

Report to:-

AUDIT COMMITTEE

Date of Meeting:-

13 January 2012

Agenda Item No:-

Public

Title:-

CARLISLE AIRPORT: UPDATE

Report of:-

Assistant Director (Governance)

Report reference:-

GD.06/12

Summary:-

Members will recall that, at the 27 September 2011 meeting of the Audit Committee, members considered a report arising out of the Audit Commission's investigation into a local government elector's objection to the Council's 2009/10 accounts.

Members resolved to adopt the action plan appended to the report and requested update reports to monitor implementation of the same.

This is the first update report.

Recommendation:-

It is recommended that Audit Committee:

- i. notes the steps which have been taken by officers to implement the action plan.
- ii. Indicates when it would next like to receive an update report.

Contact Officer:

Clare Liddle

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20 December 2011

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. INTRODUCTION

- 1.1 At their meeting on 27th September 2011, Members considered a report from the Audit Committee presenting the outcome of an investigation carried out by them. The investigation was carried out following an objection by a local government elector to the Council's 2009/10 accounts under s16 of the Audit Commission Act 1998.
- 1.2 The investigation report had previously been taken to full Council on 13th September who had resolved that the Action Plan appended to the report be approved and that the report be referred to the Audit Committee for further consideration and that the Committee be instructed to monitor the implementation of the recommendations in the action plan.
- 1.3 On 27th September, members of the Audit Committee resolved to accept the recommendations contained within the Action Plan and requested that an update report be brought to the January meeting to monitor implementation of the Action Plan.

2. IMPLEMENTATION OF THE ACTION PLAN

- 2.1 Officers have taken the following action to implement the Action Plan:

Recommendation	Responsibility	Evidence of action to date
1. Strengthen arrangements for safeguarding and demonstrating the integrity and transparency of the regulatory planning process and ensuring it is not unduly influenced by economic development aspirations.	Strategic Director and Assistant Director (Economic Development)	The newly appointed Assistant Director (Economic Development) and Planning Manager have revised the layout of planning reports which now clearly distinguish what is and is not material to the planning decision, and what weight to give to particular issues. Government guidance now makes economic development aspirations more relevant in the planning system, but the reports will advise

		<p>members on this.</p> <p>The Assistant Director (Economic Development) holds regular briefings with members to ensure improved decision making.</p>
<p>2. Ensure that planning applications do not proceed to committee stage until supported by the information that planning officers require to properly report the matter to members. It is preferable for the Council to make the correct decision later rather than the incorrect decision in the right timescale, if an application has to be deferred the reasons should be made public where possible.</p>	<p>Assistant Director (Economic Development) and Planning Manager</p>	<p>The Planning Manager ensures that Schedule B planning applications (ie those without a recommendation) are no longer taken to committee.</p> <p>Reasons for deferral or for an application taking longer than 20 weeks are now entered onto the Acolaid system which forms the front page of the website.</p>
<p>3. Ensure that where legal advice identifies issues requiring resolution, such issues are demonstrably resolved. This may involve seeking further legal advice to confirm the adequacy of actions taken.</p>	<p>Assistant Director (Governance) and Legal Services Manager</p>	<p>Internal and external legal advice is set out clearly in writing and clarified verbally where necessary. The relevant planning officer must advise the legal section if the advice is not to be followed or if there is a query over the extent of the action taken. Further legal advice will be provided at that point.</p>
<p>4. Ensure that reports to Committee are clear on the nature of legal advice obtained and actions taken as a result. Reports to committee should include an audit trail of legal advice given and any action taken in response to legal advice.</p>	<p>Assistant Director (Governance) and Legal Services Manager</p>	<p>Not all legal advice requires inclusion in the relevant report but, when it is included, the solicitor will agree that the same has been properly reflected. Any other legal advice will be properly recorded and documented.</p>

<p>5. Review the existing "Members Planning Code of Good Practice" to ensure it adequately covers the requirements on officers. This will ensure that Planning Officer Reports include a clear recommendation or, exceptionally, clarify why no recommendation has been possible. Consideration should be given to developing an Officers Planning Code of Practice or an amended Officer Code of Conduct for the City Council.</p>	<p>Assistant Director (Economic Development) and Planning Manager</p>	<p>The Royal Town Planning Institute professional code of conduct covers this. All planning officers are required to be members of the RTPI and are therefore bound by the professional code of conduct.</p>
<p>6. Ensure important professional planning judgements receive sufficient attention and are adequately documented on a timely basis.</p>	<p>Assistant Director (Economic Development) and Planning Manager</p>	<p>The format of reports to Development Control Committee has been changed to make them clearer, more informative and to identify key issues.</p>
<p>7. Review the provision of specialised training for members of the Council's Development Control Committee and other committees that fulfil specific statutory roles. Written evidence should be produced to show that Members on all regulatory committees have undertaken training before they take part in the decision making process of regulatory committees.</p>	<p>Assistant Director (Governance)</p>	<p>All members of regulatory committees have to undertake mandatory training before they are permitted to sit on a regulatory committee for the first time. Annual update training is not compulsory but in view of the recommendation will now be compulsory. In addition, members of the Development Control Committee are invited to attend monthly training sessions, which are not mandatory, but records are now kept which will reveal which members regularly fail to attend.</p>
<p>8. Ensure that where independent legal advice is required it is obtained on a timely basis,</p>	<p>Assistant Director (Governance)</p>	<p>Internal legal advice is provided promptly in response to request from clients. Where external</p>

including any requirement for a second opinion.		legal advice is necessary this is obtained as soon as possible and in good time for the meeting. The planning section works in conjunction with the legal section to make sure that any request for legal advice is done in the most timely manner.
9. Avoid tabling important documents in Committee meetings. If, exceptionally, documents cannot be circulated in advance members must take sufficient time to properly read and consider all new information.	Chief Executive and Chairs of Committees	This will be included within the annual chairman's training which is provided. In addition, and in the meantime, the solicitor servicing the meeting will provide this advice.
10. Ensure that decisions only take into account relevant considerations and do not, for example, afford undue weight to the interests of third parties.	Chairs of Committees	This is already part of the annual chairman's training as well as the annual training for members of the committee. The solicitor and planning officer also provide this advice during the meeting.

3. RECOMMENDATION

It is recommended that Audit Committee

- iii. notes the steps which have been taken by officers to implement the action plan.
- iv. Indicates when it would next like to receive an update report.

4. REASONS FOR RECOMMENDATIONS

To ensure that the Council acts upon the recommendations contained within the Audit Commission report.

5. IMPLICATIONS

- Staffing/Resources – Council Officers and Members will have to take ownership of the actions recommended by the Audit Commission.
- Financial – There are no direct financial costs from the reports, however, procedural errors can have such implications for the Council.

- Legal – The recommendations in the Reports, allied to the related Action Plan, serve to reinforce the decision making process within the Council helping to ensure that the authority’s decisions are properly taken, reasonable and take into account relevant matters and disregarding irrelevant ones.
- Corporate – As per the legal comments.
- Risk Management – Proper decision making protects, or reduces the risk of, the Council’s decisions being challenged.
- Equality and Disability – none.
- Environmental – none.
- Crime and Disorder – none.
- Impact on Customers –
Impact assessments

Does the change have an impact on the following?

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?		
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

If you consider there is either no impact or no negative impact, please give reasons:

The recommendations in the Reports do not change any Council policy or service to any of its Customers.

If an equality Impact is necessary, please contact the P&P team.