

## Annex 1

	<b>Recommendation</b>	<b>Comments</b>
1	That the use of confidentiality in tendering and contracting for high-risk procurement is reconsidered as a topic for scrutiny within two years of the completion of the restructure of Property Services.	This recommendation, if approved would need to be referred to Scrutiny Management Committee for consideration in accordance with new agreed procedures for registration of new scrutiny topics.
2	The Panel recommends, in order to improve transparency of practice, that the opportunity of the Constitutional Review be taken to achieve consistent standing orders for all Council bodies, to establish conventions for Officer contributions to Committee business, and to review the terms of reference of the <i>Urgency Committee</i> .	Standing Orders and the terms of reference for the Urgency Committee have both been reviewed as part of the review of the Council's Constitution to achieve consistency where possible but recognising the quasi-judicial function of some committees. Officers will keep the operation of Standing Orders under review and propose changes where appropriate to members. The terms of reference for the Urgency Committee now includes a definition of decisions which are considered appropriate for consideration by this committee.
3	The Panel recommends, in relation to the <i>Statement of Community Involvement</i> , that  a) The comments of individuals as well as groups be sought, and reasoned argument analysed  b) Increased 'marketing' of the consultation exercise be undertaken, to improve response rates	The Statement of Community Involvement (SCI) has been finalised and the comments of the panel were considered. a) The SCI relates to both individuals and groups setting the standards of engagement for all  b) With any consultation exercise the Council endeavoured to maximise the response rate. The level and form of consultation reflected the resources available. The document is subject to three stages of

	<p>c) Established representative groups be targeted, but with clear invitations to respond being extended to the widest range of interested parties</p> <p>d) The communication networks of city employers be used, to encourage employees to participate as individuals or groups, at their choice</p> <p>e) The use of independent facilitators be encouraged for consultations on specific schemes</p> <p>f) The public benefit of <i>S106 agreements</i>, both locally and city-wide, be clearly articulated in the presentation of planning decisions</p> <p>g) That the disbursements and outstanding balances of <i>S106 agreements</i> be shown in the financial accounts at the fiscal year end and published in the local press</p>	<p>consultation, when this is considered over five documents it equates to 15 consultations within 3 years.</p> <p>c) Agreed - this has been done</p> <p>d) Agreed – this has been done.</p> <p>e) This has been used on a number of major schemes such as Castle Piccadilly and Hungate but has resource implications that would need to be considered in each case.</p> <p>f) This can be done but must be in the context of commercial sensitivity and would need to take into account the provisions of the Local Government Act 1972 Schedule 12 (as amended).</p> <p>g) In line with the accounting Statement of Recommended Practice these figures are already provided. For 2005/06 they are shown as Developers Contributions at Note 24 to the Consolidate Balance Sheet on page 63 of the annual Statement of Accounts. From these figures it can be shown that:</p> <table data-bbox="1131 1236 1579 1348"> <tr> <td></td> <td style="text-align: right;">£'000s</td> </tr> <tr> <td>Opening Balance</td> <td style="text-align: right;">2,770</td> </tr> <tr> <td>In Year Expenditure</td> <td style="text-align: right;">-2,336</td> </tr> </table>		£'000s	Opening Balance	2,770	In Year Expenditure	-2,336
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	<p>h) The inclusive engagement of the public in the planning process be developed through improved communication by the Council, especially through a <i>'No Surprises' policy</i>.</p>	<p>In Year Income <u>3,273</u> 3,707</p> <p>The Council's Statement of Accounts are considered by Full Council and are available to residents and other stakeholders either in a printed form (for which a small charge is normally levied) or via the council's website. In addition, each year a public notice is placed inviting individuals to inspect the accounts, such queries could include the breakdown of developers contributions which are currently held of have been applied. As such the publication of additional isolated details is not supported at this time.</p> <p>h) Agreed but suggest this is addressed through a review of procedures undertaken for processing planning decisions rather than developing an additional policy.</p>
4	<p>The Panel recommends that, in relation to high-profile planning applications</p> <p>a) The Development Control department publish the criteria for reference, by any party, of such applications to <i>Government Office</i> for determination</p> <p>b) Public education in the planning process be sustained</p>	<p>a) The Secretary of State has the power to call in planning applications. It is entirely within his discretion whether or not an application is called in although there are several categories which are liable. This may make it difficult to produce a definitive criteria.</p> <p>b) Agreed, however this will have HR &amp; Finance resource implications.</p>

	<p>c) The professional role of Development Control officers be carefully explained when formal and informal advice is given to applicants, and when planning committees receive advice</p> <p>d) Members should declare, at Committee, their other relevant Committee memberships</p>	<p>c) Agreed</p> <p>d) Members are required to make declarations of any personal or prejudicial interest at the commencement of any committee meeting. However, membership of another committee does not of itself represent a personal or a prejudicial interest. Such additional declaration could lead to confusion as to the nature of the declaration. Membership of committees is a matter of public record and is now more widely available to the public through the electronic committee management system which publishes this information on the Council's web site.</p>
5	<p>The Panel recommends that, in relation to current developments in the planning system,</p> <p>a) The City of York Council accord to the completion of the <i>Local Development Framework</i> the first priority, in order to achieve the essential robust and stable planning environment for the city</p> <p>b) Local area development plans and management plans should be expected to preclude new proposals arising only from unanticipated funding allocations</p> <p>c) The Executive Member for Resources should not be a</p>	<p>a) Agreed</p> <p>b) "Unexpected" proposals arising out of unanticipated funding allocations will be determined in accordance with the existing planning policy framework.</p> <p>c) Any member of any committee is required to consider</p>

<p>member of any planning committee</p> <p>d) Development in which the Council has an interest should continue to be considered under identical processes to those covering private interests</p> <p>e) The importance attached to design quality should be reinforced by the appointment of an independent professionally qualified <i>Design Champion</i> for York.</p> <p>f) Performance monitoring should include systematic surveys of regular users of the planning system.</p> <p>g) If as a result of the Government's consultation on planning fees, the level of fees is raised, the income from this should be 'ring-fenced' for the processing of</p>	<p>what, if any, declarations need to be made at the commencement of any committee meeting. In addition members must also consider whether there is previous involvement in a matter such that they may be deemed to have "prejudged" the issue. It is therefore dealt with on a case by case basis.</p> <p>Whilst this may be more pertinent for certain members in certain roles eg the Executive Member for Resources in a planning context it applies equally to all members. As such to ensure consistency the Council could not implement this recommendation without undertaking a review of membership of all committees. This may impact on the ability of minority parties to participate in committee decisions.</p> <p>d) Agreed</p> <p>e) Agreed, this has been successfully pursued by other important historic cities such as Edinburgh. If this recommendation is approved it will need to be considered and approved by Full Council</p> <p>f) Agreed this should include plan making as well as development control.</p> <p>g) The Head of Finance advises that the ring fencing of income in this manner should not be supported. While the local development framework is undoubtedly an</p>
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	<p>applications, compliance and enforcement of planning conditions.</p>	<p>important requirement for York, as with any service area its funding needs to be considered and assessed against the other pressures and priorities which the council faces in the short to medium term. Such decisions need to be undertaken as part of the council's annual budget process. It should be noted that at its meeting on 16<sup>th</sup> January 2007 the Executive recommended to council that the 2007/08 to 2009/10 budgets should contain the following additional funding for the local development framework and related works.</p> <table border="0" data-bbox="1131 614 1935 837"> <thead> <tr> <th></th> <th style="text-align: right;">2007/08</th> <th style="text-align: right;">2008/09</th> <th style="text-align: right;">2009/10</th> </tr> <tr> <th></th> <th style="text-align: right;">£'000s</th> <th style="text-align: right;">£'000s</th> <th style="text-align: right;">£'000s</th> </tr> </thead> <tbody> <tr> <td>LDF</td> <td style="text-align: right;">149</td> <td style="text-align: right;">227</td> <td style="text-align: right;">224</td> </tr> <tr> <td>York Central/ British Sugar Sites</td> <td style="text-align: right;"><u>75</u></td> <td style="text-align: right;"><u>105</u></td> <td style="text-align: right;"><u>65</u></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">224</td> <td style="text-align: right;">332</td> <td style="text-align: right;">289</td> </tr> </tbody> </table>		2007/08	2008/09	2009/10		£'000s	£'000s	£'000s	LDF	149	227	224	York Central/ British Sugar Sites	<u>75</u>	<u>105</u>	<u>65</u>	Total	224	332	289
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6	<p>The Panel recommends in relation to presentations</p> <p>a) That the Council's Code of Good Practice for Planning Committee Members be reviewed by Planning Committee (with appropriate input from <i>Standards Committee</i>), as part of the Constitutional Review</p>	<p>a) This was not included in the Review of the Constitution but could be undertaken by Democratic Services in conjunction with planning officers. Standards Committee should be consulted to ensure any amendments to the Code are in line with the Members' Code of Conduct which is also likely to be amended shortly.</p> <p>If this recommendation is approved there will be resource implications for both Democratic Services and</p>																				

	<p>b) That where a presentation is given in support of an application, it should also be open to non-participating observers</p> <p>c) Where the developer has made a presentation to the Planning Committee an opportunity should be afforded to objectors to arrange a comparable presentation by objectors.</p>	<p>City Strategy in terms of allocation of officer time to undertake the review.</p> <p>b) Agreed</p> <p>c) This would be difficult to facilitate given that there is a limited number of applicants who usually have professional representatives whereas there are often a large number of objectors who are rarely represented. The purpose of such presentations is to enable applicants to clarify details of complex applications and it is agreed that recommendation 6 (b) is therefore appropriate. However, if this recommendation is implemented it would create an adversarial approach to such presentations which could become akin to the public inquiry process which is a separate procedure.</p>
7	<p>The Panel recommends, arising from its consideration of the Brief and outcomes at the Rawcliffe Grange site</p> <p>a) That a Development Brief, adopted as Supplementary Planning Guidance, should be required for all sites where development may be undertaken in stages</p> <p>b) That Development Briefs should have the involvement of all relevant officers to ensure that the brief is robust</p>	<p>a) Planning briefs are more generally prepared for all major sites in the City. If Members wish more briefs to be prepared then sufficient resources will be needed to facilitate this work.</p> <p>b) Agreed. A “development team” approach is adopted in preparing planning briefs that involve all relevant officers from the outset through to planning submission</p>

<p>c) That the current (November 2005) definition of ‘<i>pepper-potting</i>’, as described above, should be applied to all developments</p> <p>d) That Supplementary Planning Guidance be developed and adopted as regards energy and water efficiency in new dwellings, to incorporate measures to reduce the use of energy during construction and during the lifetime of the building</p> <p>e) That the Council’s Development Control department define the difference between socio-economic sustainability and energy efficient sustainability, as part of the ‘Sustainable City’ objective as set out in the Council Plan, and publicise the definitions</p> <p>f) That the boundary between any proposed development and existing properties should be considered carefully and developed in such a way as to define responsibilities for maintenance</p>	<p>and beyond.</p> <p>c) Pepper potting is already applied to all substantial developments as included within the CYC Affordable Housing Advice Note, June 2005 and as required with the Affordable Housing Plan.</p> <p>d)We are in the process of producing guidance to support the Local Plan Policy on Sustainable Design and Construction. This will also be covered within the LDP</p> <p>e)This task ought to be undertaken by the Council’s sustainability officer. Any definition should reflect the definition of sustainability set out in PPS 1 and “Securing the Future” the government’s national strategy. This should clarify the different strands (social, economic, environmental and resource efficiency) that make up the definition of sustainable development.</p> <p>f) Agreed – maintenance should be clearly addressed in any development brief. For major sites one key person is responsible for overseeing the process and managing relationships between the developer (s) and the local residents/businesses. This the approach that has been taken to sites such as Germany Beck, Metcalfe Lane and Heslington East. In addition community liaison groups have also been sent up in these cases.</p>
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	<p>g) That the density of new developments should be detailed in the Development Brief, and that such densities should be adhered to. Whilst recognising the requirements of PPG3 all new development should blend in with the surrounding area, rather than meet the requirements of PPG3 and be inappropriate</p> <p>h) That for any development requiring a Development Brief, a Liaison Panel be required. This should detail one key person responsible for overseeing the process and managing relationships between the developer(s) and the local residents/businesses. This person should be nominated by the Director with responsibility for Development Control, and should be independent of the Case Officer</p> <p>i) That the Area Enforcement Officer should be involved in the determination of the various conditions recommended by officers, to ensure enforceability. The Area Enforcement Officer should also be in attendance at relevant planning committee meetings to advise on any modifications or original conditions that members might suggest.</p>	<p>g) A development brief can clearly set minimum densities and in some cases maximum to reflect known constraints but it would be inappropriate to include an exact figure. The density of any development is the product of detail consideration of all the factors relating to urban design. This can only be done at the Master Planning stage.</p> <p>h) Agreed. This is currently nominated through the City Development projects team who co-ordinates a cross directorate project working group and liaises directly with the developer and agents.</p> <p>i) Agreed</p>
8	<p>The Panel recommends that, in the course of the Constitutional Review,</p> <p>a) The availability of the <i>Whistle-blowing</i> Policy of April 2005 should be publicised</p>	<p>a) The Council's whistle blowing policy is to be the subject of further review and will be re-published</p>

	<p>b) There should be a <i>Whistle-blowing</i> Policy specific to members of the public</p> <p>c) There should be specifically designated <i>whistle-blowing</i> advisers to whom the complainant can be addressed. There should be at least one adviser per Directorate</p> <p>d) There should be additional procedures for Elected Members, consistent with the objectives of the Public Interest Disclosure Act 1998</p> <p>e) Such procedures should be cross-referenced to the <i>Whistle-blowing</i> and Complaints procedures.</p> <p>f) The annual report referred to in the <i>Whistle-blowing</i> Policy should be submitted to both Personnel Committee and <i>Standards Committee</i>.</p>	<p>through employee newsletters including reference to its basic content and where the procedure can be accessed.</p> <p>b) This can be considered as part of the further review and this work is now ongoing.</p> <p>c) The current policy includes the names and designation of officers to whom whistle blowing complaints can be made.</p> <p>d) The procedure already applies to Elected Members.</p> <p>e) As part of the review of the Complaints Procedure and the further review of the Whistle blowing procedure consideration can be given to how to cross reference the two procedures but also having regard to the need to ensure that the public have clarity about how to raise any concerns.</p> <p>f) Agreed the Constitution can be amended to require an annual report to Standards Committee and possibly to Audit and Governance Committee.</p>
9	<p>The Panel recommends that</p> <p>a) An approach similar to that of the HR Strategy be</p>	<p>a) The Council has, through the development of its</p>

	<p>adopted by other Directorates in developing their forward plans</p> <p>b) Personnel Committee review the arrangements for officer induction, and for the provision of a staff handbook setting out approved Council-wide policies, additional to material provided by individual directorates.</p>	<p>corporate strategy, identified 13 priorities one of which is to improve leadership at all levels to provide clear, consistent direction to the organisation. The Council champion for this priority will be developing a corporate set of values and behaviours as part of the Delivery and Innovation Plan (DIP) for this priority.</p> <p>b) The employee induction process has been reviewed and includes activity at both Corporate and Directorate levels. Compilation of a staff handbook is on-going as the council's review of HR policies and procedures is being undertaken.</p>
10	<p>The Panel recommends that</p> <p>a) An agreed form of value system on the lines of the key themes of the HR Strategy be adopted by the Corporate Leadership Group, to give coherence to this work</p> <p>b) Progress be reviewed in the course of the <i>Ethical Audit</i>, to be undertaken by the <i>Standards Committee</i> following the completion of the Constitutional Review.</p>	<p>a) See officer response to recommendation 9(a) above.</p> <p>b) Agreed</p>
11	<p>The Panel recommends that the key themes of the HR Strategy be expanded into a Council statement of values, and applied to arrangements concerning the three groups affected by the Council's business - Members, officers and the public. These themes need to be clearly presented and publicised.</p>	<p>The key themes from the HR Strategy provide the guiding principles for the development of the employment framework. The themes identified should be considered in the context of the Council priority identified in the officer response to recommendation 9(a) and incorporated where appropriate into the DIP.</p>

12	The Panel recommends that a future scrutiny be undertaken to examine the transparency of the activity which precedes the formulation of Council policy.	This recommendation if approved would need to be referred to Scrutiny Management Committee for consideration in accordance with new agreed procedures for the registration of new scrutiny topics.
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