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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

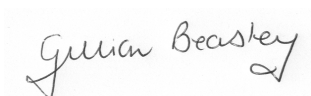
WEDNESDAY 9 OCTOBER 2013 at 7.00 pm

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Chief Executive

1 October 2013
Town Hall
Bridge Street
Peterborough

Emergency Evacuation Procedure – Outside Normal Office Hours

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MINUTES OF COUNCIL MEETING HELD 10 JULY 2013

The Mayor – Councillor June Stokes

Present:

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

1. Apologies for Absence

Apologies for absence were received from Councillors Allen, Dalton, Davidson, Kreling, Martin, Maqbool, Nawaz and Thacker.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting Held on 22 May 2013

The minutes of the meeting held on 22 May 2013 were agreed to be an accurate record subject to noting that a question was raised at the meeting requesting confirmation of the number of councillors on the conservative group.

4. Mayor's Announcement Report

Members noted the updated report outlining the Mayor's engagements for the period commencing 22 May 2013 to 7 July 2013.

The Mayor addressed the meeting further highlighting some of the events attended so far.

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

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

1. Time allocated to public questions at full Council meetings;
2. The reduction in funding to the 410 bus service;
3. Reduction in funding to the bus service enabling Sunday bus walks;

4. Bus services in Fengate; and
5. Plan B if the solar farm project was not successful.

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. Parking in Werrington;
2. Appearance of Western Avenue;
3. Development scheme in Dogsthorpe;
4. Tesco in Werrington;
5. Former John Mansfield School site;
6. Resurfacing of Ullswater Avenue;
7. Bus service for Garton End Road;

Due to the time limit for the item being reached, questions relating to the following topics were responded to in writing outside the meeting:

8. Traffic on Hodgson Way; and
9. Resurfacing of Eskdale Close.

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 Fire Authority and Police and Crime Panel

One question was received relating to the expenses and allowances of Police and Crime Panel Members and the salaries and expenses of the Police and Crime Commissioner and his Deputy.

A summary of all questions and answers raised within agenda item 9 are attached at **APPENDIX A** to these minutes.

10. Petitions Submitted by Members or Residents

Councillor Harrington submitted two petitions from residents: to retain the 413 bus service; against the suspension of Newborough to Peterborough bus services; and from members of the Young Farmers Club against the proposed solar and wind farms on the council's farms estate.

Councillor Rush submitted two petitions from residents to retain the 407 bus service.

Councillor John Fox submitted four petitions from residents opposing cuts to the 406 bus service.

Councillor Todd submitted a petition from residents requesting a continuation of bus services in Fengate.

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 being taken as read, in respect of the following:

1. Grass verges and cutting regimes;
2. Personalisation of Adult Social Care;
3. Action to tackle rural poverty;
4. ICT servers in the council;
5. Results from parking service's smart car;
6. Bedroom Tax for separated parents;
7. Bees and pesticides;

Due to the time limit for this item being reached, the following questions were responded to in writing:

8. Discrimination and equalities in organisations in receipt of council funding;
9. Bus service subsidies;
10. Street cleaning and litter bins.

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 1 July 2013;
2. Use of the Council's call-in mechanism, which had not been invoked since the previous 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 11 April 2013 to 26 June 2013.

Questions were asked about the following:

Passenger Transport – Subsidised Service Provision

Councillor Sandford requested whether a government grant that would be available in January 2014 would be applied for to mitigate some of the impact of the budget reduction. Councillor Cereste responded that if the grant was available the Council would investigate ways to obtain and use it.

Councillor Sandford queried why current services could not continue until January 2014 when the government grant became available. Councillor Cereste responded that no official information was available about the grant money so no decision could be taken in relation to it and therefore the Cabinet decision would still go ahead.

Councillor Fower queried what information could be given to concerned residents about the future of the 406 bus service. Councillor Cereste responded that more advice could be given once the procurement exercise had been completed.

Councillor Over expressed concern about travel options for school children in his ward and requested what alternative arrangements were being made. Councillor Cereste responded that provision for school children would be a priority in the procurement exercise.

Councillor McKean requested that adequate resources were applied to the procurement exercise to ensure the October deadline for services was met and councillors were made aware of the proposals. Councillor Cereste responded that information could be provided after a certain stage of the procurement process but not earlier.

Councillor Murphy queried whether grant monies in January could affect the services provided from October. Councillor Cereste responded that there was no guarantee that the council would receive any grant money in January.

Councillor Sandford raised a point of information that although an equality impact assessment had been carried out for this Cabinet decision no similar exercise was undertaken for the budget decision in March 2013.

Councillor Forbes queried whether a reduction of service rather than a full cut could have been achieved for the 407 bus service and whether any replacement service would be affordable to use for residents. Councillor Cereste advised that the procurement process would identify any options for future service provision options.

Councillor Ash queried whether Cabinet fully considered the findings of the Advisory Group that was set up to advise on the issue. Councillor Cereste advised that the findings were considered but difficult decisions had to be taken.

Councillor Harrington queried whether service users would be fully consulted following the procurement exercise. Councillor Cereste responded that they would be.

Councillor Goodwin queried whether Stagecoach could be approached to extend existing bus routes following the procurement exercise. Councillor Cereste responded that this could be done.

Budget Monitoring – Final Outturn 2012-13

Councillor Saltmarsh queried whether the £135,000 under-spend from the 2012/13 financial year could be put towards maintaining Play Services in the city. Councillor Seaton advised that the under-spend was a one-off saving and would not be able to fund the service in the future.

Housing Related Support Programme

Councillor Khan queried whether service level agreements were in place or whether conditions were attached to the grants. Councillor Seaton responded that the details were included in the full decision notice and agreements did apply to the grants.

Discretionary Rate Relief

Councillor Murphy queried the justification for some of the awards. Councillor Seaton advised that the issue could be raised at Audit Committee if required.

Provision and Management of Sport Facilities at Bretton Park

Councillor Khan queried what policy this grant was awarded under. Councillor Seaton responded that it was considered the right decision for residents and was authorised under his delegated powers. The Monitoring Officer advised that the Local Government Act allowed decisions of this nature in order to provide such facilities.

Councillor Saltmarsh queried whether the new facilities would be open to the public. Councillor Seaton advised that improved facilities would still be available for public use.

Councillor Sandford queried how the adjacent semi-ancient woodland of Highlees Spinney would be protected. Councillor Seaton advised that he could respond outside the meeting with details.

Energy Performance Contract

Councillor North queried whether the Cabinet Member agreed that the contract would be a great opportunity to save energy and money. Councillor Seaton agreed and advised that savings could be around £500,000 per annum.

School Term Dates 2014/2015

Councillor Shearman queried whether the council would liaise with the schools that were able to set their own term dates in order to reduce any impact of different timings. Councillor Holdich confirmed that this would be done.

COUNCIL BUSINESS TIME

13. Notices of Motion

1. Councillor Harrington moved the following motion:

That this Council:

1. Notes the widespread concern and opposition to energy park plans on tenant farms; the financial and project risks are considerable and that the council has moved away from its core activities in the establishment of Blue Sky Peterborough on which Councillors and officers hold directorships;
2. Believes that enough time and money has already been spent on solar farm energy schemes; and
3. Recommends to Cabinet that it takes note of residents' concerns and cuts its losses through the introduction of a moratorium on any further expenditure on solar farm schemes on our tenant farms and on the Blue Sky Peterborough organisation.

The motion was seconded by Councillor Murphy who reserved his right to speak later in the debate.

Council debated the motion raising issues including the need for revenue generating schemes, the extent of possible efficiency savings across the council, the size of the development, the loss of grades 1 and 2 agricultural land, the scale of borrowing required to fund the scheme and the need to consider alternatives to the scheme.

The Monitoring Officer advised that members of the Planning and Environmental Protection Committee could vote on the motion before them and continue in their role on the planning committee as long as they remained pre-disposed (keeping an open mind) and not pre-determined when the application was presented to the committee.

A recorded vote was requested and the motion was **DEFEATED** (20 for, 27 against, 2 not voting).

(Councillors who voted in favour: Ash, Fletcher, Forbes, John Fox, Judy Fox, Harrington, Jamil, Johnson, Khan, Knowles, Miners, Murphy, Saltmarsh, Sanders, Shabbir, Sharp, Shearman, Swift, Sylvester, and Thulbourn. Councillors who voted against: Arculus, Casey, Cereste, Day, Elsey, Fitzgerald, Fower, Goodwin, Harper, Hiller, Holdich, Lamb, Lee, McKean, Nadeem, North, Over, Peach, Rush, Sandford, Scott, Seaton, Serluca, Shaheed, Simons, Todd and Walsh. Councillors who did not vote: Lane, and Stokes).

The meeting adjourned at 9.15pm and reconvened at 9.40pm.

2. Councillor John Fox moved the following motion:

That this council:

1. Acknowledges that the council has a duty to protect its vulnerable residents;
2. Agrees that more could have been done to make vulnerable residents aware of their obligation to pay the new charges prior to receiving the notice;

3. Acknowledges that frustration and distress was caused to some residents upon receipt of a summons for non-payment of the new council tax requirement;
4. Agrees that a review of the Council's communication policy and that of its strategic partners is carried out to ensure that the lessons learned from the council tax summons letters are implemented and the unnecessary disruption and distress that was experienced by vulnerable residents is not repeated; and
5. Ensures that monitoring of the impact on residents of the change to the council tax support scheme takes place with a report to be taken back through scrutiny for any further recommendations to be made.

The motion was seconded by Councillor Forbes who highlighted that the new charges affected the poorest and most disadvantaged in society who often did not have the money to pay additional charges.

Councillor Seaton pledged that if the motion was withdrawn, the principles of the motion would be supported and a report would be presented to the relevant scrutiny committee and to DIAL.

Councillor Fox agreed to this proposal and with the consent of Council the motion was **WITHDRAWN**.

3. Councillor Shearman moved the following motion:

That this Council:

- Notes with grave concern that a recent OFSTED report reveals the proportion of disadvantaged pupils in Peterborough schools achieving the Government's benchmark standard at GCSE is the lowest in the country;
- Notes that the OFSTED report highlights the success of a programme of support known as the London Challenge (City Challenge in other areas), and that as a group disadvantaged pupils in the Local Authorities participating in this programme achieved, and in many cases exceeded, the Government's benchmark standard at GCSE;
- Notes that the additional funds received by our schools for meeting the needs of these pupils in the current year (known as the Pupil Premium) totals £7.2 million (indicative figures); and
- Notes that in a report published by OFSTED in September 2012 entitled 'The Pupil Premium', Inspectors identified a number of areas for improvement in the way this money is used in schools.

In view of this Council resolves to:

1. Set up a Task and Finish Group tasked with:
 - (i) examining the way in which the Pupil Premium is used in all secondary schools particularly insofar as it meets the recommendations outlined in the OFSTED report; and
 - (ii) investigating the way in which the needs of disadvantaged children are being met in all secondary schools; and in both instances report back its findings and recommendations to full council by the end of the Spring Term 2014.

And specifically:

2. Request from all secondary schools information on the way in which the Pupil premium is being used, and publish that information on the council's website.
3. Ensure the Chairs of Governing Bodies in all Peterborough secondary schools understand the importance of maintaining a strong focus on the way in which the Pupil Premium is used;
4. Ensure that all secondary schools in Peterborough understand the value and importance of developing a strong and supportive link with a successful UK secondary school facing similar challenges; and
5. Urge the Coalition Government to replicate something similar to the London Challenge on a regional basis across the country, as recommended by the Chief Inspector.

The motion was seconded by Councillor Jamil who reserved his right to speak later in the debate.

During debate on the item issues raised included that some schools in Peterborough were already performing well, Ofsted was already monitoring improvements being made, disadvantaged children must not be failed by the council and some 'poorer' Authority areas were performing better than Peterborough.

Following debate a vote was taken (22 for and 25 against) and the motion was **DEFEATED**.

4. Councillor Peach moved the following motion:

That this Council:

1. Recognises the importance to local business and via business and employment the stability to Peterborough residents of having a clear legally binding route to a referendum on future membership of the EU; and therefore
2. Supports the current private members bill going through Parliament by Conservative MP James Wharton and the Lib Dem manifesto pledge at the last election to hold a referendum in 2017 or before, thus giving Peterborough voters a say on their relationship with the EU.

The motion was seconded by Councillor Serluca who reserved her right to speak later in the debate.

During debate clarification was sought on the accuracy of the motion and whether it correctly reflected the Liberal Democrat manifesto. Further debate included the need for stability for local businesses, the EU was different now to many years ago and a referendum on membership was required sooner than currently planned.

A recorded vote was requested and the motion was **CARRIED** (29 for, 3 against, 14 not voting).

(Councillors who voted in favour: Arculus, Ash, Casey, Cereste, Day, Elsey, Fitzgerald, Fletcher, Goodwin, Harper, Harrington, Hiller, Holdich, Lamb, McKean, Miners, Nadeem, North, Over, Peach, Rush, Saltmarsh, Scott, Seaton, Serluca, Sharp, Simons, Todd and Walsh. Councillors who voted against: Fower, Sandford and Shaheed. Councillor who did not vote: Forbes, John Fox, Judy Fox, Jamil, Johnson, Khan, Knowles, Lane, Murphy, Shabbir, Shearman, Stokes, Sylvester and Thulbourn).

14. Reports and Recommendations

a) Submission by Peterborough City Council on Council Size to the Local Government Boundary Commission for England (LGBCE) – Report of the Electoral Review Group (ERG)

Council received a report that requested approval of the submission of the ERG and to agree that this report could be presented to the LGBCE as the Council's formal submission under this part of the review.

Councillor Cereste moved the recommendations in the report and this was seconded by Councillor Peach who reserved his right to speak later in the debate.

During a brief debate points raised included that councillor numbers should be reduced to save money but also that Peterborough had a rising population and therefore an increase in the number of councillors to represent residents was needed.

A vote was taken (44 in favour, one against and one not voting) and it was **RESOLVED** to:

1. Note and approve the submission of the Electoral Review Group, who are the cross party working group; and
2. Agree that this submission can be presented to the LGBCE for their consideration in determining Peterborough City Council's 'Council Size' as part of their electoral review of the Council.

b) Approval of the Updated Children in Care Pledge

Council received the updated Children in Care Pledge for approval subsequent to full endorsement from the Corporate Parenting Panel.

Councillor Scott moved the recommendations in the report and this was seconded by Councillor Day.

Council **AGREED** to:

Approve the amended Children in Care Pledge.

c) Governance Update

Council received a report to approve various governance functions.

Councillor Cereste moved the recommendations in the report and this was seconded by Councillor Peach who reserved his right to speak later in the debate.

A brief debate was held in which concern was raised that the membership of the Health and Wellbeing Board had only Cabinet Members and not wider representation. In response, it was highlighted that the membership of the Board already included a variety of other partners and public representatives.

A vote was taken on each recommendation separately as below:

1. Council **AGREED** to note the appointment of Councillor John Holdich as Deputy Leader of the Council;
2. Council **RESOLVED** (29 in favour, 5 against, 11 not voting) to Appoint Councillor Walsh, as Cabinet member for Community Cohesion, Safety and Public Health, to the Health & Wellbeing Board as an additional member to the Board; and
3. Council **AGREED** that the post of Head of Governance be designated as the Authority's scrutiny officer under section 9FB of the Local Government Act 2000.

d) Temporary Appointment of Parish Councillors to Marholm Parish Council

Council received a report that sought approval for the temporary appointment of one Councillor to Marholm Parish Council to enable the work of the Parish Council to continue until other councillors are elected to take up office.

Council **AGREED** that the Monitoring Officer be authorised to make an Order under Section 91 of the Local Government Act 1972 to appoint one Councillor of Peterborough City Council to Marholm Parish Council on an interim basis until a sufficient number of elected parish councillors have taken up office.

The Mayor
7.00pm – 10.45pm

FULL COUNCIL 10 JULY 2013

QUESTIONS & 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 Alex Terry</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>Given that Community Involvement Time is a crucial element of an open and democratic council, will this council reaffirm its commitment to democratic principles by permanently extending Community Involvement Time during full council meetings to at least 30 minutes if required?</p> <p>Councillor Holdich responded on behalf of the Leader:</p> <p>I'm sure I speak on behalf of all members when I say that we are fully committed to open and transparent local government in Peterborough.</p> <p>And so, we already allow up to 30 minutes for Community Involvement Time as part of our monthly agenda.</p> <p>I think that Ms Terry actually meant to ask if it would be possible to extend the time within Community Involvement Time for questions from members of the public. This currently gets 10 minutes out of the 30 minute slot.</p> <p>That is already being considered by the Constitution Review Group who will be reporting back to a later Council meeting.</p> <p>Alex Terry asked the following supplementary question:</p> <p>Would any Member would be willing to propose an extension in time to the Community Involvement Time?</p> <p>Councillor Holdich responded on behalf of the Leader:</p> <p>I don't know whether there is any Member willing to do that. The extension in time to the Community Involvement Time is being explored by the Constitution Review Group and the outcome will be reported back in due course.</p>

2.	<p>Question from Vicky Forster</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>As the 410 bus service is discontinuing I would like to ask if you are able to give the people of Fengate any guarantee with regards to a replacement bus service there are a number of elderly and infirm residents that rely on this mode of transport?</p> <p>Councillor Cereste responded:</p> <p>Fengate has been identified as an area that has a number of elderly and vulnerable residents which is why it is one of the priority areas that will be getting a replacement services – probably a demand responsive type of service, but it will be a replacement service.</p> <p>Vicky Forster asked the following supplementary question:</p> <p>Does this demand service give an immediate response to people who might need to get into town very quickly?</p> <p>Councillor Cereste responded:</p> <p>Within reason, yes it does. I believe you can ring up and ask for the service in advance and where it is possible they will arrive on an appointment, where possible.</p>
3.	<p>Question from Rohan Wilson</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>Every Sunday the Local Link bus service serving Peterborough’s countryside carries a group of walkers known as “Peterborough Bus-Walks” on a pre-planned, led walk in the best countryside west of the city. The walks bring business to rural pubs and cafes, using a bus service which enables us and other visitors to Peterborough to visit Burghley (which is our city’s most famous rural visitor attraction), John Clare Cottage, the villages and our National Nature Reserves.</p> <p>“Each week Peterborough Bus-Walks attracts between 12 and 22 walkers who join us without pre-booking from a mailing list of over 100, which we are expanding by recruitment through The Ramblers and the posters we place in Queensgate Bus Station. We take a pride in welcoming people of all ages, backgrounds and abilities. We are confident that what we do boosts people’s health and quality of life, and increases their knowledge and pride in Peterborough.</p> <p>“We understand that the Cabinet intends to withdraw the Sunday rural Local Link service. Our first reaction is that we shall have to disband our group.</p> <p>“Can the Council suggest a way we may continue to run Peterborough Bus-Walks, if the bus service which we have been supporting for 12 years is withdrawn?</p> <p>Councillor Cereste responded:</p> <p>Due to the reduction in funding from Central Government and the difficulty we have had in finding new revenue streams in order to support those reductions, the Council has had to look very closely at what services it subsidises. We have had to prioritise services and have chosen to target our residents who need to access public transport to satisfy their basic needs. This means targeting transport at children so they can get to school, workers who do not have another way of travelling and elderly and vulnerable</p>

	<p>people so that they are able to do their food shopping, banking and other essential activities.</p> <p>The areas that you mention above are all served by commercial bus services on Mondays to Saturdays so residents and visitors are still able to enjoy these fantastic locations.</p> <p>Rohan Wilson asked the following supplementary question:</p> <p>What were the levels of funding subsidy required to maintain the Sunday rural service, and what was being done to explore how this funding gap could be bridged?</p> <p>Councillor Cereste responded:</p> <p>I do not have that information at the moment. We are certainly looking at all alternatives and we have gone out to procurement. It is not until that procurement system is part way through until we are able to give you a firm idea of what will happen.</p> <p>I am quite happy to meet with you and your colleagues and explore alternatives to see if there is something that we can do within the budgets that we have available to us.</p>
4.	<p>Question from Angela Smith</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>How far away will the nearest bus stop for disabled and Senior Citizens living on the Fengate Semi Retirement Mobile Home Park be situated?</p> <p>Councillor Cereste responded:</p> <p>The replacement transport service that we are looking to procure will stop right outside the entrance to the Mobile Home Park which is where the existing bus stops are located.</p>
5.	<p>Question from Dawn Clipston</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>I was concerned to hear you mention in the weeks leading up to the Morris Fen Planning Committee (17.6.2013) that you do not have a plan B. Please confirm IS the future of the city's finances in jeopardy if the power plant proposals are not successful because there are no contingency plans for such an eventuality?</p> <p>Councillor Cereste responded:</p> <p>The Council is responsible for bringing in a balance budget and it is illegal not to do so. There are not currently any opportunities that can deliver revenue on the scale of the proposed energy parks. Should the proposals not go ahead, the city council will need to review its medium term expenditure plans accordingly in order to make up for the shortfall.</p> <p>Dawn Clipston asked the following supplementary question:</p> <p>Did you mean to reassure me in your response that the city's future finances aren't in jeopardy should this proposal not go ahead, because failure to do so could be seen as influencing Councillors to take a predetermined view in favour of the scheme knowing you have no financial alternatives?</p>

	<p>Councillor Cereste responded:</p> <p>I think I have answered the question.</p>
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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 Davidson</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>Residents parking in Hythegate in Werrington are causing huge concerns with excessive parking. Currently there are no restrictions in force and the area leads to a narrowing road. Residents may have not only personal cars being parked but also have work related vans and caravans, blocking access and regress. In the event of the emergency services requiring access this would be extremely difficult to gain access e.g. fire, ambulance, police or a duty doctor.</p> <p>Can the residents be informed of any by-law or ruling to address this matter?</p> <p>Councillor Cereste responded:</p> <p>Inconsiderate parking such as that being described causes a considerable nuisance and inconvenience to communities, and can often lead to significant safety concerns.</p> <p>Where formal restrictions exist, the Council works hard to eradicate such behaviours through both enforcement and educational activities.</p> <p>Unfortunately though, without parking restrictions being in place the Council's Civil Enforcement Officers are unable to take enforcement action. As the police have powers to deal with obstructions caused by vehicles parked on public footpaths and highways your concerns have been raised with them so that they can consider taking action to address the problem.</p> <p>In addition, if residents feel that the introduction of parking restrictions may be something that they would wish to be explored, advice can be obtained from the Councils Planning, Transport and Engineering Service.</p>
2.	<p>Question from Councillor Ash</p> <p>To Councillor North, Cabinet Member for Cabinet Member for Environment Capital and Neighbourhoods.</p> <p>Can the Cabinet Member advise me if he would take steps for the area of the former school land between the College and Western Avenue, to have works carried out to present a more attractive face to the College which will also give residents along Western Avenue something better to look at?</p> <p>Councillor North responded:</p> <p>This Council is pleased to have been instrumental in delivering such a positive outcome for the Dogsthorpe community and for the rest of the city. The John Mansfield Centre is an excellent example of Big Society in practice – local people working with the Council and our partners to bring about the regeneration of the former secondary school to create a modern and vibrant space for everybody to enjoy and benefit from.</p>

	<p>The land at the front of the site doesn't form part of the boundary for the Centre itself, and will eventually be marketed for sale. In the meantime, I can confirm that the land will be made good and that officers are in discussion with City College Peterborough to offer opportunities for students based at the Centre to cultivate it as part of their learning programmes.</p> <p>Councillor Ash asked the following supplementary question:</p> <p>Is the Council aware that the John Mansfield Centre got off the ground due to the hard work of local people to get it where it is today? What kind of work will be done and will discussions include Ward Councillors and local residents?</p> <p>Councillor North responded:</p> <p>I think it should include Ward Councillors and residents and that is part of the negotiations with the City College. Yes it is important, I can't tell you exactly what it is because that has got to be discussed with the local people and the City College Peterborough.</p>
3.	<p>Question from Councillor Saltmarsh</p> <p>To Councillor North, Cabinet Member for Environment Capital and Neighbourhoods:</p> <p>For over a year a great deal of work has gone into an improvement scheme for the area in front of the shops on Central Avenue Dogsthorpe. Meetings have been held to discuss the proposal to improve the landscaping, create further parking spaces and increase the safety of children crossing the road to attend the Infant and the Junior schools. Plans have been drawn up and local residents have attended a consultation event at the local library. Tenants of the shops and of the flats above them, the police, the schools, the Old Dogsthorpe Residents association and ward Councillors were made aware of the proposals and invited to comment on them.</p> <p>Can you please advise me when this scheme will be delivered?</p> <p>Councillor North responded:</p> <p>Following discussions with the local community on this important and much needed scheme, further detailed design work has been carried out. The original budget provision for the scheme was £125,000 but it has become clear that this is insufficient to deliver the quality of scheme expected by the local community and that a sum of £210,000 will be required. A further capacity bid will therefore need to be considered as part of the 2014/15 budget setting process.</p> <p>Councillor Saltmarsh asked the following supplementary question:</p> <p>Nobody had been informed of a hold up to the scheme, could you please ensure that this doesn't happen again?</p> <p>Councillor North responded:</p> <p>I would be happy to look into the reasons why and I am happy to meet with you outside the meeting and look at towards any future schemes and the future of this scheme.</p>
4.	<p>Question from Councillor Davidson</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>Please provide an accurate update as to what is happening with the Werrington Centre. Are Tesco Plans to develop and re-invent this area going to happen? No recent</p>

	<p>communication has been available and the residents would welcome some indication leading to the development of the site. Yet again another outlet which was formerly Storrington news is now closed.</p> <p>Councillor Cereste responded:</p> <p>Thank you for bringing this important local issue to my attention. Our officers are in ongoing discussion with Tesco and have a meeting with their representatives later this month, after which they hope to be able to update members on the scheme. You will appreciate however that ultimately it will be Tesco's decision whether or not they progress the redevelopment of their site.</p>
5.	<p>Question from Councillor Ash</p> <p>To Councillor Seaton, Cabinet Member for Resources:</p> <p>It has been 5 years since consent to build on the former school sites at Western Avenue and the playing field of Poplar Avenue was given by the Local Planning Authority. Since that time the two sites have remained undeveloped and uncared for and are considered by many residents to blight the area. Can the cabinet member give me and local residents an indication as to when the two sites will be developed and does he agree with me that a well designed and constructed development, either by a single developer or several, will show what can be done for the area and demonstrate the potential and overall wellbeing of the city to anyone visiting the area as a well designed development would make a better show piece for visitors to the area and particularly to anyone visiting the City College in Western Avenue?</p> <p>Councillor Seaton responded:</p> <p>As with all land the decision as to whether development proceeds is largely determined by financial viability. We keep sites such as this under constant review and when the time is right we will take it to the market.</p> <p>I agree with the other sentiments expressed by Councillor Ash regarding development but not just on this site but anywhere in the city.</p> <p>Councillor Ash asked the following supplementary question:</p> <p>Is it good for the city to have the site derelict? Was it helpful to wait, as the site was bringing in no income and does he agree with that approach?</p> <p>Councillor Seaton responded:</p> <p>Any development proposal is determined by its financial viability. I would be happy to meet with Councillor Ash at that site to see if that is anything that could be done about how it currently looks.</p>
6.	<p>Question from Councillor Fower</p> <p>To Councillor Seaton, Cabinet Member for Resources</p> <p>Please can the Cabinet Member let me know why the footpath along Ullswater Avenue has never been resurfaced since the 1960s, resulting in the elderly pedestrians and users of mobility vehicles having to use the road due to the uncertain and unlevel manner of the footpath and when local taxpayers can expect to see resurfacing work done along this stretch of road?</p> <p>Councillor Seaton responded:</p>

	<p>I can confirm that Ullswater Avenue is scheduled to be included in next years (14/15) micro-asphalt surface treatment programme that as well as sealing the surface and extending the of the footway will also address the surface irregularities providing a more uniform and level surface.</p> <p>Councillor Fower asked the following supplementary question:</p> <p>Do you know which month it would be?</p> <p>Councillor Seaton responded:</p> <p>I do not know which particular month, but I am happy to find out an indicative date and let Councillor Fower know.</p>
7.	<p>Question from Councillor Shearman</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>I have no doubt the cabinet member is aware that it is not only rural communities that will suffer from the withdrawal of Local Link bus services, but also discrete communities within the City which may find themselves isolated. In my own ward elderly residents living in Garton End Road, and the roads leading off it, are particularly concerned over the withdrawal of Route 406.</p> <p>Could the cabinet member advise me how to respond to a resident who has written with the following words? <i>'My mother, who is in her 80s, lives on her own in Sallows Road. I am disabled and rely on the bus service that currently runs down Garton End Road to be able to visit her. If this service is removed the nearest bus stop would be Park Road Corner, which would simply not be possible for me'.</i></p> <p>Councillor Cereste responded:</p> <p>In the urban area, we believe the majority of residents can access commercial bus services. However, there are going to be a minority of people who are unable to access commercial services. For these urban residents they have two services available to them. The Community Link, a dial-a-ride service, which takes residents into the city centre or a supermarket. Alternatively, for more individual requirements such as the situation you describe above, there is the Royal Voluntary Service social car scheme. There would be a small charge for this but gives vulnerable or disabled residents door-to-door transport.</p> <p>Councillor Shearman asked the following supplementary question:</p> <p>I am in the process of arranging a meeting with Jonathan Woodhouse, who is the manager of Stagecoach and I proposing to him that he looks at the idea of re-routing bus route number 2 down Elmfield Road and Garton End Road. Would you be prepared to come along with me to that meeting, and it may be that some of the questions raised this evening could be answered by re-routing the Stagecoach routes?</p> <p>Councillor Cereste responded:</p> <p>I would be happy to attend the meeting and I think you have a valid point which we have been exploring in other places.</p>
8.	<p>Question from Councillor Judy Fox</p> <p>To Councillor North, Cabinet Member for Environment Capital and Neighbourhoods:</p>

	<p>The results of two recent traffic surveys carried out in Hodgson Avenue, Werrington have revealed that there is a large volume of traffic exceeding the speed limit.</p> <p>With the proposal of moving the Post office from the Werrington Centre to Hodgson Avenue, should this happen then there will be a large increase of elderly, disabled and vulnerable people will be crossing this road to reach the Post Office.</p> <p>Can this council reassure the residents of Werrington that everything will be done to ensure their safety when crossing this road and consideration be given to providing a pedestrian crossing at this location?</p> <p>Councillor North may have responded:</p> <p>The safety of all our residents is of paramount importance to us.</p> <p>Speed surveys were previously undertaken at this location in August 2009 and February 2011, both confirming average speeds in each direction of between 27 and 33 mph.</p> <p>The issue of speeding on Hodgson Avenue was raised as a Neighbourhood Panel Priority during the last quarter and consequently a more recent survey was carried out in June, which resulted in:</p> <ul style="list-style-type: none"> • 12 speed enforcement checks. Of 519 vehicles checked, 98 were exceeding 35mph (19% of traffic). The majority of speeding vehicles were checked on David's Lane • 3 Speed Watch checks. Of 277 vehicles checked, 17 vehicles were exceeding 30mph, 3 exceeding 35mph (1% of traffic). Speed Watch is a non-enforceable educative approach, whereby volunteers and/or police monitor traffic speed using visible handheld devices. Those identified as over the speed limit receive a letter to their home address. <p>The Council has now been informed that the Post Office will indeed relocate and, given the implications of this, the Road Safety Team will conduct a more detailed analysis of traffic speed in the area to enable safety solutions to be considered.</p>
9.	<p>Question from Councillor Fower</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.</p> <p>Can the cabinet member please inform me when work to resurface the road at Eskdale Close will occur and why it has been left so long to become so worn and torn, with the road markings in some sections barely legible?</p> <p>Councillor Cereste may have responded:</p> <p>The Council's Major Road Maintenance Programme is formed on the basis of the results of annual structural condition surveys completed over the full Peterborough road network. These surveys provide condition data in order that planned maintenance work can be effectively prioritised. A major factor considered as part of the selection process is road hierarchy whereby the roads 'importance for usage' and traffic volume is taken into account. From an engineering perspective and taking consideration of current budget allocations roads like Eskdale Close are unlikely to rate high enough for major maintenance when compared to other strategic roads on the network. The remaining option for such roads is to complete targeted routine repairs and/or cost effective surface treatments in order to meet our statutory duty and extend the life of the surface.</p> <p>With regard the bellmouth area that is showing more deterioration than the remaining length of Eskdale Close, in the short term small reactive repairs have already been</p>

	completed and these will be followed by localised patching and the renewal of the junction markings.
9	<p><u>Questions with notice by Members to Council representatives of the Fire Authority and Police and Crime Panel</u></p>
	<p>Question from Councillor Murphy</p> <p>To Councillor Walsh, Cabinet Member for Community Cohesion, Safety and Public Health.</p> <p>Is it policy to remunerate Police and Crime panel members and since the shadow panel and panel were established, what expenses have been paid to whom and what expenses and salaries have been paid to the Commissioner and Deputy to date?</p> <p>Councillor Walsh responded:</p> <p>Members of the Cambridgeshire Police and Crime Panel receive no remuneration whatsoever for their role. This is the case for both elected councillors on the Panel and lay members who have been co-opted onto it.</p> <p>The Home Office awards a grant to support the expenses of Panel members of up to £920 per member per annum. Since the Panel was formally launched in November 2012, only £644.78 has been claimed in expenses <u>in total</u> by the <i>entire</i> Panel.</p> <p>The annual salary for the Police and Crime Commissioner is set by the Home Office and is £70,000 per annum. The salary for the Deputy Police and Crime Commissioner is set by the Commissioner and is £28,000 per annum.</p> <p>Details about the expenses claimed by the Commissioner and Deputy can be found on the Commissioner's web site, but in summary the Commissioner incurred £1,367 expenses in 2012/13 and, to the end of June, £748 in 2013/14. The Deputy Commissioner has so far incurred no expenses.</p>

<u>EXECUTIVE BUSINESS TIME</u>	
11	<u>Questions with Notice to the Leader and Members of the Executive</u>
1.	<p>Question from Councillor Davidson</p> <p>To Councillor Elsey, Cabinet Member for Culture, Recreation and Waste Management.</p> <p>How overgrown do the verges past the metre maintenance strip have to be before they need to be cut back; the impression that it gives of the city is not good?</p> <p>Councillor Elsey responded:</p> <p>Under the terms of the current maintenance regime for parkway road verges, Enterprise Peterborough are required to regularly cut to the point where the verge bank starts. We are currently working on a cyclical regime which sees each verge cut on a four weekly basis across the city. The banks themselves however are contracted to be cut but once a year. This single annual cut regime is due to their location and the safety aspect of asking members of the workforce to regularly drive ride on mowers up the steep banks. I would also point out that the current Council policy is to wherever possible to allow for grassed areas to grow freely with wild flowers as part of a biodiversity programme, something which was resolutely supported by the majority of the Chamber not least the Liberal Democrats. I do however completely concur that where there are bends in roads or areas where visibility for motorists is obscured, we have a duty to ensure visibility is at its maximum.</p>
2.	<p>Question from Councillor Thulbourn</p> <p>To Councillor Fitzgerald, Cabinet Member for Adult Social Care.</p> <p>Could the cabinet member responsible for adult social care provide an update on how the personalisation of care is proceeding, with particular reference to adults with medium/severe disabilities; how is this process working elsewhere and are there any changes to policy or implementation expected due to the feedback you are getting from services already up and running?</p> <p>Councillor Fitzgerald responded:</p> <p>Delivering a personalised approach to care is a key priority for adult social care to ensure people have choice and control over how individual outcomes are delivered. The latest performance report indicates that 88% of people eligible for self-directed support have a Personal Budget, with 19% taking their Personal Budget as a Direct Payment. This is a doubling of performance from April 2012 when 49% of eligible people had a personal budget and 10% received this as a Direct Payment. This indicates that the systems to support personalisation are in place across all customer groups. However, we are aware that we also need to ensure that we are supporting the delivery of personalised outcomes and that further work is needed.</p> <p>The Adult Social Care (ASC) department is currently working with Serco on the transformation of the adult social care customer journey to ensure that people are able to access information, advice and preventative services that maximise independence, health and wellbeing and ensure that people who require it can access longer term high quality and personalised social care support. This transformation programme will review all elements of the ASC system and ensure that independence, community engagement, personalisation and choice and control and central to all aspects of ASC support.</p>

The ASC department is currently consulting with customers, their families and other stakeholders on the development of personalised services, in particular on the development of day opportunities and community support. A recent Visioning Event focussing on the development of day services for people with a Learning Disability attended by service users and their carers there was clear support for the development of services that offer personalised and flexible arrangements alongside acknowledgement that the Council must think carefully about how it supports people with more complex needs. This feedback will be factored into future day service developments as they become clear.

Councillor Thulbourn asked the following supplementary question:

Personalisation is driving suppliers to remove the base that these individuals are using, specifically the niche with severe handicap problems. There was a lot of anecdotal evidence to this effect.

Are you going to look after that niche of people, their social needs? They are people, they need support and their families need support. It's not happening and you do need to address this. When will you address it?

Councillor Fitzgerald responded:

I think to say needs are not being supported is a harsh thing to say. I don't believe there are people who are unsupported in this city. The dangers of making inappropriate changes has been previously discussed at Cabinet, but we do need to make changes and we need to modernise our services and we need to put the services in the hands of the users. We recognise our duty to care for those people for whom we have a responsibility for.

3. Question from Councillor Murphy

To Councillor Walsh, Cabinet Member for Community Cohesion, Safety and Public Health:

Should council policy address rural poverty and why did the latest report of the executive on the impact of welfare reform to the Scrutiny Commission for Rural Communities not address rural poverty?

Councillor Walsh responded:

The Council is developing its strategy to tackle poverty, which is being supported by a cross-party working group of the Creating Opportunities and Tackling Inequalities Scrutiny Committee. Its accompanying action plan will include a wide range of interventions including those that specifically support rural areas.

In addition, the Council is working closely with a range of partners to look at the impact that Welfare Reform will bring to all communities, including rural. The first stage of this work has seen the introduction of the Peterborough Community Assistance Scheme (PCAS). PCAS has been in operation since April 2013 and has provided support to people to help them deal with crisis situations and offer advice to help prevent their recurrence.

This work remains live and responsive to rapidly changing issues. Only a small part of the welfare reforms have so far been implemented, and so the report that recently went to all scrutiny committees could give no more than a general overview of some of the early trends and issues. As a result of the discussion at the Rural Scrutiny Commission, a more in-depth exercise is underway to better understand the impacts of reform in rural communities.

	<p>Part of this work is to review the demand for PCAS support over the first three months of operation. This will allow the council to understand the needs of clients accessing the scheme and identify any gaps in provision, including those within rural communities.</p> <p>The second phase of PCAS will see elements of the scheme extended from the city centre out to neighbourhoods and rural communities.</p> <p>Councillor Murphy asked the following supplementary question:</p> <p>Why did the report, submitted to the Scrutiny Commission for Rural Communities, not include any rural poverty matters e.g. lack of access to food banks and internet access?</p> <p>Councillor Walsh responded:</p> <p>The first phase of the project did consider more central areas of the city, however it will be extended to other areas. If you have any information regarding anyone suffering from hunger or destitution in the rural communities please let me know.</p>
4.	<p>Question from Councillor John Fox</p> <p>To Councillor Seaton, Cabinet Member for Resources.</p> <p>Can the Cabinet Member for Resources provide me with information about the councils' ICT infrastructure in particular the number of servers that are running, the age of those servers, the efficiency records of the servers, the allocation of the overall ICT budget given to the maintenance of the servers and what measures are in place to consider and identify savings option on ICT systems and staff?</p> <p>Councillor Seaton responded:</p> <p>The Council has approximately 330 servers of which just over 200 are virtual servers following an extensive project undertaken by Serco. The majority of the servers are now over 4 years old and not as capable as newer modern servers. However, they are reliable and any failures experienced by Councillors or Officers are more likely to be an application or operating system issue. Serco ICT are working with our Strategic Client Services to identify the most cost effective method of replacing these servers whilst improving services to staff. A range of options are currently being considered for this as new technologies and service models are evolving. We do not have a specific budget to maintain the servers as this is just one element of the overall ICT support contract.</p> <p>With regards the measures in place to consider and identify savings options on ICT systems and staff, this is under constant review by our Strategic Client Services Team, with for example £200k worth of savings in the current year and further significant savings in 2014/15.</p> <p>Councillor Fox asked the following supplementary question:</p> <p>Can you therefore reassure me that you will look into this area fully to see if there is anywhere you can save any money and will you report your findings back to the Council?</p> <p>Councillor Seaton responded:</p> <p>I am doing exactly that and we already have savings built in to this year's Medium Term Financial Strategy and next year's. I would not bring that back to Full Council as a report but I am happy to share details of the savings we are making, and the approach we are to take in due course with the Council servers, with Councillor Fox.</p>
5.	<p>Question from Councillor Fower</p>

To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.

As Leader of the City Council you previously said that the little council car with a camera on it WOULD be used around schools to capture inconsiderate people who park on double yellow lines, while either dropping children off or collecting them from school, rather than park a few hundred yards away in a safer and legal location. Has this occurred, where is the data from this work in regards prosecutions? Both Cllr Davidson and myself would welcome the information specifically on how many visits have occurred over the last couple of years to known problem areas like Norwood School and Werrington Primary?

Councillor Cereste responded:

The Enforcement vehicle has been a significant success in Peterborough since it was launched, tackling illegal parking, and providing enforcement coverage across a larger area of Peterborough and in specific hotspots, and acting as a visual deterrent.

The CCTV car is used along with foot patrols to deter inconsiderate parking as well as enforcing against drivers contravening parking restrictions through the issuing of the civil sanction Penalty Charge Notices.

Parking patrols have been carried out at 55 different schools across the City during the last two years. The vehicle has patrolled at Norwood and Werrington Primary Schools over 30 times during that period, and has issued 41 Penalty Charge Notices as a result.

The value of the CCTV car however far exceeds the number of tickets issued as both parking behaviour and driving speed of those taking and collecting children from schools significantly improves when the CCTV car is deployed.

Councillor Fower asked the following supplementary question:

Where can I access the data in regards to the research undertaken?

Councillor Cereste responded:

If it is legal for us to let you have the data, I will do. We will make it available unless someone tells me that we can't.

6. **Question from Councillor John Fox**

To Councillor North, Cabinet Member for Environment Capital and Neighbourhoods.

With regards to the bedroom tax, can residents be assured that divorced or separated parents who both live in social housing will not be financially penalised for retaining a spare bedroom to ensure adequate space is provided for their visiting children?

Councillor North responded:

Unfortunately the national rules for Local Housing Allowance only allocate a room to the parent who is the primary carer for any child they receive the child benefit for.

Where an absent parent retains a room for their child's use they would be deemed as under occupying and would be affected by the social size criteria or 'bedroom tax'.

Those affected in this way would have the option to apply for a Discretionary Housing Payment (DHP) to support them financially to maintain the arrangement, however this may only be a short term option until they are able to locate and secure alternative, more affordable accommodation. Any households affected by this should be encouraged to

	<p>Speak to their landlord or seek advice from the Citizen's Advice Bureau.</p>
7.	<p>Question from Councillor Fower</p> <p>To Councillor North Cabinet Member for Environment Capital and Neighbourhoods:</p> <p>A year or so ago, the former Deputy Leader of the Conservative group told me that the proposed motion submitted by myself calling on this Council to stop the use of neonicotinoids on their managed farms, to help prevent the decline of local bees, was not possible to enforce, due to contracts and other such bureaucracy reasons. Can the cabinet member now please inform me how they therefore intend to adhere to the EU decision earlier this year to officially ban the use of neonicotinoids and how this will be enforced to ensure that local farmers adhere to this project?</p> <p>Councillor North responded:</p> <p>Restrictions on the use of various insecticides were adopted by the EU Commission earlier this year. They apply from 1st December 2013.</p> <p>The restrictions apply for a two year trial period at which time the EU will conduct an evidenced based review. The scientific community is divided on the risk Neonicotinoid products pose to bee and other pollinator populations. The UK along with several other countries voted against the ban in the EU Commission debate on the basis that the scientific evidence for a ban was weak and the use of alternative, less targeted sprays to control insects could pose greater overall risk to pollinator species.</p> <p>As landlord of let agricultural holdings on its Farms Estate, the Council does not have the power to control its tenants' use of sprays nor the specialist expertise and resources to monitor it. However, under the terms of their agreement, the tenants are required to comply with legislation and failure to do so could endanger their tenancies.</p> <p>Farmers and growers are required to record the operations carried out on their farms, including recording the sprays used and the dates and times applied. Failure to record this properly can lead to fines, loss of EU subsidy and rejection of crops by grain traders. Consequently there are very strong incentives for farmers to comply with the new controls.</p> <p>In the event of the EU deciding that the Neonicotinoid group of insecticides are unduly harmful to pollinators, it is reasonable to expect permanent legislation banning their use to be introduced. In this event the products would not be available for purchase. The current Council policy is to rely on EU & UK legislation and to encourage tenants to adopt environmentally friendly practises where possible.</p> <p>Councillor Fower asked the following supplementary question:</p> <p>Will you follow the lead of the Conservative MP for Peterborough and show his support for the campaign?</p> <p>Councillor North responded:</p> <p>It is important that we look into everything that damages nature in our city and we support that and I support it personally.</p>
8.	<p>Question from Councillor Murphy</p> <p>To Councillor Walsh, Cabinet Member for Community Cohesion, Safety and Public Health.</p> <p>Does the Council have a legal duty to ensure organisations that are grant aided or funded by PCC comply with anti-discriminatory practice and equalities legislation and what steps</p>

are taken to ensure compliance and good practice takes place?

Councillor Walsh may have responded:

The Council is fully committed to tackling discrimination and ensuring equality in all of its services and functions.

However, in relation to this specific question, the Council does not have a *legal* duty to ensure organisations that are grant aided or funded by the Council comply with anti-discriminatory practice and equalities legislation.

However, in the context of a contractual relationship with a contractor or service provider where they are providing a service on behalf of the Council, the contractor or provider will be required, contractually, to assist the Council to discharge its public sector equality duties.

In a contractual relationship, the steps taken to ensure compliance and good practice with regard to these duties are:

- Assessment of the organisation's equalities policy and review of any unlawful findings of discriminatory practice at pre-qualification/selection stage
- Insertion of a provision in the contract requiring compliance with equalities legislation
- Termination of the contract, where breach of this term is sufficiently material to justify termination

9. **Question from Councillor Sandford**

To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement.

Why did the cabinet set up a cross party working group to look at the proposed cuts in public transport subsidies and then subsequently ignore the recommendations which it put forward?

Councillor Cereste may have responded:

The cross party **advisory** group was set up for the following purpose:

To make recommendations establish the passenger transport subsidised service that will be provided by Peterborough City Council from the 1st of October 2013.

A number of instructions regarding the scope of the group were also given to the group and number 1 in that scope was as follows:

Scope

1. To recommend a preferred option for provision of all these services within budgetary levels available, (£600K per annum)

The £600,000 budget was set as part of the Medium Term Financial Strategy and was agreed by Full Council on the 6th of March 2013.

The group was unable to give a recommendation within the budgetary requirement specified above as their recommendation would have cost approximately £780,000.

The cross party advisory group therefore asked for an officer to make a recommendation to Cabinet that would meet the budgetary requirement.

	<p>As the cross party advisory group was unable to meet the requirements set out in the terms of reference the Cabinet considered the officers recommendation.</p>
<p>10.</p>	<p>Question from Councillor Ash</p> <p>To Councillor Elsey, Cabinet Member for Culture, Recreation and Waste Management.</p> <p>I have received complaints and heard general comments that our streets and recreation areas are not cleaned and cleared of rubbish. I understand from a recent email that Enterprise are “mapping” litter bins. Can the cabinet member give assurances that our contractors, who ever they may be, know where all the litter bins are, that bins are emptied before they are over full and spill rubbish onto the street and that our streets and parks are kept clean and free of rubbish; and does he agree that the cleansing regime needs to be sufficient to ensure that our city looks clean, feels clean and is clean? I am sure that he would agree with me that failure to meet adequate criteria gives a poor impression and has the potential to be an environmental hazard.</p> <p>Councillor Elsey may have responded:</p> <p>Enterprise Peterborough is fully aware and regularly maintains all the litter and dog bins across the City. The contract states that Enterprise should empty litter bins prior to or as soon as they become full. The mapping exercise currently being undertaking is to understand the frequency to which bins are being emptied and if they are positioned in the correct location. Through this we hope to be able to relocate bins that are currently not being fully utilised to other areas of need.</p> <p>This financial year Enterprise has not had any KPI failures against their Street Cleansing service. They have kept all streets in tolerance with regards to their level of intensity and the EPA grading that you should all have received in your ward Councillor packs. I am confident that through the work done to reschedule the Grounds and Street Cleansing service Enterprise are attending to all areas across the City as require within the contract. We also need to be conscious that increasing cleansing regimes will not eradicate the problem merely mask it, we need to promote Enforcement working closely with Enterprise to ensure that people who are dropping the litter / fly tips etc are reprimanded for their actions.</p>

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**MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD
31 July 2013
The Mayor – Councillor June Stokes**

Present:

Councillors Arculus, Ash, Casey, Cereste, Dalton, Day, Elsey, Fitzgerald, Fletcher, Forbes, Fower, Goodwin, Harper, Harrington, Hiller, Holdich, Jamil, Johnson, Khan, Knowles, Lamb, Lane, Lee, Maqbool, Martin, McKean, Miners, Murphy, Nawaz, North, Over, Peach, Rush, Sanders, Saltmarsh, Sandford, Scott, Shabbir, Sharp, Stokes, Swift, Sylvester, Thacker, Thulbourn and Walsh.

1. Apologies for Absence

Apologies for absence were received from Councillors Allen, Davidson, John Fox, Judy Fox, Kreling, Seaton, Serluca and Simons.

2. Declarations of Interest

Councillor Cereste stood to clarify an item which had appeared on the Peterborough Telegraph website. It had been alleged that he not declared an interest in the football club. Councillor Cereste stated this to be untrue; he had registered all of his interests, taken legal advice and had nothing to declare.

Councillor Elsey stated that he understood that holding a season ticket was not a prejudicial interest but in the interests of transparency he declared that he was a season ticket holder at Peterborough United.

Councillors Sharp, Shearman, Holdich, Casey, Dalton and Fitzgerald also separately declared that they were season ticket holders.

The Legal Officer clarified the situation with regards to season ticket holders. She explained that holding a season ticket did not automatically mean that a Councillor was biased in favour of the decision or otherwise. Providing Members were able to maintain an open mind, and consider all of the matters in the report fairly and impartially, then there was no evidence of bias. If anyone did not feel they could do this then they should desist from voting on this matter but would still be able to speak.

3. Budget Allocation for London Road Stadium

Councillor Cereste, the Leader of the Council, moved the recommendations within the report, adding that it was clear that this was something that was needed for the city, the club and the Council. This was seconded by Councillor Holdich, who reserved his right to speak.

Members debated the recommendation and raised points including:

- Did Council fully understand the implications of the decision, as it would mean borrowing additional money;
- This investment would not benefit the council taxpayers directly, but would be of benefit to a private enterprise;
- Was this a proper use of public funds?
- Council had a duty to provide and support statutory services and not a commercial enterprise; and

- The decision would mean further pressure placed upon statutory services.

Councillor Thulbourn rose to move an amendment to the recommendation. He stated that an action plan should be put together in order to address the issues faced by a large number of residents living locally to the ground on match days. This action plan should incorporate parking, congestion, transport to and from London Road, enforcement of existing restrictions, litter and rubbish. The main impact area was Fletton and Woodston and some parts of Stanground Central should also be incorporated. The action plan should be adopted prior to any decisions being taken on the site.

The Legal Officer advised Councillor Thulbourn that this was not a relevant amendment within the terms of the Constitution.

Councillor Murphy rose on a point of order to second Councillor Thulbourn's amendment.

The Legal Officer confirmed that the amendment would not be relevant as the remit of Council was to consider budget issues rather than strategy issues in relation to the football club, therefore this would not be a relevant amendment to the recommendation.

The debate continued as follows:

- The Council would support any business if they were approached to install infrastructure in a Council asset;
- The football club was involved in community work such as the Football Academy;
- The loss of a thriving football club would be a great loss to the city; and
- The money being put into the club was borrowed and had a capital cost, this money was not the same as would pay for areas such as bus provision.

Councillor Cereste rose on a point of order in respect of the amendment put forward by Councillor Thulbourn. He stated that he was happy to take the suggestion forward by way of a meeting of Ward Councillors and the relevant persons to further discuss the issues raised in Councillor Thulbourn's amendment in order to attempt to resolve them.

The debate continued as follows:

- Anything that could be done to develop the South Bank should be welcomed;
- Concerns were raised about reduced capacity at Moy's End, which could in turn have an effect on revenue and mean an increase in ticket prices;
- The stadium capacity would not be enough to sustain Premiership survival should the team rise through the leagues. Would this result in the stadium having to move out of the town centre?
- The football ground needed investment for the future of the club and the city;
- A tribute was paid to Joan Hill, the founder of the Peterborough United Foundation, who had passed away recently but who had left a legacy to support young people through the work of the foundation;
- Concerns were raised about profits made from the sale of land from Peterborough City Council and this in turn not being reinvested in Peterborough United;
- The economic impact: revenue and benefit and educational facilities at the ground should be considered. This deal had enabled land on the South Bank to be unlocked, which in turn would allow development to continue;
- Council was being asked to invest in Peterborough the city and Peterborough the club; the Council was linked with the fortunes of the club;
- There was a lot of work being done with young offenders;
- By maintaining the club, the Council would maintain a very important part of the history of the city;

- Some residents had expressed concern about the £8 million already paid out. It did not appear ethical that some people had made money from the club, yet the Council was struggling to borrow another £1 million to make further improvements;
- Services were being cut and the general voter did not understand the difference in the money used for this particular purpose;
- People who visited Peterborough had to see such a run down site and this would give the Council an opportunity to showcase the city;
- The Council had worked with local residents who accepted that there was always going to be some disruption from matches;
- The Council could do more in talking to Partners, such as the Police, around parking enforcement issues;
- Having invested this money, the Council should retain this site as a public asset;
- Could the reasons why the Council could find £1 million for this development but not keep play centres, buses and grants operating be provided? and
- When people visited matches they were not just judging the football ground but the city as a whole. They should go away thinking highly of the city and the club.

Councillor Holdich exercised his right to speak and stated that POSH was a great family club. He explained that there was a potential to extend the ground should the club progress through the league. He congratulated officers for their work during these negotiations adding that this was one of the best reports presented to Council. He added that the cost to the taxpayer was £10k.

Councillor Cereste summed up as mover of the recommendation and in so doing provided an explanation of the £1 million investment. He added that this would not cost anything as the revenue would cover the cost of the borrowing. The report detailed major projects around the property, which would also bring in more revenue and provide long term benefit to the city. He asked for a recorded vote to be exercised.

A recorded vote was taken (45 For, 4 Against) with Councillors voting as follows:

For: Arculus, Casey, Cereste, Dalton, Day, Elsey, Fitzgerald, Fletcher, Forbes, Goodwin, Harper, Hiller, Holdich, Jamil, Johnson, Khan, Knowles, Lamb, Lee, Maqbool, Martin, McKean, Miners, Murphy, Nadeem, Nawaz, North, Over, Peach, Rush, Saltmarsh, Sanders, Sandford, Scott, Shabbir, Shaheed, Sharp, Shearman, Stokes, Swift, Sylvester, Thacker, Todd, Thulbourn and Walsh.

Against: Ash, Fower, Harrington and Lane.

It was **RESOLVED** that:

Council approved the allocation of £1 million in the annual budget to enable the retrofitting or redevelopment of the London Road terrace at the Peterborough United Football ground in order to provide an all-seater stadium.

The Mayor
19.00 – 20.15

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COUNCIL	AGENDA ITEM No. 4
9 OCTOBER 2013	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 8 July to 29 September 2013

Attending	Event	Venue
Mayor	Meeting with The Leader of the Council	The Leader's Office
Mayor	City College Peterborough Supported Adult Learning Well-Crafted Exhibition	Peterborough Cathedral
Mayor and Deputy Mayor	Full Council Preparation Meeting	Mayor's Parlour
Mayor	Council Meeting Preparation	Mayor's Parlour
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Full Council	Council Chamber
Mayor	Visit by The School Council from Thorpe Primary School	The Parlour
Mayor and Mayoress	St Botolph's Church of England Primary School Presentation Evening	St Botolph's Primary School
Mayor	501 Combat Support Wing Change of Command Ceremony	Stukeley Club
Mayor	Farwell tea and cakes	The Parlour
Mayor and Mayoress	Chairman of Fenland District Council Civic Reception	The Manor Functions Centre
Mayor and Mayoress	RAF Wittering Families Day	RAF Wittering
Mayor and Mayoress	Fletton Phabulous Summer Fete	Fletton Ex-service and Working Men's Cub
Deputy Mayor and Deputy Mayoress	First Ever UK Mosque Foodbank Launch Invitation	311-313 Cromwell Road
Mayor and Mayoress	Lincolnshire County Council Annual Civic Service	Lincoln Cathedral
Mayor and Mayoress	Peterborough Women's Aid Annual General Meeting	The Fleet Complex
Mayor	Installation of Bishop of East Anglia	St. John's Roman Catholic Cathedral
Deputy Mayor	Citizenship Ceremony	Council Chamber
Mayor and Mayoress	Duke of Edinburgh Presentation Evening	Thomas Deacon Academy
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	RAF Wittering Freedom Parade : 30th anniversary of being awarded the Freedom of the City	City Centre
Mayor and Mayoress	Official Opening of Ormiston Bushfield Academy	Ormiston Bushfield Academy
Mayor and Mayoress	Mask in the Park - Merchant of Venice by William Shakespeare	Central Park

Attending	Event	Venue
Mayor and Deputy Mayor	Mayor's Charity Meeting	Forli Room
Mayor	Peterborough & Stamford Hospitals NHS Foundation Trust's Annual Public Meeting 2013	Peterborough City Hospital
Mayor	Retirement lunch	The Parlour
Mayor and Mayoress	The Royal Society of Saint George Summer Reception	The Claret Centre
Mayor and Mayoress	Stanground Community Fun Day	Stanground Community Centre
Mayor and Mayoress	Peterborough Phantoms Sledge Hockey Team Annual tournament	Planet Ice
Mayor and Mayoress	Peterborough Opera Gala	St John's Church
Mayor	The Great Phoenix Bake off	Phoenix School
Mayor and Mayoress	Matley Primary School Awards Ceremony and Cream Tea	Matley Primary School
Mayor and Mayoress	Prince's Trust Presentation Evening	Reception Room
Deputy Mayor and Deputy Mayoress	Open Evening at 115 Squadron Air Cadets	Cadet Headquarters
Mayor	Age UK Peterborough Annual General Meeting	St Mary's Church
Mayor	Launch of the Independent Retailers' Map	The Parlour
Mayor	Peterborough Sea Cadets Divisions Night	Old Custom House
Mayor and Mayoress	Paston Farm Play Centre Community Fun Day	Paston Farm Play Centre
Deputy Mayor and Deputy Mayoress	Big iftar - Charity Dinner	Gladstone Park Community Centre
Mayor and Deputy Mayor	Preparation for Extraordinary Council meeting	Council Chamber
Mayor and Deputy Mayor	Extraordinary Council meeting	Council Chamber
Mayor and Deputy Mayor	Meeting to discuss Cohesion work and supporting the role of Mayor and Deputy Mayor	The Parlour
Mayor and Mayoress	The Tunnel Open Day	The Tunnel
Mayor	Citizenship Ceremony	Council Chamber
Deputy Mayor	Visit by St John Fisher Catholic High School, Summer School	The Parlour and Council Chamber
Mayor	Peterborough Citizens Advice Bureau Annual General Meeting	St Mary's Church
Mayor	Meeting with Sue Ryder	The Parlour
Mayor	Peterborough Bangladesh Welfare Association - Eid party	Focus Youth Club
Mayor	Opening of Cowgate	Cowgate
Mayor and Mayoress	Change for life national campaign launch	St Johns Square
Mayor and Mayoress	Thorpe Hall Summer Fete	Thorpe Hall Hospice
Mayor and Mayoress	7th Poppy Walk	City Park
Mayor and Mayoress	Bangladeshi Community Association Peterborough (BCAP) - Eid festival	Beehive Community Centre
Mayor	Meeting with visiting school principal from Pakistan along with other guests	The Parlour
Mayor	Presentation of Read Easy Certificates	The Parlour
Mayor	Valuation Roadshow	Peterborough Central Library

Attending	Event	Venue
Mayor and Deputy Mayor	Charity Committee	Forli Room
Mayor and Mayoress	Summer Ball Charity Event	The Fleet Centre
Mayor and Mayoress	VJ Day Remembrance	Garden of Peace
Mayor and Mayoress	The British Heart Foundation - Opening of a new Furniture and Electrical Store	29 Long Causeway
Mayor	Peterborough & District Deaf Children's Society Summer Play scheme	Fulbridge Academy
Mayor and Mayoress	Peterborough Beer Festival	The Embankment
Deputy Mayor	Great British tea party	Hereward Care Homes
Mayor	Charity cheque presentation to previous Mayor and Mayoress	The Parlour
Mayor	Citizenship Ceremony	Register Office
Mayor	Samaritans Open afternoon	32-34 St John's Street
Mayor Mayoress and Deputy Mayor	Inspire Peterborough Perkins Great Eastern Run photocall	Cathedral Square
Mayor	Sailability BBQ	Ferry Meadows
Mayor	Peterborough University of the Third Age Activities Day	Jack Hunt School
Mayor	Families First Peterborough Summer Celebration Event	Charteris Play Centre
Mayor	Lunch with U3A	The Showground
Deputy Mayor	Peterborough Cruse Footprints memory walk 2013	Ferry Meadows
Deputy Mayor	Summer Holiday Children's Fair	New England Recreation Ground
Deputy Mayor	Bob Burke Family Fun Day	Central Park
Deputy Mayor	Welcome Service for new Superintendent Methodist Minster	Brookside Methodist Church
Deputy Mayor	EIC Peterborough Does Business	Eco Innovation Centre
Deputy Mayor	Honorary Air Commodore for RAF Wittering - Ceremony	Officers Mess, RAF Wittering
Deputy Mayor	Licensing of New Minister	Christ Church
Deputy Mayor	Happy Days 2 - Keeping Learning Disability Healthy	The Fleet Complex
Deputy Mayor	VIP Reception, Upon This Rock Lantern Parade	2 Cathedral Square
Deputy Mayor	British Heart Foundation's Great British Bag-athon event	Serpentine Green Shopping Centre
Deputy Mayor	Inspire Peterborough Skydive and Sports day	Sibson Airfield nr Wansford.
Deputy Mayor	Eye Open Space Group Family Disco and Bat Survey	Manor Farm Community Centre
Deputy Mayor	Open Day at the John Mansfield Centre	John Mansfield Centre
Mayor and Mayoress	Northern Ireland Veterans Remembrance Service	St John's Church
Deputy Mayor	Dinner with visiting MP from Kashmir	Mai Thai
Mayor and Mayoress	Launch day of the new TSB Bank	Both the Lloyds branches on Long Causeway
Mayor	Eagle Wood Neurological Care Centre - Official Opening	Eagle Wood Neurological Care Centre
Mayor and Mayoress	Wednesday PHAB Group	Kingfisher Centre
Mayor and Mayoress	The Job Show Peterborough	The Marriott Hotel

Attending	Event	Venue
Mayor, Mayoress and Deputy Mayor	Mayor's Charities Coffee Morning	Reception Room
Mayor	The Job Show Peterborough	The Marriott Hotel
Mayor and Deputy Mayor	Charity Committee	The Parlour
Mayor and Mayoress	Peterborough Gilbert and Sullivan Players performance of The Sorcerer	The Key Theatre
Mayor and Deputy Mayor	Gladstone Primary School Expansion Project	Bourges Boulevard site
Mayor	The Kings School Speech Day	The Cathedral followed by tea at The King's School
Mayor and Mayoress	Eastern Angles production of Dark Earth	Flag Fen
Mayor and Mayoress	Coffee with the PT Pride in Peterborough Awards	Reception Room
Mayor and Mayoress	Peterborough Lions Quiz Sheet sales	Outside Tesco's Werrington
Mayor and Mayoress	Travelchoice - Party in the park event	Ferry Meadows
Mayor and Mayoress	Cricket Match	Orton Longueville Cricket Ground
Deputy Mayor	Kingsgate - 25 Years Celebration	Kingsgate
Mayor and Mayoress	Battle of Britain Service and Parade followed by wreath laying	Town Hall, Stamford
Mayor and Mayoress	Peterborough cricket academy medals distribution	St John The Baptist Church
Mayor and Mayoress	Battle of Britain Memorial Service	St John The Baptist Church
Mayor	Meeting with Civic Staff to discuss the Sausage Supper	The Parlour
Mayor	Iqra Academy Award ceremony	Iqra Academy
Mayor	Citizenship Ceremony	Council Chamber
Mayor and Mayoress	Peterborough and District Law Society - Garden Party	Orton Hall Hotel
Mayor and Deputy Mayor	British Empire Medal Investitures	Town Hall
Mayor and Mayoress	Italian Festival Dinner	Cathedral Square
Mayor and Mayoress	Chairman of South Kesteven District Council Civic Service	All Saints' Parish Church
Mayor and Mayoress	Mayor of Whittlesey's Civic Service	St Andrews Hall to process to St Andrews Church
Mayor and Mayoress	Bangladeshi Community Association Peterborough (BCAP) - Multicultural food festival	Beehive Community Centre
Mayor	NatWest Peterborough 175 year Anniversary	Cathedral Square
Mayor and Mayoress	Nene Park Trust's 25th Anniversary Party	Ferry Meadows Cafe
Mayor	National Citizen Service Graduation Ceremony	Peterborough Suite Peterborough Arena
Mayor	Visit Thorpe Hall Hospice	Thorpe Hall Hospice
Mayor	Anglia Ruskin University - Graduation Ceremony	Peterborough Cathedral
Mayor	University Centre Peterborough Graduation Ceremony	The Bull Hotel and Peterborough Cathedral
Mayor	Chairman of Fenland District Council Macmillan Coffee Morning	Fenland Hall

Attending	Event	Venue
Mayor	The Peterborough School Speech Day 2013	Peterborough Cathedral
Deputy Mayor	The Chairman and Past Chairman of Rutland - Civic Reception	Rutland County Museum
Mayor and Mayoress	United States Air Force Birthday Celebrations	The Marriot Hotel
Mayor and Mayoress	Opening of the new Hampton Library and Leisure Centre	Hampton Library and Leisure Centre
Mayor	Stoptober Roadshow	East Square, Queensgate Centre
Mayor and Mayoress	Last Night of the Proms	The Corn Exchange Theatre
Mayor and Mayoress	Charity Coastal bike ride	Eaglewood Neurological Care Centre

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

None.

4. DIRECTOR RESPONSIBLE

Chief Executive.

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COUNCIL	AGENDA ITEM No. 12
9 OCTOBER 2013	PUBLIC REPORT

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

1. DECISIONS FROM CABINET MEETING ON 23 JULY 2013

PASSENGER TRANSPORT - SUBSIDISED SERVICE PROVISION

Cabinet received a report to consider the referral from the Sustainable Growth and Environment Capital Scrutiny Committee relating to the Cabinet Decision taken on 1 July 2013, Passenger Transport - Subsidised Service Provision. Cabinet was requested to:

1. Reconsider the results of the consultation undertaken with regard to the decision to discontinue Passenger Transport Subsidised Services; and in doing this
2. Undertake further consultation to fully assess and understand the impact of discontinuing these services on vulnerable members of the public in particular with relation to the Local Link service before making the decision.

Cabinet considered the recommendations from the Sustainable Growth and Environment Capital Scrutiny Committee and the comments and concerns raised at the meeting and **RESOLVED** to:

Confirm the decision taken on 1 July and agreed to an additional recommendation, noted below, before adopting the final decision:

10. A meeting of the cross party advisory group would be convened, to which members of the public would be invited, to consider the outcome of the procurement exercise. Such meeting is to be convened before any further decision to award contracts for the bus passenger transport services.

DECISIONS FROM CABINET MEETING ON 23 SEPTEMBER 2013

COMMUNITY ASSET TRANSFER STRATEGY

Cabinet received a report to consider approving a proposed Community Asset Transfer Strategy.

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

Approve and adopt the Community Asset Transfer Strategy.

SELECTIVE LICENSING OF PRIVATE RENTED PROPERTY

Cabinet received a report to consider approving public consultation be carried out on the proposed introduction of Selective Licensing in the Gladstone, Millfield, New England and Eastfield areas of the city.

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

Approve public consultation be carried out with a view of introducing Selective Licensing within the Gladstone, Millfield, New England and Eastfield areas of the city.

SCHOOL ORGNISATION PLAN 2013-2018 – DELIVERING LOCAL PLACES FOR LOCAL CHILDREN

Cabinet received a report outlining the proposal around meeting the statutory requirement for school places in Peterborough. The school organisation plan draws together the latest demographic data, the capital programme and identifies the need for further school places. It also acts as a supplementary planning document to the core strategy document.

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

Approve the School Organisation Plan in light of the pressures on school places and in terms of planning growth in the city.

MEDIUM TERM FINANCIAL STRATEGY

Cabinet received a report as part of the council's agreed process for integrated finance and business planning. It continues the multi-year approach to budgeting to help plan for the financial challenges ahead. The drivers continue to be meeting the council's priorities by creating a sustainable budget strategy whilst responding to changes arising from decisions made in the distribution of local government funding.

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

1. Note the financial pressures in the current financial year and approve the approach to bringing forward savings plans to help deliver a balanced budget
2. Note the current consultations affecting future local government funding arrangements and the implications on the Council's future settlements and medium term financial strategy (MTFS).
3. Approve the approach proposed for the budget process, including the suggested approach to consulting with Scrutiny and Stakeholders.

CHILDREN'S SERVICES UPDATE

Cabinet received a report on Children's Services improvement.

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

Note the contents of this report and the following key points:

- Rise in contacts
- Continued decrease in re-referrals
- Initial/Core Assessments in timescales
- Number of CAFs increased
- Raising quality and new vision

OUTCOME OF PETITIONS

Cabinet received a report updating it on the progress being made in response to petitions in accordance with Standing Order 13 of the Council's Rules of Procedure.

Councillor Cereste introduced the report.

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

Note the action taken in respect of petitions presented to full Council.

2. CALL-IN BY SCRUTINY COMMITTEE OR COMMISSION

Since the previous report to Council, the call-in mechanism has been invoked once. This was in respect of the decision taken by Cabinet on 1 July 2013 relating to Passenger Transport - Subsidised Service Provision. The call-in request was accepted by the Scrutiny Committee for Sustainable Growth and Environment Capital and referred back to Cabinet. The details of that decision from the subsequent Cabinet meeting on 23 July 2013 are noted above.

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 previous report to Council the urgency provisions have not been invoked.

4. CABINET MEMBER DECISIONS

CABINET MEMBER AND DATE OF DECISION	REFERENCE	DECISION TAKEN
<p>Councillor Holdich</p> <p>12 July 2013</p>	<p>JUL13/CMDN/064</p>	<p>Award of Contract for the construction of a new school building and the refurbishment and remodelling of existing buildings to accommodate the expansion of Gladstone Primary School</p> <p>The Cabinet Member for Education, Skills and University, in consultation with Cllr Seaton, Cabinet Member for Resources agreed to:</p> <ol style="list-style-type: none"> 1. Authorise the Executive Director - Children's Services to approve the construction of a new school building and the refurbishment and remodelling of existing buildings to accommodate the expansion of Gladstone Primary School up to the value of the budget sum of £7.25m. This sum shall also include funding for Information and Communications Technology (ICT), all site surveys and project management and technical advisers fees. 2. Vary the design and build lump sum option contract with Carillion Construction Ltd to include the construction of a new school building and the refurbishment and remodelling of existing buildings

		<p>to accommodate the expansion of Gladstone Primary School.</p> <p>3. Authorise the Head of Legal Services to enter into any legal documentation on behalf of the Council in relation to this matter.</p>
<p>Councillor Cereste</p> <p>16 July 2013</p>	JUL13/CMDN/065	<p>Leave of Absence - Councillor Sue Allen</p> <p>The Leader granted a dispensation to allow Councillor Sue Allen to remain a member of the authority until such time as she is recovered and is able to attend a meeting of the Council.</p>
<p>Councillor Cereste</p> <p>30 July 2013</p>	JUL13/CMDN/066	<p>A1260 Longthorpe Bridge Works</p> <p>The Cabinet Member authorised the award for the A1260 Longthorpe Bridge refurbishment works to Geoffrey Osborne Ltd within the budget for these works of £1.1M via the Eastern Highways Alliance Framework 1.</p>
<p>Councillor Holdich</p> <p>1 August 2013</p>	AUG13/CMDN/067	<p>Closure of Highlees Primary School, Academy Transfer Agreement and Lease of Premises</p> <p>The Cabinet Member approved the closure of Highlees Primary School and the execution of a commercial transfer agreement and to grant a 125 year lease of the premises known as Highlees Primary School at a peppercorn rent to Highlees Academy from 1 September 2013.</p>
<p>Councillor Cereste</p> <p>15 August 2013</p>	AUG13/CMDN/068	<p>Peterborough Highway Services 2013-2023</p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> 1. Noted the evaluation methodology used for the purpose of evaluating the final bidders' tenders which was pre-determined and issued to bidders as part of the invitation; 2. Noted the scores and rankings following evaluation of the final tenders and the reasons for the scores and rankings as set out in the Exempt Annex; 3. Identified the name of the preferred bidder for Peterborough Highways Services which is Atkins Limited (Atkins) as having submitted the most economically advantageous tender to the Council; 4. Agreed that the broad range of service elements (including their component parts) to be included in the scope of the partnership at the commencement are:- <ul style="list-style-type: none"> • Highway maintenance; • Professional services relating to the provision

		<p>of highway services;</p> <ul style="list-style-type: none"> • Street lighting; • Drainage; • Highways inspection; • Infrastructure Delivery Team – design services; • Intelligent Transport Systems (ITS) contract management. <p>5. Noted the additional service elements included on Atkins’ road map which may be included in the contract at a later date;</p> <p>6. Authorised the award of a 10 year contract to Atkins Limited and the ability of the Council to extend for two further periods each of 5 years with an annual contract value of £7,638,696 subject to satisfactory performance in accordance with the contract;</p> <p>7. Endorsed that a Strategic Partnership Board will oversee the partnership providing such strategic direction for the delivery, development and growth and resolving any escalated issues or other matters which require high level input or direction as part of the governance arrangements;</p> <p>8. Agreed that on expiry of the call-in period relating to this decision, Atkins be formally identified and appointed as the preferred bidder for the partnership on suitable conditions to include the award of the partnership contract subject to:-</p> <ul style="list-style-type: none"> • expiry of the Alcatel standstill period; • formal consultation with transferring employees and their Trade Union representatives under the Transfer of Undertakings (Protection of Employment) Regulations 2006; • satisfactory resolution of any outstanding matters and completion of the suite of legal documents applying to the partnership (including Admitted Body Agreement in respect of transferring employees protection under the Local Government Pension Scheme) in readiness for contract commencement; <p>9. Authorised the Executive Director – Operations in conjunction with the Chief Executive and/or the Head of Legal Services to determine any high level strategic or other issues that may require resolution and to authorise any action necessary to be taken on any such matters to enable the suite of legal documents to be completed; and</p> <p>10. Authorised the Executive Director – Strategic Resources to sign a certificate under Section 3 of</p>
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		the Local Government (Contracts) Act 1997, if required, to confirm the Council has the relevant legal powers to enter into the contract.
Councillor Cereste 21 August 2013	AUG13/CMDN/069	<p>Moy's End Stand Demolition and Reconstruction</p> <p>The Leader approved the letting of a contract to Kier Construction Eastern for the building of a new integrated Sustainable Skills Centre and Moy's End away stand at the Peterborough United Football Ground owned by the Council. The value of this contract is up to £7.569 million (including contingency).</p> <p>The Leader also:</p> <ol style="list-style-type: none"> 1. accepted a surrender of part of the football ground currently demised under two leases to the Peterborough United Football Club Ltd (PUFC) in order to allow building work to commence for the redevelopment of the Moy's End away terrace; 2. approved a rent abatement totalling £296,000 during the period of the construction works to reflect loss of income sustained by the football club; 3. approved a variation in the current lease rent from June 2012 until a new lease is granted to the Peterborough United Football Club to take account of the actual rental value of the land under lease; 4. authorised entry into an Agreement to Lease with PUFC for the football areas of the new Moy's End and the remainder of the ground; 5. granted an interim lease to PUFC from the end of June 2014 until the Council is in the position to grant a new lease for the whole area; 6. upon completion of the Moy's End stand works approved the granting of a new lease to PUFC for a term of 25 years at an initial rent of £380,000 per annum and rising to £430,000 per annum on completion of the works to the London Road Terrace; 7. approved an option to be included within the new lease for the PUFC (as tenant) to apply to the Council to purchase the site at any time during the first 10 years of the lease; 8. approved a right of pre-emption in favour of the PUFC (as tenant) to be included within the lease entitling the club first refusal to buy the freehold of the ground, within the first ten years of the new lease should the Council decide to sell the ground;

		9. approved a right of pre-emption in favour of the Council in perpetuity to be included within the lease entitling the Council first refusal to buy-back the freehold of the ground should PUFC (as tenant) decide to sell or lease the stadium.
Councillor North 27 August 2013	AUG13/CMDN/070	Future Cities Demonstrator The Cabinet Member: 1. Approved delivery of the 'Peterborough DNA' programme following receipt of a grant to the value of £3m from the Technology Strategy Board (TSB) in March 2013; and 2. Delegated authority to the Governance Board to authorise the award of grants of up to £750,000 for accumulated and prospective projects under the Peterborough DNA programme to Opportunity Peterborough Limited.
Councillor Holdich 4 September 2013	SEP13/CMDN/071	Closure of Stanground St John Voluntary Controlled Primary School, Academy Transfer Agreement and Lease of Premises The Cabinet Member approved the closure of Stanground St John Voluntary Controlled Primary School and the execution of a commercial transfer agreement and the granting of a 125 year lease of the playing field of the premises known as Stanground St John Voluntary Controlled Primary School at a peppercorn rent to the Diocese of Ely Multi-Academy Trust from 1 October 2013.
Councillor Holdich 4 September 2013	SEP13/CMDN/072	Closure of Welland Primary School, Academy Transfer Agreement and Lease of Premises The Cabinet Member approved the closure of Welland Primary School and the execution of a commercial transfer agreement and to the granting of a 125 year lease of the premises known as Welland Primary School at a peppercorn rent to Welland Academy from 1 October 2013.
Councillor Holdich 4 September 2013	SEP13/CMDN/073	Appointment of Authority Governor - Old Fletton Primary School The Cabinet Member appointed Ms Iwona Chodzicka as authority governor nominated by the governing body.

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COUNCIL	AGENDA ITEM No. 13(a)
9 OCTOBER 2013	PUBLIC REPORT

REVISED CONTRACT REGULATIONS

R E C O M M E N D A T I O N S
FROM : Audit Committee
That Council: Agrees to include the Contract Rules within the Constitution to replace the current Contract Regulations.

1. PURPOSE AND REASON FOR REPORT

This report is recommended to Council from the Audit Committee that met on 23 September 2013.

2. BACKGROUND (& CONSULTATION)

- 2.1 The Audit Committee met on 23 September 2013 and considered changes that were necessary to the Contract Regulations to bring them up to date.
- 2.2 An extract from the draft minutes of the Audit Committee is contained below:

The Head of Legal Services introduced a report to the Committee on the revised Contract Regulations. Members were also informed that the existing Contract Regulations set out under Part 4, Section 11 of the Constitution were last reviewed in 2007 and needed to be reviewed. There had also been some developments around procurement law, changes in the way the Council had contracted with, and through strategic partners and suggestions made by Officers to improve service delivery. The result was that Legal Services revised the Contract Regulations to improve Council processes for its purchasing, so that procurement was more efficient and effective. Furthermore, this would assist the Council to meet the current challenges and its corporate priorities.

The Head of Legal Services and Head of Corporate Services responded to comments and questions raised by Members. In summary responses included:

- The decision making powers and financial limits had not changed within the revised Contract Regulations and was intended to explain in a much easier way for Officers to follow, what the Council's procurement requirements were;
- Researching the market for framework agreements to provide a specific service should involve the procurer identifying the best level of framework required. There was a question for the Council over whether it wanted to use frameworks at all and that would be covered by the overarching Procurement Strategy;
- A nine month procurement process would take up time and involve substantial costs involving a team of Officers, whereas a framework solution would take considerably less time and costs as the procurement function had been conducted;

- The Council utilised framework agreements that were free and not sold them;
- There were procurement costs that would be built into the framework bid; however, the difference was that the company offering the frameworks would attract more than one client, meaning that the procurement costs would be shared;
- There were elements of competition within framework offers and generally further discounts would be sought by the Council;
- The 'Ready Reckoner' within the Contract Regulations was used to calculate a contract cost, which had been intended to provide Officers with a ball park figure and understand what procurement procedure should be followed;
- There had been no differential between whether a project was funded by revenue or capital expenditure. The works value contract thresholds would be considerably higher than a service contract; and
- It was a Cabinet matter to decide the Procurement Strategy of the Council as it was an Executive function.

Councillor Lee commented that revised Contract Regulations were very easy and clear to understand.

AGREE ACTION:

The Committee

1. Noted the contents of the report relating to the revised Contract Rules; and
2. Recommended that Council agrees to include the Contract Rules within the Constitution to replace the current Contract Regulations

3. IMPLICATIONS

See attached Audit committee report.

4. BACKGROUND DOCUMENTS

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

Audit Committee report of 23 September 2013 – attached.

Revised Contract Rules – attached.

AUDIT COMMITTEE	AGENDA ITEM No. 6
23 SEPTEMBER 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member for Resources	
Contact Officer(s):	Kim Sawyer, Head of Legal Services	Tel: 452361

REVISED CONTRACT REGULATIONS

R E C O M M E N D A T I O N S	
FROM: Kim Sawyer, Head of Legal Services	Deadline date : Not applicable.
Audit Committee is recommended to:	
<ol style="list-style-type: none"> 1. note the contents of the report relating to the revised Contract Rules; and 2. recommend that Council agrees to include the Contract Rules within the Constitution to replace the current Contract Regulations 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Audit Committee as part of the Head of Legal Services responsibility under Article 13 of the Constitution to monitor and review the Constitution. The report sets out the proposals to replace the existing Contract Regulations with a revised set of Contract Rules which are set out at Appendix 1 to this report.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with an overview of the changes which are necessary to the Contract Regulations at the present time to bring these up to date.
- 2.2 This report is for the Audit Committee to consider under its Terms of Reference No. 2.2.1.11. To maintain an overview of the Council's constitution in respect of contract procedure rules, and Financial Regulations.

3. TIMESCALE *(If this is not a Major Policy item, answer NO and delete second line of boxes).*

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	9 October 2013	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4. MAIN BODY OF REPORT

- 4.1 The existing Contract Regulations set out under Part 4, Section 11 of the Constitution were last reviewed in 2007 and need to be reviewed. There have been some developments around procurement law, changes in the way the Council has contracted with and through strategic partners and suggestions made by officers to improve service delivery. This has resulted in Legal Services revising the Contract Regulations to improve Council processes for its purchasing, so that procurement is more efficient and effective. Furthermore, this will assist the Council to meet the current challenges and its corporate priorities.

- 4.2 The revised Contract Rules (which will replace the existing Contract Regulations) have been based on the fundamental principles of the existing Contract Regulations with some formatting changes and legal updates. The Regulations have been renamed the Contract Rules so they are not confused with the Public Contracts Regulations 2006.
- 4.3 The revised Contract Rules will address some of the issues and recommendations made by officers during the consultation process, take into account recent procurement developments and ensure that the Rules can be easily be followed by officers so any procurement activity is carried out efficiently and effectively.
- 4.4 It is important for members to note that no changes have been made in respect of delegations on contracting matters to member's or officer's. The same financial limits apply and the same approval process exists as under the current Contract Regulations.
- 4.4. Appendix 1 to this report sets out the revised Contract Rules.

5. CONSULTATION

- 5.1 Officers received training on the draft Contract Rules and part of that process involved officers making recommendations on further changes which were considered and subsequently some of these have been incorporated into the Contract Rules.
- 5.2 Colleagues in procurement and legal services were also fully engaged in the process and internal audit were consulted prior to the first draft of the new Rules.
- 5.3 Once the new rules are implemented there will be a roll out to all directorates and lawyers will provide training to officers relating to the revised rules.

6. ANTICIPATED OUTCOMES

The implementation of the recommendations set out in the report will ensure that Council's processes relating to procurement are robust and reduce the likelihood of challenges being made to Council decisions in respect of procurement.

7. REASONS FOR RECOMMENDATIONS

To provide the Committee with reasoning for the review of the Contract Regulations as part of their overview function.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Do nothing. This was rejected for the reasons set out in the report.
- 8.2 Draft a new set of rules. This was rejected on the basis that the rules requiring modifying and a completely new set or rules may have created difficulties for officers involved in procurement and impact on maintaining service delivery.

9. IMPLICATIONS

The implications of the revised Contract Rules are set out within the report.

10. BACKGROUND DOCUMENTS

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

Contract Regulations set out in Part 4, Section 11 of the Constitution

11. APPENDICES

Appendix 1 – Peterborough City Council Contract Rules

Peterborough City Council

Contract Rules

Under Section 135, Local Government Act 1972

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Introduction to Contract Rules

These Contract Rules are made pursuant to the power under section 135 of the Local Government Act 1972 to make standing orders with respect to the making of contracts for or on behalf of the Authority, which is a power reserved to Council as a function that may not be exercised by the Cabinet (executive) by virtue of schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Where a decision to procure goods or services or the decision to award a contract is an executive (Cabinet) function, who may or may not make that decision and up to what financial limits is to be determined in accordance with the Leader's Scheme of Delegation in operation at that time. The Leader's Scheme of Delegation can be found at Section 3 (Executive Functions) of Part 3 (Delegations) of the Constitution

These Rules apply to contracts or agreements with external organisations where the Council pays for:

- goods and/or services;
- works of any kind;
- hire, rental or lease of equipment.

The Rules also apply to any contracts made using:

- framework agreements,
- Constructionline (the UK register of pre-qualified construction services), recognised pre-qualified lists (Select Credit),
- or any contracts to be awarded on behalf of schools which are part of the LEA.

For high value contracts, officers must comply with national and European legislation which will **override** these Rules. You must seek advice from Legal Services and the Procurement Team about that process.

Which contracts are NOT covered?

These Rules do **not** apply to:

- Arrangements between different parts of the Council. Such arrangements are covered by service level agreements (**SLA**). For example, an agreement for Legal Services to provide legal advice to the Strategic Property team;
- Employment contracts between an individual and the Council;

- Buying or leasing land or buildings. These are covered by the Land Disposal Rules within the Financial Regulations;
- Grants of money. Grants cannot be contracts as they do not deliver services to the Council. Any grants of money must be in accordance with the Constitution and prior advice should be sought from Legal Services in relation to the governance process for award of grants and the legal documentation that will be required to be put in place. These Rules are not a guide to purchasing. These are the fundamental rules designed to ensure ethical processes around contracting.
- Certain collaborative arrangements between local authorities eg section 75 agreements.

Officer responsibilities

All officers must:

- Comply with the Council's Financial Regulations and, in particular, declare any conflicts of interest in a potential contract or with bidders;
- Declare any gifts or hospitality received either before, during or after the procurement;
- Report any gifts or hospitality which may have improper motive to the Internal Audit team;
- Not disclose any confidential information to unauthorised persons;
- Ensure they have authorisation for the contract from an appropriate officer or member;
- Conduct the procurement process in a open and transparent manner;
- Enter all consultancy contracts and certain higher value (above £50,000), or high risk contracts onto the Verto management system;
- Achieve the best value for money achievable;
- Be fair to all bidders;
- Ensure that all equality issues are addressed (carrying out an equality impact assessment where required).

Chief Officer Responsibilities

The Constitution states:

“The Chief Executive, Directors and the Deputy Chief Executive are authorised to deal with contractual matters in accordance with the contract rules” (Part 3)

Therefore Directors must:

- Ensure that their Officers comply with these Rules and the Financial Regulations;

- Ensure their Officers inform the Procurement team of all contracts awarded so that it can maintain an accurate and up-to date register of all Council contracts;
- Check that they have an appropriate authorisation, or have put in place an appropriate delegated authorisation, before any contract is awarded and commenced.

By following the Rules, officers will:

- ensure the Council's procurement is legal;
- deter corruption;
- achieve value for money;
- show that the Council is accountable for its expenditure;

Advice and assistance

Officers can also contact the following people for advice:

Contracts and Procurement Team

Project Delivery

Legal Services

Osman Hamir Tel: 452394

Israr Ahmed Tel: 452326

Alex Maxey Tel: 452325

Procurement Team

1. Andy Cox

Commercial Management

Strategic Client Services

Tel: 452465

2. Serco Procurement

commercialandprocurementunit@peterborough.gov.uk

Review date – December 2013

Quick Reference Guide

VALUE	PROCESS	EXEMPTION FROM RULES BY	DECISION TO AWARD	FORMALITIES	AUTHORITY TO SIGN OR SEAL CONTRACT	OTHER
Contracts under £5K	1 quotation	Exemption report signed by Executive Director of Strategic Resources	Contract award notice signed by relevant Director or CEX or their delegates	Purchase order (oracle system)	CEX or relevant Director (if written contract exists) or delegated authority	
Contracts between £5K & £50K	3 quotations	Exemption report signed by Executive Director of Strategic Resources in consultation with the Head of Legal Services	Contract award notice signed by relevant Director or CEX or their delegates	Purchase order (oracle system) and correspondence	Authorised signatory or relevant Director or delegated authority	Enter contract onto contract register
Contracts between £50K and EU threshold (£173K for goods and services or £4.3M for works) (for procurements between 2012 and end of 2013)	Tender with 4 bidders	Exemption report signed by Executive Director of Strategic Resources in consultation with the Head of Legal Services	Contract award notice signed by relevant Director or CEX or their delegates	Formal contract approved by Legal Services	Authorised signatory (CEX or Director of Strategic Resources or Head of Legal Services) or delegated authority All contracts over £100k are to be sealed under the Council's seal.	Seek advice on bonds or parent company guarantee Enter project on Verto Notify risks to risk register Written approval of Director and Head of Legal Services to terminate or assign Extension to be agreed by Director (if contract provides for

						extension) and subject to approval by Legal Services and Procurement.
<p>Contracts over EU threshold (£173K for goods and services £4.3M for works) (for procurements between 2012 and end of 2013)</p>	<p>EU process (seek procurement and legal advice including advice on social improvements for services contracts)</p>	<p>Only statutory exemptions from the EU process are permitted Officers cannot provide exemption from the statutory rules</p>	<p>Contract award notice signed by relevant Director or CEX or their delegates</p> <p>Key decisions must be on the Forward Plan at least 28 days in advance</p>	<p>Formal contract approved by Legal Services</p>	<p>Contract sealed</p> <p>Authorised signatory (CEX or Director of Strategic Resources or Head of Legal Services) or delegated authority</p>	<p>Seek advice on bonds or parent company guarantee</p> <p>Enter project on Verto</p> <p>Notify risks to risk register</p> <p>Written approval of Director and Head of Legal Services to terminate or assign</p> <p>Extension agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.</p>
<p>Contracts subject to EU process and over £500K (Applies to goods, services and works contracts over £500K)</p>	<p>Apply the relevant process above</p>	<p>For goods and services: Only statutory exemptions from the EU process are permitted. Officers cannot provide an exemption</p> <p>For works contracts: The Executive Director</p>	<p>Key Cabinet Member Decision Notice (CMDN) signed by the Cabinet member</p> <p>Decision on Forward Plan at least 28 days in advance</p>	<p>Formal contract approved by Solicitor to Council</p>	<p>Contract sealed</p> <p>Authorised signatory (CEX or Director of Strategic Resources or Head of Legal Services) or delegated authority</p>	<p>Seek advice on bonds or parent company guarantee</p> <p>Enter project on Verto</p> <p>Notify risks to risk register</p> <p>Written approval of Cabinet member to terminate or assign</p>

		of Strategic Resources can approve exemptions up to the EU threshold				Extension agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.
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Section 1 – Beginning the Process

Before beginning any purchase you have to go through each of the steps in this section. It will help you determine how to apply the remainder of these rules.

Before contracting

Before any purchase you must take the following essential steps to ensure that you are getting best value for the Council:

- Calculate the total contract value
- Consider whether any corporate contracts ought to be used
- Research the market
- Consider what other advice/assistance you may need:
 - Does the contract involve land or buildings e.g. is a lease or licence required? If so, contact the *Estates* team;
 - Are any employees affected by the contract? If so, contact *Human Resources & Legal Services*;
 - Is equipment, plant or machinery to be transferred under the contract? If so, consider *Financial Regulations*;
 - Is there any issue of state aid? If so, contact *Legal Services*;
 - Who has the correct delegated authority to authorise the contract? Contact *Legal Services* if in doubt;
 - Are there any equality issues within the contract, are there any requirements that need to be considered under the Public Sector Equality Duty, is an equality impact assessment required? If assistance is required, contact *Legal Services*;
 - Contract value issue?
 - Is the contract really a SLA or a Grant Agreement? If assistance is required, contact *Legal Services*;

Does the contract involve services above the EU threshold? If so, consider what social improvements might be secured and if consultation is required (under the Public Services (Social Value) Act 2012. Contact *Legal Services* if in doubt;

- Prepare a Business Case (Verto) for any contract using consultants of any value or other contracts above £50K

Calculate the total contract value

The contract value determines the process you must follow under these Rules.

You can calculate the total estimated value of the contract according to a simple formula

$$\text{Annual value} \times (\text{number of years} + \text{extension period}) = \text{total value}$$

The calculation may be subject to the following variances:

- where the contract is for a fixed period, the value is the total price to be paid or which might be paid during the whole of the contract period, including any possible extensions to the contract period;
- where a number of goods or services contracts are to be entered into, the estimated value of each contract shall be the total value of the payment which the Council expects to pay under each of those contracts;
- where a number of works contracts are to be entered into, the estimated value for carrying out the works shall be total value of the payment which the Council expects to give under all the contracts for carrying out the works;
- where the contract is for services has been provided over an indefinite period the value is obtained by multiplying the monthly payment under the contract by 48;
- where a service contract includes one or more options the estimated value of the contract shall be determined by calculating the highest possible payment which could be given under the contract;
- where the contract is a single contract comprising services, supplies or works in combination, the value is calculated according to the price of the largest element of the contract.

Some contracts may not be for a cash value. Where this is the case please contact Legal Services who will assist you in calculating the contract value.

You should not enter into a series of separate lower value contracts with the intention of avoiding these Contract Rules.

Prepare a business case or mandate

The Verto system has been designed by the Council to monitor projects undertaken by the Council or using Council budgets. You must use Verto if it involves;

- Any purchasing as part of a project which is outside of 'business as usual'.

- Any use of a consultant.
- Any purchase over £50,000 in value.
- Any contract carrying high risk.

There are no strict financial limits around the requirement to enter a project on Verto but it is considered best practice for officers to make more comprehensive use of the Verto system.

Information and guidance on Verto can be found on Insite.

Please see the 'Consultant's Policy' on Insite for further information on the use of consultants.

Corporate contracts

The Council has entered into a number of partnership arrangements for either;

- direct delivery of internal services (e.g. IT with Serco);
- direct delivery of its services to the public e.g. the refuse collection service provided by Enterprise, leisure and cultural services provided by Vivacity), or
- centralised procurement of other bought in services (e.g. travel and hotel bookings, agency staff etc.).

These contracts create an exclusive arrangement between the Council and our partners for the services those partners provide. This means that you are obliged to use these service providers for the services they deliver. These are referred to throughout these Rules as the corporate contracts.

For all other services which fall outside of those contracts you have to tender any purchasing on the open market. You must also invite our partner to tender for the goods, services or works if they have the ability to provide those services but, within that tendering process, they are treated the same as any other bidder.

Failure to use the corporate contracts may result in the Council being in breach of contract and is likely to incur financial penalties for the Council.

Please contact the Strategic Client team for advice on our corporate contracts.

Research the market

Researching the market is an important tool in identifying potential cost savings to the Council. The Procurement Team can assist you to identify where you can add value to your tendering process by undertaking proper market research.

You are permitted to consult potential suppliers prior to starting your purchase in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided. However you must not:

- prejudice any potential bidder; or
- favour any potential bidder so as to distort competition.

The Procurement Team can assist you with carrying out effective market research.

Framework agreements or local market tendering

The Council's Procurement Strategy will determine whether you should seek to achieve cost efficiencies through use of framework agreements or whether you should tender in smaller lots as a way to encourage bids from small to medium enterprises (SME's), in particular to target and stimulate local business.

There are numerous framework agreements for pre-tendered goods and services. There is generally no requirement to use a framework agreement but best value is often achieved by procuring through a framework agreement.

Use of a framework agreement may require you to engage in a mini-competition. This will be determined by the terms and conditions relating to the framework.

The Procurement Team can advise you on the various framework agreements available and provide advice on how to structure your tender to take advantage of the competition.

In some cases it may be preferable to tender the contract in smaller lots to allow local businesses the opportunity to tender for the work. Whilst smaller contracts may encourage local businesses to tender, you cannot limit the tendering process to local businesses alone as this would be to breach the requirement to be fair in your tendering process.

Other considerations

Please do consider each of the following before beginning any tendering exercise.

The need for the purchase

- Is the cost of purchasing outweighed by the benefits received?
- Have you considered other alternatives to your purchase or whether you might co-purchase with other Council Departments and so achieve further economies of scale?
- Are there products or skills within the Council that can be used without the need to source these externally?

Risks arising

- Consider any risks associated with the purchase and how they are to be managed. Is this something that needs to be addressed on the departmental risk register?
- Have you factored in critical support and maintenance arrangements (i.e. whole life costing) if appropriate to avoid later negotiations? This is particularly important if your purchase involves any land or buildings.

Process

- Make sure you have selected the most suitable procurement method for the purchase e.g.
- Through the use of a corporate contract;
- sourcing through a framework; or
- partnering and collaborative arrangements with other local authorities or public bodies

Governance

- Do you have the available budget?
- Do you have the appropriate approval for the expenditure in line with the Constitution?
- If the purchase requires a Cabinet Member decision, consider whether it is a key decision and has to be included on the Forward Plan in line with the Council's Constitution;
- Have you notified the Procurement Team if the total value of the contract is above the relevant EU threshold?

Key practical points

- Factor into your timetable sufficient time to prepare the tender documents especially the evaluation criteria in advance of beginning the tendering process.
- Consider the essential elements of your contract and ensure that these are included in your conditions of contract.
- Ensure that your contract budgets for the whole life costs of the contract.

Section 2 – Process according to Value

Part A: Contracts below £5,000

This section sets out the requirements that officers must follow when purchasing works, goods or services where the total value of the contract is below £5,000.

Getting a quote

1. For contracts for works, goods, or services with an estimated value not exceeding £5,000, you must either:
 - obtain a quote under one of the Council’s corporate contracts, or
 - place an order with a contractor under a framework agreement, or
 - obtain a quote from other relevant suppliers
2. Officers should note that they are required to obtain a quote from a corporate contract where one exists for the supply of those services.

Formalities

3. There must be a written record of the quotation, which may be in the form of a letter or email to or from the contractor.
4. You should consider the following information as essential to include in any quote:
 - the specification of the goods, services or works to be supplied;
 - payment provisions in line with Financial Regulations;
 - the Council’s termination rights;
 - the key time or times when the contract is to be performed;
5. You must have a purchase order in line with Financial Regulations. This may require you to set up the supplier on the Council’s accounting system in accordance with Financial Regulations.
6. The decision to award the contract and any written terms must be agreed in writing by your Director (or the Chief Executive) unless they have delegated that authority to you or another senior officer within your team.

Part B: Contracts between £5,000 and £50,000

This section sets out the requirements that officers must follow when purchasing works, goods or services where the total value of the contract is between £5,000 and £50,000.

Obtaining quotations

1. In the case of contracts for works, goods or services with an estimated value between £5,000 but not exceeding £50,000 you must first consider:
 - Whether you must procure those services through an existing corporate contract,
 - Whether a corporate contract can supply those services, or
 - Whether you have to source those services on the open market.
2. If a corporate contractor does supply those services or can procure those services on our behalf, you must instruct them directly. If you do not wish to make use of a corporate contract you will need to complete an exemption report (see section 4) prior to tendering to obtain the authority of the Executive Director of Strategic Resources not to do so.
3. If you are sourcing those services on the open market, you must obtain at least 3 written quotes and select the provider that offers the best value for money. You should consider whether to ask for assistance from the Procurement Team even for such low value contracts as they may be aware of ways in which you can maximise resources to achieve best value.
4. If 3 quotes cannot be obtained due to lack of suitable contractors, the Officer must complete an exemption report prior to awarding any contract. This is to obtain authority to be exempted from this Rule. For further information please see Section 4 of these Rules.

Advertising the Contract

5. Although there is no specific requirement to advertise a contract between these values, officers and our corporate partners are positively encouraged to advertise contracts where
 - the contract value is above £25,000 ;
 - competition in the market is strong, or
 - the number of potential suppliers is high.
6. Advertisements can be placed on the Council's website, in the trade press and on websites specifically set up for contract advertisements (i.e. Contracts Finder). The Procurement Team can provide assistance with advertising.

Framework agreements

7. Where a suitable framework agreement exists you may use the framework if the Council is mentioned as a potential purchaser under the framework agreement. You must follow the procedure set out in the framework agreement and do not have to obtain 3 quotations. The Procurement Team can assist you in selecting an appropriate framework agreement and advise you on the process for obtaining quotes.

Known suppliers

8. In some cases you may already be aware of suppliers possessing a particular type of goods or service or works expertise that you are seeking. You may seek 3 quotations from any suppliers known to you but you must ensure that:
 - you do not use these suppliers in preference to any corporate contracts;
 - you do not discriminate in your selection of any particular supplier.

Invitations to Quote

9. Although quotations do not require a formal process you must ensure that your request for quotes is made in writing and must set out a simple specification for your purchase. You should also state the basis upon which you will select the successful quote.
10. You must have a purchase order in line with Financial Regulations once you have selected the successful quotation.
11. If you select any supplier who is not the cheapest quote, you must record your reasons for selection in writing.

Higher value quotations

12. Where the value of the contract is between £45,000 and £50,000 Officers are encouraged to pursue a more formal quotation process. Officers not following a formal quotation process must record their reasons in writing. Officers should consider drafting an Invitation to Quote comprising of the following:
 - Bidders information about the process being used;
 - Specification of the goods, services or works being purchased;
 - Award criteria and procedure;
 - Tendering and canvassing certificate;
 - Contract terms and conditions.

13. The Invitation to Quotation must state that:
 - the Council is not bound to accept a quotation and;
 - late submissions or submissions which do not comply with the Council's award procedure will be rejected.

14. The Invitation to Quotation must include the contract terms and conditions that will apply to the contract setting out:
 - details of the goods, services or works to be supplied;
 - payment provisions;
 - the Council's rights to terminate the contract;
 - the key time or times when the contract is to be performed;

15. The Officer must consult Legal Services before an Invitation to Quotation is issued where the purchase involves one or more of the following:
 - the transfer of non-land assets.
 - the transfer of staff.
 - the transfer or lease of land.
 - potential state aid issues.

16. Your Director can award a contract up to £500,000 in value upon receipt of a contract award report. The contract award report must be completed and submitted to your Director (or delegated officer) for approval. The signed award report must be kept by the department for future reference.

17. The contract can be signed by the relevant Director.

Part C: E-tendering

1. Electronic Procurement (e-procurement) is the use of an electronic system to advertise and invite tenders for goods, works and services.
2. E-procurement covers the whole purchasing cycle. This is also known as the 'purchase-to-pay' cycle and includes:
 - electronic requisitioning,
 - electronic tendering,
 - electronic ordering,
 - purchasing cards and
 - electronic Payment/Invoicing.
3. The e-tendering system must be used for any purchase of goods, works or services above £50,000, however officers are encouraged to use the system for contracts below £50,000 where possible.
4. To use the e-procurement system you should contact the Procurement Team to register yourself as a user on the e-sourcing system. Training and user guides will be provided.
5. The following sections of these Rules anticipate that you will use the e-procurement system for any purchasing. If you do not wish to use the e-procurement system you will need to discuss this with the Procurement Team.

Part D: Contracts between £50,000 and EU values

Contracts in this range of values are subject to the Council's tendering procedures as set out in this section. E-procurement is the preferred method of tendering and use of framework agreements is likely to be more common. You are therefore very likely to need assistance from the Procurement Team throughout this process and an early request for assistance is recommended.

Prior considerations

1. In the case of contracts for works, goods or services with an estimated value between £50,000 to the EU threshold you must first consider:
 - Whether you must procure those services through a corporate contract, or
 - Even though procurement through the corporate contract is not necessary, whether a corporate contract can supply those services, or
 - Whether you have to source those services on the open market, or
 - Whether you want to call off those services from a framework agreement.
2. If a corporate contractor can supply or procure those services, you must instruct them directly. Where they are procuring works, goods or services on your behalf they must follow these tendering procedures. If you do not wish to procure through the corporate contract you will be required to complete an exemption report (see section 4) before placing any orders for goods, services or works.
3. If you are sourcing those services on the open market, you must tender for a supplier using the e-procurement system.
4. Where there is a lack of suitable contractors on the market to merit a tendering process, you must complete an exemption report. This is to obtain authority to be exempted from this Rule. For further information please see Section 4 of these Rules.

Using a framework agreement

5. A framework agreement comprises pre-assessed suppliers. Use of a framework therefore simplifies the tendering process and offers considerable cost reduction. Before opting to use a framework agreement you should also consider whether there is benefit in re-packaging the tender to enable local businesses to compete for the contract.
6. A framework agreement will be suitable where you are contracting for services, goods or works
 - commonly available
 - frequently used

7. A framework agreement may not be suitable for your supply where it involves:
 - particularly complex or risky procurements;
 - one-off procurements where the product or service requires a specialism;
 - procurements which are looking for particularly novel solutions;
 - where the contract length would be longer than four years;

8. Before using any framework agreement please ensure that the Council was identified as a potential purchaser in the OJEU notice. Advice on this can be sought from the Procurement Team or Legal Services.

Awarding a call-off

9. Once you decide on a framework agreement you must call off your individual contract under the framework either by;
 - placing a direct order/direct award or
 - holding a mini competition

10. The method of call-off will depend on the terms and conditions of the framework. Some larger frameworks are divided into a number of lots, which may have been set up to enable direct ordering whilst others are designed to provide more bespoke solutions with the terms, conditions and solutions being refined through mini competition.

11. You cannot make any substantive changes to the specification or the terms and conditions of the framework so you must follow its terms in order to procure under the framework.

Tendering process

12. Officers who have assessed that they do not want to award through a framework agreement are required to carry out a formal tendering process. The Council's preferred method is e-procurement.

Advertising

13. You are required to advertise any contract you wish to tender whose total value is over £50,000.

14. You must ensure an appropriate level of advertising having regard to:
 - The subject matter of the contract;
 - The value of the contract;
 - The size and structure of the market and common commercial practices in that market;

- The location where the goods or services will be delivered.
15. The greater the interest of the contract to potential bidders, the wider should be the coverage of the advertisement. Depending on the above criteria, advertisements could be placed on the Council's website, in the trade or local press, on websites specifically set up for contract advertisements (e.g. Contracts Finder) or, where the contract borders on the EU threshold, in the Official Journal of the European Union (OJEU).

Preparing the tender documents

16. To complete the tender process you must prepare the following documents:
- An Invitation to Tender including the evaluation criteria;
 - Specification of goods, services or works to be supplied;
 - A tendering and canvassing certificate;
 - Parent company guarantee or performance bond (where appropriate);
 - Standard conditions of contract.

Preparing the evaluation criteria

17. Before starting the tender process, you must define the evaluation criteria. This details how the bids will be evaluated. It is essential that the methodology for the award is set out in the Invitation to Tender.
18. You must apply the relevant British and any equivalent European or international standards to define the required quality of the goods or services being purchased.
19. The evaluation criteria must be relevant to the services, goods or works being purchased and must be designed to secure value for money for the Council.
20. The evaluation criteria for award of the contract must be based on:
- the most economically advantageous (MEAT) bid (in other words, where quality, performance or improvements are as important as price); or
 - the lowest price (where price is the only factor).
21. If the most economically advantageous criteria are to be used, they can be further defined by relevant sub-criteria, examples of which are set out as follows:
- price;
 - quality and performance;
 - running costs;
 - technical merit;

- economic advantage based on past experience;
- delivery date;
- environmental considerations;
- aesthetic and functional characteristics;
- safety;
- after-sales services;
- technical assistance; and
- other relevant matters.

22. Where sub-criteria are used, they must also be set out in the Invitation to Tender.
23. The evaluation criteria must not include non-commercial considerations. These are criteria which are not directly relevant to the operation of the contract e.g. the terms and conditions of employment of the bidders' workers or the country of origin of the bidder.
24. The award criteria cannot include matters which discriminate against suppliers from the European Union or signatories to the Government Procurement Agreement.
25. As the evaluation stage is the most likely point at which a challenge may be made to the procurement process you are advised to seek assistance from the Procurement Team regarding evaluation modelling.

Defining the evaluation procedure

26. Bids can be evaluated by using the bidders' written submissions only or you may want to arrange face to face interviews with the bidders and/or ask for bidder presentations to supplement the written submissions.
27. You must choose which process you will use to evaluate the bids and set this out in the Invitation to Tender.

Preparing the invitation to tender

28. The Invitation to Tender sets out the basic rules for the tendering process and you must use the standard template Invitation.
29. The invitation to tender must state that
 - the Council is not bound to accept the tender;
 - late submissions and submissions which do not comply with the Council's e-tendering procedure will be rejected;
 - the e-tendering system does not allow acceptance of tenders via email or post;

- the date and time for submission of tender and that late tenders may not be accepted;
 - the tender submission closing time is governed by the e-tendering system's clock which automatically records receipt of tenders and retains that information;
 - Where bidders are asked to upload files, you must advise them that single file sizes must not exceed 5mb.
30. The invitation to tender should be accompanied by standard conditions of contract. You need to consider whether there are further conditions relevant to the contract e.g. the time the service is performed, the date on which goods are delivered etc. In some cases standard contracts (e.g. JCT contracts) will be available.
31. Officers must consult Legal Services before a tender is issued for any contract which involves one of the following:
- the transfer of non-land assets;
 - the transfer of staff;
 - the transfer or lease of land;
 - any form of payment assistance to the bidder (state aid).

Clarification procedures

32. All clarification and communication during the tender process should be channelled through the e-tendering systems messaging tool. Never email bidders via your email account during the tender exercise as there is no clear audit trail to support your process. When a message is received from a bidder a notification will be emailed to you to respond to the message. Any queries raised by a bidder and clarifications provided should be forwarded to all bidders with anonymity of the bidder raising the query.
33. If an error is identified in the invitation to tender before the closing date for submissions and is significant enough to warrant amendment, all bidders should be informed of the error and invited to adjust their bids.

Submission, receipt and opening of tenders

34. Tenders will only be available to evaluate following the closing date for submissions.
35. Tender evaluation may be completed within the e-tendering system on line or off line.

Post tender negotiation

36. If an error is identified in the invitation to tender after the closing date for submissions and is significant enough to warrant amendment, all bidders should be given details of the error and given the opportunity to withdraw their offer or to submit a revised bid within a defined period.
37. Where there is a minor error or discrepancy in the successful tender which would affect the tender figure, the bidder should be given details of the error or discrepancy and given the opportunity to confirm, correct or withdraw its bid. If the bidder withdraws its offer, the next most competitive bid should be assessed.
38. Following receipt of the tenders, you may clarify or negotiate with a preferred bidder to obtain an improvement in terms of price, delivery or service. Any such clarification or negotiation must:
 - not discriminate against other bidders, and
 - not alter the original specification except where Legal Services or Procurement have advised that special circumstances exist that can be substantiated, and
 - have the prior authorisation of Legal Services or the Procurement Team, and
 - be confirmed in writing by the bidder.

Evaluation, selection and de-briefing

39. The e-tendering system may be used as a document exchange system where tenders are uploaded to the system and then evaluated off-line or you may use the systems tender questionnaire which will enable you to evaluate the bids online within the e-tendering system.
40. Bids must be evaluated and the successful bidder selected in line with the advertised award criteria and the award procedure.
41. There is no requirement for a standstill period in non-EU tendering but it is considered good practice to debrief unsuccessful bidders before awarding the contract to identify and avoid any potential challenges from an unsuccessful bidder.
42. You may want to include the following matters in any debrief:
 - identifying the bidder to whom the contract will be awarded,
 - the reasons for the decision,
 - the award criteria,
 - a full breakdown of the bidder's scores against each of the criteria and sub-criteria together with an explanation why the successful bidder achieved a higher score,
 - the score of the successful bidder,
 - the reasons (if any) why the bidder did not meet the technical specifications.

43. Apart from the debriefing permitted by this Rule, the confidentiality of tenders and the identity of bidders must be preserved at all times and information about one bidder's response must not be given to another bidder.

Award report

44. Provided there is no challenge to the decision to award the contract you must prepare a contract award report to authorise the award of the contract which must be sent to Legal Services, Procurement and Finance for approval before your Director signs off the report. The report must be signed by the Director or a senior officer with authority delegated from the Director.
45. Once your contract award notice has been approved, you will need to notify all bidders of the result via the e-tendering system.

Contract formalities

46. There must be a signed written contract in place between the Council and the contractor before the supply, service or work is started. You must send the following documents to Legal Services to prepare and finalise the formal contract documents:
- Signed Director's Contract Award Report;
 - Invitation to Tender (including the terms and conditions);
 - Successful Contractor/Service Provider/Consultant tender submission;
 - Any other documents you wish to include in the contract
47. Signed, Sealed contracts will be listed in the Council's contract register and placed in the Council's Deeds Room and you will be forwarded a contract number for future reference. Contracts between £50,000 and £100,000 need to be signed by an Authorised Signatory or sealed in the presence of an Authorised Signatory. All contracts over £100,000 must be sealed in the presence of an Authorised Signatory.
48. If you want the contract to begin before the contract is signed or sealed, you should consult Legal Services. In exceptional circumstances, the Head of Legal Services may permit the contract to begin before the contract is signed.

Contract register

49. You must give details of the contract to the Procurement Team to be entered into the Contracts Register.

Part E: Contracts above EU values

If you want to award a contract in this range of values you must consult the Procurement Team and Legal Services. This process is governed by statutory rules and European Directives that are too extensive to set out in these Rules. The following Part is intended as summary guidance only.

It is important to note that the statutory rules supersede these Rules and contain their own exemptions.

No exemption can be granted by officers or members for exemption from the EU process unless the exemption is permitted by the statutory rules.

Identifying potential candidates

1. Contracts which are covered by the Regulations must be the subject of a 'call for competition' by publishing a contract notice in the Official Journal of the European Union ("OJEU").
2. In most cases the time allowed for responses or tenders must be no less than a set period, although some prescribed periods can be reduced where:
 - A prior information notice (PIN) was published sufficiently far in advance of the procurement or when accelerated procedures are used;
 - If the OJEU notice was submitted electronically in accordance with the requirements set out on the SIMAP website (see above);
 - Where authorities offer full and unrestricted access to tender documents (in accordance with specific requirements set out in the EU procurement regulations).

Reduced advertising requirements for certain categories of service contract

3. Service contracts are divided into two categories:
 - Part A – to which the full rules apply;
 - Part B – where the only obligations relate to technical specifications and post-award information and there is no requirement for contracts to be advertised in the OJEU.

However, the European Commission has issued guidance for contracting authorities to observe when letting Part B services contracts. This may involve an obligation to advertise the Part B services contract. If assistance is required, contact *Legal Services*.

At the pre-procurement stage of a services contract (Part A and B Services) that is above the EU threshold, you must consider:

- what social improvements might be secured, and

- consider whether service users, service providers, voluntary and community sectors and other stakeholders in the field should be consulted on preparing a revised specification in relation to any proposed social improvements.

Procurement and Legal Services can provide further guidance on this. You need to keep a written record of how these issues have been addressed.

4. The services which fall within Part A and Part B are listed in Schedule 3 of the Regulations (which can be viewed on the Cabinet Office website). Contact the Procurement Team or Legal Services for further advice.

Choice of procurement procedure

5. Four award procedures are provided for under the EU procurement regulations:
 - **Open Procedure**
All those interested may respond to the advertisement in the OJEU by tendering for the contract.
 - **Restricted Procedure**
A selection is made by use of a pre-qualification questionnaire (PQQ) of those who respond to the advertisement and only those selected are invited to submit a tender for the contract. This allows purchasers to avoid having to deal with an overwhelmingly large number of tenders.
 - **Competitive Dialogue Procedure**
Following an OJEU notice and a selection process, the Council enters into dialogue meetings with several bidders, to develop one or more suitable solutions for its requirements. During this process bidders are deselected at various stages before final tenders are called for. (A multi-stage and complex process which should not be used where Open or Restricted procedures could have been used)
 - **Negotiated Procedure**
The Council may select one or more persons with whom to negotiate the terms of the contract. An advertisement in the OJEU is usually required but, in certain circumstances, described in the Regulations, the contract does not have to be advertised in the OJEU. An example is when, for technical or artistic reasons or because of the protection of exclusive rights, only a particular person can carry out the contract. This procedure is used only exceptionally
6. Public authorities have a free choice between the open and restricted procedures. The competitive dialogue procedure is available where the contract cannot be awarded under open or restricted procedure. The negotiated procedure may only be used in the limited circumstances described in the EU procurement regulations.
7. Under restricted procedures, competitive dialogue and competitive negotiated procedures (those where a call for competition is required by advertising in the OJEU) there must be a

sufficient number of participants in the process to ensure genuine competition, with a minimum of *five* for restricted procedures and *three* for competitive dialogue and negotiated procedures.

Specification evaluation and award criteria

8. In all other respects the process follows the steps set out in the earlier section on tendering and you are required to complete preparation of your paperwork before the tendering process begins. Whilst some of the paperwork can be standardised it is important that Legal Services and the Procurement Team will work with you to devise award criteria based upon your specification for the services that are being procured

Standstill and post tender formalities

9. Following the evaluation of the contract and before formally awarding the contract to the successful bidder there will be a mandatory standstill period. This period begins once you have notified the unsuccessful bidders of your decision and the reasons for the differing scores. This is known as the 'Alcatel' or "Standstill" period and is bound by strict rules. See points 11 and 13 below as to when the Alcatel letter must be sent out.
10. The standstill period allows for the unsuccessful bidders to seek any feedback on their bids and to challenge the procurement process. You should therefore have prepared in advance any information about the evaluation process, the reasons for the differing scores and why the bidder was unsuccessful before the award of the contract is notified to the bidders.

Governance

11. The contract must be awarded by an authorised signatory on behalf of the Council. Your Director can award a contract up to £500,000 in value upon receipt of a contract award report. You must prepare an award report to authorise the award of the contract which must be sent to Legal Services, Procurement and Finance for approval before your Director signs off the report. The report must be signed by the Director or a senior officer with authority delegated from the Director. The Alcatel letter can be sent out at any time after your Director signs off the contract award report.
12. For contracts above £500,000 you will need to have a Key cabinet member decision notice (CMDN) approved by the relevant Cabinet member before award of the contract. All contracts of this value should also be on the Forward Plan. Contact the Governance team for further guidance.
13. The Key CMDN must be published in advance of being signed by the Cabinet Member. There is separate guidance on this process available from the Legal Services team. The Alcatel letter can only be sent out after the Cabinet Member has signed the Key CMDN. Once the Key CMDN has been published the bidders are likely to become aware of the successful bidder so you should aim to make them informally aware of the tender outcome and intention to issue the Alcatel standstill letter at the same time as the Key CMDN is sent

for publication. Confirmation of the award should follow once the call-in period has expired.

14. All contracts above £100,000 must be sealed in the presence of an Authorised Signatory and, once sealed, will be retained by Legal Services within the Deeds Room.

Contract formalities

15. There must be a sealed written contract in place between the Council and the contractor before the supply, service or work is started. If this requirement may cause difficulties, you should consult Legal Services. In exceptional circumstances, Legal Services may permit the contract to begin before the contract is sealed and measures can be put in place to protect the Council's position in the interim.

You must send the following documents to Legal Services to prepare and finalise the formal contract documents:

- Signed Director's Contract Award Report/Key cabinet member decision notice;
- Invitation to Tender (including the terms and conditions);
- Successful Contractor/Service Provider/Consultant tender submission;
- Any other documents you wish to include in the contract

47. Signed, Sealed contracts will be listed in the Council's contract register and placed in the Council's Deeds Room and you will be forwarded a contract number for future reference.

Section 3 – Getting the Contract in Place

Where contracts are high value or high risk you should consult with your department's senior accountant or senior financial officer as to whether some form of security, such as a bond or parent company guarantee is required from the contractor

Bonds

1. A performance bond is a written guarantee provided to the Council by a contractor's bank or insurer. It requires the contractor to deposit a sum of money with the bank or the insurer and is therefore usually only suitable for high value or high risk contracts. If the contractor does not do what it has promised under the contract, the Council can claim from the bank or insurer the sum of money which is specified in the performance bond.
2. A performance bond is intended to protect the Council against the costs that arise from the contractor's failure to perform the contract. You must assess the need for the bond by considering the risks to the Council, including the:
 - complexity of the contract relating to delivery;
 - capabilities of suppliers, service providers or contractors;
 - financial standing and security of suppliers, service providers or contractors.
3. In limited circumstances it may be necessary to have an on demand bond (effectively a cash bond), however there is a significant cost to these and they should only be sought in limited circumstances and following legal advice.
4. You should consider whether a performance bond or any other form of security is required where;
 - a contract for works, goods or services is estimated to exceed the EU threshold or
 - where it is proposed to make stage or other payments in advance of receiving the whole of the works, services or supplies
5. Should a performance bond or other form of security be required, you must identify this in the tender documentation. Contact the Contracts and Procurement Team or Legal Services for a template version of the performance bond.
6. You should not allow the contractor to commence the contract for the works, services or supplies until the bond has been provided to the Council.

Parent company guarantees

7. A parent company guarantee could be requested from the contractor as an alternative form of security to a performance bond but only where the contractor has a parent company.

8. A parent company is a company which owns a number of companies (known as subsidiaries). You should seek advice from the Procurement Team or Legal Services if you intend to request a parent company guarantee in any tender.
9. There are other lesser used forms of security that can be requested against the contract, such as cash, title deeds, debentures and legal charges. Please contact the Procurement Team or Legal Services for further advice if you need to consider these.

Contract documents

There are many different forms of standard contract. These are most frequently found in the construction industry (i.e. for works contracts) but others are also available.

The Legal Services team have knowledge of most standard forms of contract and also hold a standard set of terms and conditions which can be tailored to meet any forms of works, goods or services contract. These take account of the specific needs placed upon local government contracts e.g. freedom of information requests for contract documents and auditing obligations.

Requests for standard clauses and to discuss specific contractual requirements can be made by contacting Legal Services.

Section 4 – Changes to the Contract

This section sets out what you must do if

- you are unable to comply with any of the requirements of these Rules, or
- there is a change to the contract e.g. additional works have been identified after the contract has begun.

It is very important that you follow correct governance processes to authorise any changes to the contract or these Rules. In almost all cases you will require approval from your Director and other senior officers within the Council.

The Head of Legal Services is responsible for monitoring adherence to these Rules. Failure to obtain the correct authorisation at the appropriate time to deviate from these Rules may mean that you are in breach of your employment contract and oblige the Head of Legal Services to report repeated breach of the Rules to the Council.

Exemptions

1. It is the Council's policy that these Contract Rules should be complied with at all times. However, the Council recognises that circumstances may exist when it is not possible or desirable to comply with these Rules. On those occasions you may apply for an exemption from any or all of these Rules.
2. The fundamental principles of exemptions are that:
 - they should be used only in exceptional circumstances;
 - they are granted entirely at the discretion of the Executive Director of Strategic Resources, in consultation with the Head of Legal Services,
 - they should always be sought in advance of any purchasing as there is a general presumption that retrospective applications will not be approved, and
 - there is no automatic right to an exemption.
3. The Executive Director of Strategic Resources is accountable for giving appropriate approval to all exemptions and a record is kept of all those granted which is open to public inspection.
4. All exemption requests must be made in writing supported by justification for your application.

5. An exemption under this section **can never** be used where the total value of the contract exceeds the EU threshold. There are specific statutory exemptions which apply to contracts tendered under the EU process and you should always seek legal advice on these.

When may an exemption be allowed?

6. An Exemption may be allowed when:
 - You want to obtain quotations or tenders from fewer bidders than these Rules require (including a single bidder) because they are the only suppliers which can provide the services or goods or works you want to purchase;
 - You are working in partnership with another public sector body and you are satisfied that their procurement rules have been complied with in the letting of the contract;
 - You want to extend an existing contract which does not have provision for an extension and where a change of supplier would cause:
 - disproportionate technical difficulties;
 - excessive cost; and/or
 - significant disruption to services.
7. In all cases an exemption cannot be approved where the cost of the extension or contract exceeds the EU threshold.

Exemption procedure

8. To apply for an Exemption, you should complete an Exemption Report.
9. The Exemption Report should set out clearly the grounds on which you are applying for the Exemption and must specify which of the reasons listed above apply.
10. If there is information which you wish to keep confidential and not disclose to the public you should also complete an exempt annex. However, all local authorities are increasingly expected to disclose information to the public on the grounds of transparency and accountability. The Council will be allowed to withhold information only in exceptional circumstances where the interests of the Council or others may be severely damaged or compromised by disclosure.
11. The completed exemption report should be sent to Legal Services, Procurement and Finance for approval.
12. Once the required approvals have been obtained you must send the report to the Head of Legal Services and the Executive Director of Strategic Resources for formal approval of the exemption. Electronic approval will be sufficient.

13. The Executive Director of Strategic Resources is required to keep a register of approved exemptions.
14. In urgent circumstances, contact must be made with the Head of Legal Services and the Executive Director of Strategic Resources **before** taking entering any contract, to obtain an “in principle” decision. This means that, unlike usual procedures, the decision to award will follow after the contract has been awarded. Verbal authority given by the Executive Director of Strategic Resources will mean that the correct authority has been given for the contract, even though the paperwork will be retrospective.

Retrospective exemptions

15. An exemption to any of the Rules should never be sought retrospectively but exceptions to this principle will be allowed where:
 - It has been necessary to act urgently because of an unforeseen emergency which involves immediate risk of injury or damage or to prevent serious disruption to services.
 - it is necessary for an officer in Children’s Services or Adult Social Care to act immediately to secure care for any vulnerable person.
 - it is necessary to act urgently to secure a supply of goods eg Westcombe Engineering, where commercial offers are time limited and represent best value for the Council.
16. In both cases you should seek an ‘in principle’ decision from the Executive Director of Strategic Resources and the Head of Legal Services where possible, and the cost of the immediate action should not exceed the EU threshold. An exemption report should be completed as soon as reasonably possible after the contract has begun.

Assigning/Novating contracts

17. Assignment is the transfer of the benefit of contract to another party. The contract should detail the circumstances in which a contract can be assigned but if it does not you will need to consult Legal services on the process. Novation is the transfer of the rights, obligations and liabilities of an original party to an existing contract to a new party. You should contact Legal services on the form of the contract that should be used for the novation, which is usually in the form of a deed.
18. Where a contract is required to be assigned or novated you must first calculate the total value of the contract to determine the correct process.
19. Where a contract has a total value between £50,000 and £500,000 the assignment/novation will need to be approved by the following officers:

- Head of Legal Services; and
- Your Director (or if authorised, the Head of Service / Assistant Director)

20. Where a contract has a total value of more than £500,000 the assignment/novation will need to be approved by the officers listed above and:

- a credit check on the proposed contractor that the contract is to be assigned to have been carried out by Strategic Finance; and
- a Cabinet Member Decision Notice authorising the assignment/novation has been obtained; and
- a formal deed/notice of assignment, to be prepared by Legal Services, has to be entered into by the parties

Varying contracts

21. Variations of contract typically comprise:

- change in price, or
- change in service delivery or goods or works leading to a change in price

22. If the variation looks as if the original value of the contract is likely to be exceeded, the procedure for obtaining approval to the variation is as follows:

22.1 Non-EU procured contracts

- Increase is less than £50,000

The project/contract manager or officer must obtain approval to the increase in line with the authority listed in the quick reference guide.

- Increase is more than £50,000

In addition to obtaining the authority listed in the quick reference guide, the project/contract manager or officer must inform the Director of Strategic Resources (Internal Audit) immediately. This means that as long as the contract as varied is still under £500,000, it can be authorised by the relevant officer(s) referred to in the quick reference guide (subject to having informed Internal Audit). If the variation takes the contract value over £500,000 or if the original contract was over £500,000 and a key cabinet member decision notice was obtained for the contract, a further key cabinet member decision notice need not be obtained for the variation, unless Legal Services consider such a decision should be obtained.

22.1 EU procured contracts

Contact Legal Services for advice on whether the variation is likely to be treated as a new contract, requiring it to be re-tendered. If the advice from Legal Services is that the variation is unlikely to be treated as a new contract, the project project/contract manager or officer must follow the procedure outlined in the second bullet point of paragraph 22 above.

Section 5 – Ending the Contract

Terminating contracts

1. Where a contract is required to be terminated, other than by it expiring, seek advice from Legal Services.
2. Where a contract has a total value of between £50,000 and £500,000 the termination will need to be approved by the following officers:
 - Head of Legal Services; and
 - Your Director (or if authorised, the Head of Service / Assistant Director)
3. Where a contract has a total value of more than £500,000 the termination will need to be approved by the officers listed above and additionally
 - a Cabinet Member Decision Notice must authorise the termination and;
 - a termination notice must be issued to the contractor by Legal Services

Section 6 – Explanations

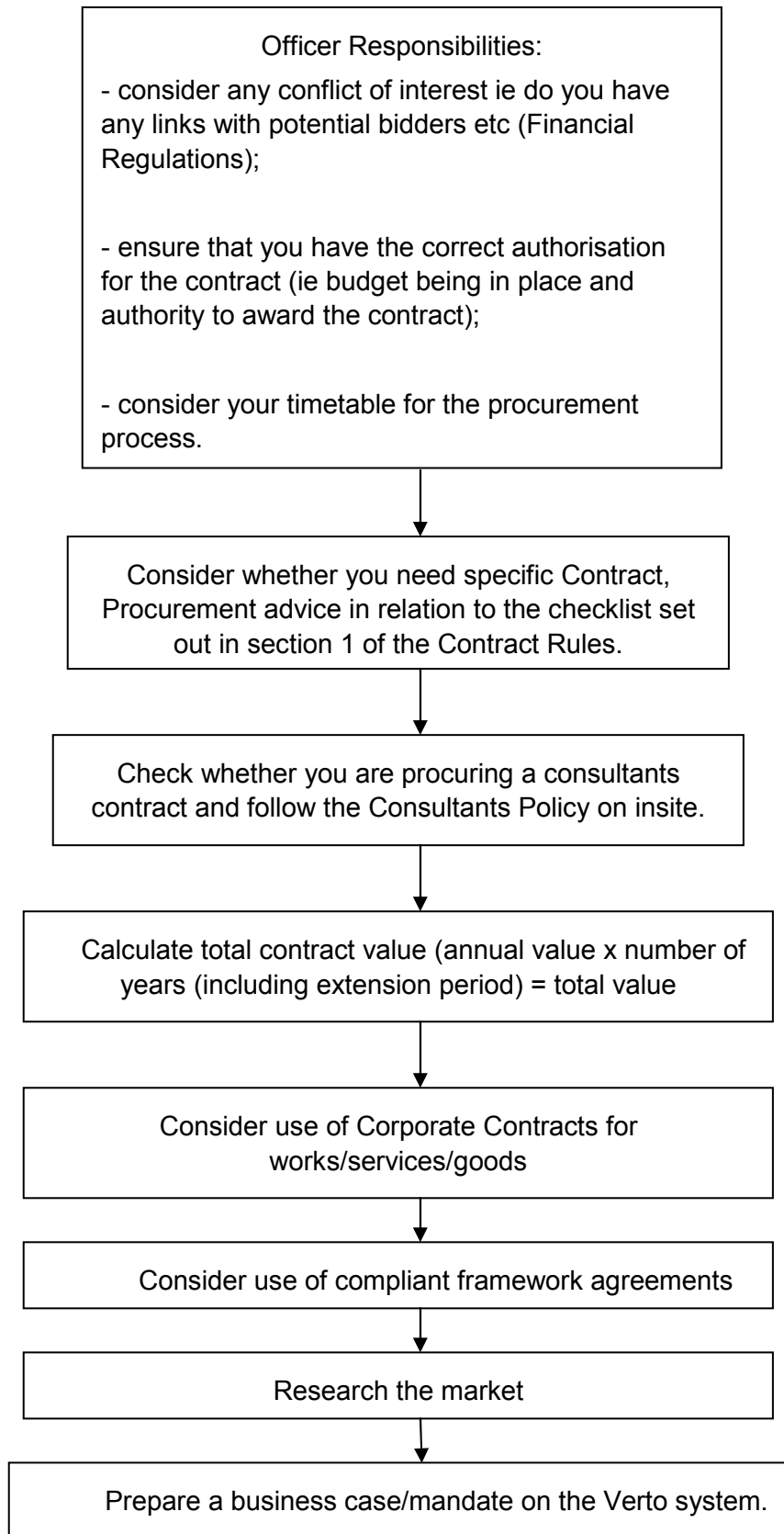
Glossary

Key terms in this section	Meaning
Authorised Signatory	Means the Chief Executive, Executive Director of Strategic Resources, Head of Legal Services (or delegated officers in Legal Services).
Business Case	A document that sets out the rational for undertaking a project and its costs, risks and benefits.
Constitution	<p>The Council’s constitutional document which;</p> <ul style="list-style-type: none"> - allocates powers and responsibility within the Council; - sets out delegations for its Executive including the cabinet members and delegation to officers; -sets out the rules of procedures, codes and protocols.
Delegated Authority	The process under the Constitution which sets out what senior officers of the Council are entitled to do in the Council’s name e.g. to enter contracts. Most Director’s will have delegated some of these powers to Heads of Service.
E-Sourcing	The researching and gathering of product or service information by electronic means, mainly by internet or email use.
EU threshold	The financial limit above which all tendering must follow a statutory procedure governed by EU directives. It applies to all public works contracts, public supply contracts and public service contracts which have a value excluding VAT estimated to be no less than the pre-established thresholds. The thresholds are recalculated by the European Commission every two years. See the Quick Reference Guide for the threshold amounts for the works, goods and services.
Financial Regulations	The regulations outlining the officer’s responsibilities relating to financial matters.

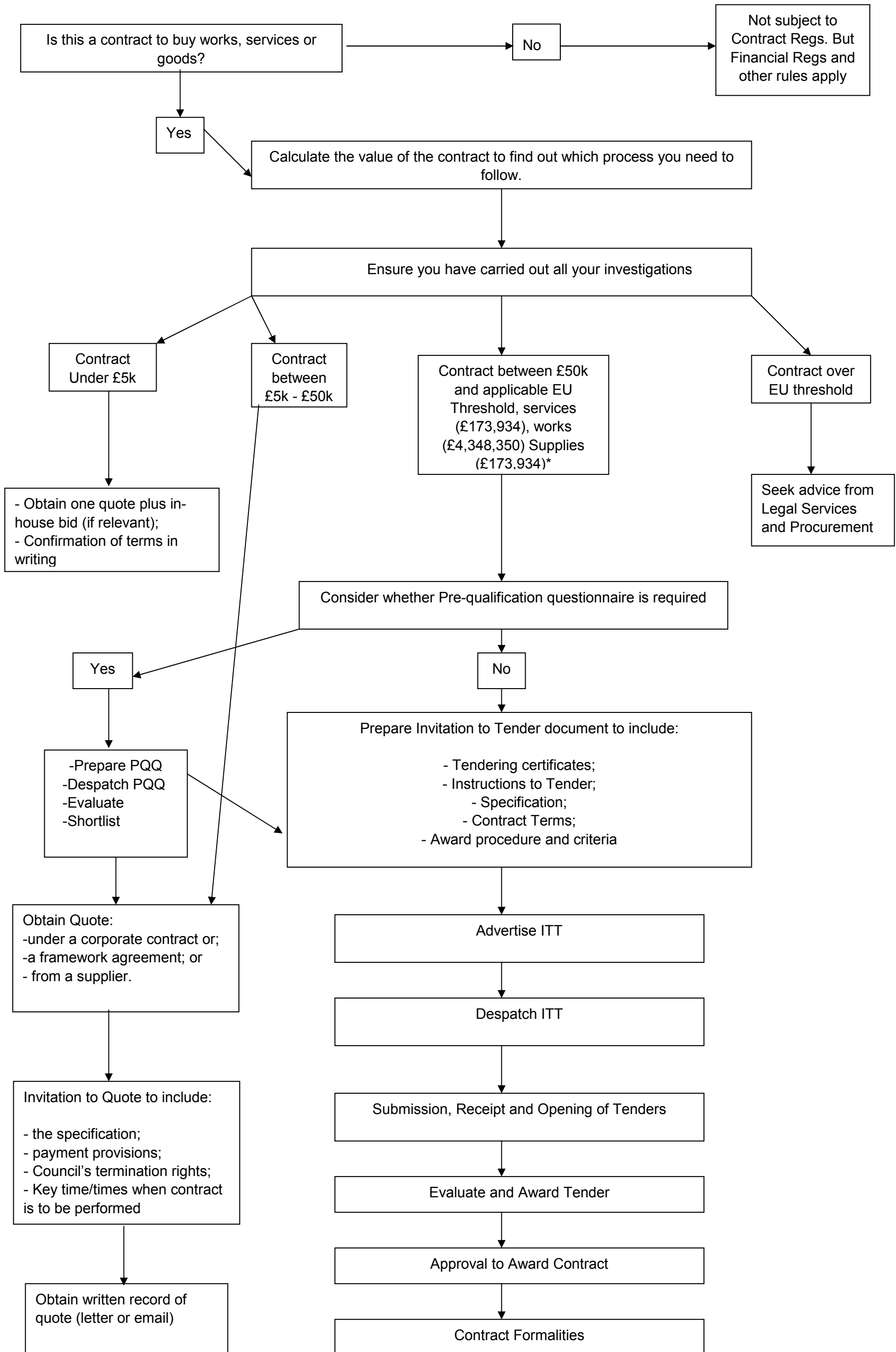
Forward Plan	A forward plan is a list of published forthcoming key decisions to be taken during the following three months.
Framework Agreement	A framework is an agreement with suppliers to establish terms governing contracts that may be awarded during the life of the agreement. In other words, it is a general term for agreements that set out terms and conditions for making specific purchases (call-offs).
Key Decision	Any spend over £500k will be a key decision and the procedures for a key decision must be followed.
OJEU	Official Journal of the European Union. Contracts that are above the EU threshold are required to be advertised by placing a notice in the journal.
Procurement Strategy	A strategy document setting out the Council's approach to procurement and priorities for the next few years.
Purchase order	The order placed on the Council's financial management software system (oracle) which commits funds to the contract.
State aid	State aid is a European Commission term which refers to forms of assistance from a public body or publicly-funded body, given to undertakings engaged in economic commercial activity on a selective basis, with the potential to distort competition and affect trade between member states of the European Union.

Flowcharts

Beginning the process – Flowchart



Contract Rules-Explanatory Flowchart



* These are latest figures as from 1 January 2012 to 31 December 2012

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COUNCIL	AGENDA ITEM No. 14
9 OCTOBER 2013	PUBLIC REPORT

NOTICES OF MOTION

The following notices of motion have been received in accordance with the Council's Rules of Procedure 15.2:

1. Motion from Councillor John Fox

That this council:

1. Acknowledges that consultation methods have caused concern recently with elected Members and members of the public;
2. Agrees that a consultation process/guide/policy should be written in order to:
 - a. provide guidance and instruction to officers to ensure all consultations are conducted fully and fairly;
 - b. reassure councillors and members of the public that they will be made aware of any changes to council services;
 - c. provide information to councillors and members of the public on how consultations will be carried out so they know how and when they can make themselves heard and can contribute to those consultations;
 - d. ensure that the impact of national policies, such as the Welfare Reform Act, is considered before making decisions on local services and policy; and
 - e. provide reassurance that consultation responses are considered when formulating final recommendations.

2. Motion from Councillor Ed Murphy

Council notes that Zero-hours contracts mean insecurity and stress for too many Peterborough families. Some on these contracts have to be available at the drop of a hat for their employer, even if there is no work. Others are required to work exclusively for one employer with no guarantee that they will get enough hours to pay the bills.

Council believes that in practice, many work regular hours, for the same employer and as such should be employed as hourly paid or salaried workers. We need to build an economy that works for workers. Peterborough was built on hard work and we believe people want to feel secure at work and proud to work. Ending the exploitative use of zero-hours contracts is a step towards this.

Council resolves to review any zero hour contracts with a view to moving staff to other arrangements and for the chief executive to review all council departments to establish whether any contractors currently carrying out work for the authority have employees on the controversial contracts, which does not oblige the employer to provide work for the employee.

Having ascertained which, if any, contractors use the zero hour scheme, the authority will then meet to discuss how appropriate it is to continue using those businesses.

Further Peterborough City council will encourage other employers in private, partner and statutory organisation to halt the continued and regular use of zero hour contracts.

3. Motion from Councillor Darren Fower

With hundreds of people having signed up to a petition to support the call to introduce a cycle lane along Bridge Street, and given the Council Leader's clear concerns regarding potential safety issues from a minority of cyclists, this Council recommends that the Cabinet introduce a bespoke cycle lane along this stretch from Cathedral Square to the junction with Bourges Boulevard.

4. Motion from Councillor Lisa Forbes

This council recognises that the rail network is vitally important to Peterborough and the UK's economic and social livelihood as well as a greener and more sustainable future, and is key to economic regeneration and job creation in the city and across the country.

This council acknowledges that the present structure of the UK rail network does not provide value for money or fairness for passengers and taxpayers. The UK has the highest fares in Europe, with no incentive for private investment, and public subsidy that has doubled since privatisation.

This council notes a survey carried out in August 2013 by polling firm Survation, which found that 58% of the public want East Coast to remain in public hands, with only 21% believing it should be re-privatised.

This council welcomes the Labour Party's commitment to retaining the East Coast in public hands and notes that the franchise has delivered more than £600 million to the Department for Transport since it left the private sector in 2009, and over £800 million by the end of the financial year.

This council further notes unlike other failed operators of Intercity East Coast, the current publicly owned operator has successfully made all its contractual payments back to Government, and that it paid back £177 million to the Government compared to Virgin Trains payment of £156 million for West Coast.

Given the considerable benefits to the taxpayer and to the people of Peterborough as noted, this council cannot agree with Stewart Jackson MP's position of equivocation on East Coast. Speaking in Parliament on 20 June 2013, Mr Jackson misrepresented East Coast's punctuality statistics in order to make them seem worse than they were, and declared that "it is important that we have a new, long-term private partner to innovate and drive up standards on the east coast main line".

This council believes Mr Jackson's views to be out of step with local and national opinion, and constitute a failure to champion the best interests of Peterborough and its residents.

COUNCIL	AGENDA ITEM No. 15(a)
9 OCTOBER 2013	PUBLIC REPORT

HONORARY RECORDER OF THE CITY OF PETERBOROUGH

R E C O M M E N D A T I O N S
FROM : Chief Executive
That Council approves the appointment of an Honorary Recorder of the City to further the link between the Council and the criminal courts, and to involve the Resident Senior Judge sitting in the Crown Court in local civic affairs and events.

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report presents for the consideration of Council to approve the appointment of an Honorary Recorder of the City to further the link between the Council and the criminal courts, and to involve the Resident Senior Judge sitting in the Crown Court in local civic affairs and events.

2. BACKGROUND

- 2.1 Council is asked to approve the appointment of an Honorary Recorder to strengthen the links between the city and senior Judiciary. This initiative would be welcomed, not only by Judges, both locally in Peterborough but also at the High Court and the Appeal Court in London.
- 2.2 The official position of Honorary Recorder of the City is an established role, which has the full support of the Lord Chief Justice (see attached guidelines). A number of cities around the country have already made the appointments, including both Oxford and Norwich.
- 2.3 The role of Honorary Recorder is purely ceremonial but nevertheless an important link between the city and the courts. The Honorary Recorder is invited to all major civic events for example, Annual Council, Remembrance Sunday, Mayor's Installation amongst others.
- 2.4 If passed it is suggested the position be offered to the current Resident Judge in Peterborough, His Honour Judge Madge, and that the position of Honorary Recorder would remain with the Resident Judge until such time as the appointment of his successor is required.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications for the recommendation contained in the report.

4. LEGAL IMPLICATIONS

- 4.1 There is no legal implication to this appointment but the proposed appointment is under section 54 of the Courts Act 1971. Although the approval of the Lord Chancellor or Lord Chief Justice is not required, a letter has been sent to the Senior Presiding Judge for England and Wales, Lord Gross, requesting that this proposed appointment be approved. A response has been received from Lord Gross welcoming such an appointment.

5. CONSULTATION

5.1 Consultation has been undertaken with the current serving Mayor.

6. BACKGROUND DOCUMENTS

6.1 The Lord Chief Justice's Guidelines for the appointment of Honorary Recorders.

7. APPENDICES

7.1 The Lord Chief Justice's guidelines for the appointment of Honorary Recorders.

COUNCIL	AGENDA ITEM No. 15(b)
9 OCTOBER 2013	PUBLIC REPORT

SENIOR MANAGEMENT RESTRUCTURE

R E C O M M E N D A T I O N S
FROM: Chief Executive
It is recommended that Council notes the changes which the Chief Executive intends to make to the senior management structure of the Council.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to notify Council of the changes the Chief Executive intends to make to the senior management structure as required under section 4 of the Local Government and Housing Act 1989. The Chief Executive, as Head of Paid Service, has a duty under the Local Government and Housing Act 1989 to determine the staffing arrangements necessary to deliver the Councils functions.
- 1.2 The Chief Executive has a delegation at 3.13.2(g) of officer delegations to determine changes to the senior management structure. Employment Committee is delegated to consider and recommend actions where necessary in response to any proposals of the Chief Executive to determine changes to the senior management structure. Employment Committee considered this matter on 27 September 2013 which now enables the Chief Executive to report her decision to Council.

2. BACKGROUND

- 2.1 Attached at Annex 1 is a copy of the Employment Committee report of 27 September 2013 which sets out the original proposals for the senior management restructure published on 19 April 2013 and the results of the consultation. This report also sets out the Chief Executive's response to the points made during the consultation.
- 2.2 The proposals of the Chief Executive are designed to address some of the challenges the Council faces over the next few years in the third year of deficit reduction. Paragraph 3.2 of the report of Employment Committee sets out four bullet points explaining the objective of the restructure which, in summary is as follows:-
 - Bringing together the commissioning activity which takes place in four departments into one structure allowing the Council to provide services which reflects how people really live;
 - Bringing together all the functions to deliver growth, regeneration and economic development.
 - Bringing together other functions which sits separately in service departments, namely finance, performance management and asset management.
 - Bringing together all functions which support good governance and decision-making into one directorate.
- 2.3 The proposals were consulted on widely and paragraph 4 sets out the detail of that consultation and refers to the responses to the consultation from senior managers. The proposals received wide support from senior managers.

2.4 Employment Committee met on 27 September 2013 and the following comments were made:-

- Employment Committee queried whether better titles for the Director of Place and People could be found and it was agreed that this would be looked at their next meeting on 11 October 2013 when the terms and conditions of those two roles will be considered by that Committee;
- It was recommended that the Head of Corporate Property and Children Resources role should include the requirement to attend Children Services DMT and CMT where required. It was confirmed that this would be a requirement of the role.
- It was recommended that career progression and job titles of senior managers should be looked at and it was confirmed that this was currently in progress and would be reported to a future meeting of Employment Committee.
- The report highlighted that the new commissioning arrangements for people would target real need for both people and communities. Concern was expressed as to how the Council would provide for the needs of the diverse communities in the city. It was explained that the new Director of People would be responsible for bringing together all of the arrangements for assessing the needs of communities and ensuring that the needs of those communities were met through the provision of services which would need to be prioritised in relation to the resources available to the Council.

2.5 As a result of the comments of Employment Committee and having taken into account all of the consultation responses from senior managers the Chief Executive has decided to confirm the draft proposals which were set out in the report to Employment Committee at Annex 3. The implications for senior managers of these proposals are confirmed in paragraph 6 of the report to Employment Committee. The Chief Executive has informed senior managers of her decisions. The next steps to implement this restructure are to be taken by Employment Committee in the following way:-

- On 11 October 2013 the Employment Committee will consider the terms and conditions of the new roles proposed and approve them.
- On 23 October 2013 the Employment Committee will meet to interview applicants for the new roles which will have been advertised internally.

3. ALTERNATIVE OPTIONS CONSIDERED

The Senior Management Structure could have been left in its current state. This option has not been pursued as the Chief Executive does not believe that the current structure enables the council to meet its current challenges. Similarly, no alternative revised structure is being recommended, since after appropriate consideration and consultation, it is the Chief Executive's view that the proposed structure is the most suitable to enable the challenges to be met.

4. IMPLICATIONS

a) Legal – the Chief Executive, as Head of Paid Service, has a duty under s.4 Local Government & Housing Act 1989 to determine the staffing arrangements necessary to deliver the Council's functions. The Head of Paid Service must prepare a report to Council setting out the staffing structure which is contained in this report. The Council has a duty to consider the report.

In compliance with employment policies proper consultation processes have been followed, and where the proposals have an impact on specific individuals, appropriate legal advice has been obtained. The actions taken by the Chief Executive in respect of the proposals are, therefore, considered to be legally sound and taken in accordance with the Council's HR policies and procedures.

Responsibility for appointment to senior positions within the proposed structure is delegated to the Employment Committee.

- b) Financial – This report focuses on the specific changes needed at senior manager level within the Council. These changes are essential to enable the Council to move to become a “Commissioning Council”. The specific proposals on senior manager posts contained within this report will save around £100k in a full year. They will enable the Council to work towards the £1m target outlined in the consultation document. Further savings on senior management posts are identified in Annex 1 in paragraph 5.2 of the Employment Committee report in the second phase of restructuring as structures for commissioning and other functions are brought together into one department. These savings will be quantified during the second phase of restructuring. Short term and one-off costs relating to the transition to the new structure will be met from the Council’s capacity fund reserve, in line with the practice followed for all restructuring.
- c) Human Resources – The review has been conducted in line with council policies. Consultation was for a period of 30 days and the Trade Unions were formally notified. During consultation Directors and Heads of Services were given the opportunity to feedback their comments and questions. Responses to the review have shaped the Chief Executive’s conclusions which are captured within this report. Impacts on individuals will be managed in line with Council policy.

5. BACKGROUND DOCUMENTS

None.

EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
27th SEPTEMBER 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Irene Walsh, Cabinet Member for Community Cohesion, Safety & Public Health	
Contact Officer(s):	Gillian Beasley, Chief Executive	Tel. 452390

**BECOMING A COMMISSIONING COUNCIL
PROPOSALS TO CHANGE THE COUNCIL'S SENIOR MANAGEMENT STRUCTURE**

R E C O M M E N D A T I O N S	
FROM : Chief Executive	
It is recommended that the Employment Committee:	
<ol style="list-style-type: none"> 1. Considers the changes to the senior management structure proposed by the Chief Executive. 2. Recommends any appropriate actions in response to the proposals prior to implementation by the Chief Executive under her delegated powers. 	

1. PURPOSE AND REASON FOR REPORT

1.1 The purpose of this report is to inform Employment Committee of the outcomes of the consultation held in respect of proposals for a new senior management structure and to advise the Employment Committee of the action the Chief Executive intends to take as a result of that consultation. The Chief Executive has the delegation at 3.13.2(g) of officer delegations to determine such changes, subject to the Employment Committee's delegation at 2.3.1.5(a) of its terms of reference to consider and recommend actions where necessary in response to such proposals.

2. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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3. BACKGROUND

3.1 Attached at Annex 1 is the consultation document which was published on 19 April 2013 and explains the background to the proposed changes to the council's senior management structure. The proposals address some of the challenges the council faces over the next few years as the council is in the third year of deficit reduction with further years of funding reductions facing it.

3.2 Essentially the proposals seek to achieve the following:

- Bringing together commissioning activity which takes place in four council departments into one structure. This will bring a single view of all commissioning activity designed to meet the needs of residents and allow the council to provide services which reflect how people really live. It will streamline management structures, create savings and will reduce duplication of tasks through single assessment frameworks;

- Bringing together all the functions to deliver the growth, regeneration and economic development for the city into one place led by a senior manager in the council and creating a new wholly-owned company of the council to deliver major schemes;
 - Bringing together other functions which sit separately in service departments, namely finance, performance management and asset management (as a result of a separate review conducted by the East of England Local Government Association). This will streamline management structures, create further savings and better support the council in delivering its objectives;
 - Bringing together all functions which support good governance and decision making into one directorate.
- 3.3 The consultation document was sent to all directors, heads of service and assistant directors, as well as other managers who were affected by the proposals. Before the consultation document was published, the Chief Executive saw all senior managers affected by the proposals personally. She has also seen all the same managers personally following the consultation to explain how she intends to respond to the points raised in the consultation. In relation to the Cabinet and Group Leaders, the Chief Executive met with Cabinet and Group Leaders to explain the proposals prior to their publication for consultation. She has also briefed the Cabinet and Group Leaders on the outcome of the consultation and how she intends to change the proposals as a result of the consultation.

4. CONSULTATION RESPONSES

- 4.1 12 written consultation responses were received as well as other comments made during the individual discussions with senior managers. The consultation responses are summarised in Annex 2. This report considers the areas which emerged from the consultation and sets out how the Chief Executive proposes to respond to those consultation responses.
- 4.2 After the consultation period closed, a 'health check' of the council's asset management arrangements was completed, carried out by Duncan Blackie of the East of England Local Government Association. The 'health check' examined how the council's asset management arrangements optimised the utilisation of assets in terms of service benefits and financial return and compared the current arrangements with best practice. In summary the findings acknowledged the organisational will to raise the profile of asset management at a senior management/member level in the council and highlighted the strong entrepreneurial culture rooted in the success that the city has had in attracting growth. However the findings also noted that asset management was fragmented across departments and information was patchy so that a single view of the assets and their management was not available. The 'health check' recommended the asset management function should be brought together in one place in the council under the leadership of a single senior manager. The Chief Executive decided to incorporate the findings of this review into this restructure rather than do a second restructure immediately following this one. This has meant that the original timetable in the consultation document was not met. The findings of this review were discussed with all officers who are involved in the asset management work of the council and there was unanimous support to bring the asset management functions together in the Resources Directorate.

5. RESPONSE TO THE CONSULTATION

- 5.1 As a result of the consultation responses the Chief Executive has decided to put forward the following proposals:
- As there was considerable support for the proposals for a Place and People Directorate, those proposals will remain unchanged from the original set of proposals which were consulted upon;
 - Likewise there was considerable support for the proposal for a Governance Directorate, so this proposal remains unchanged too;

- As there was unanimous support to bring the asset management function together into one directorate, it is proposed to create a new role in the Resources directorate of Head of Corporate Property and Children's Resources which unites all the asset management functions under this role. In addition during the consultation, as set out in Annex 2, the unification of finance functions into the Resources directorate was suggested and so it is further proposed to transfer the Children's Services Resources functions to this new role. The residual functions left in Children's Services (school improvement, special educational needs and the pupil referral unit) are not part of these proposals but are being worked on separately by the Executive Director: Children's Services.
- A role of Director of Public Health (part-time) is also proposed in the event that when the council recruits to the role of Executive Director: Adult Social Care, Health and Wellbeing, the postholder does not have the relevant public health qualification. Likewise an Assistant Director Adult Social Care role is proposed in the event that the Executive Director: Adult Social Care, Health and Wellbeing does not have the relevant experience in Adult Social Care. See Annex 2 for details on this issue.

All these proposals are shown on the structure charts at Annex 3.

6. IMPLICATIONS FOR SENIOR MANAGERS

6.1 The following paragraphs set out the main changes to current senior managers role as a result of the proposals of the Chief Executive.

- Posts proposed for deletion

Executive Director: Adult Social Care (vacant)
 Executive Director: Operations
 Solicitor to the Council (vacant)
 Head of Planning, Transport and Engineering
 Assistant Director: Education and Resources

- New posts proposed

Executive Director: Adult Social Care, Health and Wellbeing
 Director of Governance
 Director of Place
 Director of People
 Head of Corporate Property and Children's Resources

- Posts with changes to their responsibilities

Executive Director: Children's Services
 Executive Director: Resources

The new Director roles are likely to be graded higher than Assistant Director/Head of Service roles and will sit between those roles and the Executive Director roles.

6.2 One secondment is proposed and that is in relation to the Head of Growth and Regeneration. The secondment will be to the new delivery company proposed by the restructure and the seconded post will be the Managing Director of that company. The post-holder has been consulted on that secondment and on the new job description for that role.

6.3 Paragraph 5.2 of consultation document outlined further potential restructuring as a result of the new roles being appointed to. All senior managers outlined in those paragraphs are aware of this as they have been spoken to personally by the Chief Executive.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Senior Management Structure could have been left in its current state. This option has not been pursued as the Chief Executive does not believe that the current structure enables the council to meet its current challenges. Similarly, no alternative revised structure is being recommended, since after appropriate consideration and consultation, it is the Chief Executive's view that the proposed structure is the most suitable to enable the challenges to be met.

8. IMPLICATIONS

- a) Legal – the Chief Executive, as Head of Paid Service, has a duty under the Local Government & Housing Act 1989 to determine the staffing arrangements necessary to deliver the Council's functions. The Head of Paid Service may prepare a report to Council setting out a proposed staffing structure and this report from the Chief Executive will be submitted to the next Council meeting on the 9 October, satisfying those statutory obligations. The role of the Employment Committee is to consider these proposals, having regard to the reasons for the changes to the senior management team and taking into account any representations from the Leader of the Council. The Committee can make any appropriate recommendations to the Chief Executive before the new structure is reported to the Council.
- b) Once the structure proposals have been reviewed by the Employment Committee the Chief Executive will begin a recruitment process to those posts. That process, taking into account the views of the Committee and Council, will culminate in a further report at which point the Committee may exercise its responsibility for appointing to those senior posts.
- c) In compliance with employment policies proper consultation processes have been followed, and where the proposals have an impact on specific individuals, appropriate legal advice has been obtained. The actions taken by the Chief Executive in respect of the proposals are, therefore, considered to be legally sound and taken in accordance with the Council's HR policies and procedures.
- d) Financial – This report focuses on the specific changes needed at senior manager level within the Council. These changes are essential to enable the Council to move to become a "Commissioning Council". The specific proposals on senior manager posts contained within this report will save around £100k in a full year. They will enable the Council to work towards the £1m target outlined in the consultation document. Further savings on senior management posts are identified in Annex 1 in paragraph 5.2 in the second phase of restructuring as structures for commissioning and other functions are brought together into one department. These savings will be quantified during the second phase of restructuring. Short term and one-off costs relating to the transition to the new structure will be met from the Council's capacity fund reserve, in line with the practice followed for all restructuring.
- e) Human Resources – The review has been conducted in line with council policies. Consultation was for a period of 30 days and the Trade Unions were formally notified. During consultation Directors and Heads of Services were given the opportunity to feedback their comments and questions. Responses to the review have shaped the Chief Executive's conclusions which are captured within this report. Impacts on individuals will be managed in line with Council policy.

9. BACKGROUND DOCUMENTS

- 9.1 In accordance with the Local Government (Access to Information) Act 1985, background papers used in the preparation of this report were:-

None.

- 9.2 The individual consultation responses referred to in this report are the result of personal and confidential correspondence between Directors, Heads of Service, and the Chief Executive.
- 9.3 There is no obligation to disclose those responses in this section as they disclose exempt information, that is, information relating to, or likely to reveal the identity of an individual. As these are background documents, and not a part of the report, there is no obligation to include them in an exempt report – paragraph 8.1.2 of the Constitution – Access to Information rules – applies.

Becoming a 'Commissioning Council'

Proposals to change the Council's Senior Management Structure

Consultation document

1. INTRODUCTION AND BACKGROUND

- 1.1 The old realities of public service are changing rapidly. Local authorities are moving into the third year of deficit reduction with little prospect of significant economic recovery for some time. Local authorities have, for many years, been delivering year on year significant efficiency savings and are regarded now as the most efficient sector of public service in Britain.
- 1.2 Efficiency and service transformation however, is not going to be enough to meet the financial challenges ahead. The Medium Term Financial Strategy shows significant financial gaps in the Council's budget over the next ten years.
- 1.3 Against this reality local authorities are dealing with a wide range of societal problems which hitherto have proved remarkably resistant to intervention from public agencies and which will demand different solutions.
- 1.4 The Council has just approved its Medium Term Financial Strategy (MTFS) which embeds its priorities going forward. The priorities are:-
- Growth, regeneration and economic development of the city to bring new investments and jobs. Supporting people into work and off benefits is vital to the city's economy and to the wellbeing of the people concerned;
 - Improving educational attainment and skills for all of our children and young people which will allow them to seize the opportunities offered by new jobs and university provision. In turn this will hopefully keep their talent and skills in the city;
 - Safeguarding children and vulnerable adults;
 - The Environment Capital agenda including pursuing new income streams from solar energy and wind farm developments;
 - Supporting Peterborough's Culture Trust, Vivacity, to continue to deliver arts and culture in the city;
 - Keeping our communities safe and cohesive.
- 1.5 Those priorities reflect the Council's determination to change the "place" of Peterborough, making it safer, bringing new investment, jobs and homes to the city and to change how it meets the needs of its residents and communities. If the Council is to succeed in its determination, against the backdrop of austerity and increasing need, it is going to have to do things differently.

2. THE COUNCIL'S APPROACH

- 2.1 Salami-slicing budgets, reducing costs, greater efficiency, managing staff members down and paring down service delivery will not meet the financial challenges ahead. Nor will traditional operating models which may have served us well in the past, but will now not be robust enough to meet the scale of the challenge.

2.2 The Council's approach now is focused on the following:

- Reducing the demand residents have for our services and enabling them to live independent and healthy lives;
- Providing services that prevent residents needing critical and more expensive services and where there is a need to provide specialist services, ensuring that those services properly target the residents' needs or allow the residents to choose the care they want to purchase;
- Building a strong and healthy economy which provides jobs for our residents thereby removing dependency on welfare benefits;
- Focusing on educational attainment in schools and developing University provision to give our young people and residents the skills to take up the new job opportunities;
- Bringing in new investment to the city through joint ventures with the private sector, enabling the Council to benefit financially from profit share arrangements with joint venture partners and reinvesting this to support the needs of our residents;
- Income generating in new ways through, for example, its renewables project, to make the Council less dependent on taxing its residents and on government funding and making the Council independent to support its residents and their needs.

2.3 This report sets out a number of proposals to ensure that the Council's officer arrangements meet the approach taken above. These new arrangements bring forward the proposal that the Council becomes a "Commissioning Council" both for its people and for its place. This will involve important changes in the senior management arrangements for the Council which are described below.

3. WHAT DOES A "COMMISSIONING COUNCIL" MEAN

3.1 Commissioning is a word often used, but little understood. Commissioning is simply a process whereby the Council assesses the needs of its residents and communities and then decides the best way to meet those needs, whether that be through in-house Council services or services provided by the private and voluntary sector. It can also be applied to commissioning outcomes for the place of Peterborough whether that is bringing forward a new development or bringing in new investment.

3.2 The Council's approach to commissioning for its residents is proposed to change. Currently commissioning takes place in four different Council departments (Adult Social Care, Operations (Neighbourhood Services) Children's Services and Public Health). The proposals in this paper will bring together these commissioning activities which will have the following benefits:

- It will bring a single view of all the people commissioning activities and allow the Council to provide services which reflect how people really live;
- It will put the citizen, whatever their needs, at the heart of service design;
- Savings will be made through improved economies of scale and the aggregation of functions into one directorate rather than four;
- Improve pathways to services for residents;
- A common assessment framework for assessing need will reduce the number of assessments a resident is subject to;
- Reduction in duplication of tasks;
- Increased purchasing power and competition.

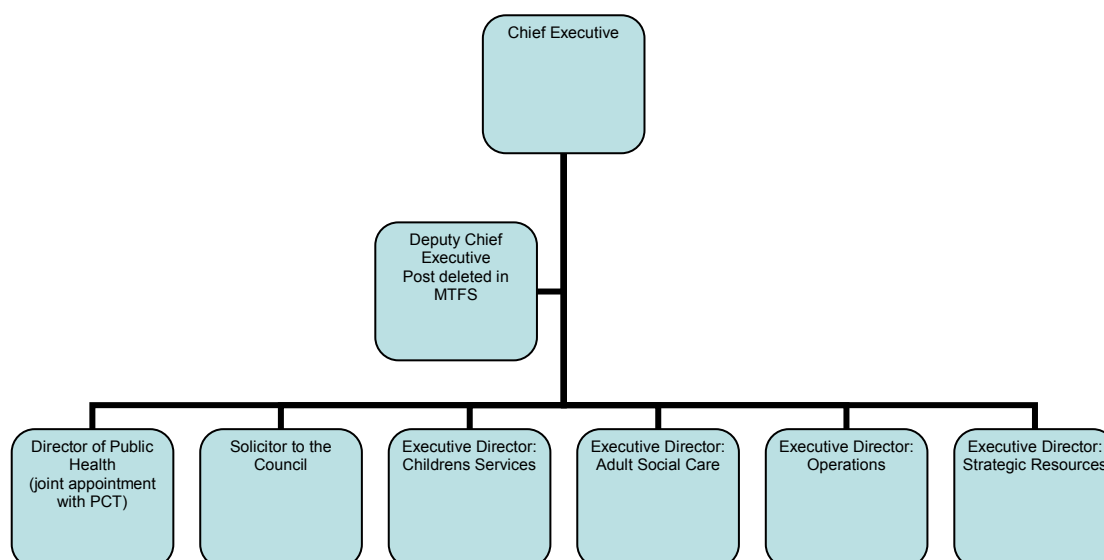
3.3 The Council's commissioning approach includes, as set out above, the neighbourhood functions in the Operations Directorate. The integration of these functions takes our commissioning approach a step further than most local authorities. Our residents have individual needs but so do our communities. Our neighbourhood teams provide important services and interventions which are designed to improve the communities and neighbourhoods in which people live. Anti social behaviour and crime are often issues which challenge some of our communities and whilst individual interventions with offenders and

victims are crucial, keeping communities safe and secure require other interventions based at a community level. The neighbourhood team's integration into the commissioning arrangement will mean that not only individual need can be better provided for, but also neighbourhood and community need.

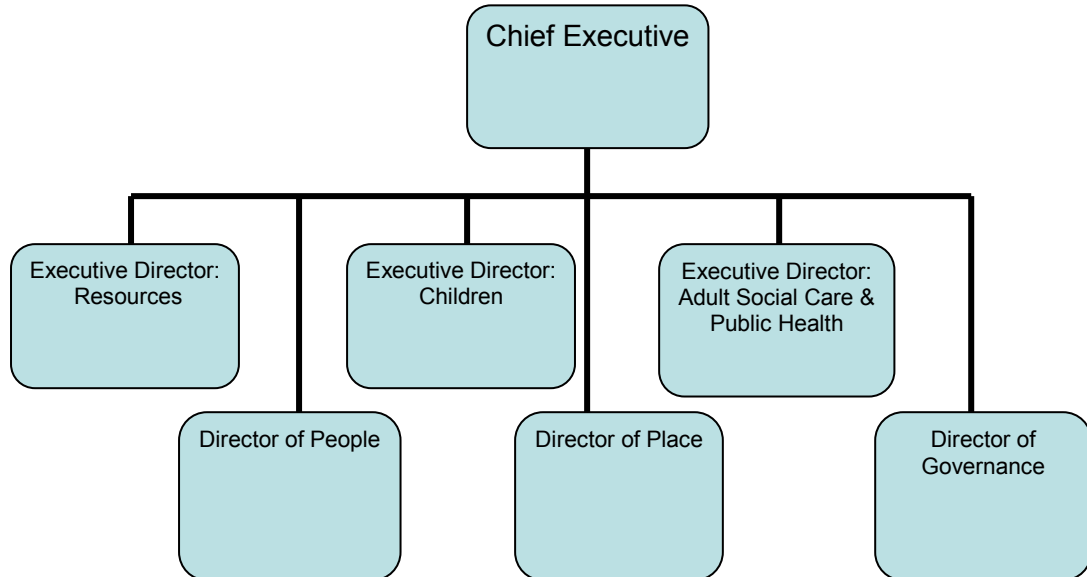
- 3.4 A final step proposed in this report is to bring together in a different commissioning arrangement all those functions which deliver our growth, regeneration and economic development priorities. Whilst the city's economy is being increasingly recognised for bucking the national trend with new investment and jobs being created, there is now a strong case for creating a new set of arrangements which is more streamlined, with single leadership reporting to the Chief Executive. The current arrangements are based in two separate departments of the Council and in Opportunity Peterborough a wholly owned company of the Council determining economic development. The new arrangements are described in more detail later in this paper.

4. PROPOSALS FOR A RESTRUCTURE

- 4.1 The Council presently has a traditional senior management structure and set out below is the current corporate management team.

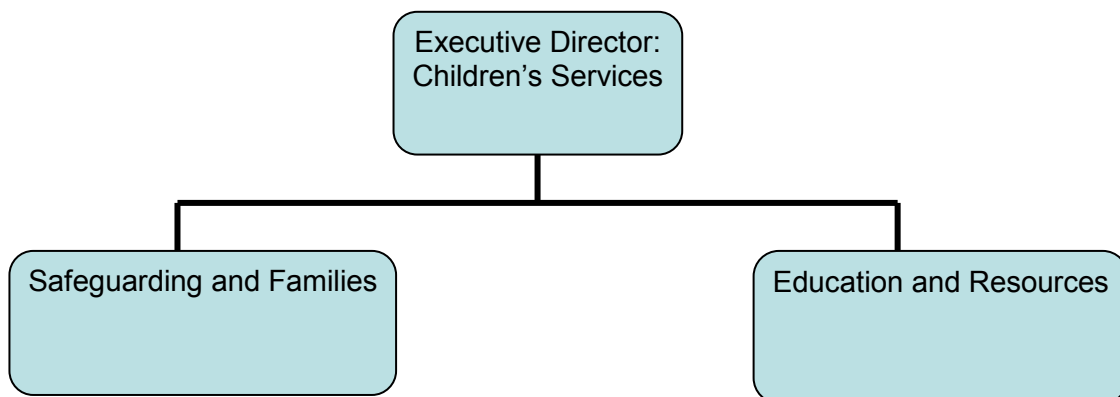


- 4.2 The structure shows the Chief Executive supported by 4 Executive Directors and the Solicitor to the Council. There was also a Deputy Chief Executive post which was deleted in the current MTFS and the remaining CMT members absorbed the responsibilities of this post.
- 4.3 The proposed new corporate management team is set out below.



4.4 Executive Director: Children’s Services

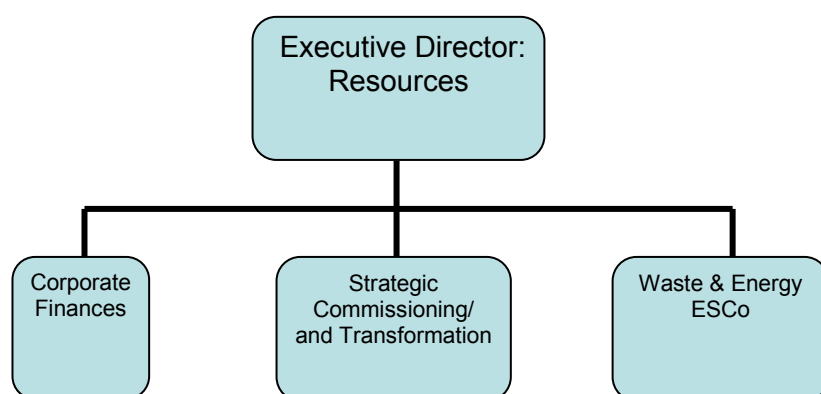
The role of Executive Director: Children’s Services will change as the commissioning arrangements for children’s services will be brought together with adult services, neighbourhoods and public health into the new role of Director of People. The department’s new proposed structure is represented as follows:



Whilst many Councils have brought together the Statutory Director roles of Children and Adults, it is not considered appropriate to do this as the Council is still focusing its efforts on safeguarding and educational attainment which need strong leadership. Therefore the current senior management arrangements for safeguarding and education remain the same.

4.5 Executive Director: Resources

No changes are proposed to the role of Executive Director: Strategic Resources, except that it will assume the responsibility for corporate asset management and disposals which currently sit within the remit of the Peterborough Delivery Partnership as new arrangements proposed later will transfer the functions of the PDP to a new wholly owned company of the Council and it would not be appropriate to transfer asset management to that company. It is proposed to change the name of the role to Executive Director: Resources. The department's proposed structure is represented as follows:



One of the challenges for this department and its Executive Director is to build on its track record in delivering savings through a corporate approach to transformation and savings delivery. A stronger corporate approach will be delivered in the way projects are run and also how the council uses its property, technology and other assets. There will also be a focus on procurement and management of change across the Council. All of this is vital to support the Council's move to the commissioning model.

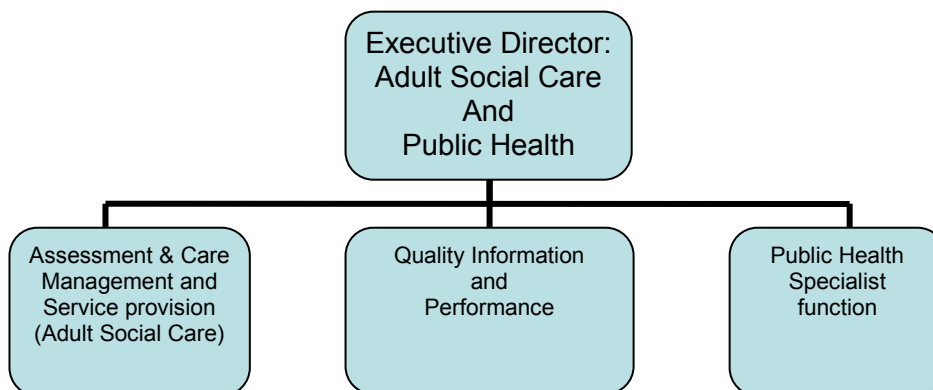
4.6 Executive Director: Adult Social Care and Public Health

The current vacancies in the roles of the Executive Director: Adult Social Care and the Director of Public Health, give an opportunity for these roles to be reviewed. If the proposals in this paper are accepted, the commissioning arrangements for adult social care and public health will be amalgamated under the role of the Director of People. This will mean that part of the current responsibilities of the Department of Adult Social Care and the Department of Public Health, will transfer to the new commissioning team. The services that remain in those two departments will be reduced, to the extent that it would be difficult to justify the appointment of a separate full time Executive Director to lead each department. Combining the services that would remain in both adult social care and public health into one directorate, would create a level of responsibilities and functions that is comparable with other Executive Director posts. This would also mean that it was possible to reduce the Corporate Management team by one Executive Director post. It is therefore proposed to delete the vacant roles of Executive Director: Adult Social Care and Director of Public Health, and create one new post of Executive Director: Adult Social Care and Public Health, which will sit at Executive Director level with the Executive Director: Children and the Executive Director: Resources.

Although the roles of Executive Director: Adult Social Care and Director of Public Health are both statutory roles, to which the Council must appoint, there is nothing in the Health and

Social Care Act 2012 to prevent the same officer holding two statutory posts. The Council would need to satisfy itself that the officer appointed had the right qualifications and experience to deliver the requirements of both roles and this would be a key consideration of the appointments process. It is worth noting that the appointment of a Director of Public Health must be made jointly with the Secretary of State for Health, acting through Public Health England, so there will be a level of independent scrutiny of the appointments process and the ability of the person appointed to deliver the roles. Key to this ability and the success of this combination would be the creation of proper professional support at a Head of Service level and the structure proposed below ensures that this is the case.

There is a clear relationship between the two roles that make their combination a potentially very powerful tool in meeting the Council's public health responsibilities and aspirations. It is well recognised that life expectancy is increasing, and that the demand for adult social care will increase greatly in coming years, placing financial strain on all Councils. A crucial determinant in future levels of need for care and support is whether the extra years of life gained from increasing life expectancy are lived relatively free from illness or disability. Creating one post of Executive Director: Adult Social Care and Public Health creates an exciting opportunity to bring together the domains of public health, health improvement, and health protection with adult social care. There is a strong public health contribution to adult social care, and choices made in delivering public health functions can have a real and lasting impact on healthy life expectancy, thus managing future care needs more effectively. It should also be noted that the Department of Health is responsible for both public health and adult social care, and has already recognised the connections between these two functions, promoting the further integration of care services through the publication of the first outcomes framework for the NHS, social care and public health.

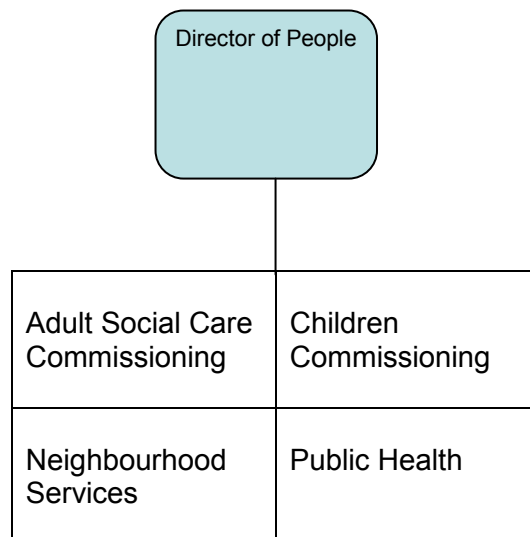


4.7 Director of People

Strong leadership will be required to bring together the commissioning functions in Children’s Services, Adult Social Care, Neighbourhood Services and Public Health. Managing large budgets and improving outcomes for our citizens will also present a major leadership challenge. It is therefore proposed to create a new post of Director of People which will be graded higher than current Heads of Service/Assistant Directors and will sit between them and Executive Directors as well as being a member of the corporate management team. A small working group of officers prepared a paper entitled “Commissioning for People – Leading the constant search for smarter ways to make Peterborough a better place to live and work” and a copy of that paper is attached at Appendix A. In summary it sets out how the commissioning function can be better developed so that services and support arrangements better reflect needs, the views of citizens and the achievement of improved outcomes for Peterborough people, in a more efficient, effective and equitable way.

Whilst these proposals unite commissioning arrangements under this new role, consideration also needs to be given to the services provided by the Council in Adult, Children’s and Neighbourhood Services.

In-house services are managed differently in Adult, Children and Neighbourhood services. It is recommended that where the in-house services are currently managed they will remain for the time being. This means that neighbourhoods and children’s services in-house provision will move to the new Department of People and adults will remain within the assessment/care management statutory function of the Department of Adult Social Care and Public Health. This will enable a more careful examination of where in house services should best sit in the longer term and reduce the disruption to current arrangements to enable all staff to be involved in future consultations around where provision is best managed within the Council. Access to services arrangements also differ across the departments, again it is recommended that these are not changed in the short term.



4.8 Director of Place

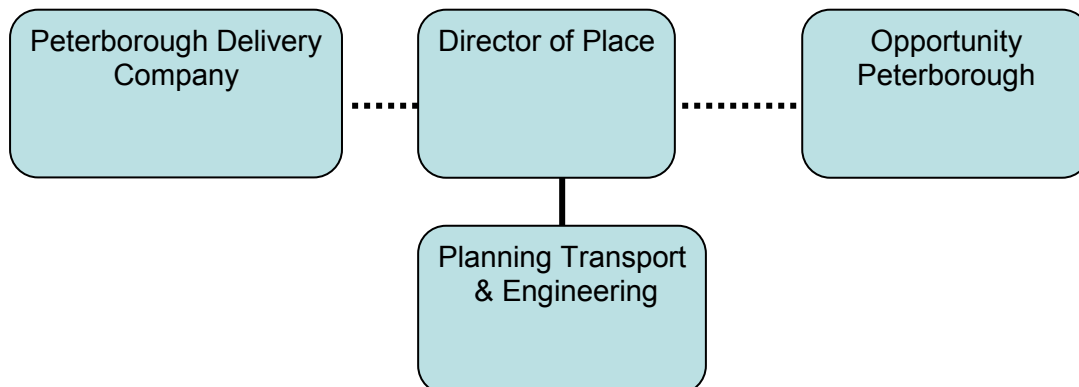
It is also proposed to introduce a new post of Director of Place which will absorb the functions that are currently within the responsibility of the Head of Planning, Transport and Engineering Services. This role will be at the same level as the Director of People, that is, graded higher than current Heads of Service/Assistant Directors, but lower than Executive Directors. Like the Director of People, it will also be a member of CMT. This role will support the Growth, Regeneration and Economic Development agenda which will operate by commissioning work, whether it be a policy to support development (city centre action plan), a scheme on a particular site (Riverside Opportunity Area) or an economic development project. The role will also lead on the Council's Environment Capital agenda and the team which delivers that agenda is currently located in the Planning, Transport and Engineering division where it will remain under these proposals.

The Director will be the single commissioning point for delivering growth, economic development and regeneration. The Director will also be responsible for working with Opportunity Peterborough (OP) and the new wholly-owned company referred to below, with their respective Directors and Boards to enable Cabinet to approve their business plans and funding at the beginning of each financial year. In addition the Director will also be responsible for monitoring their business plans, ensuring that the Council's objectives are met by these companies.

OP, whilst a wholly owned company, has operational independence and once the Cabinet approves its business plan (which it last did in July 2012), OP decides how best to deliver the outcomes set in the business plan. However, there will need to be a close working relationship between OP, the new Director of Place, and the new Peterborough Delivery Company, (which is the name assigned to the Company for the purpose of this consultation, however its name is still to be confirmed). This relationship represented by the horizontal lines on the structure chart set out below.

The Growth and Regeneration Team, working with the Peterborough Delivery Partnership has worked on a number of city centre schemes, but it is actively bringing forward the Riverside Opportunity Area for development. It is proposed that this team within the Council should be transferred to Peterborough Delivery Company. This company will have the same operational independence as OP, subject to its business plan being confirmed annually by Cabinet. The driver for creating another wholly-owned company is to allow this team the same freedom to operate with a degree of independence from the Council. It is clear from the experience of OP that this independence is seen as a positive factor by the private sector investors, capital markets and developers with whom it must engage to construct the financial architecture for growth and development in a very difficult market.

It is anticipated that the new arrangements within the structure of this team will create more fluent, frequent and effective communication across these teams and the functions they deliver on the Council's behalf. It is also likely that there will be efficiencies provided by the new Peterborough Delivery Company because, as a limited company, it will be permitted to trade commercially and produce income from its work with potential investors.



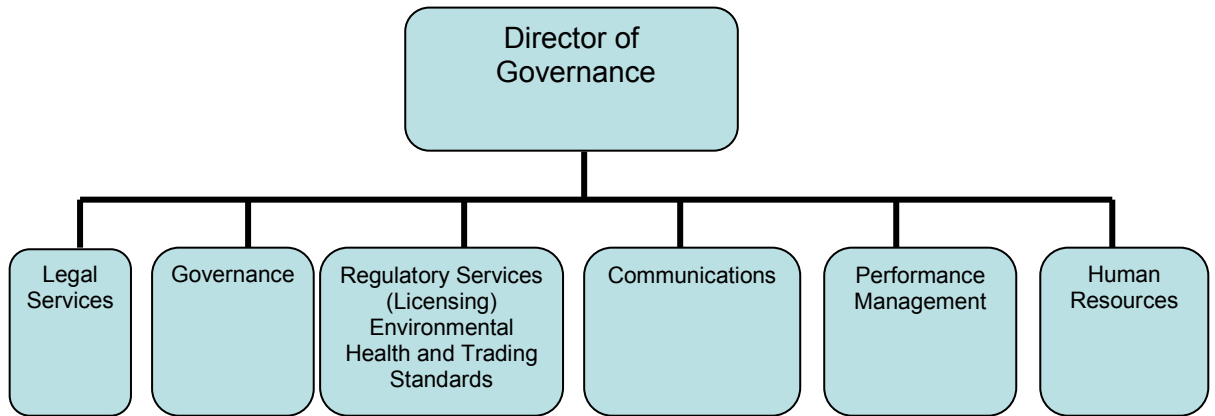
4.9 Director of Governance

The remaining member of the corporate management team will be a new role of Director of Governance. This role will bring together legal and governance teams, with regulatory services previously included in the Operations directorate including licensing, environmental health and trading standards. It will also be responsible for communications and strategic human resources. It is anticipated that the post holder will be appointed as the Council's Monitoring Officer and its most senior legal officer. Many of the roles within this Director's remit are needed to support the work of the corporate management team in areas of workforce development, governance and communications.

It is also proposed to bring together, as with commissioning, the Council's performance management function.

The Council's performance management function is currently based within individual directorates with separate officer structures to support them. This has meant that it is often difficult to obtain a single view of Council performance and strategic planning, to enable resources to be directed at a corporate level. By bringing these functions together the Council will have a more efficient data analysis, a better integrated system that links to Human Resources planning, and financial reporting, enabling the Council to shift service provision from performance reporting to data analysis and predictive modelling. The Council will also be able to make cashable savings through the combining of these functions.

The positioning of the performance management function within this Director's remit will ensure that all departments' and Directors' needs are met equitably for performance information and data and at the same time provide this information to the Cabinet and Scrutiny Committees to enable those bodies to monitor performance.



4.10 City Centre Management/Commercial Operations

The City Centre Management and Commercial Operation’s team are critical to the effective delivery of the Council’s priority of growth and regeneration. It is currently led by a Head of Service. The team has both a set of commissioning and provider responsibilities and therefore link to a number of functions in the new arrangements. At present the Council’s communications and marketing function is currently being reviewed which plays a crucial role in supporting this team. For the time being and whilst this review is taking place, it is proposed that the team and Head of Service report directly to the Chief Executive whilst consideration is given to where this function best sits in the longer term. The Head of Service will not, however, be on the Council’s Corporate Management Team, but will join the management team run by the Director of Place. The Chief Executive and Head of Service will keep these arrangements under review.

5. FINANCIAL AND PERSONNEL IMPLICATIONS OF THE RESTRUCTURE

As is mentioned elsewhere in this paper, financial savings are not the only driver in presenting this proposed restructure. It is also considered that these arrangements will strengthen the Council’s ability to meet the challenges it faces in the future. Nonetheless, the Council does have budget pressures as a result of reduced funding and increased pressures, and creating an effective senior management structure within a reduced budget was an important consideration. Exact savings can only be confirmed when the restructure is finalised, because some costs cannot yet be determined, and there will be additional savings that flow from streamlining the new teams once a new senior management structure is in place.

Clearly these proposals also involve the creation of new roles, the exact costs of which cannot be determined until job descriptions have been finalised, and the appropriate salaries for the posts have been evaluated.

This restructure also provides an ideal opportunity to review the salaries of the whole of the senior management team. It has been some years since the senior management salary structure was reviewed as a whole, and various anomalies have crept in during that time. In addition the Council has outsourced a number of its services which also has a potential impact on salaries. It has recently been agreed by the Cabinet that a review of senior management salaries should be carried out. This will include all employees above grade 15, not just those posts included in this paper.

As a result of the proposals put forward which will reduce the number of senior management roles and improve arrangements for commissioning and provision of services, it is anticipated that savings should be in the region of £750,000.

5.1 Consultation Process

Formal consultation on these proposals regarding the senior management structure at Executive Director and Director level will commence on 19 April 2013 as part of the collective consultation process, for a period of no less than 30 days.

As a result of these proposals, the following posts will be deleted and the post holders (where applicable) will be placed 'at risk' of redundancy and where applicable some of the postholders will be ring-fenced to suitable alternative employment.

- Executive Director of Adult Social Care (vacant post)
- Director of Public Health (vacant post)
- Executive Director of Operations
- Solicitor to the Council
- Head of Planning, Transport and Engineering

As well as consulting collectively on the proposals with the recognised trade union officials, individual consultation will be undertaken with each member of staff affected by providing 'one to one' meetings during the consultation period. This will include postholders whose roles are subject to minor changes. The purpose of the 'one to one' meetings is to discuss each individual's circumstances, to explore any options that are available and to identify any support which can be made available.

'One to one' meetings will be conducted by the Chief Executive. The Head of HR will also be present to provide support to the process. Individuals have the right to be represented and accompanied at these meetings, if they wish, by either an accredited Union Representative or work colleague.

Any posts within the proposed structure which are not appointed to internally will be advertised externally. Staff who are 'at risk' of redundancy will be given priority treatment in any recruitment process, providing the essential criteria for the post are demonstrated.

In addition, if these proposals are adopted, various Personal Assistants, business support and administrative roles will be affected and it is proposed to address these issues in stage 2 of the restructuring.

Attached at Appendix B is the timetable for the consultation and decision making on the proposals and at Appendix C the impact of the proposal on posts/staff.

5.2 Potential Restructuring (Stage 2)

If, following consultation, the proposals are agreed and the management structure is implemented as outlined, it is anticipated that the newly appointed Director of People would seek to review the most appropriate structure to support service delivery within that department. It is therefore anticipated that the following posts will be subject to review in the future:

- Assistant Director Strategy, Commissioning and Prevention (Children's Services)
- Assistant Director Strategic Commissioning (Adult Social Care)
- Head of Neighbourhood Services
- Associate Director of Public Health

Any such review would be treated as a separate restructure and the standard Council processes would be followed, which would include the submission of a restructure paper and full and meaningful consultation with trade union representatives and the affected individuals.

In the interim the four posts identified above will 'lift and shift' in their current form to report to the Director of People, once appointed.

In addition, it is recognised that by creating the Governance directorate and realigning the performance management function to this directorate, the following posts could be impacted to varying degrees:

- Assistant Director, Education and Resources (Children's Services)
- Assistant Director, Quality, Information and Performance (Adult Social Care)

It is proposed that this is reviewed once the Director of Governance is appointed and has the opportunity to determine the required structures and roles for effective service delivery.

Should any impact on staff be identified, standard Council processes would be followed and staff and trade unions would be consulted with appropriately.

5.3 Timetable

A time table for the proposed consultation process is attached at Appendix B.

5.4 Summary

This document provides the basis for the consultation and views and comments on the proposals are welcomed. All comments and views submitted during the consultation period will be considered and responded to.

Final steps to confirm the structure and appoint to the newly-created posts will not be taken until the consultation period has closed and all views and submissions have been considered.

6. CONCLUSION

The new arrangements proposed in this paper are designed to deliver the Council's priorities and to support the approach set out in this paper to meeting the challenges ahead. The new commissioning arrangements for people will target real need for both people and communities with a result of reducing the demand for our services over time and making communities safer to live in. The new commissioning arrangements for place will ensure that the city continues to 'buck the trend' providing jobs for our residents and reducing welfare dependency. It will also carefully plan physical developments to meet the needs of our city whether that be for leisure, education, housing, cultural or health objectives.

These papers deals with the first and second tier roles that are proposed to change and the Council will need to move quickly to recruit to these key roles. It is anticipated that most of the new roles will be advertised and recruited to internally to give senior officers the chance of promotion.

**Peterborough City Council –
Commissioning for People – “Leading the constant
search for smarter ways to make Peterborough a
better place to live and work”**

Introduction

This document sets out a rationale for bringing together adult and children, education and learning, neighbourhoods services and public health commissioning.

Scope

- To develop model options for the creation of a single people commissioning service, leading to designing the preferred model.
- To identify within Children, Adults, Neighbourhood and Public Health services resources dedicated to commissioning/access to services.
- To consider options for services currently delivered in house and make plans about future delivery models
- To undertake a review of how other authorities have arranged single people commissioning services and the benefits.
- To consider how other partners internal and external might effectively support the development of a single people commissioning service.
- To map budgets to be included within the preferred model.
- For the purposes of this work it is assumed that a similar place-based commissioning model will be developed; this project will therefore explore what might transfer from people-focussed services above into the place-based model.

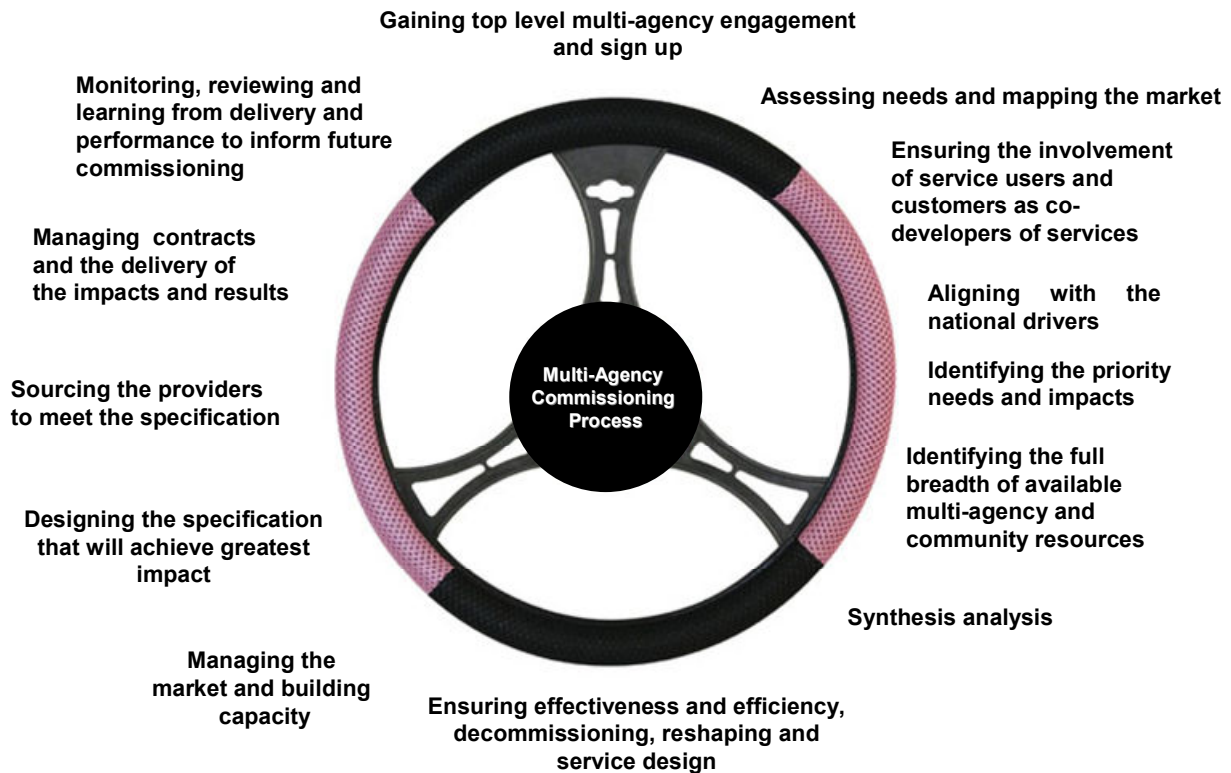
Outcomes

- Seamless pathways to people services for our citizens.
- Cashable savings through revised commissioning and delivery arrangements. This is required to deliver current and future savings targets.
- Improved joint commissioning approaches across partners.
- A single people view of Council priorities and desired outcomes for the citizens of Peterborough.
- In house service delivery reviewed and options appraisals developed, to ensure best value, leading to more efficient and effective delivery models.
- Managing increasing demand by shifting service provision from specialist services to early intervention and prevention. To include self directed support and harnessing community capacity.
- Bring jobs into Peterborough by creating a leading edge commissioning function attractive to other local authorities.
- Managed market delivering choice about what our citizens want to buy or access and delivering and making accessible what is in the public best interest.
- A market focused on putting more citizens in control of their own lives

Commissioning

For the purpose of this document the diagram below depicts what commissioning includes, we would also include brokerage and access to resources.

Strategic Commissioning **Process** operates as a Steering Wheel and Moves Back and Forth – it is **not** Cyclical –



Our vision for People

It is about people, families and communities being at the heart of what we do, being resilient, taking personal responsibility, accessing the help and support that is appropriate, making choices, taking control and meeting the needs that they have.

Delivering the Vision

In delivering our vision, focusing more on the universal and preventative approaches that address needs earlier on and avoiding the need for more specialist support later on, we have to be bold and transformational asking ourselves whether current service and delivery arrangements are fit for purpose.

What should we do?

To deliver the vision and create the right environment for outcomes to be achieved, an awareness of those areas that require development, investment, or perhaps, a different approach, is required. The broad areas that define our actions are as follows: -

- Developing the organisation so that there is a stronger commissioning focus, strong leadership throughout, a culture that supports innovation, creativity and calculated risk-taking, a skilled, highly motivated and fit for purpose workforce and effective partnership working.
- Working within the 'One Council' approach so that there are joined-up and coherent approaches to improve outcomes that make use of the capacity, skills and resources that exist across the Council.
- Developing our partnership working, recognising that a number of organisations contribute to outcomes being achieved and so that together we are able to develop more holistic and innovative responses to meet needs and improve outcomes.
- Improving the overall quality of services and support that are available, whether they are about helping people to manage their lifestyle, to be protected and safe, to be educated, to be independent, or to be cared for.
- Actively supporting people to manage their lifestyle, bringing major benefits to both individuals, families and to the whole system that supports health and wellbeing in Peterborough. Addressing hazardous alcohol consumption, substance misuse, smoking and obesity in ways that reduce the problems associated with certain lifestyles is a priority.
- Addressing areas of health inequality in Peterborough, through understanding and acting on the wider determinants of good health and targeting areas of greatest concern. Ensuring that partnership working is strong around this agenda through the Health and Wellbeing Board and making the most of the opportunity that the integration of Public Health with the Council provides.
- Continuing to develop our approaches to domestic violence and offending behaviour enabling people to live safely in Peterborough, free from the fear and impact of crime and being protected, where appropriate.
- Making access to good quality information, advice and guidance more straightforward and for everyone.
- Improving accessibility and availability of universal and targeted services, such as home and family support, decent housing, child care, play, education and learning, jobs, leisure opportunities and public health services, to all. This is not always the case now, because of the way that services are delivered, or because their availability is limited in some way, or because access is difficult.
- Understanding what works best in preventing more intensive intervention and investing in these initiatives. The Council and its partners already invest in a range of preventative and early intervention support, but pathways, access and a more joined up approach to commissioning and delivery need to be improved.
- Providing personalised approaches, so that people are given the means to make choices and take control of their lives, through personal budgets and improving the range of services that are available to people, so that the choices that people want to make are made possible. The Council has a responsibility to encourage and

enable the marketplace to be one that reflects choice, as well as need, which will require different approaches that better consider the perspective of the provider.

- Ensuring availability and access to a range of services to support carers being carers in Peterborough.
- Supporting people that are in the greatest need in an effective way, recognising that in developing better early and preventative support for people, there will continue to be adults, children and families that require intensive, crisis, or long-term support to help them recover, address a problem in their life, or help them manage day to day. We believe it is essential that such support is of a high quality, safeguards people, meets needs and is complementary to those universal services that people may access.
- Work with Clinical Commissioning Groups in the City to explore wider opportunities to better align in the commissioning of services across the board. Where ever possible becoming a single, robust commissioner for the city leading to improved outcomes and increased efficiencies.

Our more detailed actions/commissioning intentions are contained within Appendix 1.

Where might a single people commissioning service sit within the organisation?

The Chief Executive is the senior strategist and has the ultimate responsibility for the commissioning strategy. It is proposed subject to member agreement to create a Director- level post, much like the new Director for Growth, this would ensure access and input to CMT.

There are a number of possible locations for the service:

- This could be delivered through the Director of Public Health who has a cross-cutting, strategic and high level view across the organisation and into the NHS; however there are the challenges of transfer and delivery of the new public health agenda for the Authority.
- This could be delivered through a single Executive Director of People (children and adult services). However this does not separate commissioning and adult/children's operations; which has in the past (adult Services/PCT) led to a lack of focus on commissioning. Also there continues to be major challenges in children's safeguarding and any early amalgamation of the DASS and DCS role could impact on the improvement programme.
- This could be delivered through the Executive Director Strategic Resources. The focus of this portfolio is around section 151, corporate support and supply/contract management, not the full commissioning process – however one can see the intrinsic value of bringing together the commissioning and corporate support/ supply expertise when making decisions about what we should make, buy or share.

Next Steps

1. By January 2013

Identify the resources (human and financial) dedicated to Commissioning/Access

Agree new structure for single people's commissioning service

2. By March 2013

Appoint Director of Commissioning

Agree transfer plan to single people's commissioning service

3. Identify risks and mitigation

4. By April 2013 Transfer staff and associated resources to single people commissioning service

5. Restructure service

Appendix 1

Our Detailed Actions – Commissioning Intentions

The actions that need to be taken are a mixture of internal and external delivery actions. We have to do both well to achieve the vision and planned outcomes that have been set out. For example, we will not successfully deliver new services that help people to maintain independent living, without there being effective partnerships with organisations that have a part to play in making this happen, such as the voluntary sector, or local housing associations.

Everything that we plan to do will be appropriate to need and as specific plans are developed will follow a SMART approach so that actions are specific, measurable, attainable, relevant and timely.

So, what are we going to do?

Be a commissioning organisation.

Peterborough City Council is on a journey to become a more commissioning focused organisation, the Council recognises that the way it has been organised and the policies and procedures it uses do not fully embrace this approach. Within People commissioning we will develop our commissioning, so that our services and support arrangements better reflect needs, the views of citizens and the achievement of improved outcomes for Peterborough people, in the most efficient, effective, equitable and sustainable way.

- We will develop our leadership, skill base, organisational arrangements and capacity to ensure that all of the resources available (finance, workforce, information, providers, assets, communities and people) are capable of being utilised to commission for 'outcomes', with less focus on service inputs and outputs.
- We will make sure that staff within the Council have the right tools to do the job, making use of innovative approaches that enable more effective and efficient working, for example in the use of information technology.
- Reflecting the nature of Peterborough, we will develop our commissioning to be geographically appropriate, so that the right activity takes place City wide, at a local community level and at the individual / family level. We recognise that a 'one-size fits all' approach will not achieve the improvement in people's lives that is possible. We will ensure that the capacity to deliver at a local level is available and that strong partnerships with other organisations are in place.
- We will aim to join-up, or integrate our commissioning arrangements with other agencies and in particular the NHS where it is the right thing to do, so that across key service areas, there is one seamless, effective and efficient approach to the development of services and support through one lead commissioner.
- We will develop our purchasing arrangements, so that there is the right balance of quality and cost in what is provided and so that action can be taken quickly and decisively when things go wrong.
- We will involve individuals, families and communities in commissioning, purchasing, and helping to assure quality in services, so that local needs are well-understood and represented in the way that provision is shaped. This approach also has the benefit of developing responsibility and resilience within people and communities.
- We will ensure efficient and effective systems and processes that enable easy access to the right services, provided at the right and in the right place.

Further develop partnership working

We believe it is essential to further develop our partnership working on the basis that by doing so we will be better able to meet the needs of local people and improve outcomes. This is the case because other organisations also have responsibilities to deliver in similar areas to those that the City Council delivers in and because evidence from within Peterborough and from around the country shows that good partnership working on the right things delivers improved outcomes. This is particularly relevant across health and social care, but also in other areas.

We will, through the Health and Wellbeing Board with our partners, show strategic leadership to deliver integrated arrangements across Peterborough that address real problems collectively. Through understanding needs better and what each partner brings to the table, we believe that the Board can deliver transformational change.

We will further develop our commissioning and provider arrangements in partnership with others, looking to achieve the best solution for local people and integrating around the individual, family, or community. This is not about following a prescriptive approach but understanding what we can do and what will work in Peterborough to improve outcomes. Our partners will be diverse and include the NHS (CCG's, Provider Trusts, NHS Commissioning Board), the local HealthWatch (from April 2013), the Police, the Police and Crime Commissioner, schools, academies and other learning providers, the community and voluntary sector, the private and independent sector, local people and many others.

We will develop our internal arrangements (structures, people, systems, processes and procedures) to be more flexible in supporting partnership working, on the basis that good partnerships will share risks and rewards, sometimes challenge the way things are done and will be able to reach consensus and agreement.

Improve contact and access arrangements, advice and information

The Council's Customer Services will become the access point for all initial contacts and enquiries, unless there is a very good reason for this not to be the case. This will help deliver consistent, high quality service and experience and improve our understanding of needs.

We will ensure that contact with the Council results in help being provided as quickly as possible and with the minimum number of conversations having to take place. This means that much of the support provided through People-based teams and services will be redesigned so that the first point of contact is through the Customer Services or as self service through our website.

We will ensure good quality information, advice and guidance that is available to all people and also to places and organisations that are the local access point for people, such as GP surgeries, libraries, children's centres, schools and other local facilities.

We will ensure that people can access the information, advice and guidance they need in the way that most suits them. Whilst we want to maximise use of web-based resources and the telephone, we recognise the value of face to face and other support mechanisms. Therefore, we will ensure that these continue to be accessible and available.

We will ensure as a commissioner of Customer Services and advice and information services that delivery is high quality, timely professional interactions that meet need and that it has the correct links with other services that may need to become involved with a contact. This will require the customer service function to have the necessary expertise within its staff group.

We will ensure systems and processes are in place that enables easy access to targeted and specialist services, this may be through resource allocation and support panels or other brokerage systems.

Improve universal and community-based capacity and support

The resources that are available within the City and across other organisations, such as the NHS and the Police are mostly tied up, or committed to services, so achieving our ambition to change the balance of how we spend money and use capacity is not easy. We believe that there is a compelling case to be made across all organisations to do this over time; however, we believe that there are many things that can be done at little cost, requiring perhaps a different approach, or a reorganisation of resources to create a momentum and pace to achieve this vision.

In developing universal and community-based capacity: -

- We will provide City wide and local capacity to focus on the evidence base that shows the positive impact that good universal services and community-based support can have and the things we should do to improve people's lives.
- We will commission and develop new services as a result of understanding what works and what local needs are, so that people are better supported through those services that are available to all and are local.
- We will shape and influence existing universal services, so that they meet the needs of everybody, whatever their situation and do the same with new initiatives. This will mean setting expectations and working with organisations to develop what they offer to local people.
- We will ensure an appropriate mix of housing is available for all people, particularly focusing on where there is greatest need, for example in housing for disabled people.

Improving Education, Skills and employment opportunities

- We will ensure that our strategic intentions and approach to provide improved information, advice and guidance, access to universal and community-based support, preventative support and early help are joined up with schools and other learning providers being important hubs in the community.
- We will continue to support schools to improve by providing skilled and proactive improvement services and shifting greater levels of responsibility for improvement to schools themselves through internal and peer support arrangements.
- We will ensure that all adults are supported to have the means, motivation and opportunity to acquire new knowledge, gain new skills, and pursue their passions. We will also provide targeted and specialist support where this is needed and ensure that learning opportunities help build stronger communities.
- We will develop a better knowledge of the local labour market, identify skill needs for local employers and provide a wide range of adult learning opportunities that help people to gain these.
- We will help people to progress into jobs by supporting schools, colleges and further education establishments to focus on this, providing skills-focused learning and employment, linked where appropriate to Further Education and Work Programme provision.
- We will encourage the development of a dynamic market of learning providers that are able to deliver innovative, quality provision to high standards.

Improve health and address health inequalities

We will help and encourage people and communities to live healthier lives with the focus being on environmental factors and good lifestyle choices which maintain their ability to live more fulfilling and independent lives. We aim to improve the overall length and quality of life for Peterborough people, and to reduce health inequalities, aspiring to improve health and wellbeing, from pre-conception and infancy through to old age.

Through the integration of certain Public Health functions into the Council from April 2013 and the newly developed Health and Wellbeing Board arrangements, there is a greater opportunity to develop seamless approaches to address these issues.

- We will promote and support the opportunity for people to manage their Long Term Conditions at home, enhancing their quality of life.
- We will influence others (including addressing the wider determinants of health) such as the NHS, Fire and Rescue Service, Police and voluntary and community sector colleagues in the planning and implementation of their services in such a way that they impact positively on the health of our population.
- We will commission a range of high quality public health services such as lifestyle services, sexual health, injury prevention, public mental health, diet, nutrition and obesity, physical activity, drugs and alcohol, smoking cessation and tobacco control and NHS health checks.

Improve preventative and early intervention support

In developing preventative and early intervention support, we want to invest more in those services that really work in delaying or avoiding the need for more intensive support and thereby, help people to maintain independence and quality of life.

We recognise that there are people for whom preventative or early intervention support will not be appropriate and where this is the case we will provide what is needed.

- We will commission and develop new services as a result of understanding what works and what local needs are, so that people are better supported through those services.
- Where services are already in place we will ensure performance is managed and monitored.
- We will enhance welfare rights services through development with the private, voluntary and independent sectors enabling people to get effective local support when they need it.
- We will develop access arrangements so that people can easily get the support that they need when and where they need it.

Make available more personalised support

Personalisation provides an opportunity for people to come up with creative solutions to long entrenched problems (Cowen, 2010).

Our view on personalisation is that this solution focused approach should not only be available to adults that have social care needs, but be available to children and their families as well, in particular because of developing best practice elsewhere, for disabled children and their families.

Personalisation is also not only about choice and control in the management of personal budgets, but also about the individual, or family being able to more broadly define how needs are met. This could be about maximising strengths, building relationships, or developing capacity as well as having access to financial resources.

- We will ensure a person-centred approach to need and provide a personal budget to all adults that meet the criteria for social care support and for whom it is appropriate.
- We will provide appropriate levels of brokerage and advocacy support to help people make choices and take control, where this is needed.
- We will explore and develop our approach to personalisation for children, families and adults, considering the opportunities outside of social care in health, education, housing, transport, employment and leisure.
- We will ensure that the workforce both within and outside the Council are aware of person-centred approaches to support and personalisation, having access to effective learning and development, when needed.
- We will ensure that the provision available for people to buy is of good quality, meets needs and provides good choice. We will encourage the development of provision where there are identified gaps and find ways to attract providers into the City and at local level.
- With NHS colleagues, we will look to further develop Personal Health Budgets in Peterborough, which is likely to result in a shift in the way that NHS services are delivered.

Support carers

We believe that it is essential to provide effective support to carers, recognising the critical role that they play. In developing People-wide ambitions, we include carers fully in all our plans, from being more commissioning focused to developing personalised support. We also recognise however, the particular needs that carers may have.

- We will support carers to continue in their caring role by enabling them to have regular breaks and be able to access support mechanisms and leisure opportunities within their own communities.
- We will develop and shape the market to ensure that a selection of flexible and replacement care options are available, offering replacement care for planned breaks, unplanned flexible replacement care and emergency support for carers.
- We will raise the recognition, awareness and assessment of young carers' roles, needs and circumstances amongst agencies and professionals who work with children and young people, ensuring that their needs are met.

Improve community safety and safeguarding

- We will ensure Peterborough communities can live safely by improving communication, information, advice and guidance so that people are more aware of the support available and what they can do individually and in communities to improve safety.
- We will provide support and early help services to the families in greatest need including parents with a mental health problem, parents who misuse substances,

families where there is domestic abuse/violence; teenage parents and families who have had children removed from their care due to abuse and/or neglect.

- We will ensure that there are timely assessments of children and families at risk, and for those children who need protection and care, we will ensure that this is timely and high quality.
- We will continue to work with others to ensure the systems and services in place for the management of anti-social and offending behaviour are efficient and effective.

Develop Whole-Life approaches

There is an opportunity to develop whole-life approaches within some areas of provision that will provide for a more effective and efficient range of services to be developed. It is also necessary to work in partnership with others that also commission, or provide services and support to people, such as the NHS, the Police, schools and colleges, government agencies, the voluntary sector and service providers.

In providing support for disabled people and for people with mental health needs: -

- We will ensure a person, or family-centred approach through establishing mechanisms that enable people to find their way through what are often complex arrangements, to get the support they need.
- We will enable people to establish sustainable local networks that make the most of the community assets that are available, providing friendship, influence on how local services develop and support when needed.
- We will enable people to make use of the universal facilities within their local community, by influencing the way that these are made accessible, or available.
- We will ensure that people are able to access and make use of health, care and integrated services that are available to all.
- We will commission and develop services that provide more preventative and early intervention support, helping to avoid the more intensive support that may otherwise result and sustain independent living. Where money is tied up in the wrong type of services, we will address this, redirecting that money to the services that are needed.
- We will improve, or remove services that are not providing high quality support to people, or not meeting local needs.
- When people need more care and support, we will make personal budgets available, regardless of age, so that choices can be made about how that support is provided.
- We will develop our own organisational arrangements so that services work together to provide the services and support that people need. E.g. Joint Agency Panels.

Better support troubled families

The Government wants to see more local areas joining up their local service efforts, as evidence shows this can help turn the lives of families around. A Community Budget approach is being rolled out citywide and will play a vital role alongside other measures to help families with complex needs.

In providing support for families with complex needs, in Peterborough: -

- Through the Connected Families Project we will develop a consistent way to identify and work with families with complex needs and develop a toolkit to measure the success of initiatives.
- We will bring together partners to scope and develop a plan that sets out the support needed and how this is best provided, with a focus on improving quality of life for families and using resources in the most effective way.

Better support victims of domestic abuse

In supporting people that have been victims of domestic abuse, we believe that we need to be more proactive, developing a range of services and support mechanisms that provide for those who could become victims as well as those who are and also address the needs of perpetrators of abuse: -

- We will develop a Citywide approach to the way that information, advice and guidance is provided, ensuring a single integrated approach and addressing what are at present disparate arrangements.
- We will develop an educative approach, raising awareness of domestic abuse, the identification of risk and the support that is available, so that both children and adults can identify it and do something about it.
- We will enable people to establish sustainable local networks that make the most of the community assets that are available, providing friendship, influence on how local services develop and support when needed.
- We will commission and develop services that can intervene at an early point, providing support to victims and perpetrators and working with other agencies to avoid escalation of abuse. This will also be about helping people make the right choices for their personal and family situation.
- We will commission and develop services that provide alternatives to the 'refuge' service model, recognising that a single approach will not meet all needs, or be appropriate for all.
- We will commission and develop services that meet the needs of all communities, recognising the different cultures that exist within the City.

Better support individuals, families and communities that are impacted upon by drug and alcohol abuse

The misuse of alcohol and/or drugs is responsible for undermining family and community life. The problems that arise out of addiction and dependency destroy potential and hope, and have a devastating and disproportionate effect on those most in need in our society. Collectively termed substance misuse, it contributes dramatically to the volume of anti-social behaviour, acquisitive and violent crime, domestic abuse, road traffic accidents, unemployment, and homelessness and, for the children of families where alcohol and drug misuse is prevalent; there will generally be some degree of associated child neglect and emotional abuse.

The challenges are complex and require integrated solutions from a wide range of partners including health, adult and children's social care agencies, the police, probation, the voluntary and community sector and business sector. Making a difference and bringing about positive change requires multi agency working at all levels supported by legislation and partnership to meet local needs.

We will ensure the services commissioned can demonstrate excellence in their field, represent good value for money and deliver positive change and outcomes for service users and their families.

Better support children, young people and families.

There is an opportunity to develop more coherent commissioning arrangements for children, young people and families alongside the plans to develop whole-life support and ensuring more of a whole family focus in all that we do. Our plans to invest more capacity and resource in building resilience has a particular relevance to families and children because getting this right at an early point in life, or in a family will have beneficial impacts long into the future.

Therefore, our commissioning intentions will be to develop support arrangements that provide for all children and families in Peterborough, such as excellent information, advice and guidance that is easy to access and also ensure that we meet the needs of specific groups of children, such as those that are in the 'looked after' system, or have special educational needs.

- We will improve identification and early intervention of need in order to provide the right help at the right time through the further development of multi disciplinary and multi agency coordinated and integrated services via the Multi-Agency Support Groups.
- We will improve and develop the range of interventions available to support families in crisis and where possible prevent the need for a child or young person to become Looked After by the Local Authority, or to support their early return home where appropriate.
- In developing People-wide and whole-life approaches, we will ensure that both generic and specialist needs are identified and provided for; so that people can access the support they require in as easy a way as possible.
- We will use the opportunity that personalisation brings to offer disabled children and their families a range of different and more appropriate support options, including personal budgets.

How will we know that we are achieving?

Being clear about the performance measures that matter. We want to achieve better outcomes for the people of Peterborough and therefore, we will develop measures that properly identify progress, rather than always measuring inputs, or outputs. We think that the measures we use should be informed by engagement activity with local people and be a mixture of performance measures, achieving milestones, or getting something done, measuring ourselves against others who are doing well, satisfaction levels and other feedback that we receive, such as compliments and complaints.

We will develop a balanced range of performance measures that are outcome focused, providing the means to manage performance and also to communicate more widely what has been achieved, or is still to be achieved.

We will ensure that communication and involvement opportunities exist, both within formal governance and reporting arrangements and outside of these, so that we are transparent and can be held accountable for progress.

Appendix B: Proposed Consultation Timetable

The collective consultation process will begin on Friday 19 April 2013 for a period of no less than 30 days. During this time two 'one to one' meetings will be held with all staff affected.

As required under Part 3, Section 2.3.1.5 of the Constitution, the Chief Executive will consult with the Council's Employment Committee, which has delegated authority:-

'To consider, and recommend appropriate actions where necessary in response to, executive proposals relating to:

- (a) changes within a Department's/Division's structure which involve substantial changes in the responsibilities of first and second tier posts;
- (b) requests for Trade Union facilities, including budget and establishment; (c) other executive human resources matters.'

In addition, the Chief Executive will consult with Cabinet Members in compliance with Part 3, Section 3.15.2 (g) of the Constitution, whereby the Chief Executive is authorised to determine changes within the management structure, where these involve substantial change to the responsibilities of first and second tier posts, having regard to the proposals of the relevant Cabinet Members for the services affected and also of the Leader of the Council.

A proposed timetable for the consultation is set out underneath.

Date	Action
18 April 2013	JCF meeting to present proposals and outline the process for consultation.
19 April 2013	Start of the 30 day collective consultation period. Staff provided with a copy of the consultation paper.
W/c 22 April 2013	Stage One meetings with staff commence. Staff questions answered and feedback gathered.
W/c 7 May 2013	Stage 2 meetings commence.
19 May 2013	Anticipated end of 30-day consultation period.
W/c 20 May 2013	Consider responses to consultation.
21 May 2013	Cabinet Policy Forum to discuss draft response to consultation.
By 23 May 2013	<ul style="list-style-type: none"> • Publish draft response to consultation and inform staff of proposals for Employment Committee. • Papers dispatched to Employment Committee.
31 May 2013	Employment Committee meets to consider response to consultation.
3 June 2013	Chief Executive makes final decision on restructuring following consultation with Employment Committee.
From 4 June 2013	<ul style="list-style-type: none"> • Stage 3 meetings with individual staff will commence, at which time individual notices of redundancy will be issued as appropriate. • Hay review of posts and recruitment process will commence.

Appendix C: Impact of Proposals on Posts / Staff

Director of Public Health

This post will be deleted and a newly combined post of Executive Director: Adult Social Care and Public Health will be created. The commissioning functions which currently sit within Public Health will be realigned within the centralised commissioning directorate under the Director of People.

In the absence of a permanent incumbent, the Director of Public Health post is being covered by the Associate Director of Public Health. There is no individual who will slot or be ring-fenced to the newly created post of Executive Director: Adult Social Care and Public Health.

Executive Director: Adult Social Care

As above, this post will be deleted and a newly combined post of Executive Director: Adult Social Care and Public Health will be created. The commissioning functions which currently sit within adult social care will be realigned within the centralised commissioning directorate.

In the absence of a permanent incumbent, the adult social care post is covered in an 'acting-up' capacity by the Assistant Director Care Services Delivery. There is no individual who will slot or be ring fenced to the newly created, combined Executive Director: Adult Social Care and Public Health post.

Executive Director: Strategic Resources

Some minor changes to the current post will result from the proposed restructure including assuming responsibility for corporate asset management and disposals.

A new job description will be written to ensure it accurately reflects the responsibilities and accountabilities of the revised post, which will be renamed Executive Director: Resources.

The current post holder will remain in post.

Executive Director: Operations

This post will be deleted and the functions sitting within this post will be reorganised and reallocated to other directorates within the proposed management structure.

As such, the current post holder will be placed 'at risk' of redundancy and will be consulted with on an individual basis.

Careful consideration was given as to whether the post holder would slot or be ring- fenced to any of the alternative posts within the proposed structure, in particular to the Director of Place, Director of Governance and the Director of People.

In relation to the post of Director of Place, the following factors were considered:

- The Director of Place post absorbs the functions that fall directly within the remit of the Head of Planning, Transport and Engineering Services. Although the Director of Operations has overall responsibility for these functions within his current role, this is at a strategic level and the post holder is not directly responsible at an operational level for the delivery of these services.
- The Director of Place post also takes responsibility for the Growth, Regeneration and Economic Development agenda, which currently sits within the Chief Executive's portfolio.

In relation to the post of Director of Governance, the following factors were considered:

- This post has a wide remit, pulling together a diverse range of functions which currently sit across different directorates. In addition this post centralises the performance functions which are currently undertaken across several directorates within the Council.
- The current Executive Director: Operations post has responsibility for regulatory services, environmental health and trading standards within his current role. Although these functions will move to the newly created role of Director of Governance, they do not form a sufficiently significant part of the new post to create a slot or ring fence situation.

In relation to the Director of People the following factors were considered:

- The post has a wide remit, pulling together the commissioning function of four separate directorates of which neighbourhoods is only one element.
- The current Executive Director: Operations has only a strategic overview of commissioning within the neighbourhood function and the new role of Director of People pulls together, at a strategic and operational level commissioning across four directorates.

In summary, the Executive Director: Operations does not slot or ring-fence to any of the aforementioned posts within the proposed structure.

Solicitor to the Council

It is proposed that the legal and governance functions which currently sit within the remit of the Solicitor to the Council will be moved to the newly created post of Director of Governance, which will have a much broader remit, including responsibility for regulatory services, communications, marketing, performance management and human resources.

As a result, the post of Solicitor to the Council will be deleted.

Careful consideration was given as to whether the post holder would slot or be ring-fenced to any other posts within the proposed structure, particularly to the post of Director of Governance. Although the newly-created post is anticipated to be at the same level as the Solicitor to the Council post, the wider remit and range of responsibilities means that slotting / ring fencing does not apply.

The Solicitor to the Council post holder will therefore be placed 'at risk' of redundancy.

Executive Director: Children's Services

There will be some changes to the scope of the Executive Director of Children's Services post as a result of the proposals regarding commissioning, however these will not impact on the significant statutory responsibilities of the role.

The job description will be reviewed to ensure it accurately reflects the responsibilities and accountabilities of the post going forward.

The current post holder will remain in post.

Executive Director: Adult Social Care and Public Health

This is a newly-created post combining the responsibilities of the current Public Health and Adult Social Care directorates. There are no current incumbents who will slot or are ring fenced.

A new job description will be written and evaluated on the Hay Senior Management Pay Scale and an external recruitment process will be implemented to appoint to the post.

Director of People

This is a newly created post which creates a central commissioning directorate for the Council. A new job description will be written and evaluated on the Hay Senior Management Pay Scale.

As commissioning activities are currently undertaken within directorates, careful consideration was given as to whether any existing staff leading commissioning activities would slot or should be ring fenced to the Director of People post.

Analysis suggests that none of the existing Assistant Directors/Heads of Service would slot or be ring fenced to this post, given the wider strategic remit of the role.

Further consideration was given as to whether any of the post holders placed 'at risk' as a result of this paper should be ring fenced to the Director of People post. It was determined that there is insufficient comparability in the substantive content of these individuals existing posts and the Director of People post to justify slotting or ring fencing.

The Director of People post will be advertised internally.

Director of Governance

This is a newly created post combining services which currently sit in a number of directorates, including legal services, governance, communications and media, performance management, human resources, regulatory services, environmental health and trading standards.

A new job description will be written and evaluated on the Hay Senior Management Pay Scale.

This post absorbs functions which currently sit within the remit of the Solicitor to the Council and some of which sit within the Operations directorate. Consideration was therefore given as to whether both / either of these post holders should slot or be ring fenced to the newly-created post of Director of Governance. It was determined that the wider remit of the Director of Governance means that there is insufficient comparability in the substantive content of these individuals existing posts to justify slotting or ring fencing.

The Director of Governance post will be advertised internally.

Director of Place

This is a newly created post which takes the lead for the delivery and commissioning of growth, regeneration, environmental and infrastructure services and projects, as well as the commissioning and client management of Opportunity Peterborough and the Peterborough Delivery Company.

A new job description will be written and evaluated on the Hay Senior Management Pay Scale.

As the Director of Place post subsumes the responsibilities of the post of Head of Planning, Transport and Engineering, the existing Head of Planning, Transport and Engineering will be ring-fenced to the Director of Place post and interviewed.

Head of Planning, Engineering and Transport

As set out above, the proposed role of Director of Place subsumes the responsibilities of the post of Head of Planning, Transport and Engineering.

This post will therefore be deleted and the post holder placed “at risk” of redundancy and ring fenced to the Director of Place post.

Growth and Regeneration Team

Under the proposals the Growth and Regeneration team will transfer to a wholly-owned limited company, which for the purpose of this paper is being called the “Peterborough Delivery Company” however its name is still to be confirmed.

The staff within this team will be seconded to the Peterborough Delivery Company for an initial period of one year, at which point the arrangement will be reviewed.

During the consultation period we will meet with the Growth and Regeneration Team to discuss the secondment arrangements.

The Growth and Regeneration team is led by the Head of Growth and Regeneration. The job description for this post will be reviewed to determine whether it needs to be updated to reflect the proposed change in the delivery model. The post holder will be consulted as necessary to any changes in their job description.

Head of Commercial Operations (City Centre Director)

There will be no change to this post but there will be a change of line management, whereby the Head of Commercial Operations (City Centre Director) will report directly to the Chief Executive.

Summary of consultees responses

During the consultation period consultees were invited to respond to the paper entitled “Becoming a Commissioning Council – Proposals to change the Council’s Senior Management Structure.” Summarised below are the common themes to support the conclusion of the consultation.

Personal responses from the Chief Executive will be made to all those who responded and where questions have been asked or suggestions put these will be fully addressed.

1. **Becoming a Commissioning Council**

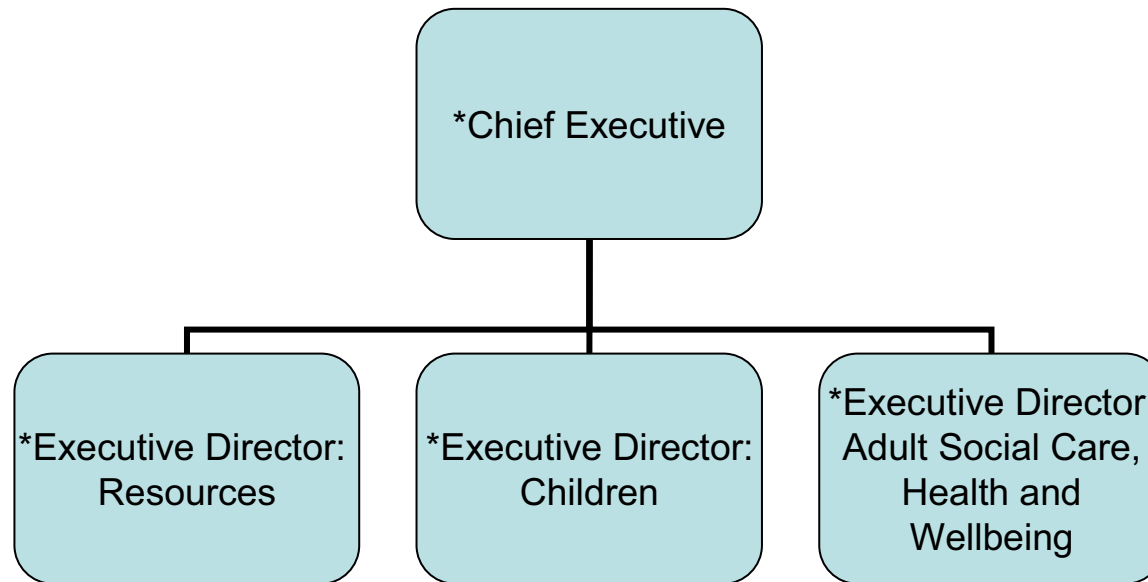
- a) Unanimous support for the restructure to focus on this objective.
- b) Majority agreed with the proposals for a Place and People Directorate and for amalgamating governance and support functions under the Governance Directorate.
- c) One consultation response advised of the need to look at timescales for the transition of adult social care commissioning to the new People Directorate bearing in mind work underway already to strengthen commissioning function.
- d) One consultation response sensibly pointed out that commissioning is also about creating markets and a place where people can meet their own needs.
- e) One consultation response stressed the need, if there is to be a unified commissioning function, for people to ensure that this function has access to subject matter experts to inform strategies, plans and delivery.

2. **Other matters raised**

- a) Two consultation responses outlined the need to ensure that a strong Director of Adult Social Care role is maintained particularly because of the challenging national agenda for adult social care and health.
- b) Two consultation responses commented on the breadth of the responsibilities of the Director of Governance. One response suggested that two assistant directors should be appointed to manage the various functions. The other response made out a case for the performance and information functions together with the public health intelligence functions to be placed under the remit of the Director of Public Health. The latter suggestion also pointed out that if this function were to be put with the Director of Governance it could be seen as a policing rather than supporting service.
- c) One consultation response made a sensible suggestion about bringing together some core functions, in particular workforce development and training for social work and social care professionals.
- d) Following the consultation process, a review of the council’s asset management strategy was undertaken by Duncan Blackie from East of England LGA. In summary the review concluded that the council’s strategy and management of assets should be brought together in one place under single leadership. Rather than wait to implement the outcome of this review in a second senior management restructure, it seems sensible to include the officer changes required in this restructure. A post is proposed to be created in the Resources Directorate to manage the council’s asset portfolio and bring forward an asset management strategy to meet the council’s priorities going forward. The arrangements for asset management in each directorate will therefore be brought together under this new post.

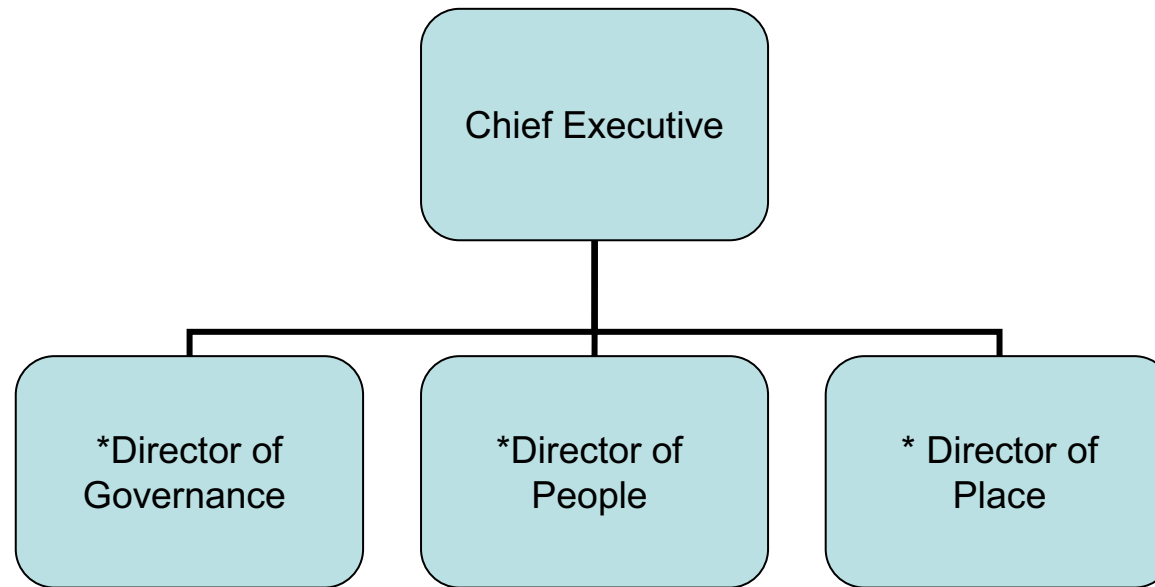
- e) During the course of the consultation comments were made about how the finance functions could be changed to support the council's new commissioning arrangements. Those discussions led to the consideration, as with other functions of the council, to bring together all of the finance functions under the Executive Director: Resources. Therefore it is proposed that those finance functions in Children's Services transfer to this directorate along with other resources related functions in the Children's Services directorate of home to school transport and school place planning.
- f) The removal of the finance function and the asset management function from the Children's Services directorate puts at risk the postholder of the role of Assistant Director Education and Resources as this role will no longer be required. However the new role created in the Resources Directorate to manage Corporate Property and Children's finance will create a new role which allows the Assistant Director Education and Resources to slot into that role as the post in the Resources Directorate is largely similar to his current role.
- g) The Director of Children's Services has been carefully considering, outside of this restructure, new arrangements for discharge of the council's responsibilities for school improvement, special education needs and the pupil referral unit which are left from the role of the Assistant Director Education and Resources. She recognises the need to make improvements in these arrangements and she will be bringing forward a set of proposals for managing these functions outside of this review to councillors in the next few months.
- h) In the original consultation document it was proposed to introduce a new role of Executive Director: Adult Social Care and Public Health. It will not be known, until that recruitment is finalised, whether an adult social care or a public health professional (with the requisite qualification) secures the role. Whatever the outcome, the council will need to secure a Director of Public Health if the role goes to a social care professional and in the alternative an Assistant Director Adult Social Care if the role goes to a public health professional. In addition, in consultation with Public Health England they have proposed that the Executive Director role is called "Executive Director: Adult Social Care, Health and Wellbeing" so that if a non public health professional is recruited to this role, then the postholder's title would not give the impression that they were the Director of Public Health.

1. Executive Director Structure



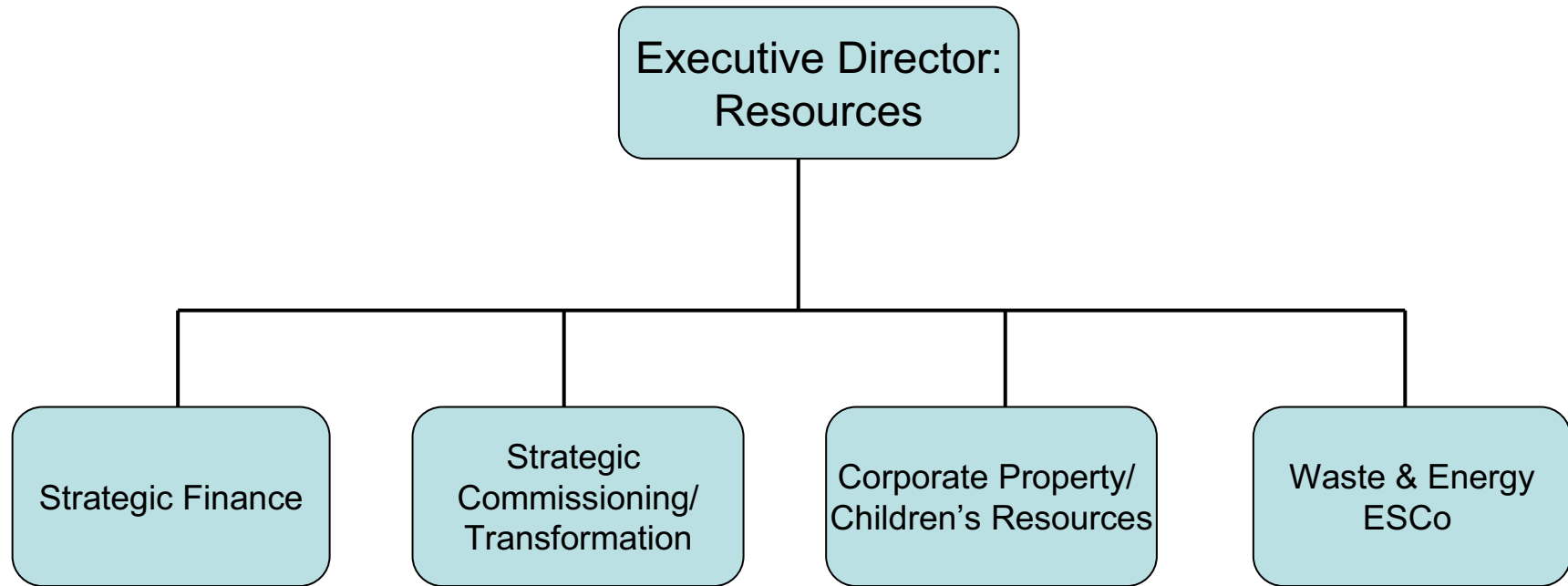
*CMT member

2. Service Director Structure

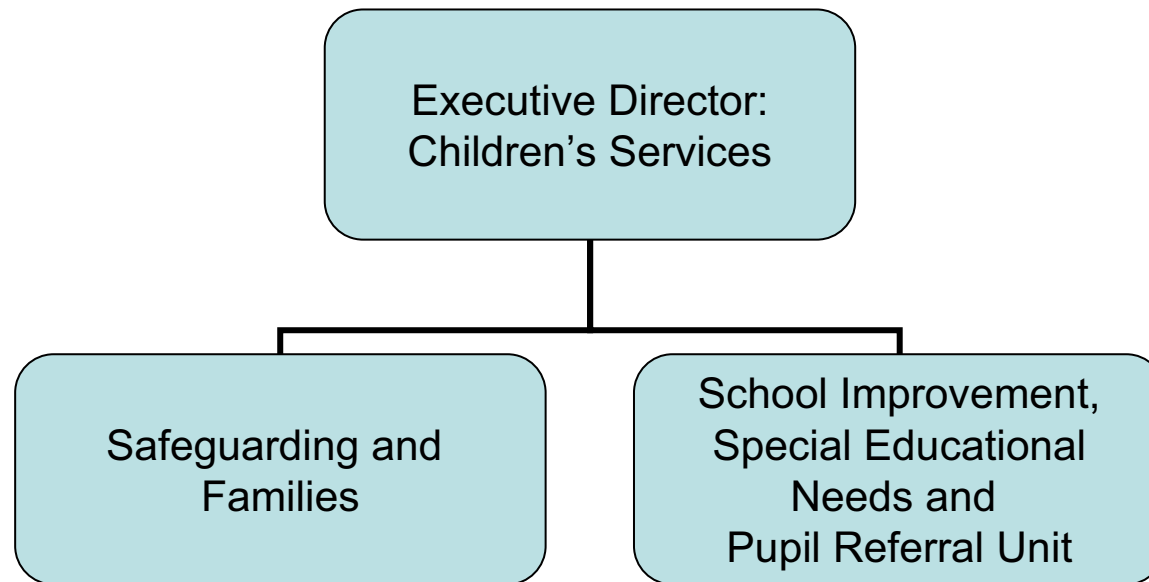


*CMT member

3. Executive Director Departments Strategic Resources

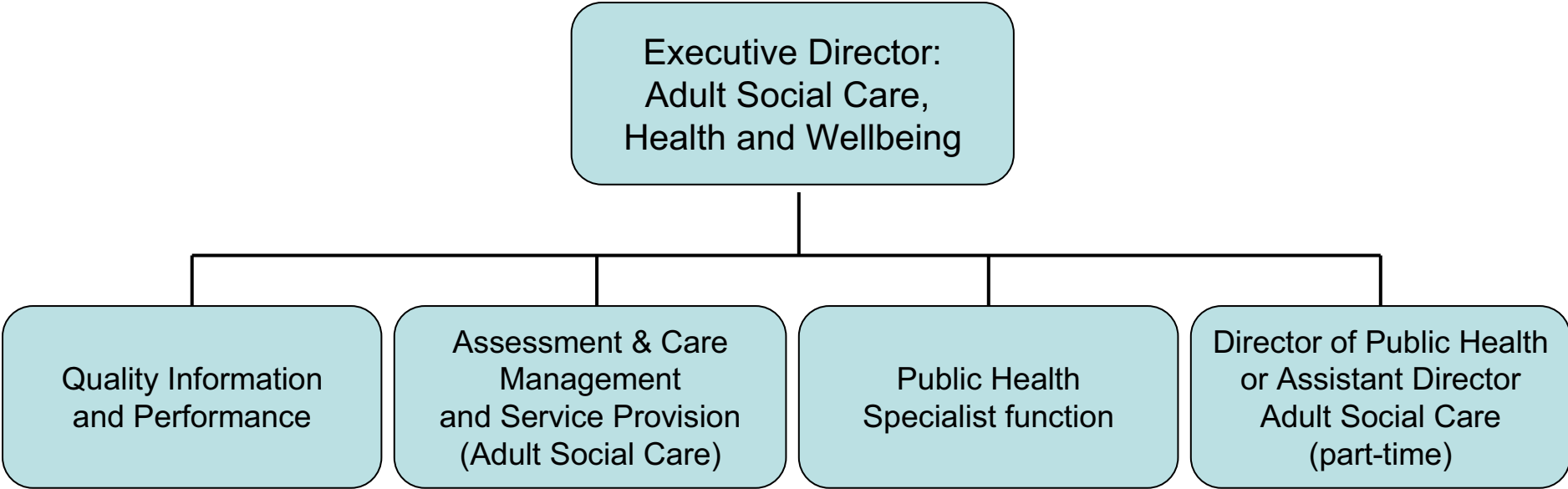


4. Executive Director Department Children's Services

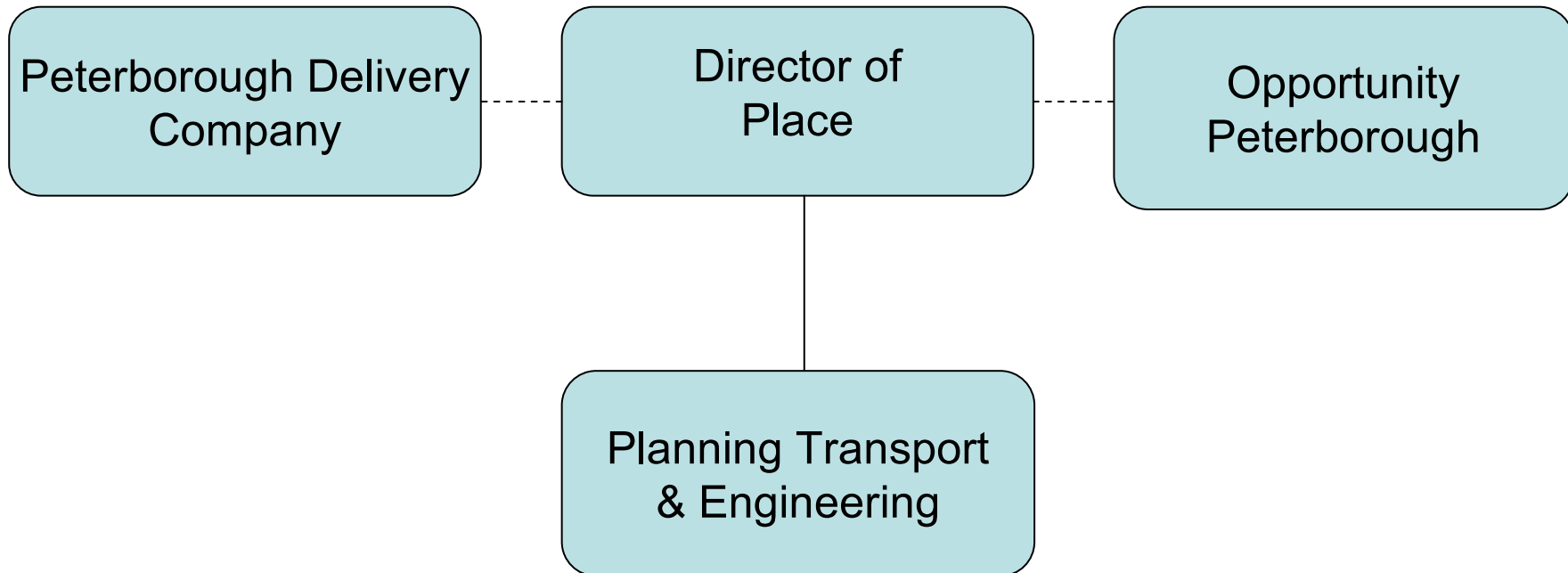


5. Executive Director Departments

Director of Adult Social Care and Public Health

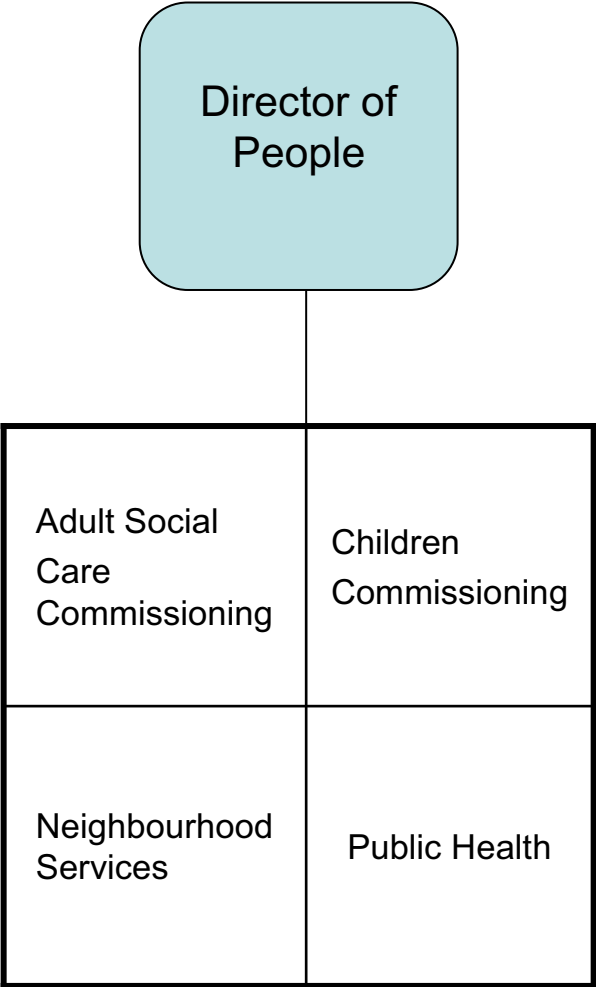


6. Service Director Structures Director of Places Commissioning

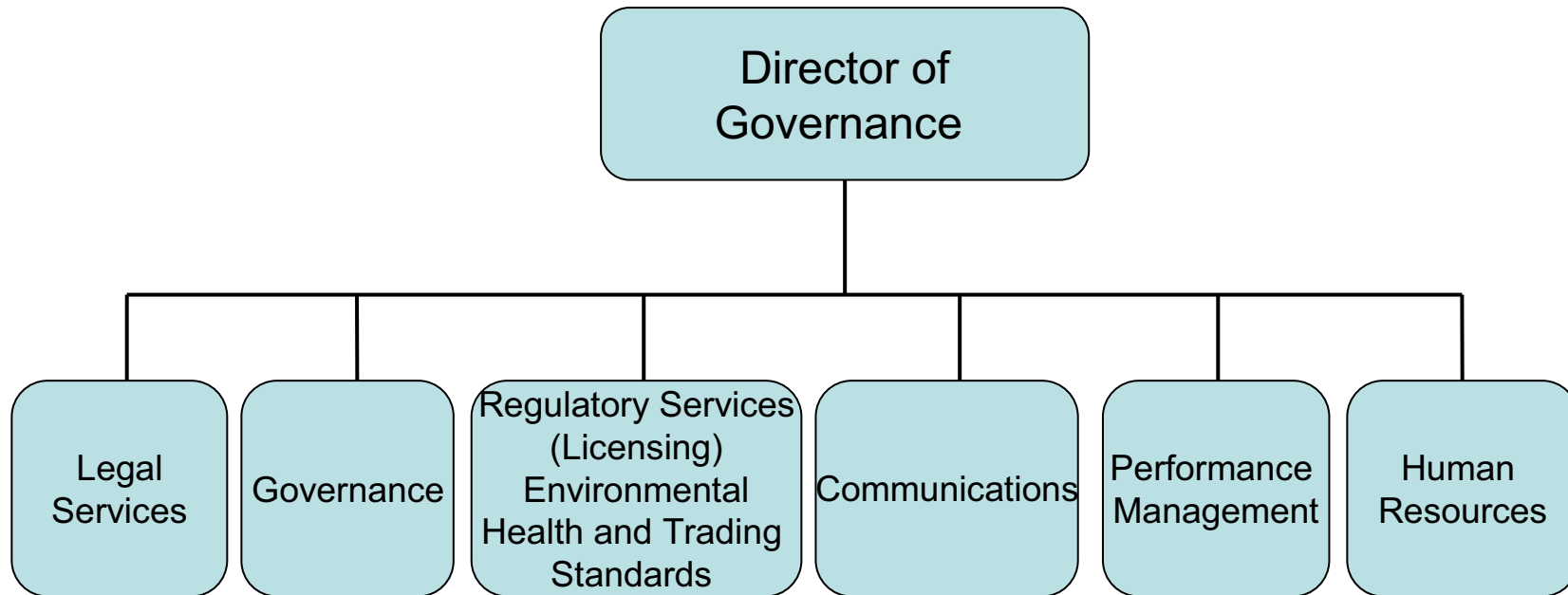


7. Service Director Structures

Director of People Commissioning



8. Service Director Structures Director of Governance and Compliance



COUNCIL	AGENDA ITEM No. 15(c)
9 OCTOBER 2013	PUBLIC REPORT

APPOINTMENT OF CHAIR TO SCRUTINY COMMITTEE

R E C O M M E N D A T I O N S
FROM : Kim Sawyer – Monitoring Officer
That:
<ul style="list-style-type: none"> (1) The Council appoints a Chair to the Sustainable Growth and Environment Capital Scrutiny Committee (2) The Council appoints a Chair to other scrutiny committees as may be necessary

1. PURPOSE AND REASON FOR REPORT

- 1.1 To ask that Council appoint a chair to the Sustainable Growth & Environment Capital Scrutiny Committee following the resignation of the existing chair.

2. BACKGROUND

- 2.1 At Annual Council Councillor Sue Allen was appointed as a member and Chair of the Sustainable Growth and Environment Capital Scrutiny Committee. Councillor Allen has recently resigned her seat and chairmanship of the Committee.
- 2.2 In accordance with the Council's Constitution the Chief Executive can appoint another member to the Committee where a seat on the Committee becomes vacant, but only the Council is permitted to appoint the Chair of the Committee. The Chair of the Committee must be drawn from the membership of the Committee.
- 2.3 As the Chair of the Sustainable Growth and Environment Capital Scrutiny Committee is also known as the 'chair of chairs', it is feasible that another chair may wish to be nominated to this Committee and be considered for the Chair. In that event the Council may have to appoint to more than one chairmanship.
- 2.4 The Council is therefore requested make one or more appointments to chair of the relevant scrutiny committee.

3. IMPLICATIONS

- 3.1 Legal – the rules for appointment of the Chair of the scrutiny committees is set out in the Council's standing orders (Constitution at part 4 section 2).
- 3.2 In nominating to fill a vacant seat on a committee the Council has to have regard to political balance rules within the Local Government and Housing Act 1989 and therefore nominations will be sought from the political group of the resigning member.
- 3.3 The 'Chair of chairs' is an informal reference to the Chair of the Sustainable Growth and Environment Capital scrutiny committee who decides on grounds of urgency whether, upon

request, any executive decision is allowed to waive the right of scrutiny to call in the decision (Constitution part 4 section 8).

- 3.4 Financial and other – there are no financial implications arising from the report as the number of members of the scrutiny committees remains the same.

4. BACKGROUND DOCUMENTS

Constitution.