

# Public Document Pack



**PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.**

**THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE BY NO LATER THAN 6.45PM.**

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the ***Jubilee 2 - Dance Studio - (Second Floor) - Brunswick street, Newcastle, Staffs*** on ***Wednesday, 18th September, 2019*** at ***7.00 pm***.

## **B U S I N E S S**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

To receive declarations of interest from Members on items contained within this agenda.

**3 MINUTES OF PREVIOUS MEETING (Pages 5 - 16)**

To consider the minutes of the previous meeting

**4 MAYOR'S ANNOUNCEMENTS**

**5 TREASURY MANAGEMENT ANNUAL REPORT 2018/19 (Pages 17 - 26)**

**6 PUBLIC SPEAKING AT PLANNING - PROTOCOL (Pages 27 - 36)**

**7 STATEMENT OF THE LEADER OF THE COUNCIL**

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

Report to follow.

**8 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES**

The Finance, Assets and Performance Scrutiny Committee and Economy, Environment and Place Scrutiny Committee have not met since the last meeting of the Council.

A verbal update will be given for the Health, Wellbeing and Partnerships Scrutiny Committee.

**9 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES**

Verbal updates will be given for the:

- a) Audit and Standards Committee
- b) Licensing and Public Protection Committee
- c) Planning Committee

**10 MOTIONS OF MEMBERS**

A notice of motion, under Appendix 7 – Standing Order 12 other than those listed in Appendix 7 – Standing Order 10 of the Constitution must reach the Chief Executive at least ten clear days before the relevant Meeting of the Council.

**11 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS**

**12 RECEIPT OF PETITIONS**

To receive from Members any petitions which they wish to present to the Council.

**13 STANDING ORDER 7 - URGENT BUSINESS**

To consider any communications which pursuant to Appendix 7 – Standing Order 7 of the constitution are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

**14 DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the following report(s) as it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Martin T. Handley', is written in a cursive style.

Chief Executive

## **NOTICE FOR COUNCILLORS**

### **1. Fire/Bomb Alerts**

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs..

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Attendance Record**

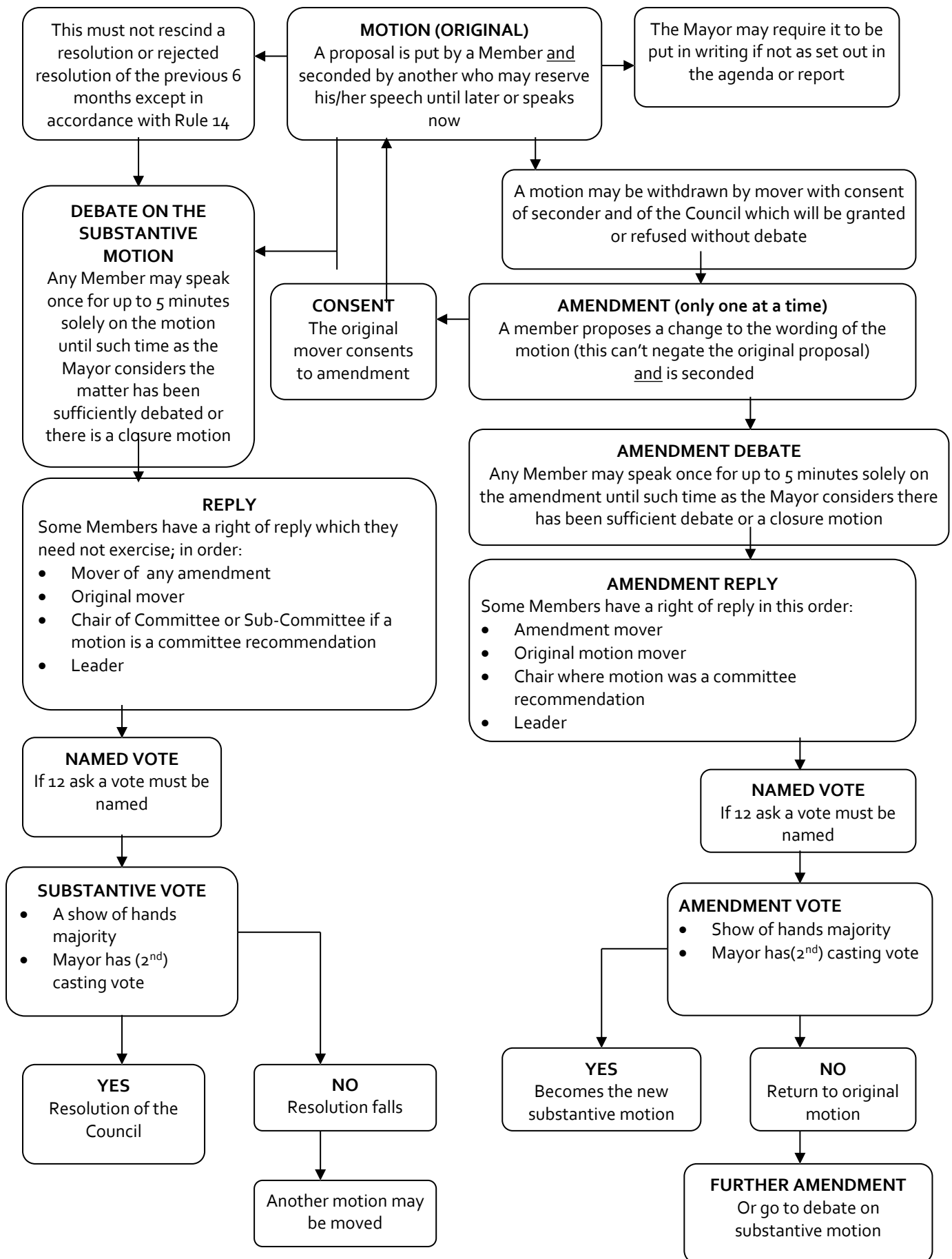
Please sign the Attendance Record sheet on entering the building. This will be located at the reception desk.

### **3. Mobile Phones**

Please switch off all mobile phones before entering the Council Chamber.

### **4. Notice of Motion**

A Notice of Motion other than those listed in Standing Order 19 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.



## COUNCIL

Wednesday, 24th July, 2019  
Time of Commencement: 7.00 pm

**Present:-** The Mayor- Councillor Simon White – in the Chair

**Councillors:**

S. Burgess	B. Panter
G. Burnett	A. Parker
Miss J Cooper	S. Pickup
Mrs J Cooper	B. Proctor
J. Cooper	M. Reddish
S. Dymond	K. Robinson
A. Fear	A. Rout
A. Fox-Hewitt	M. Stubbs
A. Gardner	S. Sweeney
G. Heesom	J Tagg
M. Holland	S Tagg
E. Horsfall	J. Walklate
T. Johnson	J Waring
D. Jones	P Waring
T. Kearon	G White
H. Maxfield	G Williams
P. Northcott	J Williams
K.Owen	R. Wright

**Officers** Janet Baddeley - Communications Manager, Geoff Durham - Mayor's Secret Officer, Caroline Elwood - Interim Head of Legal / Monitoring Officer, Martin and Jan Willis - Interim Executive Director - Resources and Support Services

1. **APOLOGIES**

Apologies were received from Councillors G Hutton, B Johnson, A Lawley, S Moffat, M Olszewski and I Wilkes.

2. **DECLARATIONS OF INTEREST**

Caroline Elwood, Interim Head of Legal / Monitoring Officer declared an interest in item 6.

3. **MINUTES**

**Resolved:** That the minutes of the meeting held on 15 May, 2019 be agreed as a correct record subject to the recording of Councillors' A Fox-Fewitt and S Pickup's apologies.

4. **MAYOR'S ANNOUNCEMENTS**

The Mayor had no formal announcements.

**5. CONSTITUTION - REVIEW OF THE COUNCIL'S CONTRACT PROCEDURE RULES & MEMBER/OFFICER PLANNING ENFORCEMENT PROTOCOL**

The Leader of the Council, Councillor Simon Tagg introduced this report updating Members on the proposed changes to the Contract Procedure Rules and the Member/Officer Planning Enforcement Protocol following consideration by the Constitution and Member Support Working Group. In addition a recommendation was made to remove the ICT Strategy appendix and the Communications Strategy appendix as they were included elsewhere within the constitution.

Councillor Holland seconded the recommendations and stated that the changes had been the subject of a technical review and affected by changes to Data Protection law and our own policies.

The Contract Procedure Rules would require further review after Brexit.

Councillor Kearon welcomed any improvement to the Member/Officer Planning Enforcement Protocol but felt that the issues were not with Member/Officer but with the public and officers. Councillor Kearon asked if there were any plans to work on that relationship?

The Portfolio Holder for Planning and Growth, Councillor Northcott stated that he was delighted that it was now coming to the final stages and said that Members were now receiving weekly alerts on live enforcement cases.

**Resolved:**

- (i) That the proposed changes to the Contract Procedure Rules as set out in Appendix A to the report are agreed and adopted.
- (ii) That the Member/Officer Planning Enforcement Protocol at Appendix B is agreed and adopted.
- (iii) That Appendices 15 (ICT Strategy) and 26 (Communications Strategy) are removed from the Council's Constitution.

**6. APPOINTMENT OF INTERIM MONITORING OFFICER**

*Caroline Elwood left the room during consideration of the next item*

The Leader of the Council, Councillor Simon Tagg introduced a report seeking formal confirmation to the appointment of an Interim Monitoring Officer until such time that a permanent appointment could be made. Councillor Tagg stated that Caroline was doing an excellent job.

Councillor Sweeney seconded the recommendations stating that Caroline was an extremely capable officer. Councillor Proctor stated that he found Caroline to be most professional and efficient.

**Resolved:** That, in accordance with s5 of the Local Government & Housing Act 1989, the appointment of Mrs Caroline Elwood as the Council's Interim Monitoring Officer be confirmed.

**7. HIGH SPEED RAIL (WEST MIDLANDS TO CREWE) BILL (HS2 PHASE 2A)**

The Portfolio Holder for Planning and Growth, Councillor Northcott introduced a report informing Members of the opportunity for the Council to become a Qualifying Authority.

Councillor Northcott stated that the Council needed to be prepared for HS2 and had to be involved in discussions as to how it would affect areas within the Borough. It would give the Council the opportunity to comment on routing, vehicle movements, highways alterations, access to areas and other matters.

Councillor Simon Tagg seconded the recommendations, referring Members to paragraph 2.1 of the report regarding the responsibilities of Qualifying Authorities.

Councillor Robinson agreed that the Council needed to have better control and said that this was a good move. Councillor Robinson asked if this would have an impact on the Council's Planning Department.

Councillor Northcott confirmed that the Government were putting money aside to assist with the delivery.

Members agreed that this was a sensible proposal. Councillor Kearon requested that the Council's 'voice' reflect a diverse range of views, asking that all elected Members could feed in their views.

Councillor Simon Tagg confirmed that this referred to the Planning process and that all Members would have the chance to comment.

**Resolved:** That the Borough Council become a Qualifying Authority.

#### **8. SSLEP COMPANY MEMBERSHIP AND APPOINTMENT OF DIRECTOR**

The Leader, Councillor Simon Tagg introduced a report seeking authority for the Council to become a member of the LEP company.

Councillor Simon Tagg stated that the Local Enterprise Partnership had been in existence since 2010. The Government had updated their guidance and had a new Local Growth Assurance Framework.

The Borough Council would have one Member on the Board which would be business led.

Councillor Simon Tagg had previously been appointed as the Council representative at Annual Council.

Post Brexit, LEP's would be more important and Members' attention was drawn to paragraph 1.3 of the report.

Councillor Sweeney, seconded the recommendations stating that a strong local voice was required.

**Resolved:** (i) That Newcastle-under-Lyme Borough Council joins Stoke on Trent and Staffordshire Local Enterprise Partnership Limited (SSLEP) as a member.

- (ii) That it be noted that the Leader of the Council has been selected to be appointed as a Director of the SSLEP company as one of the four District Council Representatives.

**9. STATEMENT OF THE LEADER OF THE COUNCIL**

The Leader, Councillor Simon Tagg submitted a report which provided an update to Members on the activities and decisions of the Cabinet, together with the Forward Plan.

The statement was taken a paragraph at a time to allow for questions to be asked.

Paragraph 2:

Councillor John Williams asked the Leader if the Town Centre Growth would include homes and the change of use of commercial premises to residential accommodation?

The Leader confirmed that this was being considered.

Councillor Heesom asked the Portfolio Holder for Finance and Efficiency, Councillor Sweeney if any future themed markets had been planned?

Councillor Sweeney referred to the success of the recent Young Trader's Market and confirmed that a continental street market was planned for next month. A record fair and other events were also in the pipeline.

A Town Centre Action Plan was currently being prepared.

Paragraph 3:

Councillor Fear referred to a breakdown in relations between the Council and the unions prior to December 2017 and the recently improved relations. Councillor Proctor stated that having seen the relationship recently improve, 'change' could now be delivered.

Councillor Fox-Hewitt advised Members that staff were currently balloting over changes to Policies.

The Leader thanked Councillor Proctor for his work as a member of the Joint Group with the unions and confirmed that the relationship had improved.

Councillor Sweeney had attended the first meeting where Trade Unions had stated that they had been unhappy for the past two years.

Paragraph 4:

Councillor Gardner enquired about the progress of entering into a contract with a consultant in respect of meeting the Ministerial Directive relating to Air Quality by 31 October, 2019, which would be funded by DEFRA.

The Leader confirmed that the application for funding from DEFRA had been successful and Members will be advised who has been appointed as consultant.

Councillor John Cooper asked whether the recent change to the traffic light sequence on the A500/A53 had improved pollution levels.

The Leader advised that this was under the control of Highways England who would be asked that question.

Councillor Sweeney referred to a recent meeting of the Licensing and Public Protection Committee where the age of vehicles and the mileage on the clock were brought into line with that of Stoke on Trent City Council and would have an impact on air quality.

Councillor Robinson stated that the Policy being proposed would have meant Newcastle's drivers moving over to the City Council or putting drivers out of work.

The Leader advised Members that a Briefing Note on the Taxi Policy 2019-21 would be circulated to them in the next few days.

Councillor Gardner enquired about the Climate Change Motion that had been accepted by Council on 3 April and whether an Action Group had been created.

The Leader advised that a report would be taken to the Scrutiny Committee in September and that Trevor Macmillan from Keele University was keen to be involved.

**Paragraph 5:**

Councillor Rout asked for an update on which commitment were being acted upon.

The Portfolio Holder for Leisure, Culture and Heritage Councillor Mark Holland confirmed that he had presented a report to the Cabinet on 5 June in respect of progress made. There was now a draft Action Plan which would be considered by the Economy, Environment and Place Scrutiny Committee in September.

A letter had been sent to the Secretary of State regarding the possibility of a bottle deposit scheme and a positive response had been received whereby a scheme was being considered for England.

**Paragraph 6:**

Councillor Paul Waring welcomed the final end of year out turn for the Council's finances.

The Portfolio Holder for Finance and Efficiency, Councillor Stephen Sweeney stated that this was a major achievement. Future savings would be generated and foundations would be put in place to achieve sustainable finances.

Councillor Pickup asked what was in place to measure the volumes of calls coming into the building and those which were unanswered.

The Leader confirmed that the information was contained within the Quarter Four report and that the figures were back within the target.

Paragraph 7:

Councillor Rout stated that the quality of customer care was excellent at J2 and asked what had been achieved re sports provision in Kidsgrove.

Councillor John Williams enquired what safeguards had been put in place to ensure that the building had been built to spec.

The Portfolio Holder for Leisure, Culture and Heritage, Councillor Holland stated that safeguards were highly important, especially with what was currently happening as Castle House. It was important to deal with any defects as they came to light.

Detailed plans had been produced to improve the customer experience and the facilities.

The Health Suite was to be remodelled. Contractors were now arriving on site and work would take place as soon as possible.

Councillor Julie Cooper asked for an update on the condition of J2

Councillor Holland advised that at the Cabinet meeting of 10 July, recommendations had been agreed on a number of issues.

Councillor Dymond asked what the position was with regard to the provision of sports facilities in Kidsgrove.

The Leader stated that quotes were being sought for works to be undertaken although, the building falling into further disrepair had added to costs. Once quotes had come back, a judgement could be made to bring the facility back into use.

Paragraph 8:

Councillor John Williams asked if the approach being applied to the sale of 20 Sidmouth Avenue was successful would the same approach be made to other premises in the future

The Leader confirmed that this approach could be used in the future.

Councillor Northcott stated that 20 Sidmouth Avenue was stopped from going to auction as it was not the best way to maximise profits. In addition, it gives the Council greater control over the development of the site.

Paragraph 9:

Councillor Gardner sought reassurance that the Council would not use the Rough sleeping Support Service which eleven local authorities had already refused to do so.

Councillor Sweeney stated that the last retendering of the contract was called-in by the Conservative Group six years ago because of value for money concerns.

It was hoped that Aspire would join in and if more organisations go for the contract it would provide better value.

Councillor John Williams asked if Aspire tendered for the contract, would that be a conflict of interest as seventy five percent of their stock was administered by the Newcastle Housing Advice Service.

The Leader confirmed that he understood that there would be no conflict of interest as they had held the contract before.

Councillor Stubbs asked that the conflict of interest matter be checked and confirmed. The Interim Head of Legal / Monitoring Officer would look into this and inform Members.

Paragraph 10:

Councillor Proctor said that it was fantastic to have a meaningful Forward Plan which would direct the Council in a positive and coherent way.

The Leader welcomed the comments stating that it was packed with items coming forward. There was a full list of items relating to the town centre.

## **10. REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES**

A written report was submitted for the Health, Wellbeing and Partnerships Scrutiny Committee.

The Chair of the Finance, Assets and Performance Scrutiny Committee, Councillor Maxfield advised Members that a meeting had taken place on 3<sup>rd</sup> July where the Work Programme had been discussed and that had been circulated to members of the Committee.

The Chair of the Economy, Environment and Place Scrutiny Committee, Councillor Gary White advised members that the Scrutiny Committee had met on 20 June and had considered and update from the Cabinet in respect of converting commercial premises to residential use. In addition, car parks had been looked at and further information had been requested.

The Committee had also considered the Homelessness Policy, Make it count Scheme and Planning and Enforcement recruitment.

The Work Programme had been discussed and was in place. Single use plastics would be considered at the September meeting.

**Resolved:** That the reports be received.

**11. REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES**

Written reports were submitted for Licensing and Public Protection Committee and the Audit and Standards Committee.

The Chair of the Planning Committee, Councillor Fear gave a verbal update:

Members were advised that the Committee had continued to meet on a regular basis and that it had always had very good attendance by Members.

There had been some very heavy agendas which was heartening in that development was taking place within the Borough.

**Resolved:** That the reports be received.

**12. MOTIONS OF MEMBERS**

A Motion was received on the Armed Forces Community Covenant proposed by Councillor Simon Tagg and seconded by Councillor Sweeney.

Members debated the Motion, all welcoming its contents. Councillor Simon Tagg stated that Council services should take into account the needs of veterans and their families.

Councillor Simon Tagg advised Members of the request from the Minister for Defence, People and Veterans for local authorities to appoint an Armed Forces Covenant Member Champion.

Councillor Sweeney stated that soldiers become institutionalised and needed support on leaving the Forces.

Councillor Robinson, in support of the Motion proposed an amendment to the recommendations:

*To investigate the option of introducing an Armed Forces Leisure Card so serving personnel and veterans can use Borough run leisure facilities at a discounted price.*

Councillor Simon Tagg accepted the amendment.

Councillor Stubbs supported the Motion and suggested that the Policy could be so much more. Councillor Kearon agreed that this should be a baseline. In addition, there should be some special treatment for ex-services personnel who have served for this Country.

**Resolved:** That the Motion be carried.

The carrying of the above Motion prompted the need to appoint an Armed Forces Covenant Member Champion.

There were two nominations:

Councillor Panter, proposed by Councillor Sweeney and seconded by Councillor Proctor.

Councillor Stubbs, proposed by Councillor Kearon and seconded by Councillor Jones.

**Resolved:** That Councillor Panter be appointed as Armed Forces Covenant Member champion for the remainder of the current Civic year.

**13. QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS**

Question 1:

Councillor Parker asked the Portfolio Holder for Finance and Efficiency for an update on the redevelopment of the Ryecroft site.

Councillor Sweeney said that the redevelopment remained a key priority and that a fundamental rethink of the site was being undertaken. The Council was currently working with legal advisors. The asbestos level and cost of demolition were also being investigated.

Councillor Parker asked what events would be held, following the granting of planning permission on the former Sainsbury's site.

Councillor Sweeney confirmed that Gandeys circus would be returning and possible music events would be considered.

Question 2:

Councillor Fear asked the Leader for an update on the introduction of PSPOs, particularly in relation to aggressive begging in the town centre.

The Leader stated this had been considered by the Licensing and Public Protection Committee on 30 April, 2019. Breaches of the order would result in Fixed Penalty Notices for drinking, begging and so on.

Two new sites had been added, for the Town Centre and Queen Elizabeth Park. The Council was working with partners and offering support.

Other options available could be Community Protection Notices or Community Behaviour Orders.

Councillor Fear stated that a recent Scrutiny Committee had found that zero tolerance yielded good results and asked if this Council would take that approach.

The Leader stated that the main offenders were rough sitters not rough sleepers. The zero tolerance approach was possible for aggressive begging.

Question 3:

Councillor Paul Waring asked what the cost of the artwork was in the Grosvenor Roundabout.

The Portfolio Holder for Environment and Recycling, Councillor Trevor Johnson stated that it had cost £3,160, funded by the Government's High street Community Cleanup Fund.

The inspiration for the mural had come from school children.  
Councillor Paul Waring asked if any others were planned.

Councillor Trevor Johnson stated that other subways around the Borough were being looked at but was unsure as to what themes would be used in them.

The Council had received £26,000 from the Community Cleanup Fund and £50,000 from the Parks and Play Areas Fund.

**Question 4:**

Councillor Robinson asked the Portfolio Holder for Community Safety and Wellbeing, Councillor Jill Waring if a PSPO could be considered for Clough Hall Park following continued reports of crime and anti-social behaviour.

Councillor Jill Waring advised that there had been a small number of isolated incidents in Clough Hall Park and, at present a PSPO was not the most proactive approach. Injunctions and Fixed Penalty Notices would be more appropriate.

Any criminal activity was being investigated by the police whilst local schools were being worked with to deter anti social behaviour.

To introduce a PSPO would require persistent behaviour and evidence of such.

Councillor Robinson stated that incidents had been reported in the national press and asked if the Portfolio Holder could begin to consult to introduce a PSPO in Clough Hall Park.

Councillor Jill Waring stated that statistics were based on the number of reported incidents and if these were not reported, the Council and Police could not move forward. Councillor Waring had visited the Park on a number of occasions and had not seen any anti social behaviour.

**Question 5:**

Councillor Robinson asked the Portfolio Holder for Community Safety and Wellbeing what action had been taken to put further pressure on Staffordshire Police to confiscate mini motorbikes following problems regarding their illegal use in parks and on footpaths.

Councillor Jill Waring confirmed that any complaints received were shared with the Police and joint initiatives. Over the last month, Section 59's had been issued by the Police.

Councillor Robinson stated that he had met with Chief Inspector Clair Langley and had discussed a shared policy being used on Cannock Chase to tackle this.

Councillor Waring was asked if she would meet with the Chief Inspector and teams from Cannock to replicate this in the Borough.

Councillor Jill Waring would be willing to meet with the Chief Inspector and stated that there were four areas in the Borough where this was a problem: Silverdale; Chesterton; Bradwell Woods and Birchenwood.

**14. RECEIPT OF PETITIONS**

There were no petitions handed in at the meeting.

**15. STANDING ORDER 18 - URGENT BUSINESS**

There was no urgent business.

Councillor Kearon advised Members that Councillor Lawley had recently given birth to a baby boy and wished them all the best. Members joined in sending their best wishes.

**THE MAYOR- COUNCILLOR SIMON WHITE**  
**Chair**

Meeting concluded at 9.15 pm

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## **NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

### **REPORT TO FULL COUNCIL**

**18 September 2019**

**Report Title:** Treasury Management Annual Report 2018/19

**Submitted by:** Finance Manager

**Portfolio:** Finance and Efficiency

**Ward(s) affected:** All

#### **Purpose of the Report**

To receive the Treasury Management Annual Report for 2018/19.

#### **Recommendations**

(a) That the Treasury Management Annual Report for 2018/19 be received.

(b) That the actual Prudential Indicators contained within the report be approved.

#### **Reasons**

It is a requirement of the CIPFA Treasury Management Code of Practice and its Prudential Code for Capital Finance that an Annual Report is made to the Council in respect of each year's Treasury Management activities.

#### **1. Background**

- 1.1 The CIPFA Code of Practice on Treasury Management recommends that Members should be informed on Treasury Management activities at least twice a year.
- 1.2 This report therefore ensures that this Council is embracing Best Practice in accordance with CIPFA's recommendations in the CIPFA Code of Practice.
- 1.3 The Audit and Standards Committee monitor and oversee the delivery of the Treasury Management Strategy. The Treasury Management Annual Report for 2018/19 has already been reviewed by the Audit and Standards Committee at their meeting on 24 June 2019.
- 1.4 Treasury Management operations are carried out in accordance with policies laid down in the currently approved Treasury Management Policy Statement, backed up by approved Treasury Management Practices and Schedules thereto, and the Annual Treasury Management Strategy Report for 2018/19 approved by Council on 21 February 2018.
- 1.5 The Council is provided with Treasury Management Advisory services for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2020 by Arlingclose Ltd.

2. **Issues**

- 2.1 The Treasury Management Annual Report for 2018/19 is attached at Appendix 1. The economic background and economic forecast included in the report has been provided by the Council's Treasury Management Advisors, Arlingclose Ltd.

3. **Legal and Statutory Implications**

- 3.1 See Background for details.

4. **Equality Impact Assessment**

- 4.1 No direct implications.

5. **Financial and Resource Implications**

- 5.1 There are no specific financial implications arising from the report.

6. **Major Risks**

- 6.1 Treasury management is a major area of risk for the Council in that large amounts of money are dealt with on a daily basis and there are a number of limits and indicators, which must be complied with.
- 6.2 The overriding consideration in determining where to place the Council's surplus funds is to safeguard the Council's capital. Within this constraint the aim is to maximise the return on capital.
- 6.3 Operational procedures, coupled with monitoring arrangements, are in place to minimise the risk of departures from the approved strategy.

7. **Sustainability and Climate Change Implications**

- 7.1 No direct implications

8. **Key Decisions**

- 8.1 Not relevant

9. **Earlier Cabinet/Committee Resolutions**

- 9.1 None directly relevant

10. **List of Appendices**

- 10.1 Appendix 1, Treasury Management Annual Report 2018/19.

11. **Background Papers**

- CIPFA Treasury Management Code of Practice,
- Council's Treasury Management Policy Statement,
- Council's Treasury Management Strategy,
- Local Government Act 2003,
- Local Authorities (Capital Finance and Accounting) (England) Regulations 2003,

- Ministry of Housing, Communities and Local Government's revised Guidance on Local Government and Investments and Statutory Guidance on Minimum Revenue Provision
- Arlingclose Ltd. Treasury Management Outturn Report template

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## **TREASURY MANAGEMENT ANNUAL REPORT 2018/19**

### **1. INTRODUCTION AND BACKGROUND**

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for the financial year 2018/19. This report meets the requirements of both the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

The CIPFA Code of Practice on Treasury Management was adopted by this Council on 24 February 2010; this was updated in November 2011 and updated further in December 2017.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the Full Council of an annual treasury management strategy report (including the annual investment strategy) for the year ahead and an annual review report of the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of the treasury management strategy to a specific named body which in this Council is the Finance, Resources and Partnerships Scrutiny Committee.
6. Delegation by the Council of the role of scrutiny of treasury management performance to a specific named body which in this Council is the Audit and Standards Committee, a midyear and year-end review report is received by this Committee.

Treasury management in this context is defined as:

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

The purpose of this report is to meet one of the above requirements of the CIPFA Code, namely the annual review report of treasury management activities, for the financial year 2018/19.

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council has complied with the requirement under the Code to give prior scrutiny to the annual review report by reporting this to the Audit and Standards Committee prior to it being reported to Full Council.

### **2. THIS ANNUAL TREASURY REPORT COVERS**

- ❖ The Council's treasury position as at 31 March 2019;
- ❖ The strategy for 2018/19;
- ❖ The economy in 2018/19;
- ❖ Investment rates in 2018/19;

- ❖ Compliance with treasury limits and Prudential Indicators;
- ❖ Investment outturn for 2018/19;
- ❖ Involvement of Elected Members;
- ❖ Other issues.

### 3. TREASURY POSITION AS AT 31 MARCH 2019

The Council's investment position at the beginning and the end of the year was as follows:

	At 31/03/19	Return	Average Life (Days)	At 31/03/18	Return	Average Life (Days)
Total Debt	£0m	0.00%	0	£2.5m	0.95%	14
Total Investments	£0m	0.48%	3	£0m	0.37%	2

It should be noted that the above table is only a snapshot of the total Investments as at 31 March 2019. £2.5m was borrowed on 20 March 2018 to reflect a temporary cash flow position; this was repaid on 3 April 2018 following the receipt of the expected Council Tax and Business Rates payments by direct debit. Large fluctuations in cash inflows and outflows that occur throughout the month can have an impact on the figure reported.

### 4. THE STRATEGY FOR 2018/19

**The strategy agreed by Council on 21 February 2018 was that:**

- The Council may be required to borrow during 2018/19 if capital receipts did not materialise in order to fund the capital programme;
- Short term external loans (i.e. repayable on demand or within 12 months) can be taken to fund any temporary capital or revenue borrowing requirement. The amounts involved would fluctuate according to the cash flow position at any one time;
- All borrowing would be kept absolutely within the Authorised Limit of £15m and would not normally exceed the Operational Boundary of £7.5m (although it could for short periods of time be permitted to rise to a figure between £7.5m and £15m due to variations in cash flow);
- Temporary surpluses which might arise would be invested, either in short term deposits with the Council's various deposit accounts or in money market investments (cash deposits) if the size warranted this and for an appropriate period in order that these sums would be available for use when required;
- The proportions of loans and investments to be at fixed or variable rates were: fixed rate loans to be between 0% and 100% of the total and variable rate to be between 0% and 100% of the total, thus enabling maximum flexibility to take advantage of interest rate trends;
- Long term investments to be permitted as follows: maturing beyond 31/03/18 £5m, maturing beyond 31/03/19 £5m, maturing beyond 31/03/20, £5m;
- The overriding consideration is safeguarding the Council's capital. At all times the risk to the Council will be minimised. Within these constraints, the aim will be to maximise the return on investments; and,
- Forward commitment of funds for investment is permitted in respect of in house investments, in instances where market conditions warrant it.

## **5. THE ECONOMY AND INTEREST RATES - narrative supplied by the Council's Treasury Management Advisors – Arlingclose Limited**

After rising to 0.6% in the third calendar quarter from 0.4% in the second, fourth quarter economic growth slowed to 0.2% as weaker expansion in production, construction and services dragged on overall activity. Annual GDP growth at 1.4% continues to remain below trend. Following the Bank of England's decision to increase Bank Rate to 0.75% in August, no changes to monetary policy have been made since.

With the 29th March 2019, the original EU 'exit day' now been and gone, having failed to pass a number of meaningful votes in Parliament, including shooting down Theresa May's deal for the third time, MPs voted by a majority of one (313 to 312) to force the prime minister to ask for an extension to the Brexit process beyond 12th April in order to avoid a no-deal scenario. Recent talks between the Conservative and Labour parties to try to reach common ground on a deal which may pass a vote by MPs have yet to yield any positive results. The EU must grant any extension and its leaders have been clear that the terms of the deal are not up for further negotiation. The ongoing uncertainty continues to weigh on sterling and UK markets.

While the domestic focus has been on Brexit's potential impact on the UK economy, globally the first quarter of 2019 has been overshadowed by a gathering level of broader based economic uncertainty. The US continues to be set on a path of protectionist trade policies and tensions with China in particular, but with the potential for this to spill over into wider trade relationships, most notably with EU. The EU itself appeared to be showing signs of a rapid slowdown in economic growth with the major engines of its economy, Germany and France, both suffering misfires from downturns in manufacturing alongside continued domestic / populist unrest in France. The International Monetary Fund downgraded its forecasts for global economic growth in 2019 and beyond as a consequence.

## **6. INVESTMENT RATES IN 2018/19 – narrative supplied by the Council's Treasury Management Advisors – Arlingclose Limited**

Gilt yields continued to display significant volatility over the period on the back of ongoing economic and political uncertainty in the UK and Europe. After rising in October, gilts regained their safe-haven status throughout December and into the new year - the 5-year benchmark gilt yield fell as low as 0.80% and there were similar falls in the 10-year and 20-year gilts over the same period dropping from 1.73% to 1.08% and from 1.90% to 1.55%. The increase in Bank Rate pushed up money markets rates over the year and 1-month, 3-month and 12-month LIBID (London Interbank Bid) rates averaged 0.53%, 0.67% and 0.94% respectively over the period.

Recent activity in the bond markets and PWLB interest rates highlight that weaker economic growth is not just a UK phenomenon but a global risk. During March the US yield curve inverted (10-year Treasury yields were lower than US 3 month money market rates) and German 10-year Bund yields turned negative. The drivers are a significant shift in global economic growth prospects and subsequent official interest rate expectations given its impact on inflation expectations. Further to this is world trade growth which collapsed at the end of 2018 falling by 1.8% year-on-year. A large proportion of this downturn in trade can be ascribed to the ongoing trade tensions between the US and China which despite some moderation in January does suggest that the International Monetary Fund's (IMF) and Organisation for Economic Co-Operation & Development's (OECD) forecasts for global growth in 2019 of 3.5% might need to be revised downwards.

## **7. CHANGES DURING 2018/19**

There were no changes during 2018/19, as key changes had already taken place during the previous financial year. These 2017/18 changes included CIPFA's revised editions of the Treasury Management and Prudential Codes, the Ministry of Housing, Communities and Local Government's revised Guidance on Local Government and Investments and Statutory Guidance on Minimum Revenue Provision and changes to the Markets in Financial Instruments Directive (MiFID II)

## **8. COMPLIANCE WITH TREASURY LIMITS**

During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Council's annual Treasury Strategy Statement. The outturn for the Prudential Indicators is shown in Annex 1.

## **9. INVESTMENT OUTTURN FOR 2018/19**

### **Internally Managed Investments**

The Council manages its investments in-house and during 2018/19 invested with institutions in compliance with the credit worthiness service of the Council's treasury management advisors, Arlingclose Limited.

The Council invested for a range of periods from overnight to up to three and a half months during 2018/19, dependent on the Council's cash flows, its interest rate view and the interest rates on offer. Thirteen of the eighteen investments made in 2018/19 were for a period of two weeks or less. Eleven of the eighteen investments were deposited in the Council's business reserve account due to the available rate and liquidity. Five investments were made with other Local Authorities, with the remaining two investments being placed in the Council's 95 day notice account.

In addition funds that were held in the general fund account that the Council has with Lloyds Bank also earn interest on a daily basis.

### **Investment Outturn for 2018/19**

During 2018/19 an average rate of return of 0.48% was achieved on an average individual investment of £3.363m. This compared with the target of 0.40% included in the departmental service plan.

## **10. INVOLVEMENT OF ELECTED MEMBERS**

Elected members have been involved in the treasury management process during 2018/19 including:

- Scrutiny of the treasury management strategy by the Finance, Assets & Performance Scrutiny Committee prior to being submitted for approval by the Full Council.
- Scrutiny of treasury management performance by the Audit and Standards Committee through the receipt of a half yearly treasury management report.
- A quarterly budget monitoring and performance report is reported to Cabinet, this contains details of Treasury Management activity undertaken during the quarter.

## ANNEX 1: PRUDENTIAL INDICATORS

Position/Prudential Indicator		2017/18 Actual	2018/19 Indicator	2018/19 Actual
1	Capital Expenditure	£6.296m	N/A	£2.980m
2	Capital Financing Requirement at 31 <sup>st</sup> March *	£4.405m	(£0)	£4.405m
3	Treasury Position at 31 <sup>st</sup> March:			
	Borrowing	£2.500m	N/A	£0
	Other long term liabilities	£0	N/A	£0
	Total Debt	£0	N/A	£0
	Investments	£0	N/A	£0
	Net Borrowing	£2.500m	N/A	£0
4	Authorised Limit (against maximum position)	£0	£15.0m	£0
5	Operational Boundary (against maximum position)	£0	£7.5m	£0
6	Ratio of Financing Costs to Net Revenue Stream	(0.46%)	(0.44%)	(0.44%)
7	Upper Limits on Variable Interest Rates (against maximum position)			
	Loans	0%	100%	0%
	Investments	0%	100%	0%
8	Actual External Debt	£0	N/A	£0
9	Principal Funds Invested for Periods Longer than 365 days (against maximum position)	£0	£5.0m	£0

## **GLOSSARY**

### **CFR – Capital Financing Requirement**

The Capital Financing Requirement is the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources.

### **CIPFA – The Chartered Institute of Public Finance and Accountancy**

The Chartered Institute of Public Finance and Accountancy, is the professional body for accountants working in Local Government and other public sector organisations.

### **CPI – Consumer Price Index**

A measure that examines the weighted average of prices of a basket of consumer goods and services. The Consumer Price Index is calculated by taking price changes for each item in the predetermined basket of goods/services and averaging them; the goods are weighted according to their importance. Changes in CPI are used to assess price changes associated with the cost of living.

### **DMO and DMADF - Debt Management Office and Debt Management Account Deposit Facility**

The DMADF is the 'Debt Management Account Deposit Facility' which is a highly secure fixed term deposit account with the Debt Management Office, part of Her Majesty's Treasury.

### **GDP – Gross Domestic Product**

Gross Domestic Product is the market value of all officially recognised final goods and services produced within a country in a given period of time.

### **MIFID II – Markets in Financial Instruments Directive**

New European Union rules that came into effect on 3rd January 2018, aiming to improve the functioning of financial markets and to strengthen investor protection.

### **MPC – Monetary Policy Committee**

Interest rates are set by the Bank of England's Monetary Policy Committee. The MPC sets an interest rate it judges will enable the inflation target to be met.

### **MRP – Minimum Revenue Provision**

The Minimum Revenue Provision represents the revenue charge for the repayment of debt.

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### REPORT TO FULL COUNCIL

18 September 2019

**Report Title**                      **Revised Scheme for Public Speaking at Planning Committee**

**Submitted by:**                      **Chief Executive**

**Portfolios:**                      **Planning and Growth**

**Ward(s) affected:**                      **All**

#### **Purpose of the Report**

To enable Members to review the existing scheme for Public Speaking at Planning Committee and to discuss the proposed amendments to update the scheme. In particular the report suggests that in future speakers (including ward members) should be able to request that material on the Planning Portal, and therefore already in the public domain, should be on display as they address the Committee.

#### **Recommendation**

**That the existing scheme be amended to reflect the proposed changes in the document at Appendix A to the report.**

#### **Reasons**

To ensure that the Planning Committee's procedures remain fit for purpose.

### **1. Background**

- 1.1 The Planning Committee has a long established scheme for Public Speaking at Planning Committees which sets out the process to be adopted. This was substantially reviewed at the meeting of the Committee on 31 March 2015 following recommendations from the Planning Peer Review Team.
- 1.2 At the meeting of the Committee on the 6 November 2018, and at the request of the Chair, members considered a further report which looked specifically at the policy of the Committee not to allow any facilities for the projection of any material by speakers. Members did not want to make any extensive changes to the scheme at that stage but did agree to amend the existing scheme to allow the site layout plan to be displayed during public speaking with immediate effect. However, it should be noted that the existing scheme, as set out in the Council's Constitution, has not been updated to reflect this decision.
- 1.3 This Report brings members an updated version of the Scheme for Public Speaking at Planning Committees (with track changes for ease of reference) and seeks Members views. The report was considered by members of the Planning Committee itself at its meeting on the 10 September 2019 and Members of the Constitution Working Group have also had the opportunity to comment electronically on the contents of the report.

Their comments will be reported to the Council meeting and an updated Scheme circulated as necessary.

## 2. **Issues - Current procedure**

2.1 As members will be aware the current procedure is that ward councillors, a supporter and an objector may make an oral representation to the Committee. Their oral representation is the sum of the representation permitted. No facilities for the projection of any material are made available and no material may be circulated or distributed to members of the Committee by the ward members, the supporter, or the objector. However, a copy of the site layout plan may be displayed.

## 3. **Proposal**

3.1 The existing Public Speaking Scheme has been reviewed and is appended at Appendix A. Apart from some minor changes to simplify or clarify the wording in the document the main changes relate to sections 3 – 4 as follows:

- **Section 3 – Attendance-** updated to change the reference to the Civic Centre & the former process whereby speakers were invited into the chamber & could retire to the public gallery. Clarifies speakers will be invited to come forward to speak and may return to the public seating area. Now states, where a speaker wishes to make representations items will be moved to the start of the agenda with the agreement of the chair and following a request to do so.
- **Section 4 – Nature of Representations –** Amended to permit speakers (including ward members) to request 48 hours in advance that material contained on the Planning Portal such as photographs, maps or plans which are all already in the public domain are displayed during their 5 minute representation for ease of reference by them. Requires the speaker to remain seated at the microphone during the 5 minutes they are allowed to speak. Stresses no new information may be introduced and no additional time will be allowed if reference is made to any material displayed on the planning portal. As before the scheme provides for no new material to be circulated or distributed at the meeting and officers and committee members may not question the speaker.

3.2 The major change to the scheme is the suggestion that speakers may now request in advance that material already on the Planning Portal may be displayed during their representation in addition to the site layout plans which are already available. Officers do not see any particular difficulty in accommodating this change provided all speakers do notify officers in advance and that officers continue to operate the display equipment. As speakers are required to remain seated it is recommended they are provided with a "pointer.

3.4 The report which went to Planning Committee on 8 November is attached at Appendix B for ease of reference.

## 4 **Reasons for Proposed Solution**

4.1 The proposed changes will update the current scheme and enhance the current process.

## 5. **Options Considered**

5.1 It is open to members to leave the current scheme as drafted.

6. **Legal and Statutory Implications**

6.1 There are no specific legal implications which members need to be mindful of, other than the Council should have a clear scheme for public participation which allows for fair representation with no unfair advantage to any particular party.

7. **Equality Impact Assessment**

7.1 No direct implications.

8. **Financial and Resource Implications**

8.1 There are no additional financial implications and the proposed changes can be absorbed within existing staffing resources.

9. **Major Risks**

9.1 The Council should have a clear scheme for public participation which creates a level playing field for all participants to avoid the risk of challenge.

10. **Sustainability and Climate Change Implications**

10.1 No direct implications.

11.0 **Key Decision Information**

Not relevant

12.0 **Earlier Cabinet/ Committee Resolutions**

12.1 Planning Committee 31 March 2015  
Planning Committee 6 November 2018

13. **List of Appendices**

13.1 Appendix A Public Speaking at Planning Committee  
Appendix B Planning Committee Report dated 6 November 2018

14. **Background Papers**

14.1 There are no further background papers for consideration/inclusion.

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## APPENDIX A

### Public Speaking at Planning Committee

Public representations are allowed at the Development Control meetings of the Newcastle-under-Lyme Borough Council Planning Committee subject to the following regulations. In cases where a planning application is brought to Full Council, the same rules concerning the **supporter** and the **objector** shall apply as would for a meeting of the Planning Committee.

#### 1. Those allowed to speak

Apart from members of the Planning Committee, the following are allowed to make a representation at the relevant Planning Committee meeting:

- a) Councillors of the ward where an application has been made.
- b) One **supporter** of, and one **objector** to, any given application, except those matters listed as excluded in paragraph 9 below.
  - (i) A **supporter** of an application is defined as a person who has made a submission in writing concerning an application, prior to notifying the Council of a wish to make an oral representation on that application to the Committee. The applicant, regardless of whether or not they have used an agent to submit an application, will be taken to have made such a submission. A person or agent speaking on behalf of such a person is also capable of being considered to be a **supporter**
  - (ii) An **objector** to an application is defined as a person who has made a submission in writing about an application, prior to notifying the Council of a wish to make an oral representation about that application to the Committee. A person or agent speaking on behalf of such a person is also capable of being considered to be an **objector**.

If more than one request to make a representation in favour or against an application is made, it is requested that potential supporters/objectors determine amongst themselves who is to speak. If agreement cannot be reached, the individual who made the earliest written representation to the Council shall be given the right to speak. In the case of **supporters**, if the applicant or his agent indicates a wish to speak, the right to speak shall be given to that person.

#### 2. Requests to speak

Requests to speak must be made no later than the end of business three working days before the advertised Planning Committee/Full Council meeting whose published agenda contains the application concerned.

This request must be made in writing or sent via email to the Senior Planning Officer of the Council.

The request must list the specific agenda item on which the representation is to be made and indicate whether the speaker wishes to be the **supporter** or the **objector**.

Attention is drawn to sections 1. b) (i) & (ii) above.

On receipt of an application, the Council shall inform the applicant whether his application has been successful. If prior applications have been made, a contact address/telephone number of such applicants will be made available in order that those applying may come to an agreement about who shall speak.

### 3. **Attendance**

The **supporter** and **objector** must arrive at the meeting venue 30 minutes prior to the beginning of the relevant Planning Committee/Full Council meeting and make themselves known to the Planning Committee Clerk or the senior officer present at the meeting. Failure to do so will forfeit the right to make a representation.

**Speakers** will be invited to come forward to speak when the application with which they are concerned is about to be considered by the Committee/Council. After their respective representations they may leave the meeting or may return to the public seating area

Upon agreement from the Chair, following a request to do so, the Planning Committee may move items where either/or a **supporter** and **objector** wish to make representations to the start of the agenda.

### 4. **Nature of representations**

Ward Members, the **supporter**, and the **objector** may make an oral representation to the committee. This oral representation is the only representation permitted.

Relevant site layout plans will be displayed.

No facilities for the projection of any material will be made available, however any speaker (including ward members) may request to display material contained on the Planning Portal such as photographs, maps or plans that are already in the public domain for reference by them.

Any such items must be identified to the Planning Department at least 48 hours before the meeting

The Speaker must remain seated at the microphone throughout the five minutes they are allowed to speak. No new information may be introduced and no additional time will be allowed if reference is made to material displayed on the Planning Portal.

No material may be circulated or distributed to members of the Committee by Ward Members, the **supporter**, or the **objector at the meeting**.

Officers and Committee members may not question any speaker making representations.

**5. Length of representations**

Ward Members, the **supporter**, and the **objector** will be given 5 minutes to make their representations.

They will be advised by the Clerk of the meeting when 4 minutes have elapsed.

**6. Content of representations**

All representations must be made in a seemly manner and any speaker who fails to conduct themselves appropriately will **immediately** forfeit the right to speak.

Under no circumstances must personal, malicious or frivolous remarks, insults, or libellous comments be made. These will **immediately** forfeit the right to speak

Speeches should address material planning concerns. Anyone who is unsure of these is strongly advised to seek advice in advance of speaking.

Speeches should address issues directly concerned with the specific application under consideration.

Speaking from notes is permitted. However in no circumstances will more than five minutes for a representation be granted.

Ward Members, the **supporter**, and the **objector** may not ask direct questions of the Committee or Council officers, though they may suggest questions that members of the Committee may feel ought to be put to officers.

**7. Procedure**

Each item on any given Planning Committee agenda shall be dealt with in the following sequence:

- i. The officer's report on the item
- ii. Ward members' representations (if any)
- iii. The **objector's** representation (if any)
- iv. The **supporter's** representation (if any)
- v. Comments by officers on the **objector's/supporter's** representations
- vi. Debate of the item by the Committee and its determination.

**8. Deferrals**

If an item is deferred, the **supporter** and the **objector who made representations during** the initial debate shall have the right to make representations at the meeting when the deferred item is debated once more.

**9. Exclusions**

No public representations shall be permitted on items dealing with the following:

Any item included in the closed section of any agenda: namely items subject to the paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972, or successor legislation.

Planning Enforcement matters

Proposed litigation

Financial interests or other Member interests.

Matters delegated to officers of the Council

September 2018

**REPORT TO THE  
PLANNING COMMITTEE**

**APPENDIX B**

**6<sup>th</sup> November 2018**

**SCHEME FOR PUBLIC SPEAKING AT PLANNING COMMITTEE  
REVIEW OF POLICY REGARDING DISPLAY OF MATERIAL**

**Purpose of the Report**

To enable Members to determine whether or not they wish to revise existing policy concerning the display of material during public speaking, or direct representation, to the Planning Committee

**Recommendation**

**That the existing scheme be amended to allow public speakers, including ward councillors, to refer to material, excluding “presentations”, that has been submitted as part of, or in relation to, the application that is being considered by the Committee; and that this amendment be brought into immediate effect**

**Reasons**

To ensure that the Planning Committee’s procedures remain fit for purpose

**1. Background**

- 1.1 In July 2008 the Planning Committee agreed to a package of measures entitled “Reforms to Planning Procedures” of which arrangements for public speaking at the Committee, and withdrawal from the Planning Committee of “called-in” application were part of. At the same time the Committee agreed to a guillotine on late representations and the submission of amended plans, and a policy voting on planning applications where a site visit had been held.
- 1.2 The Committee at the same time agreed that the changes should be reviewed by the Planning Committee within a 6 month period.
- 1.3 At its meeting on 30<sup>th</sup> September 2008 the Committee considered and agreed a requested amendment to the Committee’s protocol on public speaking.
- 1.4 At its meeting on the 21<sup>st</sup> April 2009 the Committee agreed, having considered a detailed report, that the current procedures for the operation of the Planning Committee be continued.
- 1.5 At its meeting on the 31<sup>st</sup> March 2015 the Committee undertook a further review of its procedures. With respect to Public Speaking, or direct representation, to the Planning Committee certain amendments to the procedures were made
- 1.6 Comments have been received about the policy of the Committee that no facilities for the projection of any material will be made available, and the Chair has asked that this item be brought to the Committee.

**2. Current procedure**

- 2.1 As members will be aware the current procedure is that ward councillors, a supporter and an objector may make an oral representation to the Committee. Their oral representation is the sum of the representation permitted. No facilities for the projection of any material are made available and no material may be circulated or distributed to members of the Committee by the ward members, the supporter, or the objector.

3. Discussion

- 3.1 The argument has been made that, as the Council does have the means by which material can be displayed on screen at the Committee, that it would be advantageous to the Committee's understanding of the representation for speakers to be able to refer to material that is displayed concurrently at the Committee.
- 3.2 The counter argument is that by limiting the representation to a purely oral one this creates a "level playingfield" for applicant's agents and other interested parties. There is also a secondary concern that speakers, knowing that they could ask for material to be displayed, might use material that had not been previously submitted and had been available for public comment and inspection. Concerns have been voiced about the display of photographs because of the potential for the manipulation of images.
- 3.3 This issue needs to be considered in context – all application material and representations, which not uncommonly includes photographs – is available to view on the Council's website, members of the Planning Committee are provided with a link to the Council's website and are assumed to have viewed the documentation associated with the application prior to coming to the Committee. They are therefore assumed to be already taking that material into account in coming to their decision
- 3.4 Your Officer considers that upon occasion it might have been helpful to the Committee, particularly when reference is being made to the relationship between properties and design, if the speaker had been able to refer to layout and elevational details in particular, and to "point to" features. It is an aspect of the planning system that agents employ professional agents to make their case and this "advantage" is built into the system, but members of the public are often very capable of making their points persuasively as well. Provided officers continue to be given an opportunity to comment upon anything said, and material displayed, by the speakers, the Committee should be able to be appropriately advised - to avoid taking into account in their determination any "immaterial" considerations.
- 3.5 Provided the material being displayed has been submitted in advance (and for the avoidance of doubt that means in advance of the Committee's guillotine), is not in the format of a "presentation", and has been subject to public inspection (including by applicants in the case of material submitted by third parties) there should, in your Officer's view, be no particular problem with introducing such a change in procedure.. It is recommended, for practical and resource reasons, that officers would continue to operate the display equipment, although the speakers would be provided with a "pointer". Speakers would need to notify officers in advance what material, if any, they wished to have available for display.