

PETERBOROUGH CITY COUNCIL
MINUTES OF COUNCIL MEETING HELD
14 APRIL 2010

The Mayor – Councillor Irene Walsh

Present:

Councillors: Allen, Arculus, Ash, Benton, Burton, Cereste, Collins, Croft, M Dalton, S Dalton, C Day, D Day, S Day, Dobbs, Elsey, Fazal, Fower, Fletcher, JA Fox, JR Fox, Goldspink, Goodwin, Harrington, Hiller, Holdich, Khan, Kreling, Lamb, Lane, Lee, Lowndes, Miners, Morley, Murphy, Nash, Nawaz, Newton, Over, Peach, Rush, Saltmarsh, Sanders, Sandford, Scott, Seaton, Sharp, Swift, Thacker, Todd, Trueman, Walsh, Wilkinson and Winslade.

1. Apologies for Absence

Apologies were received from Councillors Fitzgerald, Hussain and North.

2. Declarations of Interest

Councillor Cereste declared a personal interest in item 7(iii) as Chairman of NHS Peterborough. Councillor Cereste declared that he had received legal advice and that his interest was not prejudicial so he would remain in the Chamber during the item.

Councillor Lamb declared a personal interest in item 7(iii) as a member of NHS Peterborough's Board.

Councillor Fower requested clarification from the Head of Legal Services as to why Councillor Cereste did not need to leave the chamber for item 7(iii) on the agenda as his interest could be appear to be prejudicial. The Head of Legal Services advised that there was no direct financial interest in Councillor Cereste's position and following advice from Standards for England the interest was not deemed prejudicial. The Head of Legal Services advised that further clarification could be provided if Councillors requested it.

3. Minutes of the previous meetings

The minutes of the meeting held 24 February 2010 was agreed and signed by the Mayor as an accurate record.

4. Communications Time

4(i) Mayor's Announcements

The report outlining the Mayor's engagements for the period 21 February 2010 to 2 April 2010 was noted.

4(ii) Leader's Announcements

The Leader made an announcement relating to recent media reports concerning the state of homeless immigrants in Peterborough. The Leader called for all councillors to work together to help promote Peterborough, not to send critical reports to media organisations which had a negative impact on investment and development in the city. The Leader sought to correct some of the information reported including the qualification to be allocated housing and urged councillors not to send incorrect information to media organisations. The Leader advised the Council that officers were working with the Home Office to address the homeless issues that the city faced.

Councillor Swift advised that any information he has sent to media organisations has always been correct and would seek to address this issue raised by Councillor Cereste.

Councillor Fower supported Councillor Cereste's comments but advised that the link between crime and ethnic minority groups was not portrayed positively and the local Member of Parliament also had a role to play with this issue.

Councillor Khan recommended that blaming individuals for the situation with the press reports would not help and that the problems should be addressed as a society and by the whole city.

Councillor Goldspink referred to a specific case regarding housing allocation for a family that was referred to in the report in the Daily Mail article. Councillor Cereste advised that he could share the information he had regarding the family with Cllr Goldspink.

4(iii) Chief Executive's Announcements

There were no announcements from the Chief Executive.

5. Community Involvement Time

5(i) Questions with Notice by Members of the public

Questions were asked in respect of cultural and heritage services in Peterborough and traffic and planning issues in and around Waterloo Road and Alma Road.

5(ii) Questions with notice by Members of the Council relating to ward matters to Cabinet Members and to Committee Chairmen

There were no questions raised.

5(iii) Questions with Notice by Members of the Council to representatives of the Police and Fire Authorities

There were no questions raised.

A summary of all questions and answers raised within agenda items 5(i) are attached at **Appendix A**.

5(iv) Petitions submitted by Members or Residents

Petitions were received from Councillor Seaton from residents of Dry Leys and Edenfield in respect of traffic noise from the parkway; from Councillor Cereste regarding the development of Eye Village; from Councillor Fower opposing the introduction of allotments at The

Paddocks; and from Councillor Sanders in opposition to the growth of Eye village outside its village envelope.

6. Executive Business Time

6(i) Questions with Notice to the Leader and Members of the Executive

Questions were asked in respect of the following:

- The council's sickness policy;
- Grazing of horses on council owned land;
- Encouragement for residents of Peterborough to vote;
- Allocation of parking permits for councillors.

A summary of all questions and answers raised within agenda item 6(i) is attached at **Appendix B**.

6(ii) Questions without Notice on the Record of Executive Decisions

Members received and noted a report summarising:

- Decisions from the Cabinet Meetings held 23 February 2010, 22 March 2010 and 29 March 2010;
- Use of the council's call-in mechanism, which had been invoked three times since the last meeting;
- Special Urgency provision in respect of the Decision to approve the Adult Drug Treatment Plan 2010/11; and Waiver of Call-in provision in respect of the decision to form the Voyager Learning and Co-operative Trust at the Voyager School;
- Cabinet Member Decisions taken during the period 18 February 2010 to 22 March 2010.

Questions were asked about the following:

Opportunity Peterborough Business Plan

Councillor Trueman queried whether a completion date for the Cathedral Square works was available. Councillor Cereste advised Council that all but minor finishing touches would be completed in time for the St. George's Day Parade and work to St. John's Square would be finalised in September this year.

Councillor Sandford queried why there had been such delays in the project in Cathedral Square. Cllr Lee, on a point of order, queried the relevance of the question to the decision taken. Cllr Sandford responded that as Opportunity Peterborough was partly funded by the taxpayer, any delays could cause the cost of the project to increase and queried the affect of this on funding. Councillor Cereste advised that the project was still within budget and would provide financial figures for the works in writing to Councillor Sandford.

Waive of Call-In – Voyager School: Proposal to Acquire a Trust

Councillor Sandford queried that the decision was so urgent that the call-in process was needed as the decision should have gone through scrutiny procedures first. Councillor Holdich responded that due to the elections, the decision had to be taken before the pre-election period commenced and any delay would have seen the decision put back until June or July.

7. Council Business Time

7(i) Executive Recommendations

a) Carbon Management Action Plan (CMAP)

Cabinet, at its meeting of 29 March 2010, was asked to review the Carbon Management Action Plan (CMAP). The CMAP represented the outcome of a ten month programme of work that the City Council had undertaken as part of the Carbon Trust's Local Authority Carbon Management programme. Whilst the Council had undertaken various one-off initiatives previously which had a positive effect on the organisation's overall carbon emissions, this programme ensured initiatives were undertaken in a planned and measured way in order to comply with various schemes the organisation had a legal duty to comply with. Councillor Samantha Dalton moved the recommendation and this was seconded by Councillor Lee.

A debate was held on the report and the main issues raised included:

- Previous targets and projects were not supported or mentioned in the report;
- The good work already undertaken by schools and children to address the issues in the report;
- Transport issues would be included in the forthcoming Master Plan for the city;
- The need to address carbon issues for contractors outside the council;
- The plan showed not just the targets but how the cuts would be achieved.

A vote was taken and it was **RESOLVED** (48 votes in favour, 0 against and 3 abstentions) to:

- Approve the CMAP document whilst committing to support the continuation of the Carbon Management Programme Board and Carbon Management Team.

Councillor Sandford queried the number of Councillors who voted and requested that hands were shown again for those abstaining from the vote. Further counts were taken for those voting against the recommendation and those abstaining. The Head of Legal Services advised Council that there was no obligation to record the actual number of votes and the decision could be made with a clear show of hands.

b) Safer Peterborough Partnership Plan

Cabinet received the refreshed version of the Safer Peterborough Partnership Plan 2010-2011 at its meeting of 29 March 2010. The priorities within the Plan were agreed following a strategic assessment which considered the performance in the previous twelve months and took into account the concerns of the public. A summary document would be published in order to ensure that the priorities and improvement targets contained within the plan could be clearly understood. Councillor Hiller moved the recommendations in the report and this was seconded by Councillor Benton.

A brief debate was held after which a vote was taken and it was **RESOLVED** (37 votes in favour, 0 against and 2 abstentions) to:

- Approve the Safer Peterborough Partnership Plan.

7(ii) Committee Recommendations

None were received.

7(iii) Notices of Motion

1) Motion from Councillor Seaton

Councillor Seaton advised that he wished to withdraw this motion concerning use of the Community Leadership Fund although he still supported the fund and a revision of its use.

2) Motion from Councillor Fower

Councillor Fower moved the following motion:

That this Council agrees that:

In view of the increasing and disastrous budget deficit occurrence within the last few months within the Peterborough Primary Care Trust and in light of the departures of the Trust's Financial Director and Chief Executive in recent weeks, a letter should be sent to the Trust's Board emphasising the view of this Council that the Chairman should resign with immediate effect.

This was seconded by Councillor Sandford.

Following debate, a vote was taken and the Motion was DEFEATED: 3 in favour, 37 against, and 3 abstentions.

7(iv) Reports and Recommendations

a) Scrutiny Issues

Councillor Todd moved the recommendations in the report that Council:

1. Receives the Scrutiny Annual Report for 2009/10;
2. Notes the update on the Scrutiny Big Debate and welcomes the further work that is to be undertaken to investigate the issues raised; and
3. Appoints the Principal Democratic Services Officer as the Council's Statutory Scrutiny Officer and authorises the Solicitor to the Council to update the Constitution accordingly.

This was seconded by Councillor Fletcher.

A brief debate was held in which the following issues were raised:

- Earlier involvement in revenue planning and decisions needed;
- Auditing of environmental achievements needed;
- Developments in the scrutiny of the use of consultants;
- Ensure as many interested groups as possible are invited to the Big Debates;

Following a request from the Mayor, the Head of Legal Services advised that further debate relating to the use of consultants was not appropriate as the debate must relate to the report submitted to Council and relate to Scrutiny actions over the past year; although the report referred to the use of consultants as a topic covered by scrutiny in the past year, the debate must not pre-empt what the committees might consider or do in the year ahead and further work would be undertaken by the task and finish group set up to scrutinise the issue of consultants.

A vote was taken and the recommendations in the report were **APPROVED** (37 in favour, 6 against and 4 abstentions).

b) Governance Issues

The Mayor advised Council of an amendment to the schedule of meeting dates for 2010 / 2011 that the Central and North Neighbourhood Council scheduled for 6 December 2010 would be held on 10 January 2011.

Councillor Cereste moved the recommendations in the report that Council:

A. Programme of Meetings

1. Approves the programme of meetings for 2010/11 and approves, in principle, the draft programme of meetings for 2011/12;

B. Appointments to Standards Committee

2. Approves the allocation of a substitute place for a Parish Council representative on the Standards Committee; and
3. Agrees to delegate to the Solicitor to the Council the power to appoint Parish Council representatives to the Standards Committee.

This was seconded by Councillor Lee.

Council **AGREED** to the recommendations in the report.

Meeting closed at 9.00 p.m.

Mayor.....

Date.....

**SUMMARY OF QUESTIONS AND ANSWERS RAISED UNDER AGENDA ITEM 5 -
COMMUNITY INVOLVEMENT TIME**

5. (i) Questions with Notice by Members of the Public

1. Mr John Shearman asked the Cabinet Member for Environment Capital and Culture:

Following recent reports in the local press regarding the dumbing down of cultural services in the city, could the Cabinet Member for Environment Capital and Culture assure Peterborough residents that he will work with the new Board of the Peterborough Culture and Leisure Trust to preserve the cultural and heritage facilities within Peterborough - such as Flag Fen - and that these facilities will not be used for activities such as car boot sales and sports events which are unrelated to the original purpose of the site?

Cllr Lee responded:

I, like many of you here this evening, care passionately about the future provision of cultural and leisure activities in, and around this City. I rebuke any suggestion that the policy of this Council is one of "dumbing down".

The reason the council is entering into a new arrangement with the Culture and Leisure Trust is to improve the service and experience that will be offered.

I would like to put on record my appreciation for the hard work done by the volunteers at Flag Fen who, like many other volunteers across this City, help provide excellent cultural and leisure activities.

The future of Flag Fen is in the hands of the trustees of Fenland Archaeological Trust. In recent months these trustees have been talking with the City Council and the newly created Cultural and Leisure Trust to explore ways of ensuring the long term survival for this important heritage site.

It is important to recognise that the site currently provides opportunities for more than just the study of archaeology. It is a site where the study of ecology, history and environmental issues takes place. At present the site hosts visits from many children who enjoy the learning opportunities on offer.

I can confirm, that should the Council or the new Cultural and Leisure Trust become more fully involved with the operation of Flag Fen, then the focus of activity will remain on the heritage of the site. There are no plans to undertake sporting activities on a widespread basis.

Mr John Shearman asked the following supplementary question:

Would your response include any future plans for the Key Theatre too?

Councillor Lee responded:

The new Trust will look to improve all culture and leisure facilities across the city. The Key Theatre stands empty and un-used too often and one aim of the Trust will be to increase the use of the theatre.

2. Mr John Shearman asked the Cabinet Member for Neighbourhoods Housing and Community Development:

Can the Cabinet Member for Neighbourhoods, Housing and Community Development explain if the council's planning process that allows the building of religious facilities in residential areas includes proper consideration of the required access to the facility, expected traffic increase, required parking provision, impact on local residents and the design of the road infrastructure in the area? An example of this would be the building of the Mosque in Waterloo Road and the subsequent traffic and parking chaos caused along Alma Road and Waterloo Road and the increased community tension in the nearby area that this is causing.

Cllr Hiller responded:

I can confirm that the Council's planning process fully considers the highway impact of all new development, including impacts on road safety, junction capacity and the provision of car parking. Policy T1 of the Council's adopted Local Plan 2005 seeks to ensure that new development can be accessed by all user groups and that there will be no adverse impact on the local highway network. In accordance with the City's Environment Capital aspiration, the Council supports development in sustainable locations where it will be readily accessible by pedestrians and cyclists and aims to reduce car dependency.

Planning Policy 13 'Transport' sets out Government policy on this issue and similarly aims to reduce the number of journeys taken by car, in the interests of public choice and the environment. It states at paragraph 49 that "*Reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.*" At paragraph 51 it goes on to state that councils should "*not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety*". The Council invests significant financial resources in promoting and providing sustainable travel in the city.

The Mosque in Waterloo Road is located in a central urban location and is readily accessible on foot, by cycle and by public transport. The Council's sustainable transport team works closely with those proposing new development and I have asked that they approach and work with the Mosque to better promote sustainable transport options and identify ways to reduce any adverse impact of this important facility on local residents.

Mr John Shearman asked the following supplementary question:

The Mosque was given planning permission when one end of Alma Road had been blocked off, why did the Council disregard advice that the proposed number of parking spaces was too low – 33 provided instead of a recommended 54? This advice was sent in within the time frame for representations but was not considered.

Councillor Hiller responded:

I am not aware of this but can arrange a meeting with officers to discuss these issues.

5. (ii) Questions with Notice by Members of the Council relating to Ward Matters and to Committee Chairmen

None.

5. (iii) Questions from Members to Representatives of the Police / Fire Authorities

None.

SUMMARY OF QUESTIONS AND ANSWERS RAISED UNDER AGENDA ITEM 6 – EXECUTIVE BUSINESS TIME

6(i) Questions with Notice from Members to the Leader and Members of the Executive

1. Councillor Goldspink asked the Cabinet Member for Strategic Planning, Growth and Human Resources:

Can the Cabinet Member for Strategic Planning, Growth and Human Resources please confirm the Council's approach to the sickness policy should they find that an employee was allegedly unfit for work, but was found to be drawing a salary from another employer and effectively reporting as fit for that job? What would the Council do in these circumstances, and does he agree with the way the policy works?

The Cabinet Member for Strategic Planning, Growth and Human Resources responded:

The scenario as described implies that in reporting fit for another job the employee is being dishonest in claiming to be sick in their council job.

Any such matter would be subject to the council's disciplinary policy and dealt with accordingly. The policy requires that the circumstances of the case would be investigated in detail and a report produced by the investigating officer highlighting any areas of misconduct or gross misconduct for consideration at a full disciplinary hearing.

It is however conceivable that the scenario described could be entirely valid where a council employee is employed in a highly active role and is, say, incapacitated with a broken leg but has sedentary secondary employment. Hence each case would be judged on its merits.

Councillor Goldspink asked the following supplementary question:

If information was available that a Councillor was involved in such actions would you be able to investigate this?

Response:

The Head of Legal Services advised that if there was a breach in the Code of Conduct the matter should be referred through the Standards Committee however the conduct of a Councillor in his or her private employment was not the business of this Council.

2. Councillor John Fox asked the Cabinet Member for Neighbourhoods, Housing and Community Development:

Can the Cabinet Member for Neighbourhoods, Housing and Community Development explain what the council's policy is concerning horses which are left to graze on council owned land? Specifically, are there any charges administered for this and are there any regulations concerning public safety and the tethering and securing of the horses?

The Cabinet Member for Neighbourhoods, Housing and Community Development responded:

No one is permitted to graze horses on Council land with our consent. If a grazing right is granted it must be done through Strategic Property who will determine the conditions that would apply to the lease of the land, including fencing and rent, as was the case some years ago in relation to some land in Newborough.

If there is a particular occurrence that the Councillor is aware of, could he advise officers so that they can investigate this matter in order to determine ownership and therefore any liability for the horse or liability of the land owner?

Councillor Fox asked the following supplementary question:

I have informed officers of occurrences on several occasions and there is an obvious danger to road users too. Can we ensure horses are secured or will we be liable if there is an accident in the future?

The Cabinet Member for Neighbourhoods, Housing and Community Development responded:

Horses generally carry no identification of their ownership but where we suspect they belong to the travelling community we use our informal contacts amongst the travellers to require that they are removed from the area. This responsibility would lie with the department responsible for managing the land but is generally discharged through the Neighbourhoods team and the Council's traveller liaison officer.

3. Cllr Goldspink asked the Leader of the Council:

Can the Leader of the Council explain the Council's measures that have been and are being implemented to encourage people to vote, given the importance of elections this year, and can he confirm his commitment to achieve maximum turnout in elections?

The Leader of the Council responded:

The council is committed to get people to vote. Hundreds of new registrations have been received over the past few weeks and the introduction of Neighbourhood Councils has increased the access residents have to the local democratic process.

As well as fulfilling the statutory duty of the Returning Officer to send out a poll card to every registered elector, we have launched a poster campaign with a headline of "Have your say on the 6th of May!" We have also issued a number of press releases which have been used by local and regional media and we have provided information on the Council's website.

The Elections Team will continue to help and support electoral participation by assisting with public enquiries over the coming weeks and further information will be supplied to the media as polling day approaches.

Councillor Goldspink asked the following supplementary question:

Attendance at Neighbourhood Council meetings that I have attended has not been overly encouraging. Would you be prepared to review measures after this election to see how effective the promotional efforts have been?

The Leader of the Council responded:

Yes and any positive contribution to this would be welcome.

4. Cllr Murphy asked the Cabinet Member for Neighbourhoods, Housing and Community Development:

Can the Cabinet Member for Neighbourhoods, Housing and Community Development confirm that the rules still apply that each Member is entitled to use just one car parking pass at a time, shared between up to four vehicles if necessary, and if he is aware of any variances to that policy?

The Cabinet Member for Neighbourhoods, Housing and Community Development responded:

There is no official policy that dictates only one permit will be issued at a time. It is custom and practice that a single permit is issued and can be utilised for up to 4 known vehicles.