

Public Document Pack

Daneshill House
Danestrete
Stevenage
Hertfordshire

Date of Publication

Dear Sir/Madam

Notice is hereby given that the Annual meeting of the Stevenage Borough Council will be held in the Council Chamber, Daneshill House, Danestrete, Stevenage on Thursday, 22 May 2025 at the conclusion of the Special Meeting and you are summoned to attend to transact the following business.

Yours faithfully

Tom Pike
Chief Executive

AGENDA

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 22 FEBRUARY 2025

To approve as a correct record the Minutes of the meeting of the Council held on 22 February 2025.

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3. ELECTION OF MAYOR

To elect the Mayor for the Municipal Year 2025/26.

4. ELECTION OF DEPUTY MAYOR

To elect the Deputy Mayor for the Municipal Year 2025/26.

5. APPOINTMENT OF YOUTH MAYOR

To appoint a Youth Mayor for 2025/26, as nominated by the Stevenage Youth Council.

6. RESOLUTION TO EXTEND 6 MONTH RULE - SECTION 85 LOCAL GOVERNMENT ACT 1972

To seek Council's approval, in accordance with section 85(1) of the Local Government Act 1972, of Councillor Barr's non-attendance at meetings of the Council for a period of 6 months.

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7. APPOINTMENT OF LEADERS AND DEPUTY LEADERS OF POLITICAL GROUPS ON THE COUNCIL

To note the appointment of the Leaders and Deputy Leaders of the Political Groups on the Council for the Municipal Year 2025/26.

8. APPOINTMENT OF LEADER AND DEPUTY LEADER OF THE OPPOSITION

To note the appointment of the Leader and Deputy Leader of the Opposition for the Municipal Year 2025/26.

9. CONSTITUTIONAL ISSUES

To consider various issues concerning the Council's political management structure and the Constitution for 2025/26.

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10. CONSTITUTION REVIEW - PHASE 1

To consider a report outlining amendments to ensure that the Constitution remains up to date and fit for purpose.

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11. APPOINTMENT TO COMMITTEES OF THE COUNCIL

- A. To appoint Members to the Standing Committees of Stevenage Borough Council for the Municipal Year 2025/26; and
- B. To appoint to the positions of Chair and Vice-Chair for each of those Committees.

REPORT TO FOLLOW

12. APPOINTMENTS TO OUTSIDE BODIES

To appoint Council representatives onto various outside bodies for the Municipal Year 2025/26.

SCHEDULE TO FOLLOW

STEVENAGE BOROUGH COUNCIL

COUNCIL MINUTES

Date: Wednesday, 26 February 2025

Time: 7.00pm

Place: Council Chamber

Present: Councillors: Jim Brown (Mayor), Nazmin Chowdhury (Deputy Mayor), Myla Arceno, Julie Ashley-Wren, Philip Bibby CC, Stephen Booth, Robert Boyle, Lloyd Briscoe, Rob Broom, Kamal Choudhury, Forhad Chowdhury, Peter Clark, Coleen De Freitas, Akin Elekolusi, Alistair Gordon, Richard Henry, Jackie Hollywell, Lin Martin-Haugh, Conor McGrath, Andy McGuinness, Sarah Mead, Robin Parker CC, Claire Parris, Ellie Plater CC, Tom Plater, Ceara Roopchand, Loraine Rossati, Simon Speller, Jeannette Thomas, Carolina Veres, Nigel Williams, Jade Woods and Tom Wren

Start / End Start Time: 7.00pm
Time: End Time: 8.45pm

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were submitted on behalf of Councillors Sandra Barr, Leanne Brady, Lynda Guy, Mason Humberstone, Anne Wells and Tom Wren.

There were no declarations of interest.

2 **MINUTES - 22 JANUARY 2025**

It was **RESOLVED** that the Minutes of the Council Meeting held on 22 February 2025 be approved as a correct record and signed by the Mayor.

The Mayor congratulated and welcomed Councillor Peter Wilkins who had been elected in the Manor Ward at the recent By-Election. Councillor Richard Henry, Leader of the Council welcomed Peter on behalf of the Labour Group. Councillor Stephen Booth, Leader of the Opposition also welcomed Peter as a fellow Liberal Democrat and as a worthy successor to Graham Snell who had sadly passed away at the end of 2024. Councillor Wilkins thanked everyone for their warm welcome.

The Mayor then referred to a list of events he had supported since the last meeting and provided a verbal report on a number of events including his upcoming Ceilidh Dance on Saturday 1 March. He also thanked all those involved in the success of his recent Mayor's Ball held at the Cromwell Hotel.

At this juncture, the Mayor paid tribute to the Council's Chief Executive Matt Partridge who would be leaving the Council next month to start his well-deserved retirement. The Mayor thanked Matt for his support and guidance particularly

throughout both of his Mayoral years.

Councillor Richard Henry, the Leader of the Council thanked Matt for his work in many leadership positions he had held throughout the County and Country. He also paid tribute to the relationship between them both which had been a great support to him particularly since becoming Leader of the Council.

A number of other Members spoke to thank Matt for his service to Stevenage Borough Council and to wish him well in his upcoming retirement.

In response, Matt spoke of his long local government career and advised that his time at Stevenage Borough Council had reflected his values as a place where the Members and Officers cared greatly for the Town and its residents. He advised that throughout the time he had spent as Director and then Chief Executive there had been challenging and rewarding times and that he was proud to have made a contribution to Stevenage. He thanked the Leader of the Council for his support and friendship and the other Group and Opposition Leaders for their trust. He also thanked both current members and those who were no longer part of the Council. He then spoke of the support he had received from his Senior Leadership Team, his PA and secretaries and also his wife and family for their support.

3 GENERAL FUND AND COUNCIL TAX SETTING 2025/26

The Mayor advised that Item 3 and Item 4, Final General Fund and Council Tax Setting 2025/26 and Capital Strategy 2024/25 – 2028/29 would be taken together. Council was advised that the motion including the Formal Council Tax Resolution with the increases agreed by the County Council, the Police and Crime Commissioner and the Council's Revenue and Capital Budgets was attached as an appendix to the report.

Councillor Richard Henry, Leader of the Council, introduced the proposed 2024/2025 General Fund Budget and Capital Strategy 2023/24 – 2028/29, together with final proposals for the 2024/25 Council Tax. In his introduction, Councillor Henry was pleased to announce that the Council would be setting another balanced budget for the forthcoming year which would be key to make Stevenage an Even Better place for everyone. He then shared a number of his highlights throughout the year including:

- The General Election, resulting in a new Labour Government and a new Labour MP for Stevenage who he thanked for the work he was undertaking to support and promote the Town;
- The Council's agreement to support the Government's plans for Local Government Reorganisation which would deliver real devolution both locally and across the County and the Country;
- The commencement of a 50:50 Joint Venture agreement with MACE for the development of the former Swingate House with 261 homes along with a café at ground level known as Claxton House. This was in addition to 561 Council homes already built with the aim to deliver 1,000 properties by 2028;
- The expansion of Co-Space bringing a further 150 desks into the space which was also home to the UBS Banks Graduate Training Programme;

- Working closely with the University of Hertfordshire and North Herts College to drive the Stevenage Works programme and the £1million skills programme with Sir Lewis Hamilton's Mission 44 Charity;
- The planned £45million development of the new Sports and Leisure Centre; and
- The transformation of the underpasses throughout the Town.

Councillor Jeannette Thomas, Deputy Leader of the Council, then moved the motion, including the recommendations regarding the General Fund Budget 2025/26 and Capital Strategy 2024/25 – 2028/29 and the formal Council Tax Resolution, which had been circulated to Members.

Councillor Thomas highlighted the following points:

- She was presenting a balanced budget with no use of any balances for next year;
- The Council would not be cutting any services and the Commercial Strategy was bringing in income contributing to the budget;
- The Council's target to further reduce anti-social behaviour, including clearing up even more graffiti on council owned and managed property;
- The launch of a brand new corporate Apprenticeship programme to boost talent, skills and work opportunities for local people;
- The increase in Council Tax for residents in a Band D property would equate to £4.74 or for single resident properties £3.55 per week. For residents receiving full benefit they would pay 8.5% of their Council Tax bill and for pensioners on maximum benefit the cost would be zero;
- Councillor Thomas thanked her fellow Cabinet Members, the Overview and Scrutiny Members and the Council's Financial Services priority Group alongside the Strategic Director and Chief Financial Officer and her Team for their work in developing the budget

Councillor Henry then formally seconded the recommendations from the Cabinet on the General Fund and Capital Budgets, together with the formal Council Tax resolution, as set out on the paper circulated to Members.

Councillor Stephen Booth, Leader of the Opposition advised that although his Group had welcomed many of the initiatives over the past 12 months which had been taken by the Council, he questioned the efficiency savings proposed, along with the assumption that the move of the indoor market would improve town centre business. He also queried why there was no evidence to reduce the headcount which in his opinion would enable the increase to local residents to be kept at under 1.99%. Councillor Booth thanked the Council's Section 151 Officer for her help and advice.

A number of members took part in the debate on the motion and raised the following points:

- The budget would ensure there were new homes built in the Town including different types of tenures of ownership for residents along with people wanting to come and live in Stevenage;

- Assumptions within the budget relating to current inflation figures and the Union's request regarding the staff pay award could affect the budget;
- The increase of 2.99% would be difficult for residents to absorb during a cost of living crisis;
- The budget demonstrated the Council's commitment to its services including Planning, Environmental and Direct Services;
- The vast majority of traders within the indoor Market welcomed the move to the new space;
- Most Councils throughout Hertfordshire were increasing Council Tax by the full amount of 2.99% which was prudent and gave the best financial position for this and future years.

A recorded vote* was then taken on the motion, and it was **RESOLVED:**

1. That the following be approved:
 - a. the revised working revenue estimates for the year 2024/25 amounting to £12,251,910 and the revenue estimates for 2025/26 amounting to £10,753,540;
 - b. the contribution to balances totalling £596,801 in 2024/25;
 - c. the contribution to balances totalling £6,053 in 2025/26.
2. That it be noted that at its meeting on 11 December 2024 the Cabinet calculated the amount of 28,571.8 Band D equivalent properties as its council tax base for the year 2025/26 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 31B of the Local Government Finance Act 1992 as amended by Section 74 of the Localism Act 2011.
3. That the following amounts be calculated by the Council for the year 2025/26 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended by Section 74 of the Localism Act 2011:
 - a. £90,151,990 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act, less the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d)
 - b. £83,111,480 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act.
 - c. £7,040,510 Being the amount by which the aggregate at 3a above exceeds the aggregate at 3b above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.

d. £246.41 Being the amount at 3c divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B (1) of the Act, as the basic amount of its council tax for the year

e. Valuation

Bands

A	£ 164.27
B	£ 191.65
C	£ 219.03
D	£ 246.41
E	£ 301.17
F	£ 355.93
G	£ 410.68
H	£ 492.82

Being the amounts given by multiplying the amount at 3d. above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. a. That it be noted that for the year 2025/26 Hertfordshire County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:

Valuation Bands

	Basic Amount of Council Tax	Adult Social Care Charge	2025/26 Council Tax
A	£995.18	£184.73	£1,179.91

B	£1,161.04	£215.52	£1,376.56
C	£1,326.91	£246.31	£1,573.22
D	£1,492.77	£277.10	£1,769.87
E	£1,824.50	£338.68	£2,163.18
F	£2,156.22	£400.26	£2,556.48
G	£2,487.95	£461.83	£2,949.78
H	£2,985.54	£554.20	£3,539.74

- b. That it be noted that for the year 2025/26 Hertfordshire Police Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 and amended by Section 27 of the Police and Magistrates' Court Act 1994, for each of the categories of the dwellings shown below:

Valuation Bands

A	£ 176.67
B	£ 206.11
C	£ 235.56
D	£ 265.00
E	£ 323.89
F	£ 382.78
G	£ 441.67
H	£ 530.00

5. That, having calculated the aggregate in each case of the amounts at 3e. and 4a. and b. above, the Council in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts for council tax for the year 2025/26 for each of the categories of dwellings shown below:

Valuation Bands

A	£1,520.85
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B	£1,774.32
C	£2,027.81
D	£2,281.28
E	£2,788.24
F	£3,295.19
G	£3,802.13
H	£4,562.56

6. To determine in accordance with Section 52ZB Local Government Finance Act 1992 that the Council's basic amount of Council Tax for 2025/26 is not excessive in accordance with principles approved by the Secretary of State under Section 52ZC having calculated the aggregate in each case of the amounts at 3e.
7. The 2024/25 revised net expenditure on the General Fund of **£12,251,910** is approved as set out in paragraph 4.8.1 as summarised in Appendix B.
2.2 The draft General Fund Budget for 2025/26 of **£10,753,540** is proposed for consultation purposes, with a contribution to balances of **£6,053** and a Band D Council Tax of **£246.41**, (assuming a 2.99% Council Tax increase), as summarised in Appendix B and included in the Council tax resolution in Appendix F.
- 8 The updated position on the General Fund Medium Term Financial Strategy (MTFS) as summarised in section 4.10 be noted.
9. The minimum level of General Fund reserves of **£3,421,625**, which is in line with the 2025/26 risk assessment of balances, as shown at Appendix C to this report, is approved.
10. The contingency sum of **£500,000** within which the Cabinet can approve supplementary estimates, be approved for 2025/26, (reflecting the level of balances available above the minimum amount).
11. The 2025/26 Balancing the Budget options as set out in section 4.5 and Appendix A, totalling **£275,907** and **£29,651** for the General Fund and HRA respectively, be approved.
12. The use of the Business Rate reserve to fund a Graduate and Apprentice scheme as set out in section 4.6 is approved for inclusion in the 2025/26 General Fund (**£202,760**).
13. That a first call on underspends of **£150,000** (in total from the General Fund and HRA) is approved to support the Graduate and Apprentice scheme as set out in section 4.6.

14. That the growth bid for graffiti removal of **£75,000** as set out in section 4.6 is approved.
15. That the pressures identified in sections 4.2 and 4.7 to this report are noted.
16. That Members approve the Council Tax Support scheme for 2025/26 as set out in paragraphs 4.3.8-4.3.9
17. That the Section 25 Statement on Robustness of Estimates and Adequacy of Reserve as set out in Appendix D is approved.
18. That Members note the Equalities Impact Assessment appended to this report for the Council Tax increase (Appendix E).
19. That Members note the feedback on the budget from Overview and Scrutiny as set out in Para.4.13.1 and public consultation in Para. 4.13.2 onwards
20. That the Final General Fund Capital Budget for 2025/26 of £52Million, as set out in Appendix C to the report, be approved.
21. That Revisions to the 2024/25 General Fund Capital Budget for 2024/25 of £244k, as set out in Appendix C to the report, be approved.
22. That the Final HRA Capital Budget for 2025/26 of £51.4Million, as set out in Appendix B to the report, be approved.
23. That the forecast of resources and approach to resourcing the capital programme as outlined in the report (General fund Paragraph 4.4 and HRA paragraph 4.10) be approved.
24. Final General Fund growth bids identified for inclusion in the Capital Strategy (paragraph 4.2 and Appendix A to the report) be approved.
25. To enable the use of Community infrastructure levy of up to £5Million, to fund future infrastructure projects as outlined in paragraph 4.6.3. be approved.
26. The approved capital de-minimis expenditure limit of £10,000 be noted.
27. The approved revenue surplus in any year of up to £500K that can be allocated to the capital reserve to support capital expenditure be noted.
28. That the comments from Council Financial Security Group set out in section 4.14 be noted.

[*Recorded Vote on Substantive motion:

For – Councillors Myla Arceno, Robert Boyle, Lloyd Briscoe, Rob Broom, Jim Brown, Kamal Choudhury, Forhad Chowdhury, Nazmin Chowdhury, Peter Clark, Coleen De Freitas, Akin Elokolusi, Alistair Gordon, Richard Henry, Jackie Hollywell, Conor McGrath, Lin Martin-Haugh, Sarah Mead, Claire Parris, Ellie Plater, Tom Plater, Ceara Roopchand, Loraine Rossati, Simon Speller, Jeannette Thomas, Carolina Veres, Nigel Williams and Jade Woods - 27

Against – Councillors Julie Ashley-Wren, Phil Bibby, Stephen Booth, Andy McGuinness, Robin Parker and Peter Wilkins - 6

Abstentions – 0

Not present – Councillors Sandra Barr, Leanne Brady, Lynda Guy, Mason Humberstone, Anne Wells and Tom Wren - 6]

4 **FINAL CAPITAL STRATEGY 2024/25 - 2028/29**

This item was considered together with Agenda Item 3.

5 **ANNUAL TREASURY MANAGEMENT STRATEGY INCLUDING PRUDENTIAL INDICATORS 2024-25**

The Council considered a report in respect of the Annual Treasury Management Strategy 2025/26, including its Annual Investment Strategy, Prudential Indicators and Minimum Revenue Provision (MRP) Policy following consideration by the Audit Committee and Cabinet.

It was moved, seconded and **RESOLVED** that the Treasury Management Strategy 2025/26 be approved.

6 **PAY STATEMENT POLICY 2025/26**

The Council considered a report in respect of the proposed Pay Policy Statement for 2025/26.

The Chief Executive and Strategic Directors left the Chamber during consideration of the item as the report addressed proposed changes to senior officer pay.

In moving the report, Councillor Jeannette Thomas, Portfolio Holder for Resources and Transformation advised that the pay scales for senior officers were set in accordance with the Joint Negotiating Committee (JNC). The Appointments Committee had met to consider Senior Officer pay and had recommended an increase in the Chief Executive's salary which had been ratified by Council in December 2024. Following this, further benchmarking had been undertaken in relation to Senior officer roles. After consideration of an independent report and a number of other factors, the Appointments Committee agreed to recommend to Council the proposals in the report.

Councillor Jeannette Thomas also advised that the Leader of the Council , in conjunction with Cabinet Members had considered the pay of the current Chief Executive following the changes for the incoming Chief Executive and a decision to recommend to Council that the incumbent Chief Executive should also be paid at the revised rate was agreed to ensure the pay was equitable.

The Leader of the Council, Councillor Richard Henry seconded the report.

A Member expressed concern that the decision taken by Council in December had agreed the new Chief Executive's salary and was not relevant for the current postholder. The Portfolio Holder for Resources and Transformation advised that the changes had been made to ensure pay was equitable and justified and in line with corporate practice. Benchmarking had shown that the current Chief Executive had been paid at a lower rate than counterparts within the County and beyond. Legal

advice had been sought and advice received allowed the backdating of the increase to when the decision had been taken by Council in December 2024.

In response to a question regarding how the change to the salary would affect the pension of the current Chief Executive, the Monitoring Officer advised that the impact on the pension was referred to in the report at paragraph 5.1.2.

Upon the motion being put to the vote, it was **RESOLVED**:

1. That the pay policy statement set out in accordance with the Localism Act 2011 and the Local Government Transparency Code 2015, as attached at Appendix A to the report, be approved.
2. That the proposed changes to Senior Officer salary scales from 1 April 2025 in line with the Appointments Committees Recommendations be noted and approved.
3. That a payment be made to the retiring Chief Executive of £9,140, the reasons for which are set out in paragraph 4.8 and 4.9 in the report.
4. That the pay policy statement be placed on the Council's website once approved.

7 **LICENSING ACT 2003 POLICY REVIEW**

The Council considered a report in respect of the Council's proposed Statement of Licensing Policy as required under the Licensing Act 2003 (the Act).

It was moved, seconded and **RESOLVED** that:

1. That the report be noted and that the proposed Stevenage Borough Council Licensing Act Statement of Licensing Policy 2025-2030 (attached at **appendix A**) be approved.
2. That the proposed Stevenage Borough Council Statement of Licensing Policy be adopted.
3. That the Licensing Officers, the Licensing Manager and the Head of Environmental Health and Licensing, in their capacity as 'The Licensing Authority', be approved to act on behalf of the Council as a Responsible Authority as prescribed in the Licensing Act 2003 (13.4 & 69.4).
4. That it be noted that sections 6.3.1 and 16.6.5 of the draft policy have been amended accordingly to remove any wording which conflicts with the above proposed recommendation.
5. That it be noted that if the decision is made to agree for the Licensing Authority to act as a Responsible Authority, amendments to the Council's Constitution may be required, specifically Part 3 – Responsibility for Functions.

8 **GAMBLING ACT 2005 POLICY REVIEW**

The Council considered a report in respect of the Council's draft Statement of Principles as required under the Gambling Act 2005.

It was moved, seconded and **RESOLVED** that:

1. That the report be noted and the proposed Stevenage Borough Council Gambling Act Statement of Principles 2025-2028 (attached at appendix A) be approved.
2. That the Stevenage Borough Council draft Statement of Principles be adopted.

9 **SO SAFE (COMMUNITY SAFETY) STRATEGY**

The Council considered a report presenting a final version of the draft Community Safety Strategy 2025-28, outlining the emerging priorities of the SoSafe partnership for the next three years.

In moving the report, Councillor Conor McGrath, the Portfolio Holder for Stronger Communities advised that the work culminating in the Strategy had ensured a reduction in crime and anti-social behaviour alongside much needed support for the Town's most vulnerable residents. The Strategy built on the progress made so far and highlighted the strength of the Council's partnerships.

In seconding the report, Councillor Hollywell thanked Councillor McGrath for continuing the work on the Strategy alongside the Head of Community Advice and Support and her Team. She advised that she was particularly pleased with the work and recommendation relating to violence against women and girls.

It was **RESOLVED** that:

1. the duty placed on the Council and other responsible authorities to publish and implement a Community Safety Strategy that addresses the reduction of crime and disorder be noted.
2. the feedback from Cabinet and Overview and Scrutiny Committee be noted and that the Community Safety Strategy be approved.
3. delegated authority be given to the Strategic Director (RP) after consultation with the relevant Portfolio Holder and the So-Safe Partnership, to agree and publish an annual Community Safety Action Plan and to make minor amendments to the Strategy.

10 **MEMBERS ALLOWANCES SCHEME 2025/26**

The Council considered a report in respect of the proposed Members' Allowances Scheme for 2025/26, as recommended by the Independent Remuneration Panel (IRP).

It was moved by Councillor Richard Henry and seconded by Councillor Jeannette Thomas that the recommendations of the Independent Remuneration Panel set out in the report be agreed.

Following debate, and upon the motion being out to the vote, it was **RESOLVED**:

1. That the report of the Independent Remuneration Panel be noted and, subject

to Members' consideration, that the findings of the report form the basis of the formal Members' Allowances Scheme for 2025/26 onwards, including:

- the Basic Allowance, Special Responsibility Allowances, and all other Discretionary Allowances remained unchanged from 2024/25 for 2025/26, and
 - That for 2026/27 and 2027/28 the Basic Allowance, Special Responsibility Allowances, and the Co-optees' Allowances increase in line with the Retail Price Index [RPI].
2. That, in the light of Recommendations 2.1 above, the draft formal Members' Allowances Scheme, as shown at Appendix B to this report, be approved for 2025/2026 onwards.
 3. That an Independent Remuneration Panel be convened in the Autumn of 2027 to consider the Members' Allowances Scheme for 2028/2029 onwards.
 4. That the Democratic Services Manager undertakes a campaign in advance of 2027 to recruit new members to form the Independent Remuneration Panel

11 **CONTRACT PROCEDURE RULES**

The Council considered a report in respect of the Revision to Contract Procedure Rules 2025.

In moving the report, Councillor Veres, Chair of the Audit Committee advised that the key improvements included enhanced transparency, greater efficiency and value for money and compliance with national regulations.

It was then seconded and **RESOLVED** that the Revised Contract Procedure Rules be approved.

CHAIR

Part I – Release to Press



Agenda item:

Meeting Council

Portfolio Area

Date 22 May 2025



RESOLUTION TO EXTEND 6 MONTH RULE – SECTION 85 LOCAL GOVERNMENT ACT 1972

Author Victoria Wilders Monitoring Officer
Lisa Jerome Senior Democratic Services Officer

1. PURPOSE

- 1.1. To seek Council's approval, in accordance with section 85(1) of the Local Government Act 1972, of Councillor Barr's non-attendance at meetings of the Council for a period of 6 months.

2. RECOMMENDATIONS

- 2.1. That Council agree, in accordance with Section 85 of the Local Government Act 1972, to approve Councillor Barr's non-attendance at meetings for six months, until 22 November 2025, on the grounds of ill health, and that the Council's best wishes be conveyed to her.

3. BACKGROUND

- 3.1. Councillor Barr has been unable to attend any qualifying meetings on ill-health grounds, having last attended at the Licensing Committee on 19 December

2024. In the circumstances, it is requested that Council approve her continuing absence for a period of 6 months.

- 3.2. If approved this extension would not prevent Councillor Barr from returning to meetings at any time within the 6 month extension period.
- 3.3. An extension is permitted under section 85 of the Local Government Act 1972 but must be approved within 6 months of Councillor Barr's last qualifying meeting to prevent her from being disqualified.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1. Unless Council approve Councillor Barr's continued absence she will be disqualified from serving as a Councillor on 19 June 2025, her last qualifying attendance being at the meeting of the Licensing Committee held on 19 December 2024.

5. IMPLICATIONS

Financial Implications

- 5.1. None

Legal Implications

- 5.2. Section 85(1) of the Local Government Act 1972 provides:

Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

Council is therefore permitted to approve Councillor Barr's continuing absence under the above section. If Council does not approve Councillor Barr's absence she will cease to be a member of this Authority.

Policy Implications

- 5.3. None.

Planning Implications

- 5.4. None.

Climate Change Implications

- 5.5. None.

Equalities and Diversity Implications

- 5.6. None.

Meeting: ANNUAL COUNCIL
Date: 22 MAY 2025



CONSTITUTIONAL ISSUES

Author – Lisa Jerome

Ext No.2703

Lead Officers – Richard Protheroe

Ext No. 2456 / 2938

Contact Officers – Luke Fattorusso / Victoria Wilders

Ext Nos. 2174 / 2331

1. PURPOSE

- 1.1 To consider various matters relating to the Member level decision making structure of the Council and the Council's Constitution for the forthcoming Municipal Year.

2. RECOMMENDATIONS

- 2.1 That the Terms of Reference, as detailed in the appendices to this report; and the size and political composition for the following bodies that form the non-Executive Member level decision making structure of the Council be approved, subject to the rules of proportionality where appropriate for 100 Committee places where applicable (relevant Committees are identified thus*) -
- Overview and Scrutiny Committee* (Appendix A) – 14 Members (11 Labour Members, 2 Liberal Democrat Member, 1 Conservative Member)
 - Community Select Committee* (Appendix B) – 10 Members (8 Labour Members, 2 Liberal Democrat Members)
 - Environment and Economy Select Committee* (Appendix C) – 11 Members (9 Labour Members, 2 Liberal Democrat Members)
 - Planning & Development Committee* (Appendix D) – 14 Members (12 Labour Members, 2 Liberal Democrat Members)
 - Licensing Committee (Appendix E) – 14 Members (12 Labour Members, 2 Liberal Democrat Members)
 - General Purposes Committee* (Appendix F) – 14 Members (12 Labour Members, 2 Liberal Democrat Members)

- Appointments Committee* (Appendix G) - 8 Members (7 Labour Members, 1 Liberal Democrat Member)
- Standards Committee* (Appendix H) – 8 Members (6 Labour Members, 1 Liberal Democrat Member, 1 Conservative Member)
- Audit Committee* (Appendix I) – 10 Members (8 Labour Members, 1 Liberal Democrat Member, 1 Conservative Member) + 1 Co-opted non-elected member
- Statement of Accounts Committee* (Appendix J) – 8 Members (7 Labour Members, 1 Liberal Democrat Member)
- Joint Consultative Committee* (Appendix K) – 3 Members (2 Labour Members, 1 Liberal Democrat Member)

* Indicates where those bodies covered by the rules of proportionality for the purposes of the Local Government (Committees and Political Groups), Regulations 1990 – total Committee places being 100

- 2.2 The Housing Development and Regeneration Working Group be separated into two stand alone Working Groups
- 2.3 That the Borough Solicitor be authorised to make consequential amendments to the Constitution to reflect the proposal set out in Recommendation 2.2 above.
- 2.4 That the membership of the Cabinet and the individual Portfolios, as set out in the document tabled at the meeting, be noted.
- 2.5 That the various Cabinet bodies appointed by the Leader, detailed in Paragraph 4.4 of the report and the relevant Terms of Reference for each body set out in Appendix L to the report, be noted.
- 2.6 That Council approves the dates for Council meetings for the Municipal Year 2025/26, as shown at Paragraph 4.7 of the report, and notes the calendar of formal meetings shown at Appendix M to the report.
- 2.7 That Council approves the appointment of Richard Protheroe, Deputy Chief Executive, as Deputy Electoral Registration Officer.

3. BACKGROUND

- 3.1 The appointment and the terms of reference of Scrutiny, Regulatory and Advisory Committees that have no Executive functions are matters to be determined by Council.
- 3.2 Additionally, it is for the Council to agree the dates of Council meetings and changes to the Constitution.

4. REASONS FOR RECOMMENDED COURSE OF ACTIONS AND OTHER OPTIONS

Council's Committees and Panels - Terms of Reference and Composition

- 4.1 The proposed Terms of Reference for each of the bodies to be appointed by Council are set out in Appendices A - K. With the exception of the Licensing Committee, the political composition of those Committees is directed by the Local Government (Committees and Political Groups) Regulations 1990.

Cabinet

- 4.2 The Leader will be appointing Members to the Cabinet (with Portfolios). This information will be tabled at the Annual Council meeting.

Appointment of Cabinet Bodies

- 4.4 The Leader of the Council has agreed to retain the following Committees of the Cabinet –

Appeals, Grievances and Litigation Committee
Housing Development Working Group
Regeneration Working Group
Commercial and Investment Working Group
Housing Working Group
Stevenage, North Herts., East Herts. and Hertsmere Joint CCTV Committee
Stevenage and East Herts. Joint Executive Revenues and Benefits Shared Service Committee
Stevenage and East Herts Joint ICT Executive Committee

- 4.5 The terms of reference for these Committees / Working Groups may be found at Appendix L.
- 4.6 Membership of these bodies is limited to only Members of the Cabinet. Details of the memberships of these Committees will be set out in the schedule circulated with the Supplementary Agenda.

Dates of Council meetings

- 4.7 To comply with Standing Orders the Council should approve its programme of meetings annually. The approval of dates for Council meetings for the year does not preclude extraordinary or special meetings being called by the Chief Executive, in consultation with the Mayor; nor for the date, time or place to be altered in accordance with the Regulations or where a material change of circumstances makes it necessary. The dates proposed for Council are as follows:
- Wednesday, 16 July 2025
 - Thursday, 24 July 2025 (Special Meeting)
 - Wednesday, 15 October 2025
 - Wednesday, 17 December 2025

- Wednesday, 21 January 2026 (Regular meeting, to include HRA and Rent Setting)
- Wednesday, 25 February 2026 (Special Meeting – Budget only)
- Wednesday, 20 May 2026 (Annual Council)

- 4.8 A provisional calendar of formal meetings is also appended to this report at Appendix M. This calendar will be subject to change and any alterations to dates of meetings, additions and cancellations will be notified to Members. Previous draft versions of the calendar should be discarded.
- 4.9 It should be noted that the draft calendar includes some dates for ‘Select Committees’ details of which specific meetings will be held on those dates will be notified to Members as we go through the year.
- 4.10 The calendar of formal meetings appears on the Council's website and is regularly updated. Furthermore, following Council appointing to each body, Members will be sent ‘Outlook’ calendar invitations to the meetings that are relevant to them.

Deputy Electoral Registration Officer

- 4.11 That, following the appointment of the new Deputy Chief Executive by the Appointments Committee on 7 May 2025, and in accordance with section 52(2) of the Representation of the People Act 1983, it is recommended that Council approves the appointment of Richard Protheroe, Deputy Chief Executive, as Deputy Electoral Registration Officer.

BACKGROUND PAPERS

The Council’s Constitution.

APPENDICES

- Terms of Reference
 - Overview and Scrutiny Committee (Appendix A)
 - Community Select Committee (Appendix B)
 - Environment and Economy Select Committee (Appendix C)
 - Planning and Development Committee (Appendix D)
 - Licensing Committee (Appendix E)
 - General Purposes Committee (Appendix F)
 - Appointments Committee (Appendix G)
 - Standards Committee (Appendix H)
 - Audit Committee (Appendix I)
 - Statement of Accounts Committee (Appendix J)
 - Joint Consultative Committee (Appendix K)
- Terms of Reference – Cabinet Bodies (Appendix L)
- Provisional Calendar of Meetings 2025/26 (Appendix M)

OVERVIEW & SCRUTINY COMMITTEE

1. Membership - 14 (Not to be Members of the Cabinet but to include the Chairs of the 2 Select Committees)
2. Quorum - 4
3. Terms of Reference
 - 3.1. To consider the activities of the Cabinet and to have responsibility to reconsider any executive decision that has been subject to call-in, in accordance with the provisions of the Scrutiny provisions as set out in the Council's Constitution.
 - 3.2 Responsibility for the scrutiny of all initial proposals for the development of the Council's Budget and Policy Framework in accordance with the Budget and Policy Framework provisions in the Council's Constitution.
 - 3.3 To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the direct purview for services of a Corporate and/or Council wide nature and relationships with partners and external agencies involved with these areas, together with a timetable and method of study for each topic.
 - 3.4 To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Cabinet, other Committees, Officers and / or partner agencies as appropriate.
 - 3.5 To review the Forward Plan of Key Decisions in relation to services within the direct purview for services of a corporate and/or Council wide nature, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Cabinet Member and/or Assistant Director to provide a briefing or take part in discussion.
 - 3.6 That in respect of policy development of matters that fall within the remit of this Committee, to meet with the relevant Portfolio Holder to comment on individual draft policies that are scheduled to be considered to the Cabinet.
 - 3.7 To work with other Select Committees, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.
 - 3.8 To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters

within the direct purview for services of a Corporate and/or Council wide nature.

- 3.9 In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the direct purview for services of a Corporate and/or Council wide nature.
- 3.10 In conjunction with the Select Committees, responsibility for the on-going development of the Scrutiny function of the Council.
- 3.11 To report to the Cabinet, other committees or Council, as appropriate.

COMMUNITY SELECT COMMITTEE

1. Membership - 10 (not Members of the Cabinet)
Observer – Stevenage Youth Mayor
2. Quorum - 4
3. Terms of Reference
 - 3.1 To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the purview of the Assistant Director (Housing and Investment), the Assistant Director (Communities and Neighbourhood) and the Assistant Director (Stevenage Direct Services (repairs and caretaking)) and relationships with partners and external agencies involved with these services, together with a timetable and method of study for each topic.
 - 3.2 To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Cabinet, other Committees, Officers and / or partner agencies as appropriate.
 - 3.3 To review the Forward Plan of Key Decisions in relation to services within the Committee's remit, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Cabinet Member and/or Assistant Director to provide a briefing or take part in discussion.
 - 3.4 To act as the Council's Crime and Disorder Committee, meeting in that capacity a minimum of once each year (by including Crime and Disorder on the agenda at least once each year).
 - 3.5 That in respect of policy development of matters that fall within the remit of this Committee, to meet with the relevant Portfolio Holder to comment on individual draft policies that are scheduled to be considered to the Cabinet.
 - 3.6 To work with the other Select Committee or the Overview & Scrutiny Committee, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.
 - 3.7 To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the purview of the Assistant Director (Housing and Investment) and the Assistant Director (Communities and Neighbourhood).

- 3.8 In accordance with the Petitions Scheme, consider Petitions, Petition Reviews and interview Senior Council Officers (as requested by a Petition) in relation to matters within the purview of the Assistant Director (Housing and Investment) and the Assistant Director (Communities and Neighbourhood).
- 3.9 In conjunction with the other Select Committee and Scrutiny Overview Committee, responsibility for the on-going development of the Policy Development and Scrutiny function of the Council.
- 3.10 To report to the Cabinet, other committees or Council, as appropriate.

ENVIRONMENT AND ECONOMY SELECT COMMITTEE

1. Membership - 11 (not Members of the Cabinet)
2. Quorum - 4
3. Terms of Reference
 - 3.1 To determine a Scrutiny work programme to examine the spending, policies and administration of the Council's services within the purview of the Assistant Director (Regeneration), Assistant Director (Stevenage Direct Services (except caretaking and repairs)), Assistant Director (Housing Development) and Assistant Director (Planning & Regulatory) and relationships with partners and external agencies involved with these services, together with a timetable and method of study for each topic.
 - 3.2 To determine formal recommendations in relation to scrutiny studies undertaken for reporting to the Council, Cabinet, other Committees, Officers and / or partner agencies as appropriate.
 - 3.3 To review the Forward Plan of Key Decisions in relation to services within the Committee's remit, considering if it wishes to make any input to policy issues contained in the Plan and if so, how. In undertaking this work the Committee may call upon the relevant Cabinet Member and/or the Strategic Director to provide a briefing or take part in discussion.
 - 3.4 To consider any policy issues within the remit of the Select Committee referred by the Cabinet and raising any other issues it considers appropriate.
 - 3.5 To work with the Community Select Committee or the Overview & Scrutiny Committee, as appropriate when considering cross-cutting scrutiny studies and policy development when both Committees have so agreed.
 - 3.6 To consider matters referred to the Committee under the procedure for the Councillor Call for Action in relation to matters within the purview of the Assistant Director Stevenage Direct Services and Assistant Director Planning and Regulation.
 - 3.7 In conjunction with the Community Select Committee and the Overview and Scrutiny Committee, responsibility for the on-going development of the Policy Development and Scrutiny function of the Council.
 - 3.8 To report to the Cabinet, other committees or Council, as appropriate.

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PLANNING AND DEVELOPMENT COMMITTEE

1. Membership – 14

2. Quorum - 4

3. Terms of Reference

3.1 To advise the Cabinet on the following:

- (i) Identification of consumer needs for services related to planning and development services and facilities functions of the Committee, and recommendations on the development of services and facilities to meet them, including:

Land use plans and policy, including local plans
Employment and economic development
Development management services

and advising the Leader / Cabinet / Council accordingly;

- (ii) Management and maintenance of planning and development related facilities and services in item (i), including employment and training facilities and services;
- (iii) Monitoring and review of performance in relation to the provision and development of planning and development services and facilities, including employment and training facilities and services, whether provided by the Assistant Director Planning and Regulation, other Council Service Delivery Units, or outside contractors and advising the Leader/Cabinet/Council accordingly;
- (iv) The promotion of the economic development of Stevenage, and of specific industrial/commercial land and premises within Stevenage, as to use and development and, where appropriate, about monitoring negotiations for development and redevelopment;
- (v) Development and encouragement of local businesses, employment and training initiatives, with co-ordination and implementation by the Leader / Cabinet as appropriate.
- (vi) The allocation and monitoring of grant aid and loans to local employment and training initiatives.

3.2 Responsibility for Development Management, including Listed Building Control - determination of planning applications, and enforcement matters under planning regulations.

- 3.3 Responsibility for Building Control - determination of applications under the Building Regulations, and enforcement matters under planning and building legislation.
- 3.4 Responsibility for the determination of Countryside Management and Tree Preservation matters, including the making of Tree Preservation Orders and related matters, and including consultation with appropriate outside bodies.
- 3.5 Matters imposed or permitted by legislation in relation to the functions of the Committee.
- 3.6 Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of this Constitution); as clarified by regulations, subject to them being dealt with, as appropriate, by officers under delegated powers. This is to include the making of charges for any approval, licence or registration etc., in relation to the powers referred to.
- 3.7 Insofar as they are not already referred to in these terms of reference, those local choice functions set out at Table 3 of Part 3 of the Council's Constitution.
- 3.8 Any other appropriate matter referred.

LICENSING COMMITTEE

1. Membership – 14
2. Quorum - 4
3. Terms of Reference
- 3.1 To consider and determine applications under the Licensing Act 2003 where representations have been made, in respect of the following cases.
 - (i) Personal Licences;
 - (ii) Premises Licences/ Club Premises Certificates;
 - (iii) Provisional Statements;
 - (iv) Variation of Premises Licences/ Club Premises Certificates;
 - (v) minor variations of Premises Licences/Club Premises Certificates;
 - (vi) Variation of Designated Premises Supervisors;
 - (vii) Transfer Premises Licences;
 - (viii) Interim authorities;
 - (ix) Review premises licences/club premises certificates;
 - (x) Issue of Counter Notice following Police or Environmental Health objection to a temporary event notices.
- 3.2 To consider and determine applications and variations under the Gambling Act 2005 (where representations have been made and not withdrawn) in respect of the following cases:
 - (i) Premises Licences;
 - (ii) Variation to a Licence;
 - (iii) Transfer of a Licence;
 - (iv) Provisional Statements;
 - (v) Review of a Premises Licence;

- (vi) Club Gaming / Club Machine Permit;
- (vii) Cancellation of a Club Gaming / Club Machine Permit.

GENERAL PURPOSES COMMITTEE

1. Membership - 14
2. Quorum – 4
3. Terms of Reference
- 3.1 To consider matters in accordance with the Council's policies in respect of the following:
 - the grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of another committee or where the matter has been delegated to officers of the Council.
 - consideration and determination of such applications for licences, registration, certificates and consents that the Head of Leisure, Community and Children's Services feels necessary, owing to the nature of the application concerned.
- 3.2 The designation of public places where the consumption of alcohol is to be prohibited.
- 3.3 To consider and determine certain matters where a right of appeal exists against the decision of a Members body or an officer, including:
 - Further reviews under the relevant Regulations by applicants for Housing Benefit and Council Tax Benefits.
 - Appeals in relation to housing needs assessment.

These terms of reference shall exclude the hearing and determination of:-

 - appeals by officers against dismissal or disciplinary action;
 - grievances from Officers under the final state of the grievance procedure;

which shall be dealt with either in accordance with the terms of reference for the Appeals/Grievance Panel or in accordance with the delegations to Officers.
- 3.4 Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions & Responsibilities) (England) Regulations as amended (See Table 2 of Part 3 of the Constitution) (subject to them being dealt with as appropriate by Officers under delegated powers).
- 3.5 Insofar as they are not already referred to in these terms of reference, those 'local choice' functions set out at Table 3 of Part 3 of the Constitution.

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APPOINTMENTS COMMITTEE

1. Membership - 8
2. Quorum - 3
3. Terms of Reference

The appointment and dismissal of the Chief Executive and Strategic Directors, subject to the requirements of the Local Government Act 2000, Local Authorities (Standing Orders)(England) Regulations 2001, and the Officer Employment Rules contained in the Constitution.

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STANDARDS COMMITTEE

1. Membership - 8 Members to include only one Member of the Cabinet

2. Quorum- 3

3. Terms of Reference

- 3.1 The promotion and maintenance of high standards of conduct by members and co-opted members of the Council.
- 3.2 To consider and dispose of allegations that a member is in breach of the Council's Code of Conduct in accordance with the Arrangements adopted by the Council under Section 28 Localism Act 2011.
- 3.3 To depart from the Arrangements in the circumstances described in paragraph 12 of the Arrangements.
- 3.4 To consider and, if necessary, recommend changes to the Code of Conduct, the arrangements under which allegations can be investigated and decisions on allegations can be made or any other aspects of the Standards Regime to the Council.
- 3.5 To grant dispensations under Section 33 Localism Act 2011.

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AUDIT COMMITTEE

1. Membership – 10 (+ 1 Co-opted Independent non-elected member) to include -

- Chair - A Member who is neither a Member of the Cabinet nor who serves as a Scrutiny Member
- 1 Member of the Cabinet only

2. Quorum - 4

3. Terms of Reference

3.1 To advise or comment as appropriate on –

a) Internal Audit matters, including:-

- The Annual Internal Audit Plan
- The adequacy of management responses to Internal Audit reports and recommendations
- The Audit Partnership Manager's Annual Report and Opinion
- To consider summaries of specific internal audit reports, as requested

b) External Audit matters, including-

- External Auditors plans for auditing and inspecting the authority
- The Annual Audit & Inspection Letter from the External Auditor
- The report to those charged with governance
- Proposals from the National Audit Office over the appointment of the External Auditor
- The scope & depth of External Audit work

c) Arrangements made for the co-operation between Internal Audit, external audit and other bodies.

d) Anti-Fraud & Corruption issues including the Council's policies on Anti-Fraud and Corruption, "whistle-blowing".

e) The Council's Annual Governance Statement.

f) The Council's Constitution in respect of Contract Standing Orders, Financial Regulations.

g) The Council's Risk Management arrangements.

h) The Council's arrangements for delivering value for money.

i) The Statement of Accounts and related Capital Determinations.

j) The Council's Treasury Management Strategy.

k) The Council's Regulation of Investigatory Powers Act (RIPA) Policy.

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STATEMENT OF ACCOUNTS COMMITTEE

1. Membership - 8

2. Quorum - 3

3. Terms of Reference

To approve the Statement of Accounts and related Capital Determinations in accordance with the Accounts and Audit (England) Regulations 2011.

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JOINT CONSULTATIVE COMMITTEE (JCC) (EMPLOYER SIDE)

Membership - 3

Quorum – 2

Terms of Reference - To meet jointly with the Staff Side, Joint Consultative Committee to consult with employees, via their representatives, on developments affecting them; and on matters not resolved by the Strategic Management Board.

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CABINET BODIES – TERMS OF REFERENCE

Appeals, Grievances and Litigation Committee

Membership: Chairman - Portfolio Holder for Resources and three members of the Cabinet

Quorum - three

Terms of Reference –

Except where matters fall to be considered by any other body -

1. To hear and determine appeals against dismissal or disciplinary action in the case of Officers employed on Chief Officer Terms and Conditions.
2. To hear and determine grievances under the final stage of the grievance procedure in the case of Officers employed on Chief Officer Terms and Conditions; or, in the case of other officers, where no Strategic Management Board is able to hear the grievance.
3. To receive reports and opinions on litigious and potentially litigious matters whether or not the matter under consideration has been referred to the courts or any tribunal.
4. To authorise the Borough Solicitor to commence legal proceedings or defend or settle, if so required in any case on terms, any litigation matter or potentially litigious matter.

Housing Development and Regeneration Working Group

Membership: Chair - Leader of the Council
Portfolio Holder for Housing, Health and Older People
Portfolio Holder for Resources
Portfolio Holder for Environment and Regeneration
Portfolio Holder for Neighbourhoods & Co-operative Council

To advise and make recommendations to the Cabinet on the following -

HOUSING DEVELOPMENT

1. Documents relating to Development Strategy, Design Standards and a Pipeline of schemes that will form the strategic core of the Council's Housebuilding Programmes.
2. Financial resources of the programme in light of the individual schemes being delivered and their outputs in relation to:
 - a. Scheme Design & Unit mix
 - b. Scheme Quality

- c. Scheme Mile stones
- d. Consultation programme &
- e. Scheme Costs & financial appraisals

3. Funding for officers to bid for and complete on new sites and development opportunities that will enhance the Council's pipeline for new housing or form part of the land assembly required to deliver approved schemes.

4. Outline designs, individual scheme concepts and scheme appraisals on which to approve the submission of detailed planning applications, and/or if more appropriate outline planning applications, by the Council's appointed contractors, consultants or officers .

5. To invite Ward Members to attend meetings of the Committee, or other consultation events noted in the consultation programme when potential development sites in their ward are under consideration, and to provide an opportunity for Ward Members to provide comments on proposed developments.

6. The commencement of the procurement of delivery partners/contractors for sites that have achieved planning permissions and are considered to be contributing towards a viable development programme.

7. Appointment of contractors to deliver approved schemes.

8. Financial appraisals and the use of the following sources of funding for the development of individual sites within the Council's Housebuilding Programme:

- (a) The agreed Housing Capital Programme Budget for the Housebuilding Programme;
- (b) Capital receipts made available through the Council's Agreement with the Ministry of Housing, Communities and Local Government allowing the use of Receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB discount to be spent on House Building;
- (c) Financial contributions received from developers or other sources for the provision of Affordable housing within the borough, in lieu of on-site affordable housing provision, in compliance with Section 106 Planning Agreements; and other eligible grant from new sources
- (d) Grant funding received from Homes England (HE)
- (e) Development support income generated through private sale homes, land disposals and shared ownership homes on schemes and land identified in the programme.

9. The progress with the Council's Housebuilding Programme; and expenditure on the Housing Capital Programme Budget for the Council's Housebuilding Programme,

ensuring the use (within the required Deadlines) of the capital receipts made available through the Council's Agreement with the Ministry of Housing, Communities and Local Government allowing the use of receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB Discount to be spent on house building.

10. Applications to HE (or any successor body) to obtain Investment Partner Status (or similar), in order to enable the Council to seek funding from HE, and to approve funding bids to HE for development within the Council House Building Programme.

11. The future use of any potential development site previously identified by either the Committee or Cabinet as having possible development potential for Council House Building where it either does not gain planning consent, is deemed inappropriate to develop by the Committee for whatever reason or where the development appraisal identifies that the site is economically undevelopable.

12. The names of developments undertaken through the Council House Building Programme, following consultation with Ward Members.

13. The name of the Council's wholly owned Housing Development Company [WOC].

14. The annual summary and accounts of the WOC's performance against key performance measures

15. The annual revised versions of the first Business Plan produced by the WOC, and any subsequent Business Plans for additional housing schemes, and to make recommendations to Cabinet in relation to them.

16. Requests from the WOC to acquire any property or otherwise trade outside the Council's administrative area and to make recommendations to Cabinet in relation to them.

REGENERATION

17. Projects relating to Stevenage Central Framework, and any further opportunities or schemes that will support the strategic vision for the regeneration of Stevenage Town Centre.

18. The communication and marketing strategy for the regeneration of the town and consultation and engagement arrangements for different regeneration schemes.

19. Commencement of procurement of delivery partners/ contractors for schemes that are considered to be contributing to the vision for the town centre.

20. The progress within the Council's overall regeneration programme; including project progress, future planning and commissioning of projects, funding options and future bidding rounds.

21. Schemes being progressed via Development Partnerships or joint ventures with commercial partners and individual scheme concepts or schemes to be brought forward through these commercial arrangements.

22. The annual report regarding the Queensway regeneration scheme from the Queensway LLP ("the LLP"), consider and approve the LLP's Business Plan and hold the Council's officer representatives on the LLP to account for delivery of the Business Plan. To authorise an operational expenditure cap of up to £100k per annum for LLP spend which is supplementary to the agreed Business Plan. To receive a regular progress report from the Council's officer representatives on the LLP and delegate the signing off of LLP accounts, appointment of auditors and change of representatives to the Chief Executive having consulted with the Portfolio Holder for Environment and Regeneration.

23. Bidding opportunities which will aid delivery of the Stevenage Central Framework vision for the town centre.

24. Additional strategies and concepts which will support the regeneration of Stevenage Town Centre.

Commercial and Investment Working Group

Membership: Portfolio Holder for Resources
4 other Cabinet Members

To advise and make recommendations to the Cabinet on the following -

1. New income streams and commercial business cases (including those that are key decisions).
2. Financial resources where necessary to progress commercial projects.
3. Individual Schemes within the Programme.
4. The development of new opportunities through establishing a risk appetite that stimulates the evaluation of new emerging markets and opportunities.
5. Documents relating to the Co-operative Commercial and Insourcing Strategy and regularly review the Strategy.
6. The delivery of approved business cases and all aspects of the Co-operative Commercial and Insourcing Strategy.
7. Strategic leadership to build a robust commercial culture.
8. Key performance indicators of all income generating functions.

9. Key commercial arrangements including contracts, contract and performance management processes and major service developments and track the progress of such developments.

Housing Working Group

Membership: Portfolio Holder for Housing & Housing Development
2 other Cabinet Members

1. To provide strategic oversight of Council Housing Management Services and Roles.
2. To support the ongoing improvement and delivery of services to residents.
3. To review, monitor and scrutinise on a regular basis:-
 - a. Housing Service Performance data including (Tenant Satisfaction Measures)
 - b. Complaint Handling
 - c. Regulatory Compliance
 - d. Housing Risk Management
 - e. Health and Safety across all housing services
 - f. Resident Engagement
 - g. HRA Business Planning
4. To consider and review relevant strategies, policies and processes to help deliver clarity and structure to improve service delivery.
5. To consider and respond to feedback from residents as part of the Council's emerging Resident Engagement Strategy
6. To undertake detailed reviews of key services, considering performance, service standards, feedback, learning and improvements.
7. To provide challenge, drive learning and improvement, ensure the voice of residents is heard and acted upon and to ensure that regulatory and Statutory standards are understood and achieved.

Stevenage, North Herts., East Herts. and Hertsmere Joint CCTV Committee

SBC Membership: Lead Member - Portfolio Holder for Community, Community Safety and Equalities (serving as Chair when appropriate) and two Members of the Cabinet

Quorum - four Members (one from each constituent Authority)

Terms of Reference -

1. To agree the strategy and policy relating to the jointly operated CCTV Control and Monitoring service.
2. To receive the CCTV Annual Report, Independent Inspector's Report and other relevant reports.
3. To deal with all matters defined under the code of practice as the responsibility of the Executive Board.
4. To consider expansion and contraction proposals for the control room monitoring service.
5. To consider and agree minor changes to the Code of Practice.
6. To consider and recommend significant changes in the Code of Practice.
7. To ensure that the Independent Inspection regime is set up and maintained.
8. To consider complaints regarding breaches of the Code of Practice and recommendations for disciplinary action and actions, or changes to prevent reoccurrence.
9. To deal with any matters as identified under the Joint Agreement as requiring the actions of the Executive Board; in particular:
 - To require reports from the Authorising Officer on management and operational matters
 - To consider matters referred to the Authorising Officer under the Joint Agreement disputes procedure
 - To consider proposals to incur additional control and monitoring room cost as a result of expansion within the allocated camera expansion capacity of one party.
10. To make recommendations on any of the above to the Officer Management Board.

Stevenage and East Herts. Joint Executive Revenues and Benefits Shared Service Committee

SBC Membership: Lead Member – Portfolio Holder for Resources (serving as Chairman when appropriate) and the Portfolio Holders for Housing, Health and Older people and one other.

Quorum - three Members (at least one from each constituent Authority)

Terms of Reference -

1. To approve the annual Service Plan for the Share Revenues and Benefits Service.
2. To receive explanations of variances in service performance against the agreed Service Plan.
3. To approve the budget of the Shared Service and where so delegated determine requested virements within that budget.
4. To give initial consideration to future development of the Shared Service and any changes in legislation that may affect service delivery and make recommendations thereon to the Cabinet or Officers.
5. Where it is considered appropriate, report to the Cabinets/Executives of the Constituent Councils.

East Herts Council and Stevenage Borough Council Joint Information Communication Technology Committee

Purpose

This is a joint committee of the Cabinets/Executives of Stevenage Borough and East Hertfordshire District Councils, under the provisions of section 101 of the Local Government Act 1972 and 9EB of the Local Government Act 2000 all regulations made thereunder.

The terms of reference of the committee are as follows:

- a) To recommend the ICT Strategy to the constituent Councils;
- b) To approve the annual service plan for the Shared ICT Service;
- c) To receive explanations of variances in service performance against the agreed service plan;
- d) To approve the expenditure within the budget of the shared service and where so delegated determine requested virements within that budget;
- e) To give initial consideration to future development of the shared service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or officers; and
- f) Where it is considered appropriate, provide reports to the constituent councils.

Constitution of the Committee

The Joint Information Communication Technology Committee is constituted as a joint committee of the partner councils. Each partner council shall nominate three elected Members to the Committee. It shall be for each partner council to determine the mechanism for making these appointments.

Quorum

The quorum of a meeting of the Joint Committee will be three elected members, with at least one from each council.

Chairman

The Joint Committee shall at its first meeting each year, elect one of its Members to be Chair and one of its Members to be Vice- Chair, with the chair from one Council and the Vice Chair from the other. These positions shall be rotated annually. The Chair and Vice-Chair shall, unless they resign or cease to be Members of the Joint Committee, continue in office until their successors have been appointed.

Voting

A matter can only be passed by the Joint Committee if no fewer than half of the Members present from each authority vote in favour.

Administration

The Access to Information Rules (as set out in the Constitutions of the constituent councils) to apply to all meetings.

Each constituent council will act as host for the meeting in alternate years and the hosting council will ensure the convening those meetings, distributing the agenda, clerking the meetings and producing the minutes.

Meetings to be held, as a minimum, in January (service planning for coming year) and October for budgets and mid-year service plan review. Should the Committee deem it appropriate, for example to respond to a new regulatory duty or service, or to consider the response to a significant performance issue, additional meetings may be held. Constituent councils are to liaise to confirm mutually suitable times/dates.

Review

The constituent councils will review the Joint Committee's terms of reference annually.

APPENDIX M

Members Calendar May 2025 - April 2026

	Committee	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
1	Council	22		16 & 24			15		17	21	25			20
2	Cabinet		4	9	6	17	8	12	10	14	11	11	1	
3	Planning & Development		5 & 25	21	5	2	9 & 28		2	6	12	12	7	
4	Audit		3			3 & 24		4			3	24		
5	Overview and Scrutiny		10	15	12	23	14	19	16	20	17	17	8	
6	Select Committees		9	3 & 8		1 & 16	7 & 21	3 & 11	11	7 & 13 & 28	4 & 26	19 & 25		
7	Standards		24					25						
8	Statement of Accounts					24								
9	General Purposes						23							
10	Joint Revenues and Benefits			1										
11	Joint ICT Committee			29				17				23		
12	Joint CCTV Executive						20							
13	Housing Development & Regeneration Cabinet Working Group		13 & 27	25	8	5 & 19	17 & 31	28	12	9 & 23	20	6		
14	Commercial & Investment Cabinet Working Group		19				1				18			

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Meeting Council
Portfolio Area Transforming Stevenage
Date 22nd May 2025



CONSTITUTION REVIEW – PHASE 1

AUTHOR – VICTORIA WILDERS

1 PURPOSE

- 1.1 The purpose of the Constitution is to set out the principles for Council decision making and the procedures governing the conduct of Council business. The purpose of the Constitution Review and the amendments proposed in this report is to ensure that the Constitution remains up to date and fit for purpose.

2 RECOMMENDATIONS

- 2.1 To agree and adopt the proposed revisions to Part 1 Summary and Explanation of the Constitution as detailed in Appendix A.
- 2.2 To agree and adopt the proposed revisions to Part 2 the Articles as detailed in Appendix B.
- 2.3 To agree and adopt the proposed revision to Part 3 Responsibility of Functions as details in Appendix C.
- 2.4 To agree and adopt the proposed revisions to the Community Presentation in Part 4 Rules of Procedure as detailed in Appendix D.
- 2.5 To agree and adopt the addition of a new Members' and Officers' Planning Code of Good Practice to Part 5 Codes and Protocols as set out in Appendix E.

3 BACKGROUND

- 3.1 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent, and accountable to local people. The council has a legal duty to publish an up-to-date Constitution which should be reviewed annually with any necessary changes being considered at a full Council meeting.
- 3.2 The responsibility to monitor and review the operation of the Constitution is currently set out in Article 13 and belongs to Council to approve save for minor and inconsequential amendments which may be authorised by the Chief Executive.
- 3.3 The Constitution is organised into 5 parts: -
- Part 1 – Summary and Explanation
 - Part 2 – Articles of the Constitution
 - Part 3 – Responsibility for Functions
 - Part 4 – Rules of Procedure
 - Standing Orders
 - Access to Information Procedure Rules
 - Budget and Policy Framework Procedure Rules
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Part 5 – Codes and Protocols
 - Member/Officer Protocol
 - Part 6 – Members Allowance Scheme
 - Part 7 – Organisational Chart
- 3.4 At the beginning of 2024, the Association of Democratic Services was commissioned by the Council, in collaboration with a Cross Party Working Group, to conduct a comprehensive review of its Constitution. The goal was to assess legal compliance and ensure the Constitution remains effective in serving the Council's objectives. The Association's recommendations provided a foundation for officers to reflect on and proposed necessary changes to keep the governance framework relevant and fit for purpose. The Council's Monitoring Officer is currently working through these recommendations and has identified bringing proposed changes forward to Council in several different phases:-
- Phase 1 – initial clarification amendments and tidying to identified parts of the Constitution including amending the policy framework in line with legislation and the adoption of a new Member and Officer Planning Code of Good Practice.
 - Phase 2 – statutory health check and review and update to Part 3 and Part 4.

- 3.5 The recommendations listed in this report are linked to Phase 1 of the Constitution Review only. The relevant Portfolio Holder and the Leader have been consulted on the proposed changes as part of the Phase 1 review. It is anticipated that Phase 2 will come forward later this year during Quarter 3.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 Council is asked to note and agree the recommendations in the Phase 1 stage of the Constitution Review to ensure the Constitution is up to date and legally compliant and best serves the objections of the Council.

5 IMPLICATIONS

Financial Implications

- 5.1 There are no financial implications arising from this report.

Legal Implications

- 5.2 A local authority is under a duty to prepare and keep up to date its Constitution under section 9P Local Government Act 2000 as amended. The Constitution must contain:-
- a) The Council's standing orders and procedure rules.
 - b) The Members Code of Conduct.
 - c) Such information as the Secretary of State may direct.
 - d) Such other information (if any) as the authority considers appropriate.

APPENDICES

- A Proposed changes to Part 1 - Summary and Explanation.
- B Proposed changes to Part 2 – Articles.
- C Proposed changes to Part 3 – Responsibility for Functions.
- D Proposed changes to Part 4 – Rules of Procedure.
- E Proposed changes to Part 5 – Codes and Protocols.

Appendix A

Part 1 - Summary and Explanation

Paragraph 3

- 4th paragraph should read “then appoints a Deputy Leader and between 1 and 8 other councillors who will, together with the Leader and Deputy Leader comprise the executive...” (currently reads “ who then appoints a Deputy Leader and an Executive of between 2 and 9 councillors”).
- Add the words Non-executive business is decided upon by “Council and/or” Committees”or by officers acting under delegated powers”

Paragraph 4

- The word “personal” is deleted and replaced by the term “exempt”. The phrase also appears elsewhere in the constitution but does not have any legal meaning.
- 4th paragraph should read “executive decisions may also be made by committees of Cabinet”

Paragraph 7

- Penultimate line substitute “set “ for “sets”

Appendix B

PART 2 Articles

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.4 b. First line there appear to be words missing in the first line. Suggest add confidential “or exempt”.

3.1 should read “to” vote, “to” petition etc.

4th paragraph uses term “personal” information delete and replace by the term “exempt” information.

Final bullet point to include “or misuse of personal data”.

ARTICLE 4 – THE COUNCIL

4.1 Meanings

a. Policy Framework

Policy Framework should include the following to comply with Schedule 3 of the Functions and Responsibilities Regulations 2000:-

- Best Value Performance Plan
- Crime and disorder reduction strategy
- Licensing authority policy statement
- Community Safety Strategy
- Housing strategy

4.2 Functions of the Council

The following should be added:-

t. “except where the Council has delegated this function to a committee, sub committee or officer”.

ARTICLE 5 – THE MAYOR AND YOUTH MAYOR

5.2 Role of Protocol for the Youth Mayor

Fifth bullet point the word “direct” is deleted replaced with “To be consulted on expenditure”.

ARTICLE 7 – THE EXECUTIVE

As stated earlier, it would be preferable if the collective meetings of the executive were described as meetings of Cabinet.

ARTICLE 8 – THE STANDARDS COMMITTEE, REGULATORY AND OTHER COMMITTEES AUDIT COMMITTEE

At article 8.3 third paragraph this should read “neither a member of the Cabinet nor a member who serves”

8.5 Public Participation

Second paragraph, it should read “the Licensing and General Purposes Committees ... “ (word Committees currently omitted) and last sentence should read “respective committees”.

ARTICLE 10 - OFFICERS

10.1 Appointments of Staff

Insert the word “Monitoring Officer” after Head of Paid Service

10.4 Functions of the Monitoring Officer

f. partially repeats e. Suggest delete “and whether executive decisions are within the budget and policy framework”.

ARTICLE 11- DECISION MAKING

At 11.5, first sentence, should include officers. Suggest reword to “executive decisions may be taken by the Leader, Cabinet, Cabinet committees, individual portfolio holders or officers in accordance with a Scheme of Delegation determined by the Leader from time to time.”

At 11.7 4th paragraph should read “except those taken ... “

ARTICLE 13 – MONITORING AND REVISION OF THE CONSTITUTION

13.1 the responsibility for monitoring the Constitution rests with the Monitoring Officer suggest adding "Monitoring Officer" after "upon the advice of" and adding "in consultation" before the Chief Executive.

Appendix C

PART 3 RESPONSIBILITY OF FUNCTIONS

3.2 Executive Portfolios

To add the following wording after the first sentence and before the last, “The Leader may allocate a portfolio area to be shared (joint portfolio) between two Cabinet Members, in which case, it remains a single portfolio and the allowance is shared between the Cabinet Members”.

Appendix D

Part 4 – Rules of Procedure

Paragraph 9 – Community Presentation

Delete paragraph 9 and replace with the below wording and revised paragraph numbers.

9. Community Presentation

9.1 At the discretion of the Mayor and subject to availability on the agenda, there may be a presentation on a matter of interest to the community (Community Presentation) at any ordinary meeting of the Council.

9.2 The Chief Executive may recommend to the Mayor whether to include the Community Presentation on the agenda or refer to another Committee.

9.3 The Council may receive a presentation, relevant to the subject matter of the debate may be, from a Councillor, officer and or other invited person(s)

- (i) if the presentation is from a Councillor or officer, it should last no longer than 10 minutes.
- (ii) if another person or persons are making the presentation it should last no longer than 20 minutes.
- (iii) collectively no Community Presentation should last longer than 30 minutes. c. At the Mayor's discretion Councillors and members of the public may ask questions of those providing the, or comment on the content of the, presentation subject to a maximum time allowance for questions of 20 minutes.

9.4 No Councillor or member of the public is permitted to speak for more than three minutes.

9.5. No debate or vote will take place on the content of the Community Presentation (not being a motion before Council).

9.6 The presentation is not subject to any other rules of debate as provided for within this Constitution.

9.7 The Mayor may exercise their discretion to cease the Community Presentation with immediate effect if the above provisions are not complied with and the Community Presentation deviates from the agreed subject.

Appendix E

Part 5 Members and Officers Planning Code of Good Practice

To adopt the proposed new Code on Members and Officers Planning Code of Good Practice

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Members' and Officers' Planning Code of Good Practice

1. Introduction

- 1.1 The Council recognises the need to attain the highest ethical standards in its governance and management. This means that the Council expects its councillors and officers to display the highest standards of ethical conduct over and above adherence to the seven Nolan principles of conduct in public life which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. In return, councillors and officers *have the right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, councillors and officers are entitled to stop any conversation or interaction in person on line and report then to the local authority, the relevant social media provider or the police.*"
- 1.2 This Code relates and applies to both councillors and officers involved in the planning process. The Code supports, interprets and supplements the Code of Conduct for Members and the Officer Employee Code of Conduct. It also forms part of the Council's Constitution. This Code is consistent with advice in the Local Government Association's revised guidance on [Probity in Planning: Advice for councillors and officers making planning decisions](#) (updated December 2019).
- 1.3 The aim of the Code is to:-
- Ensure that there are no grounds for suggesting that a planning decision has been pre-determined, biased, partial and not well founded in anyway.
 - Promote and support the highest standards of conduct.
 - Management of development in the interest of the wider public.
- 1.4 The Code identifies clearly which parts of the Code apply to councillors and which parts apply to officers. For the avoidance of doubt where there is no division or express statement indicating that the Code shall apply to one group but not the other (or where context otherwise requires) it shall apply to both.

Context

- 1.5 The town and country planning system involves the Council taking decisions about the development and use of land in the public interest. Planning law requires that all planning applications are determined in accordance with the approved Development unless material planning considerations, such as the National Planning Policy Framework, indicate otherwise.

1.6 Planning is often highly contentious because its decisions affect the lives of everyone, be the applicant or a member of the local community. This is heightened by the system actively involving public opinion on applications before decisions are taken. It is essential, therefore, that the planning process is characterised by transparent, consistent and open decision-making.

1.7 When does the Code apply?

For Councillors: -

At all times they are involved in the planning process including site specific policy issues, planning applications, planning appeals or planning enforcement matters. Generally, it will apply where a councillor is:

- part of decision making meetings of the Council;
- undertaking the functions of the Council as planning authority; and
- involved in less formal occasions such as meetings with officers, the community and consultation meetings.

For the avoidance of doubt in this Code:

- “councillor” means that the advice applies to all SBC councillors, not just planning councillors;
- “planning councillor” means a councillor or a substitute councillor on the Council’s Planning Committee
- “Planning Committee” means the Planning and Development Committee

In addition to complying the with Council’s Code of Conduct, Councillors who sit on the planning committee must:-

- I. Act fairly and openly
- II. avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- III. Despite any views expressed publicly, approach decision-making with an open mind, and have regard to all material planning considerations and be prepared to change their view if persuaded they should.
- IV. Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group, or locality, and the Council where it is the applicant.

- V. Not decide how to vote on each application on the basis of any political “whip”, but solely on the planning merits.
- VI. Ensure the reasons for their decisions are clearly states at the meeting.

For Officers

To planning officers and other officers involved in planning matters. This includes, but is not limited to officers involved with:

- working with residents, businesses, communities and many others to develop the Council’s planning policies
 - engaging with government, and other organisations as they prepare policies and plans;
 - using knowledge of planning legislation and local planning policies to provide pre-application advice to householders, businesses, community groups, landowners, developers and other potential applicants;
 - assessing and deciding planning applications, taking into account comments from residents, businesses, organisations and others;
 - defending the Council’s planning decisions on appeal;
 - providing information to those living, working, visiting and investing in Stevenage;
 - investigating and gathering evidence to resolve unauthorised developments;
 - working with residents, businesses, communities, service users and others to improve the services we offer; and
 - working with landowners, residents, businesses, investors and others to secure infrastructure and other policy objectives
- 1.8 Councillors and officers should have regard to this Code and how it may apply to their circumstances when conducting themselves in relation to any planning matter, particularly where they are the decision maker.
- 1.9 If councillors or officers have any doubts about the application of this Code to their own circumstances they should seek advice from the Monitoring Officer/Borough Solicitor or one of the Council’s planning solicitors through the shared legal service with Herts Legal early, and preferably well before a decision is made or any meeting takes place.

1.10 Relationship to the Code of Conduct for Members and the Employee Code of Conduct

Whilst this Code supports, interprets and supplements the Code of Conduct for Members and the Officer Employee Code of Conduct in relation to planning matters it is subordinate to the overarching conduct documents Code of Conduct for Members (in respect of councillors) and the Employee Code of Conduct (in respect of officers). In the event of any inconsistencies between the documents, the Code of Conduct for Members (in respect of councillor conduct) and the Officer Employee Code of Conduct (in respect of officer conduct) will take precedence.

1.11 Not complying with this Code

A breach of the Code could result in a planning decision being legally challenged or a complaint being upheld by the Local Government and Social Care Ombudsman. In the case of a councillor, a complaint could be made to the Council's Monitoring Officer that the councillor has breached the Code of Conduct for Members. In the case of an officer, breach of this Code could lead to an investigation under the Council's disciplinary procedures.

2. Role of Councillors and Officers

2.1 *General role of Councillors and Officers*

2.1.2 Councillors and officers have different, but complementary roles, however, both serve the public and act in the public interest. Both councillors and officers must make planning decisions openly, impartially, with sound judgement and with justifiable planning reasons.

Councillors

As elected representatives, councillors are empowered to make planning decisions on behalf of the whole community, many of which are delegated to officers in the Council's Constitution.

Other Councillors

Councillors who do not sit on the planning committee represent their wards and the Borough as a whole and may exercise their right to attend meetings of the Planning Committee to speak, although not vote, on any planning matter.

Councillors should particularly note that they have the same duty as members of the planning committee in respect to compliance with the Code of Conduct when they attend any meeting and should always declare any pecuniary or non-pecuniary interests at the appropriate stage in the proceedings.

In order to avoid confusion for the public attending or viewing meetings of the Planning Committee virtually, Councillors, who are not members of the Committee, must not sit with those who are and must sit in the area designated for non members. The Chair, at the beginning of the meeting will identify the members of the Committee and any other councillors present who are not members of the Committee.

Councillors who are not members of the Committee do not act in any decision making role, but shall nonetheless act fairly and openly.

Officers

Officers are responsible to the Council as a whole, whilst councillors are responsible to the public as a whole. Planning officers will use their professional knowledge and experience to implement the requirements of the various Planning Acts with the aim of achieving the Council's agreed priorities insofar as they are consistent with national policy and legislation. This necessitates them expressing their professional views and the priorities of the Council as part of providing advice and negotiating on behalf of the Council and in the public interest.

Advising or contributing to advising on behalf of the Council does not prevent officers being involved in making subsequent or related decisions or advising councillors on the Planning Committee. Planning officers' views, opinions and recommendations will be presented on the basis of their obligation of professional independence. This may sometimes be different to the views, opinions or decisions of the Planning Committee or councillors. Where an officer expresses their professional view on a planning application this will not necessarily be the view of the Council as a whole and the formal decision on an application on behalf the Council may only be carried out by the relevant decision maker. This may be an officer under delegated powers, the Planning Committee or other councillors.

Officers are not appointed to serve any political group and therefore advise all councillors and the Council. Officers carry out the daily functions of the Council's business in accordance with the direction of Council decision making bodies, the overall management of the Chief Executive and the specific management direction of their Strategic Director and, where appropriate, national legislation and guidance.

2.2 Relationship between Councillors and Officers

2.2.1 Mutual trust, respect and understanding between councillors and officers are the keys to achieving effective local government. A successful relationship between councillors and officers can only be based upon mutual trust and understanding of each other's positions. This relationship, and the trust that underpins it, must never be abused or compromised.

- 2.2.2 Councillors must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a councillor from asking questions or submitting views to the officer. These views, when received in written form, will be uploaded to the planning file and considered together with other material planning considerations.

3. Regulation and conduct of councillors

- 3.1 For the avoidance of doubt this section of the Code shall apply to councillors only.

3.2 Disclosable pecuniary interests

- 3.2.1 A “disclosable pecuniary interest” is as prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and as set out at Appendix B of the Members’ Code of Conduct.
- 3.2.2 A councillor should refer to the Code of Conduct for Members for assistance in identifying disclosable pecuniary interests, or seek advice from the Monitoring Officer/Borough Solicitor or one of the Council’s planning solicitors under the Shared Service Legal prior to attending a meeting.
- 3.2.3 Councillors should have regard to the Code of Conduct for Members in relation to actions required if they have a disclosable pecuniary interest.
- 3.2.4 Under the Code of Conduct for Members a councillor who has a disclosable pecuniary interest must, if the interest is not one already on the register of interests or subject to a pending notification to the Monitoring Officer, disclose the existence of that interest to the meeting and thereafter notify the Monitoring Officer of that interest within 28 days of this disclosure.
- 3.2.5 Where a councillor has a disclosable pecuniary interest, the councillor may address the Committee if registered to speak in accordance with the relevant rules of procedure. The councillor may answer any questions directed to them by the Committee but must then leave the room and may not participate further in any discussion of the matter at the meeting or participate in any vote or further vote on the matter.
- 3.2.6 A councillor with a disclosable pecuniary interest can also present their views to the meeting by other means, for example,

- make written comments in a private capacity and addressed to officers, disclosing the existence and nature of the interest in the representations and not seeking preferential consideration of the representations;
- use a professional representative to make a representation on the councillor's behalf in circumstances where the councillor's planning application is being considered;
- arrange for another SBC councillor to represent the views of constituents on matters in which a councillor has a disclosable pecuniary interest.

3.3 Other Interests

3.3.1 A councillor may have an "other interest" which, whilst not falling within the legal definition of a disclosable pecuniary interest, should be declared in the public interest. This will often be due to bias or predetermination (or the appearance of bias or predetermination) – see section 3.4 below. Examples include:

- Where a councillor lives near the site of the planning application being considered;
- Where a property affected by the proposed development is owned by a company or other organisation of which a councillor is a director or trustee; and
- Where the applicant is a close friend or family member of the councillor (but not falling into the category of a disclosable pecuniary interest e.g. a sibling or a child).

3.3.2 As above for disclosable pecuniary interests, a councillor may seek advice from the Monitoring Officer, Director of Law or one of the Council's planning solicitors for assistance in identifying interests and to what extent the interest might limit the councillor's involvement in the decision-making process.

3.3.3 The approach described in paragraphs 3.2.4, 3.2.5 and 3.2.6 also applies if a councillor declares any other interest and the circumstances are such that they should not participate in the decision on that application because the interest gives rise to a perception of a conflict of interest in the matter under consideration.

3.4 Bias, predetermination and predisposition

3.4.1 Councillors need to avoid bias or predetermination or any appearance of bias or predetermination before making a decision on a planning matter.

- 3.4.2 Bias and predetermination (and the appearance of bias or predetermination) are principles of natural justice to which the decision maker is expected to adhere. Deciding a planning matter is a formal administrative process which applies national, regional and local policies, refers to legislation and case law and follows rules of procedure.
- 3.4.3 Planning councillors should not decide or declare which way they will vote in advance of a meeting, or before hearing the evidence and arguments on both sides.
- 3.4.4 However, councillors will often form an initial impression or view, known as predisposition. This is not necessarily predetermination or bias. A distinction is drawn by the courts between:
- having clearly expressed an intention to vote in a particular way before a meeting (predetermination); and
 - a predisposition to an initial view (such as supporting the policies in the Development Plan) where the councillor is clear they are willing to listen to all the material planning considerations presented at the meeting and keep an open mind before deciding on how to vote. In the latter case there would be no predetermination or bias, just a legitimate predisposition.
- 3.4.5 If a planning councillor attends a pre-application meeting or meets an applicant or other interested party, they should not at this stage express a firm view on the development as a whole, as this could be predetermination. Such a view should only be formed at the end of the process when all the material considerations are available to consider and weigh up.
- 3.4.6 A useful test to decide 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 that process of weighing and balancing relevant factors and taking into account other viewpoints.
- 3.4.7 If a planning councillor has been lobbied and wishes to promote or oppose a particular approach to a planning decision, they will need to consider whether this is likely to be regarded as amounting to bias and going against deciding the matter fairly. If they have predetermined their position or have given that impression, they should avoid being part of the decision-making body for that matter.
- 3.4.8 A Planning Committee member who is also a ward councillor for the relevant area and wishes to campaign for or against an approach to a planning decision may speak at the meeting (in accordance with the Council's public speaking procedures) on

behalf of their constituents, having declared their predetermined position, but cannot participate in the debate or vote on the matter.

- 3.4.9 The councillors can continue to represent those ward interests as a spokesperson for their local community despite being a planning councillor provided that, if the councillor has a disclosable pecuniary interest or other interest (that would give rise to the perception of conflict of interest), they may only participate in accordance with paragraphs 3.2.4, 3.2.5 and 3.2.6 above.
- 3.4.10 If a planning councillor has expressed a view on a planning matter they must be satisfied they can still consider the matter with an open mind and are prepared to take into account any new matters or any new arguments in favour of, or against, until the decision is taken. If they cannot, they should not take part in any decision on the matter

4. Regulation and conduct of officers

- 4.1 For the avoidance of doubt this section of the Code shall apply to officers only.
- 4.2 Planning officers who are members of the Royal Town Planning Institute (RTPI) are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, other professional officers are also likely to be subject to regulation by their own respective regulatory bodies.
- 4.3 Officers dealing with planning matters should be conversant with the Code of Conduct for Employees, particularly those parts which will regularly apply to their role.
- 4.4 Any officer dealing with a planning matter who has an interest or relationship in respect of that matter which requires a declaration to an appropriate manager in accordance with Code of Conduct for Employees (most relevant will be section 5.3 Relationships with Contractors, Planning Applicants and those applying for Council Grant, and section 9 Personal Interest which results in an actual or perceived conflict of interest) shall declare that interest as soon they become aware of the interest or relationship and shall take no part in the processing or consideration of that matter. If an officer is unsure as to whether they must declare an interest or their involvement in respect of a planning matter they should seek advice from the Council's Shared Legal Service

- 4.5 Officers (as defined in paragraph 1.5 of this Code) should not accept gifts from and should be cautious in respect of hospitality offered by any person involved in or affected by a planning matter. If hospitality is offered (whether it is accepted or declined) officers should ensure they comply with the requirements of relevant sections of the Code of Conduct for Employees (particularly sections 13 (Hospitality) and 16 (Gifts offered or received)). If an officer is unsure as to whether they must declare a gift or hospitality (even if declined) they should seek advice from the Council's Legal Service. For the avoidance of doubt this paragraph shall not preclude officers from receiving complimentary materials at events or seminars attended as part of their role.
- 4.6 Officers must not act as agents for people pursuing planning matters within the authority even if they are not involved in the decision making on it.
- 4.7 As employees of the Council, Planning Officers must always act impartially and in a politically neutral manner and should comply with the provisions of section 4 of the Code of Conduct for Employees.

5. Applications and development proposals submitted by the Council, councillors or officers

5.1 Applications and development proposals submitted by the Council

- 5.1.1 Proposals for a Council's own development can lead to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to, and decided by, the Council. Proposals for the Council's own development will be treated no differently from any other application.
- 5.1.2 Due to their other Council roles, some councillors, such as Lead Members, may be heavily committed to or involved in a Council's own development proposal. In such circumstances, when a planning matter comes to be decided, if they are part of the decision making body they must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias or predetermination.
- 5.1.3 If they do, the most appropriate approach would be to address the committee or other body (in accordance with the relevant rules of procedure and the Members' Code of Conduct) but then leave the room and not take part in the deliberation and decision.

- 5.1.4 It is important that the councillor should restrict their address to the relevant planning considerations rather than wider non-planning issues that are not material to the decision.

5.2 Applications and development proposals submitted by councillors and officers

- 5.2.1 It is perfectly legitimate for planning applications and development proposals to be submitted by councillors and officers. However, it is vital to ensure they are handled in a way that gives no grounds for accusations of bias or predetermination.

Councillors

If a councillor makes an application or requests pre-application advice for development within the Borough they must notify the Monitoring Officer as soon as reasonably practicable. This includes if someone else makes the submission on their behalf, or if they are acting for another party. Any such applications will be reported to the Planning Committee for decision.

Officers

If a senior officer at Head of Service level or above or an officer closely involved in the day-to-day work of the Council's planning function (for the avoidance of doubt this will include any officer who is employed within the Council's Planning Department) makes an application or requests pre-application advice for development within the Borough they must notify the Monitoring Officer as soon as reasonably practicable. This includes if someone else makes the submission on their behalf, or if they are acting for another party. Any such application will be reported to the Planning Committee for decision.

- 5.2.2 If a councillor or officer submits a planning application or requests pre-application advice they should take no part in its processing or consideration. A councillor who acts as an agent or representative for someone pursuing a planning matter with the Council should also take no part in its processing or consideration.
- 5.2.3 Where a councillor or officer's own application is referred to Planning Committee, the councillor or officer will have the same rights to speak in support or against of the application as any other member of the public (in accordance with the Council's Rules of Procedure). However, they must leave the committee room having made their representations in the allotted speaking time, and must remain outside until the debate and vote has concluded. This requirement helps to ensure no perception of bias or predetermination, or any undue pressure on the decision makers.

6. Presentations on likely development proposals

- 6.1 The Council may itself organise presentations to keep Councillors informed generally on matters which appear to have or likely have strategic importance for the Borough. At such presentations, Councillors should maintain an impartial role, listening to what is being said and asking questions, but not expressing an opinion.
- 6.2 Councillors may sometimes be invited to attend presentations/open days etc on likely development proposals by developers. Councillors should consider the appropriateness of accepting such invitations and give consideration to how their attendance might be perceived. Councillors should notify the Monitoring Officer of attendance at any such event.

6. Meeting

- 7.1 Officers frequently hold meetings with applicants and objectors to discuss applications. These are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation that may be made to the Committee and the decision of the Committee. Councillors will not normally attend such meetings.
- 7.2 If a Councillor wishes to arrange a meeting with Planning Officers for themselves and/or a small number of constituents about a planning applications, this will be arranged at the Council Offices.
- 7.3 Officers will not normally attend public meetings unless their attendance has been agreed with the Head of Planning and Enforcement and representatives of both the applicant and objector are given an opportunity to be present. Members of the committee and Ward Councillors will be advised of any public meeting either organized by officers or which officers have agreed to attend.

8. Lobbying of, and by, councillors

- 8.1 For the avoidance of doubt this section of the Code shall apply to councillors only.
- 8.2 Lobbying is a normal part of the political and planning process. Members of the public, applicants or local interest groups will often seek to influence a decision through an approach to their ward councillor. It is important that councillors can undertake their democratic, representative purpose effectively, but for planning councillors care needs to be taken to avoid the perception of bias or predetermination of any planning matter.

8.3 Lobbying of councillors

- 8.3.1 It is a legitimate part of the application process for applicants, neighbours and other interested parties to approach councillors. However, the rules of natural justice mean that planning applications should be determined in an open and fair manner and taking account of all relevant information and arguments. It is only at the meeting of the Committee that councillor will have, and be able to consider, all the relevant information and consideration pertaining to the application.
- 8.3.2 A planning councillor should, therefore, explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the decision if they express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- 8.3.3 Planning councillors should ensure it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the decision making meeting.
- 8.3.4 Planning councillors should therefore:
- suggest to lobbyists that they submit their comments to the Assistant Director of Planning so that their views can be included in the officer reports prepared for the decision;
 - pass on any lobbying correspondence received (including plans, data or correspondence) to the Assistant Director of Planning as soon as practicably possible so that it can be taken into account and included in the report on the matter;
 - copy any response to lobbying correspondence to the Assistant Director of Planning so it can be kept on the planning file;
 - remember their overriding duty is to the whole community, not just residents or businesses within their ward, and that they have a duty to make decisions impartially without improperly favouring, or appearing to improperly favour, any person, company, group or locality;
 - not accept gifts and should be cautious about hospitality from any person involved in or affected by a planning matter. If hospitality is offered (whether it is accepted or declined) councillors should ensure they comply with the Members' Code of Conduct on gifts and hospitality; and
 - inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will advise the appropriate officers to follow the matter up where necessary.

- Avoid giving constituents planning advice, save in relation to general planning procedures, for example, how the constituent can make a representation on the application, how the decision will be made (delegated or committee) etc.

8.3.5 As long as they comply with the Members' Code of Conduct and the rules of bias and predetermination, planning councillors are not precluded from:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other councillors or appropriate officers, provided they do not consist of or amount to predetermination and they make clear they are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for expressing the opinions of others at a meeting, provided that make clear they have not committed themselves to vote in accordance with those views and they will make up their own mind having heard all the facts and listened to the debate.
- Expressing an opinion, providing you make clear that this opinion is provisional and that they will only be able to come to a final view at the Committee meeting after hearing all the relevant information and arguments.

8.4 Lobbying by councillors

8.4.1 Planning councillors should not become a member of, lead or represent a national or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a councillor does, they may appear to be biased.

8.4.2 Councillors can join general groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, but they should disclose an interest where that organisation has made representations on a particular proposal. A councillor can make it clear that they have reserved judgement and the independence to make up their own mind on each separate proposal.

8.4.3 Councillors should not excessively lobby planning decision makers regarding their concerns or views on a planning matter, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

8.4.4 Councillors should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other councillor to do so. Planning decisions must not be made on a party political basis. It is the councillor's individual responsibility to

decide what view to take on any question which requires a decision, after having considered all material facts.

9. Pre-application advice and discussions

- 9.1 Discussions between a potential applicant, interested parties and the Council prior to submitting an application can be of considerable benefit to all parties. The government and the Local Government Association recognise that councillors have an important part to play in these discussions.
- 9.2 Officers will regularly interact with potential applicants and interested parties through pre-application discussions as part of their professional duties. More occasionally, councillors will also engage with potential applicants and interested parties before an application is made.
- 9.3 Councillors' and officers' interactions with potential applicants should reflect their respective roles and responsibilities. At all times councillors and officers must abide by the requirements of this Code to ensure the highest standards of ethical conduct.
- 9.4 Pre-application discussions are often subject to public scrutiny. It is vital that such discussions are conducted in accordance with this Code so there can be no suggestion of actual pre-determination or bias, or any perception of pre-determination or bias, or any other procedural impropriety.
- 9.5 This paragraph sets out the conduct expected of councillors and officers involved in the pre-application process.

Councillors

- 9.5.1 The Planning Committee Chairman may request or the Director of Planning may suggest a briefing for planning councillors on a potential application and provide an opportunity for questions to be asked. Officers will organise the briefing normally alongside, but not part of, a Planning Committee meeting.
- 9.5.2 Only a potential applicant, officers and planning councillors will be entitled to participate in the meeting. Other interested parties, such as relevant ward councillors and local amenity groups, will be invited to attend. At the discretion of the Planning Committee Chairman these interested parties will be able to participate in the meeting by, for example, asking questions of the potential applicant. Both the Members' Code of Conduct and this Code apply at these meetings and they will follow the procedures in paragraph 7.5.3. A meeting note will be taken and published with the planning application material on the Council's website.

9.5.3 Councillors may attend relevant meetings (as defined in paragraph 9.5.5 below), either individually or together, with **potential applicants and/or their agents** before an application is received. Both the Members' Code of Conduct and this Code apply at these meetings. Where these meetings involve a planning councillor they will be subject to the following procedures

- the meeting shall be organised through officers by contacting the Director of Planning;
- the meeting shall be agreed with the Planning Committee Chairman and the Assistant Director of Planning in advance;
- a Council planning officer shall be present for the entire meeting (including any form of live interaction including conference calls and video conferencing);
- the meeting shall be at the site, at a venue provided by the Council, as part of an organised visit to see another site or another venue determined by the Director of Planning;
- it should be made clear at the beginning of the meeting and throughout where appropriate that the discussion will not bind the Council or any individual councillor attending the meeting to making a particular decision and that any view expressed is personal and provisional;
- no commitment to take any particular position on a planning matter shall be made and no inference of pre-determination shall be given
- the focus should be on the requirements of the development plan and material considerations with negotiations and advice left for meetings with officers;
- a contemporaneous note of the meeting shall be prepared by the planning officer attending and a copy sent to all parties present and the Planning Committee Chairman if not present within 14 days of the meeting or on submission of the relevant application, whichever is the sooner; and
- the meeting note will be published should a planning application subsequently be received so it is open to public inspection.

9.5.4 Councillors may attend relevant meetings (as defined in paragraph 9.5.5 below), either individually or together, with **potentially interested parties**, before an application is received. Potentially interested parties include those who might object to, or support, a potential application. Both the Members' Code of Conduct and this Code apply at these meetings. Where these meetings involve a planning councillor they will be subject to the following procedures:

- the meeting shall be agreed with the Planning Committee Chairman and the Director of Planning in advance;

- it should be made clear at the beginning of the meeting and throughout where appropriate that the discussion will not bind the Council or any individual councillor attending the meeting to making a particular decision and that any view expressed is personal and provisional;
- no commitment to take any particular position on a planning matter shall be made and no impression of pre-determination shall be given;
- the focus should be on the requirements of the development plan and material considerations with negotiations and advice left for meetings with officers;
- a note of the meeting shall be prepared by the councillor(s) attending and shall be provided to the Director of Planning within 14 days of the meeting or on submission of the relevant application, whichever is the sooner; and
- the meeting note will be published should a planning application subsequently be received so it is open to public inspection

9.5.5 For the purpose of this Code a “relevant meeting” in paragraphs 7.5.3 and 7.5.4 means a formal pre-application meeting and any other meeting which includes substantive discussions about a forthcoming application, specific potential development site or proposal or other specific planning matter.

Officers

9.5.6 The opinions offered by officers during the course of pre-application discussions are without prejudice to the final decision of any subsequent planning application.

9.5.7 Advice provided by officers in a pre-application meeting shall be consistent and based upon the development plan and other material planning considerations.

9.5.8 Care will be taken by officers to ensure that advice provided is impartial, otherwise the subsequent report or recommendation to committee could appear to be advocacy.

9.5.9 A written advice note will be prepared by the planning officer for all formal pre-application discussions, in the interest of public transparency and consistency in decision making. The note will be (except in clearly justified exceptional cases) made public as soon as possible, and in any event on submission of the relevant application.

9.5.10 If, during the course of pre-application discussions, an officer involved in the discussions discovers that they have a conflict of interest, they should remove themselves from the decision making process and should declare an interest in accordance with the provisions set out above.

9.5.11 Councillors may also become involved in pre-application discussions and offer valuable local knowledge, expertise and understanding of community concerns to the process.

Officers involved in the pre-application process should also be aware of the responsibilities of councillors and the terms of their involvement which must be in accordance with this Code.

- 9.5.12 Internal procedures are, and shall remain, in place to ensure all pre-application advice provided by planning officers is appropriately supervised to ensure effective oversight and adherence to the principles set out in this section.

10. Post submission discussions

- 10.1 For the avoidance of doubt this section of the Code shall apply to councillors only.
- 10.2 A planning councillor who sits on the Planning Committee should not usually be involved in discussions with an applicant or agent when a planning application has been submitted and remains to be decided. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.
- 10.3 In limited circumstances planning councillors may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.
- 10.4 If a planning councillor is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. Councillors should report to the Director of Planning any relevant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them so that it can be recorded on the planning file.
- 10.5 Planning councillors should not attend post-submission meetings that are not organised through, and attended by, officers and any meeting that does proceed shall also be subject to the procedures set out in paragraphs 7.5.3 *Councillors* (for meetings with applicants and their agents) and 7.5.4 *Councillors* (for meetings with other interested parties) above.

11. Officers' Reports

- 11.1 For the avoidance of doubt this section of the Code shall apply to officers only.
- 11.2 In writing and preparing planning reports, planning officers should ensure that reports:

- are accurate and include the substance of any objections and other responses received to the consultation;
- include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material planning considerations;
- include a written recommendation for a decision to be made;
- where necessary, contain technical appraisals which clearly justify the recommendation;
- where the recommendation is contrary to provisions of the development plan, the material considerations which justify the departure are clearly stated.

12. Planning appeals

- 12.1 Appeals into the Council's planning decision are heard by a planning inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and councillors are able to attend. Councillors are encouraged to attend these hearings as they can be a good learning experience. This part of the Code is concerned with councillors who wish to participate actively in these appeals.
- 12.2 Conduct and strategy of planning appeals are the responsibility of the Assistant Director of Planning and Regulation, however, they will also liaise with the Chairman of the Planning Committee as appropriate.
- 12.3 If a councillor wishes to attend a hearing or public inquiry as a ward councillor or as a member of the public they are free to do so. It is strongly recommended that they discuss their participation with the Assistant Director of Planning and Regulation to ensure they are aware of the process and that they do not act in a manner which compromises their position as a councillor, brings the Council into disrepute or puts the decision made at risk of challenge.
- 12.4 A councillor cannot represent the Council on behalf of the Planning Committee unless this is part of the Council's case as decided by the Assistant Director of Planning and Regulation. The decision of the committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision. The Inspector is required to decide the appeal on its planning merits and therefore all representations should focus on these.
- 12.5 Where the appealed decision was contrary to the officers' recommendation, officers are generally able to present the Council's case. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

13. Planning enforcement

- 13.1 It is perfectly legitimate for councillors to bring to the attention of the planning service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. These cases should be reported online or brought to the attention of the Assistant Director of Planning and Regulation.
- 13.2 The Council's planning enforcement team works to a priority system so that those breaches that cause the most harm are dealt with first.

Site visits by councillors

14. Site visits

- 14.1 Councillors may find site visits helpful, particularly for major applications. Where they take place, such visits will be arranged by the Assistant Director of Planning and Regulation and a planning officer will attend. A detailed procedure on Committee Site Visits is set out in Appendix A.
- 14.2 On other occasions if a councillor wishes to visit and enter a site it is preferable for a planning officer to accompany them. Such visits are particularly helpful in enabling councillors to seek clarification about proposals from the accompanying planning officers, the applicant or neighbours.
- 14.3 Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

15. Councillor training

- 15.1 Councillors may not participate in decision making on Planning Committee unless they have attended mandatory planning training. This will be provided by the Assistant Director of Planning and Regulation or their nominee and will cover the principles of planning and probity in planning.
- 15.2 Other councillors are also encouraged to attend the training so they can ensure they keep up-to-date. If any councillor believes they require additional training they should discuss this with the Assistant Director of Planning and Regulation.

- 15.3 All planning councillors should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, planning policy, procedures and good practice. This will assist them in carrying out their role properly and effectively.
- 15.4 Training provided on planning related matters is aimed at planning decision makers, but is always open to any councillor with an interest.

16. Pre-election guidance

- 16.1 The Monitoring Officer/Borough Solicitor will normally provide detailed guidance before elections. Essential business should continue during this time, including:
- statutory consultation on planning applications;
 - making decisions on planning applications (even where controversial); and
 - other routine planning matters.
- 16.2 Councillors should however be aware of the heightened political sensitivity during this period and should avoid situations which may generate publicity or media opportunities in relation to planning matters.

APPENNDIX A

Committee Site Visits

General

1. The purpose of a site visit is to ascertain certain facts and to ask questions of officers, not to debate the merits of the application. Members at the site visit must not indicate which way they intend to vote at the Planning Committee meeting.
2. The applicant will be notified in advance in writing of the time and date of the visit and of any requirements in respect of the site (such as the pegging out of the development proposal). If applicants, or their agents, attend for site access purposes they will be advised at the start of the visit is to gather information and that they may not address the meeting or individual councillors.
3. The public does not have a right of attendance at the site, other than from public vantage points, and cannot address the meeting or individual councillors.
4. An officer will accompany Councillors to explain the development proposal and to answer any questions. Councillors should only allow themselves to be addressed by officers or by fellow councillors. Where a councillor is approached by any other person, the should inform the officer present.
5. The Chair of the Committee, or their representative, must maintain control over the conduct of each site visit which, whilst not part of a formal meeting of the Committee, will be conducted as a single meeting and in an order fashion.
6. Councillors must not normally enter planning application sites except on the formal Committee Site Visit. If a councillor considers that a personal site visit is essential, they should contact the Head of Planning and Enforcement, who may, in exceptional circumstances, make appropriate arrangements. Councillors must at all times remember that to enter any land without the consent of the landowner is a trespass. This does not preclude the Councillor from viewing the application site from any public vantage point.

Site visits prior to consideration of any application by the Planning Committee.

7. Members of the Planning Committee and local ward members may make a request for a site visit upon receipt of the agenda. Requests must be made in writing, explaining the reasons for the request, to the Head of Planning and Enforcement, forwarded to the Council's Democratic Services officer by 4pm four clear working days before the Planning Committee meeting.

Applications deferred by the Planning committee for a site visit

8. Only in exceptional circumstances will a request for a Committee Site Visit made at the Planning Committee meeting, outside the above procedure, be entertained by the Committee.
9. Where the Planning Committee has commenced the consideration of any item but decides to defer an application because it considers that a site visit is necessary in order for it to determine the application.

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