

**Wiltshire Council**

**Western Area Planning Committee**

**9 February 2011**

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## **Item 5 – Public Participation**

### **Councillor's question**

#### **Questions from Councillor Ernie Clark, Hilperton Division**

In the past, this committee has repeatedly been told by officers that cost awards following planning appeals are borne by the council tax payer. However, I am now advised that the council holds indemnity insurance against such claims. If this is correct, then cost awards at public enquiries are not met from the public purse.

Could the Chairman please advise this committee whether cost awards against Wiltshire Council are met from the public purse or by insurance held to cover such an occurrence.

#### **Response**

The Council's Insurance and Finance officers have confirmed that the Council's insurance policies do not cover claims for costs awards following planning appeals. These costs are charged to the Development Service revenue account and are therefore ultimately met from the public purse.

There is no budgetary provision within the Development Service for cost awards which are essentially viewed as a service overspend which the service is then asked to address by finding comparable savings elsewhere. This puts severe pressure on maintaining service standards and has been a contributory factor, along with the fall in fee income during the economic downturn, for a number of posts in the service not being filled as they fell vacant.

In summary, costs which are awarded because the Planning Inspectorate conclude that unreasonable planning decisions have been made have a direct impact on service provision and are met by efforts to balance the Development Service budget.