



Council Meeting

**Council Offices
White Cliffs Business Park
Dover**

Wednesday, 30 September 2015

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

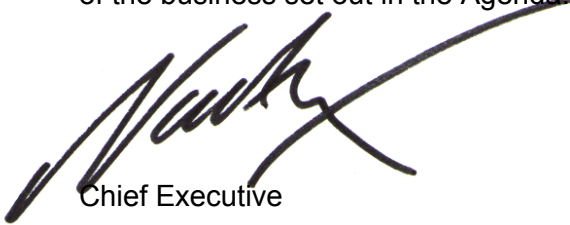
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22 September 2015

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 30 September 2015 at 6.00 pm for the transaction of the business set out in the Agenda


Chief Executive

Members of the Council:

S S Chandler (Chairman)	M R Eddy	S M Le Chevalier
D Hannent (Vice-Chairman)	A Friend	S C Manion
J S Back	R J Frost	K Mills
S F Bannister	B Gardner	K E Morris
T J Bartlett	B J Glayzer	D P Murphy
P M Beresford	P J Hawkins	M J Ovenden
T A Bond	P G Heath	A S Pollitt
P M Brivio	J M Heron	G Rapley
B W Butcher	S Hill	A F Richardson
P I Carter	M J Holloway	M Rose
N J Collor	T P Johnstone	D A Sargent
M D Conolly	S J Jones	F J W Scales
M I Cosin	L A Keen	P Walker
D G Cronk	N S Kenton	P M Wallace
N Dixon	P S Le Chevalier	P A Watkins

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **MINUTES** (Pages 8 - 17)

To confirm the attached Minutes of the meeting held on 22 July 2015.

3 **DECLARATIONS OF INTEREST** (Page 18)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Head of Paid Service.

5 **LEADER'S TIME**

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

(Up to fifteen minutes is allowed for the Report of the Leader (and Cabinet), up to ten minutes is allowed for the Leader of the Major Opposition Group (or his nominee) to respond, up to five minutes is allowed for the Leader of any other Opposition Group (or his nominee) to respond. The Leader is allowed up to five minutes as a Right of Reply or 25% of the time given to the Opposition Group Leaders, whichever is the greatest.)

- (a) Leader of the Council – 15 Minutes
- (b) Leader of the Major Opposition Group (Labour Group) – 10 Minutes
- (c) Leader of the Other Opposition Group (UKIP) – 5 Minutes
- (d) Leader of the Council's Right of Reply – 5 Minutes

6 **QUESTIONS FROM THE PUBLIC**

To receive answers in respect of questions from the public to Members of the Executive asked in accordance with Rule 11 of the Council Procedure Rules.

A maximum of three minutes is allowed for the question to be read. Up to 15 minutes is allowed for this part of the meeting. Members of the public may ask one supplementary question in addition to their original question so long as it arises directly out of the original question or the reply. Afterwards any other Member at the Chairman's discretion, may speak for up to two minutes on a question or reply.

- (1) Mrs Helen Williams will ask the Leader of the Council, Councillor P A Watkins:

“What action is Dover District Council taking to support Syrian refugees in line with the latest Government initiative, and in line with the 40 other Councils which have already declared their support in welcoming refugees?”

7 **REVISED TREASURY MANAGEMENT STRATEGY 2015/16** (Pages 19 - 35)

To consider the attached report of the Director of Finance, Housing and Community.

The Cabinet at its meeting held on 7 September 2015 made the following recommendation (CAB29):

“It was agreed to recommend to Council that the revised 2015/16 Treasury Management Strategy Statement be approved.”

8 QUESTIONS FROM MEMBERS

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of Council on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

(a) To Chairmen/Vice-Chairmen of Committees

To receive answers in respect of questions from Members of the Council to the Chairman or Vice-Chairman of the Council or the Chairman of any Committee or Sub-Committee asked in accordance with Rule 12 of the Council Procedure Rules.

There were no questions for the Chairman of the Council, a Committee or Sub-Committee.

(b) To the Executive

To receive answers in respect of questions from Members of the Council to a Member of the Executive asked in accordance with Rule 12 of the Council Procedure Rules.

- (1) Councillor P M Brivio will ask the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“What effect does the Portfolio Holder for Housing, Health and Wellbeing think the government’s decision to freeze rents for social housing will have on the ability of East Kent Housing to maintain and carry our improvements to council stock?”

- (2) Councillor M R Eddy will ask the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“Can the Portfolio Holder for Environment, Waste and Planning inform the Council of Kent County Council’s policy towards members of the public who chose to take a couple of bags of recycling on foot to the Civic Amenity sites rather than using their car to do so?”

- (3) Councillor P M Wallace will ask the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“The RAC’s 2015 shows that a majority of Britain’s motorists consider that the state of the country’s roads are getting worse, with potholes and general road repairs topping the list of complaints from road users. Can the Portfolio Holder for Access and Licensing inform the Council what steps is DDC taking to ensure that the roads in Dover District are improving rather than deteriorating?”

- (4) Councillor L A Keen will ask the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“Will the Portfolio Holder for Corporate Resources and Performance

join me in welcoming the comprehensive training provided for all recently elected councilors and will he outline how he proposes to review the impact of the training on the work of the Council and feed the results of that review into further enhancement of future training provision?”

- (5) Councillor A S Pollitt will ask the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“As a number of my constituents are concerned by the current Government’s plan to privatize parts of our National Health Service, could the Portfolio Holder for Housing, Health and Wellbeing inform this Council who owns the land and buildings of the Buckland Hospital in Dover and the Victoria Memorial hospital in Deal?”

- (6) Councillor D A Sargent will ask the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett:

“It has been reported in the national press that some local authorities are switching off their CCTV cameras to save money. Could the Portfolio Holder for Property Management and Public Protection inform the Council whether there are plans to do the same in this district?”

- (7) Councillor S Hill will ask the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett:

“Can the Portfolio Holder for Property Management and Public Protection assure the Council that the 11 public conveniences currently being cleaned by Dover District Council contractors on behalf of 7 town and parish councils at a cost of £123,450 last year are up to the standard of cleanliness, safety and sanitation that he would expect for that amount of expense?”

9 **SEAT ALLOCATION AND GROUP APPOINTMENTS**

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

10 **OPERATION STACK AND MANSTON UPDATE**

To receive an update in respect of Operation Stack and Manston.

11 **MEMBER AND PUBLIC PARTICIPATION AT COMMITTEE MEETINGS** (Pages 36 - 59)

To consider the attached report of the Director of Governance.

The recommendations of the Governance Committee at its meeting held on 22 September 2015 are to follow.

12 **MOTIONS**

Motions for which notice has been given are listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that

they propose to move it at a later meeting or withdraw it.

If a Motion set out in the agenda is not moved by the Member who gave notice thereof it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

A Motion must be about matters for which the Council has powers or duties or which affects the District.

In accordance with Council Procedure Rule 13, Councillor S F Bannister will move:

"This Council is extremely concerned by the proposals to use the former Manston airport site for parking of lorries when the cross-Channel routes are blocked for any reason, as they were this summer. The Council believes, on the basis of sound local knowledge, that this proposal will only lead to a worsening of the traffic chaos caused by Operation Stack and to the disruption of residents' lives and livelihoods throughout this district and elsewhere in East Kent. This Council resolves to express its disquiet at the proposals in the strongest possible terms to Government and Kent County Council."

13 **URGENT BUSINESS TIME**

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebecca.brough@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 22 July 2015 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

D Hannent	A Friend	S C Manion
J S Back	B Gardner	K E Morris
S F Bannister	B J Glayzer	D P Murphy
T J Bartlett	P J Hawkins	M J Ovenden
P M Beresford	P G Heath	A S Pollitt
T A Bond	J M Heron	G Rapley
P M Brivio	S Hill	A F Richardson
B W Butcher	M J Holloway	M Rose
N J Collor	T P Johnstone	D A Sargent
M D Conolly	S J Jones	F J W Scales
M I Cosin	L A Keen	P Walker
D G Cronk	N S Kenton	P M Wallace
N Dixon	P S Le Chevalier	P A Watkins
M R Eddy	S M Le Chevalier	

Officers:

- Chief Executive
- Head of Inward Investment
- Director of Finance, Housing and Community
- Director of Governance
- Director of Environment and Corporate Assets
- Head of Democratic Services
- Team Leader – Democratic Support

20 APOLOGIES

Apologies for absence were received from Councillors P I Carter, R J Frost and K Mills.

21 MINUTES

The Minutes of the Annual Council Meeting held on 20 May 2015 were approved as a correct record and signed by the Chairman.

22 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

23 ANNOUNCEMENTS

The Chairman of the Council made an announcement to wish Ms M Pearce, PA to the Directors, well on her retirement after working for 47 years at Dover District Council and before that Dover Rural Council.

The Leader of the Council made an announcement to congratulate Deal Town Councillor Wayne Elliott on receiving a Locality Public Sector Hero award at the House of Lords.

24 LEADER'S TIME

The Leader of the Council, Councillor P A Watkins, included the following matters in his report:

- (a) That the Council was working to identify possible projects and assist them in bidding for funding under the Coastal Communities Fund.
- (b) That three groups had been set up as part of the group to look at the regeneration of Dover Town Centre after the delivery of the Dover Town Investment Zone. The groups would deal with (i) transport, (ii) tourism and (iii) heritage and planning.
- (c) The possible changes to the South East England Local Enterprise Partnership following the decision by the Essex LEP area to ask the Government for separate status. There was also support amongst local authorities and business in Kent for the idea of a Kent and Medway LEP.
- (d) At the recent Kent Leader's meeting, the issue of combined authorities for Kent along the lines of the Greater Manchester Combined Authority was discussed. A combined authority would deal with matters such as transport, economic development, health and social care.
- (e) That the East Kent Spatial Development Company had reported a surplus of £6 million and received healthy annual income from its land holdings. The EKSPDC was looking at providing commercial loans for infrastructure projects that struggled to receive bank funding and there were potential projects in the pipeline.
- (f) That there was a need for more decision-making to be delegated from the Kent Health and Wellbeing Board to the local CCG level boards.
- (g) The recent case of an East Kent man who had been sent to Manchester due to the shortage of mental health patient beds and the need for partner agencies to work together to effectively triage patients at the first point of contact.
- (h) The rising projected deficit of the East Kent Hospitals University Foundation Trust meant that changes to services would have been made. The proposals for these, which would be both financially and clinically driven, were expected to be revealed by September.

The Leader of the Main Opposition Labour Group, Councillor M R Eddy, included the following matters in his report:

- (a) To congratulate the Chairman on her first ordinary meeting of the Council following the Annual Meeting in May.
- (b) To welcome the news of the Coastal Community Fund bids while emphasising the need for proper longer term funding for the district.

- (c) To state that he looked forward to hearing the outcomes from the three groups looking at aspects of the regeneration of Dover.
- (d) That the option of a Kent Local Enterprise Partnership, which was the favoured approach of Kent County Council, could result in improved funding opportunities for Dover.
- (e) The need for the Government to find an urgent solution to the transport difficulties affecting Dover and the wider regional implications caused by the longest Operation Stack run to date.
- (f) That the experience of shared authorities elsewhere was that the arrangements broke down over a number of years.
- (g) To express concern over the ramifications for the future of services at Buckland and Deal Hospitals and the funding of improvements in local mental health services following the disturbing news emerging over the East Kent Hospitals University Foundation Trust's finances. In addition, there was anecdotal information to suggest that following the closure of the chemotherapy unit at William Harvey Hospital there were issues with the treatment of some Dover and Deal cancer patients at the Kent and Canterbury Hospital.

The Leader of the Opposition UK Independence Party Group, Councillor A F Richardson, included the following matters in his report:

- (a) That the reality in many areas was the need to bid for grant funding and that local authorities were no different. It was important for the Council to have the expertise to bid, or support others to bid, for grant funding.
- (b) To highlight the wider integration issues raised by any plans for a Kent Local Enterprise Partnership, while expressing support for preserving the historic identity of the county of Kent.
- (c) To express concern over the projected deficit for the East Kent Hospitals University Foundation Trust and the anecdotal patient comments over the pressure on cancer care services.
- (d) To emphasise the immense economic damage and inconvenience caused to local residents by Operation Stack.

In response, the Leader of the Council raised the following matters as part of his right to reply:

- (a) That the Council's funding was being top-sliced to provide the project funding that it had to bid for.
- (b) That the Government was looking at economic rather than historic geographic areas for the Local Enterprise Partnerships (LEP) and that rural West Kent and rural East Sussex faced similar economic challenges despite being in different counties.
- (c) The success of the Coastal Communities Group in the LEP, which had been set-up by Dover, Thanet and Hastings Councils.

(d) That while Operation Stack highlighted the transportation issues affecting Dover to a national audience, lorry queues were a daily issue in Dover regardless of whether Operation Stack was in effect or not. While the introduction of variable speed limits had been positive from a Dover viewpoint, there were still pressures on the A2 and problems caused by blocked roundabouts.

(e) The impact of reductions in Kent County Council's public health service.

25 SEAT ALLOCATION AND GROUP APPOINTMENTS

The Group Leaders advised that there were no seat allocations or group appointments.

26 QUESTIONS FROM THE PUBLIC

In accordance with Rule 11 of the Council Procedure Rules, Mr Peter Jull gave notice of his intention to ask the following question of a Member of the Cabinet:

“Will this council consult on a Public Spaces Protection Order to make the feeding of birds in Deal town centre an offence subject to a fixed penalty notice in line with littering and dog fouling, as permitted by the Anti-Social Behaviour Act 2014?”

In response, the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, advised that the Council's Environmental Protection Team were liaising with Deal Town Council on the issue of birds in the town centre although there were currently no plans to consult on a Public Spaces Protection Order to make the feeding of birds an offence. The introduction of an Order was only one of a number of ways to address the issue of feral bird populations and for an order to be made the Council needed to satisfy itself that a number of grounds were fulfilled.

In accordance with Council Procedure Rule 11.8, Mr Jull put a supplementary question to the Portfolio Holder for Property Management and Public Health asking how many times Civil Enforcement Officers had advised members of the public not to feed feral birds. In response, Councillor T J Bartlett stated that a written answer to the question would be provided.

27 QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule 12, Members of the Cabinet responded to the following questions:

(1) Councillor A F Richardson asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“Earlier this year it was reported that an individual received a formal caution after being caught on camera dumping a number of bags of waste in the River Dour. I understand this person was identified following a publicity campaign by the Dover Express.

Does the cabinet member for Environment, Waste and Planning think that a caution was an appropriate response to such a blatant and high profile case of fly tipping?

Does he accept that in fact this was widely seen as a 'slap on the wrist' which completely failed to act as a deterrent to would-be fly tippers across the District?

What assurances can he give that in future cases where fly-tippers are positively identified, a much more robust approach to dealing with them will be adopted?"

In response, Councillor N S Kenton advised that fly tipping legislation allowed for local authorities to prosecute, issue a formal caution or take no further action. Although it was inappropriate to discuss individual cases, when deciding the appropriate course of action consideration was given to the Council's Environmental Enforcement Policy and the Code for Crown Prosecutors. The Council would prosecute fly-tippers where it was appropriate and in the public interest to do so.

In accordance with Council Procedure Rule 12.5, Councillor A F Richardson exercised his right to ask one supplementary question.

- (2) Councillor P Walker asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

"It is more than a year since I first referred in this Chamber to there having been over 50 separate conditions set down in relation to planning applications submitted to, and agreed by, this Council for Lydden Racing Circuit. Could the Portfolio Holder for Environment, Waste and Planning outline the progress made in checking upon the implementation of the said conditions and upon how any failures in implementation have been dealt with?"

In response, Councillor N S Kenton advised that complaints had been received on a wide range of issues relating to the operation of Lydden Racing Circuit and that a systemic review of compliance with the planning conditions currently in force was being conducted by planning and environmental health officers. In addition, discussions would be held with the local Action Group over the issues of concern. However, it had been established that the circuit had not exceeded its number of permitted race days.

In accordance with Council Procedure Rule 12.5, Councillor P Walker exercised his right to ask one supplementary question.

- (3) Councillor P J Hawkins asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

"It is now several years since this Council sold off the former Regent Cinema building and, despite questions in full council, nothing appears to have happened to the building. Will the Portfolio Holder for Environment, Waste and Planning tell the Council when he expects the owners of the building to submit a planning application relating to this site which is so important to Deal's seafront?"

In response, Councillor N S Kenton advised that the owners were discussing proposals with the Council's planning department for the cinema and it was

anticipated that a full planning application would follow once a deliverable scheme had been developed.

In accordance with Council Procedure Rule 12.5, Councillor P J Hawkins exercised her right to ask one supplementary question.

- (4) Councillor P M Brivio asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio Holder for Housing, Health and Well-being inform the Council of the costs of providing temporary accommodation in financial year 2014/15 for those people towards whom the Council has a statutory duty and can she confirm whether this is an increase on the costs incurred during 2013/14?”

In response, Councillor P M Beresford advised that the net cost to the Council of Bed and Breakfast accommodation, after the payment of Housing Benefit, was £141,250 in 2013/14 and £199,325 in 2014/15.

In accordance with Council Procedure Rule 12.5, Councillor P M Beresford exercised her right to ask one supplementary question.

- (5) Councillor S Hill asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio Holder for Housing, Health and Well-being advise the Council what view Cabinet has taken on the Government's plans to extend Right-to-Buy to Housing Association tenants?”

In response, Councillor P M Beresford stated that the Cabinet had not taken a view as the detailed operation of the policy had not yet been published by the Government.

In accordance with Council Procedure Rule 12.5, Councillor S Hill exercised her right to ask one supplementary question.

- (6) Councillor M R Eddy asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“During this May's election campaign for Deal Town Council, the Conservative Party issued a leaflet claiming that, from next year, they would initiate annual popular elections for the Mayor of Deal with the candidates being taken from among the elected town councillors. Can the Portfolio Holder for Corporate Resources and Performance inform the Council what the costs of such a Deal-wide plebiscite would be and what additional workload these annual elections would create for this Council's staff?”

In response, the Chairman of the Council advised that she would answer the question as it related to a non-executive function. Councillor S S Chandler suggested that Councillor Eddy contact Deal Town Council as Dover District Council had not been approached in relation to this proposal and therefore had no knowledge of the method of election proposed.

In accordance with Council Procedure Rule 12.5, Councillor M R Eddy exercised his right to ask one supplementary question.

- (7) Councillor P Walker asked the Portfolio Holder for Skills, Training, Tourism, Voluntary Services and Community Safety, Councillor K E Morris:

“Tourism is a service which had a listed spend of £42,000 according to recent figures. Does the Portfolio Holder with responsibility for tourism regard this as sufficient, given that tourism provision needs expansion and further encouragement in order to enhance our regeneration efforts?”

In response, Councillor K E Morris advised that he was closely monitoring the budget to ensure that the allocation was used to best effect in support of the Council’s role as a strategic enabler as opposed to a major provider of the service. The Council was working with partners to maximise the impact of its expenditure through joint working and promotion.

In accordance with Council Procedure Rule 12.5, Councillor P Walker exercised his right to ask one supplementary question.

- (8) Councillor P M Wallace asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“What consideration has the Portfolio Holder for Housing, Health and Well-being given to the question of whether the authority should introduce a Cumulative Impact Policy covering the number of licensed premises now that public health is a local authority responsibility and Dover has its own Health and Well-being Board?”

In response, Councillor N J Collor stated that he would answer the question as it fell with the responsibilities of his Portfolio. He advised that Cumulative Impact Policies were a tool of last resort to be used where a specific area was saturated with a particular type of licensed premises and that there was clear evidence linking those premises to disorder and/or public nuisance. Following discussions with the Head of Regulatory Services, there was no evidence to support a need for the Council, in its role as the Licensing Authority, to adopt a Cumulative Impact Policy anywhere in the district.

In accordance with Council Procedure Rule 12.5, Councillor P M Wallace exercised his right to ask one supplementary question.

- (9) Councillor P J Hawkins asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“Will the Portfolio Holder for Environment, Waste and Planning tell the Council what action our officers are taking to ensure that the nuisance suffered by existing residents living in the area affected by Persimmon’s development at Sholden are kept at the absolute minimum?”

In response, Councillor N S Kenton advised that Environmental Health had issued an Abatement Notice in respect of dust created by the development and were now satisfied that the developer was now taking all reasonable steps to suppress dust with bowsers. In respect of the route taken by construction traffic it had been concluded that the route being taken was the best available.

In accordance with Council Procedure Rule 12.5, Councillor P J Hawkins exercised her right to ask one supplementary question.

28 MOTIONS

- (1) In accordance with Council Procedure Rule 13, Councillor T P Johnstone gave notice of his intention to move the following Motion:

“This Council requests that the Leader writes to the Prime Minister to ascertain the terms of his negotiations with the other member states of the European Union so that residents and businesses within this District, geographically the closest to the European mainland, are fully aware of what is at stake in the proposed referendum on continued membership.”

The Motion was duly seconded.

On being put to the vote, the Motion was LOST.

- (2) In accordance with Council Procedure Rule 13, Councillor P M Wallace gave notice of his intention to move the following Motion:

“Following the recent spate of highly publicised fly-tipping in Dover District, this council will lobby the Department for Environment, Food & Rural Affairs for more powers to tackle fly-tipping specifically seeking

- (1) The powers that are currently available in Scotland to hand out on-the-spot fines for fly-tipping, removing the need to seek a prosecution through the Magistrates' Courts;
- (2) The income from any fines to stay in the area to help pay for the cost of cleaning up fly-tipping and enforcement; and
- (3) To tackle the culture of fly-tipping through restorative justice, by making it compulsory for offenders to spend a set number of hours in a supervised clean-up in the district, so offenders learn about the damaging effects of spoiling the environment.”

The Motion was duly seconded.

On being put to the vote, the Motion was CARRIED.

RESOLVED: That following the recent spate of highly publicised fly-tipping in Dover District, this council will lobby the Department for Environment, Food & Rural Affairs for more powers to tackle fly-tipping specifically seeking

- (1) The powers that are currently available in Scotland to hand out on-the-spot fines for fly-tipping, removing the need to seek a prosecution through the Magistrates' Courts;
- (2) The income from any fines to stay in the area to help pay for the cost of cleaning up fly-tipping and enforcement; and

- (3) To tackle the culture of fly-tipping through restorative justice, by making it compulsory for offenders to spend a set number of hours in a supervised clean-up in the district, so offenders learn about the damaging effects of spoiling the environment.

29 KENT AND MEDWAY LOCAL ENTERPRISE PARTNERSHIP AND KENT AND MEDWAY GROWTH AND INFRASTRUCTURE FRAMEWORK

The Head of Inward Investment presented the report on the Kent and Medway Local Enterprise Partnership and the Kent and Medway Growth and Infrastructure Framework.

It was moved by Councillor P A Watkins, duly seconded and

RESOLVED: That the report and the likely future engagement be noted.

30 REVISION TO CONTRACT STANDING ORDERS

The Director of Governance presented the report on the Revision to Contract Standing Orders.

In response to a question from Councillor L A Keen as to the accuracy of the information displayed on the website in respect of contracts awarded to Dover based companies, Councillor P G Heath in his role as Chairman of the Governance Committee, agreed to add this matter to the agenda of the next meeting of the Committee.

It was moved by Councillor P G Heath, duly seconded and

RESOLVED: That the Council, acting on the recommendation of the Governance Committee and the Monitoring Officer, agreed to adopt the revised Contract Standing Orders as appended to the report.

31 POLICY FOR LONG SERVICE AWARDS TO ELECTED MEMBERS OF DOVER DISTRICT COUNCIL

The Director of Governance introduced the report on creating a Policy for Long Service Awards to Elected Members of Dover District Council.

It was moved by Councillor M D Conolly, duly seconded and

RESOLVED: (a) That the Policy for Long Service Awards to Elected Members of Dover District Council, as set out in Appendix 1 of the report, be adopted.

(b) That the Council records its appreciation of the Long Service of the following Elected Members:

- (i) Councillor T J Bartlett for 20 Years of Continuous Service
- (ii) Councillor B W Butcher for 20 Years of Continuous Service
- (iii) Councillor P G Heath for 24 Years of Continuous Service

- (iv) Councillor K Mills for 24 Years of Continuous Service
- (v) Councillor F J W Scales for 20 Years of Continuous Service
- (vi) Councillor P A Watkins for 28 Years of Non-Continuous Service

- (c) That the Head of Democratic Services be requested to make the necessary arrangements for Long Service Awards to be presented to the meeting of the Council held on 30 September 2015:

32 CONSULTATION UNDER THE LICENSING ACT 2003 - STATEMENT OF POLICY AND PRINCIPLES

The Director of Governance introduced the report on the Consultation under the Licensing Act 2003 – Statement of Policy and Principles.

It was moved by Councillor B Gardner, duly seconded and:

- RESOLVED:
- (a) That the draft Statement of Licensing Policy be approved and a period of formal consultation from 27 July 2015 until 19 October 2015 be authorised in accordance with the statutory requirements.
 - (b) That the results of the consultation be reported to a special meeting of the Licensing Committee to be held in mid-November 2015.
 - (c) That the Licensing Committee consider the results of the consultation and the Statement of Licensing Policy and make recommendations and comments to Council.
 - (d) That Council at its meeting on 25 November 2015 consider the recommendations and comments of the Licensing Committee in discharging its responsibility for the determination of the Statement of Licensing Policy.

33 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.27 pm

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Subject:	REVISED 2015/16 TREASURY MANAGEMENT STRATEGY
Meeting and Date:	Cabinet – 7 September 2015 Council – 30 September 2015
Report of:	Mike Davis – Director of Finance, Housing and Community
Portfolio Holder:	Councillor Mike Conolly – Portfolio Holder for Corporate Resources and Performance
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To update the 2015/16 Treasury Management Strategy

Recommendation: (a) It is recommended that Cabinet recommend to Council that the revised 2015/16 Treasury Management Strategy be approved.

(b) It is recommended that Council approve the revised 2015/16 Treasury Management Strategy.

1. Summary

The purpose of this report is to update the 15/16 Treasury Management Strategy Statement with a revised investment strategy. This is required as Investec, the Council's external fund manager, decided to withdraw from the segregated fund market, meaning that the funds of approx. £12.5m have been brought back in-house. This has caused the Council to temporarily be in breach of the TMS.

2. Introduction and Background

The Council produces an annual Treasury Management Strategy Statement (TMSS) as part of the budget setting process, which is incorporated within the Medium Term Financial Plan each year. The strategy outlines the criteria that investments need to meet. As such, limits have been put in place for how much in-house money can be invested with any one bank or building society. This limit is currently £5m for all institutions except NatWest, the Council's operating bank, for which the limit is £10m.

In April 2015 Investec advised that it would no longer run the investment fund in which the Council had circa £12.5m invested. Investec were the main fund manager in this market and therefore, given the Council's low risk appetite, there is little option but to bring the funds back in-house, rather than place it in a higher risk fund with Investec that was offered as an alternative.

£1.9m worth of gilts have been retained and transferred to Kings and Shaxson to hold in custody until they mature in 2018.

The balance of circa £11m was repaid in cash by Investec on 30th June 2015. This has been temporarily deposited in the Council's NatWest SIBA account whilst alternative investment options have been investigated, leading to the £10m limit for NatWest being breached. However, these extra funds are instantly available and therefore very secure, but are also earning much reduced returns due to the low interest accrued on such instant-access accounts.

To take into account the increase in in-house funds and earmarked reserves, it has been necessary to revise the TMSS investment criteria as, currently, the SIBA account holds more than its limit, and options for depositing the money with higher interest-bearing accounts are impacted by the restrictions imposed by the existing criteria.

The revised TMSS gives more flexibility, increasing the number of counterparties that can be used and increasing the limit allowed to be deposited with some, whilst being mindful of the Council's main objective for investments that the funds should be placed with high quality counterparties to ensure the security of the deposits. This maintains the objectives of security first, liquidity second and then maximising returns.

Options

Option 1. To accept the revised 2015/16 Treasury Management Strategy Statement to enable diversification of investments, including use of money market funds, and placing higher amounts with highly credit-rated banks and institutions in accordance with the statistics and credit ratings provided and assessed by the Council's investment advisors, Capita Asset Services. This is the recommended option.

Option 2. Not to accept the revised 2015/16 Treasury Management Strategy. This is not recommended as it means that the Council will remain in breach of the existing TMSS and its ability to derive better returns from its investments will be impaired.

Option 3. To propose alternative investment criteria, including revisiting the Council's appetite for risk, the kinds of investment vehicles available (incl. property funds, etc.) and reconsidering its existing investment objectives of security first, liquidity second and then maximisation of returns. This is not recommended, as the Council primarily seeks to protect the security of its investments. To diversify extensively into other complex products would require greater financial resource and result in greater risk with no absolute guarantee of greater returns. The collapse of the Iceland banking system several years ago led to adverse publicity over the Council's £1m deposit, despite the Council recovering substantially the whole of the capital value of its initial outlay eventually. However, the situation highlighted the scrutiny and sensitivity of investment decisions over money held for public services and projects.

3 Corporate Implications

- 3.1 Comment from the Section 151 Officer: Finance have no further comments to make. (DL)
- 3.2 Comment from the Senior Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make. (HR)
- 3.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15> (KM)

Appendices

Appendix 1 – Revised 15/16 Treasury Management Strategy

Background Papers

Medium Term Financial Plan 2014/15 – 2016/17

Contact Officer: Stuart Groom, extension 2072

TREASURY MANAGEMENT STRATEGY STATEMENT

INTRODUCTION

Background

Treasury management is concerned with planning cash flow, investing surplus cash and arranging borrowing if needed.

Reporting requirements

Treasury management is reported to Council, Cabinet and Governance throughout the year as follows -

Prudential and treasury indicators and treasury strategy (this report) – Must be approved by Council, it covers:

- the capital plans (including prudential indicators);
- a minimum revenue provision (MRP) policy (how residual capital expenditure is charged to revenue over time);
- the treasury management strategy (how the investments and borrowings are to be organised) including treasury indicators; and
- an investment strategy (the parameters on how investments are to be managed).

Quarterly management reports – Reports to Governance update the progress of the capital position, amending prudential indicators as necessary, and whether the treasury strategy is meeting the strategy or whether any policies require revision.

An annual treasury report – This provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

Treasury Management Strategy for 2015/16

The strategy for 2015/16 covers two main areas:

Capital issues

- the capital plans and the prudential indicators;
- the minimum revenue provision (MRP) policy.

Treasury management issues

- the current treasury position;
- treasury indicators which limit the treasury risk and activities of the Council;
- prospects for interest rates;
- the borrowing strategy;
- policy on borrowing in advance of need;
- debt rescheduling;
- the investment strategy;
- creditworthiness policy; and
- policy on use of external service providers.

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These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, CLG MRP Guidance, the CIPFA Treasury Management Code and CLG Investment Guidance.

THE CAPITAL PRUDENTIAL INDICATORS 2015/16 – 2017/18

Capital expenditure

This prudential indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. Members are asked to approve the capital expenditure forecasts:

	2013/14 Actual £000	2014/15 Estimate £000	2015/16 Estimate £000	2016/17 Estimate £000	2017/18 Estimate £000
Capital expenditure:					
General Fund	1,737	11,132	4,915	1,795	1,100
HRA	4,338	7,327	7,127	660	0
Total	6,075	18,459	12,042	2,455	1,100
Financed by:					
Capital receipts	273	1,073	1,820	410	0
Capital grants	1,388	9,053	2,409	1,348	1,100
Capital reserves	61	3,020	6,102	697	0
Revenue	4,353	5,313	1,711	0	0
Net financing need for the year	6,075	18,459	12,042	2,455	1,100

The Council's borrowing need (the Capital Financing Requirement)

The second prudential indicator is the Council's Capital Financing Requirement (CFR). The CFR is simply the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's underlying borrowing need. Any capital expenditure above, which has not immediately been paid for, will increase the CFR.

The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the borrowing need in line with each asset's life.

The Council is asked to approve the CFR projections below:

Capital Financing Requirement	2013/14 Actual £000	2014/15 Estimate £000	2015/16 Estimate £000	2016/17 Estimate £000	2017/18 Estimate £000
CFR – non housing	11,685	11,685	11,685	11,685	11,685
CFR – housing	86,548	86,548	86,548	86,548	86,548
Total CFR	98,233	98,233	98,233	98,233	98,233
Movement in CFR	-	-	-	-	-

Minimum revenue provision (MRP) policy statement

The Council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (the minimum revenue provision -

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MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision - VRP).

CLG regulations have been issued which require the full Council to approve an MRP Statement in advance of each year. A variety of options are provided to councils, so long as there is a prudent provision. The Council is recommended to approve the following MRP Statement:

For capital expenditure incurred before 1 April 2008 or which in the future will be Supported Capital Expenditure, the MRP policy will be chosen from the most appropriate on a case by case basis:

- **Existing practice** - MRP will follow the existing practice outlined in former CLG regulations;

From 1 April 2008 for all unsupported borrowing (including PFI and finance leases) the MRP policy will be:

- **Asset life method** – MRP will be based on the estimated life of the assets, in accordance with the regulations (this option must be applied for any expenditure capitalised under a Capitalisation Direction);
- **Depreciation method** – MRP will follow standard depreciation accounting procedures.

These options provide for a reduction in the borrowing need over approximately the asset's life.

There is no requirement on the HRA to make a minimum revenue provision but there is a requirement for a charge for depreciation to be made (although there are transitional arrangements in place).

Core funds and expected investment balances

The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or other budget decisions to support the revenue budget will have an on-going impact on investments unless resources are supplemented each year from new sources (asset sales etc.).

Affordability prudential indicators

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances. The Council is asked to approve the following indicators:

Ratio of financing costs to net revenue stream

This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

	2013/14 Actual	2014/15 Estimate	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate
Non-HRA	0.33%	0.31%	0.33%	0.33%	0.33%
HRA	16.42%	17.93%	17.58%	17.23%	16.90%

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The estimates of financing costs include current commitments and the proposals in this budget report.

Incremental impact of capital investment decisions on Band D council tax

This indicator identifies the revenue costs associated with proposed changes to the three year capital programme recommended in this budget report compared to the Council's existing approved commitments and current plans. The assumptions are based on the budget, but will invariably include some estimates, such as the level of Government support, which are not published over a three year period.

	2013/14 Actual	2014/15 Estimate	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate
Council tax - band D	£0.10	£0.13	£7.29	£0.04	£0.00

Estimates of the incremental impact of capital investment decisions on housing rent levels

Similar to the council tax calculation, this indicator identifies the trend in the cost of proposed changes in the housing capital programme recommended in this budget report compared to the Council's existing commitments and current plans, expressed as a discrete impact on weekly rent levels.

£	2013/14 Actual	2014/15 Estimate	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate
Weekly housing rent levels	£6.47	£11.29	£12.59	£0.06	£0.05

This indicator shows the revenue impact on any newly proposed changes, although any discrete impact will be constrained by rent controls.

Borrowing

The capital expenditure plans set out in Section 2 provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

Current portfolio position

The Council's treasury portfolio position at 31 March 2014, with forward projections are summarised below. The table shows the actual external debt (the treasury management operations), against the underlying capital borrowing need (the Capital Financing Requirement - CFR), highlighting any over or under borrowing.

	2013/14 Actual £000	2014/15 Estimate £000	2015/16 Estimate £000	2016/17 Estimate £000	2017/18 Estimate £000
External Debt at 1 April	95,867	93,954	91,983	89,952	87,856
Expected change in Debt	1,913	1,971	2,031	2,096	2,163

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	2013/14 Actual £000	2014/15 Estimate £000	2015/16 Estimate £000	2016/17 Estimate £000	2017/18 Estimate £000
Actual gross debt at 31 March	93,954	91,983	89,952	87,856	85,693
Capital Financing Requirement	98,233	98,233	98,233	98,233	98,233
Under / (over) borrowing	4,279	6,250	8,281	10,377	12,540

Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well-defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2015/16 and the following two financial years. This allows some flexibility for limited early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes.

The Director of Finance, Housing & Community (Section 151 Officer) reports that the Council complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view takes into account current commitments, existing plans, and the proposals in this budget report.

Treasury Indicators: limits to borrowing activity

The operational boundary - This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt.

Operational boundary	2014/15 Estimate £000	2015/16 Estimate £000	2016/17 Estimate £000	2017/18 Estimate £000
Debt	108,000	108,000	108,000	108,000

The authorised limit for external debt - A further key prudential indicator represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by the full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

1. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.
2. The Council is asked to approve the following authorised limit:

Authorised limit	2014/15 Estimate £000	2015/16 Estimate £000	2016/17 Estimate £000	2017/18 Estimate £000
General Fund Debt Limit	22,500	22,500	22,500	22,500
HRA Debt Limit	91,000	91,000	91,000	91,000
Total	113,500	113,500	113,500	113,500

Prospects for interest rates

The Council has appointed Capita Asset Services as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The following table gives their central view.

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Annual Average	Bank Rate	PWLB Borrowing Rates % (including certainty rate adjustment)		
	%	5 year	25 year	50 year
Mar 2015	0.50	2.20	3.40	3.40
Jun 2015	0.50	2.20	3.50	3.50
Sep 2015	0.50	2.30	3.70	3.70
Dec 2015	0.75	2.50	3.80	3.80
Mar 2016	0.75	2.60	4.00	4.00
Jun 2016	1.00	2.80	4.20	4.20
Sep 2016	1.00	2.90	4.30	4.30
Dec 2016	1.25	3.00	4.40	4.40
Mar 2017	1.25	3.20	4.50	4.50
Jun 2017	1.50	3.30	4.60	4.60
Sep 2017	1.75	3.40	4.70	4.70
Dec 2017	1.75	3.50	4.70	4.70
Mar 2018	2.00	3.60	4.80	4.80

Economic Background (Provided by Capita)

UK GDP growth surged during 2013 and the first half of 2014. Since then it appears to have subsided somewhat but still remains strong by UK standards and is expected to continue likewise into 2015 and 2016. There needs to be a significant rebalancing of the economy away from consumer spending to manufacturing, business investment and exporting in order for this recovery to become more firmly established. One drag on the economy has been that wage inflation has only recently started to exceed CPI inflation, so enabling disposable income and living standards to start improving. The plunge in the price of oil brought CPI inflation down to a low of 1.0% in November, the lowest rate since September 2002. Inflation is expected to stay around or below 1.0% for the best part of a year; this will help improve consumer disposable income and so underpin economic growth during 2015. However, labour productivity needs to improve substantially to enable wage rates to increase and further support consumer disposable income and economic growth. In addition, the encouraging rate at which unemployment has been falling must eventually feed through into pressure for wage increases, though current views on the amount of hidden slack in the labour market probably means that this is unlikely to happen early in 2015.

The US, the biggest world economy, has generated growth rates of 4.6% (annualised) in Q2 2014 and 5.0% in Q3. This is hugely promising for the outlook for strong growth going forwards and it very much looks as if the US is now firmly on the path of full recovery from the financial crisis of 2008. Consequently, it is now confidently expected that the US will be the first major western economy to start on central rate increases by mid 2015.

The current economic outlook and structure of market interest rates and government debt yields have several key treasury management implications:

- Greece: the general election on 25 January 2015 is likely to bring a political party to power which is anti EU and anti austerity. However, if this eventually results in Greece leaving the Euro, it is unlikely that this will directly destabilise the Eurozone as the EU has put in place adequate firewalls to contain the immediate fallout to just Greece. However, the indirect effects of the likely strengthening of anti EU and anti austerity political parties throughout the EU is much more difficult to quantify;*
- As for the Eurozone in general, concerns in respect of a major crisis subsided considerably in 2013. However, the downturn in growth and inflation during the second half of 2014, and worries over the Ukraine situation, Middle East and Ebola, have led to a resurgence of those concerns as risks increase that it could be heading into deflation and prolonged very weak growth. Sovereign debt difficulties have not gone away and*

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major concerns could return in respect of individual countries that do not dynamically address fundamental issues of low growth, international uncompetitiveness and the need for overdue reforms of the economy (as Ireland has done). It is, therefore, possible over the next few years that levels of government debt to GDP ratios could continue to rise to levels that could result in a loss of investor confidence in the financial viability of such countries. Counterparty risks therefore remain elevated. This continues to suggest the use of higher quality counterparties for shorter time periods;

- *Investment returns are likely to remain relatively low during 2015/16 and beyond;*
- *Borrowing interest rates have been volatile during 2014 as alternating bouts of good and bad news have promoted optimism, and then pessimism, in financial markets. The closing weeks of 2014 saw gilt yields dip to historically remarkably low levels after inflation plunged, a flight to quality from equities (especially in the oil sector), and from the debt and equities of oil producing emerging market countries, and an increase in the likelihood that the ECB will commence quantitative easing (purchase of EZ government debt) in early 2015. The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years. However, this needs to be carefully reviewed to avoid incurring higher borrowing costs in later times, when authorities will not be able to avoid new borrowing to finance new capital expenditure and/or to refinance maturing debt.*

Borrowing strategy

The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is relatively high.

Against this background and the risks within the economic forecast, caution will be adopted with the 2015/16 treasury operations. The Director of Finance, Housing & Community will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:

- if it was felt that there was a significant risk of a sharp FALL in long and short term rates (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings will be postponed, and potential rescheduling from fixed rate funding into short term borrowing will be considered.
- if it was felt that there was a significant risk of a much sharper RISE in long and short term rates than that currently forecast, perhaps arising from a greater than expected increase in the anticipated rate to US tapering of asset purchases, or in world economic activity or a sudden increase in inflation risks, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates are still lower than they will be in the next few years.

Any decisions will be reported to the appropriate decision making body at the next available opportunity.

- Although not anticipated, if we do have to undertake borrowing in advance of need the Council will:
- Ensure that there is a clear link between the capital programme and maturity profile of the existing debt portfolio which supports the need to take funding in advance of need;

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- Ensure the ongoing revenue liabilities created, and the implications for the future plans and budgets have been considered;
- Evaluate the economic and market factors that might influence the manner and timing of any decision to borrow;
- Consider the merits and demerits of alternative forms of funding;
- Consider the impact of borrowing in advance on temporarily (until required to finance capital expenditure) increasing investment cash balances and the consequent increase in exposure to counterparty risk, and other risks, and the level of such risks given the controls in place to minimise them.

Treasury management limits on activity

There are three debt related treasury activity limits. The purpose of these are to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of any adverse movement in interest rates. However, if these are set to be too restrictive they will impair the opportunities to reduce costs / improve performance. The indicators are:

- Upper limits on variable interest rate exposure. This identifies a maximum limit for variable interest rates based upon the debt position net of investments;
- Upper limits on fixed interest rate exposure. This is similar to the previous indicator and covers a maximum limit on fixed interest rates;
- Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing, and are required for upper and lower limits.

The Council is asked to approve the following treasury indicators and limits:

	2015/16	2016/17	2017/18
Interest rate exposures			
	Upper	Upper	Upper
Limits on fixed interest rates based on net debt	100%	100%	100%
Limits on variable interest rates based on net debt	30%	30%	30%
Maturity structure of fixed interest rate borrowing 2015/16			
	Lower	Upper	
Under 12 months	0%	50%	
12 months to 2 years	0%	50%	
2 years to 5 years	0%	50%	
5 years to 10 years	0%	100%	
10 years and above	0%	100%	

Policy on borrowing in advance of need

The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.

Debt rescheduling

As short term borrowing rates will be considerably cheaper than longer term fixed interest rates, there may be potential opportunities to generate savings by switching from long term debt to short term debt, redeem or reschedule existing debt. However,

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these savings will need to be considered in the light of the current treasury position and the size of the cost of debt repayment (premiums incurred).

The reasons for any rescheduling to take place will include:

- the generation of cash savings and / or discounted cash flow savings;
- helping to fulfil the treasury strategy;
- enhance the balance of the portfolio (amend the maturity profile and/or the balance of volatility).

Consideration will also be given to identify if there is any residual potential for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt. The Council periodically takes advice from Capita Asset Services on debt rescheduling options.

ANNUAL INVESTMENT STRATEGY

Investment policy

Following the withdrawal of Investec from the segregated funds market in April 2015, all of the Council's investments are managed by the in-house team. This investment strategy has been drawn up to reflect the Council's investment priorities, and also to provide the team with sufficient scope to spread the investment risk across a sufficiently wide number of banks and institutions.

The Council's investment policy has regard to the CLG's Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code"). The Council's investment priorities will be security first, liquidity second and then return.

In accordance with guidance from the CLG and CIPFA, and in order to minimise the risk to investments, the Council has below clearly stipulated the minimum acceptable credit quality of counterparties for inclusion on the lending list. The creditworthiness methodology used to create the counterparty list fully accounts for the ratings, watches and outlooks published by all three ratings agencies with a full understanding of what these reflect in the eyes of each agency. Using our ratings service, potential counterparty ratings are monitored on a real time basis with knowledge of any changes notified electronically as the agencies notify modifications.

Furthermore, the Council's officers recognise that ratings should not be the sole determinant of the quality of an institution and that it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as "credit default swaps" and overlay that information on top of the credit ratings. This is fully integrated into the credit methodology provided by the advisors, Capita Asset Services in producing its colour codings which show the varying degrees of suggested creditworthiness.

Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

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The aim of the strategy is to generate a list of highly creditworthy counterparties which will also enable diversification and thus avoidance of concentration risk.

The intention of the strategy is to provide security of investment and minimisation of risk.

Investment instruments identified for use in the financial year are listed below. Counterparty limits will be as set through the Council's treasury management practices.

Institution	Type	Minimum Credit Criteria	% / Value	Max period
Debt Management Office (effectively the UK Government)	Deposit	N/A	100%	N/A
Other Local Authorities	Deposit	N/A	100%	2 year
UK Money Market Funds	Deposit	N/A	£5m	N/A
UK part nationalised banks	Deposit	Blue	£7.5m	1 year
NatWest	Deposit	Green	£10m	1 year
Other UK banks and building societies	Deposit	Green	£5m	100 days
Other UK banks and building societies	Deposit	Red	£5m	6 months
Other UK banks and building societies	Deposit	Orange	£7.5m	1 year
Non UK Banks	Deposit	Orange	£2m	1 year
Certificates of deposit issued by banks and building societies covered by UK government guarantee	Deposit	UK sovereign rating	£2m	1 year
UK Government Gilts	Deposit	UK Sovereign rating	£5m	10 years

For the purposes of the table above, in order to keep within the intended spirit of the maximum investment period, but avoid reporting trivial variances to Members, 6 months means "up to 186 days" and 1 year means "up to 370 days".

Creditworthiness policy

This Council applies the creditworthiness criteria provided by Capita Asset Services. This employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard and Poor's. The credit ratings of counterparties are supplemented with the following overlays:

- credit watches and credit outlooks from credit rating agencies;
- Credit Default Swaps (CDS) spreads to give early warning of likely changes in credit ratings;
- sovereign ratings to select counterparties from only the most creditworthy countries.

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This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will therefore use counterparties within the following durational bands :

- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

The Capita Asset Services creditworthiness criteria use a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just one agency's ratings.

Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of F1, long term rating A-, viability rating of A-, and a support rating of 1. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

All credit ratings will be monitored *weekly*. The Council is alerted to changes to ratings of all three agencies through its use of our creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.

Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on government support for banks and the credit ratings of that supporting government.

Country limits

The Council has determined that it will only consider using approved counterparties from countries with a minimum sovereign credit rating of AA+ from Fitch . The list of countries that qualify using this credit criteria as at the date of this report are shown below.

Appendix 1

AAA

- *Australia*
- *Canada*
- *Denmark*
- *Germany*
- *Luxembourg*
- *Norway*
- *Singapore*
- *Switzerland*
- *Sweden*

AA+

- *Netherlands*
- *Hong Kong*
- *Finland*
- *U.S.A*

This list will be added to, or deducted from, by officers should ratings change in accordance with this policy. The UK will be excluded from any stipulated minimum sovereign rating requirement.

Banks that are incorporated in the UK are classed as UK banks, banks that are incorporated outside the UK, but are authorised by the Bank of England to take deposits in the UK are classed as non-UK banks. The Council will only consider using non-UK banks from countries that appear on the above list that are considered safe e.g Canada or Australia. This is due to the fact that they are not covered by the UK government guarantees.

Investment strategy

Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).

Investments are currently limited to UK banks/Building Societies, and non-UK banks authorised to take deposits in the UK, where deposits may be made in sterling so long as they pass our UK credit-worthiness checks; a maximum of £5m can be invested per institution that has been given a green rating by Capita (up to 100 days), a maximum of £5m can be invested per institution that has been given a red rating by Capita (up to six months), £7.5m can be invested per institution that has been given an orange or blue rating by Capita (up to one year) with the exception of the Council's operational bank where the limit will be £10m to cover short term fluctuations in cash flow. No more than £2m can be invested with non-UK banks.

Investment treasury indicator and limit - total principal funds invested for greater than 364 days. These limits are set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment, and are based on the availability of funds after each year-end.

The Council is asked to approve the treasury indicator and limit: -

Maximum principal sums invested > 364 days			
	2015/16	2016/17	2017/18
Principal sums invested > 364 days	£25m	£25m	£25m

Appendix 1

For its cash flow generated balances, the Council will seek to utilise its business reserve instant access and notice accounts, money market funds and short-dated deposits (overnight to 100 days) in order to benefit from the compounding of interest.

Investment risk benchmarking

These benchmarks are simple guides to maximum risk, so they may be breached from time to time, depending on movements in interest rates and counterparty criteria. The purpose of the benchmark is that officers will monitor the current and trend position and amend the operational strategy to manage risk as conditions change. Any breach of the benchmarks will be reported, with supporting reasons in the mid-year or Annual Report.

Security - The Council's maximum security risk benchmark for the current portfolio, when compared to these historic default tables, is:

- 1.25% historic risk of default when compared to the whole portfolio.
- **Liquidity** – in respect of this area the Council seeks to maintain:
 - Bank overdraft - £0.50m
 - Liquid short term deposits of at least £1m available with a week's notice.

Yield - local measures of yield benchmarks are:

- Investments – internal returns above the 7 day LIBID rate

End of year investment report

At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report.

Treasury management scheme of delegation

(i) Full Council

- receiving and reviewing reports on treasury management policies, practices and activities;
- approval of annual strategy.

(ii) Cabinet

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;
- budget consideration and approval;
- approval of the division of responsibilities;
- receiving and reviewing regular monitoring reports and acting on recommendations;
- approving the selection of external service providers and agreeing terms of appointment.

(iii) Governance Committee

- receiving and reviewing reports on treasury management policies, practices and activities;
- reviewing the treasury management policy and procedures and making recommendations to the responsible body.

Appendix 1

The treasury management role of the Director of Finance, Housing & Community (section 151 officer):

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;
- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.

Subject: **Member and Public Participation at Committee Meetings**

Meeting and Date: **Governance Committee – 22 September 2015**
Council – 30 September 2015

Report of: **David Randall, Director of Governance**

Classification: **Unrestricted**

Purpose of the report: This report sets out the preferred approach for member and public participation at meetings of the Cabinet and Committees of the Council.

Recommendation: That it be recommended to the Governance Committee:

1. That the Governance Committee recommends to Council that the proposed changes in member and public participation as outlined in this report and specifically at Option 1 be approved and incorporated into the Council's Constitution.

That it be recommended to Council:

2. That the proposed changes in member and public participation as outlined in this report and specifically at Option 1 be approved and incorporated into the Council's Constitution.

1. Summary

- 1.1 Following a motion from Councillor P M Wallace at the meeting of Council at its meeting held on 29 January 2015, the Governance Committee at its meeting on 26 March 2015, considered a paper (Annex1) which set out a range of options for member and public participation at meetings of the Cabinet and Council Committees.
- 1.2 It was resolved by the Governance Committee that the Director of Governance, in consultation with the Group(s) Leader(s) after the AGM, be requested to develop proposals in respect of one or more of the models for member and public participation set out in Appendix A&B of the report for consideration by the Governance Committee.

2. Background

- 2.1 Following the May 2015 Council elections and the AGM, the Director of Governance has discussed this matter with the Leader of the Council and the Leader of the Main Opposition Group. The Leader of the Council wishes to implement a hybrid of Option 1B and 2A together with elements of Option 3A.
- 2.2 The various options are set out in greater detail in the Appendices A&B of the report of 26 March 2015, (at Annex 1), in summary the relevant options to be implemented are as follows:

- Option 1B: Minor changes to existing arrangements.
- Option 2A: Questions only on notice to an Agenda Item.
- Option 3A: Speaking on notice to an Agenda Item.

- 2.3 The desired changes will be achieved by the Executive including the Notice of Forthcoming Key Decisions on its monthly agenda and through this identifying any future agenda items that will be subject to pre-scrutiny. At the present time, the Executive don't receive the Notice of Forthcoming Key Decisions, this potentially causes a gap in their management of future items on their agenda. Considering the Notice of Forthcoming Key Decisions allows the Executive to identify issues of public interest that could benefit from the oxygen of debate via pre-scrutiny.
- 2.4 At present, very little Executive business is subject to pre-scrutiny and instead is added to the Scrutiny work programme at the request of the Scrutiny Committee itself. Pre-scrutiny would encourage member and public participation on certain matters by virtue of members and the public being able to speak to the agenda item and members (not the public) being able to ask questions at the scrutiny meeting if permitted to do so by the committee under Council Procedure Rule 24.2. Ideally the Portfolio Holder would be present at the scrutiny meeting to witness the debate and when required answer questions. This would allow a much wider member and public involvement in key decision making. The existing arrangements for Overview and Scrutiny Committees can accommodate the changes proposed without any alterations.
- 2.5 No changes are proposed to other committees. The time allowed for member and public participation at the Council, Planning and Scrutiny meetings is considered sufficient and there is no evidence of a need to increase the time allowed.
- 2.6 The Licensing Act 2003 and Gambling Act 2005 permit member and public participation at hearings before Licensing Sub-Committee meetings in accordance with the regulations made under each Act. No changes are considered necessary for these committees and it is difficult to see how meaningful changes could be accommodated given that the law prescribes who may appear before the sub-committees and lays down the rules for their participation

3. **Options for Consideration**

- 3.1 The report to the Governance Committee on 25 March 2015 (Annex 1) presented alternative models for member and public participation. The options were set out in the two appendices to that report, one for the public (Appendix A) and one for Members (Appendix B). The Governance Committee resolved that the Director of Governance, in consultation with the Group(s) Leader(s) after the AGM, be requested to develop proposals in respect of one or more of the models for member and public participation set out in Appendix A&B of the report for consideration by the Governance Committee.
- 3.2 Option 1. This report details the preferred approach of the Leader of the Council, which is to consider the Notice of Key Decisions as part of the Cabinet agenda/business of the Executive and identify any key decisions which would benefit from pre-scrutiny.
- 3.3 Option 2. Using the options outlined in the report to the Governance Committee on 25 March 2015 (Annex A), determine a different approach to achieve increased member and public participation in the business of the Executive.

3.4 Following approval of the preferred option, the Director of Governance will develop and submit any necessary amendments to the text of the Constitution to the Governance Committee and the Council for approval.

4. **Preferred Option**

4.1 Option 1 offers the opportunity for increased public participation, without the need for a set of new procedures for the Executive to be prepared. It addresses the features and discussion points raised as part of the report to the Governance Committee on 26 March 2015 (Annex 1) and allows the existing Overview and Scrutiny operating arrangements to deliver the desired outcome. It also recognises that the structure of local government is based upon representative democracy rather than participatory democracy. This is the preferred option.

4.2 Option 2 would require the Governance Committee to determine a different model. It was clear at the meeting of 26 March 2015 that the Committee recognised difficulties in allowing questions or speaking without notice on an agenda item or on any other matter. This would move much more to a participatory system, potentially undermining the will of the electorate. However, it is recognised that the representative and participatory democracy are not absolutes and can co-exist within a single democratic system.

5. **Resource Implications**

5.1 There will be minimal additional officer time required to introduce and manage these arrangements.

6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (VB).

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

Annex 1 – Report to Governance Committee – 26 March 2015
Options for Member and Public Participation at Committee Meetings

8. **Background Papers**

Constitution of the Council

Contact Officer: David Randall, Director of Governance

Subject:	OPTIONS FOR MEMBER AND PUBLIC PARTICIPATION AT COMMITTEE MEETINGS
Meeting and Date:	Governance Committee – 26 March 2015 Governance Committee – 18 June 2015 Council – 22 July 2015
Report of:	Director of Governance
Classification:	UNRESTRICTED

Purpose of the report: This report sets out a range of approaches for member and public participation at meetings of the Cabinet and Committees of the Council.

Recommendation: That the Director of Governance be requested to develop proposals in respect of one or more of the models for member and public participation set out in Appendices A and B.

1. Summary

- 1.1 This paper sets out a range of options for member and public participation at meetings of the Cabinet and Council Committees.
- 1.2 In preparing this paper, we have been mindful that the structure of local government is based upon representative democracy rather than participatory democracy. However, it is recognised that the representative and participatory democracy are not absolutes and can co-exist within a single democratic system.

2. Introduction and Background

- 2.1 The Council at its meeting held on 28 January 2015 considered the following motion from Councillor P M Wallace in respect of increasing public participation at the meetings of Cabinet and Council committees:

“In the interests of transparency and improved decision making, this Council instructs officers to develop proposals for introducing 30 minute Public and Member Question Time sessions in the meetings of Cabinet and Council committees, thereby improving participation in the decision-making processes of this Council.”

- 2.2 It was resolved by Council that consideration of the matter be deferred until the first ordinary meeting of the Council after the Annual General Meeting in order to give officers time to produce a report on the matter.

The Current Arrangements for Public Participation

- 2.3 The Council currently has arrangements in place for public participation at the following meetings:
 - Full Council – A member of the public may ask a written question on-notice (8 days) of any member of the Cabinet. A maximum of 3 minutes is allowed to read the question, with one additional supplementary question permitted (without notice but must arise from the answer given by the Cabinet member). A total of 15 minutes is allocated for public questions.
 - Planning Committee – A member of the public may register to speak in favour or against a planning application to which public speaking applies. Procedural items (apologies, minutes, etc.) are excluded. A maximum of 3 minutes per

speaker (with a limit of 1 speaker for and 1 speaker against) is allowed to speak to the application. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.

- Scrutiny Committees – A member of the public may register to speak for up to 3 minutes in respect of a non-exempt, non-procedural item on the agenda. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.

2.4 In addition, separate from this the Licensing Act 2003 and Gambling Act 2005 permits member and public participation at Licensing Sub-Committee meetings in accordance with the regulations made under each Act.

3. The Current Arrangements for Member Participation

3.1 The rights of Members to participate in meetings where they are not a duly appointed committee member are set out in Council Procedure Rule 24. These apply to Committees and Sub-Committees of the Council only and not apply to meetings of the Cabinet, which are governed by the Executive Procedure Rules.

3.2 Members are not entitled to take part in any proceeding of a Committee or Sub-Committee of the Council unless:

- They are a duly appointed member of the Committee or Sub-Committee.
- They are requested by or permitted to do so by the Committee or Sub-Committee.
- The matter under discussion relates to a parish for which the member is the local district councillor
- They are the proposer or seconder of a motion which has been referred by Council to another committee has the right to attend that meeting to explain the motion.

3.3 It should be noted that under the rights granted to Members under Council Procedure Rule 24, Members are permitted to participate in the discussion with those Members appointed to serve on the Committee. This is not a right granted to the public.

3.4 In respect of the 3 committees referred to for public speaking, the arrangements for Members are as follows:

- Full Council – A Member may fully participate in the meeting subject to the Council Procedure Rules.
- Planning Committee – A Member may fully participate in the meeting as per paragraph 2.5 of this report, save that for in respect of planning applications where the Protocol for Speaking at Planning Committee applies.
- Scrutiny Committees – Council Procedure Rule 24 applies to the participation of Members who are not appointed to the Committee.

3.5 In addition, separate from this the Licensing Act 2003 and Gambling Act 2005 permits member and public participation at Licensing Sub-Committee meetings in accordance with the regulations made under each Act.

Terminology

3.6 In developing alternative models for member and public participation, the following terminology has been used.

- ‘Questions’ – Addressing, in writing or orally, a member or officer for the purpose of gaining specific information in response.
- ‘Speaking’ – Making statements of fact or opinion. It can be either for, against or neutral on a particular matter and it may, or may not, urge a particular course of action to be followed.
- ‘On Notice’ – Notice of intent to speak or ask a question at a meeting provided by a certain date in advance of the meeting.
- ‘Without Notice’ – Participation would be made on a ‘first come, first served’ basis at the meeting with no advance notification of a person’s intent to speak or ask a question at the meeting.

4. **Alternative Models for Member and Public Participation at Committee Meetings**

4.1 This report does not seek to present a finished procedure for member and public participation but rather alternative models that can be developed into proposals that can be presented to full Council. To this end, no specific proposals are identified for individual committees.

4.2 The options are set out in greater detail in the two appendices to this report, one for the public (Appendix A) and one for Members (Appendix B), but in summary are as follows:

- Option 1A: Status Quo – No change to the existing arrangements.
- Option 1B: Minor changes to existing arrangements.
- Option 2A: Questions only on notice to an Agenda Item.
- Option 2B: Questions without notice to an Agenda Item.
- Option 3A: Speaking on notice to an Agenda Item.
- Option 3B: Speaking without notice to an Agenda Item.
- Option 4A: Questions on notice to any matter.
- Option 4B: Questions without notice to any matter.
- Option 5A: Speaking on notice to any matter.
- Option 5B: Speaking without notice to any matter.

3.3 There is no requirement that the same models are adopted for both Members and the public.

5. **Evaluation of Options**

5.1 There is no preferred option set out in this report notwithstanding that there would be concerns about some of the options which are set out in the appendices. Instead Members are asked to consider the following factors in selecting their preferred model:

- **Representative Democracy** – Are Members seeking to strengthen the existing structure of representative democracy or are they seeking to move towards a more structure that is based more on the principles of participatory democracy in decision-making?
- **Outcomes** – These decisions will shape the preferred model(s).
What should the preferred model of public participation deliver?
What should the preferred model of member participation deliver?

What controls, if any, should be in place to manage the process?

Does the Council have the power to deliver the preferred model?

- **Exempt Business** – Should in principle the rights of speaking or questioning apply equally to both public business (in the white pages of the agenda) and exempt business (in the pink pages of the agenda)? The member of the public would have to speak or ask the question prior to the decision to resolve to exclude the press and public and would only have access to the agenda item title not the exempt report.
- **The Role of Members** – Should the same rights of speaking or questioning and the notice requirements for the public apply equally to District Councillors who are not members of the relevant committee? Or is there an assumption, as present in Council Procedure Rule 24 currently, that Members will have greater rights of participation than the public in keeping with the principles of representative democracy in order to provide a voice for their constituents?

Is there an expectation that a question asked by a Member will be answered? For example, is there a prerogative to decline to answer a question? Currently it is implicitly assumed that, even if it is a one word response, Members' questions will be answered.

- **The Role of Officers** – The Council's officer corps would be required to manage the research necessary for providing a briefing to Members on questions / topics.
- **The Role of the Public** – Is it the intention to use Member and Public participation as consultees / sounding boards to the decision-making process or will action be taken in response to Member and Public participation?

Is there an expectation that where a member of the public asks a question it will be answered? For example, is there a prerogative to decline to answer a question?

- **Resources and Administrative Impact** – Is the preferred model able to be delivered efficiently, effectively and at an affordable cost?

A model, or variety of models, with a high level of complexity could become difficult to administer and confusing for the public.

Should the question be linked to the business on the agenda? Questions on matters not on the agenda would have a resourcing implication in preparing additional briefings for Members.

5.2 In addition, there is a requirement that, regardless of the model chosen, the question or the subject of public speaking must be within the remit of the Committee. The Constitution under Part 3 (Responsibility for Functions) sets out in the areas of remits of individual committees.

5.3 It should be noted that some of the regulatory bodies, such as the Licensing Committee or Planning Committee, may have to be exempted from all or part of the preferred model.

6. Resource Implications

5.1 There will be resource requirements and these will be assessed once the preferred model has been selected.

7. Appendices

Appendix A – Models of Public Participation

Appendix B – Models of Member Participation

8. **Background Papers**

Constitution – Issue 19b, in particular the Council Procedure Rules and the Protocols on Public Speaking at Planning Committee and Overview and Scrutiny.

Contact Officer: Rebecca Brough, Team Leader – Democratic Support 01304 872304

Models for Public Participation

Option 1A: Status Quo – No change from the current arrangements

Current Model:

- Full Council – A member of the public may ask a written question on-notice (8 days) of any member of the Cabinet. A maximum of 3 minutes is allowed to read the question, with one additional supplementary question permitted (without notice but must arise from the answer given by the Cabinet member). A total of 15 minutes is allocated for public questions.
- Planning Committee – A member of the public may register to speak in favour or against a planning application to which public speaking applies. Procedural items (apologies, minutes, etc.) are excluded. A maximum of 3 minutes per speaker (with a limit of 1 speaker for and 1 speaker against) is allowed to speak to the application. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.
- Scrutiny Committees – A member of the public may register to speak for up to 3 minutes in respect of a non-exempt, non-procedural item on the agenda. There is no provision for a member of the public to ask a question of an officer or councillor as part of their 3 minutes. The deadline for speakers to register is no later than 2 working days prior to the meeting.

Discussion Points:

- Are Members satisfied that the current model delivers sufficient public participation?

Option 1B: Minor changes to existing arrangements

Features of the proposed Model:

In keeping with the original motion considered by Council, this option could involve minor amendments to the existing arrangements. By way of example, this could include such options as increasing the number of speakers for / against at Planning Committee; expanding the time allocated at Council for public questions from 15 minutes to 30 minutes; expanding current arrangements to add a single committee (such as Cabinet); or something else that doesn't involve significant changes to the existing model.

Discussion Points:

- Are Members satisfied that minor amendments to the existing model delivers sufficient public participation?

The following models can apply equally to Cabinet or a Committee of the Council:

Option 2A: Questions on notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member of the public would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 2B: Questions without notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.

- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate questions and may as a result over prepare. It may also involve more officers as a result.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 3A: Speaking on notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking. However, the speaker and the item would be known in advance the content of the statement would not be.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings or be involved in briefing Members.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.
- Could lead to enhanced or poorer decision-making.

Discussion points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the number of speakers to an item would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member of the public would not know what was

on the agenda at 8 days prior to be able to indicate that they wanted to speak to it. If less than 5 days' notice is given there would still need to be time allowed for officers to brief the Member in respect of the agenda item and related background.

Option 3B: Speaking without notice to an Agenda Item

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate comments and may as a result over prepare. It may also involve more officers as a result.
- Could lead to enhanced or poorer decision-making.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.

Discussion Points:

- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 4A: Questions on notice to any matter

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- May offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.

- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Expected to significantly increase officer workload as the questions would arise from anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? If less than 5 days' notice is given there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 4B: Questions without notice to any matter

Features of the proposed model:

- Public participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Significant risk that the question cannot be answered because of lack of knowledge or inability to disclose exempt information.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.

- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Risk that the agenda becomes set by the public and not the Council?
- May adversely impact on the public perception of Members and officers by not being able to provide an answer to the public at the meeting, particular in respect of technical / detailed matters.
- Would there be a limit on the amount of time for public speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 5A: Speaking on notice to any matter

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking.
- Agenda becomes set by the public not the Council and may involve matters which are not connected to the Council's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Expected to significantly increase officer workload as the statements could relate to anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the number of speakers to an item would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member of the public would not know what was on the agenda at 8 days prior to be able to indicate that they wanted to speak to it. If less than 5 days' notice is given there would still need to be time allowed for officers to brief the Member in respect of the agenda item and related background.
- Would there be a limit on the amount of time for public speaking and/or the number of times a person could speak?
- When in the agenda would the public speaking take place? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Option 5B: Speaking without notice to any matter

Features of the proposed model:

- Public participation would be in the form a statement made within the allotted time for public speaking.
- Agenda becomes set by the public not the Council and may involve matters which are not connected to the Council's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- Potentially increases public participation, though the experience of public speaking at scrutiny is that this may be on an issue specific basis rather than generally.
- A framework would need to be developed for acceptable and unacceptable questions (i.e. not permitting vexatious or abusive questions).
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.
- Although Members can already ask questions of officers on any item (public or exempt) on the agenda without notice, this potentially gives the public greater powers than Members themselves who are restricted to questions related to the business contained within the agenda due to public notice requirements.
- Could lead to enhanced or poorer decision-making.

Discussion Points:

- Would there be a limit on the amount of time for public speaking and/or the number of times a person could speak?
- When in the agenda would the public speaking take place? At the start (as with Council and scrutiny) or at the start of the specific agenda item (such as with planning).

Models for Member Participation

Option 1A: Status Quo – No change from the current arrangements

Current Model:

- The rights of Members to participate in meetings where they are not a duly appointed committee member are set out in Council Procedure Rule 24. These apply to Committees and Sub-Committees of the Council only and not apply to meetings of the Cabinet, which are governed by the Executive Procedure Rules.
- Under Council Procedure Rule 24, Members are not entitled to take part in any proceeding of a Committee or Sub-Committee of the Council unless:
 - (a) They are a duly appointed member of the Committee or Sub-Committee.
 - (b) They are requested by or permitted to do so by the Committee or Sub-Committee.
 - (c) The matter under discussion relates to a parish for which the member is the local district councillor
 - (d) They are the proposer or seconder of a motion which has been referred by Council to another committee has the right to attend that meeting to explain the motion.
- In respect of the 3 committees referred to for public speaking in Appendix A, the arrangements for Members are as follows:
 - Full Council – A Member may fully participate in the meeting subject to the Council Procedure Rules. This includes the right to ask a question, on notice, to a Committee Chairman or Cabinet Member. A further supplementary question may be asked without notice arising from the answer given to the question.
 - Planning Committee – A Member may fully participate in the meeting as per paragraph 2.5 of this report, save that for in respect of planning applications where the Protocol for Speaking at Planning Committee applies.
 - Scrutiny Committees – Council Procedure Rule 24 applies to the participation of Members who are not appointed to the Committee.
- In addition, separate from this the Licensing Act 2003 and Gambling Act 2005 permits member participation at Licensing Sub-Committee meetings in accordance with the regulations made under each Act.

Discussion Points:

- Are Members satisfied that the current model delivers sufficient member participation to enable Members to fulfil their roles as representatives of their constituents?

Option 1B: Minor changes to existing arrangements

Features of the proposed Model:

In keeping with the original motion considered by Council, this option could involve minor amendments to the existing arrangements. By way of example, this could include such options as

amending the Executive Procedure Rules to grant Members of the Council the same rights at Cabinet meetings as provided under Council Procedure Rule 24.

Discussion Points:

- Are Members satisfied that the current model delivers sufficient member participation to enable Members to fulfil their roles as representatives of their constituents?

The following models are intended to replace existing arrangements for Member participation and can apply equally to Cabinet or a Committee of the Council:

Option 2A: Questions on notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for Members' questions and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?

- Would there need to be a six month rule to limit the same question being asked at every meeting?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 2B: Questions without notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate questions and may as a result over prepare. It may also involve more officers as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- Would there be a limit on the amount of time for member speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?
- Would there need to be a six month rule to limit the same question being asked at every meeting?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 3A: Speaking on notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for member speaking. However, although the member and the item would be known in advance the content of the statement would not be.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).

- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Not expected to significantly increase officer workload as the questions would arise from a report that had already been prepared. However, it may increase the number of officers required to attend committee meetings or be involved in briefing Members.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 3B: Speaking without notice to an Agenda Item

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for Member speaking.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- May impose a significant increase in workload for officers as, although related to a report already prepared, they will be trying to anticipate comments and may as a result over prepare. It may also involve more officers as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- May lead to more deferrals in decision-making as not knowing the points being made in advance could mean that issues cannot be effectively addressed at the meeting.

- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- Would there be a limit on the amount of time for Member speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 4A: Questions on notice to any matter

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- May offend local government legislation which requires business before the Committee to be specified in the agenda.
- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Expected to significantly increase officer workload as the questions would arise from anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for Member speaking and/or the number of questions that could be asked on an agenda item?

- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 4B: Questions without notice to any matter

Features of the proposed model:

- Member participation would be in the form of a question asked to a member of the relevant committee to which this model applied.
- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Significant risk that the question cannot be answered because of lack of knowledge or inability to disclose exempt information.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- May adversely impact on the public perception of Members and officers by not being able to provide an answer at the meeting, particular in respect of technical / detailed matters.
- Would there be a limit on the amount of time for Member speaking and/or the number of questions that could be asked on an agenda item?
- When in the agenda would the questions be asked? Under a separate item for Members' Questions (as with Council) or at the start of the specific agenda item (such as with scrutiny)?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 5A: Speaking on notice to any matter

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for Member speaking.
- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Expected to significantly increase officer workload as the statements could relate to anything and not necessarily the reports on the agenda. It may increase the number of officers required to attend committee meetings as a result.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Could lead to enhanced or poorer decision-making.
- Only Members' appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- How much notice would be required?
Less than 8 days would, in practical terms, mean that the question would not be in the agenda at the time of its publication. Would there be concern that shorter notice would represent a loss of transparency? However, as the agenda is only published at 5 days prior to the meeting a member would not know what was on the agenda at 8 days prior to be able to ask a question. If less than 5 days' notice is given, there would still need to be time allowed for officers to brief the Member answering the question.
- Would there be a limit on the amount of time for Member speaking and/or the number of times a person could speak?
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?

Option 5B: Speaking without notice to any matter

Features of the proposed model:

- Member participation would be in the form a statement made within the allotted time for Member speaking.

- Risk that the agenda becomes set by the wider Members not the Committee members and may involve matters which are not connected to the Council/Committee's functions or remit.
- Becomes a significant concern that this may offend local government legislation which requires business before the Committee to be specified in the agenda.
- Limited to substantive agenda items (for example, procedural matters such as apologies, appointment of substitutes, minutes and declarations of interest would not be included).
- Potentially increases the duration of the meeting.
- Potentially increases participation for members not appointed to the committee.
- Will impose a significant increase in workload for officers as may lead to work after the meeting if questions are to be carried over to next meeting or written response outside of the meeting. May also increase the number of officers required to attend meetings or involved in briefing members/preparing responses.
- Could lead to enhanced or poorer decision-making.
- Members can already ask speak on any item (public or exempt) on the agenda without notice, subject to the provisions of Council Procedure Rule 24.
- Only Members appointed to a Committee would be permitted to vote on the decision.

Discussion Points:

- Would there be a limit on the amount of time for Member speaking and/or the number of times a Member could speak?
- When in the agenda would Member speaking be held? Under a separate item for Members' Speaking or at the start of the specific agenda item?
- Does this represent an enhancement of current Members' rights of participation granted under Council Procedure Rule 24 and the relevant protocols?