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PETERBOROUGH CITY COUNCIL SUMMONS TO A MEETING

You are hereby summonsed to attend a meeting of the Peterborough City Council, which will be held in the Council Chamber, Town Hall, Peterborough on

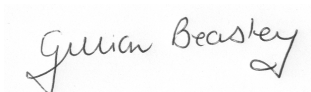
WEDNESDAY 5 DECEMBER 2012 at 7.00 pm

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Chief Executive

27 November
2012
Town Hall
Bridge Street
Peterborough

Emergency Evacuation Procedure – Outside Normal Office Hours

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MINUTES OF COUNCIL MEETING HELD 10 October 2012

The Mayor – Councillor George Simons

Present:

Councillors Allen, Arculus, Ash, Casey, Cereste, Dalton, Davidson, Day, Elsey, Fitzgerald, Fletcher, Forbes, Fower, JA Fox, JR Fox, Goodwin, Harper, Harrington, Hiller, Holdich, Jamil, Johnson, Khan, Knowles, Kreling, Lamb, Lane, Maqbool, Martin, McKean, Miners, Murphy, Nadeem, Nawaz, North, Over, Peach, Rush, Saltmarsh, Sandford, Scott, Seaton, Serluca, Shabbir, Shaheed, Sharp, Shearman, Simons, Stokes, Swift, Sylvester, Thacker, Todd, Thulbourn and Walsh.

1. Apologies for Absence

Apologies for absence were received from Councillors Lee and Sanders.

2. Declarations of Interest

Councillor Marco Cereste declared a disclosable pecuniary interest in item 13 on the agenda, the third notice of motion received from Councillor Sandford in relation to the Energy from Waste Facility. The interest had been disclosed within Councillor Cereste's register of interests and he had been granted a dispensation by the Monitoring Officer to speak on the motion and any subsequent amendment, but not to vote on the motion.

Councillor Matthew Dalton declared an interest in item 13 on the agenda, the third notice of motion received from Councillor Sandford in relation to the Energy from Waste Facility. Councillor Dalton was a Director at JE and VM Dalton Ltd and he had taken the view that it would be neither appropriate to speak nor vote on the item

Councillor Ash declared a personal interest in item 12 on the agenda in relation to the grants to voluntary organisations as he was a trustee on the board of the Citizen's Advice Bureau.

Councillor Murphy declared a personal interest in item 12 on the agenda in relation to the grants to voluntary organisations as he was a Programme Director at Gladstone Connect.

Councillor Kahn declared a personal interest in item 12 on the agenda in relation to the grants to voluntary organisations as he was Chairman of Gladstone Connect.

Councillor John Fox declared a personal interest in item 12 on the agenda in relation to the grants to voluntary organisations as he worked for Peterborough Council of Voluntary Services, a recipient of grant funding.

Councillor Fletcher declared a personal interest in item 12 on the agenda in relation to the grants to voluntary organisations as he was the Chairman of Peterborough Workspace.

Councillor Judy Fox declared a personal interest in item 12 on the agenda in relation to the grants to voluntary organisations, in that she was married to Councillor John Fox.

3. Minutes of the Meetings Held on 11 July 2012

The minutes of the meetings held on 11 July 2012 were agreed and signed as an accurate record subject to the inclusion of a recorded vote list for the motion moved by Councillor Shearman calling for the resignation of the Cabinet Member for Children's Services.

4. Mayors Announcement Report

Members noted the updated report outlining the Mayor's engagements for the period commencing 9 July 2012.

The Mayor addressed the meeting and congratulated the Olympic and Paralympic Champions and outlined the mayoral achievements made so far during the year including the funds raised for the Mayor's charities and the handrails installed on the steps at the back of the Town Hall. The Mayor further outlined forthcoming charity events.

5. Leader's Announcements

There were no announcements from the Leader.

6. Chief Executive's Announcements

There were no announcements from the Chief Executive.

COMMUNITY INVOLVEMENT TIME

7. Questions with Notice by Members of the Public

Seven questions had been raised by members of the public, these were in relation to:

1. The Energy Park, its guaranteed tariff and when a financial benefit would be realised;
2. The Energy Park, how the removal of 3000 acres of farmland could be justified;
3. The Energy Park, how the farming and rural businesses were being supported;
4. The Energy Park, what were the future opportunities for young farmers;
5. The Energy Park, how did the removal of farmland add to Peterborough as a green city?
6. The Energy Park, would there be redundancies or job security for the tenant farmers? and
7. The Energy Park, why should the tenant farmers be penalised for Peterborough City Council being in financial difficulty?

A summary of the question and answers raised within agenda item 7 is attached at **Appendix A** to these minutes.

8. Questions with Notice by Members of the Council Relating to Ward Matters to the Cabinet Members and to Committee Chairmen

Questions relating to Ward matters were raised and taken as read in respect of the following:

1. The action to be taken at Staniland Way following two recent serious accidents; and
2. The condition of the vacant Royal Arms Public House building.

A summary of all questions and answers raised within agenda item 8 are attached at **Appendix A** to these minutes.

9. Questions with Notice by Members of the Council to representatives of the Police and Fire Authorities

One question had been raised to the representatives of the Police Authority:

1. The reasons behind the proposed closure of Werrington Police Station whilst maintaining Bretton Police Station.

A summary of this question and the answer raised within agenda item 9 are attached at **Appendix A** to these minutes.

10. Petitions Submitted by Members or Residents

Councillor Harrington submitted a petition containing 613 signatures, on behalf of the Members of Newborough Landscape Protection Group, against the placing of wind turbines and solar panels on the farm estates.

Councillor Dale McKean submitted two petitions in relation to the building of a skate park within the village of Thorney. The first petition containing 316 signatures had been presented to the Rural North Neighbourhood Council in December 2011 at which time the gentleman who had submitted the petition had been advised that he needed to create a campaign group. The second petition, containing 402 signatures, had been completed over the last six weeks by the newly formed campaign group.

Councillor Murphy submitted two petitions in relation to the proposed care home closures. The first petition, containing 2813 signatures, was in relation to the future of the residential care homes in Peterborough and the need for respite care and a dementia unit. It requested that the Council considered a new build to replace the current provision in the future.

The second petition from Councillor Murphy called for a referendum into the proposals to close Welland House and Greenwood House and to defer the closures until a new building had been established by the city council that provided a home and services for current and future residents and service users and which also included an integrated day service.

Councillor Khan moved that two procedure rules be suspended relating to the time allowed for questions during the Executive Business Time item on the agenda. It was requested that the Council agreed to:

- 1) Suspend the time limit of 20 minutes for questions with notice to the Executive, which could be found at procedure number 14.2;
- 2) Suspend the time limit of 40 minutes for questions without notice on the Record of Executive Decisions which could be found at the procedure rule 14.3.1; and
- 3) In their place, allow a total of 90 minutes for these items to be considered.

The motion was seconded by Councillor Cereste and it was **AGREED** that the time limit for the next two items be extended to 90 minutes.

EXECUTIVE BUSINESS TIME

11. Questions with Notice to the Leader and Members of the Executive

Questions to the Leader and Members of the Executive were raised, with all of the questions, apart from the first, being taken as read in respect of the following:

1. The progress made since January 2012 in relation to the safeguarding of the most vulnerable children;

2. How many PFI agreements the Council had;
3. Arrangements for temporary school accommodation;
4. The level of help and guidance available at the Council for those people experiencing times of trouble;
5. The assistance being given to the market traders; and
6. What was being done to increase road safety awareness particularly within the vicinity of schools?

A summary of all questions and answers raised within agenda item 11 are attached at **Appendix B** to these minutes.

12. Questions without Notice on the Record of Executive Decisions

Members received and noted a report summarising:

1. Decisions taken at the Cabinet Meeting held on 24 September 2012;
2. Use of the Council's call-in mechanism, which had not been invoked since the last meeting;
3. Special Urgency and Waiver of Call-in provision, which had not been invoked since the previous meeting; and
4. Cabinet Member Decisions taken during the period 6 July 2012 to 1 October 2012.

Questions were asked about the following:

Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule (PDCS)

Councillor Sandford requested clarification as to why Cabinet had recently agreed to the new charging schedule, which gave only 5% of the funding from the CIL to Neighbourhood Committees? Councillor Hiller advised that the equation was very complex and he would be happy to send the structure of the payment percentages to Councillor Sandford directly and any other Members who wished to be informed of progress on the Draft Schedule.

Councillor Sandford questioned that under the Council's current Planning Obligations Strategy, Neighbourhood Committees were to be given access and control of 35% of the monies gained. With the imposition of the CIL, this would drop to 5%. How did this fit with the Leader's previous statement that as much of the budget as possible would be delegated to the Neighbourhood Committees? Councillor Cereste responded that the 5% would be exclusively dedicated to the use of Neighbourhood Committees but there would be further monies from other parts of the CIL which would also come to Neighbourhood Committees for determination. Furthermore, Cabinet was of the view that the percentage should be more than 5%.

Councillor Khan stated that the pooling of funds had been previously discussed and if an increase in percentage could be achieved, this would be of benefit to the city. Councillor Cereste responded that the idea of a pool to be spread across all Neighbourhood Committees was still an option and a meeting of all Group Leaders in order to identify the best way forward, and to understand what 5% of the CIL meant in monetary terms, would be of benefit.

Citizen's Panel Survey

Councillor Fower questioned who sat on the Panel, how many people sat on the Panel and how you became a member of the Panel? Councillor Seaton responded that there were 2000 Peterborough citizens who had been independently selected from across the city by an external organisation. The results of the Panel had been positive.

Councillor Fitzgerald sought clarification as to the findings of the Panel in relation to the overall performance of the Council. Councillor Seaton responded that in relation to the financial management of the Council, £120m had been saved in efficiency

improvements over the past years with a 28% cut in government grant and no significant cuts in services.

Councillor Fower stated that he would be interested to see the figures and the costs that were charged to the authority for the exercise undertaken. Councillor Seaton advised that this information could be provided.

Bridge Street Public Realm Improvements

Councillor Sandford queried what public consultation had taken place in respect of the improvements, why 13 mature trees had been removed contrary to the responses of earlier public consultation and furthermore when would the 200 replacement trees be planted and what would be their locations? Councillor Cereste stated that in order to ensure an in-depth response to the questions, an answer would be provided in writing to Councillor Sandford and forwarded to all Members.

Councillor Ash queried whether there was a limit to the number of variations to the improvements that could be submitted, as variations could increase the costs. Councillor Cereste responded that costs were being monitored and the scheme was being kept within budget.

Councillor Fower queried whether the Leader was aware of any variations that were imminent, including the provision of a cycle lane along Bridge Street. Councillor Cereste responded that he was not aware of any variations.

South Bank Phase 1: Carbon Challenge – Energy Solutions

Councillor Ash sought assurance that the site would be a zero carbon site. Councillor Cereste confirmed that the site would be a zero carbon site and would be one of the most, if not the most, efficient in the country.

National BMX 2012 Event – Peterborough City Council Sponsorship

Councillor John Fox queried why the Ward Councillors for the area had not sponsored the event through their Community Leadership Fund (CLF) and why the funding had come out of the main budget? Councillor Cereste stated that he was not aware of whether the Ward Councillors had supported the sponsorship or not. The event was important for the city on a national level and the council wanted to make sure that it took place.

All Saints Primary School – Transfer of Funding for New School to Extend Age Range

Councillor Shearman queried whether the Diocese paid any money towards the new build or whether the Council was the sole provider of the funds? Councillor Holdich stated that he believed the Council to be the sole provider of the funds, but any extras were paid for by the Diocese.

Waste 2020 Programme: Energy from Waste Facility and Other Associated Works and Services

Councillor Ash sought clarification as to the possible inclusion of an anaerobic digester for food waste, and its location. Councillor Seaton stated that he was due to receive a Cabinet Member Decision Notice (CMDN) which would outline where the food waste was to go. Further information would therefore be available to Members within the next seven days.

Councillor Murphy declared that he was a Public Governor of the Cambridge and Peterborough Foundation's Trust.

Councillor Harrington questioned what the tonnage limit was for the waste programme and how this had been set? Councillor Seaton responded that he would put this detail in writing to Councillor Harrington.

Councillor Ash sought clarification that once an anaerobic digester had been built in the city, waste would not be transported to other locations. Councillor Seaton confirmed that the food waste would not be transferring to a company based in Peterborough. In the next week Members would be able to see the decision and Councillor Seaton would be happy to take any further questions on the subject.

Roundabout at Junction 5 and Boongate West Widening Scheme – Contract Award

Councillor Fower queried how much money was spent on alternative modes of transport, such as cycleways? Councillor Hiller stated that he was happy to provide Councillor Fower with the information requested in writing.

Street Lighting Efficiency Project and Street Lighting Column Replacement - Contractor Award

Councillor Khan queried what the criteria were for street lighting replacement? Councillor Hiller responded that it was generally done on the age of the installation and it was not done on a ward by ward basis.

Councillor Khan further questioned when the replacements would start in Central Ward? Councillor Hiller stated that he would provide Councillor Kahn with this information in due course.

Grants to Not for Profit Organisations

Councillor Davidson queried whether the recent reports in the media, which had stated that the funding to the soup kitchen was to be withdrawn, were true? Councillor Seaton responded that although he did not believe the question to be relevant to the decision, he would be happy to look at the query and to respond to Councillor Davidson in writing.

The Legal Officer addressed the meeting and stated that she had received a note from a member of the public Ms Dawn Clipston, who had raised a number of questions earlier. This note stated that Ms Clipston had forwarded questions on behalf of Mr Goodliffe, however there had been some important wording missed off the second question in relation to the solar and wind farm project. The question should have read:

“Regarding the solar and wind farm project, Peterborough City Council is currently trying to address a financial deficit that, as I understand, is not down to the tenant farmers in Borough Fen, nor Morris Fen nor America Farm. Is it not down to bad management and decision making of this local authority in the past?”

It was to be noted in the minutes that the words “in the past” had been missed off and that the question was in no way meant to suggest bad decision making of the local authority at the present.

COUNCIL BUSINESS TIME

13. Notices of Motion

1. Councillor Harrington moved the following motion:

That this Council:

1. Requests that Cabinet reviews and overturns its decision made on 10 July 2012 relating to the use of land on the farm estate for non-agricultural purposes;
2. Requests that Cabinet advises the tenant farmers on the proposed farmland that their tenancies are secure for future years; and

3. Agrees that valuable farmland should be maintained to provide jobs and locally produced food for future generations.

In summary, during his speech Councillor Harrington stated that historically, the local farmers had played an important part in the local farming economy and they had proven to be versatile in comparison to the larger farmers. The retention of the small farmers was crucial, as not only would it mean a loss of their livelihoods, but also a loss of expertise which was much needed in the future of farming. The industry would be diminished leading to an insecure future for the production of food. Council was requested to support the motion, to allow the local farmers to play their part in supporting the local economy by producing the much needed crops which would secure food for the future.

The motion was seconded by Councillor Murphy who reserved his right to speak.

Councillor Sandford moved an amendment to the motion as follows (added words being the underlined text, deleted words being the ~~striketrough~~ text);

That this Council:

1. Recognises that world is facing an urgent crisis caused by accelerating climate change and, that in the UK Climate Change Act requires our Government to meet ambitious and legally binding targets for reducing CO2 emissions;
2. Welcomes the Coalition Government's commitment to generating 15 % of the UK's energy from renewable sources by 2020, which will necessitate a large scale expansion of a range of renewable technologies including wind and solar energy;
3. Welcomes the Leader of the Council's stated ambition to make Peterborough self sufficient in energy production;
4. Recognises that use of agricultural land for renewable energy purposes will involve difficult decisions balancing different priorities relating to energy and food production; and
5. Requests that Cabinet in consultation with the Sustainable Growth and Environment Capital Scrutiny committee reviews and overturns its decision made on 10 July 2012 relating to the use of land on the farm estate for non-agricultural purposes renewable energy purposes, looking in detail at each site proposed and its appropriateness taking into account all relevant factors and seeking to minimise any adverse impacts on those people currently farming the land.
- ~~2. Requests that Cabinet advises the tenant farmers on the proposed farmland that their tenancies are secure for future years; and~~
- ~~3. Agrees that valuable farmland should be maintained to provide jobs and locally produced food for future generations.~~

In moving his amendment, Councillor Sandford outlined the reasons why he was unable to support the motion in its original form. He further stated that there were difficult issues to be addressed in the first instance, including whether the land should be used for food or solar panels/wind farms. Furthermore, those people affected needed to be able to fully air their concerns having not been consulted adequately in the first instance.

The amendment was seconded by Councillor North and he reserved his right to speak.

Members debated the amendment and raised points for and against the amendment including:

- It was regrettable that communications with tenant farmers had not been better;
- The Council must do what was right for the current and future residents of the city. There had been a 28% cut in grant and there was another cut in Government grant due;
- The revenue of £100m over 25 years would contribute towards maintaining frontline services;
- The proposals would significantly reduce the Council's carbon footprint;
- Need to limit the adverse impact upon those farming the land;
- Renewable energy was required, but it should not be located on valuable land currently used for food production;
- There had been distress caused to the farmers and the apparent u-turn made in relation to the amount of land proposed for use had only contributed further to this distress;
- The imposition of wind farms and solar farms was part of a project that would deliver income for the city and make it energy sustainable. It would also enable growth and economic prosperity to be delivered during one of the most difficult times experienced by the country;
- If the proposed installations were not protected, they could be damaged or stolen.

Following debate, Councillor North exercised his right to speak and stated that farming was an extremely important industry for Britain and needed to be protected. However, a balance also needed to be struck between farming and the provision of green energy. The amendment represented a fair and sensible approach to the issue. Bringing revenue into the city was essential and there had been no alternative options put forward as to where the £120m would come from should the proposals not take place.

Councillor Murphy addressed Council and stated that Councillor Sandford should retract his amendment as he was letting residents down and putting the livelihoods of the farmers at risk.

Councillor Harrington exercised his right of reply as the mover of the original motion and in so doing, opposed the amendment.

Following debate, all Members agreed to a recorded vote being taken. Members voted as follows:

Councillors for: Allen, Arculus, Casey, Cereste, Davidson, Day, Eley, Fitzgerald, Fower, Goodwin, Harper, Hiller, Holdich, Kreling, Lamb, Maqbool, McKean, Nadeem, Nawaz, North, Over, Peach, Rush, Sandford, Scott, Seaton, Serluca, Shaheed, Simons, Stokes, Thacker, Todd, Walsh

Councillors against: Ash, Fletcher, Forbes, JR Fox, JA Fox, Harrington, Jamil, Johnson, Khan, Knowles, Lane, Martin, Miners, Murphy, Saltmarsh, Shabbir, Sharp, Shearman, Swift, Sylvester, Thulbourn

The amendment to the motion was **CARRIED** (33 for, 21 against and 1 not voting).

Members debated the substantive motion and raised points including:

- The provision of food was needed above everything else;
- Where would the Police resource come from to patrol the sites?
- The infrastructure for the proposals was inadequate;
- Alternative ideas to involve the farmers, for example in anaerobic digestion, were being explored;
- There were other locations in the city that were more suitable;
- The land had been identified due to grid connection issues;

- Gratitude was expressed to the Leader of the Council for the offer of meeting with the farmers and residents directly affected.

Following debate, a vote was taken on the substantive motion. The motion was **CARRIED** (32 for, 20 against and 2 not voting).

2. Councillor John Fox moved the following motion:

That this Council:

1. Recognises and commends the dedicated work carried out by the volunteers working in our local communities and requests that the Cabinet Introduces a Citizens Award Scheme to formally recognise the contributions made by volunteers within the local communities; and
2. Agrees that the make up of a Citizen's Award Scheme panel, that agrees the nominations, the nature of the award and presentation ceremony, be formed by a representative from each political group along with an equal number of independent members ensuring that it is non-political, transparent and fair.

The motion was seconded by Councillor Swift who reserved his right to speak.

Councillor Walsh addressed the meeting and stated that although she agreed with Councillor John Fox that the work of volunteers should be recognised and commended, implementing a secondary scheme alongside the one already run by the Peterborough Council for Voluntary Service (PCVS) could be counter productive to the Council. A working group had therefore been set up to liaise with PCVS and to offer support to their scheme going forward. Councillor Walsh stated that she therefore wished for Council not to support the motion as an additional scheme was considered unnecessary.

Councillor John Fox exercised his right of reply as the mover of the motion and in so doing stated that he would accept a position on the PCVS Committee but he wished for its work to remain non-party political.

Councillor Walsh assured Councillor Fox that she would take a personal interest in the matter and she encouraged cross party participation.

Councillor John Fox stated that in respect of Councillor Walsh's comments, he was happy to withdraw his motion and this was **AGREED** by Council.

3. Councillor Sandford moved the following motion:

That this Council:

1. Rescinds the decision of this Council on 28 February 2007 to establish an energy from waste facility in Peterborough;
2. Notes that in rescinding that 2007 decision, the recent executive decision to enter into a contract for the provision of an energy from waste facility at Fengate will no longer be in accordance with Council policy;
3. Requests that officers bring a report back to Council to consider all alternative waste treatment technologies available and options for further increasing waste reduction and recycling; and
4. Should have a full and open public debate on those alternatives and their financial costs and environmental impacts before proceeding further with any procurement process.

In summary, during his speech Councillor Sandford stated that there was no certainty as to what emissions would be produced by the waste incinerated at the plant and the amount of emissions had not been definitively stated. Furthermore, the contractor had declared that they would promote recycling but not how this would be achieved. Other local authorities had better solutions which involved extracting much of the waste beforehand, such as metal and plastic etc.

The contractor had also planned to build a plant 30% bigger than originally outlined to take 85,000 tonnes of waste, however the future waste projections for the city only stood at around 69,000 tonnes, did the site therefore need to have such capacity? Councillor Sandford further outlined the health risks around the incinerator and summarised by stating that Council was requested to support the motion to allow for proper public debate and proper public evaluation of all alternatives available including full disclosure of all the financial information.

Councillor Thulbourn seconded the motion and reserved his right to speak.

Members debated the motion and raised points for and against including:

- If the incinerator was not built, large sums would be spent on land tax;
- There would be a local plant dealing with local waste. There would also be some capacity for neighbouring authorities;
- The contents of the black bags should not include recyclables;
- There was no market for certain types of plastics;
- The tonnage proposed was based on growth and having flexibility in terms of seasonal demand and assisting other smaller authorities etc;
- The project was not viable at 38,000 tonnes, as stated by Councillor Sandford;
- There had been no claims that the £87m would be recouped by electricity or heat generation;
- If the plant broke down the Council would not pay any costs;
- A report had been produced back in 2009 outlining alternatives;
- There had been five years to debate the issue and the decision making process had involved all the political groups;
- The permit had been obtained from the Environment Agency;
- The proposal was out of date and there were still health worries; and
- The amount of rubbish needed to be reduced and there needed to be more recycling.

Councillor Holdich proposed to move to the vote, this was seconded by Councillor Scott.

Councillor Sandford exercised his right of reply as the mover of the motion following which a vote was taken. The motion was **DEFEATED** (21 for, 28 against and 6 not voting).

The Legal Officer addressed the meeting and advised that the guillotine had now fallen and all further items would be moved directly to the vote with no further debate.

14. Reports and Recommendations

a) Peterborough City Council Pay Policy

Council received a report which outlined the revised Pay Policy Statement for 2012/13 following the transfer of Adult Social Care Staff on 1 March 2012.

A vote was taken (unanimous) and it was **RESOLVED** to:

Adopt the revised Pay Policy Statement for 2012/13.

b) Budget and Policy Framework – Revised Budget Timetable

Council received a report which outlined a revised budget process and timetable that included commencing budget consultation during January 2013.

A vote was taken (unanimous) and it was **RESOLVED** to:

Approve the revised budget process and timetable that included commencing budget consultation during January 2013.

The Mayor
19.00 – 23.00

FULL COUNCIL 10 OCTOBER 2012

QUESTIONS AND ANSWERS

Questions were received under the following categories:

<u>COMMUNITY INVOLVEMENT TIME</u>	
7.	<u>Questions with notice by members of the public</u>
1.	<p>Question from Kate Wilkinson</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>In the last couple of years the Government has changed tack on their energy tariffs, how can you guarantee that the expenditure on this project can guarantee a safe return of funds giving an estimated profit of £80k to £137k and on which year would this revenue start to be fully appreciated by our city and surrounding villages?</p> <p>Councillor Cereste responded:</p> <p>There are 3 parts to this question:</p> <p>(a) Government attitude to renewable tariffs (b) safe return of funds and (c) when the council will realise revenue.</p> <p>With regards (a), DECC has now laid out a coherent plan towards the digression of incentives which allows the council to forecast, in the business case, what the tariff will be, when and how this ties up with the build out of the proposed sites. Of course we cannot account for reactive changes that DECC may make in the meantime, however, the Council will closely monitor such announcements during the development period.</p> <p>With regard (b), the Council has taken the worst case scenario in developing the business cases for the proposed plants and are confident that prices and costs will come down during the development period. Once the sites are operational, the income generated from incentives is guaranteed by the UK government. No EU government with more mature renewable markets has retrospectively cut tariffs that have been committed to operational plant. The UK is highly unlikely to be the first since it will damage investor confidence in the UK as a whole.</p> <p>With regards (c), the Council will realise the revenue once the sites are operational, currently forecast to be: Solar Farms – between Q1 2014 and Q1 2015 Wind Farms – Q1 2015.</p> <p>Kate Wilkinson asked the following supplementary question:</p> <p>The Government have already done a u-turn denying our farms small and medium term businesses to benefit, like quite a few of our European neighbours. So what reassurances are there that the Government will not do another u-turn on the renewable generation payments in the future? Especially as Owen Paterson mentioned yesterday in the Daily Telegraph that the people for the wind developers should actually be standing on their own two feet instead of asking for money from the state at the time.</p>

	<p>Councillor Cereste responded:</p> <p>The present Government came in and reviewed what the previous Government had put in place and they have now come out with a very clear and precise way forward. There is no reason for us to believe that they will not do what they said they would do.</p>
2.	<p>Question from Dawn Clipston</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>As Portfolio holder for Business Engagement, how can you justify removing 3,000 acres approximately of prime quality arable farmland not only from the Peterborough economy, but by doing so denying established tenant farmers their livelihoods and totally eliminating any prospects of a future that at least six young up and coming farmers have, who have been learning and mastering their dying trade over many years, in readiness for the opportunity to add to the community, and apply for their own tenanted farm in our areas, and by so doing, contribute to the local economy, creating not only food, but employment?</p> <p>Councillor Cereste responded:</p> <p>Only part of the PCC farm land will have to be used to deliver this revenue. Our proposals will result in less than 900 acres being required (less than a third of the total estate). Our intention is to engage directly with those farmers affected in the next month to discuss the scheme and review the options available to them and their families. We are expecting that for many of them there will be farming options available on the estate. In addition, we are also looking at other ideas to involve the farmers in the energy park business e.g. anaerobic digestion plants that will provide revenue to them. This will be part of the long term strategy for the PCC farms.</p> <p>Dawn Clipston asked the following supplementary question:</p> <p>You say that the proposal is now 900 acres, a third of the original proposal, when is that going to be advised to the group as they were not aware of any changes since the Cabinet report submitted in July 2012?</p> <p>Councillor Cereste responded:</p> <p>You are absolutely right and we have been moving this along as fast as we can, because clearly we want to talk to yourselves and the group to make sure that we can deal with any of your questions and any other things that you want to try and understand. I understand that the feasibility study has been completed now and it's only going through the technical phase where they are now trying to analyse whether or not what the feasibility shows is deliverable. The moment that we are clear, and I am expecting literally within the next few days or next couple of weeks, we will engage directly with those farmers affected and we will try and deal both with respect and understanding for what they are trying to do and clearly, where we possibly can we will make sure they get proper compensation and if they want to, the opportunity to continue farming if that is possible.</p>
3.	<p>Question from Dawn Clipston</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p>

	<p>It has been said you encourage worthwhile, sustainable business, and there are many statements where you encourage “new businesses to the city and create new job opportunities”, but what about existing, thriving, established farmers; business people who have contributed enormously over many years and many generations to the local economy and its infrastructure, and the younger generation of farmers who wish to have a worthwhile and sustainable future? Are you not interested in jobs and businesses in the rural areas of Peterborough?</p> <p>Councillor Cereste responded:</p> <p>Yes very interested, in fact we will do whatever we can to maintain the level of jobs and improve on it if we possibly can. But there are various reasons for this scheme; the primary one being able to maintain our Council services across Peterborough and its rural areas. The income that will be created will help support these services/jobs in rural areas and will help to safeguard the ownership of the farm land within PCC. From a strategic perspective, this will allow the farms to be supported for the long term future of the people who farm them.</p> <p>Only part of the PCC farm land will have to be used to deliver this revenue. There are twenty two farms across the estate and we have taken due consideration of them all. Our proposals will result in less than 900 acres being required (less than a third of the total estate). Our intention is to engage directly with those farmers affected in the next month to discuss the scheme and review the options available to them and their families. We are expecting that for many of them there will be farming options available on the estate and in addition, we are also looking at other ideas to involve the farmers in the energy park business.</p> <p>Dawn Clipston asked the following supplementary question:</p> <p>You comment on the farmers, but there is no comment on myself as a private home owner on Willow Drove on the proposed energy park site.</p> <p>Councillor Cereste responded:</p> <p>If you are affected by what we are trying to do then I can give you a guarantee that we will be talking to you about what we can do to help you as well.</p>
4.	<p>Question from Stacey Stringer</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>Councillor Cereste, despite all your passion and determination to ensure you run a city where everyone has a chance to fulfill their potential, where do I and other young farmers who share the same dream of having a tenant farm under PCC fit into this equation with the proposal to remove large amounts of farmland and replace it with energy generating facilities? Have you wasted valuable resources and funding that has been available through PCC for my and other Young Farmers’ educations and have I wasted the past nine years of my life and all of the Newborough Young Farmers Club’s members and supporters’ time and money in encouraging them to keep farming going locally and working towards having a tenant farm through PCC?</p> <p>Councillor North responded:</p> <p>Our proposals will result in less than 900 acres being required (less than a third of the total estate). We are also looking at a variety of ideas to involve the long term farmers in the energy park business e.g. anaerobic digestion plants that will provide revenue to</p>

	<p>them. We have every intention of supporting young farmers, although this has to be done hand in hand with the budgets and constraints which have been placed on the Council. We are engaging with the National Farmers Union and, as our plans formulate, will continue to have open discussions with the farming community in the coming months. This has to be part of the long term strategy for the PCC farms.</p> <p>Stacey Stringer asked the following supplementary question:</p> <p>Lincolnshire County Council and Cambridgeshire County Council are encouraging farmers and young farmers to take on farm tenancies to ensure we are growing valuable food for the country, why is it that Peterborough City Council's ideas are completely the opposite?</p> <p>Councillor North responded:</p> <p>I wouldn't agree that we are totally opposite. We wish to formulate a balance between green energy and the farmers. That's why we intend working closely with the farming community to ensure that the minimum effect will happen to them and we still enable the city to gain the great revenue which will benefit everyone here today and everyone in the city.</p>
5.	<p>Question from Stacey Stringer</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>At present we do not have enough food to feed the UK and currently have a significant carbon footprint, do you think by reducing valuable food growing land in and around Peterborough's villages you are helping to achieve the greener Peterborough that you have been introducing international business leaders to?</p> <p>Councillor North responded:</p> <p>The scheme will reduce the carbon footprint of Peterborough by 57,000 tonnes per year of Co2 and contribute to the well being of the total Peterborough population. We are also under an EU legal obligation to support the UK government in generating renewable energy and reducing our carbon usage. The scheme will support this UK obligation. Yes the scheme will take a small percentage of farming land; however, we will be maintaining the option for food production on the remaining 2000 plus acres of PCC land at this time.</p> <p>Stacey Stringer asked the following supplementary question:</p> <p>900 acres is a substantial amount for an arable farm, we are reducing Co2 as you have said but we are not taking into account the food miles for the valuable land that we are cutting back for food, alongside that, what about the 1000 acres of land in Castor that the Council owns, which hasn't been tenanted by farmers. Why can't that be used?</p> <p>Councillor North responded:</p> <p>I personally have been working with a number of groups, for example Peterborough Environment City Trust (PECT), which is one of the local charities and Peterborough in Transition to lower the food miles because I think it's absolutely right, we should be using local crops locally and I think we will be working together to achieve that wherever possible.</p> <p>Councillor Holdich raised a point of information and stated that the Council owned a very</p>

	small proportion of land in Splash Lane, Castor.
6.	<p>Question from Michael Goodliffe</p> <p>Regarding the solar and wind farm project, is this proposal not making 22 other farmers and myself redundant and as we have been Council farm tenants for a great many years, will we receive redundancy; and I'm looking for reassurances in your response to the fears I and my fellow farmers have on our future, and where you propose we are to live and what employment/career path you intend that we pursue?</p> <p>Councillor Cereste responded:</p> <p>The Council are absolutely clear that they are not seeking to put our farmers out of business. We can advise you that the detailed investigation, into the potential use of 3000 acres, has resulted in a proposed design area of less than 900 acres across the three sites whilst still delivering the power yields quoted in the cabinet paper.</p> <p>You will also know that where we have windmills, you as a young farmer will be able to continue farming around those windmills and we as a Council would have no proposals to ask you to leave that site. The sites where there would be a greater impact would be on the 300 plus acres that would then form part of the solar farms and we would intend to meet with you immediately in the next few weeks so that we can all be clear about your futures and what we can do to ensure that you can continue farming wherever that is possible. Our plans are to engage directly with those farmers affected, and certainly I would expect that to be undertaken within the next month to discuss the scheme and review the options available. Yes you will get compensation and yes we will be generous we will talk to you and we will listen to your needs and your fears and we will try and accommodate them where they are possible and where we can allow to you continue farming, where it is possible for you to continue farming we will make that possible and if there is spare land, which I am told there is, as part of the farm estate we would very much like you to transfer to that spare land. We also would not be looking to make you redundant from your homes, so it is not a given that just because you may lose a piece of land that you cannot farm, if you have a home there it is not a given that you will lose your home either, so that is something that we as a council are very clear about. However we will go into proper detail with those of you affected and I believe there are about eight families as I understand, affected and we will start those negotiations with you very soon.</p> <p>Michael Goodliffe asked the following supplementary question:</p> <p>The proposed plan for 3000 acres has already been cut down to 900 acres is that not just a foot in the door to expand in further years, and even though you have said that farmers will not be put out of a job, you have also said that the solar panels will be on land that is un-farmable so without land to farm, we will not have a business, so that is putting people out of a job.</p> <p>Councillor Cereste responded:</p> <p>We will be working with you to look at alternatives and to see whether we can possibly allow you to continue farming, and if you cannot continue farming on that particular piece of land there is, I understand, other land available within the estate that you may be able to continue farming on. So it would be our objective to allow you to continue to be a farmer and to carry on your chosen trade if it is at all possible.</p>
7.	<p>Question from Michael Goodliffe</p> <p>Regarding the solar and wind farm project, Peterborough City Council is currently trying</p>

to address a financial deficit that, as I understand, is not down to the tenant farmers in Borough Fen, nor Morris Fen nor America Farm. Is it not down to bad management and decision making of this local authority in the past?

Councillor Cereste responded:

We as a local authority have taken £120m out of our costs in the last five years, and you will probably find that we have managed our finances better than any other local authority in this country and don't forget we are now going through one of the worst economic periods this country has known mainly because of the bad management of the previous Government. I am quite happy to accept that this is a very difficult situation and that you passionately feel about what you want to do and I am very happy to accept that this is a very difficult moment for many of you, but I will not stand here and be accused of managing the finances of this authority badly when we can actually show you very clearly and demonstrate that had it not been for good management, we would really be in a mess. This is one of the few towns in this country that is still growing and still thriving and it is because we manage it properly, and we look after the money, that we are able to do. Now I accept that you have a problem and you want me to sort it out and we will do, we will enter into negotiations with you as soon as we possibly can, we will be as generous as we possibly can and we will try and understand exactly where you are coming from to enable you to continue to do what you want to do that that you've been trained to do. you as a young farmer, I applaud what you do, it's fantastic, we need food, we need people like you, but we also need energy and we also need to balance the books and we also need schools. A £120m over five years will build five schools; this is 7,500 pupils for the city which this project will pay for. It is also half a hospital, 18m people per year go to our hospital. Let us get this into perspective, we are not being nasty or horrible, we just want to get it right and do the best by everybody including the farming community.

The Mayor permitted Stacey Stringer to ask a supplementary question on behalf of Michael Goodliffe:

I work for a renewable energy company and the basis of my job is with straw, which is produced with the crops. Based on one heston bale, and you can get up to four heston bales to the acre, an average of 0.67mw can be produced from one of these bales, now to power my house for the first quarter of this year that was one and a half heston bales. Now based on 100 acres, that's 400 bales so that is a lot of energy, what can these turbines produce? What can these solar panels produce, can we not utilise what we are already growing for a power station and provide food and provide these people a livelihood and work with the Council?

Councillor Cereste responded:

I think that's very sensible and I'm pleased to hear that you know what you are talking about. I think there is clearly something to look at when it comes to renewable energy crops. I would have to agree with you and we would all agree that, as you know, Sleaford has just been funded it's the first power station that has been funded in this country to burn straw and clearly it's a really good initiative. In the discussions that we have with you and your co-farmers, we will be happy to look at all of these options even if it does mean that we build the solar panel farms. Those options that you are identifying may be a way by which you can actually get a greater income, get a better return for your investment and for your training and its absolutely right that you should think like that. If we can do something like having a small power station that burns straw over on your sites, where it delivers energy for yourselves and the local village then why not, it's a really good idea but we need to sit down together and talk about it.

8.	<p><u>Questions with notice by Members relating to ward matters To the Cabinet Members and to Committee Chairmen</u></p>
1.	<p>Question from Councillor John Fox</p> <p>To Councillor Hiller, Cabinet Member for Housing, Neighbourhoods and Planning:</p> <p>After the two recent serious road traffic accidents at Staniland Way, Werrington, can the Cabinet Member reassure the residents of Werrington that some positive action will now be taken to alleviate the obvious danger of this Black Spot? We keep hearing of alterations to the junction, but accidents are happening at least three times a week.</p> <p>Councillor Hiller responded:</p> <p>I agree that the design was not well thought out some decades ago when the estate and road network was originally planned. The well documented and desired solution is the conversion of the junction into a roundabout. The developer has now submitted the revised application for this development in Werrington and our Officers are currently checking this for validation. The main changes will cover areas like the retention of the fuel station, loading bays redesign and the revised corporate logo. I'm well aware that a new application doesn't guarantee the start date of the development; I can assure him however that the current planning consent determines this junction will be revised before any proper development takes place and this condition will not be relaxed in any form for any new proposal.</p> <p>What I can also inform him is that in the interim, Officers have submitted a capacity bid to fund the possible modification of the junction layout should the development not proceed. The estimate for a conversion to the roundabout is in the region of 600k - £700k. In the last five years, there have been 22 slight and one serious accident at this junction most are vehicle shunts and as you might expect, the majority are occurring when vehicles exit Staniland Way onto Davids Lane, having criticised the design of the original junction layout, I think it is worth mentioning that according to police reports the vast majority of those accidents were caused by drivers not paying attention, drivers failing to look properly and drivers failing to judge another vehicles path. As an experienced former police officer, Councillor Fox will be aware that however much we improve roads layout and safety, careless driving will still result in traffic accidents. With this firmly in mind, in addition to the modifications to the road markings completed in February this year, Peterborough City Council Officers are consulting on proposals to reduce the existing 40mph speed limit to 30mph. Furthermore they are requesting authorisation from the Department For Transport to erect a bespoke warning sign on the northbound approach to the junction. This would inform drivers of the potentially hazardous junction as they approach it and to take due care when driving through it. I will of course keep Councillor Fox fully informed of all relevant progress during this process.</p> <p>Councillor Fox did not have a supplementary question however he thanked Councillor Hiller for his positive action towards the issue. Councillor Fox further stated that there appeared to be a flaw in the way statistics were handled as there were three to four accidents per week at the junction. If it was a damage only accident it was not recorded, hence a false overview of the black spot.</p>
2.	<p>Question from Councillor Miners</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>When Peterborough City Council Environmental Enforcement Team write to a Brewery regarding the condition of one of its buildings (Royal Arms Public House, Eye Road),</p>

requesting some repairs to the building and removal of graffiti, isn't it normal practice to give the owners 21 days to undertake remedial works from receipt of the letter? If such works are not started/undertaken, then a formal notice is served giving them 7 days to undertake the works. Failure to do so then results in the Council arranging for the works to be undertaken, and a charge for the cost of the works will then be put on the property.

If all this procedure is correct, why is this vacant Public House still a blot on the landscape after many months of complaint?

Councillor Hiller responded:

I'm sure no one in this Chamber tonight will disagree with the sentiment of Councillor Miners question, graffiti is a senseless blight on any area, urban and rural it engenders a sense of disarray and pride where families live and work. Members will remember the repeated roof top daubing that we successfully had removed recently from Cathedral Square and how much better the area now looks without it and our authority's wider area is thankfully free from this moronic activity when compared with many other authorities' areas. DEFRA guidance on removal of graffiti on private premises requires local authorities to make reasonable attempts to work in constructive partnership with property owners to remove graffiti to minimise the need for formal notices.

This particular property is untenanted, and the brewery themselves had told our Officers that they can not afford to remove the graffiti having done so at their own expense before.

In order to get graffiti removed from private property, the council is required initially to give the property owner a reasonable period to do this, not necessarily 21 days. After this reasonable period the Council can serve a defacement removal notice, which must in law give not less than 28 days to undertake the works. After this period the property owner can ask for an extension with a sound reason to justify any increase in time to be allowed.

Where the owner can not or will not fund the graffiti removal works the Council can place a charge on the property recoverable on its sale, or fund the graffiti removal itself. In this particular case, and prior to me receiving this question, officers confirmed to me that they have exhausted all avenues open to them other than placing a charge on the property to enable the removal works to commence, and therefore this is the action I have requested to be taken, I have also asked the officers to keep Ward Councillors updated as the works progress.

Councillor Miners asked the following supplementary question:

Hasn't the delay been caused by officers trying to inform local councillors that they haven't acted because they haven't got the resources to undertake their statutory obligations.

Councillor Hiller responded:

No there is no intimation that I have heard that we can't afford to have graffiti removed. You will understand of course the sheer frustration of our officers when we are dealing with private properties. As far as I am aware breweries run a reasonably profitable business and to suggest they can't afford to do it themselves I think is nonsense. I do fully appreciate Councillor Miners' sentiments and I assure him that our officers are on the case and will indeed be progressing this extremely rapidly.

Questions with notice by Members of the Council to representatives of the Police and Fire Authorities

1. Question from Councillor John Fox

Question to the Council's representatives on the Police Authority:

Could the Police Authority representative please explain to this council the logic of proposing to close Werrington Police Station and maintaining Bretton Police Station, especially as Bretton Police Station is a stone's throw from Thorpe Wood and when the Northern Area and Rural Areas appear to be lacking any true Police presence?

Councillor Khan responded:

Werrington Police Station has not been closed and it is still used daily by officers who work that area. The only difference is that officers no longer 'book on' and 'book off' at this location. Last year, only a very small pool of officers worked out of Werrington. They did not provide a 24 hour service from Werrington. Emergency cover was provided on a 24 hour basis by officers working from Thorpe Wood Police Station. These officers covered the entire city and did not have any specific local ownership of the Northern Area of Peterborough. A review was carried out that recognised we needed to provide a more bespoke, localised service to meet community needs. 41 constables, 21 PCSOs and eight sergeants were given newly defined parameters to provide cover for just the Northern Sector Area of Peterborough. Similar teams are established covering the Eastern and Southern sectors of Peterborough. This has allowed us to build stronger ties and increase visibility across a local area on a 24 hour basis.

In an effort to build continuity of service, ensure there are proper handover of matters and long term problem solving The Constabulary has decided to use three operational bases across the city rather than one large one and a number operated part of the time. The majority of officers and PCSOs patrolling Werrington will now come from Thorpe Wood Police Station. This enables them to come together as a team, share information and be effectively briefed and directed. Working from one location also helps the efficient use of transport, whereby cars and cycles are in constant use and not sat redundant at stations. This change does not reduce officer hours spent in the community, and once briefing is complete officers go to their local areas for the duration of their duty. Should they need to return to a police station during their shift, they will use Werrington or Bretton.

As a result of structural changes there are more local officers spending more time on the same streets working with the same community. Localised policing has increased, and feedback from the public has been positive with local councils and parishioners reporting improved police visibility.

Councillor John Fox asked the following supplementary question:

Are you giving me reassurance that and the residents of Werrington reassurance that Werrington Police Station is not planned for closure in the very near future?

Councillor Khan responded:

That I cannot do, I cannot give assurances that it will not happen, but what I can say is that now the structure has actually changed and we don't know what the outcome of the election is and it really will be depending on the new Police Commissioner who will be making decisions. I am on the Police and Commissioner Panel and I will keep an eye on it and I will do my best to keep Werrington open, but I can't give assurances.

EXECUTIVE BUSINESS TIME

11 Questions with Notice to the Leader and Members of the Executive

1. **Question from Councillor Shearman:**

To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:

Will the Leader of the council join me in congratulating everyone tasked with safeguarding our most vulnerable children on the progress made since January 2012 in overcoming the serious weaknesses in our procedures and practices and does he agree with me that we are clearly moving towards a position where these systemic failures have been consigned to history?

Councillor Cereste responded:

I am grateful for these supportive comments. This has been an extremely challenging time for Children's Services and I would like to personally thank all the officers and Members who have contributed to our progress to date. I am only too aware of the tremendous work our social workers are doing to protect children and to help vulnerable families, often in very difficult circumstances, and they deserve all our support

As you have acknowledged Councillor Shearman, we have made great strides this year to put in place the foundations of an effective service. All the evidence points to the fact that significant progress has been made and all the areas for improvement specified by Ofsted are being addressed. However it would be wrong to be complacent and it is well understood that authorities who have found themselves in this position must accept that securing sustained improvement takes longer than the twelve months that has elapsed since the last inspection.

I am, therefore, determined that we continue the same pace of progress and remain absolutely focussed on delivering lasting improvements in Children's social care. What we can be assured of is the commitment and dedication of the workforce and their managers to ensure that progress moves steadily and safely in the right direction.

Councillor Shearman asked the following supplementary question:

Would you agree with me Councillor Cereste that when we debated the no confidence motion on 11 July it was very much on the basis of ignorance as to whether any child had been harmed as a result of the shortcomings in the department and I personally accept Mr Newsam's assertion that even if all the procedures and processes had been effective it is doubtful whether Tyler Whelan could have been protected but now that a mother has been jailed for three years for, in the words of Judge Enwright "a shocking case of child neglect", I feel justified in drawing back from my undertaking to support the Cabinet Member that I offered at the end of the debate last time. Councillor Cereste, in July you stressed the need for continuity in the department, we now have that following the appointment of Sue Westcott as Director of Children's Services, supported by two excellent deputies and a third on the way. Is it not time Councillor Cereste that you offered Mrs Westcott and her team a completely fresh start and demonstrated your leadership is based on backbone and not bluster and consign the Cabinet Member also to history?

	<p>Councillor Cereste responded:</p> <p>I have already answered this question on a number of occasions from Councillor Shearman.</p>
2.	<p>Question from Councillor Miners:</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>Could the Leader please inform the people of Peterborough how many 'Private Finance Initiatives' (PFI) this Local Authority is committed to locally, or has a partial involvement in?</p> <p>Councillor Holdich responded:</p> <p>There is currently a single PFI agreement in place which commenced in 2007 covering the three schools which were either rebuilt or refurbished in phase 1 of the secondary school review and they are Ken Stimpson Community School, Jack Hunt and Voyager Academy.</p> <p>Councillor Miners asked the following supplementary question:</p> <p>Could the Cabinet Member please inform us of our present PFI interest rates and are they above or below the public borrowing rates for PFI?</p> <p>Councillor Holdich responded:</p> <p>I will advise Councillor Miners outside the meeting of this.</p>
3.	<p>Question from Councillor Shearman:</p> <p>To Councillor Holdich, Cabinet member for Education, Skills and University:</p> <p>Will the cabinet member for schools confirm it is the Council's policy to ensure that as far as is possible school students are taught in permanent accommodation?</p> <p>Councillor Holdich responded:</p> <p>We are doing everything possible to make appropriate provision for the growing population in our City. Over the past four years we have created 289 additional reception year places. It is always our preferred option to have pupils in permanent accommodation and we have already completed numerous extension schemes creating additional accommodation where mobiles were previously sited. However, where need is short term only and in cases where we can only create temporary bulge year classes, it is the most cost effective solution to provide mobile classrooms. The quality of the mobiles is high, in some cases better than existing permanent accommodation.</p> <p>Councillor Shearman asked the following supplementary question:</p> <p>Would you like to comment now whether the delay in building work at the school, which I understand has caused this situation is a result of sensitive information relating to the local authority's purchase of a nearby private dwelling being announced prematurely in the Park Ward Conservative's ward newsletter?</p> <p>Councillor Holdich responded:</p> <p>There is also a mobile classroom at All Saints as well whilst the development of that</p>

	<p>school takes place and as far as the delay on Queens Drive School goes, he does actually have a written reply by email on his computer tonight.</p> <p>Councillor Holdich stated that Councillor Shearman had received an email from Mr Jonathan Lewis in response to a number of questions asked and Councillor Shearman could, if he was happy to, forward the response to Members directly.</p>
4.	<p>Question from Councillor Ash:</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>In its September 20-26th Edition, the Peterborough Telegraph included in a news piece on child care various quotes from the council including “Lessons have been learned” and “under immense pressure”. Of course none of us here would condone abuse or mistreatment of any kind and ultimately individuals must take full responsibility for their actions. However, would the Leader agree that people should be able to come to the council for advice and guidance when in times of trouble and that officers should have the necessary experience, knowledge and qualifications to be able to address these needs without being put under unnecessary levels of pressure where, as acknowledged in the newspaper article, mistakes may creep in?</p> <p>Councillor Scott responded:</p> <p>The case you refer to occurred last year and we are now in a very different position. Since then fundamental changes have been introduced and the department has made rapid improvements as has been acknowledged previously this evening. In the past year we have addressed the pressures and demands on staff. A new leadership and management structure is in place, all of whom have vast experience in children’s social care, we have recruited an additional 25 social workers and an improved computerised recording system helps managers check the quality and timeliness of work completed. These changes have ensured that our social workers now have manageable workloads and are able to respond more appropriately when families cause concern. All of this was also reported in the article you refer to.</p> <p>Councillor Ash asked the following supplementary question:</p> <p>I thank the Cabinet Member for her response but it only answered in part what I asked and that was do people know where to go when they do have problems, when they do need advice and the question was also referring to the levels of social care for all ages, so it wasn’t just for children but I need assurances from the Cabinet Member that people will know where to go for help for people that are vulnerable at any age, particularly older people, who do need care in the home.</p> <p>Councillor Scott responded:</p> <p>I can’t respond with regard directly to older people, but I would like to say that a key to the progress that the department has made is improving our arrangements with a wide range of partners including the police, schools and many others and so we hope that through people’s understanding of the work of social care and also with younger children, with schools, that parents or other people wouldn’t just come to social care, they might well go to many of our partners as well. It is the improving relationships that we have with our partners that has meant we are able to respond better and have better practice around the reporting of incidents than we had before. With regard to adult care I believe they have been through a similar experience only sometime before us and they have also significantly improved relationships with partners who may be the people that raise safeguarding issues in the first place.</p>

5. **Question from Councillor Jamil:**

To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:

Will the Leader of the Council please advise what steps are being taken by the authority to help stall holders at Peterborough market as over the last few years they have seen significant increases in rent and rates but little has been done to improve the condition of the market or to help those who have businesses there?

Councillor Goodwin responded:

There has been no increase in rent charges by Peterborough City Council to existing Market Traders since April 2007. Existing traders pay £90.50 per week. New traders from August 2012 pay £100.00 per week.

The Council takes every opportunity to promote the market's events and theme days through the Council's media team. In addition, all visitor coaches to the city will now drop off and pick up passengers in Midgate immediately opposite the market, hopefully encouraging more visitors.

This Christmas, to attract people to the market around the Christmas period, the Council is extending the City Centre Christmas lighting to the market also.

New City centre location signs and maps are to be placed strategically across the city centre early next year. The market will obviously be included in this and will hopefully encourage an increased footfall.

In March 2011 the authority invested £100,000 in re invigorating the market premises and will continue to be committed to investigating a number of options with regards to promoting the visitor experience.

Councillor Cereste, Gillian Beasley the Chief Executive, trader representatives and officers involved in the market, recently visited a very successful market in Newham East London and have gathered some valuable information and ideas about how to make markets successful. A meeting has now been arranged with representatives from the Market Federations and following that with the Friends of the Market to explore new ideas to make our market more successful.

Councillor Jamil asked the following supplementary question:

The market traders feel that they are being left out. According to them they feel that Peterborough City Council is talking about everything new that is happening and they are forgetting those people who have been there for 20, 30 or 40 years and some of the assurances that have been given this evening to the farmers were assurances that were given to them, but they say things like they used to have a manager who they could go to and complain to and get things done, but they don't want to be left out now. They feel that they want to be part of the growth of Peterborough again and they don't want to be left alone, so I just want assurances that they will be taken as seriously as if they were Hampton or Queensgate or any other new shopping centre that's opening up.

Councillor Goodwin responded:

I think one of the main points is that Peterborough City Council, especially the Leader and the Chief Executive, meet with the Chair of the Traders Committee monthly and I gather from him that he is very pleased with the working relationship that he now has with

	Peterborough City Council and he's very happy with the way that we are moving forward in trying to support the market traders.
6.	<p>Question from Councillor Ash:</p> <p>To Councillor Walsh, Cabinet Member for Community Cohesion and Safety:</p> <p>I am sure that the Cabinet Member for Community Cohesion and Safety would agree that parking on the pavement and blocking the way for pedestrians can cause a danger, particularly in the vicinity of schools when children are being dropped off and collected as many drivers seem to show a disregard for road safety and parking restrictions. Also, I have noticed that in the vicinity of a large secondary school children were walking on and off pavements quite deliberately and wandering into busy roads showing a clear disregard or respect for other road users. Therefore, would the Cabinet Member agree that everything should be done to help make people more aware of the need for their own safety and show more consideration to all road users by working with all council departments and safety organisations as well as large employers, including schools, to press home the point that there is a greater need to be more aware of others on our roads?</p> <p>Councillor Walsh responded:</p> <p>Road Safety is a key priority for the Safer Peterborough Partnership and Peterborough City Council remains one of the major partners in the Cambridgeshire and Peterborough Road Safety Partnership.</p> <p>A Peterborough road safety task and finish plan is delivered each year working with various partners and organisations tackling key road safety issues. In the coming months messages being promoted include seatbelt safety, be safe be seen, winter driving and drink driving.</p> <p>Part of the plan also includes a comprehensive road safety education programme which is offered free of charge to all secondary schools across Peterborough. Education and training activities are also available for primary schools. I will ask officers to share details of this plan with Councillor Ash.</p> <p>A new campaign focussing on inconsiderate parking outside schools launched on 8th October and I'm pleased to say that work will take place at a school in my own ward and I'm looking forward to seeing the problems being tackled there. Banners are available for schools to erect, leaflets will be distributed to all parents and enforcement activities will take place in the areas affected. This is the first phase of the campaign and as the schools take part activities will also be planned to encourage sustainable travel to school. Mr Mayor, with your indulgence as I believe safeguarding our children is so important; I have brought a visual aid with me this evening if you would allow me to show this.</p> <p><i>A banner was displayed to the Chamber.</i></p> <p>Thank you Mr Mayor, I did think it was important to display how we are taking safeguarding of children as very important, with regards to different languages, I would like to point out we have proposed in our ESOL delivery board meeting tomorrow we discuss translating this very material.</p> <p>Councillor Ash asked the following supplementary question:</p> <p>Very informative and I hope the campaign works. If however it doesn't work and the way some people carry on, will that be followed through by firm enforcement and also I'm just</p>

a little bit worried about the way that youngsters walk from schools and I wonder whether that message could be go home to the children themselves. The final part is really with employers, I notice with a lot of delivery drivers now they seem to park wherever they will and other road users park on the pavement thinking it's in order, so I'm hoping the Cabinet Member is able to address those issues.

Councillor Walsh responded:

This is not instead of enforcement, this is together with enforcement. Our camera will be deployed to various locations where we feel that is required in addition there will be an educational programme taking place at the school which will give the very type of advice that Councillor Ash is referring to. We have taken this very seriously.

Councillor Shearman wished for it to be noted in the minutes that thanks were to be extended to Mr Daynes, Senior Governance Officer, for helping to present the banner to the Chamber.

COUNCIL	AGENDA ITEM No. 4
5 DECEMBER 2012	PUBLIC REPORT

MAYOR'S ANNOUNCEMENTS

1. PURPOSE OF REPORT: FOR INFORMATION

This report is a brief summary of the Mayor's activities on the Council's behalf during the last meetings cycle, together with relevant matters for information.

(Events marked with * denotes events attended by the Deputy Mayor on the Mayor's behalf).

2. ACTIVITIES AND INFORMATION – From 2 October to 18 November 2012

Attending	Event	Venue
Mayor and Mayoress	20th Anniversary Steve Woolley Court	Steve Woolley Court
Mayor and Mayoress	The Lindens Tea Dance	The Lindens
Mayor and Mayoress	Open Day at The Beeches Independent Special School	The Beeches
Mayor and Mayoress	Departmental visit to Strategic Resources with Chief Executive	Strategic Resources
Mayor, Mayoress, Deputy Mayor	Opening of Bridge Fair and Annual Sausage Supper	Town Hall and Embankment
Mayor and Mayoress	Memorial to Cambridgeshire Regt. and Royal Anglians	Whittlesey Market Place and afterwards at the United Reform Church
Mayor and Mayoress	Cambridgeshire Young People of the Year Awards 2012	Ely Cathedral
Mayor and Mayoress	Pappa Lugli to present cheque to the Mayor's Charities from money raised at the Italian Festival	The Parlour
Mayor and Mayoress	Time Capsule burial and Afternoon Tea	Bevishall
Mayor and Mayoress	Peterborough Lions Quiz Sales	Morrison's Superstore
Mayor and Mayoress	Baker Perkins Historical Society Reunion	Parkway Club
Mayor and Mayoress	Official Opening Battlefield Live Peterborough	Oak Barn
Mayor and Mayoress	Charity Choral Concert with Chepstow Male Voice Choir	Peterborough Cathedral
Mayor and Mayoress	The High Sheriff of Cambridgeshire Lunch and Justice Service	Ely Cathedral
Mayor and Mayoress	Chairman of Huntingdonshire Charity Dinner	The George Hotel
Mayor and Mayoress	Netherton Friendship Club to visit	The Parlour and Council Chamber
Mayor and Mayoress	Tops in Blue USAF Show	Hangar 92 RAF Molesworth
Mayor, Mayoress and Deputy Mayor	Full Council Preparation Meeting	The Parlour
Mayor and Mayoress	Council Meeting Preparation	The Parlour
Mayor and Mayoress	Full Council Meeting	Council Chamber
Mayor and Mayoress	Peterborough schools Green Flag Event	Reception Room

Attending	Event	Venue
Mayor, Mayoress and Deputy Mayor	Charity Committee meeting	Forli Room
Mayor and Mayoress	Civic reception for the Ugandan High Commissioner : 40th anniversary of Ugandan's moving to Peterborough	Reception Room
Mayor and Mayoress	Cambridgeshire Conker and Snail Racing Championship Charity Family Fun Day	The Bull Public House
Mayor and Mayoress	Brass Band Concert	The Salvation Army
Mayor and Mayoress	Perkins Great Eastern Run VIP	Hospitality Marquee, Finish Area of the race on The Embankment
Mayor and Mayoress	Lunch and Suffolk Harvest Festival	St Edmundsbury Cathedral
Mayor and Mayoress	Meet with Alan Norris band leader to discuss music requirements for the Mayors Ball	The Parlour
Mayor, Mayoress and Deputy Mayor	Charity Coffee Morning	Reception Room
Mayor and Mayoress	Business Focus 2012	Peterborough Arena
Mayor and Mayoress	The VIP opening of M&S at Brotherhood Shopping Park	Brotherhood Shopping Park
Mayor and Mayoress	Departmental visit to Children's Services with Chief Executive	Bayard Place
Mayor and Mayoress	Mayor of Stamford's Charity Ball	New College Stamford
Deputy Mayor and Deputy Mayoress	Autumn Festival / Durga Puja 2012	Longthorpe Village Hall
Mayor and Mayoress	Afternoon Tea for the Disability Forum	The Reception Room
Mayor and Mayoress	Autumn Dinner, Royal Society of Saint George (Huntingdon Branch)	The Marriott Hotel
Deputy Mayor and Deputy Mayoress	Celebrations of the Festival of Navratri	The Cressett
Mayor and Mayoress	City of Peterborough Symphony Orchestra Concert	The Voyager Academy
Deputy Mayor and Deputy Mayoress	Mayor of March – Civic Service	St Peter's Church
Mayor and Mayoress	Autumn Festival / Durga Puja 2012	Longthorpe Village Hall
Mayor and Mayoress	A Concert of World and Modern songs by Woven Chords Community Choir and Vokaal Kabaal Choir	Peterborough Cathedral
Deputy Mayor	Citizenship Ceremony	Council Chamber
Mayor and Mayoress	Opening of the Extension and Refurbishment of the Beeches Primary School	The Beeches Primary School
Deputy Mayor	Hajj Assembly and Events ceremony	Iqra Academy
Mayor and Mayoress	Paralympics - Aiming for the games	Reception Room, Town Hall
Mayor and Mayoress	East Angles - Parkway Dream Workshop	Chauffeur's Cottage
Mayor, Mayoress and Deputy Mayor	Charity Committee meeting	Forli Room
Mayor and Mayoress	Launch of Peterborough and District Cilex Branch	Buckles Solicitors
Mayor and Mayoress	Meeting with Rev'd Gill regarding the Mayor's Civic Service	The Parlour
Mayor and Mayoress	Mayor of Bourne Charity Dinner and Dance	Oasis Restaurant
Deputy Mayor and Deputy Mayoress	Grantham Mayor's Charity Quiz Night	The Refectory, Grantham College

Attending	Event	Venue
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	The Mayor's Charities Race Night	PSL
Mayor and Mayoress	The Royal British Legion - Peterborough Branch Remembrance and Rededication Services followed by afternoon Tea	St Mary's Church
Deputy Mayor and Deputy Mayoress	Mayor of Whittlesey's Civic Service	St Andrews Church
Mayor and Mayoress	Poppy launch 2012	Poppy caravan outside Town Hall
Mayor and Mayoress	Judging of interschool Poppy wreath competition	Home of Chair of Royal British Legion Women's Section
Deputy Mayor and Deputy Mayoress	Wood Green Animal Shelter Annual Reception	The House of Commons
Mayor and Mayoress	Prince's Trust Community Project visit	Manor Farm Community Centre
Mayor and Mayoress	Departmental visit to Serco with Chief Executive	Manor Drive
Mayor and Mayoress	Andronicas Ceramic Studio 1st Birthday	Peterborough Garden Park
Mayor and Mayoress	Meeting with Simon Stabler - Poet Laureate 2012	The Parlour
Mayor and Mayoress	Grand Opening of Triangle Supermarket	1253 Bourges Blvd
Mayor and Mayoress	Wonderful Woman of Peterborough	Mallards Jewellers
Mayor and Mayoress	Firework Fiesta	Peterborough Arena, Showground
Deputy Mayor and Deputy Mayoress	Bushfield Rollers Cheque Presentation	Bushfield Leisure Centre
Mayor and Mayoress	Ice Hockey Event (Mayor of Huntingdon)	Planet Ice
Mayor and Mayoress	Departmental visit to Commercial Operations with Chief Executive	
Mayor and Mayoress	Peterborough Gang Show	Key Theatre
Deputy Mayor and Deputy Mayoress	Peterborough Art Society Annual Exhibition	St John's Church
Mayor and Mayoress	Photoshoot for the Mayor's Motorcycle Ride Christmas Charity Appeal	Outside the Town Hall
Mayor and Mayoress	Paralympian Celebration	Embankment Sports & Athletics Arena
Mayor and Mayoress	The Mayor of Wisbech "At Home"	Wisbech Institute and Social Club
Mayor and Mayoress	Official launch of The Aragon Suite	Park Inn
Mayor and Mayoress	Run through with the Mayor's Attendant the parade to be held on 9 November	Cathedral Square
Mayor and Mayoress	Run through with the Mayor's Attendant Remembrance Sunday	Cathedral
Mayor, Mayoress and Deputy Mayor	Charity Committee	The Parlour
Mayor, Mayoress and Deputy Mayor	Homecoming Parade of the 1st Battalion of the Royal Anglian Regiment	Cathedral Square and the Town Hall
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Mayor's Charity Masquerade Ball	The Fleet
Mayor and Mayoress	Peterborough Opera - double bill "Gianni Schicchi" and "Cavalleria Rusticana"	Stamford Corn Exchange
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Remembrance Sunday	The Cathedral
Mayor and Mayoress	Veterans Day Memorial Service	Madingley Cemetery
Mayor and Mayoress	VIP Christmas Shopping Event	Art in the Heart
Deputy Mayor	Peterborough Station improvements	Peterborough station

Attending	Event	Venue
Mayor and Mayoress	Christmas Tree 'Topping Off'	Cathedral Square
Mayor and Mayoress	Service for Jimmy the Donkey	Central Park
Mayor and Mayoress	Wednesday PHAB Club - 1st birthday party	Kingfisher Centre Bretton
Mayor and Mayoress	Cheque presentation from the Triangle Supermarket to the Mayor's Charities	The Cabinet Office
Deputy Mayor and Deputy Mayoress	Private View of Snapback photographic exhibition	Chauffeurs Cottage
Mayor and Mayoress	Peterborough Young Referees Evening	The Fleet ICA Complex
Deputy Mayor and Deputy Mayoress	The Beehive Official Launch	The Beehive Community Centre
Mayor and Mayoress	Peterborough Rotary Club Charter Evening	The Bull Hotel
Mayor and Mayoress	Christmas Lights Switch On and Reception	Cathedral Square. Then Town Hall for Reception
Deputy Mayor and Deputy Mayoress	The Peterborough School's performance of The Wizard of Oz	The Peterborough School
Mayor and Mayoress	Rudolf Fund Xmas Party	The Executive Suite, PUFC

3. BACK GROUND DOCUMENTS (IN ACCORDANCE WITH THE ACCESS TO INFORMATION ACT 1985)

None.

4. DIRECTOR RESPONSIBLE

Chief Executive.

COUNCIL	AGENDA ITEM No. 12
5 DECEMBER 2012	PUBLIC REPORT

**EXECUTIVE REPORT – FOR INFORMATION
RECORD OF EXECUTIVE DECISIONS**

1. DECISIONS FROM CABINET MEETING ON 5 NOVEMBER 2012

**OLDER PEOPLE'S ACCOMMODATION STRATEGY - 2012: CONSULTATION REPORT
ON THE PROPOSAL TO CLOSE GREENWOOD HOUSE AND WELLAND HOUSE**

Cabinet received a report following the conclusion of the consultation on the proposal to close Greenwood House and Welland House and the release of Commissioning Intentions in relation to Peterborough City Council's Older People's Accommodation Strategy, seeking its approval for the closure of the two care homes, Greenwood House and Welland House, and commissioning plans. Cabinet further received and considered recommendations from the Scrutiny Commission for Health Issues held on 1 November 2012.

Cabinet considered the report and recommendations from the Scrutiny Commission and **RESOLVED** to:

1. Approve the closure of Greenwood House and Welland House care homes and that all current permanent residents are provided with suitable and appropriate offers of alternative accommodation that meets their assessed needs and choice at no additional cost to the resident;
2. Affirm that there should be no loss of access to day care, respite or interim care for current service users as a result of these closures;
3. Endorse the commissioning plans to secure:
 - a) alternative interim care beds in the independent sector;
 - b) replacement respite care facilities; and
 - c) interim and long term day facilities including a dementia resource centre.
 The respite care and day care should not be on an interim basis and permanent contracts should, wherever possible, be in place before the closure of the homes to avoid moving the clients more than once;
4. Receive a report from the Cabinet Member for Adult Social Care on: a) progress with closure; and b) progress with commissioning plans for replacement services in March 2013;
5. Agree that where permanent residents are moved to alternative accommodation in the private sector an audit of the new accommodation takes place on a quarterly basis during the first year and then on an annual basis. The audit reports to be presented to the Scrutiny Commission for Health Issues with the quarterly Adult Social Care performance report;
6. Retain key staff for a suitable period of time after the closure to ensure the safe resettlement of residents into their new homes; and

7. Continued as established practice the good practice undertaken during this consultation and agreed that a review was undertaken of all older people who are currently in receipt of respite care and day care under Adult Social Care.

DEVELOPMENT OF GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) PANELS (SOLAR FARMS) AND WIND TURBINES

Cabinet received a report seeking its approval to move to public consultation and final preparation stage culminating in the submission of planning applications for solar farms at the three sites in the farms estate. The development of wind turbines and possibly other technologies would be reported back to Cabinet at a later date, probably in or around October 2013 before progressing to the planning application stage in 2013. Therefore, this report did not detail any potential proposals for wind turbines, and made recommendations solely in relation to solar farms. Cabinet further received and considered recommendations from the Joint Meeting of the Sustainable Growth & Environment Capital Scrutiny Committee and Scrutiny Commission for Rural Communities held on Friday 2 November.

Cabinet considered the report and **RESOLVED** to:

1. Note the updated strategy for the development of renewable energy parks at each of the three council owned agricultural sites (America Farm, Morris Fen and Newborough farms) since the report to Cabinet dated 10 July 2012, in respect of ground mounted solar photovoltaic panels and wind turbines;
2. Approve the proposal to submit planning applications in respect of development of ground mounted solar photovoltaic panels;
3. Note that subject to planning permission being received for ground mounted solar photovoltaic panels a contract for their installation is likely to be awarded to Mears Ltd under a framework agreement approved under a decision by the Cabinet Member for Resources (reference Solar Photo-voltaic (PV) Panels Framework Agreement - JAN12/CMDN/002);
4. Note that subject to the outcome of necessary studies and continued negotiations a further report will be brought back to Cabinet for consideration prior to submitting planning applications for wind turbines;
5. Welcome the support of scrutiny;
6. Request officers work with rural communities and key stakeholders in formulating proposals for a planning application and considers how their suggestions can be incorporated into the development of the solar project, as far as is possible without restricting the viability of the project overall;
7. Note that in relation to determining the appropriate amount and range of community funds resulting from the developments, there is no agreed national or local tariff for such contributions. The level of contribution will be negotiated based on the type of development (wind or ground mounted) and the overall scale of the development. At the scrutiny committee a figure of around £6.7m, based on another local scheme, was discussed as being the expected level of contribution from this scheme. There is sufficient flexibility within the overall financial parameters of the scheme to make an appropriate level of contribution. It would be inappropriate to agree any level of contribution at this stage as this will be subject to negotiation as part of the next stage development of the proposals;
8. Request officers submit a further written update to the Cabinet and scrutiny members of a further analysis of the financial proposals and contingency arrangements but notes

that the figures are considered appropriate for the purpose of the decision today, also noting that the financial appraisal has been subject to due diligence by Deloitte and Davis Langdon;

9. Confirm that:

1. That the integration of farming with renewable energy generation is already under consideration as part of the proposals.
2. That the sensitivities around the two sites near America Farm (Oxney Grange and Flag Fen) will be taken into detailed consideration as part of the planning process.

COLLECTIVE ENERGY SWITCHING SCHEME

Cabinet received a report providing background information to the Collective Energy Switching Initiative and to seek the Cabinet's approval in relation to the recommendation of contract award.

Cabinet considered the report and **RESOLVED** to:

1. Approve the Peterborough Collective Energy Scheme; and
2. Authorise the award of the contract for collective energy switching to IChoosr.

PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

Cabinet received a report following the approval of a draft version of the SCI for public consultation (at the Cabinet meeting on 26 March 2012) and following the subsequent public consultation. The report recommended the adoption of a final version of the Peterborough Statement of Community Involvement, which took into account comments made on the draft consultation version and sought to revoke the current Peterborough Statement of Community Involvement, which dated from 2008.

Cabinet considered the report and **RESOLVED** to:

Adopt the Peterborough Statement of Community Involvement replacing and revoking the current Peterborough Statement of Community Involvement (adopted on 27 February 2008).

CHILDREN'S SERVICES UPDATE

Cabinet received a report updating it with details of improvement actions undertaken since the July Cabinet meeting in response to the findings of the Ofsted Inspection of Safeguarding carried out in August 2011.

Cabinet considered the report and **RESOLVED** to:

Note the improvement activity and progress within Children's Services.

2. CALL-IN BY SCRUTINY COMMITTEE OR COMMISSION

Since the last report to Council, the call-in mechanism has not been invoked.

3. SPECIAL URGENCY AND WAIVE OF CALL-IN PROVISIONS

Scrutiny Procedure Rule 14 and Executive Procedure Rule 7 require any instances where the Council's special urgency provisions have been invoked, and/or the call-in mechanism

was not applied, to be reported to the next available meeting of the Council, together with reasons for urgency.

Since the last report to Council special urgency provisions have not been invoked.

4. **CABINET MEMBER DECISIONS**

CABINET MEMBER AND DATE OF DECISION	REFERENCE	DECISION TAKEN
<p>Councillor Lee 5 October 2012</p>	<p>OCT12/CMDN/115</p>	<p>Acquisition of Must Farm Collection by Peterborough Museum and Art Gallery</p> <p>The Cabinet:</p> <ol style="list-style-type: none"> 1. Approved the acquisition of and responsibility for the Must Farm Collection by Peterborough Museum and Art Gallery (“PMAG”) on behalf of Peterborough City Council (“PCC”) as sole trustee of PMAG; 2. Approved the signing of a resolution of PMAG to approve the acquisition of and responsibility for the Must Farm Collection in accordance with PMAG’s charitable objects; 3. Approved the payment of an Additional Service Fee by PCC to Vivacity Culture and Leisure (“Vivacity”) pursuant to the terms of the Funding and Management Agreement dated 1 May 2010 (the “2010 Agreement”) made between PCC and Peterborough Culture and Leisure Trust (now Vivacity) of a sum not exceeding £140,000 to support the initial storage and conservation of the Must Farm Collection; and 4. Approved the signing of an agreement between PMAG and Hanson Building Products Limited (“Hanson”) in respect of the transfer of title in the Must Farm Collection from Hanson to PMAG (the “Transfer Agreement”);
<p>Councillor Lee 5 October 2012</p>	<p>OCT12/CMDN/116</p>	<p>Management and Operation of Dogsthorpe Household Recycling Centre</p> <p>The Cabinet Member authorised the award of the contact for the Management and Operation of Dogsthorpe Household Recycling Centre (HRC) (including the supply of containers and transportation of waste from the HRC) to HW Martin Waste Limited for a term of two years from the 1st November 2012 for £498,746 with an option to extend by a further 6 months.</p>

<p>Councillor Holdich</p> <p>9 October 2012</p>	<p>OCT12/CMDN/119</p>	<p>All Saints Junior School - extension of age range</p> <p>The Cabinet Member approved the extension of age range at All Saints Junior School to become a primary school by including pupils in the Reception Year and Years 1 and 2.</p>
<p>Councillor Seaton</p> <p>19 October 2012</p>	<p>OCT12/CMDN/128</p>	<p>Organic and Food Waste Treatment Services Contract</p> <p>The Cabinet Member authorised the award of the following contracts for the tender for organic and food waste treatment services:</p> <p>Lot 1: treatment of garden waste collected from the HRC (Household Recycling Centre) to Organic Recycling Ltd for a term of 5 years from November 2012 for £550,000 with an option to extend by a further 2 years;</p> <p>Lot 2: treatment of garden waste collected from the kerbside collections to Organic Recycling Ltd for a term of 5 years from November 2012 for £1,650,000 with an option to extend by a further 2 years; and</p> <p>Lot 4: treatment of food waste collected from the kerbside to Biogen (UK) Limited for a term of 5 years from October 2012 for £1,640,000 with an option to extend by a further 2 years.</p>
<p>Councillor Seaton</p> <p>24 October 2012</p>	<p>OCT12/CMDN/130</p>	<p>Grant to New Ark Adventure Playground and City Farm</p> <p>The Cabinet Member authorised a grant to New Ark Adventure Playground and City Farm at an annual cost of £33,000 commencing October 2012, for a three year period subject to annual review.</p>
<p>Councillor Holdich</p> <p>8 November 2012</p>	<p>NOV12/CMDN/139</p>	<p>Appointment of Authority Governor - Middleton Primary School</p> <p>The Cabinet Member appointed Mrs Hilary Keegan as authority governor nominated by the Governing Body.</p>
<p>Councillor Holdich</p> <p>8 November 2012</p>	<p>NOV12/CMDN/140</p>	<p>Appointment of Authority Governor - The Beeches Primary School</p> <p>The Cabinet Member appointed Ms Saira Parveen as authority governor nominated by the Local Authority.</p>
<p>Councillor Holdich</p> <p>8 November</p>	<p>NOV12/CMDN/141</p>	<p>Appointment of Authority Governor - St Michael's Church of England Primary School</p> <p>The Cabinet Member appointed Mr Clifford Moore nominated by the Governing Body.</p>

Councillor Holdich 8 November 2012	NOV12/CMDN/142	Appointment of Authority Governor - Hampton Vale Primary School The Cabinet Member appointed Mr Matt Lauch as authority governor nominated by the Governing Body.
Councillor Holdich 8 November 2012	NOV12/CMDN/143	Appointment of Authority Governor - Newark Hill Primary School The Cabinet Member appointed Mr Timothy Howley as authority governor nominated by the Local Authority.
Councillor Holdich 8 November 2012	NOV12/CMDN/144	Appointment of Authority Governor - Orton Wistow Primary School To appoint Rev Ingham as authority governor nominated by the Governing Body.
Councillor Holdich 8 November 2012	NOV12/CMDN/145	Appointment of Authority Governor - Gunthorpe Primary School To appoint Mr Marc Boylan-Taylor as authority governor nominated by the Labour Group.
Councillor Holdich 8 November 2012	NOV12/CMDN/146	Appointment of Authority Governor - Highlees Primary School The Cabinet Member appointed Mrs Elaine Hedgecock as authority governor nominated by the Governing Body.
Councillor Holdich 19 November 2012	NOV12/CMDN/147	Extension of Age Range at Hampton College and Changes to Hampton Catchment Areas The Cabinet Member approved the proposal to extend the age range of Hampton College from 1 September 2013 to 4 – 18 and approved the changes to the catchment areas for all three Hampton schools.
Councillor Seaton 16 November 2012	NOV12/CMDN/148	Willow Festival 2013 The Cabinet Member for Resources is requested to approve an allocation from the capacity fund, of up to £50,000 towards the Willow Festival 2013, with £10,000 to be paid in 2012/13 to The Willow Festival Community Interest Company and the balance to be used in 2013/14 by the Council to procure the appropriate infrastructure for the event.

COUNCIL	AGENDA ITEM No. 13(a)
5 DECEMBER 2012	PUBLIC REPORT

EXECUTIVE REPORT – RECOMMENDATIONS

(a) PETERBOROUGH PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT (DPD)

Cabinet at its meeting of 5 November 2012 received a report following Council's decision on 7 December 2011 to approve the Peterborough Planning Policies Development Plan Document (DPD) (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation took place and the DPD was submitted to the Secretary of State in April 2012. Subsequently, an independent Planning Inspector appointed by the Secretary of State carried out a public examination into the document. The Inspector has sent his report to the Chief Executive setting out his conclusions on the DPD. The report sought Cabinet's approval to recommend the Planning Policies DPD to Council for adoption.

After considering the report, Cabinet agreed the recommendations in the report as below:

IT IS RECOMMENDED that Council adopts of the Peterborough Planning Policies Development Plan Document, incorporating modifications as recommended by the Inspector ('Main Modifications') and other minor editorial modifications ('Additional Modifications').

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CABINET	AGENDA ITEM No. 8
5 November 2012	PUBLIC REPORT

Cabinet Member responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officers:	Simon Machen - Head of Planning, Transport and Engineering Peter Heath-Brown – Planning Policy Manager Harj Kumar – Senior Planning Officer	Tel. 453492 863796 863852

PETERBOROUGH PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT (VERSION FOR ADOPTION)

R E C O M M E N D A T I O N S	
FROM : Paul Phillipson, Executive Director Operations	Deadline date : 5 December 2012
<ol style="list-style-type: none"> 1. That Cabinet notes the conclusions of the independent Inspector who was appointed to examine the council’s submitted Peterborough Planning Policies Development Plan Document. 2. That Cabinet recommends to Council the adoption of the Peterborough Planning Policies Development Plan Document, incorporating modifications as recommended by the Inspector (‘Main Modifications’) and other minor editorial modifications (‘Additional Modifications’). 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following Council’s decision on 7 December 2011 to approve the Peterborough Planning Policies Development Plan Document (DPD) (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has taken place and the DPD was submitted to the Secretary of State in April 2012. Subsequently, an independent Planning Inspector appointed by the Secretary of State has carried out a public examination into the document. The Inspector has sent his report to the Chief Executive setting out his conclusions on the DPD.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to set out the recommendations made by the independent Inspector and, subsequently, seek Cabinet’s approval to recommend the Planning Policies DPD (attached at Appendix 2) to Council for adoption.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, to take collective responsibility for the delivery of all strategic executive functions within the council’s Major Policy and Budget Framework and lead the council’s overall improvement programmes to deliver excellent services.

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	5 November 2012
Date for relevant Council meeting	5 December 2012	Date for submission to Government Dept	N/A

4. **PETERBOROUGH PLANNING POLICIES DPD – THE INSPECTOR’S REPORT AND THE PLANNING POLICIES DPD RECOMMENDED FOR ADOPTION**

Introduction

- 4.1 The preparation of the Peterborough Planning Policies DPD has reached its final stage. Following considerable public consultation over the last few years, we have now reached the stage where Council has to decide whether to adopt the DPD as part of its major policy framework.
- 4.2 Cabinet will recall that on 7 November 2011, the ‘submission’ version was considered before subsequently being approved by Council on 7 December 2011. That approval set in motion two key events:
- (i) the issuing of the Planning Policies DPD for its final public consultation stage (February-March 2012); and
 - (ii) the ‘examination’ of the DPD by an independent Inspector appointed by the Secretary of State (summer 2012), and the subsequent issuing of an ‘Inspector’s Report’ (October 2012) setting out his recommendations for modifications to the DPD.

Content of the Planning Policies DPD

- 4.3 Before coming to the Inspector’s findings and recommendations, Cabinet may wish to remind themselves as to the purpose, content and status of the Planning Policies DPD. If adopted, it will become part of the statutory development plan, and, as such, will be part of the council’s major policy framework. It will be one of the documents (including, for example, the adopted Core Strategy) that together comprise the Local Development Framework, and it will replace the majority of the remaining policies in the Peterborough Local Plan (First Replacement) (2005).
- 4.4 The Planning Policies DPD sets out detailed policy statements to help in determining planning applications. The policies will help in delivering the overarching principles established in the Peterborough Core Strategy. At the end of each policy there is a reference to the appropriate Core Strategy policy (or policies) and objectives which it supports.

The Inspector’s Role and the Inspector’s Report

- 4.5 Government regulations stipulate that an Inspector must be appointed by the Secretary of State to undertake an ‘examination’ of a proposed DPD, and consider all comments and objections that have been made. The Inspector holds a ‘hearing’ session as part of the examination process. The Inspector then subsequently issues an ‘Inspector’s Report’, which must state either:
- (i) That the DPD is ‘unsound’, and that it is impossible for changes to be made to it to make it ‘sound’; under this scenario the Council is not permitted to adopt the DPD; or
 - (ii) That the DPD is ‘sound’ as submitted, or provided that certain modifications as recommended by the Inspector are made before it is adopted.

- 4.6 We are very pleased to report that the Inspector, Mr Ron Punshon, has found our DPD 'sound' and, in effect, has given permission to the city council to adopt it, provided his recommended modifications are incorporated into the final adopted version. His full report is attached at Appendix 1. This includes a list of all modifications (see Appendix).
- 4.7 The Inspector concludes that the Planning Policies DPD provides an appropriate basis for the planning of the City over the next 15 years, providing that a number of modifications are made to it. These include modifications to bring the plan into line with the National Planning Policy Framework (NPPF), which was issued by the Government after the DPD had been published by the council for comments. All of the modifications are ones which officers had suggested to the Inspector during the course of the examination, to overcome objections etc. Among the modifications are:
- Inclusion of a new standard policy in support of sustainable development
 - Inclusion of a new policy about planning applications on contaminated land
 - Inclusion of a new policy setting out the requirements for permitting agricultural dwellings
 - Defining the new shopping centre at Stanground South (Cardea) on the Policies Map as a local centre
 - Revising the policies on heritage assets and buildings of local importance to accord more closely with national policy as expressed in the NPPF
 - Clarifying the indicators and targets for monitoring purposes
- 4.8 It is important to note that, in accordance with regulations, the recommended modifications in the Inspector's Report are 'binding' on the council. This means that the council cannot 'pick and choose' which of his modifications to accept or reject; it must accept them all (if the council wishes to adopt the DPD) or, indirectly, reject them all (and, thus, not adopt the DPD).

Adoption of the Peterborough Planning Policies DPD

- 4.9 Cabinet must decide whether to recommend to Council the adoption of the Peterborough Planning Policies DPD. Attached at Appendix 2 is the version which Cabinet is asked to recommend. This version incorporates all of the recommended modifications made by the Inspector. It also includes a number of minor changes which do not affect the soundness of the document, and which the council is permitted to make under provisions introduced by the Localism Act 2011. These changes are minor editing and updating of the document and are listed in Appendix 3 to this report. The majority of these minor changes have arisen from discussions that took place during the examination and they have been the subject of consultation in August/September 2012.
- 4.10 If the DPD is adopted by Council, it will include adoption of all the accompanying changes to the Peterborough Policies Map, which is the map covering the whole of the local authority area (with insets at larger scales) showing all the areas to which policies apply. The Policies Map will be updated each time the council adopts a DPD which has policies for specific geographical areas.
- 4.11 To be absolutely clear on this matter, Cabinet (and then Council) can only support or reject the version as at Appendix 2.
- 4.12 If Council agree the Planning Policies DPD as per Appendix 2, then the document is 'adopted' and comes into effect immediately.
- 4.13 If Council does not agree the Planning Policies DPD as per Appendix 2, then, in accordance with the regulations, it is not obliged to adopt it. Under this scenario, the council would need to re-commence the preparation of a new DPD, following the same cycle of extensive data collection, consultation and examination as before.

5. CONSULTATION

- 5.1 Extensive consultation with the public and a wide variety of other stakeholders has taken place at various stages in the preparation of the DPD. Emerging drafts have also been considered by various Neighbourhood Councils, Scrutiny Committee, Cabinet and Council meetings. The Inspector was satisfied that we had undertaken appropriate consultation throughout.
- 5.2 There is no opportunity for further consultation or comment on the document.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet will recommend to Council that the Planning Policies DPD, as amended as a result of the Inspector's recommended modifications, be adopted.

7. REASONS FOR RECOMMENDATIONS

- 7.1 As outlined in the report, Council only has two options available to it; either adopt the document with the modifications or not adopt the document. The former is recommended, as it is a statutory duty to prepare a Planning Policies DPD, and, in adopting it, Peterborough will have a clear and robust policy document setting out its policies for making decisions on planning applications.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The option of not adopting the DPD is not recommended, because in doing so the council would not have an up-to-date policy basis for deciding planning applications.

9. IMPLICATIONS

- 9.1 The DPD will have implications for all sectors of society and all wards and parishes of the local authority area. The process of sustainability appraisal, based on social, economic and environmental criteria, ensures that all potential implications are taken into account in a systematic way.
- 9.2 Legal Implications: On adoption, the council must consider all relevant planning applications against the policies in the DPD.
- 9.3 Financial Implications: There are no immediate financial implications flowing from the adoption of the DPD.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

None.

COUNCIL	AGENDA ITEM 14(a)
5 December 2012	PUBLIC REPORT

GAMBLING ACT 2005 – PETERBOROUGH CITY COUNCIL’S REVISED STATEMENT OF PRINCIPLES

R E C O M M E N D A T I O N S
FROM : Solicitor to the Council
That Council: approves and adopts the attached Statement of Principles as Peterborough City Council’s formal three year Statement under Section 349 of the Gambling Act 2005.

1. PURPOSE AND REASON FOR REPORT

1.1 The purpose of this report is to provide members with the information they need to assist them with their decision in relation to adopting the attached Statement of Principles which incorporates amendments following the revised Guidance to licensing authorities issued by the Gambling Commission under Section 25 of the Act and comments received during the consultation process.

2. BACKGROUND (& CONSULTATION)

- 2.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles (policy). This Statement will govern the way decisions are made by the Council, and how it will administer its duties under the Act. These duties include delegated powers, enforcement, considerations under the application process, Responsible Authority and Interested Party details, and the exchange of information. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 2.2 The Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.
- 2.3 The Second three year period began on 31 January 2010 and therefore is due to expire on 30 January 2013. The revised Statement must be drafted and consulted upon prior to it being adopted.
- 2.4 In order to meet our statutory obligations, a revised Statement was drafted. Also in accordance with the Act, this revised Statement has been consulted upon, and all comments received have been considered and incorporated as appropriate.
- 2.5 In formulating the revised Statement, officers have given full consideration to the requirements of the Act, guidance issued by the Gambling Commission, and LACoRS (Local Authorities Coordinators of Regulatory Services) Model document. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.
- 2.6 At a meeting on 22 November 2012 of the Licensing Committee there was a unanimous decision to approve the attached Statement of Principles having considered the responses received during consultation. In addition it was recommended that the Statement of Principles be adopted by Full Council.

- 2.7 The following outlines the procedure taken in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles.
- 2.8 Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:
- Chief Officer of Police for the area;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 2.9 For information purposes a list of consultees is attached at **Appendix A**.
- 2.10 An eight week consultation took place between 31 August 2012 and 26 October 2012. The consultation letter gave advice on the following:
- i) Options on where to access and obtain copies of the draft revised Statement;
 - ii) Opportunity to make relevant representations, in writing, on the draft Statement; and
 - iii) Notification that any comments must be received by 26 October 2012.
- 2.11 The only response received during the consultation period was that of Cllr Hiller during the licensing committee meeting on 18 October, whose suggested change has been incorporated (please see **Appendix B** for suggested change).
- 2.12 A copy of the finalised statement is attached at **Appendix C**.

3. IMPLICATIONS

- 3.1 Section 154(2)(c) of the Gambling Act 2005 restricts final determination of the Statement of Principles to the authority and prohibits further delegation. On this basis the Statement of Principles must be approved by Full Council to be lawfully brought into effect.
- 3.2 Legal Services have been consulted on the content of the Statement of Principles. This was to ensure that the provisions of the Act including the licensing objectives and other issues that are key to the way the council approaches and deals with applications, are included in the Statement.
- 3.3 Legal Services will also be required to ensure that the decision making process is implemented in accordance with the Act, and may also be required to provide legal representation in the event of any appeals to the Magistrate's Court against decisions made by the council, prosecutions being instigated or enforcement action being taken by the council.

4. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Gambling Act 2005

Guidance to Licensing Authorities (issued under section 25 of the Act, by the Gambling Commission May 2009)

LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:

- Cambridgeshire Constabulary – the chief officer of police
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Peterborough City Council – Neighbourhood Services
- Peterborough City Council – Directors
- Peterborough City Council – Ward & Parish Councillors
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs
- The Gambling Commission
- GamCare
- All residents and businesses within the Peterborough area (through the Council website)

RESPONSES TO CONSULTATION

Please see below the suggested amendment to paragraph 7.9

Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

To replace:

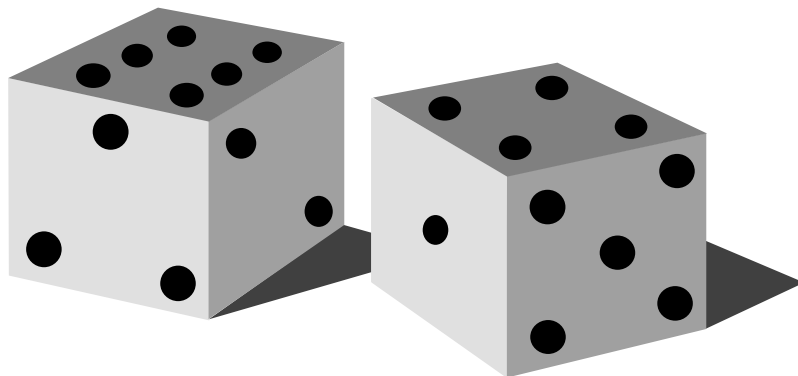
Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). However should an individual wish to be represented by a councillor care should be taken that the councillor is not part of the licensing committee dealing with the licence application. If there are any doubts please contact the licensing department.



PETERBOROUGH CITY COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES



31 January 2013
Version 3.1

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KEY FACTS ABOUT THE CITY OF PETERBOROUGH AND DISTRICT

Peterborough began the 21st century as part of a newly formed Unitary Authority. The city, already home to 183,000 people, continues to expand with new housing developments, the largest of which is Hampton, south of the city. Many of the surrounding villages, such as Eye, Yaxley and Glinton, have also seen great expansion to accommodate the demand for new homes.

The majority of local people work within the area, although convenient road and rail links allow many people to commute - London is now less than an hour away by train. More leisure and tourism facilities are developing as the population grows.

Despite considerable growth, however, the area retains some beautiful and diverse countryside. The city has been chosen as one of the UK's four 'Environment Cities', and the Peterborough Environment City Trust leads initiatives to improve the local environment and to develop practical solutions for a more sustainable future.

Peterborough confidently approaches that future as a place with a very long history of innovation and change.

Please refer to appendix 1 for a map of Peterborough.

Our priorities:

- Creating opportunities - tackling inequalities
- Creating strong and supportive communities
- Creating the UK's environment capital
- Delivering substantial and truly sustainable growth

DEFINITIONS

The **Council** means Peterborough City Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

Members means Peterborough City Councillors

The **Licensing Committee** means the full committee or a sub committee of no less than three Members.

Guidance means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006

Child means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

LA means Local Authorities.

BACKGROUND

The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing justices.

PART A - INTRODUCTION

1. THE LICENSING OBJECTIVES

- 1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime,
- Ensuring that gambling is being conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

2. STATEMENT OF PRINCIPLES

- 2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.
- 2.2 This is the third Statement of Principles produced by Peterborough City Council, reviewed due to statutory requirement.

3. CONSULTATION

- 3.1 Peterborough City Council consulted widely upon this statement before finalising and publishing.
- 3.2 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

For a full list of persons this authority consulted please refer to appendix 2.

3.3 The consultation took place between 31 August 2012 and 26 October 2012.

The full list of comments made and the consideration by the council of those comments is available by request to the licensing department.

4. APPROVAL OF POLICY STATEMENT

4.1 This statement was approved at a meeting of the full council on XX December 2012 and was published via our website on XX December 2012.

This paragraph will be completed once approval has been given by Full Council.

4.2 It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

5. DECLARATION

5.1 The council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

6. RESPONSIBLE AUTHORITIES

6.1 As required by regulations licensing authorities are to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

6.2 In accordance with the suggestion in the Gambling Commission's guidance to local authorities this authority designates the Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to appendix 3 or alternatively via the council website.

7. INTERESTED PARTIES

7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.

- 7.2 For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence, if in the opinion of this licensing authority the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - Has business interests that might be affected by the authorised activities; or
 - Represents persons who satisfy the above.
- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:
- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the Gambling Commission’s guidance for local authorities.
- 7.5 When determining what “sufficiently close to the premises” means (in each case), this authority might include:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person making the representation
 - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and
 - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 7.6 In relation to “persons with business interests that could be affected” it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being “a person with business interests that could be affected by the premises” under consideration. It should be borne in mind however that the “demand test” in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005 therefore unmet demand is not a criterion for a licensing authority in considering an application.
- 7.7 Factors that this licensing authority is likely to include are:
- The size of the premises;
 - The ‘catchment’ area of the premises (i.e. how far people travel to visit); and
 - Whether the person making a representation has business interests in that catchment area that might be affected.

- 7.8 The Gambling Commission recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents' and tenants' associations. This authority however will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities applied for.
- 7.9 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

8. EXCHANGE OF INFORMATION

8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the Gambling Commission, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:

- A Constable or Police Force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Commissioners of Customs and Excise
- The Gambling Commission
- The National Lottery Commission
- The Secretary of State
- The Scottish Ministers

8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission as and when it is published on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

8.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

9. ENFORCEMENT

9.1 Licensing authorities are required by regulation to state the principles they propose to apply in exercising the functions under Part 15 of the Act with respect

to the inspection of premises and the powers under Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.

- 9.2 This licensing authority's principles are that it shall be guided by the Gambling Commission's guidance and will endeavour to be:
- proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised
 - accountable – authorities must be able to justify decisions and be subject to public scrutiny
 - consistent – rules and standards must be joined up and implemented fairly.
 - transparent – regulators should be open, and keep regulations simple and user friendly; and
 - targeted – enforcement should be focused on the problems and minimise side effects
- 9.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.
- 9.4 The main enforcement and compliance role of the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5 The licensing authority's enforcement concordat is available upon request to the licensing department.

10 PUBLIC REGISTER

- 10.1 In accordance with section 156 of the Act, Peterborough City Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view at www.peterborough.gov.uk. This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

11. DECISION MAKING / DELEGATION

- 11.1 When determining applications this licensing authority will have regard to the guidance issued by the Gambling Commission, any relevant code of practice, this policy and the licensing objectives. Determination of applications made to the licensing authority will be made either by the full council, the licensing committee, or a sub-committee of the licensing committee or by authorised officers, in accordance with section 153 of the Act.

11.2 Where relevant representations are raised which cannot be resolved by mediation, matters will either be referred to the licensing committee or the sub-committee of the licensing committee.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to appendix 4.

12. LICENSING AUTHORITY FUNCTIONS

12.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- issue **Provisional Statements**
- regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
- issue **Club Machine Permits to Commercial Clubs**
- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions

12.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B - PREMISES LICENCES

13. GENERAL PRINCIPLES

13.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where considered to be appropriate.

13.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority's Statement of Principles

13.3 Definition of “premises”

In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter of discussion between the operator and the licensing officer.

The local authority will consider the Gambling Commission's Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

13.4 Premises “ready for gambling”

The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future,

consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

13.5 Location

Demand issues cannot be considered with regards to the location of premises but that issues in terms of licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

13.6 Duplication with Other Regulatory Regimes

This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of any application. The licensing authority will listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

13.7 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

13.7.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located in such areas and whether conditions may be suitable such as the provision of door supervisors.

13.7.2 Ensuring that gambling is conducted in a fair and open way – This licensing authority has noted that the Gambling Commission has stated that it would

generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Further guidance on this issue may be provided by the Gambling Commission and if so this authority will have regard to it, when available.

- 13.7.3 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

There is no definition of ‘vulnerable person’ and it is noted that the Gambling Commission are not seeking to offer one, but this could include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

13.8 **Conditions**

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects

- 13.9 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

- 13.10 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission’s guidance.

13.11 This authority will also ensure where necessary and deemed appropriate that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

13.12 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.13 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.14 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

14. ADULT GAMING CENTRES

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.

14.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation
- location of entry
- notices / signage
- self barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15. LICENSED FAMILY ENTERTAINMENT CENTRES

15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, ensure that under 18 year olds do not have access to the adult only gaming machine areas.

15.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- notices / signage
- physical separation of areas
- specific opening hours
- self barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- suspected child truancy handling training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

16. CASINOS

- 16.1 This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

17. BETTING PREMISES

- 17.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's guidance, take into account the size the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that the door supervision is both necessary and proportionate.

18. TRACKS

- 18.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 18.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - location of gaming machines

- supervision of entrances / machine areas
- notices / signage
- provision of information leaflets / helpline numbers for organisations such as Gamcare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 18.4 **Betting Machines** – This licensing authority will as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 18.5 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- 18.6 **Applications and plans** – The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

The Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

- 18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the

plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known at betting rings) must be indicated on the plan.

In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

19. BINGO PREMISES

19.1 This licensing authority notes that the Gambling Commission’s guidance states:

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located
- access to the area where machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

19.2 This authority shall to satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

20. TRAVELLING FAIRS

20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring

authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

21. PROVISIONAL STATEMENTS

21.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expect to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

22. REVIEWS

22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authorities statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- 22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.
- 22.3 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- a) add remove or amend a licence condition imposed by the licensing authority;
 - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
 - c) suspend the premises licence for a period not exceeding three months; and/or
 - d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

- 22.5 In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

PART C - PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 24.2 This licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises

24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

Such measures may include:

- adult machines being in site of bar
- notices / signage

24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

24.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.

24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

25. PRIZE GAMING PERMITS

25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.

25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of

gaming that he or she is intending to offer and the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.

25.3 The licensing authority will determine each application on its own merits.

(The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)

25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission's guidance.

25.5 It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS

26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.

26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

- 26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.
- 26.4 This licensing authority is aware that it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - the applicant's premises are used wholly or mainly by children and / or young persons
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Gambling Commission or the police.
- 26.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

27. TEMPORARY USE NOTICES

- 27.1 A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the Gambling Commission.
- 27.2 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 27.3 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.

28. OCCASIONAL USE NOTICES

- 28.1 This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not

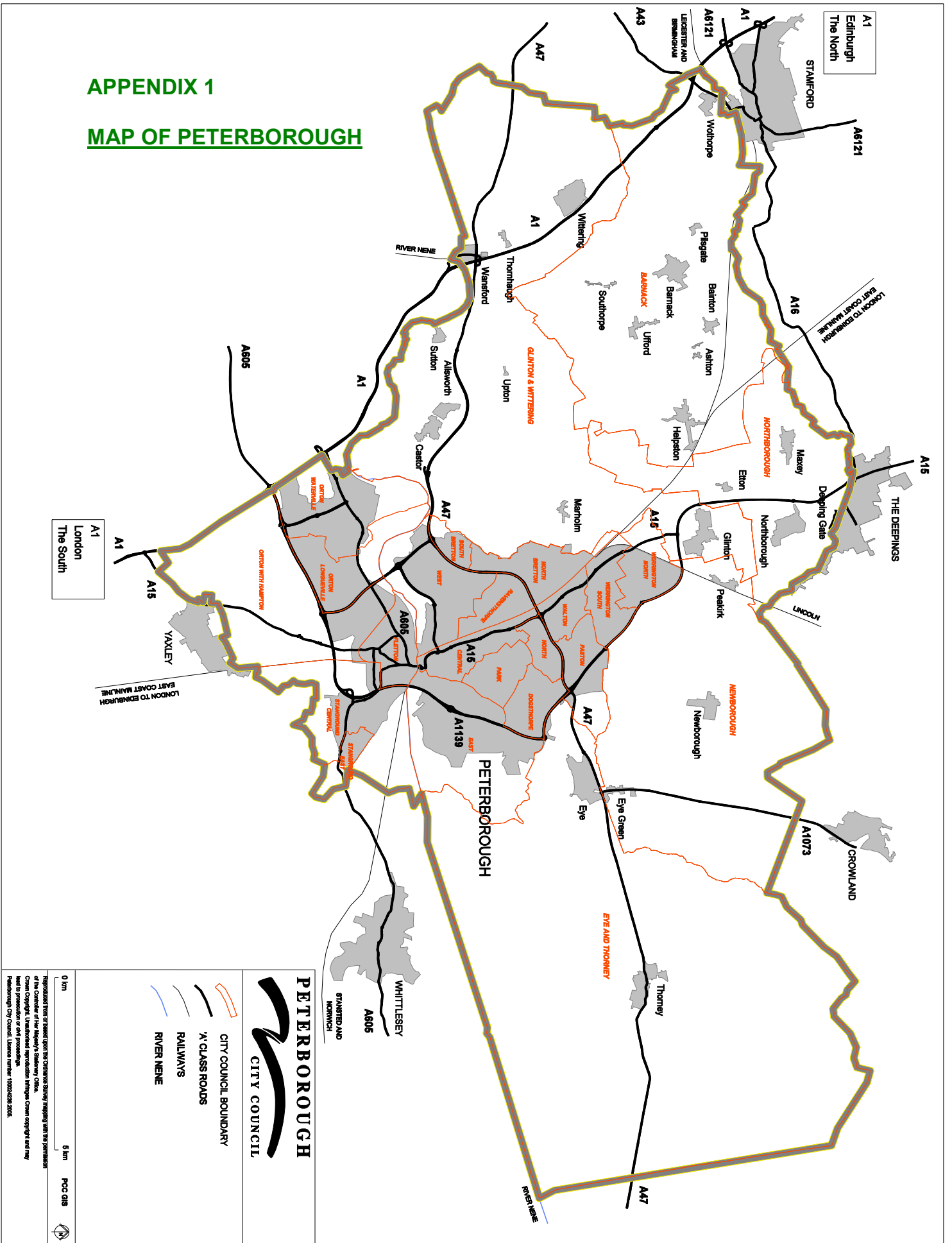
exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

29. ADDITIONAL INFORMATION

Further information on the application process, application forms and applicable fees can be found at www.peterborough.gov.uk

APPENDIX 1

MAP OF PETERBOROUGH



APPENDIX 2

LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:

- Cambridgeshire Constabulary – the chief officer of police
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Peterborough City Council – Neighbourhood Services
- Peterborough City Council – Directors
- Peterborough City Council – Ward & Parish Councillors
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs
- The Gambling Commission
- GamCare
- All residents and businesses within the Peterborough area (through the Council website)

APPENDIX 3

GAMBLING ACT 2005 **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

THE RESPONSIBLE AUTHORITIES:

Licensing Team:	The Licensing Team Peterborough City Council Bayard Place Broadway Peterborough PE1 1HZ Telephone: 01733 747474 Email: gambling@peterborough.gov.uk
The Gambling Commission:	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 Email: info@gamblingcommission.gov.uk
Cambridgeshire Constabulary:	Licensing Department Cambridgeshire Constabulary North Division Bridge Street Peterborough PE1 1EH
Cambridgeshire Fire and Rescue:	Cambridgeshire Fire & Rescue Service Peterborough District Dogsthorpe Fire Station Dogsthorpe Road Peterborough PE1 3RE
Neighbourhood Services:	Strategic Regulatory Services Pollution Control Peterborough City Council Bayard Place Broadway Peterborough PE1 1HZ

Planning:

Planning Services
Stuart House (East Wing)
St Johns Street
Peterborough
PE1 5DD

HM Revenue & Customs:

National Registration Unit
Portcullis House
21 India House
Glasgow
G2 4PZ

Safeguarding Children Board:

Safeguarding Service Manager
Bayard Place
Broadway
Peterborough
PE1 1FB

For Vessels the certifying Authority will be:-

Environment Agency
Kingfisher House
Goldhay Way
Orton Goldhay
Peterborough
PE2 5ZR

APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give counter notice to temporary use notice		X	

APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current proposals for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set).

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D Non-money prize (other than a crane grab machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D (Money prize)	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D Combined money and non money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

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COUNCIL	AGENDA ITEM No. 15
5 DECEMBER 2012	PUBLIC REPORT

NOTICES OF MOTION

The following notices of motion have been received in accordance with Standing Order 15.2:

1. Motion from Councillor David Harrington:

Given the absence of any detailed alternative, illustrated schemes being presented to the council, other than to install wind turbines and Photovoltaic Panels on 900 acres of prime agricultural land, I ask that this council urges Cabinet to overturn its outline strategy of July 2012 to develop renewable energy parks at 3 council owned agricultural sites and replaces that strategy with an alternative scheme which includes sites not requiring the use of grades 1&2 agricultural land, which could produce the same financial and environmental outcomes for the council without the consequences of the loss of livelihoods for tenant farmers and without having a damaging effect on a viable local industry.

2. Motion from Councillor Nick Sandford

That this Council:

1. Notes that the Localism Act (2011) has given local authorities much more freedom to adopt systems of governance which suit their needs, including an option to revert to a committee system;
2. Notes that the current leader and cabinet model (such as that operated in Peterborough) has been criticised for putting too much power in the hands of a few councillors, under utilising the skills and experience of councillors not in the cabinet and making it difficult to effectively challenge decisions; and
3. Asks the Council Solicitor to convene a meeting of the Constitutional Review Group (including representatives of all groups on the Council) to consider the benefits or otherwise of changing to a committee system or some other model and to report back to a meeting of Council on its findings not later than April 2013.

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COUNCIL	AGENDA ITEM No. 16(a)
5 DECEMBER 2012	PUBLIC REPORT

Changes to the Constitution to allow Officers of Cambridgeshire Police Constabulary including Police Constables and Police Community Support Officer's to issue Fixed Penalty Notices on behalf of Peterborough City Council.

RECOMMENDATIONS
FROM : Executive Director Operations
That Council: approves an amendment to the constitution to permit the Executive Director of Operations to enter into arrangements with Cambridgeshire Constabulary permitting its Officers to issue fixed penalty notices on behalf of Peterborough City Council in respect of the relevant offences.

1. PURPOSE AND REASON FOR REPORT

- 1.1** Regulatory Services, Neighbourhood Services, Operations Directorate is seeking an amendment to the Constitution to permit the Executive Director of Operations to authorise officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering, offences ("the relevant offences") pursuant to arrangements made under s.87 of the Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003 respectively. The amendment will reflect the Government's intention to take a tougher line on littering offences and to promote a cleaner environment.

2. BACKGROUND (& CONSULTATION)

- 2.1** The Council's Environmental Enforcement Team has a great deal of expertise in issuing fixed penalty notices however, it has been recognised that officers of Cambridgeshire Constabulary could compliment the work that is already being done by also having the ability to issue fixed penalty notices for the relevant offences. Though tackling the relevant offences will not be a policing priority, increasing the enforcement sanction available to officers of Cambridgeshire Constabulary will provide them with the opportunity to deal quickly and effectively with the relevant offences when they are in a position to be able to do so. The request for the delegated powers came from Cambridgeshire Constabulary and is evidence of the close working relationship the Council has with them. The back office processing and fee collection for any fixed penalty charges issued by the Police will be undertaken by the Council. It is not expected that the numbers of fixed penalty notices issued will increase significantly.

3. LEGISLATION

- 3.1** An authorised officer of the local authority can issue a fixed penalty ticket for a relevant offence as an alternative to prosecution.
- 3.2** s.88(10) of Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003 define an authorised officer as one of the following:
- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under s.43(1);
 - (b) any person who in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function; and

(c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices.

Employees of Peterborough City Council are already authorised to issue fixed penalty notices and it is therefore the arrangements referred to at paragraphs (b) and (c) above to which this request relates.

- 3.3** The value of a fixed penalty notice is currently set at £75.00 reduced to £50.00 if payment is made within 21 days. Any person found guilty of a relevant offence in the Magistrates' Court may be fined up to £2,500.00 for each incident.

4. ENFORCEMENT

- 4.1** In the case of Peterborough City Council the Sustainable Community Strategy and Safer Peterborough Partnership Plan refers to reducing crime and disorder and making communities safer. Undertaking enforcement in this area, by way of engaging with its Partners to combat littering, Peterborough City Council will be able to offer a positive contribution to reducing crime and complementing the Council's existing enforcement programme.

- 4.2** Officers will, whilst going about their normal Police duties, issue Peterborough City Council Fixed Penalty Notices.

5. OFFICER COMMENTS

- 5.1** The request by Cambridgeshire Police to issue fixed penalty notices on behalf of Peterborough City Council has been discussed and it has been agreed that this request should be presented to Full Council in order for them to consider all relevant information for the purpose of making a decision.

- 5.2** It is very apparent that as a result of working closely with Cambridgeshire Constabulary in other areas of Enforcement, for example the Operation Can-Do initiative that the partnership approach to Neighbourhood Enforcement strengthens and increases its effectiveness.

6. IMPLICATIONS

6.1 Legal

Legal Services have reviewed the proposals and confirm that they meet with the legislative requirements described above. Guidance has also been sought from the Legal Section on the compilation of this report.

6.2 Financial

This initiative is not a revenue generating exercise as it is anticipated that any income achieved will cover costs incurred namely printing Fixed Penalty ticket books, training, and costs incurred in processing fine collection.

Recommended Changes to the Constitution

Provision	Proposal	Addition to Wording
<p>Responsibility for issuing Fixed Penalty Notices.</p> <p>Part 3 Section 3 – Executive Functions Officer Delegations</p> <p>3.25.3 Delegations to Officers: environmental services</p>	<p>Extension to officer delegations to allow The Executive Director – Operations to ‘authorise’ officers of Cambridgeshire Constabulary to issue Fixed Penalty Notices in respect of littering; Pursuant to the Environmental Act 1990 as amended to The Clean Neighbourhoods Act 2005.</p> <p>To be inserted at 3.25.3 (n).</p>	<p><u>Proposed New insertion: Rule 3.25.3 (n) is inserted.</u></p> <p>3.25.2 The Executive Director - Operations is authorised to:</p> <ul style="list-style-type: none"> (a) approve sites for graffiti trials on property falling under the control of the Operations department; (b) appoint the Proper Officer, or a substitute designated by the Health Authority under the Public Health (Control of Diseases) Act 1984, National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 and Regulations made under the said Act; (c) take all necessary action under the Dangerous Dogs Act 1991; (d) to instigate proceedings in the Magistrates' Court for offences under the Control of Dogs Order 1992; (e) to waive payment of the statutory fee for collection of stray dogs from the pound under the Environmental Protection (Stray Dogs) Regulations 1992, in cases of proven hardship; (f) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them: <ul style="list-style-type: none"> (i) Public Health Acts 1936 +1961. (ii) Prevention of Damage by Pests Act 1949. (iii) Public Health (Control of Diseases) Act 1984. (iv) Food Safety Act 1990; (v) Refuse Disposal (Amenity) Act 1978 (note that the Executive Director – Strategic Resources also has delegation under this Act to deal with abandoned vehicles) and Environment Act 1995; (vi) Clean Neighbourhoods and Environment Act 2005 (vii) Environmental Protection Act 1990

		<p>(g) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:</p> <ul style="list-style-type: none"> (i) Abandonment of Animals Act 1960 (ii) Anti Social Behaviour Act 2003 (iii) Dangerous Dogs Act 1989 (iv) Dangerous Dogs (Amendment) Act 1997 (v) Animals Act 1971 (vi) Guard Dogs Act 1975 (vii) Dogs Act 1871 (viii) Riding Establishment Act 1970 (ix) Breeding of Dogs Act 1991 (x) Dangerous Dogs Act 1991; <p>(h) to take action under the Sunday Trading Act 1994 and to instruct the Solicitor to the Council to institute legal proceedings in respect thereof;</p> <p>(i) to take action in relation to private water supplies under the Water Industry Act 1991;</p> <p>(j) to undertake executive functions set out in the Environmental Protection Act 1990 (for non-executive functions, see para 2.1.2 8b);</p> <p>(k) to make and rescind appointments of Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948, as amended by the National Assistance Act (Amendment) Act 1951, and Regulations made thereunder or any subsequent amending legislation;</p> <p>(l) to exercise the powers and duties conferred by the Petroleum (Regulation) Acts 1928 and 1936 in relation to construction requirements and criteria for storage conditions on premises where petroleum spirit and/or mixtures are stored and licensing of such premises.</p> <p>(m) to undertake all necessary consultations required under part VIIA of the Highways Act 1980 (as amended) in relation to applications made under that part to provide amenities on highways, to consult the Ward Councillors, the Disabled Persons Forum and other relevant parties, and to grant permission subject to conditions where appropriate.</p>
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		(h) to provide written authority for Officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering offences in pursuance with arrangements made under s.88(10) of the Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003.
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3.22 Delegations to Officers: environmental services

3.25.1. Open spaces and landscape management

The Solicitor to the Council is authorised, in consultation with the Executive Director – Strategic Resources:

- (a) to enter into agreements with developers for the construction and maintenance of open spaces on new developments at the developer's expense;
- (b) subject to the Executive Director – Strategic Resources being satisfied with the construction thereof, to take a transfer of the land for a nominal consideration under Section 120 of the Local Government Act 1972.

3.25.2 Environmental well-being

The Executive Director - Operations is authorised:

- (a) to nominate Officer representation on the Danger Zone Trust, such Officer to be authorised to co-ordinate and manage the Council support and input for Danger Zone;
- (b) in conjunction with the Solicitor to the Council, to institute legal proceedings in respect of prosecutions relating to the duty of care and litter under the Environmental Protection Act 1990.

3.25.3 The Executive Director - Operations is authorised to:

- (a) approve sites for graffiti trials on property falling under the control of the Operations department;
- (b) appoint the Proper Officer, or a substitute designated by the Health Authority under the Public Health (Control of Diseases) Act 1984, National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 and Regulations made under the said Act;
- (c) take all necessary action under the Dangerous Dogs Act 1991;
- (d) to instigate proceedings in the Magistrates' Court for offences under the Control of Dogs Order 1992;
- (e) to waive payment of the statutory fee for collection of stray dogs from the pound under the Environmental Protection (Stray Dogs) Regulations 1992, in cases of proven hardship;
- (f) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
 - (i) Public Health Acts 1936 +1961.
 - (ii) Prevention of Damage by Pests Act 1949.
 - (iii) Public Health (Control of Diseases) Act 1984.
 - (iv) Food Safety Act 1990;
 - (v) Refuse Disposal (Amenity) Act 1978 (note that the Executive Director – Strategic Resources also has delegation under this Act to deal with abandoned vehicles) and Environment Act 1995;
 - (vi) Clean Neighbourhoods and Environment Act 2005
 - (vii) Environmental Protection Act 1990

- (g) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
 - (i) Abandonment of Animals Act 1960
 - (ii) Anti Social Behaviour Act 2003
 - (iii) Dangerous Dogs Act 1989
 - (iv) Dangerous Dogs (Amendment) Act 1997
 - (v) Animals Act 1971
 - (vi) Guard Dogs Act 1975
 - (vii) Dogs Act 1871
 - (viii) Riding Establishment Act 1970
 - (ix) Breeding of Dogs Act 1991
 - (x) Dangerous Dogs Act 1991;
 - (h) to take action under the Sunday Trading Act 1994 and to instruct the Solicitor to the Council to institute legal proceedings in respect thereof;
 - (i) to take action in relation to private water supplies under the Water Industry Act 1991;
 - (j) to undertake executive functions set out in the Environmental Protection Act 1990 (for non-executive functions, see para 2.1.2 8b);
 - (k) to make and rescind appointments of Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948, as amended by the National Assistance Act (Amendment) Act 1951, and Regulations made thereunder or any subsequent amending legislation;
 - (l) to exercise the powers and duties conferred by the Petroleum (Regulation) Acts 1928 and 1936 in relation to construction requirements and criteria for storage conditions on premises where petroleum spirit and/or mixtures are stored and licensing of such premises.
 - (m) to undertake all necessary consultations required under part VIIA of the Highways Act 1980 (as amended) in relation to applications made under that part to provide amenities on highways, to consult the Ward Councillors, the Disabled Persons Forum and other relevant parties, and to grant permission subject to conditions where appropriate.
 - (n) **to provide written authority for Officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering offences in pursuance with arrangements made under s.88(10) of the Environmental Protection Act 1990 and s.47(1) of the Anti-Social Behaviour Act 2003.**
- 3.25.4 The Executive Director - Operations and the Solicitor to the Council, are each authorised to take appropriate action under Sections 70 and 167 of the Criminal Justice and Public Order Act 1994.
- 3.25.5 The Executive Director - Operations is authorised to exercise the powers and duties of Section 36 of the Local Government (Miscellaneous Provisions) Act 1982 - Control of Fly Posting, and section 132 Highways Act 1980, where attached to buildings or structures.
- 3.25.6 Maps and rights of way

The Executive Director - Operations is authorised:

COUNCIL	AGENDA ITEM. 16(b)
5 DECEMBER 2012	PUBLIC REPORT

PETERBOROUGH CHILDREN AND FAMILIES JOINT COMMISSIONING BOARD

R E C O M M E N D A T I O N S
FROM : Cabinet Member for Children's Services
That Council agree: <ul style="list-style-type: none"> 1. To amend the major policy framework and remove the Children & Young People's Plan, which is no longer a statutory requirement; and 2. To replace the Peterborough Children's Trust Board with a Children and Families Joint Commissioning Board.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is for Council to agree the replacement of the Children's Trust Board with a Children and Families Joint Commissioning Board.

2. BACKGROUND (& CONSULTATION)

- 2.1 Children's Trust arrangements were introduced through The Children Act 2004 which placed a statutory duty to cooperate on key agencies and a leadership role for Local Authorities to lead effective partnership arrangements. Through the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009, the previous government introduced additional requirements to make the Children's Trust Board a statutory body responsible for agreeing a Children and Young People's Plan (CYPP). The previous government also introduced highly prescriptive guidance on the development of the CYPP. These additional requirements have since been removed by the current government; however the original statutory duty to cooperate remains, as does the requirement for a Director of Children's Services and a Lead Member with accountability for partnership arrangements. The CYPP is incorporated in the major policy framework and the Children's Trust was set up under it.

The government has been very clear that it still expects Local Authorities to develop highly effective partnership arrangements to improve outcomes for children, young people and their families. This principle is underlined in Professor Munro's Review of Child Protection 2011 which highlights the importance of effective and co-ordinated multi-agency working to secure better outcomes for children and young people. This is further emphasised in the Ofsted Inspection Framework for Children's Services.

2.2 Key Issues

As a result of these national changes, all of our regional neighbours are reviewing or refreshing their Children's Trust partnerships. Across these authorities, there is a general move to streamline and ensure a tighter focus on prevention and early intervention for vulnerable children. Where revised partnerships have taken action to reduce their membership, they have at the same time set out their intention to meet with a wider stakeholder group to involve them in joint planning and review. It should be noted, however, that no authority is planning to remove its strategic partnership arrangements for children, young people and families completely.

Partners on the Peterborough Children's Trust Board were invited to share their views. There was recognition from the majority that the current Board was too large to carry out its business effectively and that its role and remit had been too wide – making it difficult to ensure that it focused on the right things at the right time. Board members lacked clarity as to what should be the business of the Board and what should be the business of one agency or two agencies working together. This led to very full agendas and insufficient time to focus and take the necessary decisions. The overall messages were that any revised arrangements need to have:

- Streamlined membership with a clear sense of purpose
- Stronger leadership and links to other key partnerships – clear vision and agreed joint outcomes and targets
- Clearer accountability, rigorous performance management and scrutiny processes
- More openness and transparency
- Clearer processes to enable aligning of resources to deliver outcomes
- Improved communications and connections between all stakeholders strategically and locally

The unique contribution of a revised strategic partnership would be to agree and ensure appropriate commissioning and delivery around the priority areas for our vulnerable children and families in Peterborough, where the joint action and focus of three or more agencies is required to tackle the issues and improve outcomes in a sustained way. This approach will be captured in the development of an Early Intervention and Prevention Strategy and action plan.

Consideration was given to retaining the Children's Trust Board; however it had not met for over twelve months and feedback from partner agencies was that it was not, due to its size and composition as effective as it needed to be in delivering improved outcomes to vulnerable children, young people and families. Consideration was also given to not replacing the Children's Trust Board; however it was considered by partners and the Local Authority that we needed an arrangement that enabled the Local Authority and partners to meet to develop and agree priorities, joint commissioning and working arrangements.

2.3 Conclusions

It is proposed to amend the major policy framework and to abolish the Children's Trust Board. This will be replaced by a Children and Families Joint Commissioning Board. It is proposed that the new Board would:

- Set the direction for joint action to improve outcomes for vulnerable children, young people and families in Peterborough, ensure implementation and scrutinise progress and outcome
- Focus on joint commissioning and delivery
- Oversee integrated workforce development to support the delivery of the agreed priority areas
- Ensure participation of vulnerable children, young people and their families in agreeing and shaping of priorities for joint action and in reviewing the effectiveness of jointly commissioned programmes
- Set the planning, delivery and outcomes framework around joint commissioning and delivery
- Ensure active involvement of stakeholders, in particular those set out within the "duty to co-operate", in the shaping of priorities, the approach to delivery and evaluation of outcomes

Working on the premise that the new partnership would be a joint strategic commissioning board, bringing together increasingly limited resources across the system to tackle shared priorities and supporting the DCS and Lead Member in carrying out their statutory roles of securing better outcomes for children and young people in Peterborough, the recommendation is that the revised board should be streamlined and have the ability and authority to carry out the business as set out above, with a membership as follows:

- Local Authority Children's Services
- Local Authority Adult Services
- Local Authority Neighbourhood Services
- Police

- PSCB
- Public Health
- Primary Care Trust /Clinical Commissioning Group
- Strategic Health Authority
- Schools Forum
- Job Centre Plus
- Voluntary Sector
- Housing Strategy

The Children and Families Commissioning Board will meet a minimum of four times a year in March, June, October and January. There will also be the option to call additional meetings to address specific issues that require agreement, decision or action.

Members of the revised Board will be senior officers. As such, they will have existing mechanisms for reporting back and securing formal approvals when necessary.

Accountability for the Board will be through the Director of Children’s Services (DCS) and Lead Member, reporting through to the Health and Well-being Board. The Board will ensure productive relations with other key partnerships e.g. Safer Peterborough Partnership and Greater Peterborough Partnership, to secure improving outcomes for children, young people and families. A key relationship will be with the Peterborough Safeguarding Children Board.

It will be crucial to ensure that all key stakeholders are actively engaged and are able to influence decisions around strategic priorities, align their own work, where appropriate, to support key strategic agendas, provide intelligence and feedback from front line work with families, provide support and challenge and contribute to evaluation of outcomes.

In conducting this review, the views of current Children’s Trust members were sought, information on strategic partnership arrangements for oversight of the children, young people and families agenda in other Local Authorities was gathered and an analysis of other Peterborough strategic groups with an interest in priority areas for children, young people and families was undertaken.

3. IMPLICATIONS

Financial

The recommendations will not have any direct impact on the capital or revenue budgets of the Authority. The indirect impact should be through improved joint commissioning and value for money services delivering better outcomes for Peterborough’s children, young people and families.

Legal

All legal requirements, including ensuring the “duty to co-operate” have been referred to within the main body of this report. In order to ensure that all partners set out within the “duty to co-operate” are involved in working with the Authority to deliver improved outcomes for children, young people and families including those not represented on the Children and Families Joint Commissioning Board, it is vital that the recommended stakeholder advisory group is set up to support the work of the Board.

4. BACKGROUND DOCUMENTS

None

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COUNCIL	AGENDA ITEM 16(c)
5 DECEMBER 2012	PUBLIC REPORT

ADDITIONAL MEETING OF FULL COUNCIL – 30 JANUARY 2013

R E C O M M E N D A T I O N S
FROM : Solicitor to the Council
That Council: Agrees for an additional ordinary meeting of Council to be held on 30 January 2013.

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report is submitted to Council to agree that an additional ordinary meeting of Council be held in January 2013 in order that additional items of business, including the approval of the Localised Council Tax support scheme, that are time critical but not able to be considered at this meeting, can be dealt with within designated time periods.

2. BACKGROUND (& CONSULTATION)

- 2.1 The Council is required to implement a Localised Council Tax support scheme for the 2013/14 financial year. Consultation on the proposed scheme was launched by Cabinet at their meeting of 24 September and was considered by Sustainable Growth and Environment Capital Scrutiny Committee at their meeting of at their meeting of 8 November.
- 2.2 The scheme requires approval by Full Council by the end of January 2013. As a result it cannot be considered as part of the budget setting meeting in February. Currently some of the guidance that will determine how final proposals are implemented has not been released by the department for Communities and Local Government (CLG). Also the level of grant that the Council will receive to support such a scheme will only be announced as part of the local government finance settlement that is expected in late December. The scheme can only be finalised when we have this information. As such it will not be possible to bring to the December Council meeting.
- 2.3 Consideration was given to a proposal to postpone this December meeting of full Council until January and deal with all business items in one meeting. However, the nature and timescales for some of the items on this meeting's agenda meant that it was not possible to delay them until January and therefore the December meeting could not be postponed. This resulted in the need for an additional meeting in January 2013.
- 2.4 The Cabinet report outlined the timescales for approval that were being determined by CLG, and that it may necessitate changes to the current meetings schedule. Given the CLG requirements, Wednesday 30 January was chosen as the most suitable date for the additional meeting.

3. IMPLICATIONS

- 3.1 An additional meeting of full Council will be held on 30 January 2013.

4. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

None.

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