



Audit and Governance Committee

Monday, 27th June 2022 at 6.30pm

Meeting to be held at Belle Vue Suite, Belle Vue Offices, Skipton

Committee Members: The Chair (Councillor Hull) and Councillors Barrett, Handley, Harbron, Lis, Mercer, Noland, Place and Wheeler.

Independent Person: Greg Robinson

Please note the following advice in advance of the meeting:

Whilst there is no longer a legal requirement to wear a face covering or continue to social distance, please be considerate towards the wellbeing of other.

Anyone showing Covid symptoms or feeling unwell, are asked not to attend an in-person meeting, this is in the interest of general infection control. Further guidance can be found at:

<https://www.gov.uk/coronavirus>

AGENDA

1. **Apologies for Absence** – To receive any apologies for absence.
2. **Minutes** – To approve the minutes of the meeting held on 21 March 2022.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Draft Annual Governance Statement 2021-22** – Report of the Chief Finance Officer. Attached.

Purpose of Report – To update committee members on the Council’s Annual Governance Statement for 2021-22 and seek approval for the inclusion in the Statement of Accounts.

6. **Internal Audit**

- a) **Internal Audit Recommendations – Progress Report** – Report of the Audit Services and Fraud Manager. Attached.

Purpose of Report – To update committee members on progress against recommendations made by the Internal Audit team.

- b) **Audit Services Progress Report as at 14th June 2022** – Report of the Audit Services. Attached.

Purpose of Report – To update Committee Members on the progress made against the 2021/22 Internal Audit plan up to 14th June 2022.

7. **Introduction of Member engagement with pre-Application Enquiries** – Report of the Director of services. Attached.

Purpose of Report – To seek approval to introduce a new process to enable Members to participate in the planning pre-application process.

8. **Amendments to Planning Scheme of Delegation** – Report of the Director of Services. Attached.

Purpose of Report – To seek approval to amendments to the Planning Scheme of Delegation designed to improve the overall performance of the Planning Service.

9. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

10. **Date and Time of Next Meeting** – Monday, 19 September 2022 at 6.30pm.

Agenda Contact Officer:

David Smith, Democratic Services Officer
E-mail: committees@cravenc.gov.uk
14th June 2022

Recording at Council Meetings: Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to

- (a) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (b) compliance with the Council’s protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

AGENDA ITEM 2

AUDIT AND GOVERNANCE COMMITTEE

21st March 2022

Present – The Chair (Councillor Hull) and Councillors Handley, Lis, and Noland.

Officers – Chief Finance Officer (s151 Officer), Solicitor to the Council and Monitoring Officer, Performance Manager and Exchequer, Finance Manager, Audit Services and Fraud Manager (Harrogate Borough Council) (Virtual) and Democratic Services Officer.

Apologies for absence were received from the Councillors Barrett, Mercer and Wheeler.

Start: 6.30pm

Finish: 7.06pm

Resolved – That the minutes of the meeting held on 6th December 2021 were approved as a correct record. A brief update on the Accounts Audit progress for 2020/21 was given to Members by the Finance Manager.

EXCLUSION OF THE PUBLIC

That, in accordance with the Council's Access to Information Procedure Rules, the public is excluded from the meeting during consideration of Minutes AC.425 and AC.428 (marked\$) below on the grounds that it is not in the public interest to disclose the Category 3 exempt information (financial or business affairs of any particular person including the Council).

Minutes for Report

\$AC.425 Exception from the Contract Procedure Rules for the Procurement of the Council's Insurance Programme for 2022/23

The Exchequer and Performance Manager presented a report which requested an exemption from the Contract Procedure Rules. Craven District Council's Insurance Programme is soon expiring, but most contracts run for longer than a year. For this reason, and the amount being discussed, an exemption was requested. Members agreed with the report.

Resolved – (1) That, the Contract Procedure Rules are disapplied in these special circumstances, and that insurers can be appointed as recommended by the Council's insurance brokers under the terms of the Council's Long-Term Agreement.

AC.426 Council Performance Framework 2022/23

The Exchequer and Performance Manager updated members on the Council's Performance Framework for the coming financial year. This is produced every two years, and the report submitted to members provided them with the suggested changes. Members were pleased with the report.

Resolved – That, the Council Performance Framework 2022/23 is noted.

AGENDA ITEM 2

AC. 427

Regulation of Investigatory Powers Act (RIPA) 2000

The Solicitor to the Council and Monitoring Officer updated members on the Council's use of RIPA. It was reported that there has been no covert surveillance since the last update, that the inspection of March 2021 identified no issues, and that training has now been carried out. The Investigatory Powers Tribunal's Notice of Decision was also highlighted. Members were pleased with the report.

Resolved – That, the Regulation of Investigatory Powers Act 2000 is noted.

§AC.428

Internal Audit Recommendations – Progress Report

The Audit Services and Fraud Manager updated the committee on the progress made with the Internal Audit recommendations until March 2022. It was reported that three Priority 1 recommendations were outstanding and that some recommendations may be altered with upcoming LGR. The Audit Services and Fraud Manager informed the committee that if changes were made, they would be made aware.

Resolved – That, the Internal Audit Recommendations – Progress Report is noted.

AC.429

Audit Services Report as at 10th March 2022

The Audit Services and Fraud Manager updated members on the progress made against the 2021/22 Internal Audit plan. The strain on audit resources was attributed to government Covid-19 grant schemes. LGR was also reported to have been responsible for increasing the delays. Members were informed that the Housing Benefits audit had been deferred until 2022/23 as a result of these delays. The Audit Services and Fraud Manager highlighted that a new risk-based plan would focus on the areas most in need.

Members accepted that LGR will cause delays, but hoped that, at some point, all suggested audits will be carried out. The Audit Services and Fraud Manager reassured members that this would be the case. Independent Person Greg Robinson highlighted that the essential audits had already been carried out.

Resolved – That, the Audit Services Report is noted.

AC.430

Data Breaches 2021/22

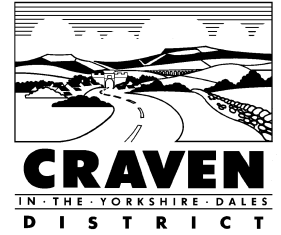
The Audit Services and Fraud Manager introduced the report and it was confirmed that management had accepted it. Members were pleased with the report.

Resolved – That, the Data Breaches report is noted.

Chairman.

Audit & Governance Committee – 27th June 2022

Draft Annual Governance Statement 2021/22



Report of the Chief Finance Officer

Lead Member – Councillor P. Mulligan

Ward(s) affected: All

1. **Purpose of Report** – To update committee members on the Council’s Annual Governance Statement for 2021/22 and seek approval for inclusion in the Statement of Accounts.
2. **Recommendations** – Members are recommended to:
 - 2.1 Note the content of the Draft Annual Governance Statement, including progress against actions and the actions proposed for 2022/23.
 - 2.2 Approve the inclusion of the Annual Governance Statement in the 2021/22 Statement of Accounts

3. **Background Information**

Craven District Council is responsible for conducting its business in accordance with the law, and for ensuring that public money is used efficiently and properly accounted for. The Council is responsible for putting in place governance arrangements to ensure it exercises its duties and functions with proper regard to legislation and guidance. These arrangements include financial controls, risk management, audit and performance management.

The Council’s Governance Framework describes the systems, processes cultures and values, by which the Council is directed and controlled.

The Annual Governance Statement describes the Council’s assessment of progress in respect of fulfilling these responsibilities and describes the action that the Council is taking where improvement is required.

A final version of the Annual Governance Statement is included with the Council’s Statement of Accounts. Members are requested to review the draft of this statement, which is pending review and approval from the Council’s auditors.

4. **Financial and Value for Money (vfm) Implications** – An effective programme of Internal Audit is a key component of the Council’s Performance Framework and assurance activity, preventing financial loss and ensuring value for money.
5. **Legal Implications – none**

6. Contribution to Council Priorities

- 6.1 Describes governance arrangements which impact on the successful delivery of all Council priorities.
- 6.2 **Impact on the declared Climate Emergency** – Describes governance arrangements relating to the Climate Emergency Strategic Plan objectives.

7. Risk Management

Risk Management is a key part of the Council's governance framework and the Annual Governance Statement highlights activity being undertaken to improve this important area of work.

7.2 Chief Finance Officer (s151 Officer) Statement

It is important that the Audit & Governance Committee reviews the draft AGS before publication in the Council's accounts. The Statement highlights where progress has been made and where further attention is required. It is evident that, even with the difficulties and significant additional workloads faced as a consequence of the pandemic, the council's governance structure has remained robust and effective.

7.3 Monitoring Officer Statement

A Monitoring Officer statement is not required for this report

8. Equality Analysis – not applicable

9. Consultations with Others

CLT, Internal Audit team

10. Background Documents

11. Appendices –

Appendix I – 'Draft Annual Governance Statement 2021/22'

12. Author of the Report

James Hordern, Finance Manager
(Rob Atkins Drafted the AGS)
Telephone: 01756 706316
e-mail: jhordern@cravenc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Craven District Council

Annual Governance Statement 2021/22

DRAFT for Audit & Governance Committee

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1.1 Scope and Purpose of the Governance Framework

Craven District Council is responsible for conducting its business in accordance with the law, and for ensuring that public money is used efficiently and properly accounted for.

The Council is responsible for putting in place governance arrangements to ensure it exercises its duties and functions with proper regard to legislation and guidance. These arrangements include financial controls, risk management, audit and performance management.

The Council's Governance Framework describes the systems, processes cultures and values, by which the Council is directed and controlled.

The Council has approved and adopted a Local Code of Governance (the Code), which is consistent with the principles of the CIPFA/SOLACE Framework Delivering Good Governance in Local Government.

A copy of the Local Code and a description of our governance arrangements can be obtained from the Council's website at <https://www.cravencd.gov.uk/the-council/corporate-governance/>

or by writing to:

Financial Services, Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ.

This Statement describes how Craven District Council has complied with this Code and meets the requirements of Regulation 6 of the Accounts and Audit (England) Regulations 2015, which require the Council to prepare an Annual Governance Statement.

This statement gives assurances on compliance with Craven District Council's governance framework for the year ending 31 March 2022 and up to the date of approval of the Statement of Accounts for 2021/2022.

1.2 Annual Review of Effectiveness

Craven District Council must conduct, at least annually, a review of the effectiveness of its governance framework.

The Council has reviewed the effectiveness of its governance mechanisms as outlined in the Local Code of Governance.

The purpose of the review is to identify and evaluate the controls in place to manage key risks, evaluate any assurances received from responsible Officers, and identify gaps in controls and assurances. Areas of improvement have been identified and are outlined in the Statement.

Review of the governance framework is overseen by the Council's Chief Finance Officer (s151 Officer) and undertaken by members of the Corporate Leadership Team (CLT) and representatives of the service managers that form the Council's Senior Leadership Team (SLT). Changes are reviewed and confirmed by the Council's Audit & Governance Committee.

The review of effectiveness is informed by the work of the Corporate Leadership Team (CLT) who have responsibility for developing and maintaining the governance environment, the Internal Audit Services Manager's annual report. The report considers recommendations made by external auditors as well as feedback from other review agencies and inspectorates including the LGA Peer Review process.

The outcomes of the review are considered and approved by the Audit and Governance Committee. The Audit and Governance Committee has overall responsibility for ensuring the effective development and operation of corporate governance within the Council.

Issues identified in the Annual Governance Statement and management actions to reduce risks have been reported to Audit & Governance Committee and/or Policy Committee and/or Council. These reports where appropriate have also included new issues for consideration.

1.3 Specific Assurances

The following specific assurances have been obtained to support this statement:

Chief Finance Officer, Section 151 Officer: The CIPFA statement on the role of the Chief Financial Officer requires them to provide assurance on financial decision making, financial accounting and reporting, internal control, and risk management. These assurances have been considered through the review of our governance arrangements. The Council's arrangements conform to CIPFA requirements.

Chief Information Officer: Craven District Council maintains externally verified (annually) compliance with the Governments PSN (Public Services Network) and the Payment Card Industries PCI-DSS (Payment Card Industries – Data Security Standards). Compliance with these standards provides confidence that services used over the technical network will work without problems, gives assurance that our data and our customers data is protected in accordance with our Information Assurance (IA) commitments and ensures that in the event of things going wrong they can be quickly put right. In the case of PCI-DSS it also ensures that adequate controls are in place surrounding the storage, transmission and processing of customer payment card data.

Audit Services Manager:

The 2021/22 financial year represented an additional year of our successful shared service arrangement between Craven District Council and Harrogate Borough Council. The current arrangement follows the completion of 2 successful 3-year periods with Harrogate Borough Council which ran from 2015/16 to 2017/18 and 2018/19 to 2020/21. The agreement was extended for a further two years and is due to expire on 31st March 2023 which is the same time that the council will become part of the new North Yorkshire Council.

There were 4 audit reports completed during 2021/22. None were awarded a 'substantial' level of assurance, 2 were awarded a 'good' level of assurance and 2 a 'partial' level of assurance. At the time of writing the report, there are 6 audits outstanding which are in progress and will be completed when resources allow. We do not anticipate that this will have any negative impact on the annual assurance statement as work has been completed in other areas relating to business grant work, and other assurance work.

Progress against all Internal Audit recommendations is routinely monitored and reported to the Audit & Governance Committee.

External Audit:

To be updated for 2021/22

1.4 Local Government Ombudsman

A Local Government Ombudsman Annual Review letter for Craven was published in July 2020. The report considered 2 complaints referred to the Ombudsman in for the year ended 31 March 2021. Both complaints relate to an investigation into the allocation of payments as part of a Covid-19 discretionary business grant scheme. Both complaints were upheld.

The letter is published online at

<https://www.lgo.org.uk/documents/councilperformance/2021/craven%20district%20council.pdf>

1.5 Performance against the Local Code of Corporate Governance

The Council considers that its governance arrangements continue to be fit for purpose and compliant with our Local Code of Corporate Governance. In undertaking our review of effectiveness we have assessed our performance against the detailed arrangements set out in the code.

The Council has assessed and confirms that arrangements detailed within the Local Code are in place and no significant weaknesses to our governance arrangements have been identified. However, in doing so we have identified a number of areas for improvement to form part of our Governance Improvement Plan.

It is stressed that no system of control can provide absolute assurance against material mis-statement or loss. This statement is intended to provide reasonable assurance.

The following pages detail our assessment of compliance with the arrangements we have in place to meet the governance principles as set out in our Local Code, along with our Governance Improvement Plan.

2. Review of Actions from the Annual Governance Plan, 2020/21

Action to Improve Governance Arrangements Update

GS 21/22/01
GS 21/22/02

Ensuring openness and comprehensive stakeholder engagement

Ensure that the views of local residents and stakeholders are considered when planning for the intended Local Government Reorganisation, through wide engagement as part of the planning process.

A very wide range of stakeholders, including all residents, have been invited to participate in consultation for planning the Local Government Reorganisation, via both the Localities and the Customer and Communities workstreams of the reorganisation process.

This action was **completed**. Action to involve residents and stakeholders in the reorganisation process will continue throughout 2022/23.

Consider how the views of younger people could be efficiently and effectively considered when reviewing our plans and strategies, particularly when planning for Local Government Reorganisation.

The number of young people responding to the Council's budget consultation exercise represented an improvement on previous years (10 young people, up from 2 in 2020/21).

There is wide consideration of service delivery which includes young people post-reorganisations. It is not always clear that the specific views and wishes of young people have been sought.

This action was **partially completed**.

GS 21/22/03
GS 21/22/04

Economic, Social and Environmental Impacts

Continue to respond to the pandemic and implement well-planned and comprehensive arrangements for the recovery phase of the local covid-19 pandemic, that meet all legal requirements and national guidance, to safeguard the health and wellbeing of residents.

The Council implemented a wide-ranging pandemic response, based on a clear plan and together with partners. Services continued appropriately throughout the pandemic. Financial and community support was made available to residents and businesses.

This action was **completed**.

Ensure that plans are in place to review and progress Climate Emergency actions throughout and beyond the Local Government Reorganisation process.

A dedicated Climate Emergency Officer is now in post. Progress against the Climate Emergency Plan has been regularly reviewed and updated. Craven has played a lead role in developing a countywide approach to addressing the climate emergency, at both a strategic and an operational level.

This action was **completed**.

GS 21/22/05

Health & Safety / Covid-19

Continue to review progress on Health & Safety actions to ensure that the improvements we have made to Health & Safety policies and processes are fully embedded in practice, particularly in light of the covid-19 pandemic.

We have continued to develop our approach to Health & Safety and now have a comprehensive set of monitoring and reporting arrangements in place. The full range of actions taken to oversee an effective response to the pandemic is described in section 4 of this report.

This action was **completed**.

GS 21/22/06

Risk Management

Implement the Action Plan to improve the standard of Risk Management activity across the Council

We have continued to implement the Action Plan, with roughly half of Risk Management improvement actions now completed. Our focus will now be on ensuring a smooth transition to the new Strategic Risk Management approach for the new council for North Yorkshire.

This action was **partially completed**.

GS 21/22/07

Purchase Orders

Implement and monitor our plan to increase the rate of compliance with the use of official orders for purchasing.

We have continued to monitor the completion of Purchase Orders and to publicise the importance of following the correct processes. However, rates have continued to decline, due largely to additional administrative pressures as a result of managing services during the simultaneous pressures of the reorganisation and the pandemic which has limited the capacity of services to engage with the improvement of administrative functions.

This action was **partially completed**.

GS 20/21/08

Partnership impact

Ensure that arrangements for assessing the impact of partnership work are considered as part of the LGR transition.

Partnership working has been, and continues to be, a key element of the Council's work on the Localities workstream of the Local Government Reorganisation. The Council has worked with a wide range of partners to develop this.

This action was **completed**.

3. Review of Effectiveness for 2021/22

This section of the report describes our self-assessment of our effectiveness in applying the principles we have identified in the Local Code of Governance over the past financial year.

3.1 Principle A – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Overall Assessment: We are achieving this principle

The Council's ethical values and the legal requirements of our work are clearly communicated and regularly reinforced.

The Council's constitution is reviewed and updated annually. A light touch review was completed and agreed by Full Council in October 2021. The Council's Financial and Contract Procedure Rules were updated as a part of this review. The Nolan Principles have been actively promoted to Members and Officers, and this activity is now part of the Council's routine 'annual reminder' activity for all staff. The Officer Code of Conduct was also reviewed and agreed at the Council's Standards Committee in March 2021.

Members and Officers are participating in activity to define the culture and behaviour of the new Council for North Yorkshire.

Improvement Action 1: Actively participate in the development of culture and behaviours for the new Council for North Yorkshire, ensuring that our principle of behaving with integrity, ethical values and respecting the rule of law are fully embedded.

3.2 Principle B – Ensuring openness and comprehensive stakeholder engagement

Overall Assessment: We are largely achieving this principle

The Council continues to engage successfully with a range of stakeholders to deliver key projects. This includes, for example, the extensive public engagement on the Transforming Cities Fund project to redevelop the Skipton Station area, our successful engagement with environmental groups and other organisations to complete the annual review of the Climate Emergency Strategic Plan, our partnership projects with local NHS organisations and engagement with a broad range of partners to prepare our Cultural Strategy. The Great Place: Lakes and Dales project has included a wide range of activity to increase our engagement with young people in the area. We are working successfully with Craven Arts to open a new cultural centre.

Despite a very low overall response, the 2021/22 budget consultation exercise achieved higher number and proportion of responses from younger residents than previous exercises (10 from 16-24 year-olds).

The Council widely promoted all consultation and engagement activity relating to the Local Government Reorganisation in North Yorkshire, and has directly engaged with local business, parish councils, residents and other stakeholders, particularly with a view to developing the 'Locality Working' area of the reorganisation.

Improvement Action 2: Ensure that the views of local residents and stakeholders continue to be considered throughout the Local Government Reorganisation process.

3.3 Principle C – Defining outcomes in terms of sustainable economic, social and environmental benefits

Overall Assessment: We are largely achieving this principle

The Council has a clear vision which provides a strong basis for strategy, planning and decision-making. The required resources and intended outputs of projects and service activities are clearly defined.

The Council reviewed its approach to Performance Management in 2020/21, including defining a 2-year Performance Management Framework which includes reporting against financial, economic, social and environmental goals. A paper reconfirming this framework with minor updates to the framework content was presented to the Council's Audit & Governance Committee in March 2022

The council does take into account financial, legal, risk and equality impact of all decisions. Impact on the Climate Emergency is also now assessed for all decisions. There remains a need to embed the assessment of economic and social impacts into decision-making processes, however it is likely that progressing this will be an action for the reorganisation programme.

The Council is strongly committed to ensuring the most positive environmental impact of its operations. A Climate Emergency was declared unanimously by Full Council in August 2019; a Climate Emergency Strategic Plan was unanimously agreed by Full Council in February 2020 and a full annual review of the Climate Emergency Strategic Plan was most recently unanimously agreed by Full Council in April 2022. The Council's progress against this plan is actively monitored via the performance framework.

The Council has worked with the North Yorkshire Resilience Forum to put in place a strong response to the covid-19 pandemic. The Council has taken a lead role locally in the recovery phase. Continuing to ensure the successful execution of the recovery phase is critical to ensuring the continuing health and wellbeing of residents across the District.

Improvement Action 2: Ensure that Craven contributes to the development of decision-making processes for the new North Yorkshire Council which take into account economic, social and environmental benefits

3.4 Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes

Overall Assessment: We are achieving this principle, with the exception of one Service Area for which there is an improvement plan in place

The council continues to achieve many aspects of this principle including ensuring clear Lead Member responsibility for priorities, sound financial planning, comprehensive monitoring arrangements and regular contingency planning.

We are actively participating in all workstreams of the Local Government Reorganisation process to continue to ensure that the best outcomes are delivered efficiently for Craven's residents throughout and after the vesting of the new council.

The Council's Planning and Building Control services were the subject of an external peer review in September 2020, which found that significant improvement is needed. An

improvement plan is now in place, overseen by a Planning Improvement Board. This has resulted in some improvements to the services (particularly in the timeliness of processing planning applications); continuing focus is required to ensure that the objectives of the plan are successfully achieved.

Improvement Action 3: Complete work to address the action plan for improving Planning and Building Control services.

3.5 Principle E – Developing the entity’s capacity, including the capability of its leadership and the individuals within it

Overall Assessment: We are achieving this principle

The council continues to achieve many aspects of this principle. Leadership roles are clearly defined, there are transparent lines of delegated decision-making and an effective performance review process is in place. The Council’s Apprenticeship scheme is a strength and the Council has more recently started to train professional planning staff through a Masters apprenticeship route.

A thorough induction programme is in place and this is subject to ongoing review. New training for Members has been introduced.

A comprehensive programme of support is available to staff throughout the organisation, with many new opportunities for career development and career advancement become available as a result of the development of the new council.

Improvement Action 4: Ensure that opportunities for career development arising from the Local Government Reorganisation process are made available to all staff.

3.6 Principle F – Managing risks and performance through robust internal control and strong public financial management

Overall Assessment: We are partially achieving this principle

Some improvement is required in key areas to ensure that we achieve this principle in 2021/22

The Council has a clearly defined Performance Management Framework. Some elements of the framework require review to ensure that our performance management activity continues to support effective and constructive challenge and debate.

All required policies are in place to ensure safe and effective data management. Our compliance with these policies is monitored on an ongoing basis and reported quarterly to the Council’s Leadership Team.

The Council’s approach to Risk Management was reviewed by the Internal Audit team in 2020/21 and found to have some weaknesses. An Action Plan is in place to address these issues. This plan has taken longer than expected to implement, due to resource pressures during the pandemic and reorganisation. It is likely that action to improve risk management in Craven will now be superseded by the shared development of an approach to Strategic Risk Management for the new council; a dedicated task group is in place.

The Council's approach to monitoring and addressing fraud risk is robust, with a strong and recently reviewed Anti-Fraud and Corruption Strategy. The Council's approach to using Internal Audit resource to check Covid-19 grant payments has led to comparatively very low rates of fraud for this urgent and complex programme. Financial controls are comprehensive and are applied effectively.

As the Council approaches the transition phase of the move to a new Council, much of the risk centres on the establishment of new financial processes and controls that are sufficient to cover all of the Council's operations and legal requirements. Craven is participating fully in all workstreams for developing financial processes and controls.

Improvement Action 5: Continue to ensure that Craven is represented fully in all workstreams overseeing the development of financial and risk processes and controls for the new Council for North Yorkshire.

3.7 Principle G – Implementing good practices in transparency, reporting and audit to deliver effective accountability

Overall Assessment: We are achieving this principle

The Council's approach to transparency is supported by clear policies and regular consideration is given to the style and volume of both reporting and data presented to the public and other stakeholders. During 2020/21 the Council updated its corporate reporting format to provide specific statutory officer comments and an assessment of the impact of decisions on priority objectives, such as the declared climate emergency and this has been continued and reinforced throughout 2021/22. The Council is compliant with the Local Government Transparency Code.

We have continued our strong and compliant Internal Audit shared service with Harrogate Borough Council. Our financial controls are well-established and effective.

External Audit services are provided by Mazars. Audit of the 2021/22 accounts has been delayed due to continuing national pressures on statutory audit services.

4. Summary of Governance Actions related to the Covid-19 pandemic

The Council put in place a wide range of measures to ensure that its contribution to the Covid-19 recovery is comprehensive and efficient.

These included:

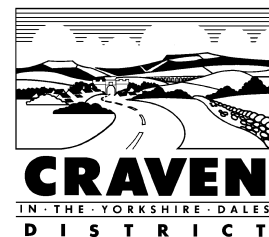
- Reviewing and enacting the Council's Pandemic Response plan.
- Completing a full review of all operational Health & Safety risks and rapidly completing any resulting actions.
- Convening a Council Pandemic Response Team consisting of all senior and operational leads with relevant responsibilities, with clear roles and responsibilities and regular online meetings throughout the pandemic.
- Participating in the North Yorkshire Resilience Forum response, ensuring that regionally gathered evidence and information is shared and use to target response effort.
- Conducting a full review of all Strategic and Operational Risks to the Council resulting from the pandemic.
- Implementing systems for the direct payment of Covid-19 grants, including the consistent and transparent use of Internal Audit resource to minimise the risk of fraud via grant payments.
- Working with local communities to plan and monitor the safe reopening of High Streets.
- Focusing targeted public health inspection work on Covid-19 safety measures and taking enforcement action where necessary.

5. Summary of improvement actions for 2022/23

Principle	Actions
Principle A – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	<i>Improvement Action 1: Actively participate in the development of culture and behaviours for the new Council for North Yorkshire, ensuring that our principle of behaving with integrity, ethical values and respecting the rule of law are fully embedded.</i>
Principle C – Defining outcomes in terms of sustainable economic, social and environmental benefits	<i>Improvement Action 2: Ensure that Craven contributes to the development of decision-making processes for the new North Yorkshire Council which take into account economic, social and environmental benefits</i>
Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes	<i>Improvement Action 3: Complete work to address the action plan for improving Planning and Building Control services.</i>
Principle E – Developing the entity’s capacity, including the capability of its leadership and the individuals within it	<i>Improvement Action 4: Ensure that opportunities for career development arising from the Local Government Reorganisation process are made available to all staff.</i>
Principle F – Managing risks and performance through robust internal control and strong public financial management	<i>Improvement Action 5: Continue to ensure that Craven is represented fully in all workstreams overseeing the development of financial and risk processes and controls for the new Council for North Yorkshire.</i>

Audit & Governance Committee – 27th June 2022

Internal Audit Recommendations – Progress Report



Report of the Audit Services and Fraud Manager

Lead Member – Councillor P. Mulligan

Ward(s) affected: All

1. **Purpose of Report** – To update committee members on progress against recommendations made by the Internal Audit team.
2. **Recommendations** – Members are recommended to:
 - 2.1 Note progress against Internal Audit recommendations
3. **Background Information**

The Council’s Internal Audit team carries out an agreed programme of work to ensure that the controls that the Council has put in place to meet its objectives, comply with current legislation and ensure best value both reflect good practice and are being consistently and rigorously observed.

During 2020/21, the Internal Audit team focused on ensuring that the arrangements for Covid-19 financial support were robust and that the risk of fraud was minimised. This resulted in fewer Internal Audit recommendations relating to other areas of work than would normally be expected. 2021/22 has seen a return to usual audit work for the most part, and as a result we are now seeing a number of new recommendations emerging and becoming due.

There are 31 recommendations outstanding, 4 of which are Priority 1 recommendations.

Summary of Internal Audit recommendations

	Priority 1	Priority 2	Priority 3
Audit Recommendations completed		14	3
Audit Recommendations Removed as no longer applicable			
Audit Recommendations outstanding	4	22	5

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4. Financial and Value for Money (vfm) Implications – An effective programme of Internal Audit is a key component of the Council’s Performance Framework and assurance activity, preventing financial loss and ensuring value for money.

5. Legal Implications – none

6. Contribution to Council Priorities

6.1 No direct impact on Council Priorities. Effective Risk Management improves the likelihood of the successful delivery of Council Priorities

6.2 **Impact on the declared Climate Emergency** – No specific impact on the declared Climate Emergency

7. Risk Management

The Internal Audit programme includes regular review of the Council’s Risk Management arrangements. Recommendations relating to Risk Management are described in this report.

7.2 **Chief Finance Officer (s151 Officer) Statement**

7.3 **Monitoring Officer Statement**

8. Equality Analysis – not applicable

9. Consultations with Others

CLT, SLT members with assigned recommendations.

10. Background Documents

11. Appendices –

Appendix I – ‘Internal Audit Recommendations –Progress Update June 2022

12. Author of the Report

Gill Hoyes, Auditor
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e-mail: gill.hoyes@harrogate.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendix I

Internal Audit Recommendations – Progress Update, June 2022

Internal Audit – Recommendations satisfied since the previous report (March 2022)

*Note – all recommendations in this section are rated **Green** as they have been completed*

Action Name	Priority Level	Action Service	Comment
The outstanding data protection training for Members should be completed 388	2	ICT	Implemented 16/03/2022
The outstanding GDPR awareness training for new starters should be completed. 390	2	ICT	Implemented 16/03/2022
The listing of all data sharing agreements in place should be completed 391	3	ICT	Implemented 16/03/2022
The identification of all contracts with processors council wide should progress and a full register of such compiled 392	2	ICT	Implemented 16/03/2022
Outstanding contracts with processors should be reviewed to ensure that they comply with GDPR requirements 393	2	ICT	Implemented 16/03/2022

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Responses to subject access requests should include ICO contact details and the legal basis for processing the data 396	3	ICT	Implemented 16/03/2022
The BCMS Policy & Strategy should be made accessible from the Intranet's Policy Centre 423	2	Environmental Services	Implemented 16/03/2022
It should be ensured that a BIA is in place for each service area 426	2	Environmental Services	Implemented 20/04/2022
Progress into the review of the BIA template should continue, to ensure it is reflective of the revised standard ISO22301:2019, and updates made where necessary 427	2	Environmental Services	Implemented 06/04/2022
Production of the updated documented corporate incident plan should be progressed. 428	2	Environmental Services	Implemented 10/06/2022
Production of updated documented service area incident management plans should be	2	Environmental Services	Implemented 20/04/2022

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progressed.

429

Service areas should ensure that they have confirmation from any external vendor, supplier, or contractor on whom they depend, of business continuity plans

2

Environmental Services

Implemented
13/06/2022

430

The variances seen on CDC website and tariff boards should be investigated and corrected.

2

Parking Services

Implemented
04/04/2022

436

Arrangements should be introduced which enable proactive risk identification and submission

2

Financial Management

Implemented
14/03/2022

440

The Risk Management Strategy should be reviewed, updated where necessary, reported to A&G for approval and made available on the intranet

2

Financial Management

Implemented
01/04/2022

441

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Resources currently allocated to Health & Safety should be re-evaluated 475	2	Legal and Democratic Services	Implemented 15/03/2022
A full review of all outstanding debts pre 2015, where no current payment plan is in place, should be undertaken to between legal and the relevant service. In order to ascertain the appropriate course of action to be undertaken. 490	3	Financial Management	Implemented 01/06/2022

Internal Audit – Recommendations remaining outstanding from previous reporting period

Note – all recommendations in this section are rated Amber, as they have not been met within the expected timescale

Action Name	Report Origin	Priority Level	Action Service	Status	Due Date	Expected Date	Comment
A sundry debt policy should be introduced. Ref 216	Debtors C6/2018	2	Financial Services	Red	Not agreed by management/ risk tolerated		<p>Auditor 12/04/2022): Following debtors audit 21/22; the same recommendation was included with the following management response "Sundry Debt policy partially drafted and as this was a recommendation from the last audit, the A&G Committee has been updated with the progress on this. However, given LGR and the inevitable adoption of a combined Policy – the risk for another year is minimal."</p> <p style="text-align: right;">Finance Manager 23/08/2021</p>

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							<p>The Policy is in draft. The Policy will be completed and reviewed once the new CFO is in position (September 21). This will be completed by the end of the Financial year 21/22.</p>
<p>The authority should develop a consistent approach to procurement and communicate it to all managers (Agency Staff) Ref 275</p>	<p>Use of Agency Staff and Contract employees C10/2018</p>	<p>3</p>	<p>Human Resources</p>	<p>Amber</p>	<p>Feb 2019</p>	<p>Oct 2021</p>	<p>Auditor 29/11/2021 This will be considered as part of the review of the Councils Procurement Strategy.</p> <p>Auditor September A procurement exercise to improve compliance for the procurement of agency staff was included in the 2020/21 Procurement Strategy but was not started due to resource availability caused by the pandemic. Resource is now unlikely to be available for the approach originally considered (i.e. to develop a local framework for agency staff appointments), which may also no longer be the most appropriate course of action due to Local Government Reorganisation. We are reviewing our approach. We will report on the new approach that we are taking in the next quarter.</p>
<p>Outstanding commitments should feed through onto Agresso general ledger, to enable full financial monitoring to take place. Regular "housekeeping" should be undertaken to ensure that only relevant orders are outstanding. Ref 341</p>	<p>Financial Management System C3/2019</p>	<p>2</p>	<p>Finance</p>	<p>Red</p>	<p>Not agreed by management/ risk tolerated</p>		<p>Auditor 08/06/2022 The management response is noted, but risk remains that financial monitoring will not contained the latest relevant commitment detail</p> <p>Auditor 22/02/2022 Update received from Finance Manager - It is unlikely that this recommendation is going to be progressed. As stated below, that any commitments within the Budget Control processes will be identified and any orders raised are captured within the forecast reports where required.</p> <p>Auditor 29/11/2021 There has still been no progress on this, due to other commitments. As there is the continued monitoring within the Budget Control processes it is expected that any orders raised are captured within the forecast reports where required</p>

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							<p>September This exploration has not yet commenced due to other work commitments for the Systems admin and more pressing functionality updates to the system. The commitments are still being monitored through budget monitoring on the quarterly basis and included in forecasts where appropriate.</p>
<p>The figures from the reconciliation between the stock holding account and the recharge sheet should be agreed to those of the annual physical stock check when this is carried out. 363</p>	<p>Engine Shed Lane - Workshop C5/2019</p>	<p>2</p>	<p>Finance</p>	<p>Amber</p>	<p>Oct 2020</p>		<p>Auditor 13/06/222 Confirmation requested from Finance Manager</p> <p>Auditor 07/03/2022 Update on latest position requested from Finance Manager</p> <p>Auditor 29/11/2021 An update has been requested on progress of this recommendation. Details to be added to next report</p>
<p>Website information should be expanded to cover all new rights of individuals under the GDPR 394</p>	<p>GDPR C7/2019</p>	<p>3</p>	<p>ICT</p>	<p>Red</p>	<p>Not agreed by management/ risk tolerated</p>		<p>CIO 20/11/2021 Not agreed The obligation to provide information on individual rights is only explicitly required to be communicated in Privacy Notices (Article 13) and in response to an individual exercising their right of access (Article 15). There is no obligation or requirement on data controllers to provide this information on the website or otherwise. A hyperlink to ICO guidance regarding individuals' rights will however be inserted on the website</p> <p>Audit Comment Audit Services consider it necessary to report that in our opinion the above arrangement does not fully mitigate against the risk and is not sufficient. The ICO is clear on transparent and easy to understand instructions being paramount. We note that the Council has chosen to accept this risk.</p>

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<p>Succession planning for the data protection officer role should be addressed 397</p>	<p>GDPR C7/2019</p>	<p>2</p>	<p>ICT</p>	<p>Red</p>	<p>Not agreed by management/ risk tolerated</p>	<p>CIO 20/11/2021 Not agreed In the absence of the current officer, responsibility reverts to the CIO & Assets and Commercial Services of which the Corporate Leadership Team are aware. Audit Comment It is the opinion of Audit Services that the current succession planning arrangements do not fully address the situation should the current officer responsible for data protection be unavailable for any length of time, or leave council employment. Whilst we note that the Council are willing to accept this risk, we consider it necessary to report our considered weakness in control.</p>
<p>The Process would benefit from CDC developing an overall guidance/workflow document, which would identify and highlight the processes that are in place within CDC relating to the entire S106 process. This guidance document should be reviewed regularly and updated as required. 413</p>	<p>S106 C5/2020</p>	<p>3</p>	<p>Planning</p>	<p>Amber</p>	<p>01/04/2022</p>	<p>Auditor 08/06/2022 Update requested from Officer and Head of Service. No response received from previous requests on the 12 April and 16 May 2022 Audit 16/05/2022 Requested update from officer and Head of Service Auditor 12/04/2022 Requested update 12/04/22</p>
<p>To comply with Ministry of Housing, Communities and Local Government advice agreements should include clauses stating when and how the funds will be</p>	<p>S106 C5/2020</p>	<p>3</p>	<p>Planning</p>	<p>Amber</p>	<p>01/04/2022</p>	<p>Auditor 08/06/2022 Update requested from Officer and Head of Service. No response received from previous requests on the 12 April and 16 May 2022 Audit 16/05/2022 Requested update from officer and Head of Service</p>

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used by and allow for their return, after an agreed period of time, for any remaining balances.
416

Auditor 12/04/2022
Requested update 12/04/22

Training surrounding Risk should be arranged for Members of Audit & Governance
437

Risk Management C9/2020	2	Finance	Amber	09/10/2021
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Auditor 10/06/2022
Risk management training and guidance does not yet appear to be available on the intranet. Queried with the Chief Finance Officer / Finance Manager

Exchequer & Performance Manager 14/03/2022
We have agreed with RMG and A&G Committee that training and guidance will be made available on the Intranet. The S151 Officer has agreed which training and guidance should be shared, but it does require slight update to reflect current policy. Revised implementation date now April 2022

Auditor 07/03/2022
Update on latest position requested from Exchequer & Performance Manager

Auditor 06/03/2022
The Exchequer & Performance Manager stated on 22/11/21 that it was agreed at the recent Risk Management Group meeting for this to be provided via the Intranet. The training pack has been updated but not yet agreed. All staff have already been informed and reminded of the key errors and omissions from the risk register as described in the audit report, which has already resulted in some improvement to the risk updates submitted via the risk review exercise – this will be reviewed again after the training has been made available. Revised estimated date for completion by end Jan 2022.

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<p>Training surrounding Risk should be arranged for those officers for whom it is currently outstanding 438</p>	<p>Risk Management C9/2020</p>	<p>2</p>	<p>Finance</p>	<p>Amber</p>	<p>09/10/2021</p>	<p>See 437 notes above</p>
<p>Risk Management guidance documentation should be reviewed and updated and published on the intranet together with the Risk Management training documentation 439</p>	<p>Risk Management C9/2020</p>	<p>2</p>	<p>Finance</p>	<p>Amber</p>	<p>09/10/2021</p>	<p>Auditor 10/06/2022 Risk management training and guidance does not yet appear to be available on the intranet. Queried with the Chief Finance Officer / Finance Manager</p> <p>Exchequer & Performance Manager 14/03/2022 We have agreed with RMG and A&G Committee that training and guidance will be made available on the Intranet. The S151 Officer has agreed which training and guidance should be shared, but it does require slight update to reflect current policy. Revised implementation date now April 2022</p> <p>Auditor 07/03/2022 Update on latest position requested from Exchequer & Performance Manager</p> <p>Auditor 06/03/2022 The Exchequer & Performance Manager stated on 22/11/21 that the guidance documentation has been updated and was agreed at Risk Management Group on 12th October. This should be approved at A&G on 6th December, then will be uploaded to the Intranet. Revised estimated date for completion by mid Dec 2021.</p>
<p>Care should be taken to ensure that the appropriate RAG status of risk scores is applied 442</p>	<p>Risk Management C9/2020</p>	<p>3</p>	<p>Finance</p>	<p>Amber</p>	<p>09/10/2021</p>	<p>Auditor 10/06/2022 Evidence requested from the Chief Finance Officer / Finance Manager</p> <p>Exchequer & Performance Manager 14/03/22 This has been highlighted in the revised strategy and policy, but we won't see whether that has been</p>

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effective until we've done a round of reporting.
Revised implementation date now May 2022

Auditor 07/03/2022

Update on latest position requested from Exchequer & Performance Manager

Auditor 06/03/2022

The Exchequer & Performance Manager stated on 22/11/21 that these specific notes and recommendations have been shared with SLT members. The update to operational risk registers is currently underway and we should soon have a clear picture of whether attempts to raise awareness of these issues and requirements have been successful. Revised estimated date for completion by end Jan 2022.

Auditor 10/06/2022

Evidence requested from the Chief Finance Officer / Finance Manager

Exchequer & Performance Manager 14/03/22

This is in the revised strategy but difficult to evidence the impact as haven't yet taken a new risk report to RMG/A&G now likely to be May. Revised implementation date now May 2022

Auditor 07/03/2022

Update on latest position requested from Exchequer & Performance Manager

Auditor 06/03/2022

The Exchequer & Performance Manager stated on 22/11/21 that these specific notes and recommendations have been shared with SLT members. The update to operational risk registers is currently underway and we should soon have a clear picture of whether attempts to raise awareness of these issues and requirements have been

Realistically achievable implementation dates should be established where further mitigating actions are required and revised implementation dates established where necessary

443

Risk Management					
C9/2020	2	Finance	Amber	09/10/2021	

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successful. Revised estimated date for completion by end Jan 2022.

The threshold for which an action plan is required should be clarified and such plans noted on the risk register, or, if applicable, it is stated that no action is possible
444

Risk Management C9/2020	2	Finance	Amber	09/10/2021
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Auditor 10/06/2022

Strategy & Policy appear to refer to action plans but not to scoring threshold. Queried with the Chief Finance Officer / Finance Manager

Exchequer & Performance Manager 14/03/22

This is in the revised and agreed strategy and policy and will appear once on Intranet. Revised implementation date now April 2022.

Auditor 07/03/2022

Update on latest position requested from Exchequer & Performance Manager

Auditor 06/03/2022

The Exchequer & Performance Manager stated on 22/11/21 that these specific notes and recommendations have been shared with SLT members. The update to operational risk registers is currently underway and we should soon have a clear picture of whether attempts to raise awareness of these issues and requirements have been successful. Revised estimated date for completion by end Jan 2022.

The monitoring, review and reporting cycle of actions should be adhered to
445

Risk Management C9/2020	1	Finance	Amber	09/10/2021
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Auditor 10/06/2022

Evidence requested from the Chief Finance Officer / Finance Manager

Exchequer & Performance Manager 14/03/22

A round of meetings were started according to the timetable that we set out. However the last one had to be cancelled for reasons beyond our control. Expecting to resume by May.

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Auditor 07/03/2022

Update on latest position requested from Exchequer & Performance Manager

Auditor 06/03/2022

The Exchequer & Performance Manager stated on 22/11/21 that CLT and SLT had had a renewed focus on ensuring that the reporting timetable is adhered to. A Risk Management Group meeting was held on 12th October 2021, follow-up actions and feedback were shared with SLT on 16th November 2021, and matters arising / reports requiring Member approval will be reported to Audit & Governance Committee on 6th

<p>Outstanding training for fire marshals and first aiders should continue to be progressed 476</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>A list of fire marshals and first aiders, once trained, should be published and this list kept up to date 477</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>The introduction of a training matrix by each service area</p>	<p>Health and Safety Arrangements</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>

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<p>should continue to be developed 478</p>	<p>C7/2021</p>					
<p>The introduction of Sundry Debt Policy document should be undertaken and all staff should be made aware of the policy. This policy should be shared widely with officers involved in the sundry debt process and recovery of debt. 474</p>	<p>Debtors C4/2021</p>	<p>1</p>	<p>Finance</p>	<p>Red</p>	<p>Not agreed by management/ risk tolerated</p>	<p>Finance Manager Sundry Debt policy partially drafted and as this was a recommendation from the last audit, the A7G Committee has been updated with the progress on this. However, given LGR and the inevitable adoption of a combined Policy – the risk for another year is minimal.</p>
<p>Induction checklists should be promptly completed in full 479</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>28/02/2022</p>	<p>Auditor 13/06/2022 Induction checklist requested from Operations Manager for review</p> <p>Auditor 07/03/2022 Team Leader Environmental Health & Corporate Safety Advisor confirmed that all managers have been instructed about new employees and those employed in the last 6 months, and they, as well as HR have been instructed to ensure H&S has been raised and discussed. To evidence that procedure is being complied with in practice via a sample test before marking recommendation as fully complete</p>
<p>Outstanding service area risk assessments should be completed 480</p>	<p>Health and Safety Arrangements</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>

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C7/2021

<p>Outstanding activity based risk assessments should be completed 481</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>Risk assessments should be reviewed and modified accordingly to fully reflect any amendments in working practices since the pandemic 482</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>Meetings of the Health & Safety Management Group should be reintroduced 483</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>An annual statement of health & safety, including past performance, incident summary, any issues and outlining priorities for the upcoming year, should be produced for reporting to the</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>

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Council.
484

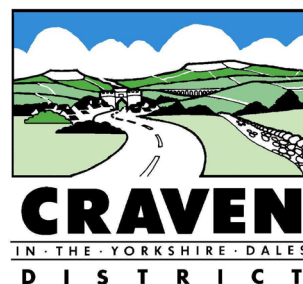
<p>Reporting of full performance monitoring to CLT should be re-introduced 485</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>Services should complete and return the annual Health & Safety declaration 486</p>	<p>Health and Safety Arrangements C7/2021</p>	<p>2</p>	<p>Legal Services</p>	<p>Amber</p>	<p>19/05/2022</p>	<p>Auditor 10/06/2022 Update as to the latest position regarding recommendation implementation requested from the Team Leader Environmental Health & Corporate Safety Adviser</p>
<p>The introduction of Sundry Debt Policy document should be undertaken and all staff should be made aware of the policy. - see recommendation 474 489</p>	<p>Debtors C4/2021</p>	<p>1</p>	<p>Finance</p>	<p>Red</p>	<p>Not agreed by management/ risk tolerated</p>	<p>Finance Manager Sundry Debt policy partially drafted and as this was a recommendation from the last audit, the A7G Committee has been updated with the progress on this. However, given LGR and the inevitable adoption of a combined Policy – the risk for another year is minimal.</p>
<p>The introduction of Sundry Debt Policy document should be undertaken and all staff should be made aware of the policy. (Recommendation ref 474) 491</p>	<p>Debtors C4/2021</p>	<p>2</p>	<p>Finance</p>	<p>Red</p>	<p>Not agreed by management/ risk tolerated</p>	<p>Finance Manager Sundry Debt policy partially drafted and as this was a recommendation from the last audit, the A7G Committee has been updated with the progress on this. However, given LGR and the inevitable adoption of a combined Policy – the risk for another year is minimal.</p> <p>Audit Response</p>

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						<p>Where no sundry debt policy is in place it opens the authority to the risk of current aims and procedures not being adhered too. With possible financial loss to the authority resulting from recovery action not been undertaken promptly</p>
<p>CDC officers review and correct variances between the Fees and Charges report/Website/Fees charged to customer relating to land charges and the one leisure activity. 488</p>	<p>Debtors C4/2021</p>	<p>1</p>	<p>Finance</p>	<p>Amber</p>	<p>01/04/2022</p>	<p>Auditor 08/06/2022 Updated requested, as no response received to previous request from Land Charges Officer and Head of Service.</p> <p>Auditor 16/05/2022 Updated requested from Land charges Officer and Head of Service</p> <p>Finance Manager 04/04/2022 The updated Fees and Charges were approved by Policy Committee in December 21 and ratified, by Full Council, as part of the Budget Setting Report in February 22. The Fees and Charges applicable for the 22/23 financial year have been circulated to Senior Managers for Cascade to those responsible for Raising invoices and requesting payment for Services and Goods provided by the Council</p>
<p>Data should be prepared and published to comply with the requirements detailed in Regulation 113 of the Public Contracts Regulations 2015. 498</p>	<p>Creditors C3/2021</p>	<p>2</p>	<p>Finance</p>	<p>Amber</p>	<p>31/05/2022</p>	<p>Audit Manager 14/06/2022 Update will be followed up for next report</p>

Audit & Governance Committee – 27th June 2022

Audit Services Progress Report as at 14th June 2022



Report of the Audit Services Manager – Shared Internal Audit Service

Ward(s) affected: All

1. **Purpose of Report**

- 1.1 To update Committee Members on the progress made against the 2021/22 Internal Audit plan up to 14th June 2022

2. **Recommendations**

Members are recommended to:-

- 2.1 Note the contents of the report and the attached Appendix.

3. **Background Information**

- 3.1 The work undertaken by Audit Services is governed by the Accounts and Audit (England) Regulations 2011 and the Public Sector Internal Audit Standards (PSIAS). In accordance with paragraph 2.11 of the Standards, the Audit Committee must receive progress reports detailing progress made against the agreed Annual Audit Plan.

4. **The Report**

- 4.1 This report details the work undertaken by Audit Services and contains a summary of completed reviews along with the overall audit opinion given.
- 4.2 Audit Services resources have continued to be required on COVID-19 business support schemes due to the requirement to have pre-checks in place for schemes open during the first quarter of 2021/22.
- 4.3 The effect of this is that commencement of work on the Audit plan was delayed in quarter 1. Work on normal audit work resumed during quarter 2, despite some continued COVID-19 support required.
- 4.4 Further Government COVID-19 grant schemes have opened in quarter 4 putting additional strain on Audit resources.

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- 4.5 In addition to pressures resulting from COVID-19, Local Government Reorganisation work is clearly having increasing impact on services with a knock on effect being seen in response times for Audit work. This has resulted in a significant delay in completing the plan and it is anticipated that there will be a requirement to defer the usual 31st March deadline date. There is simply insufficient capacity for management to liaise with internal audit and many audits have had to be put on hold. Audit Services are sympathetic to this and the delay has not had significant impact upon the annual assurance opinion with a range of assurance used to form this
- 4.6 Housing Benefits audit has been deferred until 2022/23 due to resourcing issues within the service. This audit will take priority during the first quarter.
- 4.7 The current position on the 2021/2021 Audit Assignments as at 14th June 2022 is as follows:

Status of Audits	Number of Audits	Percentage of Plan
Final report issued	4	36%
Draft report issued	0	0%
Managers Review	0	0%
In progress	6	45%
Yet to start	1	9%
Deferred to 2022/23	1	9%
Total	11	100%

5. **Priority Areas**

- 5.1 Managing complex competing priorities to deliver the audit plan

6. **Conclusion**

- 6.1 All Audits will be completed in line with the agreed plan. Update meetings will continue to be held with the Chief Finance Officer, s151 Officer or Exchequer and Performance Manager, Financial Services to provide assurance that audit work is progressing as planned.

7. **Implications**

7.1 **Financial and Value for Money Implications**

None

7.2 **Legal implications**

None

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7.3 Contribution to Council Priorities

The delivery of an Internal Audit Service contributes to:

- Carbon Neutral – Facilitating economic growth in low carbon Craven
- Supporting the Wellbeing of our Communities – Developing vibrant, connected and health communities.
- Attracting and Retaining Younger People – Creating a district that attracts people of working age to live and work
- Financial Sustainability – Ensuring a self-sustainable Council

7.4 Risk Management

New and unpredicted COVID restrictions and Business Support Grant Scheme are a current risk to the completion of the audit plan, however contingency in the plan will allow for some mitigation of this risk.

7.5 Equality Impact Assessment

The Council's Equality Impact Assessment Procedure **has been** followed. An Equality Impact Assessment **has not** been completed on the proposals as completion of **Stage 1- Initial Screening** of the Procedure identified that the proposed policy, strategy, procedure or function **does not have** the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.

8. Consultations with Others

Chief Finance Officer and s151 Officer, Financial Services

9. Access to Information : Background Documents

None

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10. **Author of the Report**

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Shared Audit Service.
gill.hoyes@harrogate.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

11. **Appendices**

Internal Audit Plan 2021/22 April – 14th June 2022 Monitoring

Internal Audit Plan April – 14th June 2022 MONITORING

Audits (includes audits brought forward 2020/21 audits)	Approved Plan (Days)	Actual April-Jun (Days)	Comments (at time of writing)
2020/21 audits			
Risk Management	12	1	Final report issued
Duplicate Payments	1	0.3	NA

2021/22 audits

Housing Benefits	10	0	Deferred to 2022/23
Payroll	10	6.42	In progress
Creditors	10	10.54	Final Report
Debtors	10	10.34	Final Report
Project Management	12	0	Yet to start
Health and Safety	10	13.26	Final report
Empty Properties & High Street Recovery	10	1.05	In progress
Recording and Inspection of Assets	10	6.08	In progress
Climate Change	10	0	In progress
Data Breaches	8	6.19	Final Report
Procurement Rules	8	6.08	In Progress
Business Support Grant Verification	10	6.42	Ongoing
Duplicate Payments	2	0.41	Ongoing
Follow up work Management	20	4.26	Ongoing
Contingency	20	18.68	Ongoing
Total	180	89.73	

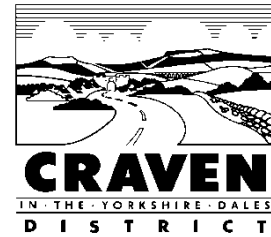
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* Key – Levels of Assurance

Level	Definition
Significant	The system of internal control is designed to support the Councils corporate and service objectives and controls are consistently applied in all the areas reviewed.
Good	There is generally a sound system of control designed to support the Council's corporate and service objectives. However, some improvements to the design or application of controls is required.
Partial	Weaknesses are identified in the design or inconsistent application of controls which put the achievement of some of the Council's corporate and service objectives at risk in the area reviewed.
None	There are weaknesses in control, or inconsistent non-compliance which places corporate and service objectives at risk in the area reviewed.

Audit and Governance 27th June 2022

Introduction of Member engagement with pre-Application Enquiries



Report of the Director of Services

Lead Member –Cllr Simon Myers

Ward affected: All Wards outside of the Yorkshire Dales National Park

1. Purpose of Report

- 1.1 To seek approval to introduce a new process to enable Members to engage in the planning pre-application process.

2. Recommendations

- 2.1 To agree that the proposed revised Code of Good Practice is considered by the Standards Committee on 20 July 2022
- 2.2 To agree the proposed Member Engagement with Pre-applications process
- 2.3 That delegation to the Strategic Manager for Planning and Regeneration to make minor amendments in consultation with the Chair of Audit and Governance.

3. Background

- 3.1 The early participation of elected members at the pre-application stage of the planning process is strongly encouraged in Government guidance, especially on major development proposals. The Planning Advisory Service (PAS) has published advice on elected member engagement in pre-application discussions in their Pre-application Suite. Their advisory report states:

'Early and proactive engagement in discussions from ward members and planning portfolio holders helps developers to shape major schemes even before they get to the drawing board. Leaders and portfolio holders in particular may need to act as managers of council assets acting as partners in the delivery of some strategic developments – balancing an asset management role with civil leadership and representing the interests of constituents. They are able to use their position as local leaders to aid important developments that will realise their aspirations for the area.'

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- 3.2 Section 25 of the Localism Act 2011 provided greater clarity on the matter of pre-determination by allowing a councillor to participate in a decision on a matter simply because they have previously expressed a view or campaigned on it. The effect of the change was that councillors may campaign and represent their constituents – and then speak and vote on those issues – without fear of breaking the rules on pre-determination.
- 3.3 However, the PAS advice goes on to emphasise the approach taken to member engagement at the pre-application stage needs to be proportionate to the scale and complexity of the purposed development.
- 3.4 The introduction of Members into the pre-application process is not widespread and we are unaware of any North Yorkshire Local Planning authority with procedures currently in place. Such arrangements have been introduced by Kirklees Council and these, together with guidance from the PAS, has been helpful in shaping the proposals.
- 3.5 The proposals contained within this report were initially discussed by the Planning Committee in September last year and subsequently considered by the Planning Sounding Board as well as the Planning Improvement Board. The opportunity for early engagement with the Council through pre-application enquiries was withdrawn a year ago to ensure the focus was on getting planning applications determined. With the significant improvements that have taken place in the Planning service it is envisaged that if the recommendations of this report are accepted then the pre-application service incorporating the opportunity for member involvement can be introduced in September. This will also give opportunity for the new arrangements to be in operation before Local Government re-organisation and for them to be submitted as a suggestion for a future model for the new North Yorkshire Council.

4. Proposed Changes

- 4.1 The proposal is to provide a staged approach that allows an appropriate balance of Member involvement with the scale and complexity of an application. The four levels presented below are given in greater detail in Annex 1.

The four levels are:

Level 1: Notification of enquiries to Ward Councillors, Planning Committee Chair and Lead Member

Level 2: Elected member briefings by officers

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Level 3: Briefings with developer/promoter

Level 4: Open Developer Forums

It is anticipated that the number of applications that fall into levels 3 and 4 will be approximately five per year with the majority being in levels 1 and 2.

4.2 The Council's Local Planning Code takes account of the changes contained in Section 25 of the Localism Act 2011, but it does not expressly provide for Members to engage early in the planning process. The aim of the code of good practice is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Therefore, introducing arrangements for Member participation in pre-application enquiries require changes to the Planning Code.

4.3 The Code of Good Practice amendments are at Annex 2 and changes are shown in italics for new text and crossed through text for deletions. The key changes include:

- How Members engage with applicants and agents
- The role of the officer in supporting and advising Members
- The requirements for the Member not to advise the applicant
- The provision of information and the role of confidentiality
- How Members feed in their views to the pre-application process
- Provides for Open Forums on larger scale proposals where developers will have the opportunity to present proposals to elected members, local councils, and the public.

5. Implications

5.1 Financial Implications

There are no financial implications arising from this report.

The reintroduction of the pre-application process will result in an income stream.

5.2 Legal Implications

There are no legal implications arising from this report.

6. Contributions to Corporate Priorities

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The proposals in this report support the Council priority of “Supporting the Well-being of our Communities”.

6.2 Impact on the declared Climate Emergency

This report does not have a negative impact on climate change.

7. Risk Management

The changes to the pre-application process aim to call-in process aim to help improve the overall performance of the planning process by processing applications in a timelier manner but also provide clarity to the process

8. Chief Finance Officer (s151 Officer) Statement

9. Monitoring Officer Statement

10. Consultation with Others

Planning Improvement Sounding Board

11. Appendices

Annex 1 - Arrangements for Member Engagement with Pre-Application Enquiries

Annex 2 - Planning Code of Good Practice for Members

13. Author of the Report

David Smurthwaite, Strategic Manager, Planning and Regeneration
dsmurthwaite@cravenc.gov.uk 01756 706409

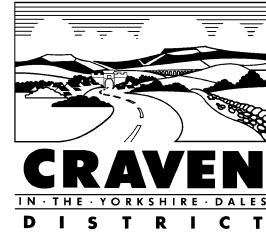
Arrangements For Member Engagement with Pre-Application Enquiries

Level of Engagement	Appropriate Scale of Proposal	How it would operate
<p>Level 1 Notification of pre-application enquiries to Ward Councillors, Planning Committee Chair and Portfolio Holder</p>	<p>This notification would apply to all pre-application enquiries received.</p>	<p>Weekly notifications to members containing basic details of any pre-application enquiries received for sites in their ward.</p> <p>The Chairman of the Planning Committee would receive a weekly list of all enquiries received.</p> <p>Members could contact case officers to gain more detail of what the enquiry related to. If a member wishes to express their views on a matter the subject of the Pre-Application enquiry they would do so in writing, sent to the relevant Planning Officer within a specified timeframe.</p>
<p>Level 2 Elected member briefings by officers</p>	<p>These briefings are primarily intended for smaller scale developments such as changes in the use of premises or developments of a small number of new homes. However, they could also be a useful precursor to a consideration as to whether an enquiry should be escalated to Level 3 and 4. The use of such briefings for householder extensions and other modest proposals would be discouraged as they would impact on response timescales.</p>	<p>These would be informal presentations to ward members on specific pre-application enquiries. They would be held at the request of a ward member or the Chairman of the Planning Committee and requests for a briefing meeting would need to be made within a specified time frame to ensure the impact on timely responses to the enquirer was not delayed.</p>
<p>Level 3</p>	<p>It is considered that these briefings would only be appropriate for larger scale or</p>	<p>As part of the Pre-Application discussions a developer may wish to engage with ward members. This would be through a meeting with a Planning</p>

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<p>Briefings with developer in attendance</p>	<p>potentially controversial proposals.</p>	<p>Officer present. The decision as to whether a Ward Member attends such a meeting would rest with the Member. A full note of the meeting would need to be placed on the pre-application file and that file (as with other pre-application files) would become public upon submission of the related planning application.</p>
<p>Level 4 Open Developer Forum</p>	<p>These would be appropriate for the larger and potentially controversial proposals.</p>	<p>The decision on whether to agree to a request for a presentation would rest with the relevant planning lead officer following consultation with the Chairman of the Planning Committee. Any such presentation will be open to the public and public notice of the presentation shall be given. A presentation by a developer would be made in an open forum to explain their development proposals. Elected members would then have opportunity to raise questions in connection with the proposals. It is envisaged there would only be a few Open Forums and it is advised that they would need to be held at a convenient time for all parties concerned. It is suggested that weekday evenings be considered rather than a time during the working day. Such Open Forums could also take place in locations more convenient to the site of the proposal, this could be village or town halls.</p>

Planning Code of Good Practice for Members



Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning; is to regulate *the development and use of land in the public interest*.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

At the Council meeting on the 24th July, 2012 Craven District Council adopted the Code of Conduct which sets out the general principles and obligations of Members. The code also deals with the issue of declarations of disclosable pecuniary interests and personal interests. This Code of Good Practice is intended to explain and supplement the Code of Conduct in the context of planning control.

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Monitoring Officer.

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2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- **Do** then act accordingly.

Where your interest is a disclosable pecuniary interest and you have not obtained a dispensation:-

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** try to represent ward views, get another Ward Member to do so instead.
- **Don't** get involved in the processing of the application.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable pecuniary interest or where you have a conflict of interest, or a financial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
 - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a Disclosable pecuniary interest or where you have a conflict of interest or financial interest to an appropriate officer, in person or in writing, the Code place limitations on you in representing that proposal. Standing Orders of the Council apply so you may address the Committee but only to make a presentation in the same manner than would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).
- **Do** notify the Monitoring Officer in writing and note that:
 - ❖ you should send the notification no later than submission of that application where you can;
 - ❖ the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
 - ❖ it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

3. Fettering Discretion (being able to take part) in the Planning Process.

To protect the rights of planning applicants, and to preserve the integrity of Committee decisions it is vital that Members do not make up their minds before they have all the relevant material and arguments before them at the Planning Committee meeting. Members

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are able to feel pre- disposed towards a particular decision but must still be able to consider and weigh up relevant factors before reaching the final decision. Pre- determination applies when members minds are closed (or are reasonably perceived to be closed) to the consideration and weighing up of all the relevant factors. When pre- determination applies then that risks making the decision open to legal challenge.

Section 25 of the Localism Act has sought to clarify the law regarding pre-determination.

Section 25 applies where a decision by members is challenged on the grounds of “bias, predetermination or otherwise”

Section 25 states:

“A decision maker is not taken to have had , or appeared to have had , a closed mind when making a decision just because:

- (a) The decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to that matter, and
- (b) The matter was relevant to the decision”

Whilst Section 25 provides some assistance to Members on the extent to which they are entitled to express firm views on matters before a decision is made it still remains the case that Members must have an open mind at the time the decision is made which means listening to the views of officers, the representations of all parties and the deliberations at the committee meeting.

Don't make up your mind or appear to have made up your mind, on how you will vote on any planning matter until you have heard the Officer's presentation and evidence at the Planning Committee when the matter will be considered. This is particularly important if you are contacted by an external interest or lobby group. If you have made up your mind prior to the meeting and are not able to reconsider your previously held view, then you will not be able to participate in the determination of the matter by the Council because if you did take part in the discussion or vote it would put the Council at risk in a number of ways

- Firstly, it would probably in the view of the Local Government Ombudsman constitute maladministration
- Secondly the council could be at risk of legal challenge on a number of possible grounds
 - i) That there was a danger of bias and /or
 - ii) Pre-determination and/or
 - iii) A failure to take into account all of the relevant factors enabling the proposal to be considered,

You may take part in the debate on a proposal when acting as part of a consultee body i.e. a member on the county council/ town or parish council provided

- You make it clear during the discussion at the consultee body that;
 - i) Your views are expressed on the limited information before you
 - ii) You will reserve judgment and so remain impartial to make up your own mind on the proposal when it comes before the Council's Planning Committee when you will then listen to all the relevant information and form a view

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- You disclose your interest as member on the outside body when the Council's Planning Committee consider the proposal.

Where you have already made up your mind and have therefore declined to speak or vote on a proposal, you do not have to withdraw unless you have a disclosable pecuniary (or other interest) but you may prefer to do so to avoid any possible perception of influence .

- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chairman and Committee) where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:
 - advise the proper officer or Chairman that you wish to speak in this capacity
 - before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural, or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers, or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the ~~Development Control Manager~~ *Strategic Manager. Planning and Regeneration* to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the ~~Development Control Manager~~ *Strategic Manager. Planning and Regeneration* any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

Pre-Application engagement with prospective applicants and developers

The National Planning Policy Framework recognises the value of and encourages Pre-Application discussions between Local Planning Authorities and developers. The NPPF notes that the more issues that can be resolved at pre-application stage, the greater the benefits, and advises Local Planning Authorities to encourage developers to take up any pre-application services offered.

The Human Rights Act requires a fair and impartial tribunal to determine the rights of individuals. This applies to the work of Councils' Planning Committee.

If a balance is to be struck between impartiality and the wish to be seen as engaged, positive, open, and transparent, Members need to exercise caution in engaging with

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Applicants. In engaging with Applicants, the principles of this Planning Code of Good Practice should remain in the forefront of the Members' minds.

The first principle is that if a member, particularly of the Planning Committee, expresses an opinion or argues strongly in favour of or against an application prior to it being considered by Committee, they should take no part in the determination of the application. The second issue, particularly for Members of the Planning Committee is that the proper place for the determination of an application is at the Planning Committee once they have heard all the evidence and representations in relation to that application.

However, to enable Members to participate in pre-application discussions, Members should be aware of the distinction between giving and receiving information and engaging in negotiations in their discussions with Applicants or their agents regarding planning proposals, legal agreements, or any other planning matters.

However, it would be easy for such discussions with Members to become or be seen (especially by objectors) to become, part of a lobbying process. In order to avoid such perceptions, pre-application discussions should take place within clear guidelines. As a general principle, Members should, where appropriate, seek to encourage promoters of development schemes to engage in the Pre-Application process.

The following guidelines have been adopted by the Council to govern such discussions: Promoters of development schemes wishing to engage in Pre-Application discussions will be advised that: -

- (a) if they wish to secure Member input into the Pre-Application discussions, they can request that the relevant Ward member attend a meeting subject to a Planning Officer present. The decision as to whether or not a Ward Member attends such a meeting rest with that Member.*
- (b) Where the relevant ward member has agreed to attend a meeting with a prospective applicant or developer they will be advised by the appropriate professional officers of the Council, which will always include a senior planning officer. Members should not seek to advise applicants or their agents on the likely acceptability of planning proposals. The involvement of Councillors in such discussions will be recorded as a written file record.*
- (c) The Chairman and Vice Chairman of the Planning Committee may attend any meeting for Pre-Application discussions.*
- (d) Although (subject to the Environmental Information Regulations Act and any other relevant legislation) the Council will respect the confidentiality of information which the scheme promoter makes clear is disclosed in confidence, Members will have access to Council files on Pre-Application discussions.*
- (e) The weekly list of Planning applications circulated to elected Members will include new requests for Pre-Application advice.*
- (f) If a member wishes to express their views on a matter the subject of Pre-Application discussions, they may set out those views in writing sent to the relevant Planning Officer who will place a copy of the communication from the Member on the Pre-Application file. Members should be aware that such comments may in due course become publicly available.*
- (g) Members should not disclose any confidential information or documents held on Pre-Application files other than to another Member or to an officer of the Council.*

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- (h) *That should a planning application be subsequently submitted the written pre-application advice will be made public, including publishing it online with the application documents.*

Presentations by applicants/developers where the subject of a pre-application enquiry

On occasions those who have submitted a pre-application enquiry may wish to give a presentation to Members to explain their development proposals and/or to provide an opportunity for Members to raise questions in connection with the proposals. The decision on whether to agree to a request for a presentation rest with the Strategic Manager, Planning and Regeneration following consultation with the Chairman (or in his/her absence the Vice-Chairman of the Planning Committee) who will have regard to the likely public interest in reaching their decision on any such request.

Public Notice of an Open Forum shall be given, and the relevant Parish/Town Council invited. Such Open Forums will be chaired by the Chairman of the Planning Committee, but it does not constitute a meeting of the Committee. The purpose of the Open Forum is to provide the applicant/developer with opportunity to explain their development proposals and for elected members and representatives from Local Councils to raise questions in connection with the proposals. It is at the discretion of the Chairman as to whether other parties in attendance are given opportunity to ask questions of those making the presentation. It is envisaged there would only be a few Open Forums and it is advised that they would need to be held at a convenient time and location for all parties concerned.

In addition, in respect of presentations by applicants/developers:

Presentations by applicants/developers on matters that are not the subject of pre-application enquiries by applicants/developers:

- **Don't** attend a planning presentation unless a planning officer is present ~~you are accompanied by a planning officer~~ or it has been organised by officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- ~~Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.~~
- **Do** be aware that a presentation is a form of lobbying, and you must not express any strong view or state how you or other Members might vote *or convey the impression that you have any authority from the Council.*

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to

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vote one way or another or such a firm point of view that it amounts to the same thing.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group, or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register of interests where its value is over £25 (in accordance with the authority's rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the ~~Development Control Manager~~ *Strategic Manager, Planning and Regeneration* any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable pecuniary interest and have not obtained a dispensation, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties; making comments to residents, interested parties, other Members, or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion. This does not prevent you from joining general interest groups which reflect your areas of interest, and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society. You will need to declare an interest where that organisation has made representations on a particular proposal and make it

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clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications, and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on-site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias
 - unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the ~~Development Control Manager~~ *Strategic Manager. Planning and Regeneration* about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

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- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the ~~Development Control Manager~~, *Strategic Manager. Planning and Regeneration* which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

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- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision.

These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

Supporting Documents to this Code

~~Probity in Planning : Revised Guidance Note on Good Planning Practice for Members and Officers Dealing with Planning Matters published by the Local Government Association; and Positive Engagement: A Guide for Planning Councillors~~

- Planning Advisory Service Pre-Application Suite
<https://www.local.gov.uk/sites/default/files/documents/pre-application-suite-3e1.pdf>
- Probity in Planning, Advice for councillors and officers making planning decisions' Local Government Association (LGA) (December 2019)
https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Planning_04.pdf
- 'Probity and the Professional Planner', Royal Town Planning Institute (RTPI) (January 2020)
https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Planning_04.pdf

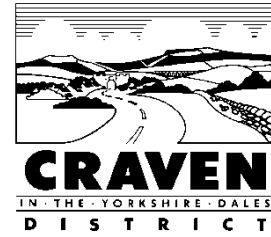
Audit and Governance 27st June 2022

Amendments to Planning Scheme of Delegation

Report of the Director of Services

Lead Member –Cllr Simon Myers

Ward affected: All Wards outside of the Yorkshire Dales National Park



1. Purpose of Report

- 1.1 To seek approval to amendments to the Planning Scheme of Delegation designed to improve the overall performance of the Planning Service.

2. Recommendations

- 2.1 To note the proposed revised Planning Scheme of Delegation.
- 2.2 To recommend to Council adoption of the revised Planning Scheme of Delegation

3. Background

- 3.1 The Peer Review in 2020 highlighted the need to review the process of calling in planning application in particular the 7-day notice procedure which allows Members 7 days (full week ie Monday to Monday) to call in a planning application that has received consultation responses that are contrary to the recommended decision. Elected members have an important role in the planning process as they represent the interests of the whole community. Best practice guidance is that Planning Officers make delegated decisions on straightforward planning applications, these will likely be over 90% of the planning applications received by the council. This gives the planning committee more time to focus on the strategic or controversial applications.
- 3.2 This 7-day notice procedure is noted as an almost unique process that creates additional work, introduces delays for some applications of up to two weeks and also adds confusion to the process for applicants, the public, as well as Members and officers. The 7-day notice does provide a “back stop” for Members if they wish to call in an application for planning reasons or where there is a high degree of public interest, but it does mean that applications are placed on 7-day notice that are neither strategic nor controversial.

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3.3 It is important to clarify that the 7-day notice is not used frequently by members (only 1% of applications) and so it does not generate a significant burden to the Planning Committee, but the delays are caused by the need to prepare for the 7-day notice (9% of applications), where the actual delay in resolving the process can be up to two weeks even when an application is not called in. To give a clearer understanding of the level of referral through the 7 day notice:

- Excluding the withdrawn application there were 1104 decisions issued on planning applications in 2021.
- 97 of the 1104 (9%) required the 7 day notice procedure. 15 of the 97 (1%) were called to Committee.
- In 2021, 31 applications went to Committee therefore 48% of the Committee items were Cllr call in's

3.4 In reviewing the call-in process we have assessed the approaches of other authorities to understand what normal practice is and to assess if there are any suitable alternatives. Additionally a Member Planning Improvement Sounding Board was convened to explore options and understand what Member's value. The recommended approach in this report has been agreed by the Sounding Board.

4. Proposed Changes

4.1 In developing a call-in procedure the following criteria need to be considered:

- Is the process easy for officers, members, public and applicants to understand?
- Does it allow Members to scrutinise strategic or controversial applications?
- Are unnecessary delays in processing all applications avoided?

4.2 The proposed changes to the call-in process aims to shift the emphasis to earlier in the application decision making process so that any decision benefits from better information and greater clarity in the route - delegated or planning committee. The aim is to move to a new 28-day call in period after the start of the publicity period as being the key point when applications will be called in. The 7-day notice process will be retained with some modifications to so as to provide opportunity for the Chairman and Vice Chairman of the Planning Committee and Ward Representative(s) to consider whether Parish

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and Town Councils (including meetings) representations contrary to an officer recommendation warrant an application being referred to the Committee.

- 4.3 The new process and in particular the emphasis on the 28 days call in date will be monitored and this will be reported to the Sounding Board.
- 4.4 Summary of the proposed changes are therefore:
- Change from 21 to 28 days 'call in' period from the release of the weekly list.
 - Call in can be made by any Member whose ward is affected and not just the member(s) for the ward in which the application site falls.
 - 'Call in' requests made through the 28 days' notice can be withdrawn by the Councillor up to the point of Committee agendas are released
 - Planning reason must be given for the referring an application to the Planning Committee
 - Reduce the number of respondents that trigger the 7-day notice to the parish and town councils (including parish meetings)
- 4.5 The Planning workstream to create the new North Yorkshire Council is currently developing a unified approach across the new authority including the scheme of delegation. They are aiming to establish this new approach by day 1 of the new authority – 1 April 2023 – so the proposed changes in this report are likely to be in force for the next 12 months.
- 4.6 Standards Committee were consulted on 2 February 2022 on the proposed changes and commented as follows;

During the debate, the following consultation responses were provided by Standards Committee;

- i. Note in particular the changes to the 7 day notice procedure – how many applications are referred to Planning Committee under the 7 day notice procedure?
- ii. The reference to “Ward affected” not just Ward Member is a welcome change and resolves an issue that has arisen on a number of occasions
- iii. The Scheme of Delegation should not just be about performance. Accountability is a key issue.
- iv. The proposals appear to be comparable to other Districts.
- v. The proposals are not detrimental, and the Council has a year to try them out.

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- vi. The new Authority will set a new Scheme of Delegation, this is opportunity to make the changes now for the Council and be able to pass on good experiences and knowledge.

Standards Committee asked that this consultation response be provided to Audit and Governance for consideration.

5. Implications

5.1 Financial Implications

There are no financial implications arising from this report.

5.2 Legal Implications

If adopted by Council, the revised Scheme of Delegation will form part of the Council's Constitution.

6. Contributions to Corporate Priorities

The proposals in this report support the Council priority of "Supporting the Well-being of our Communities."

6.2 Impact on the declared Climate Emergency

This report does not have a negative impact on climate change.

7. Risk Management

The changes to the call-in process aim to help improve the overall performance of the planning process by processing applications in a timelier manner but also provide clarity to the process

8. Chief Finance Officer (s151 Officer) Statement

9. Monitoring Officer Statement

The Planning Scheme of Delegation forms part of the Council's Constitution. Adoption of and fundamental changes to the Council's Constitution require approval of Council.

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10. Consultation with Others

Planning Improvement Sounding Board

11. Appendices

Annex 1 - Draft Revised Planning Scheme of Delegation

Annex 2 - Existing Scheme of Planning Delegation

Annex 3 - Comparison of Member Call in Procedures in North Yorkshire Councils

13. Author of the Report

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Draft Revised PLANNING SCHEME OF DELEGATION

Part 3 – Responsibility for Functions Planning Scheme of Delegation

PLANNING SCHEME OF DELEGATION

The Strategic Manager for Planning and Regeneration is delegated to undertake all functions in connection with planning (subject to the limits, controls, and conditions below) including Listed Buildings, Advertisement Consent, Certificate of Lawfulness applications (in consultation with the Council Solicitor), Planning Enforcement and the preservation of Trees and Hedges.

Limits, Controls and Conditions

This delegation is limited and shall not apply to:

- 1. Environmental Impact Assessment**
Applications Any application which is accompanied by an Environmental Impact Statement.
- 2. Significant Departure Applications**
Any application which is defined as a significant departure from the adopted development plan as identified in the Town and Country Planning (Consultation) (England) Direction 2021 or in any successor Direction or document (see definition below) and where officers wish to approve the development.
- 3. Major Departure Applications**
The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval.
- 4. Council Applications**
Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to a building with no significant extensions proposed.

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5. Applications by District Councillors

Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents, or siblings.

6. Applications by Members of Staff

Any application made by an employee within the Development Management, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, children, parents, grandparents, or siblings of any of the persons referred to above will also be referred to the Planning Committee for determination.

7. Ward Member Referrals

Where a ~~ward~~ member requests, in writing, within ~~21~~ 8 days of the receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and how the development affects their ward and agreed with the ~~Planning Manager~~ Strategic Manager Planning and Regeneration in consultation with the Chairman of the Planning Committee

The Member who referred the application within 28 days of the publication of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest), can withdraw the referral at any point up to the publication of the Planning Committee agenda.

Footnote: As worded Category 7 referrals enable Members other than the Member for the Ward within which the site is located to seek the referral to Committee where the development would have an effect on their ward.

8. The 7-day notice procedure.

Where representations by ~~any person, body or organisation~~ a Town or Parish Council (including a Parish meeting) have been received (either in support or against the proposal) within the 21 day consultation/publicity period and these representations are contrary to the recommendations of Officers a notice shall be sent to the Chairman and Vice Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision.

This procedure will not apply to applications for “prior approval” under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

Interpretation of the 7-day notice procedure.

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Where a Town or Parish Council indicate that they have “no objection” or “no comment” to an application this will be taken as a declaration of a neutral stance that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice Chairman, and ward Member(s) under the 7-day notice procedure.

~~Similarly, a representation supporting an application will not trigger the 7-day notice procedure if the Officer recommendation is one of approval.~~

With the exception of consultations to Town and Parish Councils referred to above the 7-day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or re-enacting that Order) or from any non-statutory consultee.

Where a Town or Parish Council ~~third party representations~~ have supported ~~been received solely supporting~~ an application the 7-day notice procedure will not be triggered if the Officer recommendation is for approval.

Where a Town or Parish Council ~~third party representations~~ have been received solely objecting to an application the 7-day notice procedure will not be triggered if the Officer recommendation is for refusal.

~~The 7-day notice procedure will apply to all applications where there are both objections and support for an application.~~ In all cases the representations of Town and Parish Councils must be on material planning grounds to be considered under category 8.

9 Repeat applications

Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the Planning Committee. This will not apply to applications to vary or delete conditions under section 73 of the Town and Country Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended).

10 Referrals by Strategic Manager

Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

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Definitions

Significant departures are defined as the following in the Town and Country Planning (Consultation) (England) Direction 2009 where the Local Planning Authority wishes to approve the proposal in terms of the following:

- Development which includes or consists of retail, leisure, or office use and which:
 - a. Is to be carried out on land, which is edge of centre, out of centre or out of town; **and**
 - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: **and**
 - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - I. 5000 square metres or more: or
 - II. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.
- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings, including any buffer zone or its equivalent, and being development to which Historic England has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:
 - i. Is land of a local authority; or
 - ii. Is currently used by an educational institution as a playing field; or
 - iii. Has at any time in the 5 years before the application been used by an education institution as a playing field: and
 - iv. Sport England has been consulted and has objected on one or more of the following grounds:
 - a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority.
 - b. That the proposed development would result in such a deficiency; or
 - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.
- Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority

Existing Scheme of Planning Delegation

Planning Scheme of Delegation

Delegated to Strategic Manager for Planning and Regeneration to undertake all of the Council's functions in connection with planning including Listed Buildings, Conservation Area Consent, advertisement consent and certificate of lawfulness applications, planning enforcement and the preservation of trees and hedges.

Limits, Controls and Conditions

This delegation is limited and shall not apply to:

1. Any application which is accompanied by an Environmental Impact Statement.
2. Any application which is defined as a significant departure from the adopted development plan as identified in the Town and County Planning (Consultation) (England) Direction 2009 or in any successor document (see definition below) and where officers wish to approve the development.
3. The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval.
4. Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to a building with no significant extensions proposed.
5. Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.*
6. Any application made by an employee within the Development Control, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, parents or children of any of the persons referred to above will also be referred to the Planning Committee for determination.
7. Where the ward member requests, in writing, within 21 days of receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest date), that an application be presented to the Planning

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Committee for decision, identifying the planning reasons for the referral and agreed with the Planning Manager, the Chairman and Vice-Chairman.

Footnote: As worded Category 7 referrals enables Members other than the Member for the Ward within which the site is located to seek the referral to Committee where the development would have an effect on their Ward.

8. Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period, and these representations are contrary to the recommendations of officers, a notice shall be sent to the Chairman and Vice-Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision. This procedure will not apply to applications for “prior approval” under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

Interpretation of the 7 day notice procedure

Where a Town or Parish indicate that they have “no objection” or “no comment” to an application this will be taken as a declaration of a neutral stance that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice-Chairman and Ward Member(s) under the 7 day notice procedure. Similarly, a representation supporting an application will not trigger the 7 day notice procedure if the officer recommendation is one of approval.

With the exception of consultations to Town and Parish Councils referred to above, the 7 day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or reenacting that Order) or from any non-statutory consultee.

Where third party representations have been received solely supporting an application the 7 day notice procedure will not be triggered if the officer recommendation is for approval.

Where third party representations have been received solely objecting to an application the 7 day notice procedure will not be triggered if the officer recommendation is for refusal.

The 7 day notice procedure will apply to all applications where there are both objections and support for an application.

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In all cases the representations must be on material planning grounds to be considered under category 8.

9. Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the planning committee. This will not apply to applications to vary or delete conditions under Section 73 of the Town and Country Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended)
10. Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

Definitions

Significant departures are defined as the following in circular 02/09 where the Local Planning Authority wishes to approve the proposal in terms of the following: -

- Development which includes or consists of retail, leisure or office use and which:
 - a. Is to be carried out on land which is edge of centre, out of centre or out of town; and
 - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: and
 - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - I. 5000 square metres or more: or
 - II. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.
- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings, including any buffer zone or its equivalent, and being development to which English Heritage has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:
 - I. Is land of a local authority; or
 - II. Is currently used by an educational institution as a playing field; or
 - III. Has at any time in the 5 years before the application been used by an education institution as a playing field: and
 - IV. Sport England has been consulted and has objected on one or more of the following grounds:

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- a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;
 - b. That the proposed development would result in such a deficiency; or
 - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.
- Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority.

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Annex 3

Comparison Of Member Call in Procedures in North Yorkshire Councils

Comparison of procedures of North Yorkshire Councils for Members to refer planning applications to Committee for determination	
Craven	<p>Any application which the ward councillor for the area where the proposal lies requests to be heard by the committee in writing within 21 days of the publication of the application in the weekly list, identifying the planning reasons for the referral and agreed with the Planning Manager, the Chairman and Vice-Chairman.</p> <p>and</p> <p>Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period, and these representations are contrary to the recommendations of officers, a notice shall be sent to the Chairman and Vice-Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision.</p>
Hambleton	Members of the Council have to request that an application be presented to the Planning Committee within 28 days of the validation of the application
Harrogate	A member has to make representations on sound planning grounds in writing within the 21-day publicity period and that request has to satisfy the Executive Officer Development Management and Building Control, in consultation with the Chair, that it would be appropriate for the application to be determined by the Planning Committee
Richmondshire	Members of the Council have to request that an application be presented to the Planning Committee within 25 days of notification of that application to Members
Ryedale	Any application which the ward councillor for the area where the proposal lies requests in writing within 21 days of the publication of the application in the weekly list that it be heard by the committee, the request also has to give valid material planning reasons.
Scarborough	No provision for members to refer applications to the Committee.
Selby	Any application where a member request in writing within 21 days of the publication of the application in the weekly list that

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	it be heard by the committee, the request also has to give valid material planning reasons.
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