impartiality.
49. The Courts and Ombudsman have advised that officer reports on planning applications must have regard to the following points:
 - a. Reports should be accurate and cover the substance of any objections and the views of those consulted.
 - b. Relevant information should include a clear exposition of the Development Plan; relevant parts of the National Planning Policy Framework (NPPF); site or related history; and any other material considerations.
 - c. Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur.
 - d. Reports should contain technical appraisal which clearly justify a recommendation.
 - e. If the reports recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure must be clearly stated.
 - f. Any oral updates or changes to the Report should be recorded.
50. It is important that the report covers these points, not only as a matter of good practice, but because failure may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the Development Plan

and the Council's statutory duty under Section 38A of the Planning and Compulsory Purchase Act 2004 (see paragraph 66 below).

51. Officers must always act openly and impartially and provide consistent professional advice, in accordance with the rules of their professional body, based on planning policies and procedures, ensuring Councillors are aware of all relevant material planning considerations before decisions are made.
52. Councillors shall give due regard to recommendations and professional advice given by Officers. Councillors are not bound to follow recommendations or advice received, but may depart from this where there is justification to do so, based on clear and legitimate planning grounds which must be recorded in full when making the decision having regard to the relevant planning policy where appropriate.

Public Speaking at Planning Committee

53. Members of the Planning Committee shall not allow members of the public to discuss planning applications with them during the course of the Meeting itself other than through the procedure for public speaking. The procedure for public speaking set out below does not apply to the Pre-Application Consultation Forum.
54. All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as exempt under the provisions of the Local Government Act 1972 (as amended) in which case the public will be asked to leave the room. Whilst this will be rarely exercised it may be necessary for example in consideration of enforcement matters.

Petitions

55. The procedures for public speaking allow members of the public to address the Planning Committee where a petition of objection against the recommendation of the planning officer is received **at least three clear working days** before the Planning Committee considering the item is due to sit. A standard form of petition is available to view on the Council's website. Petitions must contain a minimum of ten signatories.. Each page of the petition must clearly state the planning application to which it is referring, giving the address and the reasons for the objection. Petitions must contain names, addresses and signatures. Petitions submitted must be the original document as photocopies are not accepted. Electronic petitions are not acceptable.
56. Where there is a petition against the proposed development the lead petitioner is invited to attend the Planning Committee meeting. Petitions should clearly state who the lead petitioner is and provide their full name and contact details. They (or their representative) will be invited to address the Planning Committee. Where the lead petitioner (or their representative) fails to attend the scheduled Planning Committee meeting the Chair will ask if there is anyone else present in the public gallery who wishes to address the Planning Committee on behalf of the petition. The applicant or their agent has a right to speak in response to the petition. Each person making representations may speak for up to a maximum of five minutes and may be asked questions by Members of the Planning Committee.
57. The procedure for public speaking allows for an applicant (or their agent) and a petitioner to speak for and against the application respectively. If two petitions are received and petitioners are making similar points, the Chair (or Vice Chair in his/her absence) will exercise his/her discretion and preference will be given to petitions from the immediate locality of the neighbourhood. Where the petitions are making different points the Chair (or Vice Chair in his/her absence) may exercise his/her discretion and

allow both petitioners to speak. Each person may speak for up to a maximum of five minutes. Where there are two petitioners, the applicant may speak for up to a maximum of ten minutes in the interests of natural justice.

Ward Councillors addressing the Planning Committee

58. If a Ward Councillor wishes to address the Planning Committee about a matter in their ward being considered at the Planning Committee they should advise the Chair (or Vice Chair in his/her absence) and the Committee Administrator prior to the meeting itself and will be entitled to speak after the petitioner and applicant have addressed the Committee. Ward Councillors should comply with the procedure for declaration of interests if they speak at a Planning Committee meeting in the same way as members of the Committee. A Ward Councillor may address the Planning Committee for a maximum of five minutes but may not be asked questions by Members of the Planning Committee. County Councillors should direct any County related queries they have in respect of a planning application to East Sussex County Council. Where the Ward Councillor has a prejudicial interest they may only address the Planning Committee if they are the applicant or lead petitioner and must withdraw from the room once they have made their representations.

Submission of Documentation

59. Documents must be submitted **at least three clear working days** before the Planning Committee meeting. For example if the Planning Committee was held on a Wednesday, documents should be received by the Council by 3pm on the previous Friday. Any late documents should not be circulated to the Planning Committee as all parties may not have time to react to the submissions, and members of the Planning Committee may not be able to give proper consideration to the matter. Officers may not be able to provide considered advice on any material considerations arising. This must be made clear to those who intend to speak. Members of the Planning Committee should not read emails or correspondence received after the deadline for submission of documents. The acceptance of circulated material could imply a willingness to take the necessary time to investigate any issues raised and lead to the need to defer the application or risk a complaint about the way the material has been considered. This care needs to be taken to avoid the perception of external influence or bias.

Decision Making

60. A decision on a planning application must not be made before the Formal Planning Committee Meeting scheduled to determine the application. **Political group meetings shall not be held prior to a Committee Meeting**, as Group Meetings can give the appearance of bias. The fair-minded observer may perceive that Group Meetings behind closed doors are likely to affect the decisions of those Members attending. The holding of Group Meetings may therefore give rise to judicial challenge. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration by the Local Government Ombudsman. Councillors will be seated alphabetically and shall not sit according to their political groups in order to avoid the appearance of group decision-making. Section 38A of the Planning and Compulsory Purchase Act 2004 requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. If the Officer's report recommends a departure from the Development Plan the justification for this must be contained in the report. Such applications must be advertised in the local paper in advance of consideration by the Committee.

61. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application shall always be recorded, as should any conditions attached to an approval. If the Planning Committee wish to refuse an application contrary to Officer recommendations or impose additional planning conditions the reasons for doing either must be clearly stated when this is proposed.
62. Councillors are advised to take the following steps before making a decision which differs from the officer recommendation:
 - a. Discussing the areas of difference and the reasons for that with planning officers prior to the Planning Committee meeting.
 - b. Recording the detailed reasons as part of the mover's motion.
 - c. Adjourning for a few minutes for those reasons to be discussed with Officers advising the Planning Committee and then agreed by the Planning Committee.
63. If a Member of the Planning Committee proposes to refuse or grant an application contrary to the Officer recommendation, they should give justification for doing so, based on clear and legitimate planning reasons and having regard to the relevant planning policy where appropriate. . Where Councillors are proposing to vote against the Officer recommendations, the Chair (or Vice Chair in his/her absence) shall make sure that the reasons are clearly stated before a vote is taken. These reasons must be recorded in the minutes if the officer recommendations are not agreed and a copy placed on the application file. The reasons given by Councillors should be clear, observe the principles of reasonableness, take into account all relevant information (i.e. material considerations) and ignore all irrelevant information (i.e. non material matters). The officer should be given the opportunity to explain the implications of the proposed decision.
64. Councillors must attend meetings with an open mind and shall demonstrate through their conduct at the meeting that they are giving careful, fair and balanced consideration to the applications under discussion. Councillors shall make a decision only after they have considered all the relevant information needed to make a decision.
65. Councillors shall not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including any petition, representations made by the applicant and the officer's introduction to the matter. Councillors who leave the room will be advised by the Chair (or Vice Chair in his/her absence) that they cannot vote or take any further part in the discussion. The rules of natural justice mean that planning applications should be determined in an open and fair manner taking account of relevant information and arguments. It is only at Planning Committee meetings that members of the Planning Committee will have, and be able to consider, all the relevant information and arguments about an application. Failure to take account of relevant considerations or to take account of irrelevant considerations is a ground for judicial review in the High Court.

Site Visits

66. Site visits shall be organised by Officers of the Planning Department. All Members of the Planning Committee will be invited to attend the site visit. The site visit will be

guided by the Planning Officer who will point out matters of material relevance to the application and answer Councillors' questions. Formal site visits by Members of the Planning Committee should be made only in exceptional circumstances. For example, where the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by Officers, where the proposal is particularly contentious and where the site cannot adequately be viewed from the road. A record shall be maintained of who attended the site visit and recorded in the minutes.

67. A site visit is not a meeting to discuss the planning merits of the application or to make decisions. The purpose of the inspection is to gather factual information about the site and visually assess the likely or actual impact of the proposal. It is not to debate the merits of the application or the Officers' recommendation. During the formal site visit detailed discussions and/or negotiations must not be conducted with the applicant or third parties by either Councillors or Officers. All discussion and debate should be undertaken at the Planning Committee meeting when the application is presented for formal consideration. Any arguments applicants or third parties wish to put forward can be heard at that stage through the public speaking arrangements. Councillors should be aware of the appearance of bias should they be seen in conversation with an applicant or objector.
68. Members of the Planning Committee are expected to attend the organised site visit. Councillors not attending an organised site visit must sit back from the table and not take part in debate and voting on the matter when it comes up for consideration.

Deferred Applications

69. Applications may be deferred to a future meeting if there are valid reasons for doing so. Consideration must be given to the procedures for public speaking where petitioners and the applicant have addressed the Planning Committee at the previous meeting. There may be occasions when there are a number of petitioners raising different objections to the application and the applicant must have the chance to respond. A judgement has to be made whether it is in the interests of good decision making to re-hear all oral representations again or to restrict the Planning Committee to its constitution at the earlier meeting. That is a decision for the Chair at the Chair's Briefing (or Vice Chair in his/her absence). It may be necessary (in exceptional circumstances such as public disturbance) to adjourn the Planning Committee meeting and re-convene in another room.

Substitutions

70. Substitutions have implications where applications are deferred from a previous Planning Committee meeting. Where the petitioner/s and applicant have previously addressed the Planning Committee and the application is deferred to another meeting, any Councillors substituting on the Planning Committee will not have heard all the representations which will form some part of the basis for the decision. Where the petitioner/s and applicant are given the opportunity to address the Committee a second time, there is not a problem with substitutes since the matter is heard afresh. Where applications are not deferred but a continuation of the earlier meeting no substitutions are permitted. Group Leaders/authorised persons should be informed where substitutions are not to be permitted on a particular item as soon as practicable after the Chair's Briefing. Where applications are deferred into a new municipal year the application may have to be considered afresh and petitioner/s and the applicant given the opportunity to address the Planning Committee again if there is a change in membership of the Planning Committee.

Annual Review of Decisions

71. On an annual basis, arrangements will be made for members of the Planning Committee to review a sample of implemented planning permissions to assess the quality of the decisions made. The Planning Services Manager will arrange for members of the Planning Committee to visit a number of sites where development is either completed or near to completion. As this is part of the continuing programme of training for members no decisions are taken during the visit. A record is kept of the sites visited but no record is kept of any discussions that take place. The Planning Committee will consider the review and decide whether it gave rise to the need to reconsider any policies or practices. Such a review should improve the quality and consistency of decision making, strengthening public confidence in the planning system and can help with reviews of planning policy. It will also assist Planning Committee members to refine their understanding of the impact of their decisions from the visiting of completed developments.

Training of Members in Planning Law and Procedure

72. 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. For this reason, Members shall not sit on the Planning Committee or act as a substitute on the Planning Committee without having previously undertaken recent training in planning law and procedures.
73. The Planning Services Manager, Monitoring Officer and Deputy Monitoring Officer will arrange suitable training opportunities at regular intervals and will supplement this with written guidance. All Members of the Planning Committee must attend training sessions provided. The Committee Administrator will maintain a register of attendance which will be copied to political group leaders annually. Members of the planning Committee are expected to attend all training sessions but must attend a minimum of two training sessions within each municipal year. If a Councillor has not attended a minimum of two training sessions within the municipal year they will not be allowed to sit on the Planning Committee until they have attended the next quarterly training session to bring their planning training up to date. One to one training will not be provided except in exceptional circumstances.

Appendix 1

PLANNING APPLICATIONS: DECLARATION OF LOBBYING

- Name of Member making the declaration

- Planning Application Number (where known)

- Application Site / Address

- Name(s) of persons undertaking lobbying and a note of their interest in the application (applicant, objector etc)

- Date of lobbying

- Brief details of the nature of the approach to the Member

Upon completion of this form please submit immediately to the Planning Services Manager at Aquila House to be placed on the planning application file.

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Hastings Borough Council

Planning Protocol

Introduction

1. This Protocol replaces and updates that which was adopted by Council on 18th December 2013.
2. Planning has a positive and proactive role to play at the heart of local government. The planning system works best when Councillors, officers and all other parties essential to its effective operation clearly understand their roles and responsibilities and the context and constraints in which they operate. The purpose of this Protocol is to give clear guidance to Councillors about how they should carry out their duties in relation to planning and development proposals. This Protocol seeks to ensure openness, transparency, fairness and consistency in planning decisions and to ensure that the planning process operates properly, legally and effectively. Planning decisions should be made openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way.
3. Planning decisions involve balancing:
 - a. the needs and interests of individual constituents and the community, with
 - b. the need to maintain an ethic of impartial decision making on what can be highly controversial proposals.

This Protocol provides guidance on achieving this balance. It reflects the enhanced role for Councillors as champions of their local communities and recognises their ability to participate in discussions prior to the receipt of a planning application on behalf of their communities. Councillors may be contacted by members of the public and asked to advise them how to make representations on planning applications or if they would address the Planning Committee on their behalf in their role as Ward Councillor. This Protocol provides guidance on how to avoid predetermination or bias in decision making.

4. This Protocol applies to Councillors at all times when involved in the planning process. This includes taking part in decision making meetings of the Planning Committee, or when involved on less formal occasions, such as meetings with officers or the public. It applies equally to planning enforcement matters or the making of compulsory purchase orders.
5. If in any doubt about the application of this Protocol, take immediate advice from the Monitoring Officer or Deputy Monitoring Officer, preferably well before any meeting takes place.

The Relationship to the Council's Code of Conduct for Councillors

6. This Protocol is a Council Protocol under Part 5 of the Constitution of the Council. Breach of this Protocol could lead to a complaint being made to the Council's Standards Committee.

7. This Protocol supplements the Council's Code of Conduct for Councillors (the Code). It is unlikely that there will be any conflict between the two but, if there is, the provisions of the general Code of Conduct will take precedence.
8. Councillors must apply both the general Code of Conduct and this Protocol in dealing with all planning issues. Failure to do so may place the Council at risk of legal challenge or a finding of maladministration by the Local Government Ombudsman.

The General Role and Conduct of Councillors and Officers

9. Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors. It follows that instructions may only be given to officers through a decision of the Council or its Cabinet or a Committee. A successful relationship between Councillors and officers can only be based upon mutual trust and understanding of each others positions. This relationship, and the trust which it underpins, must never be abused or compromised.
10. The Code sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, as well as appropriate relationships with other Councillors, staff and the public.
11. In planning terms there is a presumption in favour of sustainable development which must be balanced with that of the wider interest. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Councillors should take account of these views, all Councillors should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
12. Following the Cabinet meeting on 4th July 2016, the Chair of Planning Committee requested that the following paragraph be added to the Planning Protocol after paragraph 11. "The Council's Standing Instructions to Authorised Officers (Part 8 of the Constitution of the Council) sets out the functions and responsibilities in respect of Planning and list the circumstances under which applications as specified in Part 3b paragraph 43 of the Standing Instructions are determined by the Planning Committee and not under delegated authority including (but not limited to) where:
 - (a) The application has attracted three or more letters of objection from different households or businesses, or a petition as defined in Standing Orders where the Assistant Director Housing and Built Environment or his nominee intends to recommend permission, consent or approval, or
 - (b) The Chair of the Planning Committee has referred any application to the Planning Committee within 21 days after registration of an application or 21 days after any press advertisement whichever is the later giving clear planning reasons for the referral, or
 - (c) Any Member of the Council with the consent of the Chair or a Ward member, has given written notice to the Assistant Director Housing and Built Environment within 21 days after registration of an application or 21 days after any press advertisement whichever is the later requiring that application to be considered by the Planning Committee, giving clear planning reasons for the referral.

Gifts or Hospitality

13. Councillors shall not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal, including pre-application proposals. A gift or hospitality might be considered to influence a Councillor's judgment and it is important that there can be no justifiable grounds for suggesting a decision either has been, or appears to have been, influenced or biased in any way. The Code, in any event, requires that the Councillor must within 28 days of receiving any gift or hospitality over the value of £50, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality. A gift over £50 will constitute a personal interest and be registerable as such. All details will go on the register of gifts and hospitality, which is open to public inspection and will remain on the register for 3 years. Councillors must consider whether any gift or hospitality over the value of £50 constitutes a prejudicial interest.

Registration and Declaration of Interests

14. The Local Government Act 2000 and the national code place requirements on Councillors on the registration and declaration of their interests, as well as the consequences for the Councillor's participation in consideration of an issue, in the light of those interests.
15. Both Councillors and Officers are required to observe codes of conduct and statutory provisions; the aim of which is to ensure the integrity of the Council and individual Councillors. These require the open disclosure of any personal and/or prejudicial interests in issues being considered by the Council, its Cabinet or any of its Committees. The Code requires that Councillors register their financial or other interests in the Register of Members' Interests held by the Monitoring Officer. This is in addition to the requirement for Councillors to declare any personal interests as defined in the Code. If a Councillor has a personal interest, they should consider whether that interest is prejudicial as defined in the Code.
16. The Council's Monitoring Officer has provided all Members with detailed guidance on the Code and in particular, declaration of interests. This is regularly updated. Members of the Planning Committee must ensure they are familiar with the Code. The requirements must be followed scrupulously and Councillors should review their situation regularly. It is the personal responsibility of individual Members to ensure they comply with the Code and make all appropriate declarations at Planning Committee meetings. Members should take advice early, from the Monitoring Officer or the Solicitor to the Planning Committee, and preferably well before any meeting takes place, if they are in any doubt as to their position.
17. The provisions of the Code are an attempt to separate out interests arising from the personal and private interests of the Councillor and those arising from the Councillor's wider public life.
18. The Register of Members' Interests is maintained by the Monitoring Officer and is available for public inspection. An interest can either be personal, prejudicial or pecuniary. The Code defines these terms and should be referred to for the appropriate detail. If Councillors have an interest in any matter, they must disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with Officers and other Councillors. Councillors are advised to disclose their interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. Councillors can still declare an interest which only

comes to mind or light after declarations of interest have been considered on the agenda at any point prior to discussion of that particular matter. The obligation to disclose the existence and nature of an interest applies to **all Councillors attending the Planning Committee meeting, whether sitting as a Member of the Planning Committee or as a Councillor addressing the Planning Committee or sitting in the public gallery**. The responsibility rests with individual Councillors to ensure that they indicate to the Chair that they have an interest to declare.

19. Where a Councillor has a personal interest in a matter they must always declare the existence and nature of their interest. They can participate in the discussion and be involved in making the decision.
20. If a Councillor has both a personal and prejudicial interest in a matter they must always declare the existence and nature of their interest. They cannot participate in any discussion or be involved in making the decision, either formally or informally and must not seek to influence the decision in any way. They must withdraw from the room during discussion of the matter and cannot remain even as a member of the public. This applies to all Members with a prejudicial interest regardless of whether they are members of the Planning Committee, which is making the decision. A prejudicial interest would require withdrawal of the Councillor from the Committee during consideration of that item.
21. If in any doubt about Registration and Declaration of Interests, take immediate advice from the Monitoring Officer or Deputy Monitoring Officer .

Predetermination, Predisposition or Bias

22. In addition to declaring personal or prejudicial interests, members of a Planning Committee need to avoid any appearance of bias or of having predetermined their view before taking a decision on a planning application. A useful test to determine whether a position or view could be considered to be biased is to think about whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias. Predetermination goes beyond predisposition and essentially evades the process of weighing and balancing relevant factors and taking into account other viewpoints.
23. Section 25 of the Localism Act 2011 introduced provisions for dealing with allegations of bias or pre-determination where the Councillor had or appeared to have a closed mind when making the decision. The Councillor is considered not to have a closed mind "just because" they had previously done anything relevant to the decision, that directly or indirectly, indicated what view the Councillor took, or would or might take, in relation to a planning decision.
24. The fact that a Councillor may have campaigned for or against a proposal does not automatically mean that they have a closed mind. Councillors will need to be careful to consider, and ensure that it is apparent that they have considered, all relevant considerations and made their decision in accordance with their statutory duty. Councillors must be prepared to change their view right up to the point of making the decision. Councillors can listen to applicants and objectors, and indicate their view, but must not be biased in their consideration of the issues. Councillors can support or oppose an application and represent the views of their constituents in their role as a Ward Councillor. To do so as a Planning Committee Member MIGHT compromise their role on the Committee and Councillors are advised to seek advice from the Monitoring Officer or Deputy Monitoring Officer..

Predisposition

25. A distinction is drawn by the Courts between a Councillor having clearly expressed an intention to vote in a particular way before a meeting (pre-determination) and a predisposition to an initial view. Where the Councillor is clear they have an open mind and are willing to listen to all the material considerations presented at the Planning Committee before deciding on how to exercise their vote, there is no predetermination.

Predetermination

26. If a Planning Committee Member has been lobbied by friends or others and wishes to promote or oppose a planning application, they will need to carefully consider whether this has become a personal interest or not. In addition, they also need to consider if their view is likely to be regarded as predetermined. In other words whether they have already made up their mind and are not prepared to listen to the material considerations presented at the Planning Committee before making their decision. If a Councillor has predetermined their position they should not take part in the decision making for that application as to do so will be a breach of the Code of Conduct and leave the decision open to legal challenge by way of judicial review.

Bias

27. Councillors should not participate in the consideration of a planning application if to do so would give the appearance of bias. The test for bias is: "Would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?" It is not the Councillor's view of whether they are biased that is relevant but the view of the independent observer. Perception is important and can lead to judicial challenge in the High Court. If a Councillor believes that their participation would lead a fair-minded observer to consider that there is a real possibility of bias, they should not participate in making the decision and should withdraw from the room. The Courts have held that it is primarily a matter for the Councillor to judge whether to withdraw, but given the scope for challenge the Councillor should always err on the side of caution. Whilst not every application will raise the question of bias, there will be occasions when a member of the public in possession of all the facts might consider that there is a real risk of bias. In these circumstances, the Councillor should seek the advice of the Monitoring Officer or Deputy Monitoring Officer..
28. Councillors do not have to have a personal interest in order to come within the definition of bias. There may not be specific consequences for the Councillor who has failed to acknowledge and respond to their bias, as opposed to failing to declare a personal or prejudicial interest under the Code. Councillors must be aware that in failing to consider the issue of bias there are consequences for the decision, which may be challenged on the grounds of bias in the High Court.
29. If in any doubt about the issue of bias, take immediate advice from the Monitoring Officer or Deputy Monitoring Officer..

Development Proposals Submitted by Councillors and Council Development

30. . Planning applications submitted by the Council are considered by the Planning Committee in a public meeting rather than by Officers under delegated authority in accordance with the Council's Standing Instructions to Authorised Officers.
- 31.

Planning applications submitted by Councillors can easily give rise to suspicion of impropriety. Whilst it is perfectly legitimate for such proposals to be submitted it is vital to

ensure they are handled in such a way that gives no grounds for accusations of favouritism. All proposals submitted by Councillors are for this reason determined by the Planning Committee. Current Councillors who submit their own proposals or act as agents for people pursuing planning matters, should not play any part in the decision making process for those proposals.

32. The consideration of a proposal from a Councillor in such circumstances would be considered as a prejudicial interest under the Code, and as such the Councillor would be required to withdraw from any consideration of the matter. The Code also provides that the Councillor should “not seek improperly to influence a decision about the matter”. It is important to emphasise that “improperly” does not imply that a Councillor should have any fewer rights than a member of the public seeking to explain and justify their proposal to an officer in advance of consideration by a Committee.
33. A Councillor submitting a planning application has a prejudicial interest but may address the Planning Committee where members of the public enjoy the same public speaking rights i.e. as the applicant. The Councillor should consider whether it would be wise to address the Planning Committee given all the circumstances of the case, which could include the nature of the prejudicial interest and the relationship of the Councillor with the remainder of the Planning Committee. If the Councillor as an applicant decides to address the Planning Committee they must leave the room once they have made their presentation.

Lobbying of and by Councillors

34. Lobbying of Councillors for or against proposals is a normal part of the planning process. Those who may be affected by a planning decision will often seek to influence it by approaching their elected Ward Councillor or a Member of the Planning Committee. Lobbying can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.
35. It is important in maintaining the integrity of individual Councillors and the Council as a whole that Members of the Planning Committee (or Members who may end up acting as substitutes on the Planning Committee) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, Councillors should:-
 - a. If lobbied, explain that, whilst they can listen to/receive viewpoints from residents or other interested parties, they cannot decide or indicate before the relevant Planning Committee meeting which way they intend to vote as it would prejudice their impartiality. They should also explain that it is necessary for them to hear all the arguments both for and against the proposal before making up their mind.
 - b. Avoid giving members of the public planning advice except in relation to general planning procedures and often it may be wise to direct any such request to an appropriate Planning Officer.
 - c. If approached by residents or other interested parties, they should be referred to the appropriate Planning Officer in order that advice can be given and their opinions can be included in the Officers report to the Planning Committee. Copies of any correspondence or other written material received by a Member should be forwarded to the Planning Officer without delay.

36. Councillors should be aware of the need to act fairly and without bias towards every application. Councillors must keep an open mind upon an issue upon which they will be asked to vote, up until the moment that they vote upon it. Failure to keep an open mind may result in an application for judicial review of the decision reached. Any interested party may apply for judicial review of a planning decision. One of the grounds being that a Councillor who voted in favour of the decision to approve or refuse the application had approached the issue with a closed mind, and so had failed to take all relevant considerations into account. Failure to maintain an open mind may invalidate the entire decision-making process.

Pre-application Discussions

37. Discussions between a potential applicant and Hastings Borough Council prior to the submission of an application can be of considerable benefit to both parties.
38. With the recognition of the need to allow and encourage Councillors to be champions of their local communities it is now accepted that Lead Councillor and Ward Councillor engagement in pre-application discussions on major development is necessary to allow Councillors to fulfill this role. Councils have not previously involved Councillors in pre-application discussions for fear of them being accused of predetermination when the subsequent planning application came before the Planning Committee for determination. In order to avoid perceptions that Councillors might have fettered their discretion in any pre-application discussions, all Councillors should enter into such discussions within clear guidelines, and include:
- a. Clarity at the outset that any discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional.
 - b. Advice given by Officers should be consistent and based on the Development Plan and material considerations. Officers should be present where practicable when Councillors attend any pre-application discussions. Councillors should not become drawn into any negotiations and should ask Officers to deal with any necessary negotiations to ensure that the Council's position is co-ordinated. Councillors should complete the attached form following any pre-application discussion which will be attached to the Planning file in the interests of openness and transparency.
 - c. Pre-application discussions should be arranged by Officers where practicable. A written note should be made by Officers of all meetings and the matters discussed should be confirmed by letter which should be placed on the file as a matter of public record. If there is a legitimate reason for confidentiality regarding the proposal, a note of the non-confidential issue raised, or advice given, should be recorded on the file in the normal manner.
39. If Councillors are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, they should inform the case officer dealing with the application. This applies to meetings at all stages of the planning process, including the pre-application stage.

Presentations of Development Proposals

40. The Council does, on occasion, allow presentations of development proposals. Presentations are to keep Councillors informed generally on matters, which appear to have or are likely to have strategic importance for the Borough. Presentations will not be allowed in relation to any matter which is the subject of a current planning

application to the Council. At such presentations Councillors must try to maintain an impartial role, listening to what is said and asking appropriate questions but not expressing a fixed opinion, and keeping an open mind on the issues at all times. This applies to pre-application public consultation meetings arranged by Developers in accordance with the Council's Statement of Community Involvement.

Pre-Application Consultation Forum

41. The Council has introduced a Pre-Application Consultation Forum to consider significant major developments, prior to them being submitted as planning applications. Significant development proposals are defined as residential schemes of 30 units or more, employment/industrial scheme of 5,000 m² or more, retail schemes of 2,500 m² or more and leisure schemes of 1,000 m² or more. The Council reserves the right to seek wider community involvement on other applications which do not fall within these thresholds if they consider that they are likely to be particularly sensitive or will have a very significant impact on the local community.
42. A Forum is a meeting held in public where a developer is able to explain proposals directly to Councillors, the public and key stakeholders at an early stage about a development site. The purpose of the Forum is to:-
 - a. enable the developer to explain development proposals directly to Councillors, the public and key stakeholders at an early stage.
 - b. identify any issues that may be considered in any formal application.
 - c. inform Councillors and the public of a development proposal at an early stage in the pre-application process.
 - d. inform officer pre-application discussions with the developer.
 - e. enable the developer to shape an application to address community issues.
43. The Chair of the Forum is the relevant **Lead Member** or their nominated substitute, who is not a member of the Planning Committee, who will introduce the Forum and explain who is going to speak. The planning officer will provide a background to the proposal. The developer explains the proposal (this may involve contributions from several people). Those persons specified in paragraph 44, then have the opportunity to speak and raise any issues, observations and comments. The developer has an opportunity to respond to what has been said by invited speakers. Councillors present at the Forum may ask questions of the developer. The planning officer summarises the main points raised during the Forum, which is then closed by the Chair of the Forum
44. Forum meetings will be held in public, but only those invited to speak on behalf of recognised key stakeholder groups will be able to raise issues at the Forum. Groups invited to ask questions and express their views at the Forum will be restricted to properly constituted residents' groups covering the area of the proposed development, traders' groups for the immediate area, local campaign groups that have emerged specifically to comment on the development (only one of this type of group will be allowed to ask questions although more than one representation may be received) and properly constituted Borough wide bodies which could include business organisations.
45. Properly constituted is defined as those groups with a published constitution, has an open membership and a democratic election of officers. In addition, registered social landlords will be allowed to ask questions. Individuals do not have an automatic right to speak at the Forum unless invited to do so. Attendees can then make written

comments to officers who will forward any comments received to developers. The Forum will not affect any rights to make representations when a formal planning application is submitted. All Councillors are invited to attend the Forum, including those who are on the Planning Committee.

46. 4. After the Forum, the main points will be recorded and passed to the developer for their consideration during further pre-application discussions with officers and in putting the application together. A copy will be passed to all interested parties and placed on the planning application file. The Planning Committee will in due course consider an application based on the facts, issues and advice and nothing said at the Forum will prejudice that consideration.

Chair's Briefings

47. 46. The purpose of Chair's Briefings will be to brief the Chair and Vice Chair on applications to be brought to the next meeting of the Planning Committee.. The purpose of the Briefing is for Officers to explain the forthcoming agenda, consider whether a site visit is required in respect of a particular application and consider administrative arrangements. Chair's Briefings are not to discuss the planning merits of the application or to make decisions **Officer Reports to Committee**

48. All matters requiring a decision by the Planning Committee should be the subject of a written report from Officers, which should be accurate and cover all relevant planning issues. In particular, it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the nature of objections (electronic links to objection letters and correspondence will be provided to Councillors prior to the Planning Committee Meeting). The report shall include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is published shall be reported verbally to the Planning Committee at the meeting. Councillors shall not put improper pressure on Officers to make a particular recommendation and should not do anything which compromises, or is likely to compromise, the officers' impartiality.

49. The Courts and Ombudsman have advised that officer reports on planning applications must have regard to the following points:

- a. Reports should be accurate and cover the substance of any objections and the views of those consulted.
- b. Relevant information should include a clear exposition of the Development Plan; relevant parts of the National Planning Policy Framework (NPPF); site or related history; and any other material considerations.
- c. Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur.
- d. Reports should contain technical appraisal which clearly justify a recommendation.
- e. If the reports recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure must be clearly stated.
- f. Any oral updates or changes to the Report should be recorded.

50. It is important that the report covers these points, not only as a matter of good practice, but because failure may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the Development Plan

and the Council's statutory duty under Section 38A of the Planning and Compulsory Purchase Act 2004 (see paragraph 66 below).

51. Officers must always act openly and impartially and provide consistent professional advice, in accordance with the rules of their professional body, based on planning policies and procedures, ensuring Councillors are aware of all relevant material planning considerations before decisions are made.
52. Councillors shall give due regard to recommendations and professional advice given by Officers. Councillors are not bound to follow recommendations or advice received, but may depart from this where there is justification to do so, based on clear and legitimate planning grounds which must be recorded in full when making the decision having regard to the relevant planning policy where appropriate.

Public Speaking at Planning Committee

53. Members of the Planning Committee shall not allow members of the public to discuss planning applications with them during the course of the Meeting itself other than through the procedure for public speaking. The procedure for public speaking set out below does not apply to the Pre-Application Consultation Forum.
54. All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as exempt under the provisions of the Local Government Act 1972 (as amended) in which case the public will be asked to leave the room. Whilst this will be rarely exercised it may be necessary for example in consideration of enforcement matters.

Petitions

55. The procedures for public speaking allow members of the public to address the Planning Committee where a petition of objection against the recommendation of the planning officer is received **at least three clear working days** before the Planning Committee considering the item is due to sit. A standard form of petition is available to view on the Council's website. Petitions must contain a minimum of ten signatories.. Each page of the petition must clearly state the planning application to which it is referring, giving the address and the reasons for the objection. Petitions must contain names, addresses and signatures. Petitions submitted must be the original document as photocopies are not accepted. Electronic petitions are not acceptable.
56. Where there is a petition against the proposed development the lead petitioner is invited to attend the Planning Committee meeting. Petitions should clearly state who the lead petitioner is and provide their full name and contact details. They (or their representative) will be invited to address the Planning Committee. Where the lead petitioner (or their representative) fails to attend the scheduled Planning Committee meeting the Chair will ask if there is anyone else present in the public gallery who wishes to address the Planning Committee on behalf of the petition. The applicant or their agent has a right to speak in response to the petition. Each person making representations may speak for up to a maximum of five minutes and may be asked questions by Members of the Planning Committee.
57. The procedure for public speaking allows for an applicant (or their agent) and a petitioner to speak for and against the application respectively. . If two petitions are received and petitioners are making similar points, the Chair (or Vice Chair in his/her absence) will exercise his/her discretion and preference will be given to petitions from the immediate locality of the neighbourhood. Where the petitions are making different points the Chair (or Vice Chair in his/her absence) may exercise his/her discretion and

allow both petitioners to speak. Each person may speak for up to a maximum of five minutes. Where there are two petitioners, the applicant may speak for up to a maximum of ten minutes in the interests of natural justice.

Ward Councillors addressing the Planning Committee

58. If a Ward Councillor wishes to address the Planning Committee about a matter in their ward being considered at the Planning Committee they should advise the Chair (or Vice Chair in his/her absence) and the Committee Administrator prior to the meeting itself and will be entitled to speak after the petitioner and applicant have addressed the Committee. Ward Councillors should comply with the procedure for declaration of interests if they speak at a Planning Committee meeting in the same way as members of the Committee. A Ward Councillor may address the Planning Committee for a maximum of five minutes but may not be asked questions by Members of the Planning Committee. County Councillors should direct any County related queries they have in respect of a planning application to East Sussex County Council. Where the Ward Councillor has a prejudicial interest they may only address the Planning Committee if they are the applicant or lead petitioner and must withdraw from the room once they have made their representations.

Submission of Documentation

59. Documents must be submitted **at least three clear working days** before the Planning Committee meeting. For example if the Planning Committee was held on a Wednesday, documents should be received by the Council by 3pm on the previous Friday. Any late documents should not be circulated to the Planning Committee as all parties may not have time to react to the submissions, and members of the Planning Committee may not be able to give proper consideration to the matter. Officers may not be able to provide considered advice on any material considerations arising. This must be made clear to those who intend to speak. Members of the Planning Committee should not read emails or correspondence received after the deadline for submission of documents. The acceptance of circulated material could imply a willingness to take the necessary time to investigate any issues raised and lead to the need to defer the application or risk a complaint about the way the material has been considered. This care needs to be taken to avoid the perception of external influence or bias.

Decision Making

59. A decision on a planning application must not be made before the Formal Planning Committee Meeting scheduled to determine the application. **Political group meetings shall not be held prior to a Committee Meeting**, as Group Meetings can give the appearance of bias. The fair-minded observer may perceive that Group Meetings behind closed doors are likely to affect the decisions of those Members attending. The holding of Group Meetings may therefore give rise to judicial challenge. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration by the Local Government Ombudsman. Councillors will be seated alphabetically and shall not sit according to their political groups in order to avoid the appearance of group decision-making. Section 38A of the Planning and Compulsory Purchase Act 2004 requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. If the Officer's report recommends a departure from the Development Plan the justification for this must be contained in the report. Such applications must be advertised in the local paper in advance of consideration by the Committee.

60. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application shall always be recorded, as should any conditions attached to an approval. If the Planning Committee wish to refuse an application contrary to Officer recommendations or impose additional planning conditions the reasons for doing either must be clearly stated when this is proposed.61. Councillors are advised to take the following steps before making a decision which differs from the officer recommendation:

- a. Discussing the areas of difference and the reasons for that with planning officers prior to the Planning Committee meeting.
 - b. Recording the detailed reasons as part of the mover's motion.
 - c. Adjourning for a few minutes for those reasons to be discussed and then agreed by the Planning Committee.
62. If a Member of the Planning Committee proposes to refuse or grant an application contrary to the Officer recommendation, they should give justification for doing so, based on clear and legitimate planning reasons and having regard to the relevant planning policy where appropriate. . Where Councillors are proposing to vote against the Officer recommendations, the Chair (or Vice Chair in his/her absence) shall make sure that the reasons are clearly stated before a vote is taken. These reasons must be recorded in the minutes if the officer recommendations are not agreed and a copy placed on the application file. The reasons given by Councillors should be clear, observe the principles of reasonableness, take into account all relevant information (i.e. material considerations) and ignore all irrelevant information (i.e. non material matters). The officer should be given the opportunity to explain the implications of the proposed decision. .63. Councillors must attend meetings with an open mind and shall demonstrate through their conduct at the meeting that they are giving careful, fair and balanced consideration to the applications under discussion. Councillors shall make a decision only after they have considered all the relevant information needed to make a decision.
64. Councillors shall not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including any petition, representations made by the applicant and the officers' introduction to the matter. Councillors who leave the room will be advised by the Chair (or Vice Chair in his/her absence) that they cannot vote or take any further part in the discussion. The rules of natural justice mean that planning applications should be determined in an open and fair manner taking account of relevant information and arguments. It is only at Planning Committee meetings that members of the Planning Committee will have, and be able to consider, all the relevant information and arguments about an application. Failure to take account of relevant considerations or to take account of irrelevant considerations is a ground for judicial review in the High Court.

Site Visits

65. Site visits shall be organised by Officers of the Planning Department. All Members of the Planning Committee will be invited to attend the site visit. The site visit will be guided by the Planning Officer who will point out matters of material relevance to the application and answer Councillors' questions. Formal site visits by Members of the Planning Committee should be made only in exceptional circumstances. For example, where the

impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by Officers, where the proposal is particularly contentious and where the site cannot adequately be viewed from the road. A record is maintained of who attended the site visit and recorded in the minutes.

66. A site visit is not a meeting to discuss the planning merits of the application or to make decisions. The purpose of the inspection is to gather factual information about the site and visually assess the likely or actual impact of the proposal. It is not to debate the merits of the application or the Officers' recommendation. During the formal site visit detailed discussions and/or negotiations must not be conducted with the applicant or third parties by either Councillors or Officers. All discussion and debate should be undertaken at the Planning Committee itself when the application is presented for formal consideration. Any arguments applicants or third parties wish to put forward can be heard at that stage through the public speaking arrangements. Councillors should be aware of the appearance of bias should they be seen in conversation with an applicant or objector.

67. Members of the Planning Committee are expected to attend the organised site visit. Councillors not attending an organised site visit are expected to sit back from the table and not take part in debate and voting on the matter when it comes up for consideration.

Deferred Applications

68. Applications may be deferred to a future meeting if there are valid reasons for doing so. Consideration must be given to the procedures for public speaking where petitioners and the applicant have addressed the Planning Committee at the previous meeting. There may be occasions when there are a number of petitioners raising different objections to the application and the applicant must have the chance to respond. A judgement has to be made whether it is in the interests of good decision making to re-hear all oral representations again or to restrict the Planning Committee to its constitution at the earlier meeting. That is a decision for the Chair at the Chair's Briefing (or Vice Chair in his/her absence). It may be necessary (in exceptional circumstances such as public disturbance) to adjourn the Planning Committee meeting and re-convene in another room.

Substitutions

69. Substitutions have implications where applications are deferred from a previous Planning Committee meeting. Where the petitioner/s and applicant have previously addressed the Planning Committee and the application is deferred to another meeting, any Councillors substituting on the Planning Committee will not have heard all the representations which will form some part of the basis for the decision. Where the petitioner/s and applicant are given the opportunity to address the Committee a second time, there is not a problem with substitutes since the matter is heard afresh. Where applications are not deferred but a continuation of the earlier meeting no substitutions are permitted. Group Leaders/authorised persons should be informed where substitutions are not to be permitted on a particular item as soon as practicable after the Chair's Briefing. Where applications are deferred into a new municipal year the application will have to be considered afresh and petitioner/s and the applicant given the opportunity to address the Planning Committee again as there may be a change in membership of the Planning Committee.

Annual Review of Decisions

70. On an annual basis, arrangements will be made for members of the Planning Committee to review a sample of implemented planning permissions to assess the quality of the decisions made. The Planning Services Manager will arrange for members of the

Planning Committee to visit a number of sites where development is either completed or near to completion. As this is part of the continuing programme of training for members no decisions are taken during the visit. A record is kept of the sites visited but no record is kept of any discussions that take place. 71. The Planning Committee will consider the review and decide whether it gave rise to the need to reconsider any policies or practices. Such a review should improve the quality and consistency of decision making, strengthening public confidence in the planning system and can help with reviews of planning policy. It will also assist Planning Committee members to refine their understanding of the impact of their decisions from the visiting of completed developments.

Training of Members in Planning Law and Procedure

60. 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. For this reason, Members shall not sit on the Planning Committee or act as a substitute on the Planning Committee without having previously undertaken recent training in planning law and procedures.
61. The Planning Services Manager, Monitoring Officer and Deputy Monitoring Officer will arrange suitable training opportunities at regular intervals and will supplement this with written guidance. All Members of the Planning Committee must attend training sessions provided. The Committee Administrator will maintain a register of attendance which will be copied to political group leaders annually. Members of the planning Committee are expected to attend all training sessions but must attend a minimum of two training sessions within each municipal year. If a Councillor has not attended a minimum of two training sessions within the municipal year they will not be allowed to sit on the Planning Committee until they have attended the next quarterly training session to bring their planning training up to date. One to one training will not be provided except in exceptional circumstances.

Appendix 1

PLANNING APPLICATIONS: DECLARATION OF LOBBYING

- Name of Member making the declaration

- Planning Application Number (where known)

- Application Site / Address

- Name(s) of persons undertaking lobbying and a note of their interest in the application (applicant, objector etc)

- Date of lobbying

- Brief details of the nature of the approach to the Member

Upon completion of this form please submit immediately to the Planning Services Manager at Aquila House to be placed on the planning application file.

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Public Document Pack

CABINET

6 JUNE 2016

Present: Councillors Chowney (Chair), Forward (until 6.49pm), Cartwright, Poole, Atkins, Davies, Fitzgerald and Lee

1. MINUTES OF THE MEETING HELD ON 4 APRIL 2016

RESOLVED that the minutes of the meeting held on 4 April 2016 be approved and signed by the chair as a correct record of the meeting

RESOLVED the Chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 5, 6, 9 and 12 were agreed without being called for discussion. The Chair advised that the Street Trading and Highway Licensing Policy Review (minute number 5) was a matter for Council decision. A revised schedule of Cabinet appointments had been published, and this was also agreed without being called for discussion.

MATTERS FOR CABINET DECISION

2. CPO LONG TERM EMPTY STREET PROPERTIES

The Assistant Director for Housing and Built Environment presented a report for Cabinet to consider the compulsory purchase of twenty privately owned empty homes as part of the Empty Homes Strategy Enforcement Programme. An accompanying report had been submitted as a part II item, which provided further details about the properties.

Under Section 226 of the Town and Country Planning Act 1990 and Section 17 of the Housing Act 1995, local authorities have the powers to compulsorily purchase long term empty properties, when other options to bring them back into use have not been successful.

The council adopted an Empty Homes Strategy which also sought to maximise the use of existing housing stock. Considerable success has been achieved in the past in bringing empty properties back into use through a variety of enforcement methods. The twenty properties identified for compulsory purchase action were all in need of improvement.

The report detailed the timescale for completing CPO action, noting that this may vary depending on the complexity of each case. It also detailed the financial and legal implications of utilising these powers.

CABINET

6 JUNE 2016

Councillor Forward proposed approval of the recommendation to the Assistant Director for Housing and Built Environment's report, which was seconded by Councillor Cartwright.

RESOLVED (unanimously) that Cabinet approved the detailed recommendations set out in the report included in Part II of the agenda and approves the making of compulsory purchase orders of the twenty long term empty properties

The reason for this decision was:

The council's empty homes strategy sets out a number of enforcement powers available to the council, including compulsory purchase of long term empty homes. In addition to taking action to bring empty homes back in to use it is hoped that taking this action will demonstrate to the owners of empty homes that it is unacceptable to leave property empty for an unreasonable period of time. The action will demonstrate to owners of these empty homes that the council will take the necessary action to bring these homes back into use for the benefit of the community.

3. HASTINGS TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT

The Assistant Director for Regeneration and Culture presented a report which updated Cabinet on progress towards setting up a Business Improvement District (BID) for Hastings Town Centre.

The report sought delegated authority for the Director of Operational Services and Chief Finance Officer, in consultation with the Lead Member for Regeneration and Culture to agree with the Bid Board the BID Business Plan and Bid Operating Agreement. A loan application of £31,400 was approved by the Department for Communities and Local Government. Consultants Revive and Thrive had been appointed in September 2015 to establish and develop the BID.

A successful BID is an opportunity to secure improvements to the town centre by providing additional projects and services, in addition to those already delivered by statutory providers, at limited risk to the local authority. The spending priorities will be determined by the businesses themselves, within the BID area. A ballot will open on 14 October 2016 for a period of 28 days to determine if a BID should be implemented. All businesses that would be liable to pay the BID levy (within the boundary) are eligible to vote. A vote in favour of introducing the BID will be decided by a dual key majority by both number and rateable value. In the event of a yes vote, the BID will be in place for a period of 5 years, with the first collection of the levy on April 2017.

Councillor Atkins requested copies of the business plan and operating agreement for the BID.

Councillor Poole proposed approval of the recommendations to the Assistant Director – Regeneration and Culture's report, which was seconded by Councillor Davies.

RESOLVED (unanimously) to:

CABINET

6 JUNE 2016

1. **Continue to support the development and establishment of Business Improvement District in Hastings Town Centre**
2. **Delegate to the Director of Operational Services, in consultation with the Lead Member for Regeneration and Culture, authority to formally approve casting the HBC vote on its own hereditaments that will attract the levy, and;**
3. **Give delegated authority to the Director of Operational Services and the Chief Finance Officer in consultation with the Lead Member for Regeneration and Culture to agree with the BID Board the BID Business Plan and BID Operating Agreement**

The reason for this decision was:

Members had previously agreed in early 2015 to support the establishment of a BID. Progression of this project now requires formal Council approval to support the ambitions of local town centre businesses.

4. CORPORATE CUSTOMER COMPLAINTS POLICY REVIEW

The Chief Legal Officer presented a report which detailed the findings of a review of the council's corporate complaints policy. The report recommended that a refreshed corporate complaints policy be adopted.

The current corporate complaints policy was adopted by the council in 2014. Since then, the council has commissioned a bespoke software system, Firmstep, which will centrally record the complaints the council receives. It is intended to implement the complaints module of Firmstep in quarter 2 of 2016/17. The relevant pages of the council's website will also be refreshed when the new system is launched.

The purpose of the system is to ensure that complaints are handled efficiently and that sufficient information is gathered to help the council identify potential opportunities to improve services and prevent similar incidents reoccurring.

The policy also set out how the council would deal with persistent complainants. Following a request from Councillor Atkins, the Leader of the Council agreed to contact the Local Government Association to seek good practice on defining the role of members within this aspect of the complaints process.

The Chief Legal Officer amended the recommendation of the report to reflect that the new policy would come into effect from 7 June 2016, as set out in the resolution below.

Councillor Cartwright proposed approval of the recommendations to the Chief Legal Officer's report, which was seconded by Councillor Forward.

RESOLVED that:

CABINET

6 JUNE 2016

1. **The refreshed Corporate Complaints Policy (including an unreasonable and unreasonably persistent complaints policy) be approved and implemented with effect from 7 June 2016, and;**
2. **A programme of staff awareness and appropriate training is delivered to the support the roll out of the refreshed policy**

The reason for this decision was:

The existing corporate complaints system has been in operation since 2014. Since then there has been a rise in the level of persistent / vexatious complainants who are absorbing a significant amount of officer time in dealing with cases that the council feels have already been addressed. In order to protect individual officers and ensure that public resources are not used inappropriately, the council's unreasonable and unreasonably persistent complainants policy has been refreshed.

MATTERS FOR COUNCIL DECISION

5. **THE STREET TRADING AND HIGHWAY LICENSING POLICY**

The Assistant Director – Environment and Place submitted a report which proposed an update to the policy in relation to the fees charged for markets.

The latest revision to the council's Street Trading and Highways Licensing Policy took place in October 2014. The policy makes provision for fees to be charged to market stall holders, and the amount of the fees is reviewed on an annual basis.

Following consultation with market organisers, the town centre management team and council officers; it was proposed to amend the policy to take a more flexible approach to discounting street trading fees. It is intended that this may allow the council to provide additional support where a new market is being piloted or where a market is struggling to become or remain financially viable.

RESOLVED to recommend that the council agrees to amend the Street Trading and Highway Licensing Policy to enable a more flexible approach to discounting the licensing fees for markets as set out in paragraph 9 of the Assistant Director –Environment and Place's report

The reason for this decision was:

To support the development of markets in Hastings and encourage a vibrant and high quality street trading environment.

MATTERS FOR CABINET DECISION

CABINET

6 JUNE 2016

6. MOBILE PHONE INSTALLATIONS ON COUNCIL OWNED LAND

The Assistant Director – Financial Services and Revenues submitted a report which sought to amend the council’s policy on new mobile phone installations on council owned land.

On 21 February 2001, the council passed a resolution which banned new mobile phone installations on council-owned land until more research findings were available confirming that there are no associated health risks. The council currently has two installations on its land, which were in place prior to the moratorium, and which generate annual revenue.

The council has since adopted a new Development Management Plan, which includes a policy in respect of telecommunications technology. The report proposed that the moratorium on new mobile phone installations on council owned land be lifted, provided that any new proposed installation meets the guidelines set by the International Commission on Non-Ionising Radiation Protection (ICNIRP). The amendment is in line with government policy and could potentially generate further revenue for the council.

RESOLVED that the council’s existing policy “this council as landowner determines to ban new mobile phone installations on its own land until more research findings are available confirming that there are no associated health risks” be lifted

The reason for this decision was:

Since the policy was adopted there has been no proven risk to the health of people living near mobile phone installations.

MATTERS FOR COUNCIL DECISION

7. BOUNDARY REVIEW

The Sustainability Policy Officer presented the report of the Director of Corporate Services and Governance on the boundary review. The report considered a draft response to a consultation by the Local Government Commission for England (LGBCE) on the new electoral arrangements for Hastings Borough Council.

The council had responded to a first stage consultation by the LGBCE in relation to proposed changes to the warding patterns of the borough ward boundaries. The LGBCE had now published its draft recommendations on the future electoral arrangements for Hastings Borough Council and East Sussex County Council, and the other districts and boroughs throughout East Sussex. The draft recommendations were subject to a public consultation until 16 June 2016.

CABINET

6 JUNE 2016

It was noted that the LGBCE's draft recommendations in the main reflected the proposals for warding patterns previously submitted by Hastings Borough Council.

Cabinet thanked all members and officers who had contributed to the review process.

Councillor Cartwright proposed approval of the recommendations to the Director of Corporate Services and Governance's report, which was seconded by Councillor Lee.

RESOLVED (unanimously) that Council recommend that the following response be made to the Local Government Boundary Commission for England's consultation on the new electoral arrangements "Hastings Borough Council (HBC) welcomes the publication of the Local Government Boundary Commission for England's draft recommendations in respect of Hastings Borough Councils' (HBC) electoral arrangements which, in the main reflect the submitted HBC proposals and accepts the suggested amendments to the warding pattern proposals in respect of the Borough"

The reason for this decision was:

The LGBCE draft recommendations largely reflect the proposals that the council submitted to the LGBCE in November 2015.

MATTERS FOR CABINET DECISION

8. **1066 ANNIVERSARY COMMUNITY GRANTS**

The Assistant Director – Regeneration and Culture presented a report which sought approval to establish a 1066 Anniversary Community Grant scheme for 2016.

The purpose of the grant fund is to support community and resident groups living in the most disadvantaged wards of the borough to develop their own projects and events to mark the 950th anniversary of the Battle of Hastings, in addition to the programme of events which will be taking place elsewhere in the town.

The report set out the grant application process. The maximum grant per application had been set at £3000. The applications received would be considered by a decision making panel consisting of two lead members, the Director of Hastings Voluntary Action and a senior council officer.

Councillor Lee proposed an amendment to delete the recommendation "to give priorities to applications from the most deprived wards of the borough". The proposed amendment was lost by 2 votes for with 5 against.

Councillor Poole proposed approval of the recommendations to the Assistant Director – Regeneration and Culture's report, which was seconded by Councillor Davies.

CABINET

6 JUNE 2016

RESOLVED (unanimously):

1. To establish a 1066 Anniversary Community Grant scheme with a maximum value of £30,000,
2. All projects to be delivered by end of December 2016,
3. To invite applications for grants based on the guidance attached at appendix 1 to the Assistant Director –Regeneration and Culture’s report;
4. To give priorities to applications from the most deprived wards of the borough, and;
5. To establish a grant decision making panel consisting of two lead members, the Director of Hastings Voluntary Action and a senior officer from the council

The reason for this decision was:

There is a major programme of cultural activities programmed this year across parts of the town to mark the 950th anniversary of the Battle of Hastings, The 1066 Anniversary Community Grant scheme will i) enable residents and community groups in more isolated and disadvantaged areas of the town to participate in marking the anniversary of this historic event by organising and enjoying activities and events within their own communities; ii) promote social cohesion; and iii) raise awareness of the town’s cultural heritage within communities who face considerable barriers to social and economic inclusion.

9. **CABINET APPOINTMENTS TO COMMITTEES, WORKING GROUPS AND PARTNERSHIPS ETC**

The Chief Legal Officer submitted a report regarding the appointment of Cabinet members to committees, working groups and partnerships. Nominations had been received from both group leaders to fill the places available.

A revised draft of the schedule of nominations had been published in advance of the meeting.

RESOLVED

1. To appoint members to committees, working groups, partnerships and representative bodies as set out in Appendix A and B to the minutes
2. To appoint the Chairs and Vice Chairs of Charity Committee and Museums Committee, as listed in Appendix A

The reason for this decision was:

Members are required to serve on the committees, working groups, partnerships and representative bodies to which Cabinet appoints. Chairs and Vice Chairs are required for the committees that report to Cabinet.

10. **MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 14 MARCH 2016**

CABINET

6 JUNE 2016

The minutes of the Museums Committee meeting held on 14 March 2016 were submitted.

RESOLVED that the minutes of the Museums Committee meeting held on 14 March 2016 be received

11. **MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 21 MARCH 2016**

The minutes of the Charity Committee meeting held on 21 March 2016 were submitted.

RESOLVED that the minutes of the Charity Committee meeting held on 21 March 2016 be received

12. **CPO LONG TERM EMPTY STREET PROPERTIES (PART II)**

The Assistant Director for Housing and Built Environment submitted a report which gave further information about the 20 properties identified for compulsory purchase.

RESOLVED that:

1. **The Cabinet resolve to take formal action, by means of making Compulsory Purchase Orders for twenty long term empty properties, being the addresses shown in the report, under Compulsory Purchase powers set out in Section 226 (1)(a) of the Town & Country Planning Act 1990 (as amended by the Planning and Compensation Act 2004),**
2. **Cabinet give authority to the Director of Operational Services or his delegated nominee to execute all relevant documentation required for the Compulsory Purchase of the twenty homes set out in recommendation 1 of the report, and;**
3. **Cabinet gives authority to the Director of Operational Services or his delegated nominee to execute and complete the onward sale of the homes set out in recommendation 1 of this report, once they have been acquired**

The reason for this decision was:

These are long standing empty homes and without Compulsory Purchase (CPO) action, officers are of the view that these homes will continue to remain empty. Officers have spent time attempting to engage with the owners and assist them in bringing their empty homes back into use. These actions have not achieved the desired result and it is not believed that the homes will be returned to use without CPO action.

CABINET

6 JUNE 2016

(The Chair declared the meeting closed at. 6.55 pm)

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**CABINET
APPOINTMENTS TO COMMITTEES, WORKING GROUPS, PARTNERSHIPS ETC. JUNE 2016**

COMMITTEES, WORKING GROUP / PARTNERSHIPS

COMMITTEES	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2016/17		APPOINTMENTS for 2016/17		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Museums Committee	Up to 10	6	2	Poole (Chair) T.Dowling (Vice-Chair) Bacon Howard Sinden Street	Edwards Patmore	A Chair and Vice Chair is required for this committee
Charity Committee	3	3		Fitzgerald (Chair) Cartwright Forward		Chair to be non-portfolio holder member of Cabinet for the majority group
Discretionary Rate Relief Appeal Panel	Up to 7	5	2	Forward Poole Cartwright Davies Fitzgerald	Atkins Lee	All Members of Cabinet, excluding the Leader, to be appointed to the Panel.

Minute Item 9

REVISED APPENDIX A

Licensing Committee (Scrap Metal Dealers)	Up to 7	5	2	Forward Poole Cartwright Davies Fitzgerald	Atkins Lee	All Members of Cabinet, excluding the Leader, to be appointed to the committee. Functions relating to the licensing of Scrap Metal Dealers as set out in the Scrap Metal Dealers Act 2013 or by virtue of any amending or consolidating legislation and any regulations made under the Act as such amending or consolidating legislation.
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WORKING GROUPS ETC	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2016/17		APPOINTMENTS for 2016/17		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Working Arrangements Group	5	4	1	Street (Chair) Cartwright Rogers Scott	Cooke	
Member Training and Development Group	4	3	1	Cartwright (Chair) Sinden (Vice-Chair) Rogers	Cooke	
Hastings Country Park Management Forum	5	4	1	Davies (Chair) Street (Vice-Chair) Bacon Turner	Patmore	
Order of 1066	4	3	1	B.Dowling Rogers Sinden	Lee	To comprise Mayor, Deputy Mayor & 1 member from each Political Group
Joint Waste Committee	2	2		Chowney Davies		Leader of the Council and Lead Member for Env & Highways
Personnel Consultative Group	4	3	1	Cartwright Chowney Forward	Atkins	

PARTNERSHIPS	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2016/17		APPOINTMENTS for 2016/17		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Stade Partnership	2	2		Bacon Poole		
Hastings Overseas Student Advisory Council	3	2	1	Roberts Sinden	Atkins	Known as HOSAC
Hastings Local Strategic Partnership	2	1	1	Chowney	Lee	
Safer Hastings Partnership	1	1		Davies		Relevant Lead Member
Jt. Advisory Cttee. the High Weald AONB	1	1		Street		
Combe Valley (formerly Pebsham) Countryside Park Management Forum	2	2		Howard Webb		
Hastings and Rother Task Force Steering Group	1	1		Chowney		Leader of the Council
Hastings Athletics Track Committee	2	1	1	Batsford	Rankin	
AmicusHorizon Hastings Area Panel	1	1		Forward		Relevant Lead Member

REVISED APPENDIX A

Joint Governing Body for the Hastings Academy and the St Leonards Academy	1	1		N/A		
Sussex Police & Crime Panel	1	1		Davies		
East Sussex Health Overview & Scrutiny Committee	1	1		Turner		Needs to be a non-executive Member.
East Sussex Community Safety Partnership	1	1		Davies		Needs to be either the Chair of the Safer Hastings Partnership or a member of the Sussex Police and Crime Panel.
Big Local North East Hastings	1	1		Charman		

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CABINET – JUNE 2016**APPOINTMENT OF MEMBERS TO REPRESENTATIVE BODIES**

ORGANISATION	SEATS TO BE FILLED	APPOINTMENTS FOR 2016/17
East Sussex Energy Infrastructure and Development Ltd (Sea Change) (This is a directorship)	1	Poole
Hastings & St Leonards Town Centre Management Group	1	Chowney
Hastings Health Improvement Network	1	Rogers
Health & Wellbeing Board	1 (not Health O & S Cttee member)	Beaney
Local Gov. Assoc. – National Body	1	Chowney
Local Gov. Assoc. – Urban Commission	1	Poole
Local Gov. Assoc. – Coastal Issues Group	1	Poole
South East England Councils	1 (The Leader of the Council)	Chowney

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Present: Councillors Chowney (Chair), Forward, Cartwright, Poole, Atkins, Davies, Fitzgerald and Lee

13. MINUTES OF THE MEETING HELD ON 6 JUNE 2016

RESOLVED that the minutes of the meeting held on 6 June 2016 be approved and signed by the chair as a correct record of the meeting

RESOLVED the Chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 16 and 18 were agreed without being called for discussion.

MATTERS FOR COUNCIL DECISION

14. HOUSING STRATEGY

The Assistant Director, Housing and Built Environment, presented a report which advised of the results of a 12 week public consultation on the draft housing strategy 2016/19 and recommended the adoption of the strategy.

Although local authorities were no longer required to produce a housing strategy by law, it was good practice for the council to set out how it intended to meet local housing need. The report acknowledged significant changes to economic conditions and central government policy since the previous housing strategy was adopted. The refreshed strategy built on the achievements delivered under the previous strategy and highlighted the three priority areas of; meeting housing needs and aspirations, improving access and opportunities and supporting economic regeneration. The draft strategy had been revised further during the public consultation to reflect changes brought about by the Housing and Planning Act 2016. The strategy was supported by an action plan, which would be subject to ongoing review.

The Assistant Director, Housing and Built Environment, agreed to include a link to the council's homelessness strategy within the document.

Councillor Forward proposed approval of the recommendations to the report, which was seconded by Councillor Fitzgerald.

Councillor Lee proposed an amendment to the draft strategy relating to priority 1, specifically the council's approach to tackling rough sleeping.

Councillor Lee was keen that the council moved to a housing first model and seek to adopt best practice in addressing the issue with other partners locally.

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It was agreed that the Assistant Director, Housing and Built Environment, in consultation with Councillors Forward and Lee would agree any final wording to be incorporated into the strategy.

RESOLVED (unanimously) that:

- 1) The Housing Strategy 2016-19 is adopted by Cabinet, and;**
- 2) Delegated authority be given to the Assistant Director, Housing and Built Environment, in consultation with Councillors Forward and Lee to agree the final wording of the amendment proposed by Councillor Lee**

The reason for this decision was:

Whilst it is no longer a legislative requirement to produce a housing strategy, it is important for the council to outline plans for addressing local housing needs to provide a framework for partners and interested parties operating in the local housing market.

The previous strategy covered the period from 2010 and is now in need of renewal.

The draft Hastings and St Leonards Housing Strategy 2016/19 has been informed by a range of partnership work and has undergone a 12 week public consultation.

The new strategy takes account of new government policy and guidance and reflects a range of changes that have taken place over the life of the previous strategy.

MATTERS FOR CABINET DECISION

15. CUSTOMER FIRST COMMUNICATION STRATEGY AND ACTION PLAN

The Corporate Customer Services Manager presented a report to consider the adoption of a customer first strategy.

The purpose of the strategy was to set out to the public and staff how the council intended to deal with enquiries, it is based on four key principles of meeting customer needs, being accessible, improving customer experience and providing value. The strategy would help to ensure a consistent approach across the organisation and ensure all council services remained focused on meeting customer needs.

The strategy reflected the council's broader organisational transformation programme, which included implementing new systems and working practices to make an increased number of council services available online. It was noted that this would provide customers with increased flexibility and choice about how to engage with the council.

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The strategy was supported by an action plan, which would be reviewed regularly. These activities would also be informed by available data, customer satisfaction surveys, mystery shopping and service reviews.

Councillor Cartwright proposed approval of the recommendations to the report which was seconded by Councillor Poole.

RESOLVED (unanimously) that the customer first strategy be adopted

The reason for this decision was:

The customer first strategy is all about putting our customers at the heart of what we do. We are committed to providing excellent services which our customers can access when and how they need to. The strategy states how we will improve access to services and the customer experience. It is our public commitment to customer first.

The strategy provides a framework for the management of customer contact, information management and access to our services, bringing together a number of projects all working towards the same objectives.

The action plan provides the details of how we will achieve and implement the strategy, which will be reviewed and updated regularly.

16. CORPORATE PLAN RETROSPECTIVE REPORT ON PERFORMANCE DURING 2015-16 AND PROPOSED PERFORMANCE INDICATOR TARGETS FOR 2016-17

The Director of Corporate Services and Governance submitted a report which advised Cabinet of the year-end performance for 2015/16 and proposed performance indicator targets for 2016/17

At its meeting on 24 February 2016, Full Council adopted the corporate plan for the period 2016/17 to 2018/19, Cabinet was also given delegated authority to agree year-end performance for 2015/16 and set performance indicator targets for the year ahead. The corporate plan set out the organisation's strategic direction and identified key activities that would be undertaken throughout 2016/17 to achieve the council's corporate priorities.

Members of the Overview and Scrutiny Committee had received an update on year-end performance at their meeting on 14 June 2016, at the meeting the Director of Corporate Services and Governance and Director of Operational Services briefed the committee on performance across the year and identified key areas of work which had been undertaken in addition to the corporate plan targets. The Overview and Scrutiny Committee had supported the proposed performance indicator targets for 2016/17, including the introduction of an additional measure to monitor the effectiveness of the council's website and the take up of online services. The committee's comments on specific targets were included in the report.

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The report highlighted that the council would continue to review its performance management arrangements in line with the broader organisational transformation programme.

RESOLVED that:

- 1. The comments of the Overview and Scrutiny Committee be considered;**
- 2. The year-end performance for 2015/16 and proposed performance indicator targets for 2016/17 be approved for publication (the Council meeting on 24 February 2016 delegated authority to Cabinet to approve these), and;**
- 3. Cabinet support intentions to continue to review corporate performance planning arrangements in line with the council's transformation intentions**

The reason for this decision was:

The council's corporate plan is one of the key documents by which the council is held to account for its performance, therefore honest and transparent reporting back on how well we performed against targets in the previous year is essential.

Local people and staff also need to be aware of the targets and standards we have set ourselves, and where any of these targets have changed from previous years we need to be clear about the reasons why.

17. INCOME GENERATION

The Director of Operational Services presented a report which updated Cabinet on work to identify potential additional income streams for the council, and proposed how these could be explored further.

The council continued to face significant financial pressure and it was therefore important that it continued to maximise its existing income and identify new sources of revenue to offset the savings it would need to achieve over the coming years. A number of local authorities had already begun exploring different models to support income generation, including establishing an independent company to deliver these activities.

The report identified a number of priority areas for consideration, including housing, property investment, beach huts, chalets and seafront assets, income for park and energy generation. However, it was noted that additional opportunities may be identified over time. Cabinet acknowledged that a number of the priority areas identified, including interventions in housing and sustainable energy, may also assist the council in meeting its corporate objectives in the long term.

The report recommended that funding be allocated from the invest to save budget to fund staff support for further studies of the priority areas for consideration identified in the report. Expertise will also need to be shared within the organisation to develop

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capacity to explore other income generation opportunities in the future. An Income Generation Board would be formed to oversee these activities and the Local Government Association (LGA) will be invited to review the programme.

Councillor Chowney proposed approval of the recommendations to the Director of Operational Services' report, which was seconded by Councillor Fitzgerald.

RESOLVED (unanimously) that:

- 1. The programme for income generation is agreed together with the establishment of an Income Generation Board;**
- 2. The future invest to save budget is committed to this work and proposals for funding studies and the required staff support should be taken from this source;**
- 3. The Local Government Association (LGA) is invited to review this programme and recommend any changes to it, and the support arrangements they consider appropriate that work to deliver the additional income generation activity on the seafront is agreed, and;**
- 4. A further update on the work of Income Generation Board is considered in 6 months' time**

The reason for this decision was:

Income generation work is now sufficiently developed to require decision making structures and staff support commensurate with its significance in terms of financial and staff resources.

MATTERS FOR COUNCIL DECISION

18. UPDATES TO THE COUNCIL'S CONSTITUTION

The Chief Legal Officer submitted a report on amendments to the council's constitution in respect of a revised planning protocol.

The constitution formed the basis of the council's corporate governance. It was necessary to review and refresh the constitution, including the planning protocol, on an ongoing basis.

The planning protocol had been revised to reflect changes in practice and procedure as well as learning for a number of high profile planning applications which had recently come before Planning Committee. The revised protocol had been subject to consultation amongst officers and the proposed amendments were agreed by the Working Arrangements Group.

RESOLVED to recommend that Council approves the revised planning protocol as part of the constitution of the council

The reason for this decision was:

To agree the revised planning protocol giving clear guidance to Councillors about how they should carry out their duties in relation to planning and development proposals.

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(The Chair declared the meeting closed at. 6.53 pm)