

**PETERBOROUGH CITY COUNCIL
SUMMONS TO A MEETING**

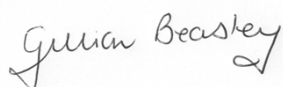
You are invited to attend a meeting of the Peterborough City Council, which will be held in the Council Chamber, Town Hall, Peterborough on

WEDNESDAY 15 APRIL 2015 at 7.00 pm

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Chief Executive

7 April 2015
Town Hall
Bridge Street
Peterborough

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

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**MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD
4 MARCH 2015**

The Mayor – Councillor David Over

Present:

Councillors Allen, Ash, Brown, Casey, Cereste, Davidson, Elsey, Ferris, Fitzgerald, Fletcher, Forbes, Fower, F Fox, JR Fox, JA Fox, Harrington, Harper, Herdman, Hiller, Holdich, Iqbal, Jamil, Johnson, Khan, Knowles, Lamb, Lane, Lee, Maqbool, Miners, Murphy, Nadeem, Nawaz, North, Okonkowski, Over, Rush, Saltmarsh, Sandford, Scott, Serluca, Shaheed, Sharp, Swift, Thacker, Thulbourn and Walsh.

1. Apologies for Absence

Apologies were received from Councillors Arculus, Day, Martin, Peach, Sanders, Seaton, Shabbir, Shearman, Stokes and Sylvester.

2. Declarations of Interest

There were no declarations of interest.

3. Honorary Freedom of the City

3.1 Mr Wyndham Thomas CBE

Councillor Hiller addressed the meeting and moved the following motion:

“Council resolves:

THAT we, the Members of Peterborough City Council, assembled in accordance with Section 249(5) of the Local Government Act 1972 acknowledge the eminent service rendered to the City by **Mr. Wyndham Thomas CBE**.

Mr Wyndham Thomas was one the most instrumental men in the development of Peterborough during a significant chapter in its history when it was declared a new town. In 1968 he was appointed the general manager of Peterborough Development Corporation, which had been set up to take forward the expansion of Peterborough. Never before had a new town been built upon an already existing town, and Peterborough was chosen to be the first. Following the appointment, Wyndham set up a team of dedicated officers with expert knowledge who worked with him in this exceptionally unique project.

A true visionary, Mr Thomas was in charge of the city’s development for over 14 years overall, during which he excelled and contributed tremendously to this great city. With his vast wealth of planning and local government knowledge he was able to lead a team including both city and county councillors. By encouraging and guiding them to work together seamlessly, he enabled them to succeed phenomenally in their task.

It was thanks to the incredible work of this hard-working team that the beautiful Nene Park, Thorpe Wood Golf Course and very efficient Parkway System were created, all of which Mr Thomas had a hand in planning and establishing. Another one of the many benefits this expansion brought to Peterborough was the attraction of major companies, such as Thomas Cook and John Lewis, which thereby lead to a major

increase in job opportunities. Wyndham and his team travelled the world with the aim of selling Peterborough, where he used his excellent speaking skills to get the message out and bring the people in. The city grew from a population of approximately 70,000 to a magnificent 120,000 plus as a result of this commendable effort.

Mr Thomas has made many other significant achievements in his lifetime. He became Mayor of Hemel Hempstead, and at the time would have been the youngest Mayor ever to be appointed. He was made vice-president of the Town and Country Planning Association in 1992 (a position he still holds today), as well as a member of the council of the Royal Town Planning Institute. Most notably, Mr Thomas was recognised for his outstanding work in the New Towns project in 1982 by being awarded a CBE.

In recognition of the above, WE DO HEREBY CONFER the honorary freedom of the city upon **Mr. Wyndham Thomas**, of Peterborough.”

The motion was seconded by Councillor Khan.

A vote was taken (unanimous) and the motion was **CARRIED**.

3.2 The Salvation Army

Councillor Cereste addressed the meeting and moved the following motion.

“Council resolves:

THAT we, the Members of Peterborough City Council, assembled in accordance with Section 249(5) of the Local Government Act 1972 acknowledge the eminent service rendered to the City by **The Salvation Army**.

Primarily a church and well-known for its work as a charity, the Salvation Army tirelessly strives to reach out and serve communities all over the world. Founded in the East End of London, the Army reached Peterborough in 1881 and since then the self-proclaimed ‘poor man’s cathedral’ has been making a significant difference through their remarkable labours.

Heart to God; Hand to Man. There is an impressive array of examples that illustrate their efforts to live by this slogan. After the Great War they were the first to set up safe houses and soup kitchens, affording vital aid to the injured. Every Christmas they host an event for those who have nowhere else to go, providing a traditional meal and perhaps even more praiseworthy; a family to share. Never fearing the tough battles, the Army also runs a transportation service for victims of human trafficking, moving them to safe houses and offering them practical support and counselling. Thanks to these admirable soldiers, there is never a need for anyone to feel lonely in Peterborough.

Their Community Centre presents a variety of services, including showering and laundry facilities and food parcels. Twice a week they offer a Luncheon Club and Day Centre for the elderly, and play host to many groups from the community including a Café for Dementia sufferers and ante-natal classes. They also offer a Debt Advice Service which operates on a weekly basis The Good Neighbours Scheme supports the most vulnerable people of the city, visiting them at home and providing a listening ear as well as help in the garden and with their shopping. The Army is involved in several key events in the city, including Christmas Eve carol singing, Remembrance Services, visiting PC Hospital on Christmas day and the Crematorium Annual Remembrance Service. Working in partnership with various other organisations such as Hope Into Action, the Citizen’s Advice Bureau and the council, the Army seeks to aid all those who suffer, never allowing differences of race or religion to hinder their fight. In fact the

Salvation Army has played a major role in the interfaith cohesion work in Peterborough.

In July this year the Salvation Army will celebrate worldwide to mark an outstanding 150 years of service and ministry. Peterborough has shared in the benefits of this, where this force for good continually step up and bring both aid and joy to millions.

In recognition of the above, WE DO HEREBY CONFER the honorary freedom of the city upon **The Salvation Army**, of Peterborough.”

The motion was seconded by Councillor Swift.

A vote was taken (unanimous) and the motion was **CARRIED**.

Chairman
6.30pm – 6.40pm

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**MINUTES OF COUNCIL MEETING HELD
4 MARCH 2015**

The Mayor – Councillor David Over

Present:

Councillors Allen, Ash, Brown, Casey, Cereste, Davidson, Elsey, Ferris, Fitzgerald, Fletcher, Forbes, Fower, F Fox, JR Fox, JA Fox, Harrington, Harper, Herdman, Hiller, Holdich, Iqbal, Jamil, Johnson, Khan, Knowles, Lamb, Lane, Lee, Maqbool, Miners, Murphy, Nadeem, Nawaz, North, Okonkowski, Over, Peach, Rush, Sanders, Saltmarsh, Sandford, Scott, Serluca, Shaheed, Sharp, Shearman, Swift, Thacker, Thulbourn and Walsh.

1. Apologies for Absence

Apologies were received from Councillors Arculus, Day, Stokes, Seaton, Shabbir, Martin and Sylvester.

2. Declarations of Interest

The Mayor advised that in November 2012, the Audit Committee had granted a general dispensation for all Members, should they have any disclosable interest that enabled them to debate and vote on the budget item.

In relation to the motion that he had put forward in item 12, Motions on Notice, Councillor John Fox declared that he was the coordinator at Shopmobility.

3. Minutes of the meeting held on 28 January 2015:

The minutes of the Council Meeting held on 28 January 2015 were approved as a true and accurate record, subject to the following amendment:

Page 2, first line, to change 'mark' to 'mask'.

COMMUNICATIONS

4. Mayor's Announcements

Members noted the report outlining the Mayor's engagements for the period commencing 26 January 2015 to 1 March 2015.

5. Leader's Announcements

There were no announcements from the Leader.

6. Chief Executive's Announcements

There were no announcements from the Chief Executive.

PUBLIC PARTICIPATION

7. Questions with Notice by Members of the Public

There was one question submitted by a member of the public, this was in relation to:

1. A scheme of selective licensing.

The question and response are attached at **APPENDIX A** to these minutes.

8. Petitions

(a) Presented by members of the public

There were no petitions from members of the public.

(b) Presented by Members

There were no petitions from Members.

RECOMMENDATIONS AND REPORTS

9. Executive and Committee Recommendations to Council

(a) Cabinet Recommendation – Culture Strategy

Cabinet at its meeting of 23 February 2015, received a report from the Cabinet Member for City Centre Management and Tourism which advised that Culture and Leisure Services were long established priorities of the Council and that the Council had published a Culture Strategy five years ago in order to deliver its priorities up to 2014.

Recognising the need to take a fresh look at its approach and priorities to develop a new culture strategy, the Council had developed a refreshed strategy as set out in the document 'Peterborough Culture Strategy 2015-2020'.

The purpose of the report was for Cabinet to approve the strategy and to recommend its adoption to Council.

Councillor Casey introduced the report and moved the recommendations contained within. He further highlighted the developmental journey of the Strategy and its vision for the city and the importance of culture as a whole.

Councillor Serluca seconded the recommendations and reserved her right to speak.

Members debated the recommendations and in summary raised points including:

- The city centre did not have much to offer apart from shops and many units were currently empty. More needed to be done to attract people into the city centre;
- Activities for those living in the rural areas also needed to be considered, not just for those with access to the city centre;
- There were many other open spaces, not just in the city centre, which could be utilised for events. Not all people enjoyed coming into the centre;
- Culture played a major part in the communities, however the Council could be criticised for focussing on culture when there were significant cuts being faced across other services;
- The Strategy was somewhat disappointing in regards to its lack of long term ambition and it failed to recognise the need to invest in order to attract further investment;
- There were no references as to how the problems with transport were going to be overcome;

- There were a number of omissions on the consultee list;
- In the city, 0.1p per head of population had been secured from lottery funding;
- The Strategy did not acknowledge the role of Vivacity in securing funding;
- The Strategy was low on aspiration, particularly in the field of the arts;
- Congratulations were given to Councillor Casey and his involvement at many events. Councillors should attend as many cultural events as they could;
- Excellence should be strived for and the city should be renowned for the quality of its cultural services, in so doing, that would increase participation;
- It was disingenuous to say that the document was not aspirational, the Council was doing its best to protect culture leisure and tourism, however this was difficult to prioritise against other budget pressures; and
- Officers had done a good job. It was up to partners like Vivacity to attract external funding.

Councillor Serluca did not wish to exercise her right to speak as seconder of the recommendations.

Councillor Casey summed up as mover of the recommendations and stated that the city needed to have big ambitions and it had a unique footprint that it could take advantage of going forward. Culture was a way of breaking down barriers.

A vote was taken (40 for, 9 against, 0 abstentions) and it was **RESOLVED**:

That Council adopts the Peterborough Culture Strategy 2015-2020.

(b) Cabinet Recommendation – Budget 2015/16 and Medium Term Financial Strategy 2024/25

Council agreed to waive the Standing Orders in relation to the length of speeches to allow unlimited time for speaking.

Cabinet, at its meeting of 23 February 2015, received a report as part of the Council’s formal budget process set out within the Constitution and legislative requirements to set a balanced budget for 2015/16 and medium term financial strategy to 2024/25.

The purpose of the report was to recommend to Council budget proposals for 2015/16 through to 2024/25, in line with the final local government finance settlement for 2015/16 and in advance of some Department for Education specific grants being finalised. The draft Medium Term Financial Strategy (MTFS) was presented during the Cabinet meeting of 19 January and, subject to updated information contained within the report to 23 February 2015, was the basis for Cabinet to recommend the budget for approval by Council. Attached to the report were the relevant documents Cabinet referred to within the report.

The report also provided an update on budget consultation responses received so far, recognising that that the consultation remained open until 2 March and that some meetings with key stakeholder groups were still to take place.

The Mayor advised that there had been two alterations submitted in relation to the proposals, one in relation to virement limits and one in relation to transport. Members unanimously agreed for the recommendations to be moved with the alterations.

Councillor Hiller introduced the report, on behalf of Councillor Seaton, and moved the recommendations contained within. He thanked officers and everyone involved in the budget process and stated that there had been extensive consultation undertaken on one of the most difficult budget setting processes in the city’s history. He further highlighted the four key changes to the original consultation these being; to keep all

of the libraries open and to extend opening hours, £70k being ringfenced from the risk management contingency in order to cover additional staff which may be required in some of the larger libraries and to assist with implementation; a further capital sum of 200k towards street cleansing and equipment in order to make services more efficient and to help keep the city clean; the reconvening of the cross party bus working group to examine possible improvements; and an increase in the budget transfer limits, or virements, so any transfers over £1m would require Full Council approval.

It was further highlighted that the aim of the Budget was to deliver a better Peterborough. The positive work undertaken in the city over recent years was outlined and included new investment, continued growth, development and improvements across a number of areas. Future work and investment was also detailed and it was advised that a council tax freeze was once again proposed, making Peterborough sixth lowest out of 56 unitary authorities with regards Council Tax. The budget proposals were recommended for approval.

Councillor Cereste seconded the recommendations and reserved his right to speak.

Members debated the recommendations and in summary raised points including:

- The health outcomes in Peterborough were a disgrace and the discrepancies between wards were vast;
- It was not feasible for Council officers to take on responsibility for healthy living along with their other duties;
- There had been greater public and cross party involvement in the form of the cross party budget working group;
- There had been difficult decisions to make and there had been more extensive consultation undertaken in the two phased budget;
- Could the budget be undertaken as a phased process throughout the year?
- There were concerns at the cuts proposed in Adult Social Care, however only time would tell what effect the cuts would have in the long term;
- The cuts in bus services had left some areas sparse, or without a service at all;
- The proposed cross party bus working group would meet to discuss issues and talks of improvements were welcomed;
- Major capital projects needed to be looked at in more detail from the outset;
- The ongoing roadworks, particularly those along Bourges Boulevard, would incur ongoing costs. Had all of the works been completely necessary?
- There were concerns around the lack of lighting across the city and the use of LED lighting, which was leaving large portions of the city in the dark;
- There were concerns around the proposed self-service arrangements at the libraries;
- The freeze in council tax was not beneficial to the Council in the long term, with funds having to be found from alternative places;
- The continued reductions in Adult Social Care would not be sustainable going forward;
- The bus service, as it currently stood, was unreliable as the cuts which had been made had gone too far. Cycle routes in the city needed upgrading also;
- The cuts were not of the Council's making in the main, it was the removal of budgets from central government;
- The budget would hit the vulnerable, the poorest and particularly the elderly in the city;
- There needed to be more cross working across the public sector, with the integration of services in order to save money;
- There had been no alternatives proposed as to how the issues raised, particularly those relating to adult social care, would be funded;

- Large amounts of money had been written off due to failed projects. Consequences of funding such projects should be looked at in more detail from the outset;
- The Council needed to use its resources more effectively in relation to safeguarding vulnerable children and adults. There were large sums being wasted by employing agency staff, resources needed to be better utilised;
- School standards needed to improve in relation to other local authorities;
- Many services had been lost in the city, with numbers of cuts. What were the city's MPs doing to stand up for the city at a national level?
- It was not possible for the Council to have forethought as to the cuts that would come from Government;
- All Members would need to work together going forward in order to address the increasing budget issues faced by the Council;
- Innovative ways were being explored in order to reduce the number of agency social workers. There had also been successes around fostering and adoption;
- The transparency of the budget working group was welcomed and Council officers were to be congratulated on their innovative working;
- One in four households in the city were living on benefits and those people in work were also having a tough time, with low wages;
- There was no inspiration for people or businesses to come to the city; and
- The improvements in school provision and education across the city were to be commended.

Councillor Cereste exercised his right to speak and advised of the work being undertaken in the city to address such issues as safeguarding and health inequalities. He further advised of the substantial cuts in funding that the city had seen and the good work that was still being undertaken, along with the work that was to be undertaken going forward, in light of these cuts.

Councillor Hiller summed up as mover of the recommendations and congratulated Councillor Seaton, in his absence, for the work he had undertaken on the budget.

A recorded vote was taken:

Councillors For: Allen, Brown, Casey, Cereste, Elsey, Fitzgerald, JR Fox, JA Fox, Harper, Hiller, Holdich, Iqbal, Lamb, Lane, Lee, Maqbool, Nadeem, Nawaz, North, Okonkowski, Over, Peach, Rush, Sanders, Scott, Serluca, Sharp, Swift, Thacker and Walsh.

Councillors Against: Ferris, Forbes, Jamil, Johnson, Khan, Knowles, Miners, Murphy, Sherman and Thulbourn.

Councillors Abstaining: Ash, Davidson, Fletcher, Fower, F Fox, Harrington, Herdman, Saltmarsh, Sandford and Shaheed.

Following the vote (30 for, 10 against, 10 abstentions) it was **RESOLVED:**

That Council:

1. Have regard to the consultation feedback received to date and statutory advice detailed in the report when determining the budget recommendations, noting that consultation remains open and further update will be provided at the Council meeting.

2. Approve:

- a) The budget is set in the context of council priorities and has been undertaken following a two phase approach to consider budget proposals to set a balanced budget for 2015/16;
- b) The budget for 2015/16 takes note of the budget monitoring position for 2014/15;
- c) The revenue budget for 2015/16 and proposed cash limits for 2016/17 to 2024/25 (including investment and savings proposals);
- d) The capital programme for 2015/16 and proposed cash limits to 2024/25 and associated capital strategy, treasury management strategy and asset management plan;
- e) A council tax freeze in 2015/16 with indicative increases for planning purposes of 2% for 2016/17 to 2024/25;
- f) That education funding is spent at the level of funding resources available to both schools and the council in 2015/16 and future estimates to 2024/25;
- g) The budget is supported adequately with reserves, provisions and robust budget estimates set in the context of the risks outlined in the report;
- h) The proposals for setting fees and charges for 2015/16.
- i) The updated Virement limits for 2015/16.

3. Approve the Council Tax setting resolution as set out in the report.

4. Approve the reconvening of a cross party bus working group to examine possible options for limited improvement of bus services.

10. Questions on the Executive Decisions made since the last meeting

Councillor Cereste introduced the report which detailed executive decisions taken since the last meeting, including:

1. Decisions from the Cabinet meeting held on 2 February 2015;
2. Decisions from the Cabinet meeting held on 23 February 2015;
3. Use of the Council's Call-In mechanism, which had been invoked twice since the previous meeting, this being in respect of the decision taken by Cabinet on 19 January 2015 relating to 'Strategic Partnership between Peterborough City Council and AVIC International Corporation (UK) Ltd – JAN15/CAB/07' and the decision taken by Cabinet on 2 February 2015 relating to 'A1139 Fletton Parkway Junction 17 A1(M) to Junction 2 road widening scheme, contamination and drainage issues – JAN15/CAB/11';
4. Special Urgency and Waive of Call-In Provisions, which had not been invoked since the previous meeting; and
5. Cabinet Member Decisions taken during the period 26 January 2015 to 23 February 2015.

Questions were asked about the following:

A1139 Fletton Parkway Junction 17 A1(M) to Junction 2 Road Widening Scheme and Contamination Issues

Councillor Murphy queried whether the Cabinet Member felt it regrettable that the over spend on the project was £4.5m, and that this had not been brought to the attention of Council at an earlier stage. *Councillor Hiller responded that he did not feel it was regrettable, the issue had been subject to a lengthy examination through Cabinet and the decision subsequently called-in. The call-in had not been upheld and all explanations had been supported by legal advice.*

Future of Wind and Solar Projects

Councillor Sandford requested clarification as to what information was being sought in relation to the project at America Farm and whether it was likely that the project would be taken forward. *Councillor Cereste advised that firstly new Government policy was awaited following the election and secondly the cost of connecting to the grid at America farm was considerably less than the other two sites, and therefore remained feasible.*

Councillor Murphy queried whether the Cabinet Member regretted not taking the decision earlier and not taking account of the recommendation of the working party and the decision of Full Council to cease the project. The waste of £3m could have paid for an additional bus for the next 30 years. *Councillor Fitzgerald advised that although the projects were not unanimously popular, the motives were to support the Council's budget. The decision to cease had been on the current projects and for further exploration to be undertaken on America Farm.*

Councillor Thulbourn requested clarification as to why the motion put forward in December to cease all further work on solar farms had appeared to have been ignored. *Councillor Fitzgerald advised that America Farm had been brought forward as a separate project and was an investigation into feasibility only.*

Councillor Sandford queried as to why the wind projects had not been taken forward, as these projects were not affected by the issue of the cut in feed in tariffs to large scale solar projects. *Councillor Fitzgerald advised that the issues were not solely in relation to the feed in tariffs, there were a number of factors involved.*

Outcome of Petitions – Petition Relating to Fulbridge Road Allotments

Councillor Davidson queried whether as there were no current S106 and POIS funds available and it wasn't acknowledged that the maintenance and repair of the site was the responsibility of Peterborough City Council (Amey), could it be confirmed that Peterborough City Council would authorise these costs from within its core budget? And if this is not possible due to the budget pressures, would Peterborough City Council's support a 50% contribution to support a community attempts to secure sponsorship and have the work commissioned externally by the Allotment Association to reduce the cost? *Councillor Cereste stated that he would respond to the question in writing.*

COUNCIL BUSINESS

11. Questions on Notice

(a) To the Mayor

(b) To the Leader or Member of the Cabinet

(c) To the Chair of any Committee or Sub-Committee

Questions (b) to the Leader or Member of the Cabinet were raised and taken as read in respect of the following:

1. Norwood playing field and its community use;
2. The future of a number of events held in the city;
3. The level of maintenance for sports pitches and charges;
4. A tree canopy survey;
5. Parking on pavements and whether this was a police enforceable matter;
6. Flytipping in Newborough; and
7. Air quality and the lack of safe cycle provision on Thorpe Road and Crescent Bridge?

Owing to the time limit being reached for this item, questions on the following were to

be responded to in writing:

8. Road resurfacing in Baron Court, Werrington;
9. Applications received at the passport office;
10. The Mayor's car;
11. Speeding issues along Fulbridge Road;
12. Street lighting in Werrington; and
13. Traffic congestion in Hampton.

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

12. Motions on Notice

1. Motion from Councillor John Fox

1. *That this Council notes with concern that the Department for Transport has revealed that over the last year 164 accidents involving mobility scooters were recorded, of which:*
 - *five drivers were killed and a further 17 suffered serious injuries;*
 - *another 102 people suffered slight injuries, official figures have revealed; and*
 - *nine more people who were not the driver were seriously injured.*
2. *That the Leader be requested to write to the City's MPs asking them to contact Richard Goodwill, the Transport Minister, to express concern at the danger posed by the growing number of mobility scooters and to support the call by Alison Seabeck, MP for Plymouth Moor View, for the introduction of compulsory training; and*
3. *That the Cabinet look into the feasibility of working with disability groups within the City to implement mobility scooter training in Peterborough on a voluntary basis until it becomes law.*

In moving his motion, Councillor John Fox advised that there had been a significant increase in the number of mobility scooter users in the city and with the number of injuries and even deaths reported, this was an opportune time to support the call for compulsory training. In the meantime, other voluntary training avenues could be explored alongside disability groups in the city.

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

Members debated the motion and in summary raised points including:

- The motion could be seen to be demonising mobility scooter users and it was the wrong message to send out;
- Those riding the scooters were not always attributable for the accidents which occurred, the real issue were cars parking on footpaths;
- Who would pay for the training provision?
- The state of the pavements across the city should be addressed;
- The thought of having to undergo a training course may play on the mind of those individuals wishing to utilise a scooter;
- Many scooters were used on the public highway and training needed to be given to ensure that users were aware of where they could and couldn't use their scooters;

- Many scooter users were partially sighted and even deaf. The shops selling the scooters should be responsible for providing training;
- The proposal should not be for compulsory training, but rather for individuals to undergo voluntary training;
- Individuals were living longer and the use of such vehicles would only increase, therefore training was important and should be looked into until it became law;
- The investment of money into compulsory training schemes by the Department of Transport should not be a priority and an area for focus;
- If training made the use of scooters safer, it could only be a positive thing;
- There was a duty of care to the public and there should be a duty of care to scooter users also; and
- Individuals should be assessed on their own merits as to whether they were capable of operating a scooter.

Councillor Lane exercised his right to speak and advised that training would be about raising the awareness of scooter users and the use of their vehicle. It was hoped that compulsory training would be implemented going forward. Disability groups should be worked with to introduce voluntary training at the current time.

Councillor Fox summed up as mover of the motion and advised that there were a number of different scooters available, with some reaching speeds of 8mph. Individuals using the scooters should be familiarised with them in order to safeguard both users and pedestrians alike. Many other authorities were undertaking such training schemes and they had been a success.

A vote was taken (33 for, 12 against, 0 abstentions) and the motion was **CARRIED**.

2. Motion from Councillor Richard Ferris

That in the interests of transparent and open decision-making, and in order to restore public confidence, this Council agrees to set up a Task & Finish Group to develop an ethical investment and procurement policy, and report back before the end of October 2015.

In moving his motion Councillor Ferris advised that the local authority should set an example to its communities and potential investors. The way in which the Council made investment and procurement decisions should be clear and based on a set of principles. The authority should be in compliance of UK and underpinning EU legislation and should work proactively to ensure all goods and services procured, or in which the authority invested, were sourced ethically and met standards. The authority also had a right to expect the companies in which it invested to maintain high standards of integrity and to adhere to the laws of the country in which they operated.

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

The Mayor advised that the 12.00pm guillotine had been reached and therefore all further votes would be moved to without debate.

An amendment to the motion was moved by Councillor Elsey.

A vote was taken (21 for, 19 against, 2 abstentions) and the amendment was **CARRIED**.

A vote was taken on the substantive motion (41 for, 1 against, 0 abstentions) and the substantive motion was **CARRIED** with the amendment as follows:

That in the interests of transparent and open decision-making, and in order to restore public confidence, this Council agrees to set up a Task & Finish Group to develop an ethical investment and procurement policy **through the Member Officer Working Group**, and report back before the end of October 2015.

3. Motion from Councillor Mohammed Nadeem

The following altered motion was moved by Councillor Nadeem.

1. *That this Council notes:*

(a) *That the National Database and Registration Authority of Pakistan (NADRA) is offering those of the Pakistani community living abroad ID Cards, which offer valuable benefits and incentives to the card holder. Eligibility includes not just Pakistani citizens living abroad but also the children of those who hold Pakistani nationality or dual nationality. It is a replacement for the overseas Pakistani/Dual Nationality Passport. The ID Cards were initially launched on 10th March 2000 in Islamabad Pakistan. The ID Card lasts over a 5 or 10 year period and grants the holder direct entry to Pakistan without the need to apply through the Visa system, which is a very long winded and expensive process, giving the cardholder peace of mind when travelling in emergency cases back to Pakistan. NADRA have overseas offices in UK, London and Birmingham Offices Cover the Peterborough Remit.*

(b) *That there are currently around 1500 citizens who are waiting to renew their card or apply for a new card but the Pakistan High Commission in London & Birmingham are short staffed and obtaining an appointment from them to renew/apply for a card is almost impossible. On many occasions residents have been to London and Birmingham and returned with only stress and heartache, as they have spent all day there, often from a 04:00 in the morning start, and have been turned away being told that no appointments are available. NADRA serve 100 appointments a day Mon - Fri and priority is given to Birmingham Citizens. However, Nadra did used to hold (Mobile Registration Team (MRT) surgeries in Peterborough, where their team would process about 250 applications on a full surgery, which was very helpful and benefited all residents especially the elderly and children. NADRA have suddenly stopped holding regular surgeries, which has caused many problems to the residents of Peterborough as not everyone can travel the distance to their main offices and the appointments being offered are too far ahead. Peterborough residents wishing to use this service include those who are elderly, disabled, have mental health issues or are single mothers that require priority and this is causing a huge problem and strain for those of our community that need this service.*

(c) That Peterborough and the surrounding area could benefit if the Pakistan High Commission open a sub office within Peterborough to provide a service not only to residents of the city but also others from surrounding cities:

Bedford

Cambridge

Huntingdon

St Ives

Leicester

2. That this Council recommends:

- (a) That the Chief Executive or the Leader write to the Pakistan High Commission asking that it addresses the short staffing issue at NADRA;**
- (b) That a sub office is opened in the Peterborough area; and**
- (c) That it supports the Pakistan High Commission to provide support in finding suitable accommodation for an office.**

A vote was taken on the alteration (20 for, 13 against, 4 abstentions) and the alteration was **CARRIED**.

An amendment to the motion was moved by Councillor Khan.

A vote was taken on the amendment (12 for, 21 against, 9 abstentions) and the amendment was **DEFEATED**.

A vote was taken on the original motion with the alteration (27 for, 0 against, 14 abstentions) and the motion was **CARRIED**.

13. Reports to Council

(a) Peterborough City Council Pay Policy Statement for 2015/16

Council received a report from the Director of Governance which requested it to approve the Pay Policy Statement for 2015/16, as required to be undertaken each financial year by the Localism Act 2011.

The recommendation was moved by Councillor Holdich with an amendment from Councillor Sandford.

A vote was taken (unanimous) and the alteration was **AGREED**.

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

That Council adopts the Pay Policy Statement for 2015/16, which is appended to this report, with the following amendment:

“Full Council is responsible for approving salary grades of £100,000 or more in respect of a new appointment. **The Employment Committee, under its delegated powers will determine the salary to be paid within the range approved by Council. If in exceptional circumstances, the salary awarded by Employment Committee exceeds the top of the salary range agreed by Full Council (for example by addition of a market supplement or backdating of salary), the package agreed shall be referred for approval by Full Council.** Full Council is responsible for approving severance packages beyond £100,000 for staff leaving the organisation.”

The Mayor
7.00pm – 12.00am

QUESTIONS & ANSWERS

Questions were received under the following categories:

<u>PUBLIC PARTICIPATION</u>	
1.	<p>Question from Mr Steve Allen</p> <p>To Councillor Hiller, Cabinet Member for Planning and Housing Services</p> <p>With regard to the need to address the issue of Selective Licensing for landlords, could the City Council investigate the alternative route taken by other authorities including Derby City Council?</p> <p>It is clear Landlords in areas designated for Selective Licensing are resentful when this is only applicable to certain areas, yet all available advice confirms that a City wide licensing scheme is not an option.</p> <p>Could therefore the City Council consider an Accredited Property Scheme as a real alternative?</p> <p>The purpose of such a scheme would be to allow landlords who own and operate rented accommodation throughout the City to be acknowledged for the valuable service they provide. Landlords Agents are also encouraged to participate on behalf of their clients.</p> <p>The rented property Accreditation Scheme as introduced in Derby is free of charge, and on receipt of an accreditation application the Council inspects the property, and issues advice where the house, or flat, falls short of accreditation standards.</p> <p>When accreditation is granted for the property the landlord is issued with an accreditation certificate and the use the scheme's logos for any advertising, thus providing a marketing advantage to those landlords offering an accredited property to rent.</p> <p>The aim of this participatory scheme being to encourage good landlords to work towards improved standards and indeed raise the value of their properties, thus attracting better tenants and in turn contributing to the regeneration of areas of the City suffering from low housing demand.</p> <p>The Council by offering landlords this opportunity to be regarded as a major contribution to a solution, rather than the problem, would be contributing to a virtuous circle of raised standards; this being to the advantage of landlords, agents, their tenants, and importantly the neighbouring properties.</p> <p>Councillor Hiller responded:</p> <p>Thank you for your suggestions Mr Allen. Like you and many others, I recognise that honest and law abiding, conscientious landlords provide a worthwhile and necessary service for the residents of Peterborough. Indeed a number of us here are conscientious landlords on both sides of the Chamber.</p> <p>The thinking has never been to burden honest landlords unduly and I have given this much thought when talking to representatives of this sector of commercial activity</p>

within our Authority area. However, there is as we are all aware an element, and I have to say to Members not an insignificant element, of rogue landlords in our City who are motivated by greed. They don't care about the condition of their HMO properties, the wellbeing or health of their tenants or indeed their natural obligations to the communities blighted by their bad practices and as we know, there is a concentration of these elements within certain areas. Mr Mayor, I'm pleased to say that this Council already works with the national landlords association who in February 2013, launched their landlord's accreditation scheme in Peterborough in conjunction with Peterborough City Council. The scheme offers a number of incentives including recognition from a national scheme irrespective of where a landlord operates, improved knowledge of property management and legislation, use of the NLA, Peterborough City Council accreditation logos, certificate of accredited status from the NLA from one of their recognitions from the Peterborough City Council, free local seminars and workshops determined by their Members needs and requests. To both good landlords and their tenants, the benefits of the subscription of the accreditation system like the NLA scheme, already in operation within our City, are indeed palpable. The NLA have many years of experience in providing training and guidance to landlords who wish to operate to a professional and competent standard. I emphasise landlords who wish to comply Mr Mayor and I have recently asked officers to ensure the scheme is effectively marketed and promoted to increase the numbers who might then benefit from it. The downside is that however well subscribed to by proper landlords an accreditation scheme will not prevent the bad boys in the same way a properly administered licensing scheme largely would. These people do not want to be accredited, they are not interested in certificates on the wall or logos on letterheads. They ride rough shot over housing legislation and are often involved in other nefarious and illegal activities perpetrated upon some of the most vulnerable in our City. We are currently finalising our approach to selective licensing proposals. It's a complex issue and we want to get it right. Of course it needs to be fair, but more importantly and for the reasons Mr Allen sights, regarding regeneration, it has to be effective. I will update Council in the forthcoming months.

Mr Allen asked a supplementary question.

I did check on the websites before I put my question and I was conscious of the scheme that is currently in place. Can I ask if there is any record of the scale of the take up with regards to the scheme that is currently in place?

Councillor Hiller responded

I do not have any record of the take up of the scheme currently in place, but I can find that out and let Mr Allen know.

COUNCIL BUSINESS

11. Questions on notice to:

- a) The Mayor
- b) To the Leader or Member of the Cabinet
- c) To the chair of any Committee or Sub-committee

1. **Question from Councillor Fower**

To Councillor Holdich, Deputy Leader and Cabinet Member for Education, Skills and University.

Could the relevant Cabinet Member please inform me as to why, despite several requests from me, the gates to the play field at Norwood School remains locked outside school hours, despite a sign on the gates stating that the field is for community use?

Councillor Holdich responded:

As my colleague will remember, a working group was constituted to look at the installation of the fence and how access to the public would be maintained. It was agreed in this meeting (which included councillors and the local community) that the school would unlock the field after school use and the field would be locked by residents at dusk. This worked for a period of time until the residents either moved away or returned the keys. The school tried on many occasions to re-engage the community, with additional members taking on the role, but then they were either returning keys or just not opening the gates. This was causing a safeguarding and security issue during the school day.

The school currently ensure that the gates are unlocked during holiday time. I am sure the school would welcome help from Councillor Fower in getting more residents involved in ensuring the agreed process is undertaken.

Councillor Fower asked the following supplementary question:

Does the relevant Cabinet Member not think that this situation, when we are essentially talking about two gates in a relatively small area, is a preposterous and petty scenario and we've had to raise it with the Head of Education, the School have dragged their feet and the bottom line is there is a sign saying very clearly that the field should be accessible to the community and you've got people who perhaps aren't so mobile on their feet looking to access that field they can't because its locked so I understand why it can't be taken under the remit of the school to make sure that is it open, it is accessible to the public and I would welcome the Cabinet Member's views on that.

Councillor Holdich responded:

This gate has to be locked, you are talking about safeguarding children. If you keep those gates open you are going to get travellers, horses and all sorts of things as it was before and it's not the schools role to do that, but it is the schools role to safeguard those young people and if Ofsted were to come in tomorrow and safeguarding was an issue for that school it would fail, never mind whether it was a top education school or not, it would fail on safeguarding alone so I repeat, there was a debate on the television, Councillor Thacker was involved at the same time and I'm sure we came to a pretty good solution, it's not the schools responsibility to open it when they are not there or

	<p>close it when they are not so therefore if we could re-engage the community by using local members that would be very helpful.</p>
2.	<p>Question from Councillor Saltmarsh</p> <p>To Councillor Serluca, Cabinet Member for City Centre Management, Culture & Tourism</p> <p>Noting the amount of visitors who are attending the annual Arts Festival, the Heritage Festival and the Great Eastern Run could the Cabinet Member please advise Council of any measures which will be taken to enable these prestigious events to take place in future years? And can the Cabinet Member also ensure that the City Council remains involved in these events which are very important to the City's economy?</p> <p>Councillor Serluca responded:</p> <p>Perkins has agreed to continue their sponsorship for the Great Eastern Run. The sponsorship combined with the income from entries, race entries, have increased each year and will ensure that the race remains sustainable going forward.</p> <p>The Council continues to support and has supported Vivacity over the last five years, providing over £18.5 million pounds in funding, to deliver culture and leisure services, from which both festivals have benefited.</p> <p>Vivacity now need to take a commercial approach to both festivals, securing their future and legacy. Vivacity have made a positive start by securing sponsorship from Perkins to sponsor the Heritage Festival for the next three years and efforts continue to provide a sponsor for the Arts Festival, to make sure it is as spectacular this year as it has been for previous years.</p> <p>The Council will continue to support both festivals by offering officer support, marketing activity and overall health and safety advice.</p> <p>I am personally confident that this Council understands the importance of holding events and will continue to do so in future.</p> <p>Councillor Saltmarsh asked the following supplementary question:</p> <p>I'm pleased to hear the sponsorship from Perkins is going forward, you didn't actually mention in your reply that we have another festival which is quite important to people, the Willow Festival. I think we need to ensure that continues as well.</p> <p>Councillor Serluca responded:</p> <p>The Willow Festival is a commercial festival and in that it's there to make money for the organisers, but I can say again the Council will support the Willow Festival with reference to marketing and anything else that we can help them with.</p>
3.	<p>Question from Councillor Murphy</p> <p>To Councillor Elsey, Cabinet Member for Street Scene, Waste Management and Communications</p> <p>Noting recent communications whereby grassroots football clubs do not feel that they are being supported by the Council to develop and deliver sports activities carried out by volunteers which contribute to improve public health and wellbeing, will the Cabinet Member undertake a review of the levels of maintenance for sports pitches, charges</p>

and assistance given to grassroots clubs in Peterborough to ensure that systems are in place to help clubs and promote sports development?

Councillor Elsey responded:

I'd like to point out that sport plays an incredibly important role in helping people to live active healthy lives with numerous health and social benefits for individuals and families and communities. The fact that significant sums of money, including more than £900,000 on improving the athletic tracks alone, has been spent by the Council in recent years testifies our recognition of the need to invest in sport. In terms of maintenance, the Council continues to ensure through Amey that there is an appropriate grounds maintenance regime in place for sports pitches. We've made no changes to that aspect of the Amey contract. In terms of changes, we have not increased the charges for the use of sports pitches either.

The change we have made is the withdrawal of attendants on match days which was costing the Council £45,000 and frankly given the cuts we've had to make, I don't think it unreasonable to save £45,000 by asking football clubs to put up their own nets and put out their own corner flags, which is all they have been asked to be done.

Work is in training in partnership with Sport England to develop a refreshed strategy for sport in Peterborough. The strategy will focus on enabling and promoting active lifestyles to improve people's sense of health and well-being. Important strands of work to develop the strategy will include understanding whether the facilities we have will meet the needs of the future, reviewing the support available to clubs including from their various umbrella organisations involved in a range of sports and recognising and celebrating the contribution volunteers make.

Councillor Murphy asked the following supplementary question:

Thank you Councillor Elsey for particularly addressing the issue about what support we're giving in the future to grassroots sports in Peterborough and I note that you are looking to work with Sport England to try and promote it and to improve the health and well-being promotion in Peterborough and also for your clarification that you think the real problem has been the £45,000 cut taken away for match day support. You may have seen some of the photographs and communications about how grassroots people feel about this. The question I want to ask is in two halves in the written question, I'm asking about the review to see what's gone. Do you think that the problem that has been brought about in this administration and football teams, people resigning etc. and the bad press and publicity, is due to the cuts, pure communications or lack of confidence in the administration or is it due to all of these? and bear in mind your particular role as a lead for comms?

Councillor Elsey responded:

The reality is that after I had the last conversation with Councillor Murphy, I went out and inspected the pitches that had been identified to him as being problem pitches. The reality that I found was that the playing surfaces were better than the playing surfaces of Peterborough United's at London Road and they have a fulltime grounds crew working on their pitches. I don't accept that the pitches aren't playable; I don't accept that people have had a £45,000 cut, because they haven't. They've had somebody not turn up to put up nets and to put up corner flags, that's it. And when you are talking about football given that £5b a year has just been agreed for television rights for football, I think it's high time that football actually passed some of that money down to the grassroots to ensure the future of their own sport.

<p>4.</p>	<p>Question from Councillor Sandford</p> <p>To Councillor Elsey, Cabinet Member for Street Scene, Waste Management and Communications</p> <p>I was told some time ago that Peterborough City Council was carrying out a tree canopy survey of the City to determine where new tree and woodland planting could be best targeted to give maximum benefit to local residents. Whilst the survey was being carried out, I was told that no new woodland planting would be carried out on Peterborough City Council land.</p> <p>Given that the completion date for the tree canopy survey was supposed to be May 2014, could the Cabinet Member tell me what has happened to it and when the results of it will be published and acted upon?</p> <p>The recent planting in commemoration of the First World War on a small area of land in Ravensthorpe attracted hundreds of local people, including many families with children, to help with the planting and it would be great if such events could be repeated on other sites around the urban area of the City. There is grant aid available for such planting through bodies such as Forestry Commission and Trees for Cities, so it need not impose any significant additional burden on hard pressed Council budgets.</p> <p>Councillor Elsey responded:</p> <p>Following unforeseen delays in manipulation of Geographic Information System (GIS) data Peterborough City Council, working in partnership with Ipswich Borough Council and Peterborough Environment City Trust (PECT), has produced a draft report that aims to analyse and interpret data captured by Bluesky's National Tree Map (NTM). It is hoped that this would be used to inform the nature and extent of urban trees and woodland cover within the City boundary.</p> <p>Councillor Sandford did not have a supplementary question.</p>
<p>5.</p>	<p>Question from Councillor Fower</p> <p>To Councillor Hiller, Cabinet Member for Planning and Housing Services</p> <p>Could the relevant Cabinet Member please inform me what action is being taken, not just in the centre but throughout the City, to address cars parking on the pavement resulting in pedestrians having to use the roadway in order to pass?</p> <p>Councillor Hiller responded:</p> <p>The Council and the Police both utilise measures and powers available to them to tackle parking on the footway, depending on the magnitude and seriousness and nature of the problem. These include the issuing of penalty charge notices if vehicles are parked in contravention of parking restrictions or fixed penalty notices for obstruction of the highway, however I'm told neither body can fully prevent such parking from occurring. Having got this question, I enquired of a retired policeman in my village, and he tells me that the obstruction of legal walkways and pavements is indeed a police enforceable matter. I will get a definitive response Councillor Fower and if indeed it is a police matter I will enquire through our Police and Crime Commissioner what he proposes to do to alleviate the problem.</p> <p>Councillor Fower did not have a supplementary question.</p>

6.	<p>Question from Councillor Judy Fox</p> <p>To Councillor Elsey, Cabinet Member for Street Scene, Waste Management and Communications</p> <p>I have noticed daily on my way to work in and around the Newborough area a large increase of fly-tipping especially along Bridge Hill Road and Gunthorpe Road.</p> <p>I would respectfully ask for the annual income received from the bulky waste collections and the annual cost to recover fly tipping within the City?</p> <p>Would the Cabinet Member also look into the feasibility of a household waste amnesty for residents on a say bi-monthly basis in all areas?</p> <p>Councillor Elsey responded:</p> <p>I agree, it is always disappointing and frustrating to hear reports of fly-tipping. I am aware that Amey attended to five reports of fly-tipping in Bridge Hill Road and 15 on Gunthorpe Road in February alone.</p> <p>The good news is that, overall, reports of fly-tipping continue to reduce. Amey's records indicate they have dealt with 595 incidents of fly-tipping in February of this year compared to 946 in February 2014.</p> <p>We will be offering – as part of our Clean and Green campaign – an opportunity for residents to dispose of 'bulky waste' in eight specific locations across the City. I will send all Members details of the dates, times and locations.</p> <p>We will use these days both to understand the sort of waste that people are struggling to dispose of and to promote the ways in which residents can dispose of waste, including Amey's services, services provided by charities and the Householders' Recycling Centre.</p> <p>The cost to the Authority of removing fly-tip is approximately £80,000 per annum. We have received income this year, from the bulky waste collection service, of just over £74,000.</p> <p>Past experience has not suggested a correlation between incidence of fly-tipping and the provision of free collection arrangements. As such, we are not inclined to introduce a recurring 'amnesty'.</p> <p>We are looking all the time, however, at what we can learn from other Local Authorities in terms of making it easier for residents to recycle unwanted goods and we will continue to do so.</p> <p>Councillor Fox did not have a supplementary question.</p>
7.	<p>Question from Councillor Ferris</p> <p>To Councillor North, Cabinet Member for Communities and Environment Capital</p> <p>With the Bourges Boulevard works leading to increased back-up of traffic along Thorpe Road, and the development of the former hospital site underway, can the Cabinet Member reassure the Chamber that measures will be taken to address concerns about poor air quality and the lack of safe provision for cyclists and pedestrians using Thorpe Road and the Crescent Bridge to enter and exit the City Centre?</p>

Councillor North responded:

The traffic congestion currently being experienced on Thorpe Road is a short term problem associated with the Bourges Boulevard improvement scheme which will significantly enhance pedestrian connectivity between the City Centre, the train station and future redevelopment in North Westgate.

Safe provision for cyclists and pedestrians is extremely important to me personally and is an important priority for this Council. As part of any new development the Council seeks measures from developers to ensure that new and improved cycling and walking infrastructure is put in place and this will be the case with the redevelopment of the former hospital site. A new pedestrian crossing point on Thorpe Road will be provided close to Midland Road and Thorpe Lea Road. The Council has investigated a number of options for better provision for cyclists and pedestrians along this important transport corridor including a new bridge across the railway line which unfortunately had to be discounted because of the estimated cost of several million pounds. Again I have worked with the cycling forum to try and see any solutions that they come up with and happy to listen to any Member that has as well. Crescent Bridge is particularly challenging given the restricted width of the structure. Officers continue to investigate viable options as we progress with City Centre transport planning.

The Council monitors air quality at key sites across the City.

Councillor Ferris asked the following supplementary question:

Thank you Councillor North for your comprehensive reply. I would be very interested to know when we are talking about cycling and pedestrians and obviously with the Bourges Boulevard project whether the intention is for this infrastructure to be shared space, because I do have some concerns about shared space and people's understanding of what that means having only last week been cycled into on the new footpath outside of Waitrose. Clearly cyclists are not quite clear where they should be.

In relation to the air quality monitoring I'm aware that there are currently 16 locations across the city, do you not think that at the moment with some of the congestion problems we are experiencing that it might be a sensible time to increase the number of monitoring stations albeit as a temporary measure to ensure people that air quality is safe, as I am aware that there is one location at the moment giving cause for concern and my last comment is, looking at what is happening on Thorpe Road, is it not time that we had sustainable transport policy and look to gain the possibility of some form of park and ride situation, because I am concerned that whilst Bourges Boulevard improvements will visually be an improvement they may cause back up elsewhere.

Councillor North responded:

In answer to the first question, yes it will be a shared facility and for cyclists and pedestrians. Obviously we are going to work closely with all groups to make sure that works.

Regarding air quality, you are quite right and I know you have visited the team and I think it is important we keep monitoring and if required, and they are experts and I will take advice from them, if we need extra monitoring areas then obviously we will look into that seriously, because it is very very important to me personally and I think to the people of Peterborough, because one of the things that we need to look at is how Peterborians are affected and we have already talked about long-term health and I think this development will aid that and we put trees in to try and alleviate some of the problems.

I would love to have a park and ride scheme that worked. If I really believed that a

	<p>scheme worked I would be pushing up for it, but every indication I have, you know we have the Christmas ones, they are just not used. I was looking closely at having one and am still considering it in some new developments around the city, but until I am convinced that a park and ride would be used, there is no point in having it, it must be used. The problem we having a very good road network is that people use their own cars.</p>
<p>8.</p>	<p>Question from Councillor Davidson</p> <p>To Councillor Hiller, Cabinet Member for Planning and Housing Services.</p> <p>Could the Cabinet Member please confirm if road resurfacing work will be carried out in Baron Court Werrington, the road leading to 70, 71 and 72 is in need of resurfacing?</p> <p>Councillor Hiller may have responded:</p> <p>The small cul-de-sac/shared drive serving numbers 70, 71 and 72 is in private ownership and does not form part of the Council’s highway network. Responsibility for its maintenance is likely to fall on the property owners who are served by this short section of road.</p>
<p>9.</p>	<p>Question from Councillor Swift</p> <p>To Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement</p> <p>Will the Leader please contact the Home Secretary as a matter of extreme urgency and ask the question ‘why the Passport Office in Peterborough appears to be differentiating against the Pakistan Community when making applications for new and renewal of existing passports’?</p> <p>There are many other Councillors like myself who are finding their selves in the same situation, but I as a ward Councillor feel that I represent every interest in my Community, I have always treated all my electors as equals and like all other Councillors work for them irrespective of their political parties, I have been subjected in the past 14 days to what can only be described as a gross insult to my intelligence, others I know are also being subjected to the same but not to the extent as I have over the past few days.</p> <p>Recently I have filled in five passport applications for young children who reside in my ward three of them attend the Fulbridge Academy at which I have been a Governor for 50 years and I know them personally, not only that but all the applications I have signed are for families who live within a couple of hundred yards of my home, I have had all of these five applications returned with the following questions being asked of me:</p> <ol style="list-style-type: none"> 1. Can I confirm the name and address of the child was on the application when I signed it? 2. The name of the adult on the application and whether you remember countersigning the application? (what an insult) 3. Please can you confirm in writing whether the application declaration form was fully completed by the application before you signed? 4. Confirm your company / schools full name business address and phone numbers? 5. Please also confirm your profession and or professional qualifications?

	<p>All the above information was on the original application!!</p> <p>The letter also states that I must reply on business headed paper, it is important that you sign and reply personally, (this is what is done on each original application form), but what hurts most is that I have done the same number of passports for White British people within my constituency living in the same street and the same neighbourhood, but not once have I had any of those returned to ask me if I knew what I was doing when I signed their form.</p> <p>There is an old saying “The straw that broke the camel’s back”, and to receive all five of these back within the space of seven days is ridiculous, I again ask you to take this up with the Home Secretary and ask if when we are producing signing passports for the Pakistan Community can we include a covering letter to clarify all the information they need to know and that we are capable and competent and aware of what we are signing.</p> <p>Peterborough Passport Office Aragon Court Northminster, Peterborough PE1 1QG</p> <p>Councillor Cereste may have responded:</p> <p>Thank you for notifying us of this issue Councillor Swift.</p> <p>I am surprised to hear of this and I will gladly write to the Home Secretary in order to clarify the situation, as it would be useful for us to be provided with an explanation as to why the application checking process for some members of the community appears to be more in depth than it is for others.</p>
10.	<p>Question from Councillor Fower</p> <p>To Councillor Seaton, Cabinet Member for Resources</p> <p>Could the relevant Cabinet Member inform me as to what the latest plans regarding the Mayor’s car? Is it to be scrapped or maintained?</p> <p>Councillor Seaton may have responded:</p> <p>The Mayor’s car was originally registered on 10 March 2006 and is nine years old, with approximately 94,000 miles on the clock.</p> <p>Whilst the car is coming to the end of its life, it has been well serviced and maintained and is expected to be mechanically sound for at least another 6 to 12 months. The car underwent its annual service and MOT only recently and received a clean bill of health.</p> <p>Consideration will be given to replacing the vehicle over the forthcoming year which will include exploration of all available options, including leasing, purchasing or for example using external services.</p>

11.	<p>Question from Councillor Davidson</p> <p>To Councillor Hiller, Cabinet Member for Planning and Housing Services.</p> <p>Can the Cabinet Member please confirm the outcome of a consultation carried out on Fulbridge road "Speeding Traffic" and when will the Speed Activation sign be in operation?</p> <p>Councillor Hiller may have responded:</p> <p>The speed survey arising from the consultation on parking has yet to be undertaken and is scheduled to be completed by the end of March. I will ensure that Cllr Davidson is provided with the results when they are available. The speed sign needs to be removed for servicing and battery replacement but will be returned to site within the next two weeks.</p>
12.	<p>Question from Councillor Davidson</p> <p>To Councillor Hiller, Cabinet Member for Planning and Housing Services.</p> <p>Could the relevant Cabinet Member please confirm if there is a genuine reason as to why the Street Lighting from the Junction at Werrington Green and Goodwin walk heading towards Baron Court and further along have not been in operation for a few months?</p> <p>Councillor Hiller may have responded:</p> <p>There is a major cable fault along this stretch of Fulbridge Road that is preventing power supply to the street lights between The Green and Paston Parkway. Cable faults are not always straightforward due to the requirement for specialist staff to make the repair, and additionally the extent of damage cannot be ascertained until excavation has taken place. Some faults are relatively simple fixes and others require much more extensive works.</p> <p>Initial works on Fulbridge Road have identified that 51 lights are powered from the power source which equates to 1200m of cabling. Upon testing the cabling numerous faults have been identified along its full length. In order to address the volume of faults and to prevent future power loss to the whole stretch the circuit has been broken into three new sections.</p> <p>Section 1 Paston Parkway to column 104 Section 2 Column 104 to column 86 Section 3 Column 86 to column 70</p> <p>The first section is complete and work to the second and third sections will begin week commencing 16 March.</p>
13.	<p>Question from Councillor Sandford</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement</p> <p>A number of residents in the Hampton area of the City have told me that they are experiencing problems with traffic congestion in and around the Township, particularly at peak commuter times.</p> <p>In the Section 106 agreement for the Hampton development, an area of land was</p>

safeguarded in the Hampton Leys area for possible future development of a new railway station.

Could the Cabinet Member tell me what action he is proposing to deal with the traffic problems in Hampton and does he see provision of a new station as one of the solutions to the problem, at least in the longer term?

Councillor Cereste may have responded:

There was a requirement in the original 1993 Section 106 Agreement to provide land for a train station in Hampton Leys.

This was carried forward into later modifications to the Section 106 Agreement and is included in the most recent version dated 2013.

The Agreement requires the developer, O&H, to keep land next to the train line undeveloped until the occupation of the 2000th dwelling in Hampton Leys. The land is to be kept undeveloped to enable Network Rail (or another relevant undertaker) to build a train station. Currently, no dwellings have been constructed in Hampton Leys, but development is expected to start within 12 months.

In terms of easing traffic congestion, the construction and opening up of the 2nd phase of the Western Peripheral Road in summer this year, and then the opening up of the 3rd phase shortly thereafter, should help by taking a significant amount of internal traffic circulation out of Hampton and directing it straight on to the parkway system.

In addition, O&H propose to construct a new road from the top of Silver Hill, running east-west and coming out at a newly created junction on the A15 just south of the new Vivacity fitness centre.

The Council works closely with Hampton Parish Council to address and resolve transport issues as and when they are raised.

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COUNCIL	AGENDA ITEM No. 4
15 APRIL 2015	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 3 March to 12 April 2015

Attending	Event	Venue
Mayor	Student Work Shadow	The Parlour
Mayor	Welcome delegates from the Union Cycliste Internationale	The Parlour
Mayor	Mayor's Charity Committee Meeting	The Parlour
Mayor	Mayor's Charity Historical Society Slide Show	Reception Room
Deputy Mayor and Deputy Mayoress	Mayor's Charity Historical Society Slide Show	Reception Room
Mayor	Planning meeting for Full Council Meeting	The Parlour
Mayor	Present Badge to the Honorary Recorder	The Parlour
Mayor	Update meeting for Full Council	The Parlour
Mayor and Deputy Mayor	Extraordinary Council Meeting	The Parlour
Mayor and Deputy Mayor	Full Council	Council Chamber
Mayor	The Yellow Wallpaper exhibition preview	Peterborough Museum and City Gallery
Deputy Mayor and Deputy Mayoress	Peterborough concert in aid of Sue Ryder	Peterborough Cathedral
Mayor	Mayor of Whittlesey - Mayors Charity Dinner Dance	The Manor Function Centre
Mayor	Chairman of Huntingdonshire District Council - Commonwealth Day Flag Raising	Samian Court
Mayor	Interview on the role of the Mayor	The Parlour
Mayor	Inspection of the Silver Trophies	The Parlour
Mayor	Citizenship Ceremony	Council Chamber
Mayor	Visit to Papworth Trust Fun United Youth Club	St Mary's Church and Centre
Mayor	19th Annual Volunteer Awards Evening	Reception Room
Mayor	Official Opening Ceremony, New Site for Gladstone Primary School	Gladstone Street
Mayor	Peterborough and District Law Society 85th Annual Dinner	Peterborough Marriott Hotel
Mayor and Mayoress	East Anglia Lions Annual Convention	Holiday Inn Peterborough West

Attending	Event	Venue
Deputy Mayor and Deputy Mayoress	Mayor of Market Deeping's Charity Civic Dinner	The Deeping Sports and Social Club
Mayor and Mayoress	East Anglia Lions Annual Convention Gala Dinner	Holiday Inn Peterborough West
Mayor	Visit by the Princes Trust Team	The Parlour / Council Chamber
Deputy Mayor and Deputy Mayoress	115 Squadron Air Cadets Annual Award Ceremony 2015	St Judes Church
Mayor	Meet Student work shadowing Deputy Leader	The Parlour
Mayor	Sir Henry Royce refurbished bar	Sir Henry Royce bar
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Mayor's Charity Ball	Holiday Inn
Mayor	Rotary Youth Exchange Orientation Day	Nene Park Academy
Mayor	Citizenship Ceremony	Council Chamber
Mayor and Mayoress	Peterborough Operatic and Dramatic Society's production of The Addams Family	Key Theatre
Mayor and Mayoress	Chairman of South Kesteven District Council Civic Dinner	Belton Park Golf Club
Mayor	Mayor of Huntingdon Charity Ball	Marriott Hotel
Deputy Mayor and Deputy Mayoress	Mayors' of Rushden and Higham Ferrers Spring Tea Party	The Bede House
Mayor	The Chairman of Northamptonshire County Council - Fund Raising Evening	The Royal Bengal Restaurant
Mayor	Princes Trust Team 35 Final Presentation	Dogsthorpe Fire Station
Mayor	Mayor's Charity Event - Mayor's Mile	Cathedral Square
Deputy Mayor and Deputy Mayoress	KingsGate Easter Celebration	Kingsgate Community Church
Mayor	Mayor's Charity Committee Meeting	The Parlour
Mayor and Mayoress	Pre-opening event at the Handmade Burger Co	Westgate Arcade
Mayor	Golden Wedding Anniversary Event	The Parlour

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

None.

COUNCIL	AGENDA ITEM No. 9
15 APRIL 2015	PUBLIC REPORT

EXECUTIVE RECOMMENDATIONS TO COUNCIL

(a) **CABINET RECOMMENDATION – PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) – DRAFT CHARGING SCHEDULE**

Cabinet, at its meeting of 7 April 2015, received a report which followed the Examination in Public of the Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule (PDCS). The report explained the outcome of the Examiner's report on the Draft Charging Schedule, the proposed modifications to the final charging schedule and associated policies and proposed a formal adoption date of 24 April 2015.

Cabinet endorsed the recommendations contained within the report, including the recommendations to Council *(as detailed within the record of executive decisions report at agenda item 10)*.

<p>IT IS RECOMMENDED that:</p> <p>(numbering as per Cabinet report)</p> <p>A. The Examiner's Report into the Draft CIL Charging Schedule is considered and the recommendations and conclusions that underpin them are accepted (Appendix A);</p> <p>B. The Peterborough Community Infrastructure levy (CIL) Charging Schedule (Appendix B) is adopted, with CIL to come into effect for all planning applications approved on or after 24 April 2015;</p> <p>C. The Council's CIL Supporting Policies Document (including Regulation 123 List, Instalment Policy, Payment in Kind Policy and Statement of Exceptional Circumstances Relief) be adopted and published (Appendix C);</p> <p>D. Delegated authority be given to the Director of Growth and Regeneration (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended), and (b) to take all necessary enforcement action under the Community Infrastructure Levy Regulations 2010 (as amended);</p> <p>E. Local Validation Requirements be amended to require the submission of CIL liability details from 24 April 2015;</p> <p>F. 5% of CIL is retained for the administration and governance costs incurred by the Council, in accordance with the CIL Regulations; and,</p> <p>G. The Community Infrastructure Levy is added to the Council's Major Policy Framework and to approve the consequential Constitutional amendments resulting (Appendix F).</p>

(The original Cabinet report and Appendices follow this report).

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CABINET	AGENDA ITEM No.
7 APRIL 2015	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer(s):	Simon Machen, Corporate Director Growth and Regeneration Brendan Troy, Principal Infrastructure and Monitoring Officer	Tel. 453475 Tel. 863773

PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) – DRAFT CHARGING SCHEDULE

RECOMMENDATIONS	
FROM : Corporate Director Growth and Regeneration	Deadline date : Full Council 15 April 2015
<p>1. That Cabinet recommends to Council that:</p> <ul style="list-style-type: none"> A. the Examiner’s Report into the Draft CIL Charging Schedule is considered and the recommendations and conclusions that underpin them are accepted (Appendix A); B. the Peterborough Community Infrastructure levy (CIL) Charging Schedule (Appendix B) is adopted, with CIL to come into effect for all planning applications approved on or after 24 April 2015; C. the Council’s CIL Supporting Policies Document (including Regulation 123 List, Instalment Policy, Payment in Kind Policy and Statement of Exceptional Circumstances Relief) be adopted and published (Appendix C); D. delegated authority be given to the Director of Growth and Regeneration (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended), and (b) to take all necessary enforcement action under the Community Infrastructure Levy Regulations 2010 (as amended); E. Local Validation Requirements be amended to require the submission of CIL liability details from 24 April 2015; F. 5% of CIL is retained for the administration and governance costs incurred by the Council, in accordance with the CIL Regulations; and, G. The Community Infrastructure Levy is added to the Council’s Major Policy Framework and to approve the consequential Constitutional amendments resulting (Appendix F). <p>2. That Cabinet approves the Developer Contributions Supplementary Planning Document (SPD) for adoption, with the SPD coming into effect on 24 April 2015 (Appendix D).</p> <p>3. That Cabinet revokes the Planning Obligations Implementation Scheme (POIS) SPD, effective from 24 April 2015.</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following the Examination in Public of the Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule (PDCS). Please note a

Frequently Asked Questions note on CIL in Peterborough has been provided at Appendix G to this report.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The report explains the outcome of the Examiner’s report on the Peterborough CIL Draft Charging Schedule, the proposed modifications to the final charging schedule and associated policies, and proposes a formal adoption date of 24 April 2015. The Charging Schedule and supporting policies are attached as appendices.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, ‘to take collective responsibility for the delivery of all strategic Executive functions within the Council’s Major Policy and Budget Framework and lead the Council’s overall improvement programmes to deliver excellent services’.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	7 April 2015
Date for relevant Council meeting	Full Council 15 April 2015	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4. BACKGROUND

- 4.1 A number of changes to the way local authorities can collect and distribute developer contributions have and are being implemented. These changes are being driven by legislative and statutory changes at the national level. In order to continue to secure ‘developer contributions’ for investment in infrastructure it is considered critical to accommodate our growth targets and maintain sustainable communities, we need to make changes to our existing systems and processes. The main thrust of these changes is through the adoption of a Community Infrastructure Levy (CIL) which, once adopted by Council, will replace the current Peterborough Planning Obligations Implementation Scheme (POIS). This report reminds Cabinet about CIL, how it will work, and the timetable for adopting and implementing a CIL by 24 April 2015. If it is approved by Council, it will be implemented on all new planning permissions granted on or after 24 April 2015.
- 4.2 The CIL is a non-negotiable charge on new buildings in £’s per square metre and the rates must be set out in a Charging Schedule. It can be charged on most buildings / extensions over 100 sq.m and dwellings of any size (unless built by a self-builder), based on a net increase in floorspace. It cannot be charged on affordable housing, charities, householder extensions under 100 sq.m, self-build extensions or dwellings, or specified types of development that the Council has decided should have a ‘zero’ rate in the Charging Schedule. The CIL is charged on new development. It normally becomes liable on the grant of planning permission, but may also be payable in relation to permitted development. CIL is only payable on commencement of development. The rates will be index linked from the date of adoption; any further changes to the CIL rates would require the Council to undergo a fresh CIL consultation exercise.
- 4.3 The CIL Regulations 2010 (as amended) restrict the use of S106 Planning Obligations from 6 April 2015. After that date, pooling of more than five S106 planning obligations per type or item of infrastructure will no longer be possible. In effect, this makes our current S106/POIS¹ tariff-based system unlawful from 6 April 2015 and CIL becomes the only available mechanism to pool funds. At the same time as the CIL is adopted in Peterborough, it will be necessary to revoke the existing POIS Supplementary Planning Document.

¹ POIS – Peterborough Planning Obligations Implementation Scheme SPD (Feb 2010)

PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.4 Before a CIL Charging Schedule is adopted it must go through two formal rounds of public consultation, followed by an independent examination. The first round, known as the Preliminary Draft Charging Schedule stage, occurred in November/December 2012.
- 4.5 The second round of public consultation, the Draft Charging Schedule stage, took place between 18 August and 15 September 2014.
- 4.6 Following consultation on the Draft Charging Schedule, it was submitted to the Planning Inspectorate for independent examination on 24 October 2014. An examination was carried out by William Fieldhouse BA(HONS) MA MRPTI and a public hearings session was held at Peterborough Town Hall on 27 January 2015.

Examiners Report

- 4.7 The Examiner issued his report on 16 February 2015 (Appendix A). Three modifications are recommended, in order that the charging schedule meet statutory requirements. Two of the modifications relate to clarifying the definitions of proposed land use charges. The third recommends that the proposed rate for residential developments comprising 500 dwellings or more be reduced from the proposed £15 / sq.m to £0 / sq.m. In light of new evidence on benchmark land values, which came forward at Draft Charging Schedule Consultation Stage, the Examiner found that the proposed £15 / sq.m charge was no longer viable.
- 4.8 The Examiner concluded in his report that, subject to modification, the Peterborough City Council Community Infrastructure Levy Charging Schedule (Appendix B) provides an appropriate basis for the collection of the levy in Peterborough and that the specified modifications do not significantly alter the basis of the Council's approach.

Final Charging Schedule

- 4.9 The Charging Schedule sets out '£ rates per sq m' for different development types that are liable to pay the charge. The final document for adoption, including modifications, is attached at Appendix B. The Charging Schedule is a short document that sets out the rates of CIL that will be applied in Peterborough. To summarise the rates proposed are as follows:

Table 1 Schedule of Rates

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets	£150		
Retail Warehouses	£70		
Neighbourhood Convenience Stores	£15		
All other development	£0		
All charges are £ per sqm			

(Source: CIL Charging Schedule – see Appendix A)

(Please note that residential developments of 500 dwellings or more will continue to meet their infrastructure requirements through S106 planning obligations)

- 4.10 The Community Infrastructure Levy Regulation 2010 (as amended) ("the Regulations") allow for differential rates to be set by geographical zone, by land use, by scale of development or

a combination of those approaches. The proposed Charging Schedule utilises all these options (see Appendix B).

- 4.11 Once adopted and published, the Charging Schedule takes effect at the beginning of the day specified in the Charging Schedule. It is proposed that the Charging Schedule comes into effect on 24 April 2015. Any planning applications determined after this date will be liable to pay CIL according to the above respective rates.

CIL Supporting Policies

- 4.12 A number of other policies are required alongside the Charging Schedule for the efficient operation of the CIL regime. These are attached in Appendix C – CIL Supporting Policies and are discussed further below.

CIL Supporting Policies - Regulation 123 List

- 4.13 The CIL Regulations seek to ensure that developers are not charged twice for the same piece of infrastructure, through both CIL and S106 Planning Obligations. The Regulations dictate that unless a Council publishes a list of infrastructure (known as a Regulation 123 List) which sets out the projects / types of infrastructure that can be funded by CIL, then it can no longer enter into any S106 Planning Obligations for any infrastructure. The Regulation 123 List must set out the types of infrastructure that will, or may, be funded in whole, or part, by CIL. If an item, or type, of infrastructure is on the Regulation 123 List, the Council cannot require a S106 to make provision to fund it, as part of approving a planning application.
- 4.14 A Regulation 123 List is produced as part of the CIL Supporting Policies Document (Appendix C). Following the introduction of CIL in Peterborough, the use of Planning Obligations will be significantly scaled back, and, on sites of 500 dwellings or less, planning obligations will only be used in a minority of cases. S106 Planning Obligations will however remain as the main instrument for securing infrastructure on strategic sites of 500 or more dwellings. The Regulation 123 list has been drafted to accommodate this.
- 4.15 The Council consulted on a Draft Regulation 123 List at Draft Charging Schedule Stage. A number of representors commented on the complexity of that list and expressed concerns that there was potential for double counting of planning obligations and CIL. The final Regulation 123 List has been modified and simplified as a result of this, and the examiners proposed modifications. The Regulation 123 List can be amended at any time, subject to appropriate local consultation, as priorities / circumstances change. The Developer Contributions SPD, which is proposed for adoption as part of this report (see paragraphs 4.20 to 4.24 below) provides further detail and clarification on the relationship between CIL and planning obligations. The Developer Contributions SPD has been drafted and consulted on alongside the Regulation 123 List and CIL Charging Schedule.

CIL Supporting Policies – Instalment Policy

- 4.16 The Council can set an Instalment Policy to allow CIL to be paid in Instalments. This is a means of ensuring that the cashflow impacts of CIL (which would otherwise be payable in full for each phase of development within 60 days of commencement on a site) are minimised. The Draft Instalment Policy which was consulted on at Draft Charging Schedule has been modified to bring it into line with the CIL Regulations.

CIL Supporting Policies – Exceptional circumstances relief

- 4.17 The Regulations allow the Council to set an Exceptional Circumstances Policy, which is the only way in which any reduction in a development's CIL payment may be allowed on viability grounds. The CIL Regulations set strict and narrow criteria for Exceptional Circumstances Relief and the Council expects that this policy will be rarely used because the Peterborough CIL rates have been set to take account of viability issues, development costs and full policy requirements.

- 4.18 The CIL Regulations state that relief from paying CIL may be granted “if it appears to the charging authority that there are exceptional circumstances which justify doing so; and the charging authority considers it expedient to do so.” Further criteria are that relief can only be granted if the development also has a signed S106; if the Council considers that to require payment of the CIL would have an unacceptable impact on the economic viability of a development; and, the relief would not constitute State Aid (where one organisation may only receive 200,000 euros of relief of any type across the whole of the UK within each 3 year rolling period). Of note, the Council is able to remove the policy by simply giving two weeks’ notice, so its use (or ‘misuse’) can be monitored and acted on. A development ceases to be eligible for relief if the site is sold before it commences, or if it does not commence within 12 months.

CIL Supporting Policies – Payments in kind of land or infrastructure

- 4.19 This policy will allow developers to pay either ‘in kind’ with land or to provide infrastructure (listed on the Regulation 123 List) in lieu of a CIL payment, subject to meeting certain criteria laid out in the CIL Regulations. The Council has discretion on whether to accept payment in kind or not.

DEVELOPER CONTRIBUTIONS SPD (Appendix D)

- 4.20 It is important to note that nationally, in accordance with the CIL Regulation 123, from 6 April 2015, limitations on pooling contributions from S106 come into effect. In effect this means that tariff based systems for collecting financial contributions via S106, such as the Planning Obligations Implementation System (POIS) currently operated by the Council, become unlawful after 6 April 2015. The CIL has been introduced to replace such tariff based systems. The POIS SPD will need to be revoked as a result.
- 4.21 However, although CIL will replace the pooling of S106 planning obligations, S106 obligations will still play an important on-going site specific role. They will still be used for site-specific infrastructure or mitigation required to make a development acceptable in planning terms. The principle is that all eligible developments must pay a CIL as well as any site-specific requirement to be secured through S106 obligations.
- 4.22 In line with National Planning Practice Guidance, the Council must ensure there is clarity about the Council’s infrastructure needs and what developers will be expected to pay for through which route (CIL or S106). There should be no actual or perceived ‘double dipping’ with developers paying twice for the same item of infrastructure.²
- 4.23 The future relationship between S106 and CIL in Peterborough is set out clearly in the Council’s Developer Contributions Supplementary Planning Document (SPD) (Appendix D). A Draft Version of this SPD was consulted on alongside the Draft CIL Charging Schedule. The consultation received a total of 7 responses. These responses are summarised in the Developer Contributions SPD Statement of Public Participation (Appendix E). The main issues raised were over better clarity on what infrastructure would still be required under planning obligations and some concerns about double counting. These comments have been addressed in the final version of the revised SPD for adoption.
- 4.24 A copy of the Developer Contributions SPD is provided at Appendix D. The revised SPD will need to be brought into effect on 24 April 2015, the same day as the CIL Charging Schedule. The POIS SPD will need to be revoked on the same date.

FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.25 The Council presently receives financial contributions for infrastructure through its POIS. The Council received £436,146 in 2010/11, £2,467,890 in 2011/12 and £226,436 in 2012/13 through POIS. Failure to introduce a CIL will mean that this source of income for

² NPPG095; see also NPPG Planning Obligations para.2

infrastructure delivery will be lost after restrictions on the use of Section 106 come into force on 6 April 2015.

- 4.26 Based on projected levels of development it is expected that the CIL will generate an income of approximately £18/£19m in the period 2015/16 to 2031, roughly £1.1m per year. While this will not provide funding for all the infrastructure needed to support development (the Council's Infrastructure Delivery Study 2014 estimates an infrastructure funding gap of between £519 and £852 million) the CIL will be an important funding source which will help to contribute to the sustainable development of Peterborough.
- 4.27 Once raised, CIL must be spent on supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure.
- 4.28 It will take some time for significant amount of CIL to accumulate. This is because developments will only be liable for CIL from the effect date, 24 April 2015, and CIL is not payable until development commences on site – which in many cases can be months or years.
- 4.29 Decisions on expenditure of CIL will need to be made with regard to the Council's wider decision making structures, and will likely be aligned with the Council's Capital Programme. Officers are currently working on detailed governance arrangements for decisions on expenditure of CIL. This will be the subject of a future report to Cabinet.

Neighbourhood CIL

- 4.30 CIL Regulations dictate that a Neighbourhood Proportion is passed on to local communities where development has taken place. This proportion to be passed on is highlighted in the table below:

CIL Revenue split	Proportion of total CIL where development has taken place
Neighbourhood Proportion – no Neighbourhood Plan	15% - capped at £100 per existing council tax dwelling
Neighbourhood Proportion - adopted Neighbourhood Plan	25% - uncapped

- 4.31 Where development happens in a Parish Council area the neighbourhood proportion will be transferred to that Parish Council, in accordance with the CIL Regulations³, unless otherwise agreed in writing. If there is no development in a Parish then there is no neighbourhood proportion.
- 4.32 Unparished areas (usually wards in urban areas) will not hold CIL funds. In such areas the Council will retain the 15% - 25% of Levy receipts but will engage with the communities where development has taken place and agree with them how best to spend that neighbourhood funding. Officers are currently working on detailed governance arrangements for decisions on expenditure of the Neighbourhood Proportion in unparished areas. This will be the subject of a future report to Cabinet.

Administration

- 4.33 The costs of CIL administration and on-going implementation are capable of being met through the levy itself. The Regulations allow local authorities to spend up to 5% of their total levy receipts on administrative expenses. Where the authority spends less than its allowance on administrative expenses, it must transfer the remaining allowance for receipt on capital infrastructure projects. It is proposed that the Council retains 5% of the levy for administrative expenses.

³ In accordance with Regulation 59D the charging authority must make payment in respect of the CIL it receives from 1st April to 30th September in any financial year to the Parish Council by 28 October that financial year; and, any payment in respect of CIL it receives from 1 October to 31 March in any financial to the Parish Council by 28th April the following year.

- 4.34 A recommendation has been included to require information on CIL liability as part of the local validations requirements for planning applications has been included to help with the smooth operation of the administration process

Monitoring and Review

- 4.35 The CIL Regulations prescribe monitoring requirements⁴, including in relation to receipts, balance and expenditure. It is intended that these monitoring requirements will be reported through the Authorities Monitoring Report which monitors the implementation of the Councils planning policies and is currently published on an annual basis.
- 4.36 Once the Charging Schedule takes effect, it has effect until the Council determines that it should cease to have effect⁵.

Implementation of the Community Infrastructure Levy – Amendments to the Constitution

- 4.37 As the Community Infrastructure Levy (CIL) is a new addition to the Council's Major Policy Framework, at present there are no references to CIL within the Council's Constitution. There is reference to planning obligations and section 106 agreements within the Constitution. As CIL is a separate legal entity and has a different operational and regulatory framework it is necessary to ensure that the necessary amendments are made to the Council's Constitution.
- 4.38 The proposed additions and amendments to the Council's Constitution are set out at Appendix F to this report.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Government has introduced changes to the way developer contributions can be collected and spent. Charging Authorities have the option of adopting a CIL. From April 2015, the use of our existing methodology for collecting and pooling developer contributions (POIS) will become unlawful and so unless a CIL is adopted, the collection and use of developer contributions will be severely limited from that date.

6. ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The option to not adopt a CIL has been considered and rejected. There are limited genuine alternatives to adopting the CIL Charging Schedule. Although CIL is not a statutory requirement, authorities without a charging schedule from April 2015 will generally not be able to take into account as a reason for approval pooled contributions towards strategic infrastructure. There is no option to amend the Charging Schedule without doing further research and going through the consultation and adoption process again.

7. IMPLICATIONS

- 7.1 **Legal Implications** – The proposed documentation have been prepared in accordance with the regulations and statutory guidance issued by national government. There are legal implications relating to the implementation, monitoring and enforcement of the CIL once adopted and implemented.
- 7.2 **Financial Implications** – This has been dealt with at paragraphs 4.25 – 4.33 above.
- 7.3 **Human Resources** – CIL can be delivered within existing resources. The S106 team, in the Development and Construction team will assume responsibility for the collection of CIL and the administration of the collection process, with support from Planning Administration. The revocation of POIS should free up the resource to do this. Existing planning software will be used for CIL administration.

⁴ Regulation 62(4) of the CIL Regulations 2010 (as amended)

⁵ Regulation 28(3) of the CIL Regulations 2010 (as amended)

7.4 The Sustainable Growth Strategy team will be responsible for putting a decision making processes in place (Governance arrangements) in relation to prioritisation of infrastructure projects and CIL spend. This will be the subject of a future report to Cabinet.

7.5 **Equality & Diversity** – The changes will have a positive impact on our customers and help to ensure continued investment in infrastructure considered *critical to maintaining and creating sustainable communities*.

8. **NEXT STEPS**

- **15 April 2015** - Full Council Meeting for formal Adoption of CIL Charging Schedule
- **24 April 2015** – Implementation of CIL Charging Schedule

9. **APPENDICES**

- Appendix A: Examiners Report into the Peterborough Draft CIL Charging Schedule
- Appendix B: Peterborough City Council CIL Charging Schedule
- Appendix C: Peterborough City Council CIL Supporting Policies
- Appendix D: Peterborough City Council Developer Contributions SPD
- Appendix E: Draft Developer Contributions SPD Statement of Public Participation
- Appendix F: Changes to the Council's Constitution
- Appendix G: The Community Infrastructure Levy in Peterborough: Frequently Asked Questions

**Appendix A – Examiners Report into the Peterborough Draft CIL
Charging Schedule**



Report to Peterborough City Council

by William Fieldhouse BA (Hons) MA MRTPI

an Examiner appointed by the Council

Date: 16 February 2015

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT PETERBOROUGH CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Draft Charging Schedule submitted for Examination on 24 October 2014

Examination Hearing held on 27 January 2015

File Ref: PINS/J0540/429/8

Non Technical Summary

This report concludes that, subject to modification, the Peterborough City Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the City. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Three modifications are needed to meet the statutory requirements. These can be summarised as follows:

- Amend the definition of "strategic residential sites" to make it clear that this relates to all developments comprising 500 or more dwellings.
- Amend the charging rate for developments comprising 500 or more dwellings from £15 to £0.
- Omit reference to 500 sq m in the names of the three types of residential development that are subject to a charge, and include a fuller definition of these uses as footnotes to the schedule.

The specified modifications recommended in this report are based on matters discussed during the public hearing sessions and do not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Peterborough City Council Community Infrastructure Levy (CIL) Draft Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national policy and guidance¹.
2. To comply with the relevant legislation the local charging authority has to submit a draft charging schedule that sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the area. The basis for the examination, on which hearings sessions were held on 27 January 2015, is the submitted schedule dated August 2014 which is effectively the same as the document published for public consultation during August and September 2014.
3. The Council proposes a matrix approach with differential rates by geographical zones and the number of units for residential development; differential rates by

¹ The National Planning Policy Framework 2012 (NPPF) and Planning Practice Guidance: *Community Infrastructure Levy ID25 (PPG)*.

the intended use for certain types of retail development; and a nil charge for all other development. The proposed rates are as follows:

<i>Development Type</i>	<i>Charging Zone</i>		
	<i>High</i>	<i>Medium</i>	<i>Low</i>
Market housing on sites < 15 units	140	120	100
Market housing on sites 15 units or more	70	45	15
Apartments on sites < 15 units	70	45	15
Strategic sites (500 or more dwellings)	15	15	15
Supermarkets (500m ² or more)	150		
Retail warehouses (500m ² or more)	70		
Neighbourhood Convenience Stores (<500m ²)	15		
All other development	0		
All charges are £ per m ²			

Is the Charging Schedule Supported by Background Documents Containing Appropriate Available Evidence?

Infrastructure Planning Evidence

4. The Peterborough Core Strategy was adopted in February 2011; the Site Allocations Development Plan Document in April 2012; the Planning Policies Development Plan Document in December 2012; the Planning Policies Map Development Plan Document in December 2012²; and the City Centre Development Plan Document in December 2014. Together these documents comprise the relevant parts of the statutory local plan for the City.
5. The local plan sets out the main elements of growth that will need to be supported by further infrastructure in the City up to 2026. The vision is for a bigger and better Peterborough that grows through truly sustainable development³ based on a settlement hierarchy which has at its top the existing urban area and proposed urban extensions⁴.
6. The core strategy states that at least 25,500 dwellings should be built. Of these, around 4,300 were expected to be in the city centre⁵, and 20,100 in and adjoining the Peterborough Urban Area, including on an urban extension already underway at Hampton (total 4,100 dwellings), and new extensions at Norwood (2,300 dwellings) and Great Haddon (5,350 dwellings)⁶. On all developments comprising 15 or more dwellings, 30% of new homes should be affordable⁷. Higher than nationally-prescribed levels of performance against the Code for Sustainable Homes are encouraged⁸.

² Inset 2 of the PPMDDP was updated in December 2014 to reflect the adoption of the CCDPD.

³ Core Strategy paragraph 3.0.1.

⁴ Core Strategy policy CS1.

⁵ A slight downward adjustment made in the CCDPD.

⁶ Core Strategy Table 2 and policies CS2 and CS5, and SADPD policy SA1.

⁷ Core Strategy policy CS8.

⁸ Core Strategy policy CS10.

7. Between 93,000 m² and 98,000 m² of additional comparison retail floorspace is envisaged, along with 5,000 m² to 7,000 m² convenience retail floorspace with a focus on the City Centre along with appropriate provision within urban extensions⁹. Higher than nationally-prescribed levels of performance against BREEAM are encouraged¹⁰.
8. New development should be supported by and have good access to infrastructure, with planning conditions and obligations being used to ensure that there is, or will be, sufficient infrastructure capacity to meet all the requirements arising from the development and to mitigate any impact on existing community interests within environmental limits¹¹.
9. The Council has published a number of documents over the last few years setting out the infrastructure and investment required to deliver the local plan¹². The Infrastructure Delivery Schedule dated August 2014 (IDS) sets out the latest position. It includes specific infrastructure projects in a number of thematic categories, along with cost estimates and an indication of the likely timing of delivery and whether funding may be required from CIL and / or planning obligations. The IDS estimates a total maximum infrastructure cost of £1.08 billion, including for transport (£508 million); utilities and services (£225 million); skills and education (£207 million); community facilities (£107 million); and environmental sustainability (£31 million).
10. Having regard to currently committed funding sources, the IDS estimates that there remains a funding gap of up to around £850 million. Whilst contributions may be forthcoming from the Regional Growth Fund, Housing Growth Fund, New Homes Bonus, Local Transport Plan, loan funding, and prudential borrowing, there is no evidence to suggest that such sources will be anywhere near adequate to deliver the necessary infrastructure in the foreseeable future. Given the current state of public sector finances I have no reason to conclude otherwise.
11. In the context of the Council's draft Regulation 123 list and guidance¹³, financial contributions through planning obligations are expected to continue to fund some types of infrastructure. The Council estimates the potential for such revenue to be just over £60 million in the period to 2026. Given that financial contributions from planning obligations in recent years have ranged from around £2.5 million in 2010 to around £6 million in 2012¹⁴, such an estimate is not unreasonable and, if anything, may be on the high side given that certain types of infrastructure will no longer be funded by such means.

⁹ Core Strategy paragraph 6.9.6 and policies CS4, CS5 and CS15, and PPDPD policy PP9.

¹⁰ Core Strategy policy CS10.

¹¹ Core Strategy policies CS12 and CS13.

¹² Integrated Development Plan (2009); Local Investment Plan (2011); and Infrastructure Delivery Schedule (2012 and 2014).

¹³ Draft Developer Contributions Supplementary Planning Document (August 2014).

¹⁴ Draft Charging Schedule Supporting Document (August 2014) Appendix B Table B1.

Conclusion about the Infrastructure Planning Evidence

12. Therefore, having regard to other potential funding sources, including planning obligations, it is clear that a significant funding gap of several hundred million pounds remains. The proposed CIL charging rates are estimated to generate a total of around £29 million between 2015 and 2031¹⁵. This would make a modest, but significant, contribution to filling the anticipated funding gap.

Economic Viability Evidence

13. A CIL Study undertaken on behalf of the City Council in 2012¹⁶ formed the basis of the Preliminary Draft Charging Schedule published for consultation in November 2012. In response to representations made about that preliminary draft, a further viability study (VS) was carried out to inform the Draft Charging Schedule¹⁷. Following consideration of representations made in August and September 2014, the VS was supplemented with some additional analysis relating to strategic residential sites, discount retail operators and neighbourhood convenience stores¹⁸. The VS and supplementary analysis, along with some additional information provided by representors which I refer to below, is the main available evidence relating to viability.
14. The VS adopts a standard development appraisal approach similar to that used to inform CIL charging schedules in other local authority areas¹⁹. The values of various types of development were estimated, along with the costs of acquiring the land, construction, external works, fees, contingencies, finance, and planning obligations. Having made an allowance for a reasonable developer's profit, the viability of each type of development was then calculated. The positive difference between development value and the sum of costs and profit was considered to be the maximum potential amount that could be charged as CIL whilst maintaining viability.
15. Different types of residential development were appraised in three different parts of the City based on average house prices in those areas²⁰. The assessments were based on hypothetical sites of 0.25 hectares, 1 hectare, and 5 hectares; apartment developments of 14 units and 0.25 hectares; and the major residential sites at Hampton, Norwood and Great Hampton²¹.
16. For retail development, separate assessments were carried out for "high street comparison retail", "retail warehouses", "supermarkets", "neighbourhood

¹⁵ Draft Charging Schedule Supporting Document (August 2014) paragraphs 4.3.13 and 4.3.14 and Table 2.

¹⁶ Community Infrastructure Study Final Report (Roger Tym and Partners, May 2012).

¹⁷ Community Infrastructure Levy Draft Charging Schedule Viability Study (Peter Brett Associates, April 2014).

¹⁸ Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendices D, E and F.

¹⁹ Draft Charging Schedule Supporting Document (August 2014) paragraph 4.4.6.

²⁰ VS paragraphs 4.2.5 and 4.2.6, Figures 4.1 to 4.4, and Appendix A.

²¹ VS sections 4.6 and 4.7, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix D.

convenience stores", and "discount convenience retail"²².

17. The viability of offices; industrial and warehouse development; education, health and community facilities; and certain sui generis uses was also assessed²³.
18. The methodology used in the VS has not been seriously questioned, and it accords with the principles set out in national Planning Practice Guidance (PPG)²⁴ and well-established good practice²⁵. However, as with any viability model, the outputs (here, the maximum potential CIL rates) are a direct result of the inputs, some of which have been questioned by representors. I deal with these issues below.

VS Assumptions – Charging Zones

19. The boundaries of the three charging zones proposed for residential developments of under 500 dwellings are based on analysis of Land Registry data on actual average sales values of different types of dwellings over a two year period. This was carried out at ward level and provides a reasonable degree of geographical differentiation whilst avoiding statistical anomalies that can arise if smaller areas are analysed due to lower numbers of transactions.

VS Assumptions – Residential Development

20. The assumptions made in relation to the various types of residential development of up to 500 dwellings are detailed in the VS²⁶. The assumptions made for the three strategic residential sites are set out in the Council's response to representations published in October 2014²⁷.
21. Whilst the assumptions for residential developments under 500 dwellings are based on averages, these are derived from data relating to the whole charging area, including villages in the higher demand areas, and a variety of development schemes in terms of scale and types of dwelling. Such an approach is an appropriate manner to assess the viability of development across the area. Furthermore, there is no specific evidence to indicate that the viability of small schemes in popular areas would be threatened, even if the charging rates were to lead to some readjustment of land values.
22. The VS assumes that all types of residential development may continue to make financial contributions by way of planning obligations with averages ranging from £100 per dwelling for small sites (which are not required to contribute to

²² VS paragraphs 5.1.2 and 5.2.7 to 5.2.18, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

²³ VS paragraphs 5.2.1 to 5.2.6 and 5.4.2 to 5.4.6, and sections 6 and 7.

²⁴ PPG ID-25.

²⁵ Viability Testing Local Plans: Advice for Planning Practitioners (Local Housing Delivery Group chaired by Sir John Harman, June 2012).

²⁶ VS section 4.5 and Table 4.1.

²⁷ Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix D.

affordable housing provision), to a little over £3,000 per dwelling for medium sized schemes, and nearly £17,000 for the large strategic sites. Such assumptions reflect the draft Regulation 123 list and guidance²⁸. Information provided on behalf of housebuilders suggests that the assumption made for strategic sites may be on the generous side²⁹.

23. Build costs may have risen since the VS was carried out, but so too may have other variables, including house prices. It would skew the findings of the study if certain data were to be updated, and it makes sense therefore to have a common base date for all assumptions made.
24. The costs of meeting lifetime homes standards are factored in to the assumptions about likely financial contributions by way of continued use of planning obligations, and, at least to some extent, the cost of achieving standards required by the Code for Sustainable Homes will be reflected in the BCIS data that has, in line with good practice, been used in the study.
25. It is, however, likely that the potential cost of meeting the environmental aspirations of core strategy policy CS10, recent changes to the Building Regulations, and the Government's intended move to zero carbon homes may not be fully reflected in the VS assumptions. That said, no evidence has been presented to indicate what additional costs may be incurred in these respects, and therefore whilst these assumptions may be somewhat on the low side, there is little to indicate that it would make a significant difference to the viability findings.
26. The likely costs of fees, finance, contingencies and external works including on-site roads, drainage and landscaping are all factored in as recommended in advice to practitioners³⁰. Whilst such costs may be higher in some cases, there is no substantive evidence to lead me to conclude that the averages assumed are unreasonably low.
27. The VS assumes developers profits to be 20% for market housing and 6% for affordable housing, the latter reflecting the lower level of risk that remains with such development notwithstanding the fact that there may be difficulties in securing Registered Social Providers for some schemes. Representors at the hearing sessions advised that, particularly for large complex schemes that involve considerable up front costs, developers would expect a higher level of return. However, the VS assumptions are in line with guidance issued by the Homes and Communities Agency and I do not consider them to be unreasonable for the purposes of setting an average for testing viability.
28. The VS assumes a land cost of £250,000 per net developable hectare for sites

²⁸ Draft Developer Contributions Supplementary Planning Document (August 2014).

²⁹ Savills and David Lock Associates agreed at the Hearing that planning obligation contributions for the Great Haddon site were around £14,000 per dwelling.

³⁰ Viability Testing Local Plans: Advice for Planning Practitioners (Local Housing Delivery Group chaired by Sir John Harman, June 2012) pages 34 to 36 and Appendix B.

for over 500 dwellings. It is acknowledged by the Council and representors that this element of the VS presents particular difficulties due to the limited amount of relevant data to inform assumptions. For this reason, the Council took account of three factors in arriving at a figure: confidential information gained during negotiations over planning obligations; transactional values provided by applicants; and an uplift from agricultural land value that would represent a "life changing sum" to the landowner³¹.

29. However, the Council acknowledged at the Hearing that it had information about the value of only five large sites when it determined the figure used in the VS³². Representors have provided evidence of land values relating to a further six large sites in Peterborough and other relevant local districts ranging from £338,000 to £547,000 per net developable hectare³³.
30. I consider this evidence, which was not available at the time of the VS, to be highly relevant and significant. In the light of this, I am of the view that the VS assumption of £250,000 per net developable hectare may be unrealistically low for large sites, and that it would be more appropriate to assume a higher figure in line with the additional available evidence. I will return to the implications of this finding later in this report.

VS Assumptions - Retail Development

31. The VS and supplementary analysis clearly set out the assumptions made for the various forms of retail and other non-residential development that were tested³⁴. These cover the full range of costs likely to be associated with land acquisition, development, residual planning obligations, fees and finance, and include developer profits. There is no specific evidence before me to indicate that, overall, these assumptions fail to represent reasonable inputs to the model which I have already found tested a good range of development types that are representative of those that are likely to come forward in accordance with the local plan.

Conclusion about the Economic Viability Evidence

32. Testing the viability of development across an area is not an exact science³⁵. The Council's evidence is generally based on a reasonable and proportionate approach, and clearly has had regard to good practice derived from experience gained elsewhere as well as relevant sources of data and local information. There is no definitive information to lead me to conclude that the viability evidence in most respects is anything other than appropriate. The one

³¹ Agricultural land value x 15.

³² Mr Whiteley of PBA advised at the Hearing that he had information based on planning obligation negotiations relating to two sites, and actual transactional data from applicants relating to three sites.

³³ Savills representation (September 2014) and David Lock Associates Hearing Statement (January 2015) paragraph 20.2 and footnote 3.

³⁴ VS section 5.3 and Table 5.1, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

³⁵ Viability Testing Local Plans: Advice for Planning Practitioners (Local Housing Delivery Group chaired by Sir John Harman, June 2012) page 18.

exception to this is in relation to the assumed land value for large residential sites which I have found to be unrealistically low.

33. Furthermore, given the inevitable uncertainties that surround the assumptions, and because the costs of some developments may be greater, it is important that the proposed CIL rates are set significantly below the maximum potential rates identified in the VS in order to ensure that the viability of most development is not compromised.

Conclusion on Whether the Draft Charging Schedule is supported by Background Documents Containing Appropriate Available Evidence

34. The draft charging schedule is supported by detailed evidence of community infrastructure needs and the financial viability of development. Other than in respect of the assumption made about land acquisition costs for large sites, the evidence that has been used to inform the draft charging schedule is robust, proportionate and appropriate.

Are the Charging Rates Informed by and Consistent with the Evidence?

Charging Zones

35. The analysis shows that there are clear and marked differences in the average values of various types of dwellings in different parts of the City. This, along with other factors that vary by location, including the likely mix and density of development, have a significant effect on the viability of residential development in the different zones. Differential rates are, therefore, justified for residential developments of up to 500 dwellings in the different charging zones.
36. Representations suggest that the low value zone should be extended to the west to include all of the city centre area defined in the recently adopted DPD. However, differential rates by geographical area have to be based on viability evidence and cannot be used in an attempt to deliver policy objectives³⁶. In this case, the data suggests that the city centre areas to the west of the East Coast railway line and south of the River Nene are within wards with medium value houses. As there is no site-specific justification for adopting a differential approach to these areas, for example in terms of definitive viability evidence or of redevelopment schemes being critical to the delivery of the local plan, it is appropriate to include them in the medium level charging zone.

Proposed Charging Rates for Residential Development of fewer than 500 Dwellings

37. The VS concluded that all forms of residential development comprising fewer than 500 dwellings, other than larger scale apartment developments, in all three areas could viably contribute towards CIL³⁷. Smaller scale developments

³⁶ PPG ID-25-021.

³⁷ VS sections 4.6 and 8.2.

were found to have the greatest degree of viability.

38. The proposed rate for one hectare sites in low value areas represents 71% of the maximum potential rate identified in the VS, whereas none of the other proposed rates for developments of fewer than 500 dwellings represent more than two thirds of the maximum³⁸.
39. The nil rate for apartment developments comprising 15 units or more reflects the VS finding that they could not viably contribute towards CIL.
40. Thus, the proposed rates for all forms of residential development comprising fewer than 500 units provide a significant margin to allow for inevitable variations in the costs and value of particular schemes. They are, therefore, unlikely to threaten the viability of such development.

Proposed Charging Rates for Residential Developments comprising 500 or more Dwellings

41. Given the critical importance of large urban extensions to the delivery of the local plan, it is essential that their viability is not threatened by the introduction of CIL. The Hampton development is underway, and it is quite possible that the Great Haddon site will have planning permission in place shortly. However, the Norwood site will be subject to CIL, and so too would Great Haddon if a planning obligation is not signed before the introduction of CIL (currently expected to be around mid-April 2015), or if a new scheme has to be brought forward for whatever reason. Moreover, whilst no other sites of 500 or more dwellings are allocated in the local plan, it is possible that a large windfall site could come forward at some time in the period to 2026. If that were so it could make a significant contribution to the achievement of the housing growth that the City aspires to.
42. Therefore, it is important that the introduction of CIL is carefully considered in terms of its potential effect on the viability of large scale residential developments. The VS concluded that all three of the strategic sites assessed are viable, with maximum potential CIL rates being £34 at Hampton, £49 at Great Haddon, and £50 at Hampton³⁹, well above the proposed rate of £15. However, whilst most of the assumptions used in the VS are appropriate, I have found the land acquisition cost figure of £250,000 per net developable hectare to be unrealistically low for large sites.
43. In response to the evidence submitted by representors about land values, the Council carried out supplementary analysis based on land value figures of £300,000 and £370,000 per developable hectare. Even on the basis of the lower of these two figures, two of the three sites analysed would become unviable, and if the higher figure is applied none would be viable.

³⁸ Council response to the Examiner's main issues and questions, Table 3.

³⁹ VS sections 4.7 and 8.2.

44. In light of this latest evidence, I recommend that a zero rate be applied for residential developments of 500 dwellings or more in order to ensure that their viability is not compromised **[R1]**.
45. The likely effect of this recommendation would, according to evidence provided by the Council at the Hearing, be to reduce the amount of CIL income by between £2.2 million and £2.5 million. This is not an insignificant amount, but is one that would certainly not render the introduction of the levy a futile exercise given that it represents under 10% of the estimated total CIL income.
46. This recommendation would address the concerns of a number of representors, and is one that the Council has stated that it would not be wholly adverse to if I were to find the viability evidence to be finely balanced which indeed is the case.
47. I am aware that this recommended change may not address the concerns expressed by one representor in relation to future extensions to the Hampton scheme. However, the way in which such extensions are treated in terms of CIL is an implementation issue for the Council to address if and when it becomes necessary, rather than a matter that requires or justifies any alteration to the draft charging schedule. This is because it would not be likely to compromise the delivery of the majority of the allocated site or the overall housing growth objectives of the local plan.
48. Finally on this issue, I consider it necessary to make one further change to the draft charging schedule in respect of large scale residential development. The Council confirmed at the hearing that the category entitled "strategic sites (500 dwellings or more)" is intended to set a differential rate by reference to the number of dwellings, and is not meant to apply only to the "strategic sites" identified in the core strategy. Such an approach is in accordance with the Regulations, and therefore, in the interests of clarity, I recommend that the term "strategic sites" be deleted from the draft schedule **[R2]**.

Proposed Charging Rates for Retail Development

49. The viability evidence⁴⁰ concludes that supermarkets (including for typical discount operators), retail warehouses, and neighbourhood convenience stores are all viable, whereas high street comparison retail development could not viably contribute towards CIL.
50. The VS found the maximum potential CIL rate for supermarkets to be £214, whereas further assessment found that for discount convenience retail developments the potential rate is £201⁴¹. The proposed charging rate of £150

⁴⁰ VS paragraphs 5.4.1, 5.4.7 to 5.4.14 and 8.3.1, and Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

⁴¹ Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

represents 75% of the lower figure.

51. The VS found that the maximum potential CIL rate for neighbourhood convenience stores is £22, whereas further assessment found it to be £39⁴². The proposed charging rate of £15 represents less than 70% of the lower figure.
52. The VS found that the maximum potential CIL rate for retail warehouses is £105. The proposed charging rate of £70 represents two thirds of this figure.
53. Thus, the proposed charging rates all provide a significant margin of 25% or more to allow for inevitable variations in the costs and value of particular retail developments. They are therefore, unlikely to threaten the viability of retail development across the City.
54. The draft charging schedule names the categories of retail development that are to be subject to CIL by reference to both type of use and amount of floorspace. However, the Council's evidence makes it clear that the differential rates are intended to be strictly by reference to the proposed use of the development, based on the definitions set out in the VS⁴³, and this was confirmed at the hearing session. The definitions of the uses include consideration of size, but this is just one factor that needs to be taken into account, others including the types of goods sold, location, and car parking arrangements.
55. The PPG makes it clear that the definition of "use" for the purpose of CIL is not tied to the Town and Country Planning (Use Classes) Order 1987⁴⁴. I am satisfied, on the basis of the definitions set out in the VS, that these are quite clearly distinguishable retail uses meaning that it is appropriate to levy differential rates given the viability evidence. However, for the sake of clarity, I recommend that the references to 500 sq metres are deleted from the names of the three types of retail development, and that definitions of these intended uses are included as footnotes to the charging schedule. These definitions should be taken from the VS **[R3]**.

Proposed Nil Rate for All Other Development

56. The VS found that all of the other forms of development assessed could not viably contribute towards CIL. This has not been challenged by representors, and I have seen no evidence to lead me to a different conclusion. Accordingly, the nil charge for all other types of development is justified.

Conclusion on Whether the Proposed Charging Rates are Informed by and Consistent with the Evidence

57. For the reasons given above, and with the exception of their application to

⁴² Draft Charging Schedule Regulation 19(1)(b) Statement: Report of Draft Charging Schedule Representations (October 2014) Appendix E.

⁴³ VS paragraph 5.1.2.

⁴⁴ PPG ID-25-022.

residential development of 500 or more dwellings, the proposed charging rates are clearly informed by, and consistent with, the evidence relating to community infrastructure needs and the viability of development across the City as set out in the local plan.

Does the Evidence Demonstrate that the Proposed Charge Rate would not put the Overall Development of the Area at Serious Risk?

58. The Council's decision to set differential rates by geographical zones and the number of units for residential development and differential rates by the intended use for certain types of retail development is based on reasonable assumptions about development values and likely costs. The evidence suggests that most residential and retail development will remain viable across the City if the charges are applied. Only if the assumptions used in the VS prove to be significantly wide of the mark, an eventuality which has not been shown to be likely by the evidence before me other than in relation to large scale residential development, would development across the City be made unviable by the proposed charging rates.

Other Matters

59. A number of other matters have been raised by representors. However, the Council's approach to implementation, including in terms of phased payments, payments in kind, exemptions, exceptional circumstances relief, and where CIL revenue is spent are all matters for the Council to make decisions about, in the context of relevant legislation and guidance, and there is no evidence to suggest that they would materially alter my findings in relation to viability.

60. In so far as it is relevant to my considerations regarding the funding gap and viability, I have had regard to the Regulation 123 list. However, it is not for me to advise on what is or is not included in that document, or indeed in other documents that the Council is intending to publish alongside the final version of the charging schedule with the aim of ensuring that the system is well understood by all interested parties and operates fairly and efficiently without any double dipping. I note, however, that in preparing these documents the Council has attempted to respond appropriately to all concerns raised throughout the various stages of consultation and testing that the draft charging schedule has been subject to, an approach that can only be commended.

61. No other matters raised in the representations affect my overall assessment or conclusion.

Legal Requirements

62. I am satisfied that the draft charging schedule complies with national policy and guidance. The requirements of the 2008 Planning Act and 2010 Regulations (as amended), including in respect of the statutory processes and public consultation, financial appraisal, and consistency with the adopted local plan

and IDS, have been complied with.

Conclusion

63. All legal and procedural requirements have been met.
64. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in different parts of the City. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an identified gap in infrastructure funding, while ensuring that a range of development remains viable across the area. Subject to my recommendation with regard to large residential schemes, only development that has been shown to be viable will be charged, and the rates are set well below the maximum potential rates identified in the VS.
65. Therefore, my conclusion is that an appropriate balance has been struck between the desirability of CIL helping to fund the infrastructure needed to support the development of the City and the potential effects (taken as a whole) on the economic viability of that development.
66. Given the uncertainties that inevitably surround the future value of land, and the costs and values of various forms of development, the Council should actively monitor the effects of CIL to ensure that it has an overall positive economic impact and helps to deliver development and necessary infrastructure as set out in the local plan over the coming years.
67. I conclude that, subject to the modifications set out in Appendix A, the Peterborough Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the draft charging schedule be approved subject to three modifications.

William Fieldhouse

Examiner

This report is accompanied by Appendix A – modifications that the examiner specifies so that the charging schedule may be approved.

APPENDIX A**Recommended Modifications to the Draft Charging Schedule**

R1. Amend the proposed rates for "strategic sites (500 dwellings or more)" from £15 to £0.

R2. Delete reference to "strategic sites (500 dwellings or more)" and replace it with "Residential development comprising 500 or more dwellings".

R3. Delete reference to 500 sq metres from the names of the three types of retail development, and include definitions of those three intended uses, based on those set out in paragraph 5.1.2 of the Viability Study, as footnotes to the charging schedule.

The effect of these three recommendations would be to create a charging schedule that reads as follows:

<i>Development Type</i>	<i>Charging Zone</i>		
	<i>High</i>	<i>Medium</i>	<i>Low</i>
Market housing on sites < 15 units	140	120	100
Market housing on sites 15 units or more	70	45	15
Apartments on sites < 15 units	70	45	15
Residential development comprising 500 or more dwellings	0	0	0
Supermarkets*	150		
Retail warehouses**	70		
Neighbourhood convenience stores***	15		
All other development	0		
All charges are £ per m ²			

* Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include the area used for sales of goods generally being above 500 sq m; the majority of customers using a trolley to gather a large number of products; the majority of customers accessing the store by car using the large adjacent car park provided; and servicing being undertaken via a dedicated service area rather than from the street.

** Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater for mainly car-borne customers. As such, they usually have large adjacent dedicated surface parking.

***Neighbourhood convenience stores are used primarily by customers undertaking "top-up" shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include trading areas of less than 500 sq m; the majority of customers buying only a small number of items that can be carried around the store by hand or in a small basket; the majority of customers accessing the store on foot and as such there is usually little or no dedicated parking; and servicing being undertaken from the street rather than from dedicated service areas.

**Appendix B – Peterborough Community Infrastructure Levy
Charging Schedule**



Peterborough City Council

Community Infrastructure Levy Charging Schedule

April 2015

Peterborough City Council

Town Hall

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Peterborough City Council Community Infrastructure Levy Charging Schedule

Peterborough City Council, as the local Planning Authority, is the Charging Authority and will also be the Collecting Authority. This Charging Schedule comes into force on 24/04/2015.

Liability to Pay CIL

A chargeable development is one for which planning permission is granted and which is liable to pay CIL in accordance with the Regulations.

Schedule of Rates

Peterborough City Council is proposing to charge CIL in respect of development at the following rates:

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets*	£150		
Retail Warehouses**	£70		
Neighbourhood Convenience Stores***	£15		
All other development	£0		
All charges are £ per sq m			

* Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include the area used for sales of goods generally being above 500 sq m; the majority of customers using a trolley to gather a large number of products; the majority of customers accessing the store by car using the large adjacent car park provided; and servicing being undertaken via a dedicated service area rather than from the street.

** Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater for mainly car-borne customers. As such, they usually have large adjacent dedicated surface parking.

***Neighbourhood convenience stores are used primarily by customers undertaking “top-up” shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include trading areas of less than 500 sq m; the majority of customers buying only a small number of items that can be carried around the store by hand or in a small basket; the majority of customers accessing

the store on foot and as such there is usually little or no dedicated parking; and servicing being undertaken from the street rather than from dedicated service areas.

How will the Chargeable Amount be Calculated?

CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in this charging schedule.

The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission is granted and the year in which this charging schedule took effect.

Date of Approval

This charging schedule was approved on 15/04/2015 (tbc)

Date of Effect

This charging schedule will take effect on 24/04/2015 (tbc)

Peterborough City Council Community Infrastructure Levy Charging Zones

310,000

300,000

N

290,000

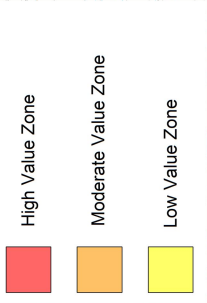
530,000

520,000

510,000

500,000

63



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**Appendix C – Peterborough Community Infrastructure Levy
Supporting Policies**

Peterborough City Council

Community Infrastructure Levy Supporting Policies

April 2015

Peterborough City Council

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1. Introduction

- 1.1 This document provides the Community Infrastructure Levy (CIL) policies relating to the operation of the CIL which have been left to the discretion of the Charging Authority, Peterborough City Council.
- 1.2 The CIL Charging Schedule was examined in January 2015 and found sound in the Examiners' report, published on 16 February 2014.
- 1.3 Peterborough City Council is the CIL collecting authority in respect of the area in which it grants planning permission.
- 1.4 FAQs, forms and other supporting information can be found on the Peterborough City Council website and from the planning portal website;
- Background and Examination - http://www.peterborough.gov.uk/planning_and_building/planning_policy/planning_policy_framework/community_infrastructure_levy.aspx
 - Administration and collection - http://www.peterborough.gov.uk/planning_and_building/planning_permission/apply_for_planning_permission/cil_administration_and_collect.aspx
 - Planning portal - www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
- 1.5 More detailed queries about the operation of policies contained in this document should be directed to the Councils Planning Obligations Officer – planningobligations@peterborough.gov.uk or 01733 453509

2. Peterborough City Council Community Infrastructure Levy Regulation 123 List of Infrastructure

2.1 The Draft Regulation 123 list, as set out below, defines which projects and/or types/sections of infrastructure that the council will, or may, fund in whole or part through CIL revenues. In accordance with Regulation 123, developer contributions to the infrastructure listed below will not be sought through planning obligations.

2.2 The list is not definitive, and in no order of priority, as no formal decisions have yet been taken to confirm how CIL funds will be allocated amongst the listed infrastructure types/projects. It lists infrastructure types/projects that CIL could be used to fund, subject to Council priorities and the levels of available CIL funding.

2.3 The Regulation 123 List takes effect on 24/04/2015.

2.4 Infrastructure types and/or projects that will, or may, be funded in whole or in part by CIL (subject to Council approval):

Strategic / city wide impact transport projects (excluding specific improvements necessary to make a development acceptable in planning terms)
Education facilities*
Health facilities*
Indoor Sports and recreation facilities*
Library, museum and life-long learning facilities*
Waste Management infrastructure*
Emergency services*
Strategic Open Space
Strategic flood risk management schemes (excluding flood risk measures required to facilitate the alleviation of flood risk in relation to a development site)
Public realm
Crematorium and burial grounds
* excluding where requirements are directly related to residential development comprising 500 dwellings or more

3. Peterborough Community Infrastructure Levy Instalment Policy

3.1 Peterborough City Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).

3.2 This Instalment Policy will take effect on 24/04/2015 (tbc).

3.3 As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, each phase of the development as permitted by Peterborough City Council is a separate chargeable development, and the Instalment Policy will therefore apply to each chargeable development and the associated separate chargeable amount.

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

CIL Instalment Policy Advice

3.4 The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

3.5 This Instalment Policy only applies where:

1. The council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)); and,
2. The council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the council does not challenge the date of commencement specified.

3.6 If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

- 3.7 Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).
- 3.8 To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

4. Peterborough Community Infrastructure Levy Payment in Kind Policy – Land and Infrastructure

4.1 In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, will allow the payment of CIL by land payments or infrastructure payments.

4.2 This policy is effective from the day the Peterborough CIL Charging Schedule comes into effect, 24 April 2015.

Paying CIL in the form of land

4.3 In certain circumstances it will be possible to pay some or the entire CIL amount in the form of land. This will be dependent on certain conditions:

1. The Council agree to the transfer of land as part or whole payment of the CIL.
2. The land can be used to provide infrastructure to support the development of the area.
3. The applicant must have assumed liability to pay CIL.
4. The value of the land to be transferred must have been determined by a suitably qualified independent person agreed by the Council. The valuation must represent a fair market value for the land on the day it was valued.
5. Where the payment of CIL by land provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. The Council must be satisfied that the criteria in Regulation 73 have been met.
6. The agreement cannot form part of a planning obligation within a S106 Agreement.

Paying CIL in the form of infrastructure

4.4 In certain circumstances it will be possible to pay some or the entire CIL amount in the form of infrastructure. This will be dependent on certain conditions:

1. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list.
2. The applicant must have assumed liability to pay CIL.
3. The value of the infrastructure to be transferred must have been determined by a suitably qualified independent person agreed by the Council who will ascertain the cost to the provider including any design related costs. The valuation must represent a fair market value for the infrastructure on the day it was valued.
4. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. This agreement must include the information specified in Regulation 73A.
5. The agreement cannot form part of a planning obligation within a S106 Agreement.

4.5 The Council is not obliged to accept any offer of payment in kind by land or infrastructure.

4.6 Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.

- 4.7 Before submission of an application liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if the principle of 'payment in kind' is suitable – planningobligations@peterborough.gov.uk or 01733 453509.
- 4.8 Where the Council accepts land and/or infrastructure as 'payment in kind' the equivalent Neighbourhood Fund (25% where there is a formal Neighbourhood Plan or within a Neighbourhood Development Order; or 15% where there is no Neighbourhood Plan, capped at a maximum of £100 per council tax dwelling) must still be paid to the local community as a financial payment.

5. Peterborough City Council Community Infrastructure Levy Exceptional Circumstances Relief Statement

- 5.1 In accordance with Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, gives notice that exceptional circumstances relief is available in the Council's administrative area.
- 5.2 This will be effective from the day the Peterborough CIL Charging Schedule comes into effect on 24 April 2015.
- 5.3 Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in Regulations 55 – 58 of the Community Infrastructure Levy Regulations 2010 (as amended), and any relief given must be in accordance with the procedures in the Regulations and must not constitute state aid.
- 5.4 Relief claims must take place after planning permission is granted but before development has commenced. Any claim will include funding the appointment of an independent person with appropriate qualifications and experience to undertake a viability study who, before appointment, must be agreed as an appropriate person by the Council.
- 5.5 In summary, in order to qualify for exceptional circumstances relief, the Regulations require:
- that a planning obligation has been entered into in respect of the planning permission which permits the chargeable development;
 - the claim to be submitted in writing on the appropriate form, this must also be sent to any other owners or holders of a material interest in the land;
 - an assessment to be carried out by an independent person of the economic viability of the chargeable development. An independent person is one who has appropriate qualifications and experience and who is appointed by the claimant with the agreement of the council;
 - an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development;
 - proof that the relief would not constitute state aid; and,
 - other required information about apportionment assessment if appropriate and declarations as required by the regulations.
- 5.6 Please note that this note is not intended to be a definitive interpretation of the legislation or CIL Regulations and applicants are advised to seek professional advice where appropriate.
- 5.7 This is a discretionary policy and will be considered by the Council on a case by case basis. Before applying for exceptional circumstances relief liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if this is a possibility - – planningobligations@peterborough.gov.uk or 01733 453509.

**Appendix D – Peterborough Draft Developer Contributions
Supplementary Planning Document**



Peterborough City Council

Developer Contributions Supplementary Planning Document (SPD)

Adopted April 2015

Commencement date – 24/05/2014

Peterborough City Council

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Developer Contributions SPD 2015

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1. Introduction

1.1 Purpose of this document

1.1.2 The purpose of this Supplementary Planning Document (SPD) is to set out the city council's approach towards securing funding from developers to provide infrastructure to support development. It is set within the context of the council's adoption of a Community Infrastructure Levy (CIL) by April 2015. For the majority of planning applications CIL will become the primary method by which the council secures funding for infrastructure to support development. The SPD does not set policy. It provides a framework for implementation of existing policies contained in the adopted [Core Strategy DPD¹](#) (2011), [Minerals and Waste Core Strategy DPD²](#) (2011), [Planning Policies DPD³](#) (2012) and [City Centre DPD](#) (2014) relating to the impacts of development. The main policy this SPD supports is Core Strategy policy CS13: Developer Contributions to Infrastructure Provision. Should a new Local Plan be prepared it will confirm the ongoing status of this SPD.

1.1.3 This SPD:

- Clarifies the relationship between Planning Conditions, Planning Obligations and the Peterborough CIL;
- Explains how Planning Obligations CIL might be sought for different types of infrastructure;
- Helps ensure the timely provision of infrastructure to support growth;
- Aids the smooth functioning of the planning application process by explaining the council's process and procedures for using Planning Obligations; and,
- Assists in securing both local and national objectives in respect of the provision of sustainable development in Peterborough.

1.1.4 This SPD supersedes the Peterborough Planning Obligations Implementation Scheme SPD (adopted February 2010) which was formally revoked at the same time this SPD was adopted.

1.2 Status

1.2.1 The Developer Contributions SPD, once adopted, will be a material planning consideration in the determination of planning applications.

1.2.2 The policies this SPD supplements have been subject to Sustainability Appraisal. The SPD itself has been prepared in accordance with the plan making regulations⁴ and having regard to the National Planning Policy Framework (NPPF)⁵.

¹ <http://www.peterborough.gov.uk/pdf/Plan-policy-ldf-cs-adoptedCS.pdf>

² <http://www.peterborough.gov.uk/pdf/MWCSAdopted.pdf>

³ <http://www.peterborough.gov.uk/pdf/env-plan-ldf-ppdpd-adopted%20DPD.pdf>

⁴ Town and Country Planning (Local Planning) Regulations 2012

⁵ NPPF Paragraph 153

1.2.3 Peterborough City Council's CIL Charging Schedule will come into effect on 24 April 2015, the same date as this SPD.

2. Securing Developer Contributions

2.1 Developer Contributions

2.1.1 When assessing a planning application, the city council (as the local planning authority (LPA)) can take into account specific conditions, restrictions, activities or operations which would make the development proposal acceptable in planning terms, when the only other alternative would be to refuse it.

2.1.2 The council expects new development to contribute to site related and other infrastructure needs through a combination of the following mechanisms:

- Planning **Conditions** (site/development related);
- Planning **Obligations** to secure infrastructure provision through financial contributions or works in kind e.g. S106 Agreements or Unilateral Undertakings (site/development related);
- The Peterborough Community Infrastructure Levy (**CIL**) (Strategic, local and city wide requirements); and
- **Section 278 agreements** under the Highways Act 1980.

2.1.3 The distinctions between these mechanisms are highlighted below.

2.2 What are Planning Conditions?

2.2.1 Planning Conditions are requirements made by the council, in the granting of permission, to ensure that certain actions or elements related to the development proposal are carried out. In Peterborough such conditions are likely to cover, among other things: the requirement to undertake archaeological investigations; submission of reserve matters; controls over materials used; and the requirement to carry out work in accordance with the submitted plans such as landscaping, tree planting and drainage works.

2.2.2 Paragraph 203 of the NPPF states that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 of the NPPF states that Planning Conditions should only be met where they are:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and,
- Reasonable in all other respects.

The policy requirement is known as the six tests. Further explanation of the six tests are set out in the Planning Practice Guidance⁶. The council will consider whether an issue can be satisfactorily addressed through a condition, which meets the tests, before negotiating a Planning Obligation.

2.2.3 Where there is a choice between imposing Planning Conditions and entering into a Planning Obligation to manage the impacts of a new development, the use of Planning Conditions is always preferable.

2.2.4 Importantly Planning Conditions:

- cannot be used to secure financial contributions;
- cannot be used in relation to land outside of the application site; and,
- can be appealed against by the applicant if they believe them to be unreasonable.

2.3 What are Planning Obligations?

2.3.1 Planning Obligations are formal commitments given by an owner of land enforceable by a local authority against that owner and subsequent owners. They are a means of securing measures to make a development acceptable in planning terms and to accord with national or local planning policies. Planning Obligations can be used to mitigate the impact of a development; to compensate for loss or damage created by a development; or to prescribe the nature of a development.

2.3.2 Planning Obligations may be financial or in kind, and negotiated as part of planning applications. There may be cases where provision in kind is preferable and suitable, such as where finding land for a facility is an issue.

2.3.3 A Planning Obligation must meet all of the following statutory tests:

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and,
- It is fairly and reasonably related in scale and kind to the development.

2.3.4 The tests for Planning Obligations were made a statutory requirement by the CIL Regulations 2010 (as amended). The purpose of doing this was to distinguish the different roles that both CIL and Planning Obligations have when used together to support new development. The CIL Regulations also specify that by the adoption of CIL, or by 6 April 2015, whichever is sooner, the use of Planning Obligations must be scaled back. This is enforced by Regulation 123 which specifies that a Planning Obligation cannot be used to fund a project or type of infrastructure if there have been five separate obligations agreed since 6 April 2010 in relation to that project or type of infrastructure.

2.3.5 Unlike with Planning Conditions, a Planning Obligation can relate to land outside the application site and/or not under the control of the applicant. For example, a developer

⁶ NPPG - ID 21a-004-20140306

may be asked to contribute towards infrastructure costs arising out of the development, however this is subject to meeting the tests and pooling restrictions mentioned above.

2.3.6 Planning Obligations are legally binding agreements entered into between a Local Authority and a developer under Section 106 of the Town and Country Planning Act 1990. They are private agreements negotiated between planning authorities and persons with an interest in a piece of land. They run with the land and are enforceable against the original covenantor and anyone subsequently acquiring an interest in the land. They are registered as a local land charge.

2.3.7 Both draft and completed S106 Planning Obligations may be viewed by members of the public and are in no sense confidential documents.

2.4 How are Planning Obligations secured?

2.4.1 Section 106 of the Town and Country Planning Act 1990 states that Planning Obligations can be by way of “agreement or otherwise” and must be entered into by an instrument executed as a deed.

2.4.2 The city council uses two types of Planning Obligation:-

- **S106 Legal Agreement** - A S106 Agreement is the most common form and is made between the applicant, all other parties with an interest in the land and the LPA. The agreement commits each of the parties to the document. For example, an applicant may be committed to providing a certain number of affordable homes, or a financial contribution, which the LPA is committed to spend on a specific project;
- **S106 Unilateral Undertaking** - This is an undertaking made by the applicant to the authority to cover any planning issues before the granting of planning permission and may be offered at any point in the application process – but normally where agreement has not been reached. As the word ‘unilateral’ conveys, the undertakings are the developer’s commitment, unlike the S106 agreement where the council is also committed to deliver on one or more of the specified contributions. A unilateral undertaking does not require any agreement by the LPA. The LPA may therefore have no legal input into the drafting of such agreements. However, local authorities do not have to accept unilateral undertakings offered by the developers if they do not feel they deal with all the issues in granting planning permission. An applicant may offer a unilateral undertaking at a planning appeal against refusal to overcome the local authority’s objections. It will then be for the Inspector to decide its suitability or otherwise.

2.4.3 Timing of implementation is an important factor for most development projects, and it is important that the structure of the Planning Obligation reflects this. This often means that Planning Obligations are linked to and specify:

- the different agreed phases of development;
- timescales within which a developer is required to undertake certain actions;

- the time within which commuted sums are to be paid to the LPA, or on the occurrence of a certain event, such as the occupation of the nth dwelling or building;
- the appropriate building cost indices to be referenced and linked for occasions when there is a delay between financial contributions being agreed (date of planning permission issue) and the date of payment; and,
- the time within which the LPA must spend the financial contribution, otherwise the developer could be reimbursed including any interest accrued.

2.5 What is the Community Infrastructure Levy (CIL)?

- 2.5.1 The CIL is an optional charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. Before CIL can be charged the authority must have an adopted CIL Charging Schedule in place.
- 2.5.2 CIL partially replaces the existing Section 106 Planning Obligations process by reducing the range of infrastructure types or projects that it will be appropriate to secure obligations for. CIL monies are pooled into a fund which the city council must use to provide, improve, replace, operate or maintain infrastructure to support the development of its area. Importantly, the CIL charge once introduced is non-negotiable.
- 2.5.3 Funds raised through the CIL can be used to pay for a wide range of community infrastructure (strategic, citywide and local) that is required to support the needs of sustainable development. The Peterborough CIL Regulation 123 list (R123 list) will set out the infrastructure that can be funded, in whole or part, by CIL (see Appendix C). Planning Obligations will not be used to secure infrastructure that has already been identified for delivery and investment from CIL funds through the R123 list.

2.6 Section 278 Agreements

- 2.6.1 Section 278 agreements under the Highways Act 1980 (as amended by S23 of the New Roads and Street Works Act 1991) are legally binding agreements between the Local Highway Authority and the developer to ensure delivery of necessary highway works to the existing highway network. They identify the responsibilities (financial or otherwise) of parties involved in constructing works on the public highway.
- 2.6.2 Where, as part of the assessment of a planning application, it is identified that it will be necessary to make modifications to the existing highway to facilitate or service a proposed development (typically these will be off-site works required to mitigate the impact of the proposed development) a S278 agreement will be used.
- 2.6.3 It is important to note that where a CIL has been introduced by an authority, and the R123 list includes a generic item (such as ‘transport infrastructure’), then S106 contributions should not normally be sought on any specific projects in that category.
- 2.6.4 Where a R123 List includes project-specific infrastructure, the LPA should seek to minimise its reliance on Planning Obligations in relation to that infrastructure.
- 2.6.5 S.278 Agreements cannot be required for works that are intended to be funded through CIL, with the exception of the Highways Agency where those restrictions do not apply.

3. Planning Policy Context and Infrastructure Needs

3.1 The National Planning Policy Framework (NPPF)

3.1.1 Paragraphs 203 to 206 of the NPPF set out the Government's policy on Planning Obligations. These paragraphs reiterate the tests for Planning Obligations set out in the CIL Regulations; restate the principle that Planning Conditions are preferable to Planning Obligations; require local authorities to take into account changes in market conditions over time in policies and Planning Obligations, and make sure they are sufficiently flexible to prevent planned development from being stalled.

3.2 Peterborough Local Planning Policy Framework

3.2.1 This SPD supports and supplements the local plan policy framework⁷, and so will be an important material consideration in the decision making process when considering future planning applications.

3.3 Peterborough Core Strategy

3.3.1 The Core Strategy has identified a minimum of 25,500 additional homes and the need for 213ha to 243ha of employment land between 2009 and 2026. This growth will result in increased pressure on local infrastructure, services and facilities, creating demand for new provision. The council and developers have a responsibility, through the planning process, to manage the impact of this growth and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided. The council expects new development to contribute to both on-site and strategic off-site infrastructure needs, this is established in Core Strategy policies CS12: Infrastructure and CS13: Developer Contributions to Infrastructure Provision, which provide the main hooks for the preparation of this SPD.

3.3.2 Other policies within the Peterborough Local Plan provide specific and detailed justification for various types of Planning Obligation e.g. Policy PP14 – Open Space Standards for new development. Such policies are referred to in the relevant sections of this SPD.

3.4 Infrastructure Needs

3.4.1 The identified infrastructure needs for the Core Strategy were set out in the Integrated Development Programme (IDP) (Dec 2009), which provides a costed, phased and prioritised programme of infrastructure development to support the proposed economic and housing growth.

⁷http://www.peterborough.gov.uk/planning_and_building/planning_policy/planning_policy_framework/development_plan_documents.aspx

- 3.4.2 An updated version of the IDP, the Infrastructure Delivery Schedule (IDS) was published in November 2012 to support the Community Infrastructure Levy Preliminary Draft Charging Schedule consultation. A further revised version of the IDS was published in 2014.
- 3.4.3 The IDS is Peterborough's 'live' evidence base of what infrastructure is needed to support growth across the District is. It will be updated on a regular basis in liaison with both internal and external infrastructure providers. The IDS forms an important source of infrastructure types and projects that the council will reference when determining the priority and timing of what infrastructure is required to ensure the sustainable delivery of the different development proposals which will comprise Peterborough's growth.

4. Peterborough's Approach to Planning Obligations and CIL

4.1 Introduction

4.1.1 Following the adoption of a CIL Charging Schedule in Peterborough the use of S106 Planning Obligations will be scaled back significantly, and it is expected that, for the majority of development, CIL will become the main source of infrastructure funding obtained through the development management process. However, on sites of 500 dwellings or more Planning Obligations will continue as the primary mechanism for securing infrastructure associated with these developments.

4.1.2 This section sets out the council's role and the process for securing CIL and S106 contributions. It also sets out when the CIL and S106 might be used for different types of infrastructure.

4.2 The council's role

4.2.1 It is the city council's role to:

- Lead discussions on securing developer contributions for infrastructure taking account of input from infrastructure/service providers and needs identified in the IDS and through consultation responses to planning applications;
- Notify developers of their CIL liabilities;
- Strive to ensure a balance is maintained between community infrastructure needs and development viability; and,
- Ensure that funds provided by developers are spent in an appropriate and timely manner that responds to the impacts of the development alongside other processes which may not be within its control (e.g. site access, legal processes, utility connections etc.).

4.2.2 The city council Planning Services offer a pre-application advice service which can provide more detailed information in relation to potential developer contributions for specific proposals. Further details are available on the [city council's website](#)⁸.

4.2.3 The benefits of an early negotiated approach include:

- Ensuring that developers are aware of the scale and nature of likely contributions required for a proposed development at the earliest opportunity;
- Assisting in determining project viability;
- Providing greater clarity and certainty to the process; and,
- Helping to minimise the timescales involved in determining affected planning applications.

⁸ http://www.peterborough.gov.uk/planning_and_building/making_a_planning_application/get_pre-application_advice.aspx.

4.3 The range of infrastructure requirements

4.3.1 An indication of the range of infrastructure requirements that the council will give consideration to, as part of the assessment of planning applications, is indicated below. It should not be considered as a definitive list. However, the topics listed below are the more common infrastructure types considered and often required as a result of new development.

- Transport
- Education
- Affordable Housing
- Lifetime & Wheelchair Homes
- Primary Health Care
- Crematoria/Burial grounds
- On site Open Space
- Strategic Open Space and Green Infrastructure
- Indoor Sports Facilities
- Community Facilities
- Libraries and Life Long Learning
- Public Realm / Urban Design
- Waste Management
- Environment Capital
- Site Drainage and Flood Risk Management

4.3.2 Sections 5 to 19 of this SPD provide the detail of when CIL or S106 will be required for the above infrastructure requirements, with a summary overview in Table 3.

4.3.3 When considering the infrastructure requirements for a development, the capacity of existing infrastructure will be considered to ensure that obligations are only necessary where the current capacity would not be able to accommodate the additional need generated by the proposed development.

4.4 Planning Obligations Process

4.4.1 Planning Obligations will be used to fund on-site or site related infrastructure only. The council’s role and the process involving Planning Obligations is outlined in Table 1 below.

Table 1: Overview of Planning Obligations Process

Steps	S106 Planning Obligations – Agreements & Unilateral Undertaking (UU)
1	As part of the documentation submitted with the planning application, the developer provides a draft Planning Obligations Heads of Terms form, using the template available on the city council’s website.
2	Draft Heads of Terms are agreed in principle.
3	Once the Local Planning Authority is minded to approve the application, the city council’s Legal Services Team are instructed to prepare a draft S106 Agreement / UU. Minimum charge of £550 to be paid by applicant.
4	S106 Agreement / UU is signed and sealed and planning permission can then be granted. Details will be registered by the city council’s Land Charges Section.
5	The agreed Planning Obligations and their relevant triggers are entered on the city council’s Planning Obligations Database. Implementation of approved applications is monitored through to completion.

6	On discharge of all Planning Obligations the city council's Land Charges Section will remove the charge from the Land Charges Register.
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4.5 Peterborough Community Infrastructure Levy

4.5.1 Peterborough City Council adopted its CIL Charging Schedule (See Appendix F) on 15/04/2015. The Peterborough CIL Charging Schedule sets CIL rates by type of development, size of development and location. Peterborough CIL rates are set out in table 2 below. A map of charging zones is presented in Diagram 1. The principle is that all eligible developments must pay the CIL charge, as well as any site specific requirement(s) to be secured through planning conditions or Planning Obligations. The CIL charge is non-negotiable. If a proposed development is CIL liable the relevant CIL charge will be levied.

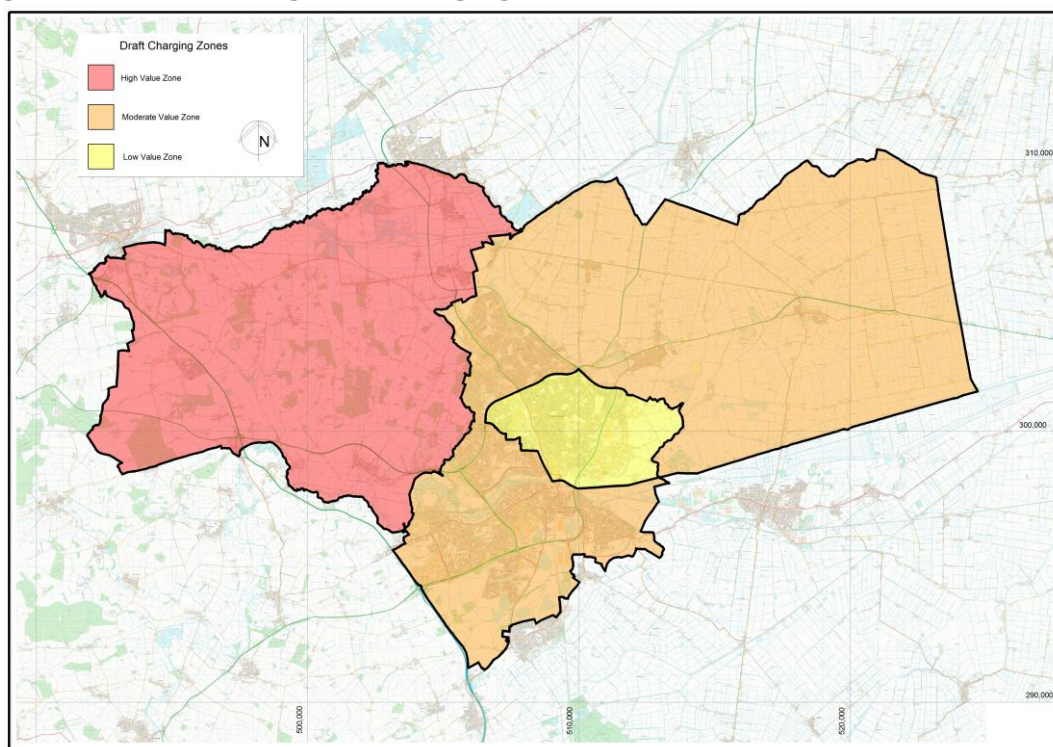
Table 2 Schedule Rates

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets	£150		
Retail Warehouses	£70		
Neighbourhood Convenience Stores	£15		
All other development	£0		

All charges are £ per m²

(Source: CIL Charging Schedule – see Appendix F)

Diagram 1 – Peterborough CIL Charging Zones



- 4.5.2 CIL receipts may be used to address in full, or in part, the infrastructure necessary to support the cumulative impact of development. Appendix C contains Peterborough’s Regulation 123 List (R123), at the point of adopting this SPD. The R123 List is a list of infrastructure types or projects, which the receipted CIL monies may help to fund in whole or in part. Where the R123 List includes a generic item such as ‘education’ or ‘transport’, or a specific project, then a S106 Planning Obligation cannot be sought for that item or type of infrastructure. The R123 List may be revised by the council at any time, subject to appropriate local consultation. If there is any dispute / conflict between what is stated in this SPD and any updated version of the R123 List, then the R123 List takes precedence.
- 4.5.3 The adopted CIL Charging Schedule and associated policies, the latest R123 List, as well as further background to the CIL in Peterborough; including the infrastructure and viability evidence that have been used to justify the charge set; and, details of public consultations and examination hearings can be found on the CIL pages of the council’s website – www.peterborough.gov.uk .
- 4.5.4 The CIL charge will be applied on each square metre of net additional floorspace in new buildings, with a minimum threshold of 100 square metres or a single dwelling. Some types of development are exempt from CIL, for example affordable housing is eligible for 100% relief. The process for securing CIL payments is set out on the council’s CIL administration webpage – www.peterborough.gov.uk .

4.6 Relationship between CIL and S106

- 4.6.1 Table 3 below sets out what infrastructure types could be provided / funded via S106 Planning Obligations and what types may be funded, in whole or part by the Peterborough CIL. This table is intended as a guide only. Where thresholds apply, they have been indicated, however, the table should be read in conjunction with the more detailed policy guidance that is set out in the remainder of this SPD as well as the most up to date version of the council’s R123 List.
- 4.6.2 It may not always be necessary or appropriate to seek a Planning Obligation for each infrastructure type, this will need to be assessed on a case by case basis.

Table 3: Summary of the relationship between S106 Planning Obligations / Planning Conditions and CIL

Infrastructure	CIL	S106 or planning condition
Transport	Strategic city-wide projects	Site-specific requirements
Education	Education facilities*	Education facilities directly related to sites of 500 or more dwellings
Affordable Housing	N/A	Affordable housing requirements
Lifetime homes	N/A	Lifetime homes requirements

Infrastructure	CIL	S106 or planning condition
Wheelchair homes	N/A	Wheelchair homes requirements
Emergency services	Emergency services*	Emergency Services requirements directly related to sites of 500 or more dwellings
Primary Health Care	Primary health care facilities*	Primary health care facilities directly related to sites of 500 or more dwellings
Crematorium / burial grounds	Crematorium / burial grounds requirements	N/A
Non-strategic outdoor open space	N/A	Non-strategic outdoor open space requirements
Strategic outdoor open space	Strategic outdoor open space requirements	N/A
Indoor sports facilities	Indoor sports and recreation facilities*	Indoor sports and recreation facilities directly related to sites of 500 or more dwellings
Community buildings	Community buildings requirements*	Community buildings requirements directly related to sites of 500 or more dwellings
Libraries, museum and lifelong learning	Libraries, museum and lifelong learning facilities*	Libraries, museum and lifelong learning facilities directly related to sites of 500 dwellings or more
Public realm	Public realm facilities	N/A
Environment Capital	N/A	Environment capital requirement
Flood risk management	Strategic / city wide flood risk management schemes	Site-specific flood risk management schemes
Waste management	Waste management requirements*	Waste management requirements directly related to sites of 500 or more dwellings
Other	Refer to council R123 List	Case by case basis
* excluding requirements directly related to sites of 500 dwellings or more		

5. Transport

5.1 Introduction

- 5.1.1 Investment in transport infrastructure represents one of the greatest challenges to Peterborough's growth agenda. Overall traffic levels in Peterborough have increased over the last decade, leading to increased congestion and a range of associated problems such as increased air pollution, noise impacts and visual intrusion. It is critical to the successful and sustainable growth of the city that major transport improvements are delivered. Without this, the Core Strategy targets will not be achieved.
- 5.1.2 Core Strategy Policy CS14 Transport is aimed at reducing the need to travel by private car and delivers a sustainable transport package capable of supporting growth and the Environmental Capital aspirations. The detail of the transport package is set out in the [Peterborough Local Transport Plan 3 \(LTP3\) and the Long Term Transport Strategy \(LTTS\)](#). The LTP3⁹ covers the short term (2011-2016) setting out the authority's transport policy and strategy. The LTTS is the 15 year plan of how transport provision can support the authority's sustainable growth agenda, as set out in the Core Strategy.

5.2 Types of facilities that may be required

- 5.2.1 The type of transport infrastructure that is required to support growth is wide ranging and includes schemes such as new access roads, parkway widening, junction improvements, bridges, cycle-ways, footpaths, bus lanes, bus stops, station improvements and park and ride. The LTTS transport improvements are reflected in the IDS

5.3 What can be funded by CIL?

- 5.3.1 The cumulative impact of development often leads to pressures on the transport infrastructure network which are 'off-site' and beyond the immediate proximity of proposed developments. Strategic 'city-wide' transport improvements to support growth, including measures to promote walking, cycling, prioritise public transport and highway traffic calming and capacity improvements where appropriate could benefit from CIL funds.

5.4 When will Planning Obligations be sought?

- 5.4.1 Most developments generate new transport movements and many development schemes require either on or off-site specific works to mitigate their direct impact on the transport network. Where such a site-specific impact is identified a Planning Obligation may be sought to mitigate its impact. The impact is something that will be determined on a case by case basis.
- 5.4.2 Provision to be made for site-specific impacts can be made through Planning Conditions, a Section 278 Agreement or a S106 Planning Obligation. In most circumstances the obligation will be on the developer to implement the approved works via the relevant legal

⁹ <http://consult.peterborough.gov.uk/file/2159565>

agreements. However, there may be some circumstances where it would be acceptable to contribute a sum of money to the council to implement the works on the developer's behalf. Financial contributions will be negotiated on a case by case basis, and will be subject to the limitations on pooling funds from different schemes imposed by the CIL Regulations 2010 (as amended).

5.5 What Planning Obligations might be sought?

5.5.1 Although this list is not exhaustive, obligations could be sought in relation to:

- New access roads;
- Improved junction layouts;
- Public transport accessibility;
- Measures for cyclists / pedestrians;
- Traffic management/highway safety measures; and,
- Travel information.

5.5.2 When developers apply for planning permission, the council may ask them to produce a Transport Assessment (TA) or Transport Statement (TS) to provide a technical assessment of the accessibility issues and transport implications of their proposal. The TA or TS would be used to allow the council to assess the impact of the development and any mitigation measures that may be necessary.

5.5.3 The wider transport implications of a development may also be addressed, in whole or part, through a Travel Plan.

5.5.4 For all developments of 10 - 80 dwellings a TS will be required, potentially committing the developer to implement a number of Travel Plan measures, including Household Travel Information Packs as a minimum. These packs are provided to residents on first occupation of each dwelling comprising the new development. Whilst these can be prepared by the developer, readily prepared packs are available from the Travelchoice Team¹⁰ priced £10 per pack and available in bundles of 10. The developer will be required to include a covering letter explaining the reasoning behind the Packs and a tear-off slip offering the first occupancy household to receive either:-

- a free 1 month Megarider pass for use on Stagecoach buses in Peterborough, or
- a cycle voucher up to the value of £100 for a bike (subject to indexation) and a Peterborough Cycle Map.

5.5.5 A Travel Plan will be required for residential applications of 80 or more households. In all other cases the thresholds for TA and therefore a travel plan are to be found in Appendix F. For the developments listed below, a Travel Plan must be submitted at the point of submitting the planning application. Travel plans may also be required for developments

¹⁰ <http://travelchoice.org.uk/developers/residential-travel-plans/>

under the TA threshold. The criteria below are a reflection of the fact that some smaller scale developments can have significant transport impacts. A Travel Plan will be required for:

- Any development in or near an Air Quality Management Area;
- Any development in an area that has been identified within the Local Transport Plan (LTP) for the delivery of specific initiatives or targets for the reduction of traffic, or the promotion of public transport, walking or cycling;
- Any area specified in the Local Plan, where it is known that the cumulative impact of development proposals is a cause for concern;
- The provision of new or extended school and other educational facilities;
- An extension to an existing development that causes the travel impact of the site to exceed the threshold for a TA; and,
- All instances where the local planning authority requires it.

6. Education

6.1 Introduction

6.1.1 Education infrastructure is an integral component of balanced sustainable communities. It is the council's vision to ensure that the highest quality opportunities exist in education, learning and training, by improving school performance and raising aspirations and standards of achievement for all age groups.

6.1.2 It is widely accepted that the provision of appropriate education facilities is a fundamental infrastructure requirement of sustainable growth. Core Strategy CS12 Infrastructure and CS13 Developer Contributions to Infrastructure Provision provide the policy link to successful delivery.

6.1.3 Development of new homes creates a need for additional school places at early years centres, primary schools and secondary schools and other educational establishments. Recent demographic changes in Peterborough and the cumulative impact of the growth of the city mean that there is, and will continue to be, a compelling need for additional capacity in the city's education infrastructure throughout the Core Strategy plan period (2006-2026) and beyond. The evidence in relation to school capacity is kept under constant review by the council's Children's Services Department.

6.2 What can be funded by CIL?

6.2.1 Education facilities required as a result of new development that are not directly related to strategic sites of 500 dwellings or more, could benefit from CIL funds.

6.3 When will Planning Obligations be sought?

6.3.1 Planning Obligations will only be sought for education facilities associated with strategic sites of 500 dwellings or more.

6.4 What S106 Planning Obligations might be sought?

6.4.1 Although this list is not exhaustive, on sites of 500 dwellings or more, obligations could be sought in relation to:

- The on-site provision of land within the development to accommodate identified education and school facilities, including early years centre provision. It is expected that fully serviced land will be provided by the developer at nil cost to the city council;
- In certain circumstances it may be more appropriate to have the facility at an alternative location off site. In such circumstances, where more than 50% of need for infrastructure is generated by the proposal, a proportionate financial contribution to purchase the land or provision of the land as an in-kind payment will be required;

- The construction or funding of the identified facilities. Consideration will be given, where appropriate, to the developer building the required infrastructure to an agreed specification; and,
- Contributions to secure the necessary provision of new school places. This includes the provision of children’s centre places, early years places, primary education places, secondary education places and post-16 education places.

6.4.2 It is acknowledged that any financial contribution towards education infrastructure will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for sites of 500 dwellings or more to meet their education requirements on-site.

6.5 Provision Requirements

6.5.1 The number of pupils living on a new development is usually linked to the size of dwellings proposed. In general terms, the larger the dwelling (number of bedrooms) the greater the number of pupils there is likely to be.

6.5.2 The ‘child yield multipliers’ that will be used in Peterborough to calculate the expected number of children and school places are derived from the Peterborough School Organisation Plan 2013-18, which is based on the number of school places per 100 dwellings and is shown in the table below.

Table 4 - Child Yield Multiplier

Child Yield	Number of Bedrooms				
	1	2	3	4	5+
Places per 100 dwellings	1	2	3	4	5+
Pre School Age	0	2	3	4	5
(0-3 year olds)	0	10	35	65	90
Primary School age (4-10 year olds)	0	5	25	45	60
Secondary School age (11-15 years old)	0	0	5	10	15
Post-16	1	2	3	4	5+

Source: Peterborough School Organisation Plan 2013-18, April 2013

6.5.3 The table below converts the data from the above child yield table, to simplify interpretation when considering development from a dwelling based perspective.

Table 5 - Dwelling Multiplier

Dwelling Multipliers	Pre-school	Primary	Secondary	Post-16
1 bed dwelling	0	0	0	0
2 bed dwelling	0.02	0.1	0.05	0
3 bed dwelling	0.03	0.35	0.25	0.05
4 bed dwelling	0.04	0.65	0.45	0.1
5+ bed dwelling	0.05	0.9	0.6	0.15

Source: Peterborough School Organisation Plan 2013-18, April 2013

6.5.4 At the outline application stage if the detailed housing mix is not known, the following guideline will be used for the purpose of calculations, until the detailed information becomes available:

Table 6 - Assumed mix of bedrooms

No. of Bedrooms	Assumed Mix %	Example of a 500 dwellings scheme
1	12	60 dwellings
2	24	120 dwellings
3	44	220 dwellings
4	16	80 dwellings
5+	4	20 dwellings

Source: 2011 Census

6.5.5 Using the above guidance it is possible to calculate the number of education places required for the development proposal. The availability of spare capacity at near-by facilities should be discussed with the city council before converting the number of school places required into facility requirements, using the following guidance.

6.6 Primary Education

- 1FE Primary School (210 places), with Early Years provision and offering extended school services, will require, in general, a 1.2 hectare site;
- 2FE Primary School (420 places), with Early Years provision and offering extended school services, will require, in general, a 2.0 hectare site; and,
- 3FE Primary School (630 places), with Early Years provision and offering extended school services, will require, in general, a 2.8 hectare site.
(FE= Forms of Entry)

6.6.1 The city council will consider requests for primary schools which meet the above guidance, taking into account existing spare capacity of near-by schools, planned expansions and other planned residential development.

6.7 Secondary Education

6.7.1 For new or expanding secondary schools/ academies, the guideline that will be used is taken from the DfE recommended standards for total site area within DfE Building Bulletin 98 'Briefing Guide for Secondary School Projects' and set out below:

Table 7 - Secondary School Site Areas

School Size	DfE Minimum Area (Ha)	DfE Maximum Area (Ha)
4 FE	5	6
5 FE	6	7
6 FE	7	8
7 FE	8	9
8 FE	9	10
9 FE	10	11

School Size	DfE Minimum Area (Ha)	DfE Maximum Area (Ha)
10 FE	11	12
11 FE	12	13
12 FE	13	14

6.7.2 The city council will consider requests for secondary schools within the above range, taking into account existing spare capacity of near-by schools, planned expansions and other planned residential development.

6.8 Post-16 Education

6.8.1 The city council now also has the responsibility for commissioning the provision of post-16 education and is tasked with establishing any additional or revised pattern of provision that may be required as a result of major developments. The city council does not support the provision of facilities providing fewer than 150 places. The new Commissioning Plan for Post-16 provision will form the basis for calculating any necessary developer contributions on a case by case basis.

6.9 Indicative Costs for Buildings

6.9.1 An indicative cost for school building provision is tabled below:-

Table 8 - Indicative build costs

Facility Type and Size	Cost of Building*
2 FE (420 place) Primary School	£6.5m
5 FE (750 place) Secondary School	£18m
Community Room for 48 place Pre- School	£0.75m
Children's Centre	£0.75m

Source: Peterborough School Organisation Plan 2013-18, April 2013 - Figures shown are for 2013/14 (* - Assumes fully serviced land will be provided by the developer at nil cost).

6.10 Conclusion

6.10.1 As stated, Planning Obligations for education will only be sought in relation strategic residential sites of 500 or more dwellings, subject to pooling restrictions and the Regulation 122 tests. The commentary in the above paragraphs are helpful, but only a starting point, for negotiations on education contributions on sites of 500 or more dwellings.

7. Affordable Housing

7.1 Introduction

- 7.1.1 The Core Strategy's vision recognises the need for marketability, social integration and housing types in both the rural and urban areas that match the needs and aspirations of existing and future residents in terms of affordability and sustainability.
- 7.1.2 'Affordable housing' is a term that incorporates a range of housing need types and accommodation types. It is inclusive of affordability needs and the specialist needs of the elderly, young persons and those with mental health and/or physical impairment issues for those persons or households who are unable to access such accommodation without financial assistance.
- 7.1.3 The [Peterborough Housing Strategy 2011 to 2015](#)¹¹ and Strategic Housing Market Assessment (SHMA) quantify the local needs and the policies to support social integration, improve the existing housing stock and set out the housing priorities to contribute towards the key strategic aims of the local authority.

7.2 What can be funded by CIL?

- 7.2.1 In line with the CIL Regulations CIL will not be charged on affordable housing. The Regulations also rule out the use of CIL for the provision of affordable housing.

7.3 Delivery of affordable housing via Planning Obligations

- 7.3.1 Core Strategy policy CS 8 Meeting Housing Need seeks to meet the pressing need for new affordable housing, and thereby ensure the delivery of a wide choice of high-quality homes to create sustainable, mixed and balanced communities. This includes securing planning obligations to deliver affordable homes.

7.4 When will S106 Planning Obligations be sought?

- 7.4.1 Only a Local Plan policy can set the thresholds in terms of how much and what sites will affordable housing be sought. The current Local Plan policy, CS8, seeks the provision of affordable housing from residential developments of 15 dwellings or more, whether new build or conversion. In such cases, qualifying developments will seek provision, through negotiation of 30% of the dwellings as affordable homes.
- 7.4.2 Contributions for affordable housing will not be required from care / nursing homes or student accommodation, where occupation is restricted by Planning Conditions or legal agreements to such uses. Provision for affordable housing will be required from sheltered and supported housing schemes, recognising the requirement to meet the housing needs of all sections of our communities.
- 7.4.3 The artificial sub-division of sites resulting in applications below the threshold, or developments at densities below that which is reasonably appropriate to the site, will not be acceptable.

¹¹ <http://www.peterborough.gov.uk/pdf/env-cc-Housing%20Strat1.pdf>

7.4.4 If a development scheme comes forward which does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent second development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then if the combined total of dwellings provided by the first scheme and the second or subsequent scheme provides 15 or more dwellings, then the affordable housing thresholds will apply cumulatively. The precise level of affordable housing to be provided will be 'back dated' to include the first scheme.

7.4.5 For example, if permission is granted in year 1 for 10 dwellings. In accordance with Core Strategy Policy CS8, nil affordable housing provision is required. All 10 dwellings are built in year 2. In year 6, a second application is received for an adjacent site for a further six dwellings. For affordable housing purposes, this second application is assessed in combination with the first application. As such, the total number of dwellings is 16 and thus meets the affordable housing threshold set out in policy CS8. Therefore, four affordable homes will be required for the second application. Development viability will be assessed on the entire scheme (i.e. both application sites), not the second site in isolation.

7.5 Involvement of Registered Providers (RP)

7.5.1 The council strongly prefers all on-site affordable housing provision to be provided in conjunction with a Registered Provider (RP). They can secure effective and long-term management of the affordable housing, as well as ensuring the benefits of 'stair casing' (when occupiers purchase an additional % of a shared ownership house) are recaptured and recycled into alternative affordable housing provision.

7.5.2 Developers are encouraged to work in collaboration with the council and a RP (typically selected by the developer as the preferred partner) to deliver affordable housing on any particular site.

Eligibility

7.5.3 Affordable housing units must be allocated to people in genuine housing need. People registered on the Peterborough Choice Based Letting Scheme will be eligible for affordable housing provided through the planning system. Priority for affordable home ownership will be given to existing social housing tenants and serving military personnel, in accordance with Government policy. The council will keep this situation under review and adjust affordable housing requirements accordingly if a change in affordable need arises.

7.6 Financial considerations

On-site provision

7.6.1 It is important for developers to have a clear understanding of the likely financial impact of the affordable housing contribution in advance of acquiring land or making a planning application.

Off-site provision or commuted sums

7.6.2 Core Strategy Policy CS8, which is supported by paragraph 50 of the NPPF, only allows for off-site provision or commuted payments *in lieu* of on-site affordable housing where

the developer can 'demonstrate exceptional circumstances which necessitate provision on another site, or the payment of a financial contribution (of broadly equivalent value) to the council to enable some housing need to be met elsewhere'.

Calculating the contributions (off-site commuted sums)

- 7.6.3 Calculation to commuted sums for affordable housing will be dealt with by the Council's S106 team on a case by case basis. Please contact planningobligations@peterborough.gov.uk for further information on how these contributions will be calculated.

7.7 Pre-application discussions

- 7.7.1 As discussed in section 4.2.2 the council strongly encourages pre-application discussions with regard to Planning Obligations including affordable housing.

8. Lifetime Homes and Wheelchair Homes

8.1 Introduction

8.1.1 The Peterborough Housing Strategy recognises the need to provide homes for all segments of society, including households with physical and / or mental disabilities, and elderly households with varying care needs. Producing a precise model of need and requirement, which also reflects economic and institutional change, makes long-term planning a challenge. The Peterborough SHMA is the vehicle to do this. It has highlighted a long term need for housing that offers flexibility for a households long-term changing needs. Lifetime homes and Wheelchair Homes offer a recognised approach to help meet such needs.

8.2 Types of facilities that may be required

8.2.1 Core Strategy policy CS8 Meeting Housing Needs requires that on all development sites on which :-

- 15 or more dwellings are proposed, 20% of the dwellings will be constructed to Lifetime Homes Standards, until such time as the construction of all dwellings to that standard becomes a mandatory part of the national Code for Sustainable Homes.
- 50 or more dwellings are proposed, there will be an additional requirement to provide 2% of the dwellings as Wheelchair Homes.

8.3 What can be funded via CIL?

8.3.1 CIL will not be used for the provision of lifetime homes or wheelchair homes.

8.4 Delivery of Lifetime Homes and Wheelchair Homes

8.4.1 The delivery of Lifetime Homes and Wheelchair Homes should be considered as part of the design process and incorporated into the planning application. These requirements will normally be dealt with by way of a planning condition to reinforce the normal design / development requirements.

8.4.2 Contributions for Lifetime Homes and / or Wheelchair Homes will not be required from care / nursing homes or student accommodation, where occupation is restricted by Planning Conditions or legal agreements. Contributions for Lifetime Homes and / or Wheelchair Homes will be required from sheltered and supported housing schemes, recognising the requirement to meet the housing needs of all sections of our communities.

8.5 Provision Requirements and Indicative Costs

8.5.1 Lifetime Homes should be built to the Lifetime Homes Standards (revised standards of July 2010). Currently all homes built to level 6 of the Code for Sustainable Homes will be built to meet the Lifetime Homes criteria.

8.5.2 'Wheelchair Homes' should be designed and built in accordance with the Housing Corporation Scheme Development Standards, 2003 or The Wheelchair Housing Design Guide (WHDG), by Habinteg, 2006.

9. Primary Health Care

9.1 Introduction

9.1.1 The [Peterborough Local Commissioning Group](#)¹² (LCG) provides a network of primary care facilities and services throughout the city. The council recognises the social benefits of the provision of excellent primary healthcare facilities to the community. New residential developments put pressure on existing health facilities and cumulatively create the need for additional facilities and services. In order to cope with pressures arising from the growth of the city, new investment will be needed in a number of primary care facilities.

9.1.2 Core Strategy policy CS5 (Urban Extensions) recognises the need to make provision for an appropriate amount of (amongst other things) health facilities to meet local needs without having unacceptable impact on the vitality and viability of existing centres.

9.2 Types of facilities that may be required

9.2.1 An indicative range of primary health care services and facilities that may be required, includes:-

- Primary Care: GP services;
- Intermediate Care: Day places and beds;
- Acute facilities: elective, non-elective and day care beds;
- Mental Health Services.

9.2.2 Primary health care provision is constantly changing in terms of commissioning and delivery, and with it a changing range and scale of facility needs. For this reason, the list above is at best indicative. The LCG, or any successor NHS body will assess the impact of the development and indicate the service or facility requirements.

9.3 What can be funded by CIL?

9.3.1 Healthcare facilities required as result of new development, except for healthcare requirements directly related to strategic sites of 500 dwellings or more, could benefit from CIL funds.

9.4 When will S106 Planning Obligations be sought?

9.4.1 Planning Obligations will only be sought in relation to new residential developments of 500 dwellings or more, where:

- New premises/facilities are required as a result of the increased needs arising from the development;

¹² <http://www.cambridgeshireandpeterboroughccg.nhs.uk/Peterborough>

- Current facilities are inadequate for the additional users, in terms of their quality or accessibility for users (based on accepted NHS standards) and therefore need to be improved or extended in order to meet the needs of the development; and/or,
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

9.5 What S106 Planning Obligations might be sought?

9.5.1 The city council and health care partners will take into account existing spare capacity, planned expansions or losses, ease of access and adequacy of near-by facilities; and other planned residential development. This will be done on a case by case basis.

9.5.2 The following are options where obligations might be sought:

- Free, serviced land contributions or a financial contribution to purchase the land will be required as a minimum for the erection of appropriate primary health care facilities;
- In certain circumstances a financial contribution towards the delivery of the required infrastructure may be appropriate.
- If appropriate, consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners;
- In certain circumstances it may be more appropriate to have the facility at an alternative location off site. In such circumstances, where more than 50% of need for infrastructure is generated by the proposal, a proportionate financial contribution to purchase the land or provision of the land as an in-kind payment will be required.

9.5.3 It is acknowledged that any financial contribution towards healthcare infrastructure will be subject to the pooling restrictions imposed by Regulation 122 of the CIL Regulations 2010 (as amended). This emphasises the need for residential sites of 500 dwellings or more to meet their healthcare requirements on-site.

9.6 Provision Requirements and Costs

9.6.1 Requirements will vary with each development. The need for on-site development is dependent on the viability, proximity and capacity of other health infrastructure. This assessment will be made by the LCG, or any successor NHS body. Strategic planning of health services and infrastructure may identify a particular development site as a preferred location for a health facility to serve the development alone or including a wider area than the development itself.

9.6.2 It is likely that health service provision will involve a range of services that can be delivered most cost efficiently and effectively from a shared facility, enabling build cost savings to be made too.

9.6.3 It is recognised that facilities and needs will vary greatly and costs will therefore vary accordingly. For this reason Planning Obligations will be negotiated on a case by case basis.

9.7 Conclusion

- 9.7.1 Planning Obligations for healthcare requirements will only be sought in relation to strategic residential sites of 500 or more dwellings, subject to pooling restrictions and the Regulation 122 tests.

10 Crematorium and Burial Grounds

10.1 Introduction

10.1.1 To address the long-term burial needs of the city's population, the council has identified that the capacity of the existing burial grounds will be exceeded by 2023, i.e. before the end of the plan period.

10.1.2 The council is currently seeking a new site of approximately 10ha to accommodate and make provision for the long-term needs, with a capacity of 15,000 burial spaces and associated facilities to accommodate the different expectations and requirements of a diverse community. The cost of providing the 15,000 grave facility is estimated at £1.158m. By 2026, it is calculated that a second chapel at the city crematorium will also be required to provide sufficient capacity, and is estimated to cost in the region of £2.62m.

10.2 What can be funded by CIL?

10.2.1 Requirements for crematoria and burial grounds arising as a result of new development could be funded by CIL.

10.3 When will S106 Planning Obligations be sought?

10.3.1 Following the adoption of the CIL Planning Obligations will not be used to secure crematoria and burial grounds.

11 Site Drainage & Flood Risk Management

11.1 Introduction

11.1.1 Peterborough city lies just a few metres above sea-level and some of the rural parts of the council's administrative area lies below sea-level, making the area particularly vulnerable to the effects of flooding. The key challenges relate to potential development in flood risk areas, and surface water runoff caused by development in times of heavy rainfall, by already saturated soils. Surface water drainage is a particular issue, for example, in the Padholme area of Peterborough where a strategic flood protection strategy has been put in place, which development in the area has made contributions to.

11.1.2 Core Strategy policy CS22 Flood Risk states that development site proposals need to be informed by an upfront sequential test; an exception test where required; and an appropriately detailed site specific flood risk assessment.

11.1.3 Detailed guidance is made available in the [Flood and Water Management SPD](#)¹³ which supports Core Strategy policies CS12 and CS22; and Planning Policies PP16 and PP20.

11.2 Types of facilities that may be required

11.2.1 Measures identified by a flood risk assessment as being needed to enable development and mitigate or manage existing flood risk are likely to be site specific and most likely secured by planning condition.

11.2.2 Surface water flood risk on-site should be managed using sustainable drainage systems such as swales, filter drains, detention basins and green roofs. From 6 April 2015 it is 'the government's expectation that sustainable drainage systems (SuDS) will be provided in new developments, as part of the planning system, wherever this is appropriate'. Planning policy relating to major development is to be amended to ensure that SuDS are put in place and the city council, and other LPA's, are expected to use Planning Conditions and Planning Obligations to make sure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

11.2.3 One of the options that will be available to developers is that the city council may offer to adopt their SuDS. This would require a commuted sum to support the cost of maintenance. There will also be other maintenance options open to developers such as working with the local water company and these may require different conditions or Planning Obligations.

11.2.4 Features related to water supply such as rainwater harvesting provide additional benefit to development sites and are encouraged from a water efficiency perspective. However, such features cannot be considered to be part of the sustainable drainage systems that will be adopted by the council. This is because they are temporary in nature, and often integral to the design of building(s) on site, which will not be adopted as part of the SuDS.

¹³ <http://www.peterborough.gov.uk/pdf/env-wm-FWMSPD%20adopted%20Dec12.pdf>

11.3 What can be funded by CIL?

11.3.1 Strategic flood risk management schemes could benefit from CIL funds. Such projects have been established in the past as a means of enabling land development (Padholme Strategic Flood Management Scheme) and others may arise in the future. For example, within the city centre it may be necessary to develop a strategic level flood protection scheme to enable the development potential of a number of city centre sites (identified within the Peterborough City Centre DPD) to be unlocked.

11.4 When will S106 Planning Obligations be sought?

11.4.1 S106 planning obligations will only be sought in relation to the development, where flood, drainage and water management schemes are required both on-site and/or off-site as a direct result of the proposed development. On-site schemes will generally be secured by planning condition. For situations where Planning Conditions alone are insufficient to secure the required infrastructure or scheme, it may be necessary to utilise a S106 planning obligation.

11.5 What S106 Planning Obligations might be sought?

11.5.1 For off-site schemes that are directly related to the development site, the city council may require developers to provide a financial contribution towards the delivery of the required infrastructure, subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). If appropriate, consideration will be given to the developer building the required infrastructure to an agreed specification in consultation with appropriate partners.

11.5.2 An obligation might also be sought to secure the necessary maintenance regime to preserve the effectiveness of the scheme, where this involves the council in some way (e.g. the council has agreed to adopt the Scheme on completion and approval of its functionality and specification standards).

12 Non-Strategic Open Space

12.1 Introduction

12.1.1 Core Strategy Policy CS19 - Open Space and Green Infrastructure makes it clear that “all new residential development will make appropriate provision for, or improvements to, public green space, indoor and outdoor sports facilities and play facilities” and “Where the scale of a proposed development would be too small to make the provision of open space on-site feasible, the council will seek contributions towards the provision of open space elsewhere or to the improvement of existing open spaces, in accordance with Developer Contributions policy CS13”.

12.1.2 The [Peterborough Open Space Study](#)¹⁴ 2011 Update takes account of the planned growth of the city to 2026, together with the current shortfall of open space provision by type, across the district, and identifies target areas for future provision or improvements.

12.2 Types of facilities that may be required

12.2.1 Planning Policies DPD, Policy PP14 and Appendix B, set out the standards of open space provision required from new development.

12.2.2 Non-strategic open space includes the following categories:

Table 9 - Non-Strategic Open Space Requirements

Non-Strategic Open Space types for which on-site provision may be required (via S106)
Doorstep outdoor play space (or LAP's –Local Areas of Play)
Junior outdoor play (or LEAP's)
Youth outdoor play space (NEAP's)
Neighbourhood Parks
Allotments
Natural greenspace
Playing pitches / outdoor sports
Amenity greenspace

(A glossary of the above open space types is provided at Appendix D)

12.3 What can be funded by CIL?

12.3.1 CIL will not be used to fund the provision of non-strategic open space.

12.4 When will S106 Planning Obligations be sought?

12.4.1 S106 Planning Obligations may be sought in relation to non-strategic open space provision on all residential development where non-strategic open space provision is required as a direct result of new development.

¹⁴ <http://consult.peterborough.gov.uk/file/2159584>

12.5 What S106 Planning Obligations might be sought?

12.5.1 Planning Obligations could be sought in relation to:

- As a first principle, the city council expects developers to provide non-strategic open space on-site in accordance with the Local Plan policy and the size thresholds outlined in Table 10 below. The land and any equipment will be provided by the developer and must be in appropriate condition for the intended purpose;
- In certain circumstances it may be more appropriate to make provision at an alternative location off site. In such circumstances, a proportionate financial contribution to purchase land, or provision of the land as an in-kind payment, will be required, together with contributions to make the land and any equipment in a condition for its intended purpose;
- Off-site provision may be in the form of an appropriate enhancement or expansion of an existing open space facility(s), within a reasonable proximity of the development. In such circumstances, a proportionate financial contribution towards the provision will be required;
- Where only partial provision can be met on-site, the developer may be expected to make a proportionate financial contribution towards the provision of off-site open space to redress the on-site; and,
- An obligation may also be required for the future maintenance of the open space - where this involves the council in some way. For example, where the council has agreed to adopt the open space on completion, and approval of its functionality and specification standards.

12.5.2 It is acknowledged that any financial contribution towards non-strategic open space will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for all sites to meet their non-strategic open space requirements on-site.

12.6 Provision Requirements and Indicative Costs

12.6.1 Policy PP14 Open Space Standards and Appendix B of the Planning Policies DPD sets out the quantitative standards for non-strategic open space. These can be converted to indicative costs as outlined in Table 10 below.

12.6.2 Standards should not be simply added together to generate a total requirement for open space. This is because it can be possible to provide some open space types within the boundary of another. For example, a neighbourhood park may contain one or a number of the other open space types such as a LEAP, NEAP, allotments and amenity greenspace. This is reflected in the table below as a '15% discount'.

12.6.3 In recognition of this and in order to provide some guidance, the city council will apply a 15% discount to the requirement values. In cases where it can be demonstrated through an on-site scheme that the requirement can be met more effectively and efficiently, the council may accept a lower land take.

Table 10 Open Space Provision Requirements (excluding land and maintenance)

Non-Strategic Open Space types for which on-site provision may be required	Ha per 1,000 persons	M ² per person	M ² Per Dwelling*	Cost of Provision £/M ²	£ Per Dwelling*
Doorstep outdoor play space (or LAP's –Local Areas of Play)	No standard	No standard	No standard	No standard	No standard
Junior outdoor play (or LEAP's)	0.031	0.31	0.8	£62.95	£48.39
Youth outdoor play space (NEAP's)	0.0117	0.117	0.3	£62.95	£18.16
Neighbourhood parks	1.49	14.9	36.7	£42.29	£1550.10
Allotments	0.28	2.8	6.9	£30.78	£212.01
Natural greenspace	1.0	10	24.6	£15.65	£384.99
Playing pitches / outdoor sports	1.0	10	24.6	£46.01	£1131.85
Amenity greenspace	No standard	No standard	No standard	No standard	No standard
Total	3.81	38.13	93.9		£3,345.5
Minus 15% discount	3.24	32.4	79.8		£2,843.7

Based on average household size of 2.46

- 12.6.4 The city council will take into account existing open space provision, capacity, accessibility and condition within the area, along with other planned provision for the area, when interpreting the open space standards and requirements. Ideally, pre-application discussion or negotiation as part of the planning application process can be beneficial to all in order to provide the most appropriate open space provision for the development and the wider community.
- 12.6.5 When considering the open space standards, requirements and existing provision within the area, the city council will apply the standards in a flexible manner in order to achieve the best outcome for the development, locality and city. Application of the standards in a rigid way is unlikely to be beneficial for any party, though the financial value of what is provided should remain broadly consistent with that calculated when determining the open space requirement in relation to the proposal.
- 12.6.6 When considering existing provision regard must be given to the open space standards 'accessibility guidelines' which provide an indication of what is considered to be an acceptable distance persons might travel to use such facilities. The accessibility guidelines are set out below. If accessible provision of one type of open space already exists, the council may seek to vary the composition of the open space it seeks to secure.

Table 11 Open Space Accessibility Guidelines

Non-Strategic Open Space types	Accessibility Guidelines
Doorstep outdoor play space (or LAP's – Local Areas of Play)	No standard
Junior outdoor play (or LEAP's)	450m radius

Non-Strategic Open Space types	Accessibility Guidelines
Youth outdoor play space (NEAP's)	800m radius
Neighbourhood parks	560m radius
Allotments	560m radius
Natural greenspace	300m to natural greenspace of at least 2ha
Playing pitches / outdoor sports	260m/480m radius to informal/formal outdoor sports provision respectively
Amenity greenspace	No standard

12.7 Calculating the contributions (off-site commuted sums)

12.7.1 The council's preferred approach is the provision of open space on-site. However, off-site contributions for open space provision may need to be calculated in some instances. The methodology for calculating such contributions is outlined below

- Land purchase –land purchase cost will be charged at £6/m2.
Plus
- Provision Costs - will be charged pro-rata in accordance with Table 10 costs of provision, £ per m2.
Plus
- Maintenance Costs

12.7.2 Any financial contribution agreed will be subject to the Regulation 122 tests and the pooling restrictions introduced by Regulation 123 of the CIL Regulations 2010 (as amended).

12.8 Maintenance Costs (for both on-site and off-site provision)

12.8.1 The council is normally prepared to adopt and maintain properly laid out green space, play space or playing pitches that are intended for wider public use, where these amenities are provided by the developer on-site as part of a development, and meet agreed standards.

12.8.2 This will be subject to a payment towards the future costs of maintenance by the council. This commuted sum is normally calculated for a 15 year period as a negotiated element of the Section 106 agreement, calculated on the basis of costs set out in Table 12 Schedule of Landscape Maintenance Rates.

12.8.3 The Schedule of Landscape Maintenance Rates does not provide an exact match to all open space types identified in the open space standards. For example, it can be seen that the maintenance rate (15year period) for a Junior Outdoor Play Area (LEAP – 5 items) is specified, but a neighbourhood park is not. The reason for this, is that the neighbourhood park may constitute a wide range of the items set out in the Landscape Maintenance Schedule.

12.8.4 For adoption purposes, each area of open space will be assessed on a case by case basis. The actual calculation will be dependent on the composition of the open space to be assessed.

12.8.5 If the developer does not intend to offer areas for adoption, then the council needs to be assured that satisfactory alternative arrangements are in place for maintenance in the future.

Table 12 Schedule of Landscape Maintenance Rates (To be reviewed annually)

Open Space / Equipment type	Rate for 15 year period (per hectare unless otherwise specified)
Balancing Area (mainly dry pond)	£35,843.00
Balancing Area (mainly wet pond)	£31,360.00
BMX Track	£26,700.00 each
Concrete Skate Park	£81,900.00 each
Ditches - Digging	£9.54 per linear metre
Ditches - Flailing	£4.23 per linear metre
Footpaths - Hoggin	£3.26 per m2
Footpaths - Tarmac	£21.11 per m2
Formal Shrubbery	£48.93 per m2
French drain - Jetting/inspection	£5.30 per linear metre
French drain - Manhole emptying	£158.00 each
Hedges	£3,060.00 per 1000m ² of hedge face
MUGA	£35,050.00 each
MUGA Floodlit	£45,050.00 each
Open Space (conservation)	£33,599.00
Open Space (formal)	£43,681.00
Play Area LAP (3 items)	£18,600.00 each
Play Area LAP (5 items)	£38,700.00 each
Play Area LAP (8 items)	£44,450.00 each
Sports Pitch	£105,993.00
Stilling Ponds - Emptying	£95,013.00 per pond
Stilling Ponds - Hardstanding	£3.26 per m2
Stilling Ponds - Inspection/repair	£21,114.00 per pond
Swales	£87,358.00
Swales with shrubbery	£49.00 per m2
Village Pond/Open Water (over 0.05ha)	£44,798.00
Village Pond/Open Water (up to 0.05ha)	£34,720.00 per site
Woodland (existing mature)	£31,360.00
Woodland (new buffer/copse)	£27,999.00

13 Strategic Open Space & Green Infrastructure

13.1 Introduction

13.1.1 This section sets out how strategic or city wide open space requirements, identified in Table 13, will be funded.

Table 13 – Strategic Open Space Requirements

Requirements
Country Parks
Synthetic Turf Pitches
Family Play Spaces
Strategic Green Infrastructure

(A glossary of the above open space types is provided at Appendix D)

13.1.2 Core Strategy Policy CS21 - Biodiversity and Geological Conservation promotes the management of biodiversity in light of the threats and opportunities arising from climate change. This will include, for example, the provision of wildlife corridors and stepping stones which will be essential for the migration, dispersal and exchange of wild species, all contributing to the creation and effective functional green grid across Peterborough.

13.1.3 This approach is also promoted through the Planning Policies DPD, notably policies PP15 Nene Valley, PP16 - The Landscaping and Biodiversity Implications of Development, and, The Peterborough Flood and Water Management Supplementary Planning Document.

13.1.4 The Peterborough Green Grid Strategy¹⁵ sets out a proposed range of strategic level initiatives, projects and opportunities which helpfully illustrates the 'what, when and where' of multifunctional green infrastructure locally.

13.1.5 The Peterborough Open Space Study 2011 Update takes account of the planned growth of the city to 2026 and the current shortfall of open space provision by type across the district, and identifies target areas for future provision. The study has informed the open space standards.

13.2 Types of facilities that may be required

13.2.1 Strategic space includes country parks, synthetic turf playing pitches and family play areas (all of which are identified as elements of the Planning Policies Open Space Standards). Each type is described below:-

- Country Parks** –The identified areas for country park provision are Hampton /Haddon and North/North East of Peterborough urban area. The Hampton/Haddon area already has an area of land identified and referred to as the Crown Lakes country park, though its qualitative credentials do not yet align with the Natural England Country Parks Accreditation Scheme (NECPAS) criteria. The CIL could be used to enhance this existing provision to meet NECPAS criteria, in the south of the

¹⁵

city and to purchase land or seek long-term land stewardship agreements to secure provision in the north/north east of the city;

- **Synthetic Turf Pitches** – the Open Space Study 2011 identified need for two facilities, with target areas being Hampton /Haddon and Stanground College or Orton Bushfield area;
- **Family Play Space** – the Open Space Study 2011 identified a shortfall of seven family play spaces across the district, if the policy standards were to be met;
- **Strategic green infrastructure** - This relates to wider strategic level projects which aim to establish or enhance habitat corridors or connectivity, sometimes across districts and counties, to redress or balance the cumulative impacts of growth on existing habitats (loss, damage or erosion over time). Strategic green infrastructure should provide where possible multifunctional uses, i.e. wildlife, recreational and cultural experiences, as well as delivering ecological services, such as flood protection and microclimate control.

13.3 What can be funded by CIL?

13.3.1 Strategic Open Space may be funded in whole or in part by CIL.

13.4 Use of Planning Conditions

13.4.1 Ecological mitigation including avoidance, mitigation and compensation will be secured through planning condition to reinforce the policy requirements.

13.5 When will S106 Planning Obligations be sought?

13.5.1 Planning Obligations will not be used for the creation or expansion of strategic outdoor open space and off-site green infrastructure.

14 Indoor Sports Facilities

14.1 Introduction

14.1.1 The council does not have a specific planning policy standard for indoor sports facilities, other than as covered by the generic policy CS12 – Infrastructure in the Peterborough Core Strategy DPD 2011. Nevertheless, the Peterborough Sports Strategy 2009-2014 identified a number of priority areas to be addressed in terms of indoor sports facility provision and this strategy is due to be updated in 2015/16.

14.2 Types of facilities that may be required

14.2.1 Please refer to the latest version of the Peterborough Sports Strategy which can be found on the council's website – www.peterborough.gov.uk

14.2.2 Swimming pools - Peterborough residents have less access to swimming pools than residents in the nearest neighbouring authorities. The level of accessible swimming pool provision is also below the industry standard.

14.3 What can be funded by CIL?

14.3.1 Indoor Sports facilities required as a result of new development, that are not directly related to sites of 500 dwellings or more, could benefit from CIL funds.

14.4 When will S106 Planning Obligations be sought?

14.4.1 Planning contributions will only be sought in the form of S106 Planning Obligations on sites of 500 dwellings or more where site specific opportunity / impact arises, and the obligation accords with the statutory tests for Planning Obligations and pooling restrictions imposed by the CIL Regulations 2010 (As amended).

14.4.2 The most up to date Peterborough Sports Strategy will inform what may be appropriate contributions.

15 Community Buildings

15.1 Introduction

- 15.1.1 Community buildings are multipurpose buildings for the community to use. Community halls are important to both rural areas and residential neighbourhoods and meet a local need in an ever changing society.
- 15.1.2 Community buildings can come in many forms and are increasingly multi-functional spaces that can be a hub for the local community. These spaces need to provide easy and open access for the community, for a range of local activities and increasingly for community services, such as social activities, sports and recreation activities, arts activities, local democratic engagement and educational activities.
- 15.1.3 Demand for community buildings generated by new development should be catered for within easy reach of the new homes, by requiring developers to contribute towards the improvement of an existing building or the provision of a new one.

15.2 Types of facilities that may be required and thresholds

- 15.2.1 Community buildings can come in a range of forms and styles. Provision of 50-100m² for a community room within a building may be appropriate in some cases. However, as a basic guide, a multi-purpose community building will minimally comprise of a main hall with toilets and kitchen. The main hall will provide a space of at least 7m (H) x 9m (W) x 16.4m (L), plus toilets and kitchen – approx. floorspace 200m².
- 15.2.2 Where new developments consist of more than 1,000 dwellings, consideration of the need and opportunity to provide additional space for a separate meeting/activity room(s) would be appropriate.
- 15.2.3 The city council will consider the needs derived from the development, taking into account the existing capacity, proximity and quality of near-by facilities.
- 15.2.4 Requirements will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. Provision requirements will be dealt with on a case by case basis.

15.3 What can be funded by CIL?

- 15.3.1 Community facilities required as a result of new development that are not directly related to sites of 500 dwellings or more could benefit from CIL funds.

15.4 When will Planning Obligations be sought?

- 15.4.1 Planning Obligations for community facilities will only be sought in relation to new residential developments of 500 or more dwellings, where;
- New community buildings are required as a result of the need arising from the development;

- Current facilities are inadequate for the additional users, in terms of their quality or accessibility for users and therefore need to be improved or extended in order to meet the needs of the development;
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

15.5 What S106 Planning Obligations will be sought?

15.5.1 Planning Obligations will be required in a number of forms as outlined below, taking into account specific site requirements.

- Free, serviced land or a financial contribution to purchase land will be required as a minimum for the erection of appropriate facilities;
- The city council, with appropriate partners, will negotiate with prospective developers with a view to securing the necessary community buildings and fit-out needs for the development;
- A financial contribution towards the delivery of the required infrastructure may be required;
- Consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners.

15.5.2 It is acknowledged that any financial contribution towards community facilities will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for residential sites of 500 dwellings or more to meet their community facility requirements on-site.

16 Libraries, Museums and Life Long Learning

16.1 Introduction

16.1.1 New residential developments put pressure on existing library, museum and life-long learning services. It is reasonable to expect developers to contribute towards the costs of such infrastructure where the need arises directly from the development. Indeed, to cope with pressures arising from the growth of the city, further investment will be needed in existing libraries and potential additional library provision.

16.1.2 The council and Vivacity (the organisation responsible for managing many of Peterborough's cultural and leisure facilities, such as libraries, on behalf of the council) seek to provide a network of well stocked local libraries throughout the city, with the Central Library at the hub and two mobile library vehicles providing an outreach option.

16.2 Types of facilities that may be required

16.2.1 The provision of library and museum services may require the provision of a fitted out building, or suitable mobile transportation vehicle. Such services could be provided within a building used for other community uses, in a co-located fashion, providing a suitable and appropriate environment can be created for each of the uses.

16.3 What can be funded by CIL?

16.3.1 Libraries, museums and life-long learning facilities required as a result of new development, which are not directly related to sites of 500 dwellings or more, could benefit from CIL funds.

16.4 When will S106 Planning Obligations be sought?

16.4.1 S106 Planning Obligations will only be sought in relation to new residential developments of 500 dwellings or more, where;

- New premises/facilities are required as a result of the increased needs arising from the development;
- Current facilities are inadequate for the additional users, in terms of their quality or accessibility for users (based on accepted PCC standards) and therefore need to be improved or extended in order to meet the needs of the development;
- Inadequate alternative funding is available to provide the additional facilities or services required as a result of the development.

16.5 What S106 Planning Obligations might be sought?

16.5.1 The council, with appropriate partners, will negotiate with prospective developers with a view to securing the necessary library and life-long learning facility and fit-out needs for the development. Planning Obligations will be required in a number of forms as outlined below, taking into account specific site requirements.

- Free, serviced land or a financial contribution to purchase land will be required as a minimum for the erection of appropriate facilities;

- A financial contribution towards the delivery of the required infrastructure may be required;
- Consideration of the developer building the required infrastructure to an agreed specification will be considered on a case-by-case basis in consultation with appropriate partners.

16.5.2 It is acknowledged that any financial contribution towards library, museum or life-long learning facilities will be subject to the pooling restrictions imposed by the CIL Regulations 2010 (as amended). This emphasises the need for residential sites of 500 dwellings or more to meet their provision requirements on-site.

16.6 Provision Requirements

16.6.1 Requirements will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. Provision requirements will be dealt with on a case by case basis.

16.6.2 Where library, museum and life-long learning facilities are delivered they must be offered to the city council or vivacity (and/or contracted partner) for adoption. In the event of the council being unable to consider adoption, this requirement will revert to the parish council. Should the city council not be in a position to agree to the adoption, developers must submit a proposal to the council detailing how a Trust shall be set up for the new community to ensure appropriate future maintenance measures are put in place.

17 Public Realm

17.1 Introduction

17.1.1 The City Centre Plan aims to create a vibrant, mixed-use centre that is alive during the day and at night and supports growth elsewhere in Peterborough. This will incorporate, amongst other things, improvements to the public realm and establishment of the Cathedral Square as a community hub and meeting point.

17.1.2 Some of the planned public realm works have been implemented in the past few years, enhancing the city centre for all users. Further works, identified in the Peterborough Public Realm Strategy are programmed for the future in Long Causeway, Westgate, Riverside, Midgate, Queensgate & North Westgate and the Station Quarter areas of the city centre.

17.2 Types of facilities that may be required

17.2.1 Delivery of public realm projects is mainly about improvement works such as surfacing and street layouts, street lighting and street furniture and hard and soft landscaping works. There will also be occasion where public realm master planning is required.

17.3 What can be funded by CIL?

17.3.1 Public Realm infrastructure required as a result of new development could benefit, in whole or in part, from CIL funds.

17.4 What S106 Planning Obligations might be sought?

17.4.1 Following the adoption of CIL, the council will not seek to secure Planning Obligations for public realm projects.

18 Waste Management

18.1 Introduction

- 18.1.1 Both the Waste Management Plan for England (2013) and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (Adopted July 2011) include policies encouraging all forms of new development to be designed and constructed in such a way as to minimise the production of waste, maximise the re-use of materials, and maximise the use of recycled materials; and to facilitate, by provision of adequate space and facilities, the ongoing recycling and recovery of waste as may arise from the completed development proposal. This includes the design and construction of single buildings through to whole communities in the form of urban extensions and new villages.
- 18.1.2 The Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS16 Household Recycling Centres and CS28 Waste Minimisation, Re-Use and Resource Recovery provide the policy basis for seeking contributions towards the provision of household recycling centres, bring sites and residential waste storage containers.
- 18.1.3 New developments should make provision for waste storage, collection and recycling in accordance with RECAP Waste Management Guide SPD16 (adopted February 2012). The document provides guidance on the design and provision of waste management infrastructure within a development's design, a toolkit to facilitate self –assessment of needs against standards. Many of these matters will be addressed as part of the design and dealt with by planning condition where necessary. The RECAP SPD also sets out a basis for Planning Conditions and /or Planning Obligations.

18.2 Types of facilities that may be required

- 18.2.1 The three main waste management infrastructure types sought through the above policy and guidance are:-
- Residential waste storage containers;
 - Bring Sites; and,
 - Household Recycling Centres.
- 18.2.2 Other forms of waste management infrastructure may also be required to support the growth of the city in a more sustainable way. These may include city-wide facilities such as materials recovery facilities (mechanical or biological), composting facilities, and energy from waste facilities where these are operated by or on behalf of the city council.

18.3 What can be funded by CIL?

- 18.3.1 Waste management infrastructure required as a result of new development, which is not directly related to sites of 500 dwellings or more, could benefit from CIL funds.

¹⁶ <http://www.peterborough.gov.uk/pdf/RECAP%20SPD%20web.pdf>

18.4 When will S106 Planning Obligations be sought?

18.4.1 S106 Planning Obligations for waste infrastructure will only be sought in relation to sites of 500 dwellings or more. However, relevant Planning Conditions may be imposed on all development schemes of any size.

18.5 What S106 Planning Obligations might be sought?

18.5.1 The city council will seek to negotiate an area of land / areas of land provided by the developer (at no cost to the Local Planning Authority / Waste Planning Authority), or conditions towards acquiring such land, sufficient in size to allow the creation and operation of new facilities, for

- Household Recycling Centres; (c 2.5ha) and,
- Bring Sites.

18.6 Provision Requirements

18.6.1 Requirements will vary with each development, based on design issues and the existing capacity, proximity and quality of near-by facilities. Provision requirements will be dealt with on a case by case basis.

19 Environment Capital (Carbon emissions reduction)

19.1 Introduction

19.1.1 Peterborough's ambition is to be the UK's Environment Capital. This includes putting in place the relevant infrastructure to support this ambition.

19.1.2 Another important aspect for such a rapidly growing city is to ensure growth is sustainable in all senses of the word. Core Strategy policy CS10 Environment Capital provides the means to encourage and deliver in this respect by requiring,

“All development proposals of one dwelling or more, and other non-dwelling proposals concerning 100 square metres or more, should explicitly demonstrate what contribution the development will make to the Environment Capital agenda over and above that which would be required by the Building Regulations in force at the time, other development plan policies or any other consents as required through regional and national legislation.”

19.2 Types of infrastructure that may be required

19.2.1 Core Strategy policy CS10 Environment Capital provides a number of examples of how developments may contribute to the Environment Capital agenda. Some of these are highlighted below in order to provide an indication of what is sought: -

- Achieving a greater reduction in carbon dioxide emissions than that required by national Building Regulations;
- Achieving a sustainability rating that results in higher levels of performance against the Code for Sustainable Homes of BREEAM;
- The use of innovative resource efficiency measures, which aim to minimise demand for water, energy or other natural resources beyond that which would normally be required or expected; and,
- Creation of areas of high biodiversity or other green infrastructure, beyond that which would normally be expected or required via other policies in the development plan.

19.2.2 The council will seek to secure this contribution to the environmental capital agenda on-site via Planning Conditions through design requirements.

19.3 What can be funded by CIL?

19.3.1 CIL will not be used to deliver Environment Capital infrastructure.

19.4 When will S106 Planning Obligations be sought?

19.4.1 In the event that a contribution to the environment capita agenda cannot be secured via Planning Condition, a Planning Obligation may be required. This will be subject to that Planning Obligation satisfying the statutory tests for Planning Obligations and pooling restrictions imposed by the CIL Regulations 2010 (as amended).

19.5 What S106 Planning Obligations might be sought?

19.5.1 Developer contributions to the environment capital agenda will normally be secured via Planning Conditions. In the event a Planning Obligation is used this will be negotiated on a case by case basis.

20 Other Potential Development Specific Requirements

20.1 What may be required via Planning Obligations?

20.1.1 Sections 4 to 19 may not represent all possible Planning Obligations requirements that may be applicable to any individual development. The precise circumstances of each development will be different and there therefore may be additional development specific requirements, such as mitigation measures, that may be needed to address the impact of individual developments. Such requirements by reason of their nature will need to be assessed on a site by site basis. The list below sets out some additional potential Planning Obligations that may be applicable, depending on the individual circumstances and constraints of the development site and the nature of the proposed development.

20.1.2 This list is not exhaustive, but provides examples.

- Emergency services;
- Impacts on the historic environment;
- Nature conservation mitigation measures;
- Pollution/air quality mitigation measures;
- CCTV.

21 Implementation of the SPD

21.1 Negotiation/Viability

- 21.1.1 Planning Obligations, like CIL, are a necessary cost of development and it will be expected that the likely cost of obligations, including the cost of affordable housing provision, will be factored into development from an early stage. The council has tested the viability of development as part of the preparation of the CIL charging schedule. The viability assessments tested the impact of the proposed CIL rates, alongside Local Plan policies and Planning Obligations on development. The results of these residual land value development appraisals produced land values that would still incentivise landowners to make their land available for development, even with additional headroom that is not relied on in practice.
- 21.1.2 The costs incurred in delivering a workable, high quality development should be anticipated and reflected in the price paid for land and will not normally reduce the ability of a site to provide the required Planning Obligations.
- 21.1.3 Anticipated costs will include affordable housing, site clearance and remediation, good quality, design measures, landscaping, noise and other environmental attenuation measures, and appropriate infrastructure provision. Price paid for land may not be a determining factor if too much has been paid or historic land values or developer profit margins are being protected at the expense of required planning contributions.
- 21.1.4 However, there may be exceptional circumstances where development proposals are unable to meet, in full, the policy requirements of the Development Plan. If the Applicant can demonstrate, to the satisfaction of the council, that the scheme cannot be fully compliant and remain financially viable, the council may consider a reduced level of contributions in one or more areas.
- 21.1.5 In order to determine such applications the applicant is required to submit an 'open book' viability assessment to the council. In all cases, the council requires viability assessment to be undertaken using a residual land value approach. The applicant should use the Homes and Communities Agency Development Appraisal Tool or an equivalent well recognised appraisal tool, to be agreed with the council in advance of the assessment. The viability assessment will need to address the fundamental issue of whether an otherwise viable development is made unviable by the extent of the Planning Obligations and CIL requirements.
- 21.1.6 The schedule of information to be provided as part of a Financial Viability Assessment on any development scheme can be found at Appendix B.
- 21.1.7 Once submitted, the viability assessment will be considered and assessed by the city council. Occasionally, it may be considered appropriate for complex schemes to appoint an independent viability advisor with reasonable costs to be borne by the applicant. Commercially sensitive information will be treated in due confidence, however it may be necessary to report the key issues and broad conclusions to elected members at the time of their consideration of the planning application.
- 21.1.8 Where the applicant fails to demonstrate that a reduced level of contributions should be applied or that the level of Planning Obligations that the development can viably support cannot mitigate the impact of the proposed development, then the planning application is likely to be recommended for refusal.

21.2 Process

21.2.1 The council's Section 106 template will be updated from time to time as appropriate to reflect the development plan. Where a Section 106 agreement is required, applicants will be expected to enter into Section 106 agreements in the form indicated in the template and in a timely manner, and to ensure that all parties with interests in the land, including charges, will join in the agreement before making the application.

21.2.2 The applicant will be expected to provide Heads of Terms reflecting the requirements in the template, the obligations outlined in this SPD, and reflecting all parties with interests in the relevant land.

Appendices

Appendix A

Approach for S106 Agreements / Unilateral Undertaking's

1. Introduction

- 1.1 Where it is agreed that it will be necessary to secure Developer Contributions via a S106 Planning Obligation (in the form of a S106 Agreement or Unilateral Undertaking) then a draft 'Heads of Terms' must be submitted with a planning application. Prior to submitting a Draft Heads of Terms, developers will need to consider a range of factors that influence contributions. The city council's Local Plan and supporting documentation is the primary source of information setting out the requirements of new development in Peterborough. The process for agreeing Developer Contributions involves a series of steps, set out in Table below, that are designed to ensure that the process is as swift and transparent as possible.

2. Legal and Monitoring Processes

- 2.1 S106 Agreements and UUs will normally be drafted by the city council's Legal Services Team; a service paid for by applicants. Title has to be deduced to the city council and all persons with an interest in the land must be party to the agreement. The city council carries out searches to make sure there have been no new owners or mortgages in the period before completion. Agreements and UUs are registered as local land charges and their provisions bind future purchasers/tenants of the site. Both draft and completed s106 Agreements and UUs may be viewed by members of the public and are in no sense confidential documents.
- 2.2 If contributions are being sought for a range of items, they will usually be addressed in a single document; however, some infrastructure is provided by outside agencies, for example, electricity and water. Their requirements may occasionally be set out in separate documents, but to save time and costs a combined S106 Deed is usually entered into.
- 2.3 Each Agreement or UU has to be entered into before any planning permission is granted. In non-appeal cases the city council seeks to issue the planning permission within one working day of completion of the Agreement or UU. In appeal cases the Agreement or UU needs to be completed before the appeal is determined by the Planning Inspectorate.
- 2.4 The council will track compliance with each provision contained in a legal agreement as a development proceeds to ensure that payment of financial contributions and completion of non-financial obligations is in accordance with the terms in the agreements. Late payment of contributions will incur additional interest charges at the rates set out in the Agreement.
- 2.5 The council will require a payment for the preparation of the legal agreement. The current minimum charge is £550.

2.6 Details regarding Planning Obligations and CIL payments will be recorded on a database. This will include what payments are due, triggers, and where/on what the funds are to be spent. Reports on the holding balances, and how the funds have been used will be made available annually within the planning authority's Annual Monitoring Report or equivalent.

3. Late Interest Payments

3.1 In the event of any delay in making any payment required under a S106 Agreement, (regardless of whether or not any formal demand for payment has been made by the council) interest shall be added to such contribution until payment is made on a daily basis at the rate of 5% per annum above the standard rate of Barclays Bank plc.

4. Triggers for Planning Obligations

4.1 Planning Obligations are normally triggered on commencement of development i.e. the date on which works to begin the development start, as defined by the carrying out of a material operation (Section 56 of the 1990 Town and Country Planning Act), but may be earlier or later e.g. upon first occupation.

5. Timing of Developer Contributions Payments

5.1 The timescale for payment of planning contributions will be set out in the Agreement. This will normally be due on commencement of development, but maybe prior to completion or first occupation. In the case of significant major development, payments may be phased to assist development viability.

6. Inflation

6.1 Unless otherwise stated to the contrary all contributions (sums payable) by the owner will be subject to increase by application of the principles of indexation. For the purpose of applying indexation the index will usually mean the Building Cost Information Service All-in Tender Price Index (TPI) (SE England excl. London) of the Royal Institution of Chartered Surveyors, however separate indices may be used for affordable housing contributions.

6.2 Indexation will commence on the date planning permission is issued and will end on the date(s) the Contributions or sums are actually paid in full.

6.3 Further detail on the above matters are set out in the S106 agreement documentation and via the council's Legal Service.

7. Use of S106 Financial Contributions

7.1 When a financial contribution is secured, the use of the funds will be stipulated in the S106 Agreement.

- 7.2** Time limits, usually ten years from the date that the contribution is paid in full (but potentially longer), for the expenditure of financial contributions will be included within the Planning Obligation agreements. After the agreed time limit, any unused contributions are returned to the developer with any accrued interest.

Appendix B

Viability

1. Principles

- 1.1** The costs incurred in delivering a workable, high quality development commensurate with local standards and expectations are to be expected and should have been reflected in the price paid for the land, and will not normally reduce the ability of a site to provide necessary developer contributions. Expected costs include affordable housing, site clearance and remediation, good quality design measures, landscaping, noise and other environmental attenuation measures, and appropriate infrastructure provision (which may include highway and public transport measures). Price paid for land may not be a determining factor if too much has been paid or historic land values or developer profit margins are being protected at the expense of necessary contributions.
- 1.2** The city council has tested the viability of development in Peterborough as part of the development of the CIL, on the basis of current conditions and taking into account the provision of 30% affordable housing with no grant provision, in line with current policy requirements.
- 1.3** Viability and deliverability issues are a reoccurring theme throughout the Core Strategy and supporting/associated documents. There is a balance to be struck between meeting all policy requirements considered necessary for achieving sustainable development and financial viability at the macro-scale.

2. The city council's approach to viability

- 2.1** A developer can easily calculate their likely CIL charge and can make a reasonable estimation for S106 Planning Obligations to address site specific impacts.
- 2.2** If developers wish to raise the viability of their development as an issue for its deliverability they will be expected to set it out in a formal submission to the city council prior to the submission of a planning application; including:
- Whether viability considerations mean that they are not able to provide the full policy requirements deemed to be necessary to be secured through a S106 (e.g. affordable housing) and the statutory CIL charges;
 - Why they consider not meeting the policy requirements should be found acceptable.
- 2.3** The assessment of this information will be considered on a case by case basis. It will involve weighing the additional benefits of a scheme (over and above for example the delivery of a development per se) compared with the degree of harm resulting from potential under-provision or delayed provision of infrastructure (including affordable housing). This will assist the city council in reaching a decision on whether or not the

benefits of the scheme outweighs the general principle that planning permission should be refused unless policy requirements are met.

3. Viability Assessments

3.1 If the principle that a reduction or deferral of contributions (including affordable housing) may be appropriate and has been discussed with the city council, then the developer will need to submit a viability assessment.

3.2 An evidential approach to viability and benefits is required and the city council will not consider possible policy compromises simply on the basis of generalised arguments about the economy at large. What matters is the specific development economics of the scheme and an informed view as to what policy requirements can and cannot be reasonably and fairly afforded and the benefits of progressing on that basis. This allows for a fair and even-handed approach.

3.3 The following additional guidance on viability assessments should be adhered to:

- Provision of financial information about the scheme will be on an “open book” basis;
- Developers should provide the following as part of their viability assessment:
 - Electronic version of the viability assessment in the form of the Homes and Communities Agency supported Development Appraisal Toolkit (DAT). Where appropriate other viability approaches may be acceptable subject to agreement with the city council;
 - Full Build Cost Plan;
 - Market Evidence for Sales Rates – set out in a sales and marketing report, including comparables;
 - Market evidence to support Gross Development Value and the assumptions on yield and financing costs. ;
 - Market Evidence for Site Value and/or legal evidence of land purchase price;
 - Development and Sales Programme;
 - Likely CIL charge including showing payments in line with the adopted Instalments Policy.
- The basis of the valuation will be on current values and costs, including current land values, rather than historic values or the price originally paid for the land. Larger schemes with longer development periods, phasing or with later implementation timeframes are likely to require a review of costs and values part way through the development;
- Any analysis will be based on land values as set by the application of planning policy in determining the permissible scope of development, rather than on the price actually paid for the land. For this reason valuations will be done on a residual basis where the value of land is an output of the process. Arguably no allowance should be made for the original cost of purchasing the land or for payments that are contracted to be made to the landowner or third party under an existing option, conditional land sale agreement, profit share (overage) or clawback arrangement. If it is suggested that the viability of the development is comprised as a result of an allowance for these items then it will be at the discretion of the city council as to what extent, if any, obligations are amended in recognition of them;

- A Development Appraisal will follow the principle as set out below:

$$\text{Gross Development Value} - \text{Total Build Costs} - \text{Developer's Profit} = \text{Residual Land Value.}$$

- The city council may seek independent valuation advice to review the viability assessment – the cost of that advice will be met by the developer;
- Any concerns regarding viability of the development must be highlighted by the developer at pre-application stage;
- Viability assessments should also be provided at the late/final pre-application stage, just before submission of the planning application, and certainly no later than when the planning application is submitted otherwise the application will not be validated.

3.4 If the proposal involves affordable housing, the valuation assessment must assess the scheme on the basis of no grant for affordable housing. Written confirmation is also required to demonstrate grant funding is not available. Where the scheme delivers significant social benefits, special account may be taken of this in assessing the appropriate level of contribution.

3.5 The Residual Value i.e. the payment to the landowner is a variable to take into account, assuming that sufficient positive land value is required for implementation of a permission. The Residual Land Value should exceed the Existing Use Value (EUV) and any Alternative Use Value (AUV) based on an extant planning permission for that use.

3.6 The key variables to be considered include:

Value of residential sales

Independent evidence and evaluation will be required to justify the values used.

Value of affordable housing

The council will require a statement setting out the assumptions made in terms of tenure, including where appropriate rents, yields, management costs and likely/agreed levels of Social Housing Grant if any.

Commercial values

Independent evidence and evaluation will be required to justify the values used, including rents, capital values and investment yields

Build Costs

A professional build cost plan will be required, including justification from a recognised quantity surveyor. Build costs must set out the quality of construction to be adopted including, if applicable, adopting building sustainability performance measures such as the Code for Sustainable Homes or Building Research Establishment Environmental Assessment Method. Any abnormal or exceptional costs that are identified must be explained and supporting evidence provided, including quotes for the identified works.

Planning Obligations

Planning Obligations in line with this SPD should be provided for, including affordable housing in compliance with the city council's adopted policy.

Finance Costs

Including borrowing rate and period of borrowing.

Developer's Profit

The appraisal must demonstrate the percentage profit that the scheme will deliver.

Existing Use Value or Alternative Use Value

A formal valuation in compliance with the requirements of the RICS Valuation Standards (the Red Book) will be required in support of the Existing Use Value and/or Alternative Use Value.

4. Potential actions if “benefits” are identified

4.1 If the city council considers that there are benefits of approving a non-policy compliant scheme, a number of potential courses of action will be considered to both enable the development to proceed but to also ensure the early delivery of the scheme and/or to capture any enhanced value arising from improved market conditions during the course of the development. These are as follows:

4.2 Deferred timing of Planning Obligations: This option will generally be explored first before considering reducing the quantum of contributions. Options that may be considered if justified include:

- Provision of site-specific infrastructure in phases with some on commencement of development and some at a later date, related to a specified trigger point.
- Deferral of financial payments due under a Planning Obligation to a later stage of the development – however the city council will be cautious of this as it could lead to difficulties in securing the funds at a later stage in the development.

4.3 The city council will expect appropriate mechanisms to be included in the S106 agreement to provide maximum security/minimum risk to the city council in relation to securing these contributions.

4.4 Reduce quantum of Planning Obligations including affordable housing: For this option to be used, the following principles apply:

- Reductions will be the minimum necessary to make the scheme viable;
- A judgment will be made by the city council in terms of the scale of reduction required relative to the benefits of the scheme.

4.5 CIL ‘Exceptional Circumstances’ Relief: In addition to the mechanisms set out in this SPD to introduce as much flexibility into the system as is reasonably possible without compromising the ability to secure sustainable development in Peterborough, there is

specific exceptional relief offered as part of the CIL. This is a last resort option and must be in line with the regulations permitting such relief.

4.6 Mechanisms to secure early delivery: Where changes to the timing or quantum of contributions are agreed the city council will likely seek the early delivery of the scheme. These may include:

- Granting of a short life planning permission – e.g. maximum of 12 months;
- Securing commitments to commence development within a specified period of time after the granting of planning permission;
- Specifying time limits on the time allowed to complete the scheme, and/or specific phases or elements of a scheme.

4.7 Securing additional funding: To help assist with the delivery of infrastructure and affordable housing, particularly where contributions have been reduced or the timing of infrastructure delayed as a result of viability considerations, the city council will expect developers and their partners to bid for funding streams where available. The city council will be able to offer information in relation to this on request.

4.8 Mechanisms to capture any uplift in the market: Where the city council has accepted reductions in the level of contributions/affordable housing based on the current viability situation, it will expect mechanisms to be put in place that allow additional contributions to be provided later in the scheme if and when viability has improved. This is likely to take the form of overage or clawback clauses in the S106 agreement. The city council will expect any such clauses to be based on the following principles:

- Any calculations of clawback should be based on the uplift in net profit of the scheme (not gross development value);
- The “clawback” should constitute a substantial element of the additional net profit, secured as additional financial contributions and/or affordable housing;
- Clawback/overage clauses will require a re-assessment of costs and values (and validation) of the scheme near to the end of the development, at around the time that 90% of the development has been completed;
- The re-valuation will require independent assessment (such as by the District Valuer) with the cost of this independent assessment to be met by the developer;
- Any enhanced value/profit identified from the scheme should not include any input from any grant secured – such grant should be used in full for delivering the infrastructure/affordable housing that it was provided for;
- Clawback may be accepted in the form of affordable housing units rather than financial contributions;
- The amount of clawback secured will be limited to the full policy requirement for the scheme.

Appendix C – CIL Regulation 123 List

Peterborough City Council Community Infrastructure Levy Regulation 123 List of Infrastructure

The Draft Regulation 123 list, as set out below, defines which projects and/or types/sections of infrastructure that the council will, or may, fund in whole or part through CIL revenues. In accordance with Regulation 123, developer contributions to the infrastructure listed below will not be sought through Planning Obligations.

The list is not definitive, and in no order of priority, as no formal decisions have yet been taken to confirm how CIL funds will be allocated amongst the listed infrastructure types/projects. It lists infrastructure types/projects that CIL could be used to fund, subject to council priorities and the levels of available CIL funding.

The Regulation 123 List takes effect on 24/04/2015.

Infrastructure types and/or projects that will, or may, be funded in whole or in part by CIL:

Strategic / city wide impact transport projects
(excluding specific improvements necessary to make a development acceptable in planning terms)
Education facilities*
Health facilities*
Indoor Sports and recreation facilities*
Library, museum and life long learning facilities*
Waste Management infrastructure*
Emergency services*
Strategic Open Space
Strategic flood risk management schemes
(excluding flood risk measures required to facilitate the alleviation of flood risk in relation to a development site)
Public realm
Crematorium and burial grounds
* excluding where requirements are directly related to residential development comprising 500 dwellings or more

Appendix D – Open Space Glossary

Doorstep Outdoor Play Space - DOPS (accompanied children up to 7 years of age - replacing LAPs)

These represent the base level of facility provision. The aim is to make them very accessible and therefore within easy reach of accompanied young children.

Because of the basic requirements, these facilities might be located on a wide range of open spaces that also serve other purposes. Parks and many existing green spaces will meet this requirement for a very local area for young children, and provision of playspace for the very young should therefore be considered in the context of the wider Open Space Strategy.

However, there are parts of the City not within easy reach of a park or green space, and there may be a need in such locations to consider LAP's.

DOPs should be within easy walking distance (5 minutes walking time from home). Wherever possible they should be located to coincide with routes and destinations for other regular trips (school, shops, parks etc). They may also be located on open space shared for other compatible recreation (such as in parks, playing fields, or general amenity space). They need to accommodate, for example, low-key games and exercise, imaginative/social play, and play with small toys. The emphasis is on encouraging younger children to be accompanied and regularly visiting whilst the parent/carer is on route to (say) school or local shops.

No minimum space specification is appropriate, subject to provision of sufficient space to allow for creative play taking into account surrounding physical constraints.

The funding and maintenance of such areas are addressed elsewhere in this Supplementary Planning Document.

Local Areas of Play (LAPs)

As above but inclusive of at least three pieces of play equipment and small low key games area with play features on approximately 50-100m².

Junior Outdoor Play Space (JOPS) (replacing NPFA LEAPs.)

These are aimed primarily at junior school children (although there should be consideration to the needs of younger accompanied children for equipped playspace). The following specification reflects evidence that most parents and many children prefer to walk further to get to better-equipped playspace as well as providing for ball and wheeled play and preferences for well-designed and landscaped play space.

Provision per population	1:2,000 people
Location	10 minutes walking time from home – straight line distance 450 m.
Target age group	Accompanied and unaccompanied seven to eleven-year-olds.

	Consideration should also be given to accompanied younger children (segregated area).
Purpose	A Junior Play Area should cater for a large range of play activity, including an area for informal ball games and/or low key wheeled sports.
Equipment/Landscaping	<p>Play area designed as per good practice guidelines and include minimum 6 differing items of traditional play equipment.</p> <p>They should also contain 'low key' casual ball play and/or wheeled sports facilities. For example:</p> <ul style="list-style-type: none"> • An informal Wheel Play facility (Max height 1m approx); • A single ended 'multi use ball games area' comprising Goal mouth; Basket/netball hoop; Cricket Stumps; rear (ball retention) wall (3m high) on a tarmac playing surface. <p>Some form of Shelter (Meeting Place) should also be provided to give some protection from rain & wind.</p> <p>For the younger users equipment included should be small-scale and appropriate for young children.</p> <p>Also to include seating for adults.</p> <p>Landscaping to maximise play value.</p>
Area	<p>Activity zone minimum of 625 sq m.</p> <p>Buffer zone 30 m between the edge of the activity zone and residential property. The buffer zone should include footpaths and planted areas. Buffer zone landscaping to include child-friendly planting (e.g. natural scent, colour and texture).</p>

Youth Outdoor Play Space (YOPS) (replacing NPFA NEAPS)

Designed specifically to meet the needs of older children and young people, reflecting their greater mobility and willingness to walk further than younger children.

Provision per population	1:8,000 people
Location	Within 20 minutes walking time from home – straight line distance 800m
Target age group	Primarily for unaccompanied and unsupervised 12-16 year-olds (some provision for younger children)
Purpose	Provides challenging and stimulating play opportunities and youth facilities

Equipment/Landscaping	<p>Play area designed as per good practice guidelines and include 2 separate Areas as below:</p> <ol style="list-style-type: none"> 1. A range of challenging and stimulating play facilities. At least 8 items (could be variously linked in multi-play units) with at least 4 items to encourage more adventurous climbing, swinging or gliding (e.g. aerial runway). 2. Hard surface floodlit Multi-Use Games Area of at least 465 sq m. and/or wheeled play facilities. <p>Landscaping to maximise play value.</p> <p>Also to include:</p> <ul style="list-style-type: none"> • Seating for adults. • Youth shelter/seating/meeting area for teenagers (well lit). <p>The site may also include additional/alternative youth facilities in line with consultation with local young people.</p>
Area	<p>Total Activity zone minimum of 1000 sq m.</p> <p>Buffer zone at least 35m from activity zone to nearest residential property (50m if formal skateboarding facilities included).</p>

Family Outdoor Play Space (FOPS)

Within the city access to Family Play Facilities is an objective of the open space standards. These cater for all age groups (young accompanied children to youth). When planning new facilities consideration must be given to accessibility from the rural areas too.

Provision per population	1:35,000 people
Location	Within 20 minutes cycle-time (3 to 4 mile straight line distance) on safe routes, links to public transport, and normally linked to a popular city wide park destination.
Target age group	Families - Unaccompanied and accompanied under 19 year-olds.
Purpose	To provide challenging and stimulating play opportunities for all age groups. Family visits.
Equipment/Landscaping	<p>Play area designed as per good practice guidelines to include 3 separate Areas as below:</p> <ol style="list-style-type: none"> 1. <i>Toddler area (under 7s)</i> - small-scale and appropriate for the age; at least 3 types of equipment; seating and dog fencing. Landscaping to maximise play value.

	<p>2. Junior area (7-11s) - minimum 6 differing items of traditional play equipment.</p> <p>Containing 'low key' casual ball play and/or wheeled sports facilities. For example:</p> <ul style="list-style-type: none"> • An informal Wheel Play facility (Max height 1m approx); • A single ended 'multi use ball games area' comprising Goal mouth; Basket/netball hoop; Cricket Stumps; rear (ball retention) wall (3m high) on a tarmac playing surface. <p>3. Over 12s area - Hard surface Multi-Use Games Area of at least 465 sq m. and/or formal wheeled play facilities.</p> <p>Landscaping to maximise play value.</p> <p>Also to include:</p> <ul style="list-style-type: none"> • Seating for adults. • Youth shelter/seating/meeting area for teenagers. • Nearby toilets and facilities for refreshments <p>The site may also include additional/alternative youth facilities in line with consultation with local young people.</p>
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Family Outdoor Play Space (FOPS) cont'd

Area	<p>Activity zone minimum of 1500m².</p> <p>Buffer zone 30 m between the edge of the activity zone and residential property. The buffer zone should include footpaths and planted areas. Buffer zone landscaping to include child-friendly planting (e.g. natural scent, colour and texture).</p>
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Allotments

Provision per population	0.28ha per 1,000
Location	Within 15 minutes walking time from home – straight line distance 560m.
Target age group	Families - Unaccompanied and accompanied under 19 year-olds. Independent adults of all ages
Purpose	For allotment gardening / community farming

Equipment/Landscaping	Fencing, road/pathways and water supply to plots.
Area	Min size approx. 0.5ha

Neighbourhood Parks

Neighbourhood Parks cater for all age groups (young accompanied children to youth).

Provision per population	1:2,500 people
Location	Within 15 minutes walking time from home – straight line distance 560m.
Target age group	Families - Unaccompanied and accompanied under 19 year-olds. Independent adults of all ages
Purpose	Formal and informal recreational pursuits for all age groups, including sitting out and walking.
Equipment/Landscaping	Landscaped area with formal and informal planting, providing a range of activities that may include outdoor sports facilities and playing fields, children’s play for different age groups.
Area	Between 1-6ha.

Appendix E

Indicative Thresholds for Transport Assessments

Thresholds based on size or scale of land use						
	Land Use	Use/ description of development	Size	No Assessment	Transport Statement	Transport Assessment / Travel Plan
1	Food retail (A1)	Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	GFA	<250 sq. m	>250 <800 sq.m	>800 sq. m
2	Non-food retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	GFA	<800 sq. m	>800 <1500 sq.m	>1500 sq. m
3	A2 Financial and professional services	Financial services – banks, building societies and bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies, other services – betting shops, principally where services are provided to visiting members of the public.	GFA	<1000 sq. m	>1000 <2500 sq. m	>2500 sq. m
4	A3 Restaurants and cafés	Restaurants and cafés – use for the sale of food for consumption on the premises, excludes internet cafés (now A1).	GFA	<300 sq. m	>300 <2500 sq.m	>2500 sq. m
5	A4 Drinking establishments	Use as a public house, wine-bar or other drinking establishment.	GFA	<300 sq. m	>300 <600 sq.m	>600 sq. m
6	A5 Hot food takeaway	Use for the sale of hot food for consumption on or off the premises.	GFA	<250 sq. m	>250 <500 sq.m	>500 sq. m
7	B1 Business	(a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) light industry	GFA	<1500 sq. m	>1500 <2500sq.m	>2,500 sq. m

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8	B2 General industrial	General industry (other than classified as in B1), The former 'special industrial' use classes, B3 – B7, are now all encompassed in the B2 use class.	GFA	<2500 sq. m	>2500 <4000 sq. m	>4000 sq. m
9	B8 Storage or distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	GFA	<3000 sq. m	>3000 <5000 sq. m	>5000 sq. m
10	C1 Hotels	Hotels, boarding houses and guest houses, development falls within this class if 'no significant element of care is provided'.	Bedroom	<75 bedrooms	>75 <100 bedrooms	>100 bedrooms
11	C2 Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	<30 beds	>30 <50 beds	>50 beds
12	C2 Residential institutions – residential Education	Boarding schools and training centres.	Student	<50 students	>50 <150 students	>150 students
13	C2 Residential institutions – institutional hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Resident	<250 residents	>250 <400 residents	>400 residents
14	C3 Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwelling Unit	<10 units	>9 <80 units	>80 units
15	D1 Non-residential Institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 sq. m	>500 <1000 sq.m	>1000 sq. m

Peterborough City Council Developer Contributions SPD – April 2015

16	D2 Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	<500 sq. m	>500<1500 sq.m	>1500 sq. m
17	Others	For example: stadium, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, taxi businesses, car/vehicle hire businesses and the selling and displaying of motor vehicles, nightclubs, theatres, hostels, builders' yards, garden centres, POs, travel and ticket agencies, hairdressers, funeral directors, hire shops, dry cleaners.	TBD	Discuss with appropriate highway authority	Discuss with appropriate highway authority	Discuss with appropriate highway authority

Thresholds based on other considerations				
	Other considerations	TS	TA	TA/TP
1	Any development that is not in conformity with the adopted development plan.			✓
2	Any development generating 30 or more two-way vehicle movements in any hour.		✓	
3	Any development generating 100 or more two-way vehicle movements per day. _		✓	
4	Any development proposing 100 or more parking spaces.		✓	
5	Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people.			✓
6	Any development generating significant freight or HGV movements per day, or significant abnormal loads per year.		✓	
7	Any development proposed in a location where the local transport infrastructure is inadequate. – for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions.		✓	
8	Any development proposed in a location within or adjacent to an Air Quality Management Area (AQMA).		✓	

Appendix F – Peterborough CIL Charging Schedule



Peterborough City Council

Community Infrastructure Levy Charging Schedule

April 2015

Peterborough City Council

Town Hall

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Peterborough City Council Community Infrastructure Levy Charging Schedule

Peterborough City Council, as the local Planning Authority, is the Charging Authority and will also be the Collecting Authority. This Charging Schedule comes into force on 24/04/2015.

Liability to Pay CIL

A chargeable development is one for which planning permission is granted and which is liable to pay CIL in accordance with the Regulations.

Schedule of Rates

Peterborough City Council is proposing to charge CIL in respect of development at the following rates:

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets*	£150		
Retail Warehouses**	£70		
Neighbourhood Convenience Stores***	£15		
All other development	£0		
All charges are £ per sq m			

* Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include the area used for sales of goods generally being above 500 sq m; the majority of customers using a trolley to gather a large number of products; the majority of customers accessing the store by car using the large adjacent car park provided; and servicing being undertaken via a dedicated service area rather than from the street.

** Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater for mainly car-borne customers. As such, they usually have large adjacent dedicated surface parking.

***Neighbourhood convenience stores are used primarily by customers undertaking “top-up” shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include trading areas of less than 500 sq m; the majority of customers buying only a small number of items that can be carried around the store by hand or in a small basket; the majority of customers accessing

the store on foot and as such there is usually little or no dedicated parking; and servicing being undertaken from the street rather than from dedicated service areas.

How will the Chargeable Amount be Calculated?

CIL charges will be calculated in accordance with CIL Regulation 40 (as amended). The chargeable amount will be equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates as set out in this charging schedule.

The chargeable amount will be index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission is granted and the year in which this charging schedule took effect.

Date of Approval

This charging schedule was approved on 15/04/2015 (tbc)

Date of Effect

This charging schedule will take effect on 24/04/2015 (tbc)

Peterborough City Council Community Infrastructure Levy Charging Zones

310,000

300,000

N

290,000

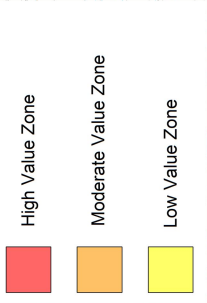
530,000

520,000

510,000

500,000

150



**Appendix E – Draft Developer Contributions SPD Statement
of Public Participation**

Peterborough City Council
Developer Contributions
Supplementary Planning Document
Statement of Public Participation

This report sets out a summary of representations received during the consultation on the Draft 'Developer Contributions' SPD together with the Council's response to these comments.

The report sets changes made to the SPD which were necessary as a result of comments received through the consultation process.

Background

The Developer Contributions SPD has been prepared to support the implementation of existing policies contained in the adopted Peterborough Core Strategy DPD 2011, the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD 2011, the Peterborough Planning Policies DPD 2012 and the Peterborough City Centre Plan 2014. In particular this SPD supports Peterborough Core Strategy DPD Policy CS13: Developer Contributions to Infrastructure Provision. The document also supports the council's Community Infrastructure Levy (CIL) Charging Schedule by clearly outlining the future relationship between CIL and planning obligations.

The Developer Contributions SPD will supersede the Peterborough Planning Obligations Implementation Scheme (adopted February 2010) which will be formally revoked at the same the SPD is adopted on 24/04/2015.

The intention is that this SPD will help all parties involved (such as the council, developers, landowners and registered providers) deliver infrastructure to support new development.

Document Production

Alongside the production of the council's Community Infrastructure Levy Charging Schedule it has been necessary to commence a parallel review of the council's procedures on planning obligations. CIL Regulations require a CIL Charging Authority to scale back existing s106 Planning Obligations to reflect the proposed CIL and ensure that there is no double charging of CIL and s106 for the same infrastructure. Regulations and Guidance also require the Charging Authority to publish its proposals for scaling back s106 Planning Obligations when consulting on draft CIL proposals, to provide certainty to the development industry and others on the total development-related contributions that will be sought.

To meet the requirements of CIL Regulations and Guidance the council published a Draft Developer Contributions SPD for consultation alongside its Draft CIL Charging Schedule consultation. The draft SPD was approved for public consultation at [Cabinet on 28 July 2014](#). The consultation ran from 9AM on 18 August 2014 to 5PM on 15 September 2014.

DEVELOPER CONTRIBUTIONS SPD – STATEMENT OF REPRESENTATIONS

As the draft SPD supports policies that have already undergone sustainability appraisal there was no further need to undertake a separate Sustainability Appraisal or Habitats Regulations Assessment for this document.

Consultation

A four-week consultation period for the draft Developer Contributions Supplementary Planning Document (SPD) took place from:

9am on 18 August 2014 to 5pm on 15 September 2014

In accordance with the Town and County Planning (Local Planning (England) Regulations 2012 and the Peterborough Statement of Community Involvement (2012) the draft Developer Contributions Supplementary Planning Document (SPD) was made available as follows.

- To all individuals / organisations / bodies whom we consider will be affected or interested in the draft SPD, were notified of the SPD and consultation via post or e-mail;
- The SPD can be viewed and downloaded from the council's website. Details of the consultation period and how to submit comments also featured on the website (http://www.peterborough.gov.uk/community_information/consultation_and_engagement/current_consultations.aspx);
- A press release regarding the SPD consultation was released;
- Hard copies of the document were made available during the consultation:
 - At Peterborough City Council's Customer Service Centre at Bayard Place, Broadway, Peterborough, PW1 1FZ from 9am to 5pm, Monday to Friday; and,
 - At Peterborough Central Library ; Hampton Library; Bretton Library Dogsthorpe Library; Eye Library; Orton Library; Stanground Library; Thorney Library Werrington Library; and, Woodston Library.

Key Issues Raised

The council has considered all representations received during the four week consultation period and a summary the main issues raised during the consultation period together with a council response to these issues is attached at Appendix A.

The planned adoption of the Developer Contributions SPD will take place at a meeting of the council's Cabinet on 7 April 2015. The SPD will take effect on the same day as the council's CIL Charging Schedule, 24/04/2015.

Appendix A - Draft Planning Obligations SPD – Statement of Public Participation

Respondent	Rep number	Section / para	Summary of Representation	Representation Council Response	Change to SPD
Natural England	001	Whole Document	Support. Overall, Natural England is satisfied that the Peterborough Developer Contributions SPD considers the natural environment and specifically notes that the following key environmental areas are covered: the natural environment, wildlife corridors, open space, green infrastructure and climate change with a variety of development management policies. Protecting and enhancing natural resources is a key challenge of delivering the growth required to meet the needs of communities, business and infrastructure.	Support noted.	No changes necessary.
Highways Agency (Roger Chenery)	002 (DCSPD1)	Whole Document	Thank you for the opportunity to comment on this draft document. I am pleased to see that Appendix E makes it clear that direct transport issues are to be funded directly by the development and CIL contributions may be expended by Peterborough City Council on remaining transport issue and other matters elsewhere.	Support noted.	No changes necessary.
Kate Day	003 (DCSPD2)	Section 4 Table 4	I am concerned that the CIL contributions appear to be focussed on City wide projects where I understand that under the April 2013 Amendment put limitations on the use of pooled planning obligations requiring that 15% of CIL funds receipted to be passed to the Parish Council for CIL liable development incurring within the Parish. (Rising to 25% for areas with a Neighbourhood Development Plan.	Noted. The neighbourhood element referred to will be passed on to Parish Councils in accordance with the CIL Regulations 2010 (as amended). It will be spent in consultation with the community in non-parished areas in accordance with the CIL	No changes necessary.

				Regulations 2010 (as amended).	
Anglian Water	004	Para 2.3.5 & para 4.3.1	<p>Thank you for consulting Anglian Water on the Peterborough Community Infrastructure Levy Draft Charging Schedule.</p> <p>Anglian Water are fully supportive of Policy CS12.</p> <p>With regards to paragraphs 2.3.5 and 4.3.1, I would just like to set out the mechanism for funding for sewerage infrastructure.</p> <p>In general, wastewater treatment infrastructure upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan.</p> <p>Network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991. The cost and extent of the required network improvement are investigated and determined when we are approached by a developer and an appraisal is carried out. There are a number of payment options available to developers. Options include deducting the revenue that will be raised from the newly connected dwellings (through the household wastewater charges) over a period of twelve years off the capital cost of the network upgrades. The developer then pays the outstanding sum.</p> <p>Anglian Water offers a pre planning service which includes a capacity check to determine the impact of sewerage from a proposed development. We will also work with the developer or land owner during this process to develop foul and surface water (where applicable) drainage solutions</p>	Support and comments noted.	No changes necessary.

DEVELOPER CONTRIBUTIONS SPD – STATEMENT OF REPRESENTATIONS

			<p>which will not cause a detriment to our existing or future customer. We would encourage the prospective developer to contact us at the earliest convenience to discuss drainage proposals to serve the development. Details regarding this service can be found at http://www.anglianwater.co.uk/developers/pre-planning-service-.aspx</p>		
English Heritage	005	20	<p>Thank you for consulting English Heritage on this draft SPD. The SPD is very relevant to Peterborough’s historic environment, as the document could help to secure the repair, management and enhancement of historic features and sites. The inclusion of the historic environment as an area where contributions can be made will help to strengthen and enhance the character and appearance of Peterborough.</p> <p>We therefore welcome reference to the historic environment in paragraph 20.1.2 as an example of where planning obligations could be sought. It would be helpful if the SPD could contain a bit more information on what is meant by "impacts on the historic environment", as this could include restoration and enhancement of heritage assets as well as management and investigation of heritage assets (particularly archaeological).</p> <p>Elements of the historic environment may be covered under some of the other topic areas of the SPD, such as public realm, green infrastructure and transport.</p>	Comments noted. Impacts on the historic environment will be defined on a case by case basis.	No change necessary.
DLA on behalf of O & H properties		Whole Document	<p>We acknowledge that this document will be used by both the Local Planning Authority and developers as a tool to calculate and negotiate developer contributions to secure “site-related” infrastructure, either through “on-site” contributions or via a commuted sum.</p>	Comments noted. It will not be possible to provide indicative costs for all types of infrastructure	No change necessary.

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			<p>To date, developer contributions for strategic development have been delivered through s106 agreements, supplemented by the Council’s Planning Obligations Implementation Scheme (POIS) (Feb 2010). POIS sets out the Council’s starting point for the negotiation of planning obligations but operates complementarily with the s106 mechanism to ensure that timely delivery of on-site supporting infrastructure is orchestrated by the developer either in response to certain triggers within the permission and/or at such time that is considered appropriate to add value to serviced development parcels. The Council’s POIS will be revoked at the same time as the Peterborough CIL is adopted. Following which, CIL will become the main mechanism used to secure certain planning contribution types and s106 planning obligations will continue to be used to secure other contribution types.</p> <p>Critically, all eligible developments will be expected to pay the fixed CIL charge that the development would levy, as well as any necessary “site-specific” S106 obligation sought to make a proposed development acceptable.</p> <p><i>S106 Tests</i> It is understood that generally, “Development Specific” infrastructure, that is, local site-related transport requirements and site specific contributions such as those towards education, health, sports and community are delivered through the use of planning obligations, and that all remaining infrastructure, likely to be at a city wide, strategic scale will be funded, in whole or in part, through CIL. Infrastructure items that are eligible for CIL funding are set out in the Council’s Regulation 123 List.</p>	<p>requirements. Applications will be dealt with on a case by case basis.</p> <p>Public Realm projects will not be secured via planning obligation.</p>	
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		<p>Turning to Developer Contributions, you will be aware that the provisions of any Section 106 Agreement must comply with Regulation 122 of the Community and Infrastructure Levy Regulations (2010). Regulation 122 makes it clear that a planning obligation must be:</p> <ol style="list-style-type: none"> 1. Necessary to make the development acceptable in planning terms; 2. Directly related to the development; and 3. Fairly and reasonably related in scale and kind to the development. <p>It is therefore important that the content of the Developer Contribution SPD is fit for purpose, in that it seeks to promote an approach to S106 Agreements that accord with the requirements as set out above. Critically, this is to ensure sufficient information in relation to the types of infrastructure, that may be required to make a development acceptable, and the scale of the contribution that may be required, so all requests for such contributions are necessary, directly and fairly and reasonably related in scale and kind to the development proposed. In addition to which, the SPD should set out the sources that have been relied upon to calculate the assumed target level of contribution.</p> <p><i>Comments on the Draft SPD</i> There are a number of common infrastructure topics within the SPD for which supporting documentation is referenced to help evidence the type of contribution that might be sought by the Council. In some topic areas, these are also supported by indicative costs, and although we do not seek to comment on the appropriateness or otherwise of the specific infrastructure cost assumptions, contained therein,</p>		
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			<p>their inclusion nonetheless, provides a helpful starting point for negotiations.</p> <p>There are however a number of infrastructure topics for which supporting and/or evidential information is lacking, such areas include Section 14: Indoor Sports Facilities, Section 15 Community buildings, Section 17: Public Realm and Section 18: Waste management. We would suggest the inclusion of indicative costings of contributions supported by information in respect of the assumptions relied upon to calculate such contributions. This approach would ensure that the SPD is effective in meeting the tests as set out above.</p> <p>We would also point out that Section 17: Public Realm should exclude reference to contributions towards Public Art. The National Planning Practice Guidance clearly states that contributions towards such a provision do not meet the relevant Regulation 122 test.</p>		
Sport England		<p>Whole document</p> <p>Para 14.2.2</p>	<p>Sport England is generally supportive of this document, however we would like to make the following specific comments:</p> <ol style="list-style-type: none"> 1) We support the separation of non-strategic open space (for which on-site provision may be required via s106 contributions) and strategic provision (including Synthetic Turf Pitches) for which off-site provision will be required (possibly via CIL) 2) For Indoor Sports there is a reference to sports hall needs being primarily met through securing community use of school sites through the Building Schools for the Future programme (Para. 14.2.2). However, this programme was stopped by the 	Comments noted.	Any reference to the 'Building Schools for the Future Programme have been deleted.

DEVELOPER CONTRIBUTIONS SPD – STATEMENT OF REPRESENTATIONS

			government back in 2010 and cannot therefore secure the community use of school facilities.		
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Appendix F – Amendments to the Council’s Constitution

Appendix F - Consequential Amendments to the Council's Constitution Relating to the Community Infrastructure Levy

Part 3, Delegations Section 1 – Functions Reserved to Council

1.1 Policy Functions

Remove the following:

“(h) Plans and strategies which together comprise the statutory development plan (Development Plan Documents within the Local Development Framework)”

and replace with

“(h) Development Plan Documents (i.e. the ‘Local Plan’)”

Add the following:

“(n) Community Infrastructure Levy (Charging Schedule)”

Part 3, Delegations Section 2 – Regulatory Committee Functions

2.5.5 Schedule of Relevant Functions

2.5.5.1 Town and Country Planning and Development Control Functions

Implementation of the Community Infrastructure Levy	Planning Act 2008 and Community Infrastructure Regulations 2010 (as amended)
Serving planning contravention, breach of condition, stop notices or a CIL Stop Notice	Section 171C, 187A and 183(1) Town and Country Planning Act 1990 (ref sections 1, 2 and 9 Planning and Compensation Act 1991) and Planning Act 2008 and Regulation 90 of the Community Infrastructure Levy Regulations 2010 (as amended)

**Appendix G – The Community Infrastructure Levy in Peterborough
– Frequently Asked Questions**

The Community Infrastructure Levy in Peterborough: Frequently Asked Questions

April 2015

This guide is for information only and is intended to help the reader understand what CIL means in practice. It is not a policy document. The guide does not cover the entire CIL Regulations, nor does it cover the full range of development scenarios.

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The Community Infrastructure Levy (CIL) in Peterborough: Frequently Asked Questions

What is CIL?

The CIL is a new planning charge to help deliver infrastructure needed to support development of the area. In simple terms, this 'levy' means that any retail development over 100m², or any size of residential development, if it involves the creation of a new dwelling, in Peterborough will have to pay the city council a financial levy. The city council will collect the money from the liable party (usually the developer or owner) and then spend it on new 'infrastructure' which the city needs to grow sustainably. The levy must be used to support development of an area by 'funding the provision, replacement, operation or maintenance of infrastructure.'

Developers currently have to make a contribution towards new infrastructure under the council's Planning Obligations Implementation Scheme (POIS). Changes in legislation make tariff based systems such as POIS unlawful after 6 April 2015. CIL is a new mechanism for securing these funds.

What is infrastructure? Why do we need it in Peterborough?

The definition of infrastructure is included in the Planning Act 2008 but infrastructure covers a wide range of things. Common examples include: new schools, new parks, play areas, new roads and cycleways, electricity cables and water treatment works. It is essential that we provide new infrastructure at the same time as we build new housing and business development. Life in Peterborough would become very challenging if we didn't provide appropriate infrastructure.

When will the CIL come into effect in Peterborough?

The Council's CIL Charging Schedule will come into effect on 24 April 2015.

I thought the Council already charged developers?

We do, this is currently administered under the council's Planning Obligations Implementation Scheme (POIS). However changes to legislation means that POIS becomes unlawful after 6 April 2015. The Council intends to revoke its POIS SPD at the same time it adopts CIL.

Who will pay the CIL?

A development will be liable to pay CIL if:

- It is a type for which a rate has been set in the Council's Charging Schedule;
- If it is a building that people normally go into, and if on completion of the development the increases in floorspace will be more than 100 sq.m;
- It is creating one or more dwellings;
- If it involves the change of use of a building that has been out of use for a period of time, it may be liable.

Most residential and retail developments will have to pay CIL. But there are some key areas where exemptions and reliefs can apply:

- Householder development involving a standard size new house extension or garage;
- Small business developments, under 100 sq.m;
- Affordable housing;
- Some developments built by charities;
- Self-build housing or extensions;
- A change of use with no additional floorspace (if no new dwellings are created);
- Mezzanine floors of less than 200 sq.m inserted into an existing building;
- Change of use from a single dwelling to two or more dwellings;
- The development is a use or area that benefits from a £0 CIL charge.

How much will you have to pay?

It all depends on the new floorspace you provide and what the building will be used for. For every square metre of new floorspace you build that is CIL liable, you will be charged a fixed rate levy. But the levy does change depending on what type of development you build and where it is located.

The calculation involves multiplying the amount of liable new floorspace by the CIL rate for the development type and the index linked figure for the year planning permission was granted. The total is then divided by the index linked figure for the year the Charging Schedule was implemented.

The Council have developed a CIL Calculator to give some guidance as to the amount of CIL that you will be required to pay – www.peterborough.gov.uk. Please note that the calculator will only provide an approximate figure for the CIL amount payable. Detailed calculations will be carried out by the Council's S106 team in accordance with the CIL Regulations.

Who is liable to pay the levy?

The responsibility to pay the levy rests with the ownership of land on which the liable development will be situated. Although liability rests with the landowner, the regulations recognise that others involved in a development may wish to pay. To allow this, anyone can come forward and assume liability for the development.

What are the charges for Peterborough?

The charges are summarised below:

Development Type	Charging Zone		
	High	Medium	Low
Market Housing on sites of less than 15 units	£140	£120	£100
Market Housing on sites of 15 or more units	£70	£45	£15
Apartments on sites of less than 15 units	£70	£45	£15
Residential development comprising 500 or more dwellings	£0	£0	£0
Supermarkets	£150		
Retail Warehouses	£70		
Neighbourhood Convenience Stores	£15		
All other development	£0		

All charges are £ per sq m

What if existing buildings are being demolished or converted?

The gross floorspace of any existing building on the site that are going to be demolished or reused may be deducted from the calculation of the CIL liability. However, deductions can only be applied where those buildings have been in use for a continuous period of at least six months within a period of three years ending on the day planning permission first permits the development.

How will the levy rates respond to inflation?

In calculating individual charges for the levy, charging authorities are required to apply an annually updated index of inflation to keep the levy responsive to market conditions.

Can I have a worked example, please?

To illustrate what it means in practice, here are some worked examples (The following worked examples are simplified examples to illustrate approximate CIL liability, but please note the don't take account of all development scenarios or indexation – please see our website or contact planningobligations@peterborough.gov.uk in relation to specific proposals):

1. Builder Smith gets planning permission to develop 2 new dwellings on a greenfield site in Wittering (in the High Value Zone). The dwellings have a gross internal area of 125 sq.m each:

The chargeable floorspace is:

$$2 \text{ (dwellings)} \times 125 \text{ sq.m} = 250\text{sq.m}$$

The following formula can then be used:

CIL Rate (R) x Chargeable Floorspace (A)

Builder Smith will therefore have to pay a CIL charge of:

$$£140 \text{ per sq.m} \times 250 \text{ sq.m}$$

$$\text{Total CIL liability} = \text{£35,000}$$

2. Builder Jones gets planning permission to build 5 new private 3 bedroom houses in Werrington (in the Medium Charging Zone), with no 'affordable homes'. Each home has a Gross Internal Area (GIA) of 100 sq m. An existing dwelling that has been in lawful use for six months of the previous three years will be demolished.

The first step is to work out the chargeable floorspace. To work out the chargeable floorspace it is necessary to use the formula below:

$$G_R - K_R - \frac{(G_R \times E)}{G}$$

Where:

G = 500 sq. m (the gross internal area of the development)

G_R = 500 sq. m (the gross internal area of the development charged at the residential rate. This figure is the same as the above as there is only one chargeable use on the site)

E = 100 sq. m (the gross internal area of the house to be demolished)

K_R = 0 sq. m (no existing buildings are to be re-used so this figure is 0)

$$500\text{sq.m} - 0 - \frac{(500\text{sq.m} \times 100)}{500}$$

$$\text{Chargeable floorspace} = 400\text{sq.m}$$

After allowing for demolition, the net increase in floor area is 400 sq. m. The following formula can then be used:

CIL Rate (R) x Chargeable Floorspace (A)

Builder Jones will therefore have to pay a CIL charge of:

$$£120 \text{ per sq m CIL charge} \times 400\text{sq.m}$$

$$\text{Total CIL liability} = \text{£48,000}$$

3. Builder Smith gets planning permission for 30 market housing units in Wittering (in the High value zone) on a greenfield site. All developments of more than 15 dwellings should provide 30% affordable housing. Each home has a floorspace of 100 sq m.

$$\text{Total GIA} = 30 \text{ homes} \times 100 \text{ sq m} = 3,000 \text{ sq m}$$

CIL Rate (R) x Chargeable Floorspace (A)

$$£70 \text{ per sq m CIL charge} \times 3,000 \text{ sq.m}$$

$$\text{Total CIL Liability} = \text{£210,000}$$

However builder Smith has agreed to provide 30% affordable housing. He can apply for relief on the affordable housing element. To benefit from social housing relief the relevant person / organisation must be an owner of the land, must have assumed liability to pay CIL and must have submitted their claim for relief, and received the Council's determination, prior to commencing the chargeable development. In this case the Council receives a claim for 900sq.m social housing relief:

Deduct the GIA eligible for relief from the total GIA:
 Total GIA (3,000 sq.m) – the GIA eligible for relief (900 sq.m) = 2100 sq.m

Recalculate CIL liability:
 2100sq m x £70 per sq m CIL

Revised CIL Liability = £147,000

4. Builder Jones get planning permission for 16 apartments in the City Centre. All developments of 15 dwellings or more should provide 30% affordable housing.

Builder Jones will not be required to pay any CIL. Apartment developments of 15 or more dwellings are not require to pay CIL in Peterborough.

5. Builder Smith gets planning permission for 500 dwellings in Hampton. Each home has a floorspace of 100 sq.m.

Builder Smith will be not be liable for any CIL as residential developments of 500 dwellings or more have a £0 CIL rate.

Residential developments of 500 dwellings or more will continue to meet their infrastructure requirements through S106 planning obligations.

When will CIL be paid?

It all depends on when you start your development (CIL is payable on commencement of development) and how big the 'chargeable amount' is. The city council has published an Instalment Policy. The Instalment Policy is summarised below:

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

If my development is phased, when is CIL payable?

The CIL Regulations permit CIL payments to be phased where the planning permission specifies that the development will be phased. In this case, each phase will be treated as a separate CIL chargeable

development and CIL payments relating to each phase can be made in line with the Council's CIL Instalments Policy.

What happens if I don't pay CIL charges?

Unlike S106 obligations, CIL is a mandatory and non-negotiable planning charge and there are penalties and surcharges for non-payment, including the option to pay by instalment being automatically withdrawn. There are also strong enforcement powers, including Stop Notices, surcharges and prison terms.

What is the relationship between CIL and planning obligations?

Planning obligations (funding agreements between the local planning authority and the developer) will continue to play an important role in helping to make individual developments acceptable. However, reforms have been introduced to restrict the use of planning obligations.

The CIL levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission (e.g. affordable housing, local highway and junction improvements and landscaping). Therefore, there is still a legitimate role for development planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated. The Council's approach to planning obligations is set out in its Developer Contributions SPD.

If I am submitting a planning application. How can I find out more about CIL and what I need to do for my planning application submission?

For more detailed information in relation to CIL liability applicants should contact the Council's S106 team at planningobligations@peterborough.gov.uk .

Where can I get the appropriate forms?

The forms are available on the Council's website at www.peterborough.gov.uk or on the planning portal website at www.planningportal.gov.uk .

What will the council spend the money on?

CIL will pay for infrastructure to support new development such as roads, open spaces, schools and community buildings. It can be used to pay for strategic infrastructure serving a wide area, such as improvements to the parkway system or electronic traffic management systems; or it can be local infrastructure such as a community building within a village.

Some of the money we are going to devolve down to local areas to decide how they spend it.

How the money has been spent will be set out in an annual report.

The Council has published what is known as a Regulation 123 List which states what infrastructure CIL can be used to fund, in whole or in part. The Regulation 123 List is summarised below:

Strategic / city wide impact transport projects (excluding specific improvements necessary to make a development acceptable in planning terms)
Education facilities*
Health facilities*
Indoor Sports and recreation facilities*
Library, museum and life-long learning facilities*
Waste Management infrastructure*
Emergency services*

Strategic Open Space
Strategic flood risk management schemes (excluding flood risk measures required to facilitate the alleviation of flood risk in relation to a development site)
Public realm
Crematorium and burial grounds
* excluding where requirements are directly related to residential development comprising 500 dwellings or more

Tell me more about contributions being devolved to local areas

The city council is committed to passing more control and influence down to local communities, so that local communities can decide what the priorities are for spending resources.

CIL Regulations dictate that a Neighbourhood Proportion is passed on to local communities where development has taken place. This proportion to be passed on is highlighted in the table below:

CIL Revenue split	Proportion of total CIL where development has taken place
Neighbourhood Proportion – no Neighbourhood Plan	15% - capped at £100 per existing council tax dwelling
Neighbourhood Proportion - adopted Neighbourhood Plan	25% - uncapped

Unparished areas (usually wards in urban areas) will not hold CIL funds. In such areas the Council will retain the 15% - 25% of Levy receipts but will engage with the communities where development has taken place and agree with them how best to spend that neighbourhood funding.

Town and Parish Councils will be required to produce an annual report outlining their use of their share of CIL receipts.

Will CIL pay for everything?

No. We will need to secure funding from a wide range of other sources, including the private sector, government grants and from our own resources. Developers will only be asked to pay a fair share at a level they can afford.

How will CIL be monitored?

To ensure that the levy is open and transparent, charging authorities must prepare short reports on the levy for the previous financial year which must be placed on their websites by 31st December each year. These reports will set out how much revenue from the levy has been received, what it has been spent on and how much is left.

Is all this CIL process finalised then?

No CIL is an ongoing process and will be subject to monitoring and review. Further information in relation to CIL can be found on the Council's website – www.perterborough.gov.uk

Where can I find out more about CIL?

More information on CIL is available from the following websites:

- Department for Communities and Local Government - <https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>
- The Planning Advisory Service - <http://www.pas.gov.uk/pas/core/page.do?pageld=122677>

COUNCIL	AGENDA ITEM No. 10
15 APRIL 2015	PUBLIC REPORT

RECORD OF EXECUTIVE DECISIONS MADE SINCE THE LAST MEETING

1. DECISIONS FROM CABINET MEETING HELD ON 20 MARCH 2015

TRANSFORMING DAY OPPORTUNITIES FOR ADULTS UNDER 65

Cabinet received a report which followed the consultation and feedback on the proposed recommendations on day opportunities for adults under 65. The reason for the consultation was to seek the views of service users, parents/carers, staff, providers and partners on the transformation of day opportunities for adults under 65.

Cabinet reviewed the feedback received from the consultation on the proposals and its amendments for the transformation and modernisation of day services for adults under 65 and **RESOLVED**:

To approve the proposed approach of day opportunities operating effectively and effectively under the new model, namely for the City College Peterborough to manage the day opportunities.

NEW DELIVERY MODEL FOR PETERBOROUGH LIBRARY SERVICE

Cabinet received a report which requested it to consider the responses made to the consultation on the future delivery model for the library service in Peterborough and, in light of those responses, to determine the way forward in such a way as to fulfil the Council's statutory obligations.

Cabinet considered the report and responses received to the consultation and **RESOLVED**:

To approve the future delivery model for the library service in Peterborough.

CHILDREN'S SERVICES DIRECTOR UPDATE

Cabinet received a quarterly report which provided an update on Children's Services improvement.

Cabinet considered the report and **RESOLVED**:

To note the contents of the report.

2. DECISIONS FROM CABINET MEETING HELD ON 7 APRIL 2015

PETERBOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL) – DRAFT CHARGING SCHEDULE

Cabinet received a report following the Examination in Public of the Peterborough Community Infrastructure Levy (CIL) Draft Charging Schedule (PDCS). The report explained the outcome of the Examiner's report on the Peterborough CIL Draft Charging Schedule, the proposed modifications to the final charging schedule and associated policies and proposed a formal adoption date of 24 April 2015.

Cabinet considered the report and **RESOLVED:**

1. To recommend to Council that:

- A. the Examiner’s Report into the Draft CIL Charging Schedule is considered and the recommendations and conclusions that underpin them are accepted (Appendix A);
- B. the Peterborough Community Infrastructure levy (CIL) Charging Schedule (Appendix B) is adopted, with CIL to come into effect for all planning applications approved on or after 24 April 2015;
- C. the Council’s CIL Supporting Policies Document (including Regulation 123 List, Instalment Policy, Payment in Kind Policy and Statement of Exceptional Circumstances Relief) be adopted and published (Appendix C);
- D. delegated authority be given to the Director of Growth and Regeneration (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended), and (b) to take all necessary enforcement action under the Community Infrastructure Levy Regulations 2010 (as amended);
- E. Local Validation Requirements be amended to require the submission of CIL liability details from 24 April 2015;
- F. 5% of CIL is retained for the administration and governance costs incurred by the Council, in accordance with the CIL Regulations; and,
- G. The Community Infrastructure Levy is added to the Council’s Major Policy Framework and to approve the consequential Constitutional amendments resulting (Appendix F).

(as detailed within the executive and committee recommendations to Council report at agenda item 9).

- 2. To approves the Developer Contributions Supplementary Planning Document (SPD) for adoption, with the SPD coming into effect on 24 April 2015 (Appendix D); and
- 3. To revoke the Planning Obligations Implementation Scheme (POIS) SPD, effective from 24 April 2015.

3. CALL-IN BY SCRUTINY COMMITTEE OR COMMISSION

Since the publication of the previous report to Council, the call-in mechanism has been not been invoked.

4. SPECIAL URGENCY AND WAIVE OF CALL-IN PROVISIONS

Since the publication of the previous report to Council, the urgency provisions have not been invoked.

5. CABINET MEMBER DECISIONS

CABINET MEMBER AND DATE OF DECISION	REFERENCE	DECISION TAKEN
Councillor Peter Hiller 12 February 2015	FEB15/CMDN/14	<p>Award of Grant to Environment Agency</p> <p>The Cabinet Member approved the award of a grant of £34,000 to the Environment Agency (‘the Agency’) for them to use in delivering workstream one of the Werrington Brook Improvements Programme. The Agency was leading workstream one.</p>

<p>Councillor Lucia Serluca</p> <p>23 February 2015</p>	<p>FEB15/CMDN/15</p>	<p>Provision of CCTV Services</p> <p>The Cabinet Member approved the execution of a service agreement between Peterborough City Council and Cross Keys Homes Limited for the provision of CCTV services to Cross Keys Homes Limited by the Council for which the Council received payment.</p>
<p>Councillor Wayne Fitzgerald</p> <p>24 February 2015</p>	<p>FEB15/CMDN/20</p>	<p>Introduction of Respite Care Policy for Adults</p> <p>The Cabinet Member approved the introduction of a respite policy for adults who were eligible for social care services; to take effect from the date of decision.</p>
<p>Councillor John Holdich</p> <p>25 February 2015</p>	<p>FEB15/CMDN/21</p>	<p>Hampton Gardens Secondary School – Collaboration Agreement</p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> 1. Approved the Council entering into a Collaboration Agreement and associated Funding Agreement with Cambridgeshire County Council in respect of the Hampton Gardens Secondary School, subject to being within the approved budget; 2. Approved the Council entering into an Operation Agreement with Cambridgeshire County Council and Hampton Academies Trust which shall govern the relationship between the parties upon opening of the school; and 3. Authorised the Director of Governance to enter into any additional documentation considered necessary to document the partnership arrangements between the Council and Cambridgeshire County Council.
<p>Councillor David Seaton</p> <p>20 March 2015</p>	<p>MAR15/CMDN/22</p>	<p>Council Server Estate</p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> 1. Authorised the award of a contract to Arcus Global Limited to migrate the Council's server estate and purchase the required server capacity within a remote computing and web service, Amazon Web Services (AWS) for a period of two years, for up to £1,260,000; and 2. Authorised the Corporate Director: Resources to vary this Contract if, during the implementation stage, the Council had to amend its detailed business requirements. Any variation shall not increase the total Contract cost above £1,260,000.
<p>Councillor John Holdich</p> <p>24 March 2015</p>	<p>MAR15/CMDN/26</p>	<p>Nene Park Academy</p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> 1. Approved the Council entering into a lease with Cambridge Meridian Academies Trust back dated to

		<p>expire on 31 August 2136;</p> <p>2.Approved the Council to novate the design and build contract (including collateral warranties) between PCC and Kier Construction (Eastern) to Cambridge Meridian Academies Trust;</p> <p>3.Approved the Council entering into a Deed of Transfer and Release with the Big Lottery Fund and Cambridge Meridian Academies; and</p> <p>4.Authorised the Director of Governance to enter into any additional documentation considered necessary to complete the lease and novation arrangements.</p>
<p>Councillor David Seaton</p> <p>24 March 2015</p>	MAR15/CMDN/27	<p>Sale of Greenwood House</p> <p>The Cabinet Member:</p> <p>1. Noted that the Council was seeking to deliver Capital Receipts from the sale of Greenwood House, South Parade which was surplus to requirements, in order to support the Council's Medium Term Financial Plan (MTFP);</p> <p>2. Noted that officers had complied with Council rules on asset disposals and that the property was allocated for disposal in the financial year (FY)2014/15 Capital Receipts Programme; and</p> <p>3. Authorised John Harrison, Corporate Director: Resources, to delegate authority to Jonathan Lewis, Service Director – Education, People Resources and Corporate Property to negotiate terms up to £500,000 and to complete the sale of the property by private treaty or public auction.</p>
<p>Councillor Gavin Elsey</p> <p>25 March 2015</p>	MAR15/CMDN/28	<p>Street Scene Services</p> <p>The Cabinet Member:</p> <p>1. Confirmed the implementation of changes to street cleansing services provided by Amey, subsequent to Full Council's approval of a reduction of £165,000 in the budget, as follows:</p> <ul style="list-style-type: none"> · An increased use of mechanical equipment to keep the City Centre clean, which would impact upon the staffing costs. · The replacement of approximately 600 lamp post bins with larger floor mounted bins, tripling litter bin capacity. · To seek sponsorship for new floor mounted litter bins and other areas of environmental services in order to generate an income. · An investment in four new small sweepers which will enable a smaller, more efficient cleansing team, which will impact upon staff allocated to

		<p>street cleansing.</p> <p>2. Approved capital investment of £814,000 to achieve these savings, broken downs as follows:</p> <ul style="list-style-type: none"> · 4 small mechanical sweepers -£457,500; · 2 precinct sweepers - £174,750; · 1 pedestrian waste collection machine -£18,375; · 600 floor mounted bins - £163,500. <p>3. Approved an additional capital sum for Street Cleansing of £200,000 to enable further investment into making services more efficient and to help keep our city clean, delegating this budget to be held by the Corporate Director: Resources who will draw on it to make appropriate investment in new equipment.</p>
<p>Councillor Gavin Elsey</p> <p>25 March 2015</p>	<p>MAR15/CMDN/29</p>	<p>Parks, Trees and Open Spaces</p> <p>The Cabinet Member:</p> <p>1. Confirmed service changes to litter collections in the City's parks and open spaces, the maintenance in cemeteries and parks, parkway verge maintenance, grass-cutting and shrub maintenance (which are fully detailed in paragraphs 4.2 and 4.4 of this report) within the Amey contract. These service changes follow Full Council's approval of reductions in the Parks, Trees and Open spaces maintenance budget at phase 1 of £110,500 and at phase 2 of £131,500; and</p> <p>2. Approved the capital investment of £97,000 to achieve these savings broken down into the following: -</p> <ul style="list-style-type: none"> - Tractor with front and side cutting flail unit - £65,000 - Ride on Batwing mower - £32,000

<p>Councillor Wayne Fitzgerald</p> <p>26 March 2015</p>	<p>MAR15/CMDN/30</p>	<p>Section 75 Agreement Better Care Fund</p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> 1. Authorised the entering into a Section 75 Agreement with the NHS Cambridgeshire and Peterborough Clinical Commissioning Group relating to the commissioning of health and social care services as detailed within the Better Care Fund; and 2. Authorised the Corporate Director People and Communities, in consultation with the Director of Governance, to agree further changes to the S75 Agreement as required.
<p>Councillor John Holdich</p> <p>27 March 2015</p>	<p>MAR15/CMDN/31</p>	<p>Southfields Primary School Expansion</p> <p>The Cabinet Member, in consultation with the Cabinet Member for Resources:</p> <ol style="list-style-type: none"> 1. Authorised the Executive Director, Resources to approve the construction of new school buildings and the refurbishment and remodelling of existing buildings to accommodate the expansion of Southfields Primary School up to the value of the budget sum of £3.5m, subject to the Council obtaining consent pursuant to section 77 of the School Standards and Framework Act 1988. This sum shall include the anticipated design and build contract costs of and funding for Information and Communications Technology (ICT), all site surveys and project management and technical advisers fees; 2. Authorised the Council to enter into a contract with Kier Construction Limited in relation to the construction works, subject to approval of the value for money report by the Director of Governance and Executive Director, Resources (or their nominated representatives); 3. Authorised the Director of Governance to enter into any other legal documentation on behalf of the Council in relation to this matter; and 4. Authorised the Executive Director, Resources to instruct any early works required prior to financial close, up to the value of £250,000, to facilitate the installation of temporary accommodation and essential external works. The value of these works will be included in the design and build contract costs.

<p>Councillor Wayne Fitzgerald</p> <p>30 March 2015</p>	<p>MAR15/CMDN/32</p>	<p>Residential Care</p> <p>The Cabinet Member authorised the Corporate Director for People and Communities to make residential placements in care homes until 1 November 2015, subject to:</p> <ul style="list-style-type: none">i. Such placements being within the budget for the services; andii. The conditions set out in the report.
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COUNCIL	AGENDA ITEM No. 12
15 APRIL 2015	PUBLIC REPORT

MOTIONS ON NOTICE

The following notices of motion have been received in accordance with the Council's Standing Order 13.1:

1. Motion from Councillor Richard Ferris

That this Council notes the aspiration of the Council for Peterborough to become the Environment Capital of the UK, and resolves to:

- (1) ensure that all public realm works and infrastructure developments it undertakes or commissions are Carbon neutral;
- (2) develop a sustainable transport strategy which puts health improvement at its heart; and
- (3) embraces fully the 6 principles set out in its own 2006 Green Grid Strategy.

2. Motion from Councillor Nick Thulbourn

That this Council notes that social housing was transferred to partners in 2003 and the strategy of the Council has not been reviewed since.

I respectfully ask that this Council creates a cross party review of the present strategy and to consult and create a new fit for purpose strategy recommendation that reflects our changing city to enable a future proof and resilient strategy going forward.

The provision of social housing has changed significantly since 2003 and update of what social housing could and should be achieving, and delivering, is long overdue.

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COUNCIL	AGENDA ITEM. 13(a)
15 APRIL 2015	PUBLIC REPORT

LOCAL GOVERNMENT PENSION SCHEME DISCRETIONARY POLICY

R E C O M M E N D A T I O N S
FROM : Head of Human Resources
That Council agree the revised copy of the Local Government Pension Scheme (LGPS) discretionary policy (Appendix A).

1. PURPOSE AND REASON FOR REPORT

- 1.1 All employers in the Local Government Pension Scheme (LGPS) are required to formulate, publish and keep under review a statement of policy on certain discretions in the scheme. The draft revised policy includes two minor amendments arising from the annual review of the policy. The policy also includes the previously published discretions which apply to the 2008 and the 1997 regulations.
- 1.2 The 2008 discretions apply to scheme members who ceased active membership between 1 April 2008 - 31 March 2014. The 1997 discretions apply to scheme members who ceased active membership between 1 April 1998 – 31 March 2008.
- 1.3 There is no change to the 2008 and 1997 discretions that were previously in place. There are two proposed changes:-
 - I. The criteria for flexible retirement requests by employees has been set out clearly. The proposal is that the applicant should be reducing their hours by 40% or reducing their grade by two grades. The policy is clear that it is unlikely that a request will be agreed if there is a cost to the council.
 - II. The living wage award has been included on the table that details what elements of pay are pensionable and what elements are included when the employee contribution rate is being set.

2. BACKGROUND (& CONSULTATION)

- 2.1 A copy of the published policy statement must be sent to the Pension Fund administering authority. (Local Government Shared Services administer the scheme on behalf of Cambridgeshire County Council).
- 2.2 In formulating and reviewing its policy the council is required by the regulations to have regard to the extent to which the exercise of its discretionary powers could lead to a serious loss of confidence in the public service. The revised policy has been written taking account of advice from Local Government Shared Services, agreed by Corporate Management Team, and has been shared with the joint trade unions.

3. IMPLICATIONS

- 3.1 The policy allows the Council to take consistent, fair decisions when dealing with a request from a pension scheme member. The HR department respond in the first instance to all applications. The

adjudicator for the decisions is the Head of HR. The Chief Executive must approve any decisions that are outside of the agreed policy.

4. BACKGROUND DOCUMENTS

Understanding Employer Discretions and Policies – Local Government Association 17 March 2014

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

Local Government Pension Scheme Discretionary Policy – Part A (2014 scheme)

APPENDIX A

Background

The regulations of the LGPS require every employer to (i) issue a written policy statement on how it will exercise the various discretions provided by the scheme, (ii) keep it under review and (iii) revise it as necessary.

Flexible Retirement

Local Government Pension Scheme Regulations 2013 Regulation 30 (6)

Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014 Regulation 11 (2)

Peterborough City Council will consider requests from employees aged 55 or over to reduce their hours, or move to a position on a lower grade, and elect in writing to draw some or all of the pension benefits already built up. Where there is a cost to Peterborough City Council it is unlikely that the request will be agreed.

In addition the employee would need to:-

- Reduce their working week by at least 40% or
- Reduce their grade by at least two grades.

The revised pay plus standard pension must not exceed the pay prior to the flexible retirement.

Employees who have flexibly retired may not subsequently apply for positions within a Peterborough City Council employment that would result in either an increase in hours or being paid at a higher rate.

This does not preclude younger employees requesting flexible working but without the payment of their retirement benefits.

Flexible Retirement

Local Government Pension Scheme Regulations 2013 Regulation 30 (8)

Where flexible retirement is approved it is not the policy of Peterborough City Council to waive any reduction applied to the pension benefit due to the early payment.

Peterborough City Council will not waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.

85 year rule

Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014 Schedule 2, paragraphs 1(2) & 2 (2)

It is not the policy of Peterborough City Council to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 unless:-

- (i) it is to bring an earlier deferred benefit into payment following redundancy, or efficiency retirement of an existing employee from a current job in Peterborough City Council, or
- (ii) if there are compelling, compassionate* reasons to do so.

Waiving of actuarial reduction

Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014 3(1), Schedule 2, paragraph 2(1) and 2(2), B30(5) and B30A(5)

It is not the policy of Peterborough City Council to waive, on compassionate grounds the actuarial reduction applied to benefits from pre 1/4/14 membership where the employer has “switched on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

**Shared Cost Additional Pension Contributions
Local Government Pension Scheme Regulations 2013
Regulation 16 (2) (e) &
Regulation 16 (4) (d)**

It is not the policy of Peterborough City Council to contribute to a Shared Cost Additional Pension Contribution contract.

**Additional Pension
Local Government Pension Scheme Regulations 2014
Regulation 31**

It is not the policy of Peterborough City Council to grant additional pension to an active member, or within six months of ceasing to be an active member by reason of redundancy or business efficiency.

Unless an employee who would be eligible for a lump sum compensation payment under our Discretionary Compensation Policy requests that they be awarded, instead, additional pension under the LGPS regulations, which is actuarially equivalent in value to the lump sum compensation payment (in excess of the statutory redundancy payment) that would otherwise have been paid under our Discretionary policy, provided that the award of additional pension would not exceed the statutory limit.

The following discretions are not compulsory to include in the Policy Statement but are recommended to be included:

**Late application (after 12 months of joining) to aggregate two periods of membership
Local Government Pension Scheme Regulations 2013
Regulation 22 (7) and (8)**

It is not the policy of Peterborough City Council to consider allowing the aggregation of two periods of LGPS membership after twelve months of joining unless:

- (i) the scheme member has requested that investigations commence within the twelve month time limit, or
- (ii) if there is reason to believe that the individual would not have known of the need to request an investigation into potential aggregation within the twelve month time limit, and the HR &/or pension files support this
- (iii) it would have been unreasonable for the scheme member to understand that they had more than one period of service (this being particularly an issue where individuals hold multiple jobs).

**Late application (after 12 months of joining) to transfer other pension rights into the LGPS
Local Government Pension Scheme Regulations 2013
Regulation 100(6)**

It is not the policy of Peterborough City Council to consider extending the time limit for a transfer in of previous pension rights to proceed after twelve months of joining unless:

- (i) the scheme member has requested that investigations commence within the twelve month time limit, or
- (ii) if there is reason to believe that the individual would not have known of the need to request an investigation into potential transfer in of previous pension rights within the twelve month time limit, and the HR &/or pension files support this, and
- (iii) with the agreement of the administering authority.

**Calculation of pension tier
Local Government Pension Scheme Regulations 2013
Regulations 9 and 10**

The tiered contribution rate for each employee will be based on the total pensionable pay in the previous financial year.

The contribution rate will be re-assessed annually on implementation/application (regardless of when the award is made) of the annual pay award. Re-assessment will take place at any point in the year in the following circumstances:-

- Promotion
- Demotion
- Incremental progression
- Pay award
- Acting up starts/Acting up ceases
- Contractual Allowance starts/Contractual Allowance ceases
- Contractual Hours increase/Contractual Hours decrease.
- Additional hours increase or decrease or
- When there is any significant change in pay.

**Shared Cost Additional Voluntary Contribution scheme
Local Government Pension Scheme Regulations 2013
Regulation 17
Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014
Regulation 15 (1) (d)**

It is not the policy of Peterborough City Council to contribute towards a shared cost additional voluntary contributions scheme.

**Assumed Pensionable Pay
Local Government Pension Scheme Regulations 2013
Regulations 21(4)(a)(iv), 21(4)(b)(iv), 21 (5)**

Regular lump sum payments will not be included in the calculation of Assumed Pensionable Pay.

Local Government Pension Scheme Discretionary Policy – Part B (2008 scheme)

Background

The regulations of the LGPS require every employer to (i) issue a written policy statement on how it will exercise the various discretions provided by the scheme, (ii) keep it under review and (iii) revise it as necessary.

LGPS (Benefits, Membership & Contributions) Regulations 2007 Regulation 12

It is not the policy of Peterborough City Council to increase total membership.
(This decision is entirely spent after 30th September 2014 as additional pension can only be awarded to an active member or within six months of leaving under redundancy or business efficiency).

LGPS (Benefits, Membership & Contributions) Regulations 2007 Regulation 30 (2)

It is not the policy of Peterborough City Council to release pension early unless:-

- (i) it is to bring an earlier deferred benefit into payment following redundancy, or efficiency retirement of an existing employee from a current job in Peterborough City Council, or
- (ii) if there are compelling, compassionate* reasons to do so.

LGPS (Benefits, Membership & Contributions) Regulations 2007 Regulation 30 (5)

It is not the policy of Peterborough City Council to waive the actuarial reduction on early payment of pension unless:-

- (i) the payment relates to someone who is being made redundant or taking efficiency retirement from active employment with Peterborough City Council, or
- (ii) if there are compelling, compassionate* reasons to do so.

LGPS (Benefits, Membership & Contributions) Regulations 2007 Regulation 30A (3)

It is not the policy of Peterborough City Council to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60 unless there are compelling, compassionate* reasons for doing so.

LGPS (Benefits, Membership & Contributions) Regulations 2007 Regulation 30A (5)

It is not the policy of Peterborough City Council to waive on compassionate grounds the actuarial reduction applied to benefits paid early under Regulation 30 (A).

Local Government Pension Scheme Discretionary Policy – Part B (2008 scheme)

Background

There are further discretions that are not compulsory to include in the Policy Statement but that are recommended to be included:

LGPS (Administration) Regulations 2008 Regulation 22 (2)

It is the policy of Peterborough City Council to consider an extension in cases where the member of staff was not notified of their rights to pay contributions in respect of a period of absence before returning to work, or ceasing to be employed without returning to work. The extension would be for one month from the date that they were notified of their right to pay.

LGPS (Administration) Regulations 2008 Regulation 16 (4)

It is not the policy of Peterborough City Council to consider allowing the aggregation of two periods of membership after twelve months of joining unless:

- (iv) the scheme member has requested that investigations commence within the twelve month time limit, or
- (v) if there is reason to believe that the individual would not have known of the need to request an investigation into potential aggregation within the twelve month time limit, and the HR &/or pension files support this
- (vi) it would have been unreasonable for the scheme member to understand that they had more than one period of service (this being particularly an issue where individuals hold multiple jobs)

LGPS (Administration) Regulations 2008 Regulation 83 (8)

It is not the policy of Peterborough City Council to consider extending the time limit for a transfer in of previous pension rights to proceed after twelve months of joining unless:

- (iv) the scheme member has requested that investigations commence within the twelve month time limit, or
- (v) if there is reason to believe that the individual would not have known of the need to request an investigation into potential transfer in of previous pension rights within the twelve month time limit, and the HR &/or pension files support this

Local Government Pension Scheme Discretionary Policy – Part C (1997 regulations)

Background:

The following three regulations apply to those employees who left on, or who have an award of deferred benefits in respect of membership up to, a date between 1st April 1998 and 31st March 2008 (inclusive).

LGPS Regulations 1997 Regulation 31 (2)

It is not the policy of Peterborough City Council to release pension early unless:-

- (iii) it is to bring an earlier deferred benefit into payment following redundancy, or efficiency retirement of an existing employee from a current job in Peterborough City Council, or
- (iv) if there are compelling, compassionate* reasons to do so

LGPS Regulations 1997 Regulation 31 (5)

It is not the policy of Peterborough City Council to waive the actuarial reduction on early payment of pension unless:-

- (i) the payment relates to someone who is being made redundant or taking efficiency retirement from active employment with PCC or
- (ii) if there are compelling, compassionate* reasons to do so.

LGPS Regulations 1997 Regulation 31 (7A)

It is not the policy of Peterborough City Council to agree at normal retirement date to the payment of benefits resulting from an earlier opt out.

Applicable to whole document:

*Definition of compelling, compassionate reasons

- (i) The member can clearly demonstrate that they have a dependant, with a lifetime expectancy of more than twelve months, who is in need of the member's constant supervision due to a long term illness and as a result the member is suffering from severe financial hardship OR
- (ii) There is another substantial reason (not relating to caring for a dependant who is ill) where the member can demonstrate that they are facing very severe, ongoing financial hardship and will be doing so on a long term basis.

In exceptional circumstances, and only with the prior approval of the chief executive, the council may vary the terms of this policy on an individual basis.

This policy is subject to statute, regulations and council policy. The policy confers no contractual rights, and may be changed at any time as necessary. Only the version of the policy which is current at the time a relevant event occurs (to the member or deferred member) will be the one applied to that member / deferred member.

Each discretion will be dealt with independently.

TABLE DETAILING PAY THAT IS PENSIONABLE AND PAY THAT IS INCLUDED IN THE TIER DETERMINATION.

PENSIONABLE	INCLUDED IN TIER	DESCRIPTION	CALCULATION BASIS
Y	Y	Basic pay	SCP divided by 37
Y	Y	Non Contractual Overtime/Additional Hrs Plain less than 37 hours	SCP divided by 37
Y	Y	Non Contractual Overtime Plain over 37 hrs	SCP divided by 37 - pre authorised up to SCP 43
Y	Y	Non Contractual Overtime Over 37 hours	Basic pay x 1.5 - minimum element 15 minutes - SCP 26 and below only
Y	Y	Non Contractual Overtime Sundays over 37 hours	Basic pay x 2 - minimum element 15 minutes - SCP 26 and below only
Y	Y	Non Contractual Overtime Bank Holidays	Basic pay x 2 - minimum element 15 minutes - SCP 26 and below only
Y	Y	Contractual Overtime Over 37 hours Monday-Saturday	Basic pay x 1.5 - for Monday to Saturday - SCP 26 and below only
Y	Y	Contractual Overtime Over 37 hours Sunday	Basic Pay x 2 for Sunday working - SCP 26 and below only
Y	Y	Weekend Enhancement Saturdays	Basic Pay x 0.5 minimum element 15 minutes as part of normal working week
Y	Y	Weekend Enhancement Sundays	Basic Pay x 0.5 minimum element 15 minutes as part of normal working week
Y	Y	Shift Allowance (24 hrs)	Basic Pay x 21% - set up as permanent addition - SCP 26 and below only
Y	Y	Shift Allowance (More than 15 – Less than 19 hours)	Basic Pay x 14% - set up as permanent addition - SCP 26 and below only
Y	Y	Shift Allowance (More than 11 – Less than 15 hours)	Basic Pay x 7% - set up as permanent addition - SCP 26 and below only
Y	Y	Split Shift	Basic Pay x 1% - set up as permanent addition - SCP 26 and below only
Y	Y	Night Rate	Basic Pay + 1/3 - SCP 26 and below - night workers can claim weekend payments
N	N	Stand by per session	
N	N	Call Out minimum	Basic pay @ 2 hours - all employees up to SCP 49
N	N	Call Out hourly Monday – Saturday	Basic pay x 1.5 - minimum element 15 minutes - SCP 26 and below only
N	N	Call out hourly Sunday	Basic Pay x 2 - minimum element 15 minutes - SCP 26 and below only
N	N	Call out Plain	Basic pay - plain time

			paid to employees on SCP 27 - 49 All days - minimum element 15 minutes
N	N	Call out hours Bank holidays	Basic pay x 2 - minimum element 15 minutes - SCP 26 and below only
N	N	Call out hours Bank holidays	Basic Pay - plain time paid to employees on SCP 27 - 49
N	N	Call out Travelling time	Basic pay - minimum 15 minutes - maximum 0.5 hrs. - all employees
Y	Y	Acting Up Allowance	Determined rate - payable after 4 weeks regular review
N	N	Honoraria	Determined rate – one off payment
Y	Y	Market Supplement	Determined rate - regular review
N	N	Payment in consideration of loss of future pensionable payments	12 months full pay/ 6 months half pay /no pay award
N	N	Compensation (Equal Pay)	
Y	Y	All Arrears	
Y	Y	First Aid	
Y	Y	Non-consolidated allowance	Payment to raise basic pay to agreed local living wage amount or other.
To be assessed on a twelve monthly arrears basis at commencement of financial year.			

GUIDANCE NOTE ON MEMBERSHIP OF THE LGPS (not part of LGPS Discretionary policy)

The regulations state that Active members of the LGPS are:-

2.—(1) An employee of a body listed in— (a) [Chapter 1 of Part 2](#) of; (b) [Chapter 1 of Part 5](#) of; or (c) [Schedule 2](#) to the 1997 LGPS Regulations is an active member of the Scheme.

(2) But a person is not an active member unless he is employed under a contract of employment of more than three months' duration.

(3) An active member of the 1997 Scheme is an active member of the Scheme for as long as he continues in Local Government Pension Scheme employment.

MEMBERSHIP OF THE LOCAL GOVERNMENT PENSION SCHEME IS AVAILABLE TO:-

PCC EMPLOYEES

All Peterborough City Council employees providing their contract is for three months or more and they are aged less than 75 years. Membership of the Scheme is automatic, but employees have the right to opt out.

FIXED TERM CONTRACT EMPLOYEES WHO INITIALLY HAD A CONTRACT OF LESS THAN THREE MONTHS WHICH WAS EXTENDED TO MORE THAN 3 MONTHS

If the contract is extended beyond three months, membership of the Local Government Pension Scheme becomes automatic, but the employee would have the right to opt out. The date of commencement in the scheme would be from the date the contract is extended. The employee would have the option of back dating their membership commencement date to the start of the contract.

CORONER

REGISTRATION OFFICER

MEMBERSHIP OF THE LOCAL GOVERNMENT PENSION SCHEME IS NOT AVAILABLE TO:

FIXED TERM CONTRACT EMPLOYEES WITH CONTRACT OF LESS THAN 3 MONTHS

There is no pension scheme available for those employees with a contract of less than three months.

OTHER STATUTORY PENSION SCHEMES

Statute states that if a person's employment entitles him to belong to another statutory pension scheme, that employment does not entitle him to be a member of the LGPS, unless that other scheme was made under section 7 of the Superannuation Act 1972. This rule applies to:-

TEACHERS (TEACHERS PENSION SCHEME - TPS)

It is very important to note that a change to job description may result in the need to change pension scheme and this must be taken into account when teaching jobs are changed from teachers to advisors or some other non teaching role. Such a change will necessitate a change of pension scheme.

Also, whilst on secondment to a non teaching role a teacher may retain membership of the TPS but if the post is made permanent then the teacher would need to be transferred to the LGPS.

YOUTH & COMMUNITY WORKERS (TEACHERS PENSION SCHEME)

Organisers employed as a youth and community worker by a local education authority (for the purposes of their functions under section 15 or 508 of the 1996 Education Act) where employment as an organiser commenced before 1 January 1977.

Generally membership of the LGPS is not governed by the terms and conditions of employment which an employee works to but by virtue of their employer, and the type of work they undertake.

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COUNCIL	AGENDA ITEM. 13(b)
15 APRIL 2015	PUBLIC REPORT

ALTERNATIVE GOVERNANCE ARRANGEMENTS

R E C O M M E N D A T I O N S
FROM : Chair of the Alternative Governance Working Group
<p>That Council:</p> <p>(1) Agrees to defer a decision regarding an alternative form of governance until the new civic year; and</p> <p>(2) Notes that the preferred model of alternative governance is a hybrid model of executive decision making with a greater involvement of pre-scrutiny decision making (a Peterborough model).</p>

1. PURPOSE AND REASON FOR REPORT

- 1.1 On 16 June 2014 Council resolved to explore a change in its current governance arrangements. For this purpose it set up a working group to consider and report back on the options available including the move to a committee system, elected mayor or continuation of the current arrangements or a version of those arrangements.
- 1.2 The Alternative Governance Working Group reported back to Council in January regarding the exploratory visits it had made to several councils operating different models of governance and asked to defer any decision on the preferred model for Peterborough until all members had been canvassed on the proposals.
- 1.3 This report explains the preferred model of governance recommended by the Working Group but does not make any firm recommendation regarding the implementation of the new model. Given that the Council is about to enter a new civic year and that any substantive changes to the form of governance may be recommended for the Annual Council in 2016, a formal recommendation can be made to any meeting of Council in the new civic year for adoption of a new model.

2. BACKGROUND

- 2.1 Before the Local Government Act 2000, Councils took all decisions at either full council or the committee to which it had delegated that responsibility. Individual officers also had some limited delegation of responsibility.
- 2.2 The 2000 Act abolished the committee system and required all councils to adopt a new executive model of governance with either an elected mayor and cabinet, a council manager or an elected leader and cabinet.

- 2.3 Peterborough City Council has operated executive arrangements since 2001 under a Leader and Cabinet model with delegated decision making resting with the Cabinet or individual Cabinet members according to their portfolio. There is limited delegation to officers for non-key executive decisions.
- 2.4 The Localism Act 2011 allowed Councils to exercise discretion regarding their governance arrangements and Councils were therefore permitted to return to a committee system or adopt other governance arrangements.
- 2.5 Following the motion of June the Alternative Governance Working Group has met on 4 occasions, conducted 3 visits, spoke to 4 different authorities and has hosted visits from two councils and John Cade of Inlogov at the informal All Party Policy meetings.

3. THE PREFERRED MODEL OF GOVERNANCE

- 3.1 Although the Working Group did not unanimously agree on a preferred single form of governance, all members of the Working Group agreed they would not object to a form of governance based largely on a model operated at Wandsworth London Borough Council.
- 3.2 In this model the executive system of decision making is retained but all decisions are, where possible, referred to Scrutiny meetings in advance of the decision being considered.
- 3.3 The Leader and Cabinet are therefore retained, providing the leadership and focal point for the Council which many in the Working Group considered to be a primary benefit of the executive model. With the new role played by scrutiny, this new model also allows for backbench and opposition members to take part in the formulation of policy and decision making and so provides the inclusivity which other members of the Working Group considered to be the primary benefit of a new model.
- 3.4 The Forward Plan, which gives notice to the public of forthcoming meetings, will also be retained. The Forward Plan is considered to be of such benefit that some councils who have converted to the committee system have retained the Forward Plan and the concept of key decisions because of the transparency this gives to the public.
- 3.5 In the Wandsworth model, the Cabinet meets x12 per year. Scrutiny meetings are aligned to the Cabinet meeting timetable, so that all scrutiny decisions are reported to the next scheduled Cabinet meeting. The scrutiny recommendations are reported in a table of decisions with Cabinet members referring to the earlier reports submitted to the scrutiny meeting.
- 3.6 The scrutiny committees retain the powers of call-in and the right to set up task and finish groups to develop future policy, however under the Wandsworth model they are also given powers to refer any executive decision to the next council meeting for debate. The decision must still be taken by Cabinet (as any executive decision can only be made by the executive) but before any decision is made there can be a debate before all members of the council. This is called the 'reference up' procedure. So for example a recent recommendation to reduce grant funding to a voluntary sector body was referred up to Council by way of motion for debate. At Peterborough this would currently be achieved through a motion to Council or a debate on a petition under the proposed petition scheme.
- 3.7 The executive member with responsibility for the relevant service area attends the scrutiny committee to hear the matter under debate. The Cabinet member can

therefore give his views on the matter at the scrutiny meeting and later to the Cabinet meeting.

- 3.8 A flowchart demonstrating the Council's Governance Structure under the proposed model is attached at Appendix 1.

4. IMPLICATIONS

- 4.1 None at this stage as no recommendations are being made to adopt an alternative model.

5. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
None.

6. Appendices

Appendix 1 – Council's Governance Structure under proposed model.

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PETERBOROUGH CITY COUNCIL

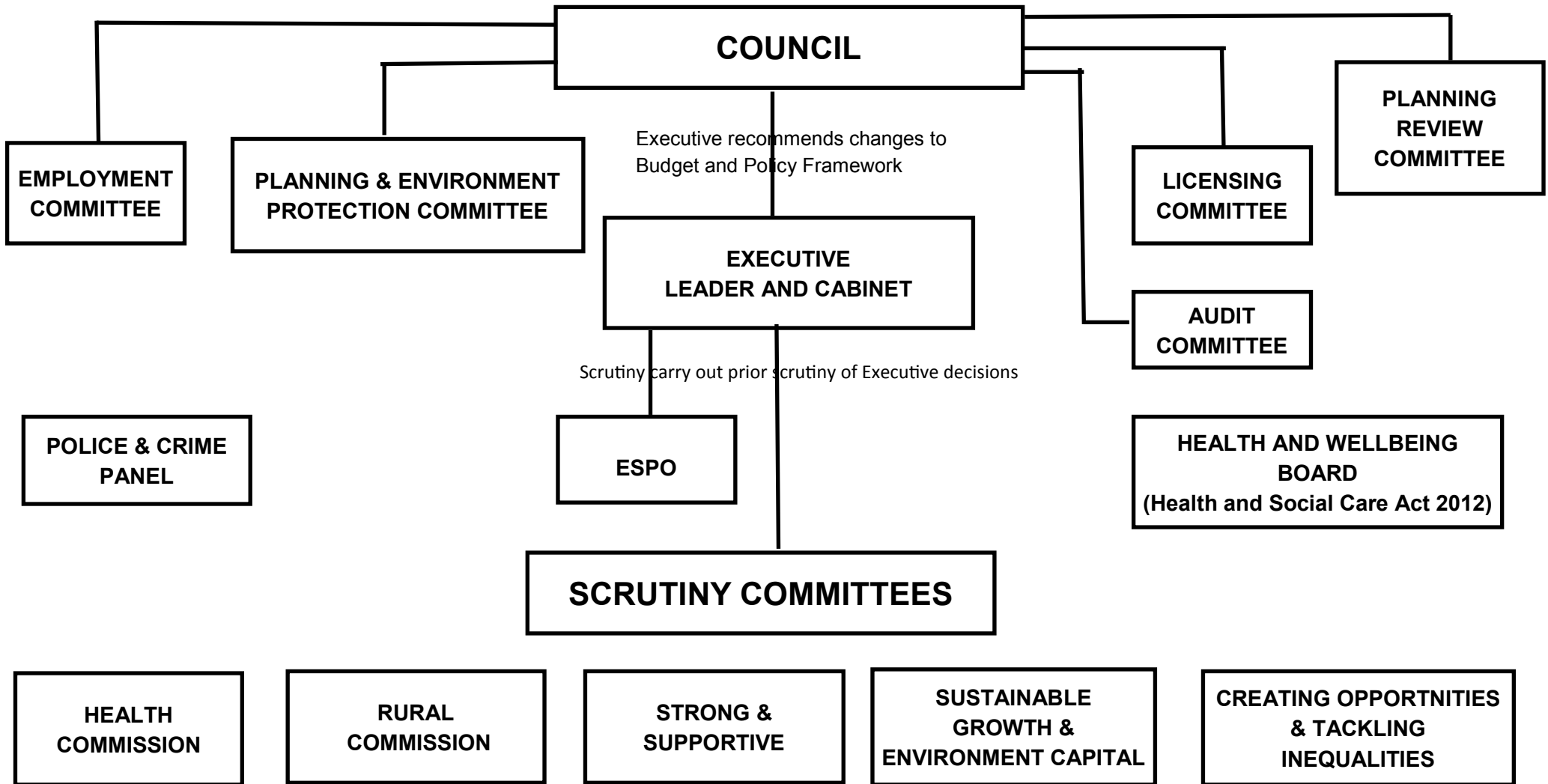
Appendix 1

LOCAL GOVERNMENT ACT 2000 (AS AMENDED)

STRUCTURE OF EXECUTIVE ARRANGEMENTS

(MEMBER LEVEL)

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COUNCIL	AGENDA ITEM No. 13(c)
15 APRIL 2015	PUBLIC REPORT

NEW CONTRACT REGULATIONS & AMENDMENT TO CONTRACT RULES

R E C O M M E N D A T I O N S
FROM : Kim Sawyer Director of Governance
That Council amends the Constitution to include revised Contract Rules following legislative changes and the Council approves the Rules to ensure appropriate oversight in the exercise of that discretion

1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to amend the Constitution following changes to the Contract Rules.
- 1.2 The Contract Rules set out how the Council ensures fair competition in letting contracts below EU threshold limits. Above EU threshold limits there are national rules regarding the letting of contracts.
- 1.3 This report explains some of the main changes to the Contract Rules. The revised Rules are set out in Appendix 1 to this report with track changes.

2. PRINCIPAL ISSUES

- 2.1 The main changes to the Rules are:

1. **Contracts Finder** – This comes into force from 1 April 2015. Where the Council advertises a contract opportunity over £25k then it must also be advertised on “Contracts Finder”. This is a national website operated by the ‘.gov.uk’ pages.

This requirement is in addition to the requirement under the Transparency Code to advertise all invitations to tender and contracts above £5,000 in value.

This is clearly a measure designed to encourage tendering by small businesses. In addition there are new rules about carving contracts into lots to encourage smaller enterprises to bid in to larger value tenders.

2. **Light Touch Regime** – The distinction between Part A and Part B contracts is removed and replaced with application of the full regime or a ‘light touch regime’.

All service contracts which exceed £172k must adhere to the regulations in full, unless listed in schedule 3 – the ‘light touch’ list.

Once light touch contracts exceed 750,000 euros they must also adhere to the full regime

3. **Cabinet guidance** – For the first time the Cabinet Office will provide guidance on the interpretation of the Regulations. This is statutory guidance and therefore binding on the Council

Guidance can be found at the following link: <https://www.gov.uk/transposing-eu-procurement-directives>

It can be noted from the link that much of the guidance is still under development with some guidance only being added within the last week.

4. **Public Sector Mutuals** – There is a carve-out for public sector mutuals. This means that social enterprises or any employee led non-profit companies can be directly awarded contracts for a period of three years. This is to encourage the Government’s agenda around mutuals.
5. **Pre-Qualification Questionnaires** – These will be abolished for contracts below the EU thresholds and a standardised PQQ to be used in other cases. Contracting authorities will need to adhere to guidance issued by the Cabinet Office on assessing whether bidders meet requirements or minimum standards relating to suitability, capability, legal status and financial standing.
6. **Contracts between public authorities** – This aspect of the Regulations codifies the existing case law. Public authorities have sought to rely on various exemptions to take them outside of the full procurement regime. This part of the Regulations now clarifies how that is possible within the legislation ;
7. **Innovation Partnership** – This is an entirely new procurement procedure and arises where a contracting authority identifies the need for an innovative product, service or works that cannot be met by purchasing them from the market place. It includes an element of research and development.

3. IMPLICATIONS

Legal implications:

- 3.1 The Contract Rules apply to all contracts below EU threshold (£172K) and light touch contracts below 750,000 euros. They ensure propriety in the expenditure of Council funds.
- 3.2 For the first time the legislation imposes statutory requirements on tendering below EU threshold with the introduction of the Contracts Finder. The Contract rules are otherwise discretionary.
- 3.3 Contract Rules are approved by Council for incorporation in the Constitution. Development of various templates and guidance on Insite is in development. Training was delivered on 5 March and on 30 March so relevant officers are aware of the new legislation.

Financial implications:

- 3.4 There are no financial implications ensuing from the change to the Constitution

4. BACKGROUND DOCUMENTS

Appendix 1 – Contract Rules Revised Version

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 [and guidance issued by the Cabinet Office, Crown Commercial Services](#) 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.
- Public body to Public body co-operation - Contracts with other public bodies where the parties come together to deliver a public service, under the following conditions;

(i) achieve objectives which are common to both parties; and

(ii) the arrangement is solely for the public interest; and

(iii) the parties perform less than 20% of the services covered by the arrangement on the open market.

- In-house awards (this is where the Council awards a contract to an entity it controls. This exemption will only apply if all of the following conditions are met;
Exemption will only apply if all of the following conditions are met;

(i) The Council exercises a similar control on the entity as it does with its own departments;

(ii) The entity carries out more than 80% of its activities for the Council;

(iii) There is no private sector money in the entity.

These two exemptions mentioned above apply to a contract of any value and are set out in the Public Contracts Regulations 2015.

Note that contracts for healthcare services covered by the NHS (Procurement, Patient Choice and Competition (No.2) (Regulations) 2013 will be governed by the Public Contracts Regulations 2006 until 18 April 2016, after which date the Public Contracts Regulations 2015 will apply.

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 [and interim manager](#) contracts and certain higher value (above £50,000), or high risk contracts onto the Verto management system;
- [Ensure the Serco procurement team are engaged to support the process as necessary](#)
- 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 [Serco](#) Procurement team of all [procurement exercises, including](#) 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 and assistance:

Contracts and Procurement Team

Project Delivery

Legal Services

~~Osman Hamir~~Gurdeep Sembhi Tel: 45232394

Israr Ahmed Tel: 452326

Alex Maxey Tel: 452325

Serco Procurement Team

commercialandprocurementunit@peterborough.gov.uk

1. [Richard McCarthy \(People and Communities Directorate\) Tel : 384606](#)
2. [Darren Ford \(Resources, Governance and Growth and Regeneration\) Tel : 384649](#)

~~1. Andy Cox~~

~~Commercial Management~~

~~Strategic Client Services~~

~~Tel: 452465~~

~~2.1. Serco Procurement~~

~~commercialandprocurementunit@peterborough.gov.uk~~

~~PCC Procurement~~

~~2. Andy Cox~~

~~Commercial Management~~

~~Strategic-Client-Servicesandy.cox@peterborough.gov.uk~~

~~Tel: 452465~~

Review date – December 2015~~3~~

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 Corporate Director , Resources	Contract award notice signed by relevant Director or CEX or their delegates	Purchase order (Oracle Financial system)	CEX or relevant Director (if written contact exists) or delegated authority	
Contracts between £5K & £50K	3 quotations <u>For Contracts over £25,000, also place advert on Contracts Finder.</u>	Exemption report signed by Corporate Director Resources Executive Director, Resources in consultation with the Head of Legal Services	Contract award notice signed by relevant Director or CEX or their delegates	Purchase order (Oracle Financial 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 <u>or 750,000 euros for services falling under Sch 3 of the Public Contracts Regulations 2015</u>) (for procurements between 2012 and	Tender with 4 bidders <u>For Contracts over £25,000, also place advert on Contracts Finder.</u>	Exemption report signed by Corporate Director Resources Executive Director, 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 Corporate Director Resources Executive Director, 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

end-of-2013)						Extension to be agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.
Contracts over EU threshold (£173K for goods and services £4.3M for works or 750,000 euros for services falling under Sch 3 of the Public Contracts Regulations 2015) (for procurements between 2012 and end of 2013)	EU process (seek procurement and legal advice including advice on social improvements for services contracts)	Only statutory exemptions from the EU process are permitted Officers cannot provide exemption from the statutory rules	Contract award notice signed by relevant Director or CEX or their delegates Key decisions must be on the Forward Plan at least 28 days in advance	Formal contract approved by Legal Services	Contract sealed Authorised signatory (CEX or Corporate Director Resources Executive Director of Resources or Head of Legal Services) or delegated authority	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 agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.
Contracts subject to EU process and over £500K (Applies to goods, services and works contracts over £500K)	Apply the relevant process above	For goods and services: Only statutory exemptions from the EU process are permitted. Officers cannot provide an exemption For works	Key Cabinet Member Decision Notice (CMDN) signed by the Cabinet member Decision on	Formal contract approved by Solicitor to Council	Contract sealed Authorised signatory (CEX or Corporate Director Resources Executive Director Resources or Head of Legal Services) or	Seek advice on bonds or parent company guarantee Enter project on Verto Notify risks to risk register

		contracts: The Executive Director, Resources can approve exemptions up to the EU threshold	Forward Plan at least 28 days in advance		delegated authority	Written approval of Cabinet member to terminate or assign Extension agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement.
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NOTE FIGURES ABOVE EU THRESHOLDS ARE SUBJECT TO CHANGE AND YOU SHOULD CHECK WITH LEGAL SERVICES AND SERCO PROCUREMENT

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
- [Discuss with the Serco procurement team](#)
- 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 [and finance 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* [and seek advice from finance team](#);
 - 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 [or interim managers](#) 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 [or interim manager](#).
- 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 [and interim](#)'s Policy' on Insite for further information on the use of consultants [and interim managers](#).

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 Serco Procurement](#) team for advice on our corporate contracts.

Contracts reserved for mutuals

You can limit competition for services such as administrative services in relation to education, healthcare and housing, health and social work services, library and other cultural services to mutual type organisations. For such contracts the maximum duration is three years. A mutual type organisation must meet all of the following requirements;

1. The organisation's objective must be the pursuit of a public service mission linked to the services set out in the Public Contracts Regulations 2015;
2. The profits of the organisation must be re-invested to achieve the mission;
3. The organisation must be employee owned or require active employee organisation;
4. The organisation must not have been awarded a contract under this process within the last three years.

Contact the Legal Services Team, ~~or the Serco Procurement Team~~ and Finance Team if you wish to undertake such a process.

Research the market

Researching the market is an important tool in identifying potential cost savings to the Council. The [Serco](#) 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 you do not. ~~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.~~

~~Where the Council has invited a potential bidder to take part You may also carry out a market testing and consultation exercise with potential bidders, however where a potential bidder has taken part in a preliminary discussions then the outcome of any such discussions must be shared will all bidders participating in the procurement process.~~

You may also seek or accept advice from individual experts/bidders and use the advice in your planning for the procurement process. Ensure that you act fairly with all bidders and do not favour one bidder over the other, also keep a record of all measures taken.

The Serco 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.
- Have you identified whether there will be any potential conflicts of interest arising in the conduct of the procurement process, which can be seen as unfair and distorting competition?. You need to; (i) identify whether any staff member or other person involved in the procurement process on behalf of the Council has any direct/indirect/financial/personal interest which could be seen as comprising the impartiality and independence of the procurement process;-(ii) If there is a potential conflict of interest then you should ensure that the person has no further involvement in the procurement process if there is a potential conflict of interest; and (iii) Complete the conflict of interest form provided by the Procurement Team and ensure it is kept up to date.

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;
- Note you cannot use a Pre-Qualification Questionnaire stage in the selection of bidders, refer to Section 2 of the rules for guidance. ~~where the total value of the contracts falls below the following;~~It is important to note that you can only ask suitability assessment questions and must give full regard to the guidance from the Cabinet in relation to such suitability questions. Contact the Procurement Team for assistance.

£4,322,012 for a contract relating to works;

£172,514 for a contract relating to services;

750,000 euros for services falling under Schedule 3 of the Public Contracts Regulations 2015.

~~You can only ask suitability assessment questions and must give regard to the guidance from the Cabinet in relation to suitability questions. Contact the Serco pProcurement team. on this.~~

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?

- Have you involved Serco procurement team in progressing the procurement process to ensure value for money is being achieved if not using a corporate contract or framework contract and the procurement is in excess of £5k?

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, 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.~~

For contracts estimated to be over £25,000 and which have been advertised, you must ensure that within 24 hours the advertisement relating to the contract opportunity is also advertised on Contracts Finder. This requirement will not apply where a framework has been set up of pre-selected suppliers and you intend to choose suppliers from the framework. The following details must be included in the advert on Contracts Finder;

- Date and time by which an interested supplier must respond if it wishes to be considered for the contract opportunity;
- How and to whom the supplier must respond;
- Any other requirements for participating in the procurement;
- Internet address where the documents can be accessed from.

You must ensure that unrestricted, free and full direct internet access is given to the documents relating to the procurement. You must also have regard to any guidance issued by the Cabinet Office in relation to the form and manner in which the information is to be published on 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. You must also publish a contract award notice on Contracts Finder within a reasonable time once you have awarded a contract, which must contain the following details;

- Name of the supplier;

- Date of contract;

- Total contract value;

- Whether the supplier is a SME (small, medium size enterprise);

- Whether the supplier is a non-governmental organisation that is value driven and surplus Monies are re-invested for to further social, environmental or cultural objectives.

Information does not have to be published where the release would be contrary to the public interest, impede law enforcement, prejudice the legitimate commercial interests of a particular economic operator, might prejudice fair competition between suppliers.

You must also have regard to any guidance issued by the Cabinet Office relating to the form in which such information is to be published.

187. 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. Where contracts are advertised in OJEU, all tender documents must be made available electronically. This means that from the date the OJEU notice is published, you must ensure that all specifications, the descriptive document, proposed conditions of contract and any other documentation are ready for interested suppliers.
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. Note you cannot use a Pre-qualification Questionnaire for contracts within the values mentioned in this section. See Section 1, Other Considerations, Process.

Advertising

13. You are required to advertise any contract you wish to tender whose total value is over £25,000. Note you cannot use a Pre-qualification Questionnaire for contracts within the values mentioned in this section. See Section 1, Other Considerations, Process.

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).

For contracts estimated to be over £25,000 and which have been advertised, you must ensure that within 24 hours the advertisement relating to the contract opportunity is also advertised on Contracts Finder. This requirement will not apply where a framework has been set up of pre-selected suppliers and you intend to choose suppliers from the framework. The following details must be included in the advert on Contracts Finder;

- Date and time by which an interested supplier must respond if it wishes to be considered for the contract opportunity;
- How and to whom the supplier must respond;
- Any other requirements for participating in the procurement;
- Internet address where the documents can be accessed from.

You must ensure that unrestricted, free and full direct internet access is given to the documents relating to the procurement. You must also have regard to any guidance issued by the Cabinet Office in relation to the form and manner in which the information is to be published on Contracts Finder.

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. You must include provisions stipulating that the Council will pay the supplier no later than 30 days from date of the invoice. You may also include further specific conditions relating to the performance of the contract ie economic, innovation-related, environmental, social or

employment related conditions. These conditions must be linked to the subject matter of the contract and set out within the tender documents. Contact the Legal Services for advice and preparation of these clauses.

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).

You can also use a cost-effective approach for the evaluation criteria ie considering environmental and social aspects, qualifications and experience of staff, after sales service, delivery conditions, quality impacting on level of contract performance. These must be linked to the subject matter of the contract.

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. In addition, you must also publish a contract award notice on Contracts Finder within a reasonable time once you have awarded a contract, which must contain the following details;
- Name of the supplier;
 - Date of contract;
 - Total contract value;
 - Whether the supplier is a SME (small, medium size enterprise);
 - Whether the supplier is a non-governmental organisation that is value driven and surplus Monies are re-invested forto further social, environmental or cultural objectives.
- Information does not have to be published where the release would be contrary to the public interest, impede law enforcement, prejudice the legitimate commercial interests of a particular economic operator, might prejudice fair competition between suppliers.
- You must also have regard to any guidance issued by the Cabinet Office relating to the form in which such information is to be published.

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).

Process

3. The Public Contracts Regulations 2015 (which can be viewed on the Cabinet Office website) set out schedules which include the types of works, services that are covered by the Regulations. These Regulations will apply in the following circumstances;

(i) For a contract relating to works with a total value of £4,322, 012 and over;

(ii) For a contract relating to the supply of goods with a total value of £172, 514 and over;

(iii) For a contract relating to services with a total value of £172,514 and over. However for services falling within Schedule 3 of the Regulations, the full Regulations will apply where the total contract value is over 750,000 euros (£625,050).

Important to note that the thresholds stated are subject to changes on an two yearly basis, you must check with Legal Services and Sereøthe Procurement Team in relation to under which services your proposed contract falls under.

Where the contract value of your contract is below the thresholds, this does not mean that you will be totally exempt from the Regulations, contact the Legal Services and Sereø Procurement Team for assistance.

4. For contracts which are above the thresholds set out in this section, a standardised Pre-Qualification Questionnaire may be used when shortlisting potential bidders and/or assessing their financial and economic standing, technical capacity and ability, previous experience. Contact the Sereø Procurement Team or Legal Services for further advice on PQQ's.

~~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.
 - **Innovation Procedure**
This procedure can be used where the Council has identified a need for an innovative product, service or works that cannot be met by purchasing these from the market. A partnership can be set up with one or more partners with the aim of developing an innovative product, services or works. The partnership will need to be terminated as the development progresses. The selection of bidders and process for negotiation will be in accordance with the Public Contracts Regulations.
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.

Where tender bids received appear to be abnormally low, you need to seek an explanation from the bidder or bidders. Once received you need to assess the information and you can only reject the tender where the responses provided do not satisfactorily set out the reasons for the low bid. Contact Legal Services for guidance.

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

4716. 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 [Corporate Director Resources](#)~~Executive Director of 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 [Corporate Director Resources](#)~~Executive Director, 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 [Corporate Director Resources Executive Director, Resources](#) for formal approval of the exemption. Electronic approval will be sufficient.
13. The [Corporate Director Resources Executive Director, 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 [Corporate Director Resources Executive Director, 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, 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, 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. A contract may be assigned/novated, without the need to carry out a new procurement, where;

(i) There is reference to such a situation change within the tender documents; or

(ii) The new contractor is replacing the existing contractor following a corporate restructure, takeover, merger, acquisition or insolvency, and as long as the new contractor fulfils the criteria upon which the existing contractor was selected (ie technical, financial capability).

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 Financial Services](#); 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, Resources Head of \(Internal Audit\)](#) 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.

The above is subject to;

(i) The variation not exceeding the EU threshold value for the works, services, supplies (ie accumulated value including the value of the variation) and;

(ii) The variation is lower than 10% of the initial contract value for services, supplies or 15% of the initial contract value for works.

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

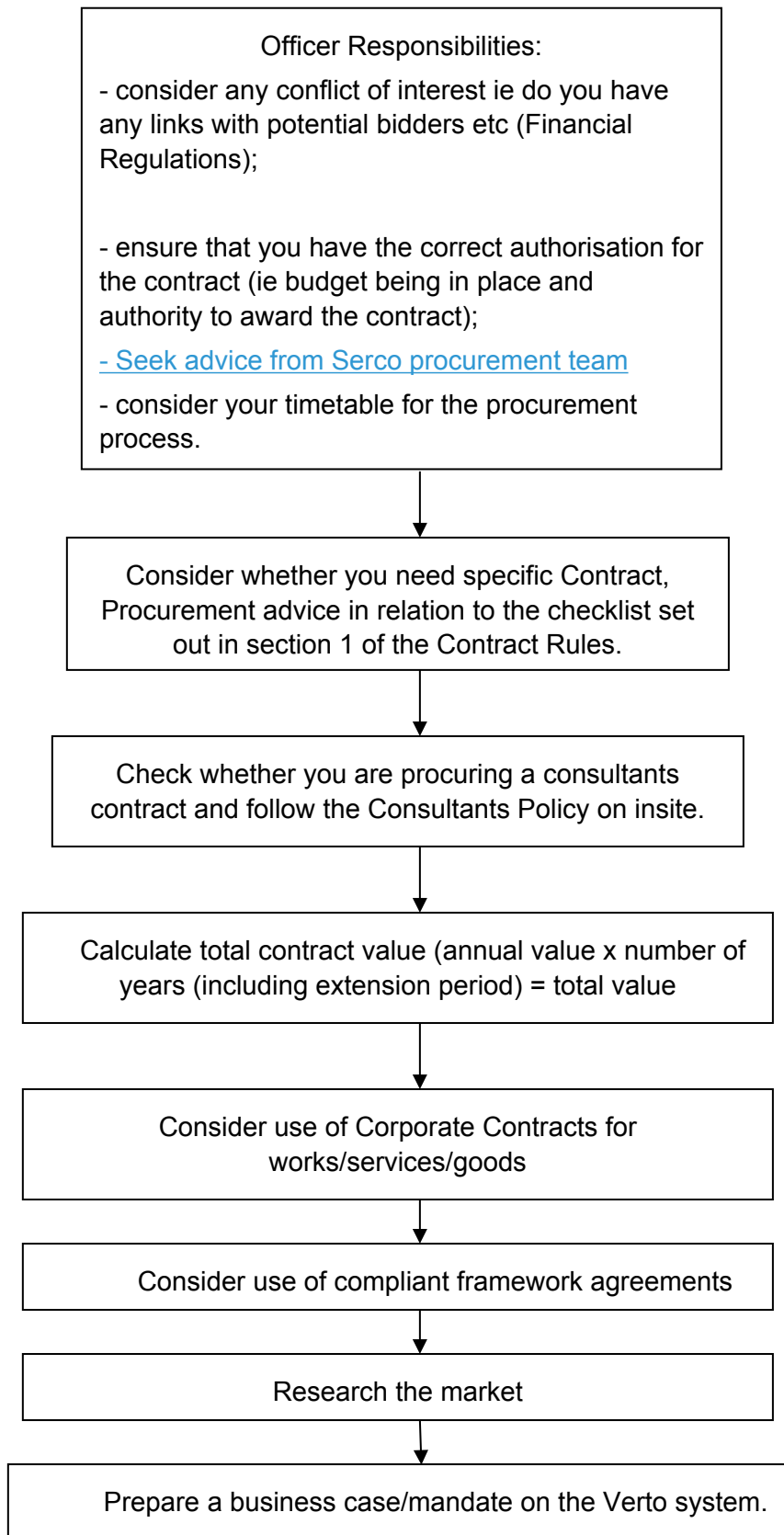
Glossary

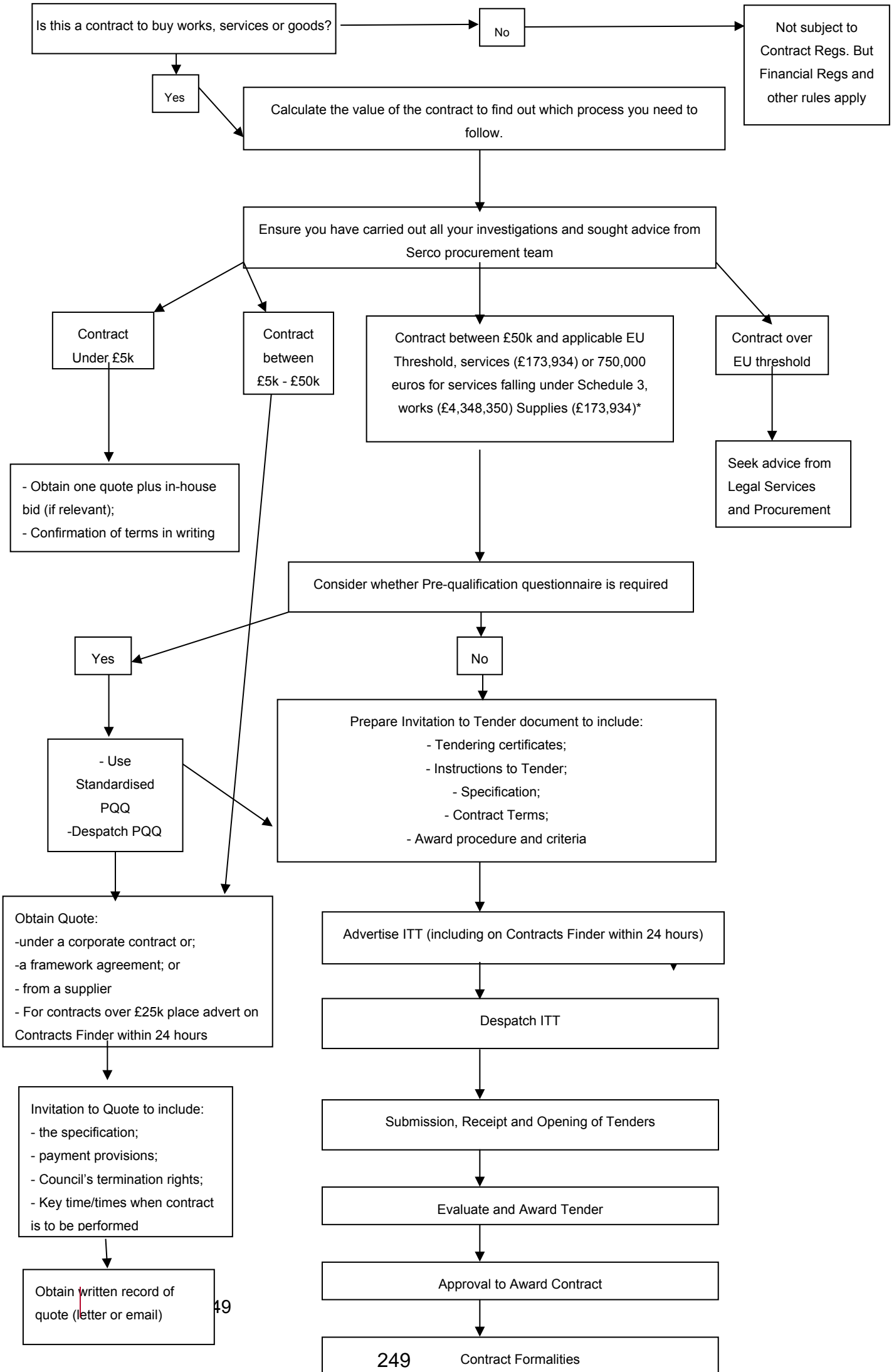
Key terms in this section	Meaning
Authorised Signatory	Means the Chief Executive, Corporate Director Resources Executive Director, Resources , Head of Legal Services (or delegated officers in Legal Services).
Business Case	A document that sets out the rational for undertaking a project and its costs, risks and benefits populated on Verto, the council’s project management system .
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.

<p>Forward Plan</p>	<p>A forward plan is a list of published forthcoming key decisions to be taken during the following three months.</p>
<p>Framework Agreement</p>	<p>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).</p>
<p>Key Decision</p>	<p>Any spend over £500k will be a key decision and the procedures for a key decision must be followed.</p>
<p>OJEU</p>	<p>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.</p>
<p>Procurement Strategy</p>	<p>A strategy document setting out the Council's approach to procurement and priorities for the next few years.</p>
<p>Purchase order</p>	<p>The order placed on the Council's financial management software system (oracle) which commits funds to the contract.</p>
<p>State aid</p>	<p>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.</p>

Flowcharts

Beginning the process – Flowchart





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COUNCIL	AGENDA ITEM No. 13(d)
15 APRIL 2015	PUBLIC REPORT

ANNUAL REPORT OF THE AUDIT COMMITTEE

R E C O M M E N D A T I O N S
FROM : Chair of Audit Committee
That Council notes the work carried out by the Audit Committee in improving the governance arrangements across the Council.

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report refers to and contains, at **Appendix 1**, an Annual Audit Committee Report for 2014 / 2015. The Annual Report shows the Audit Committee has successfully fulfilled its terms of reference and has helped to improve the Council's governance and control environments.

2. BACKGROUND (& CONSULTATION)

- 2.1 The Audit Committee's Terms of Reference and best practice as contained in the CIPFA document "A Toolkit for Local Authority Audit Committees" require the Audit Committee to complete an annual report. A copy the Annual Report is attached at **Appendix 1**. It shows key information relating to the Committee, its achievements during the year and key targets going forward.
- 2.2 The report was discussed in draft at the latest Audit Committee (16 March 2015) to reflect on its business for the Municipal Year. Following its agreement, the report is presented to Council to raise the awareness of the works of the Committee in scrutinising and challenging the processes in place to govern the organisation.

3. IMPLICATIONS

- 3.1 There are no financial implications and the preparation of the report is in line with best practice.
- 3.2 Good governance is wholly related to the achievement of the objectives in the Councils Plan.

4. BACKGROUND DOCUMENTS

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

- "A Toolkit for Local Authority Audit Committees", CIPFA, IPF, 2006
- Audit Committee agendas and minutes

5. APPENDICES

Appendix 1: Audit Committee Annual Report

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**(DRAFT) ANNUAL REPORT FROM
THE CHAIRMAN OF AUDIT COMMITTEE
2014 / 2015**

Assurance

Governance

Accountability

Risk Management

Independence

AUDIT COMMITTEE: ANNUAL REPORT 2014 / 2015

INTRODUCTION

MEMBERSHIP AND MEETINGS

KEY ACTIVITIES AND TRAINING DURING THE MUNICIPAL YEAR

PLANS FOR 2015 / 2016

FOREWORD FROM THE CHAIRMAN OF AUDIT COMMITTEE

I am pleased to provide the Audit Committee's Annual Report for the municipal year 2014 / 2015. The Council is requested to note the work carried out by the Audit Committee in improving the governance arrangements across the Council.

The report shows how the Audit Committee has continued to make a positive contribution to the Council's governance and control environments. These cover all aspects, such as internal control; risk management; internal audit; anti-fraud; external audit; and financial reporting. In addition, it also covers the remit of Member standards.

I would like to take this opportunity to give thanks to Committee Members and Officers for their contribution in supporting the Audit Committee's work during the year and my role as Chairman. Audit Committee Members have supported and challenged officers to ensure our risk, control and governance processes are effective and transparent. Officers have presented well-prepared reports and taken on suggestions to make sure the benefits of this Committee are passed onto our citizens.

Going forward, 2015 / 2016 will be a testing time for all Councils with the resources available becoming more important. How we risk manage our priorities, resources and partnerships will be vital, notwithstanding the risk of fraud. The Audit Committee holds a unique position to challenge and scrutinise the activities of the Council, with the support of Officers and my fellow Councillors, long may this continue.

INTRODUCTION

This is the 6th annual report produced by Peterborough City Council's Audit Committee. It is produced in accordance with latest best practice¹ and shows that the Council is committed to working as an exemplary organisation, operating the highest standards of governance. This report demonstrates how the Audit Committee has successfully fulfilled its terms of reference and has endeavoured to improve the Council's governance and control environments.

The Audit Committee was established by the City Council at its meeting in May 2006. Following its first year of operation, the membership was reduced from 10 to 7 members. This has subsequently been increased to 9 in 2014/15.

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risks and weakens the control environment, and to oversee the financial reporting process.

The key benefits of an Audit Committee can be seen as:

- Raising greater awareness of the need for internal control and the implementation of both internal and external audit recommendations;
- Increasing public confidence in the objectivity and fairness of financial and other reporting;
- Reinforcing the importance and independence of internal and external audit and similar review processes; and
- Providing additional assurance through a process of independent and objective review.

The Terms of Reference for the Audit Committee can be found at **Annex A** of this report.

¹ Best practice as contained in the Chartered Institute of Public Finance and Accountancy (CIPFA) document "A Toolkit for Local Authority Audit Committees"

This report sets out the work undertaken by the Audit Committee for 2014 / 2015 and specifically highlights those areas where its scrutiny and review process has made a difference to performance. The Audit Committee has overseen good progress in all areas under its supervision.

Audit Committee members have received training on key issues throughout the year, and further details of this can be found later in this report.

MEMBERSHIP AND MEETINGS

During 2014 / 2015, the Audit Committee met on the following dates:

- 30 June 2014
- 22 September 2014
- 3 November 2014
- 2 February 2015
- 16 March 2015, originally scheduled for 23 March 2015

There is a cross representation of all parties in accordance with the make up of the Council. The members for 2014 / 2015 were (excluding substitutes):

Table 1: Audit Committee Membership 2014 / 2015:

Conservative	Peterborough Independent Forum	Liberal Democrats	Labour	Werrington First
Lee (Chair) Harper (Vice Chair) Arculus	F Fox Herdman	Sandford	Thulbourn Sylvester	Lane

A number of Audit Committee members also sit on various other committees and panels. On occasions there may be clashes with the Audit Committee and where this occurs, apologies are received for any episodes of non-attendance and where available, substitutes attend.

Senior officers from the Council are also present, including the Director of Governance, Executive Director of Strategic Resources, Chief Internal Auditor, Head of Strategic Finance and the Head of Resilience. Dependent on the subject matter on the agendas, other officers will attend in addition to external representation from the Councils' External Auditor and Relationship Manager.

KEY ACTIVITIES AND TRAINING DURING THE MUNICIPAL YEAR

Background

The Audit Committee's original terms of reference covers 6 main areas:

- Internal Audit
- Internal Control and Corporate Governance
- Annual Accounts
- Risk management
- External Audit

- Counter Fraud and Irregularities

Following abolition of the national Standards regime, Members Code of Conduct was then incorporated into the Terms of Reference for this Committee.

Internal Audit

2.2.1 Terms of Reference

2.2.1.1	To consider the annual report and opinion of the Executive Director – Strategic Resources and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
2.2.1.2	To consider summaries of specific internal audit reports as requested.
2.2.1.3	To consider reports dealing with the management and performance of the providers of internal audit services.
2.2.1.4	To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
2.2.1.9	To commission work from internal and external audit.

30 June 2014

- *Effectiveness of Internal Audit.* Each year, as part of the production of the Annual Governance Statement which accompanies the Accounts, the Audit Committee also reviewed the effectiveness of the system of internal audit noting planned actions to address any areas of partial compliance. In addition, comparisons were made with the new Public Sector Internal Audit Standards.
- *Annual Audit Opinion.* Internal Audit produces an Annual Audit Plan which forms the basis of their audit activity. Progress is noted throughout the year and an independent annual report is produced highlighting assurances obtained across the organisation as well as any misgivings into the effectiveness of controls. The report also sets out the teams' performance. Where standards have not been maintained across the Council, Audit Committee are provided with Executive Summaries of Audit reports for further scrutiny. Internal Audit concluded that they were able to provide reasonable assurance based on the work reviewed in the year.

3 November 2014

- *Internal Audit Mid-Year Opinion.* The Audit Committee received a half year progress report highlighting internal audit performance against targets and quality assurance results to enable it to review and comment on the work and performance of internal audit. Any areas reviewed which are considered to be weak or requiring attention following Internal Audit activity can result in officers from across the Council being held to account. Similarly, this has been used for officers to explain the non-implementation of recommendations.

16 March 2015

- *Annual Audit Plan.* Audit Committee received the 2015/16 Internal Audit Plans.
- *Effectiveness of the Audit Committee.* Audit Committee was due to receive an update on its effectiveness, however training will be provided on the recent best practice standards first. This is proposed to be delivered across Cambridgeshire.

Internal Control and Corporate Governance

2.2.1 Terms of Reference

2.2.1.1	To consider the annual report and opinion of the Executive Director – Strategic Resources and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
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2.2.1.5	To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
2.2.1.10	Regulatory Framework
2.2.1.11	To maintain an overview of the Council's constitution in respect of contract procedure rules, and Financial Regulations.
2.2.1.12	To review any issue referred to it by the Chief Executive or a Director, or any Council body.
2.2.1.15	To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
2.2.1.16	To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

30 June 2014

- *Annual Governance Statement.* A key role of the Audit Committee is to oversee the Authority's control environment and its associated system of internal controls and assurance processes. The Audit Committee must satisfy itself that the Authority's assurance statements, in particular the Annual Governance Statement, properly reflect the risk environment and any actions needed to improve it. This is done through receiving and scrutinising reports on the relevant areas and calling officers to account where necessary.
- Audit Committee reviewed the draft Annual Governance Statement on 30 June 2014, noting areas for improvement following a review of internal controls, risk management arrangements and significant governance issues. The Committee agreed to final changes to the Statement prior to its inclusion in the Statement of Accounts.

3 November 2014

- *Use of Consultants.* Following the review of consultants used by the Council in 2010 it was recommended and agreed that Audit Committee would monitor progress. The Committee received an update in November 2014. Following the update, Audit Committee requested further information in relation to the associated costs and the relationships of each project that had been supported by a consultant. In addition, the Committee requested that the revised format should be followed for future consultancy reports.
- *Invest to Save Scheme.* The Audit Committee requested that consideration should be given by Council to provide further transparency in regards to the allocation of funding for the Invest to Save Scheme (ISS). Following the request, a revised Cabinet Member Decisions Notice Report template was due to be circulated to Audit Committee Members for comment?

Annual Accounts

2.2.1 Terms of Reference

2.2.1.17	Accounts
2.2.1.18	To review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
2.2.1.19	To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

30 June 2014

- *Budget Monitoring: Final Outturn 2013 / 2014 and Statement of Accounts.* Audit Committee reviewed and scrutinised the outturn and Statement of Account on 30 June 2014 prior to its submission to the external auditors for audit. The Committee approved the Statement of Accounts

for 2013 / 2014 and authorised its signing by the Chairman. Audit Committee delegated authority to the Executive Director of Strategic Resources to make, following consultation with the Portfolio Holder for Resources, any non-material amendments to the Accounts arising from the external audit to be carried out by the Audit Commission between July and September 2014.

22 September 2014

- Following scrutiny by External Audit, the *Audit of Statement of Accounts and Report to those charged with Governance* was submitted to the Audit Committee.

3 November 2014

- *Treasury Management Update*. A separate report was submitted which outlined the council's approach to Treasury Management, in line with agreed practices identified in the Medium Term Financial Strategy. Further details are also set out in the outturn reports submitted in June each year.

Risk Management

2.2.1 Terms of Reference

2.2.1.10	Regulatory Framework
2.2.1.13	To monitor the effective development and operation of risk management and corporate governance in the council.

22 September 2014

- Risk Management Strategic Risk. Audit Committee received a report of the strategic risks impact on the Council and the mitigating actions to address these. At its meeting, the Committee requested that the Risk Register should be received following its review by Corporate Management Team.

16 March 2015

Risk Management: Strategic Risk. The Committee received a report which outlined the Strategic Risks for the Council including the latest review of the Risk Register by Corporate Management Team.

- **External Audit**

2.2.1 Terms of Reference

2.2.1.5	To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
2.2.1.6	To consider specific reports as agreed with the external auditor.
2.2.1.7	To comment on the scope and depth of external audit work and to ensure it gives value for money.
2.2.1.8	To liaise with the Audit Commission over the appointment of the council's external auditor.
2.2.1.9	To commission work from internal and external audit.

22 September 2014

- Following scrutiny by External Audit, the *Audit of Statement of Accounts and Report to those charged with Governance* was submitted to Audit Committee. Following review the Committee approved and agreed the:
 - audited Statement of Accounts for 2013 / 2014 and adjustments;

- signing by the Executive Director of Strategic Resources of the Council's letter of representation; and
- actions to be taken in respect of the issues identified by the auditors that did not result in changes to the accounts.

2 February 2015

- Audit Committee scrutinised the Annual Audit and Inspection Letter in respect of 2013 / 2014 and considered the Annual Grant Claims Certification.

16 March 2015

- Annual Audit Plan.

Counter Fraud & Irregularities

2.2.1 Terms of Reference

2.2.1.10	Regulatory Framework
2.2.1.13	To monitor the effective development and operation of risk management and corporate governance in the council.

30 June 2014

- Audit Committee received an annual report highlighting counter fraud and irregularity work over the previous year. The Committee's review of the work and performance of the counter fraud team showed strong support and interest.

30 June 2014 / 22 September 2014 / 3 November 2014 / 2 February 2015 / 16 March 2015

- *Use of Regulation of Investigatory Powers Act 2000 (RIPA)*. At its meeting held on 24 March 2014, Audit Committee considered and agreed an alternative reporting mechanism which introduced a standing information item on each Audit Committee agenda in respect of the Use of Regulation of Investigatory Powers Act 2000 (RIPA). This meant that only when the RIPA power was utilised by PCC would there be a report presented to Audit Committee. To date there has been no RIPA use to report to Audit Committee. Ultimately, this change in reporting mechanism has permitted the Committee to work more efficiently and has avoided the presentation of repetitive reports.

Member Code of Conduct

2.2.1 Terms of Reference

2.2.1.20	Promoting and maintaining high standards of conduct by Councillors and co-opted members
2.2.1.21	Assisting the Councillors and co-opted members to observe the Code of Conduct
2.2.1.22	Advising the Council on the adoption or revision of the Code of Conduct
2.2.1.23	Monitoring the operation of the Code of Conduct
2.2.1.24	Advising, training or arranging to train Councillors and co-opted members on matters relating to the Code of Conduct
2.2.2	Terms of Reference of the Hearing Panel (sub-committee to the Audit Committee). The Hearings Panel is a sub-committee of the Audit Committee. The Panel has the following functions:

1	When matters are referred by the Monitoring Officer granting dispensations to Councillors and co-opted members allowing them to (A) participate in the debate and / or (b) vote on any matter in which they have a disclosable pecuniary interest;
2	On matters being referred by the Monitoring Officer deciding whether complaints concerning members should be investigated
3	Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure
4	The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution

22 September 2014

- *Outcome of Code of Conduct (CoC) Review.* The Audit Committee received a report on the work of the CoC Review Group which outlined their recommendation to Audit Committee for Council to adopt the use of Local Government Association template. Following debate, the Audit Committee refused the recommendation and requested that the CoC Review Working Group considered Audit Committee's comments over their preferred CoC template, which was produced by the Department of Communities for Local Government (DCLG). In addition the Audit Committee requested that the CoC Review Group liaise with their political groups to ascertain Members comments and return to a future meeting of Audit Committee with the findings.

16 March 2015

- Update on the Code of Conduct review. The Audit Committee received an update which outlined a proposal for the Code of Conduct review to be transferred to the responsibility of the Member Officer Working Group. The Committee decided that the review ought to remain within the remit of a working group appointed by the Audit Committee. A new working group was appointed and will report to the Audit Committee in the new civic year.

Training

Throughout the year, the provision of ongoing training to Members has been the cornerstone of developing members (new and existing). During the year, officers provided presentations on:

- Preparation and scrutiny of the Statement of Accounts and the impact of International Financial Reporting Standards on these; and
- Attendance at Huntingdonshire District Council, which encompassed the following subjects:
 - Governance essentials;
 - Working with Internal Audit;
 - IT Threats in Local Government and the need for IT Audit;
 - The future of Local Government and implications for internal audit and the Audit Committee; and
 - External Audit – PricewaterhouseCoopers.

FUTURE DEVELOPMENTS AND PLANS FOR 2015 / 2016

Overall, the Audit Committee want to continue to develop and build on our current achievements. For 2015 / 2016 this will involve:

- Continuing to drive up standards of corporate governance;
- Continuing to equip existing and any new Members to fulfil the Audit Committee's responsibilities by providing or facilitating training on all aspects of the Audit Committee's remit;
- Assisting and supporting officers to promote the work of the Audit Committee and the roles of internal audit, external audit and risk management;
- Supporting the continued production of high quality and compliant statutory accounts;
- Helping to further increase awareness within the Council of its governance arrangements, with particular emphasis on information; and
- Providing effective challenge to officers, raising awareness for sound internal control arrangements and giving assurance to the Authority that its control arrangements are sound.

2.2 AUDIT COMMITTEE: TERMS OF REFERENCE²

2.2.1 Terms of Reference

- 2.2.1.1 To consider the annual report and opinion of the Executive Director – Strategic Resources and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
- 2.2.1.2 To consider summaries of specific internal audit reports as requested.
- 2.2.1.3 To consider reports dealing with the management and performance of the providers of internal audit services.
- 2.2.1.4 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- 2.2.1.5 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 2.2.1.6 To consider specific reports as agreed with the external auditor.
- 2.2.1.7 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 2.2.1.8 To liaise with the Audit Commission over the appointment of the council's external auditor.
- 2.2.1.9 To commission work from internal and external audit.
- 2.2.1.10 **Regulatory Framework**
- 2.2.1.11 To maintain an overview of the council's constitution in respect of contract procedure rules, and Financial Regulations.
- 2.2.1.12 To review any issue referred to it by the Chief Executive or a Director, or any council body.
- 2.2.1.13 To monitor the effective development and operation of risk management and corporate governance in the council.
- 2.2.1.14 To monitor council policies on "raising concerns at work" and the anti-fraud and anti-corruption strategy and the council's complaints process.
- 2.2.1.15 To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- 2.2.1.16 To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 2.2.1.17 **Accounts**
- 2.2.1.18 To review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 2.2.1.19 To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.
- 2.2.1.20 Promoting and maintaining high standards of conduct by Councillors and co-opted members
- 2.2.1.21 Assisting the Councillors and co-opted members to observe the Code of Conduct
- 2.2.1.22 Advising the Council on the adoption or revision of the Code of Conduct
- 2.2.1.23 Monitoring the operation of the Code of Conduct
- 2.2.1.24 Advising, training or arranging to train Councillors and co-opted members on matters relating to the Code of Conduct

² (Source: Constitution: Part 3, Delegations Section 2 - Regulatory Committee functions. Approved Annual Council)

2.2.2 Terms of Reference of the Hearing Panel (sub-committee to the Audit Committee).

The Hearings Panel is a sub-committee of the Audit Committee. The Panel has the following functions:

- 1** When matters are referred by the Monitoring Officer granting dispensations to Councillors and co-opted members allowing them to (A) participate in the debate and / or (b) vote on any matter in which they have a disclosable pecuniary interest;
- 2** On matters being referred by the Monitoring Officer deciding whether complaints concerning members should be investigated
- 3** Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure
- 4** The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution

COUNCIL	AGENDA ITEM No. 13(e)
15 APRIL 2015	PUBLIC REPORT
Contact Officer(s):	Kim Sawyer, Director of Governance Tel: 01733 452361

APPOINTMENT OF CHAIRMAN TO THE SUSTAINABLE GROWTH AND ENVIRONMENT CAPITAL SCRUTINY COMMITTEE

RECOMMENDATIONS
FROM : Director of Governance
That Council appoints Councillor Yasmeen Maqbool as Chairman of the Sustainable Growth and Environment Capital Scrutiny Committee for the remainder of the municipal year 2014/15.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is for Council to appoint a Chairman of the Sustainable Growth and Environment Capital Scrutiny Committee for the remainder of the municipal year 2014/15.

2. APPOINTMENT OF CHAIRMAN

- 2.1 At the Annual Meeting of Council on 16 June 2014, Councillor Nick Arculus was appointed as the Chairman of the Sustainable Growth and Environment Capital Scrutiny Committee and Councillor Yasmeen Maqbool as the Vice-Chairman.
- 2.2 Councillor Arculus resigned his position as Chairman of the Committee and therefore the position of Chairman is currently vacant.
- 2.3 The Chairman of the Scrutiny Committee is to be drawn from among the Members sitting on the Committee and it is recommended that Councillor Maqbool, who has acted as Chairman in Councillor Arculus' absence, is appointed as the Chairman for the remainder of the municipal year.
- 2.4 The role of the Chairman of Sustainable Growth and Environment Capital carries with it additional responsibility in that it approves the use of urgency provisions, should they be required, during the decision making process.
- 2.5 It is considered that an appointment to the role of Chairman is necessary at this late stage in order to ensure appropriate provision should any issues arise of an urgent nature.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications to the appointment. The remuneration for the Chairman post is accounted for within the 2014/15 Member's Allowances.

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications for the recommendation contained in the report.

4. BACKGROUND DOCUMENTS

4.1 Peterborough City Council's constitution.

COUNCIL	AGENDA ITEM No. 13(f)
15 APRIL 2015	PUBLIC REPORT

Contact Officer:	Kim Sawyer, Director of Governance	Tel: 01733 452361
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PROGRAMME OF MEETINGS 2015/16

R E C O M M E N D A T I O N S
FROM : Director of Governance
That Council approves the programme of meetings for 2015/16 and approves, in principle, the draft programme of meetings for 2016/17 (both attached at Appendix 1).

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report presents for the consideration of Council the annual programme of meetings for 2015/16 and the draft programme of meetings for 2016/17.

2. PROGRAMME OF MEETINGS

- 2.1 Council is asked to approve and note the programme of meeting dates for 2015/16 and to approve the draft dates for 2016/17 (Appendix 1). The calendars have been prepared in accordance with the arrangements that have been implemented in previous years.
- 2.2 The programme of meetings allows for necessary preparation to be undertaken in advance and to allow for Members to plan their diaries accordingly.
- 2.3 Although the schedules are for approval by Council, there may be the need for variations to be made to the schedules in-year. Any such amendments will be determined by the Chairman after prior consultation with the Group Representatives. The Mayor will determine any variation to the Council meeting schedule in consultation with Group Leaders.

3. FINANCIAL IMPLICATIONS

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

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications for the recommendation contained in the report.

5. BACKGROUND DOCUMENTS

- 5.1 Peterborough City Council Constitution.

6. APPENDICES

Appendix 1 - programme of meetings for 2015/16 and draft programme of meetings for 2016/17.

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PETERBOROUGH CITY COUNCIL MEETING DATES JUNE 2015 - MAY 2016

APPENDIX 1

MEETING	TIME	JUNE	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
COUNCIL (Wednesday)	7pm		15			14		9	27		9	20	
Annual Council (Monday)	6.30pm												23
Cabinet (Monday)	10am	15	27		21		9	14	18	8 & 29	21	25	
SCRUTINY COMMITTEES/COMMISSIONS													
Scrutiny Commission for Rural Communities	7pm	16	13		7		3		11		7		
Scrutiny Commission for Health Issues	7pm	24	21		17		5		13		15		
Creating Opportunities & Tackling Inequalities Scrutiny Committee	7pm	15	20		14		16		18		14		
Sustainable Growth and Environment Capital Scrutiny Committee	7pm	10	16		10		12		25		23		
Strong & Supportive Communities Scrutiny Committee	7pm	11	22		16		24		20		10		
Scrutiny of the Budget	7pm									10			
COMMITTEES OF COUNCIL													
Appeals Committee (Monday)	7pm											11	
Audit Committee (Monday)	7pm	29			21		9			8	21		
Planning & Env. Protection Committee (PEP) (Tuesday)	1.30pm	9	7		8	13	10	8	12	9	8	12	
PEP provisional dates (Tuesday)		23	28		15	27	24	22	26	23	22	26	
Licensing & Licensing Act 2003 Committee (Thurs)	7pm	18	16		3	15	19	17	14	11	17	21	
Employment Committee (Thursday)	3pm	25			17		26		21		17		
Health and Wellbeing Board (Thursday)	1pm	18			10			10			24		
OTHER BODIES													
Combined Fire Authority	Various					8				11			19
Cambridgeshire Police and Crime Panel	2.00pm	17			16		4			3	16		
Eastern Shires Purchasing Organisation (ESPO)													
PARTNERSHIP AND LIAISON MEETINGS													
Safer Peterborough Partnership	3pm - 5pm	24	29		23	28	25		13	24	30	27	25
Parish Council Liaison (Wednesday) (T.B.C.)	6.30pm		8		9			16			16		
Children and Families Joint Commissioning Board	1.30pm	10			28			7					
Corporate Parenting Group	6.30pm	3	1		2		18		21		23		
WORKING GROUPS													
All Party Policy	6pm	25	30		24	29	26		28	25	31		26
Member Officer Working Group	5.45pm		8		9	28	25		6	24		6	
CONFERENCES													
Conservative Party						4-7 Oct							
Labour Party Annual Conference					27-30 Sept								
Liberal Democrats					19-23 Sept								
UKIP													
Local Government Association		30 June to	02-Jul										

Bank Holidays 2015 - 2016

25 May 2015 - Spring Bank Holiday
31 August 2015 - Summer Bank Holiday
25 December 2015 - Christmas Day
26 December 2015 - Boxing Day
28 December 2015 Bank Holiday Substitute day (for Boxing Day)
1 January 2016 - New Year's Day
25 March 2016 - Good Friday
28 March 2016 - Easter Monday
2 May 2016 - Early May Bank Holiday
30 May 2016 - Spring Bank Holiday

Summer Term 2015

Opens 14 April
May Day Monday 4 May
Half Term 25 to 29 May
Ends Friday 17 July
Autumn Term 2015
Opens Monday 7 September
Half Term 26 October to 30 October
Ends Friday 18 December

Spring Term 2016

Opens Tuesday 5 January
Half Term 15 to 19 February
Ends Wednesday 23 March
Summer Term 2016
Opens Tuesday 12 April
Mayday Monday 2 May
Half Term 30 May to 3 June
Ends Friday 22 July

NB: dates in italics are additional, provisional dates for any urgent business and may be cancelled

Bank Holidays 2016 - 2017

30 May 2016 - Spring Bank Holiday
29 August 2016 - Summer Bank Holiday
25 December 2016 - Christmas Day
26 December 2016 - Boxing Day
27 December 2016 Bank Holiday Substitute day (for Boxing Day)
1 January 2017 - New Year's Day
2 January 2017 - Bank Holiday Substitute day (for New Year's Day)
14 April 2017 - Good Friday
17 April 2017 - Easter Monday
1 May 2017 - Early May Bank Holiday
29 May 2017 - Spring Bank Holiday

Summer Term 2016

Opens 12 April
May Day Monday 2 May
Half Term 30 May to 3 June
Ends Friday 22 July

Autumn Term 2016

Opens Wednesday 7 September
Half Term 24 to 28 October
Ends Wednesday 21 December

Spring Term 2017

Opens Wednesday 4 January
Half Term 20 to 24 February
Ends Friday 7 April

Summer Term 2017

Opens Wednesday 26 April
May Day Monday 1 May
Half Term 29 May to 2 June
Ends Thursday 20 July

NB: dates in italics are additional, provisional dates for any urgent business and may be cancelled

COUNCIL	AGENDA ITEM No. 13(g)
15 APRIL 2015	PUBLIC REPORT

Contact Officer:	Kim Sawyer, Director of Governance	Tel: 01733 452361
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VARIATION TO STANDING ORDERS

R E C O M M E N D A T I O N S
FROM : Director of Governance
<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. Standing Orders are varied in that Council: <ol style="list-style-type: none"> (a) revoke the following Standing Orders as set out in the Constitution at: <ol style="list-style-type: none"> (i) Part 4, Section 1 of the Council's Constitution - The Council's Standing Orders. (b) adopt the Council Standing Orders set out at Appendix 1; and (c) adopt the related protocols/schemes as follows: <ol style="list-style-type: none"> i. The Selection of Mayor Protocol attached at Appendix 2; and ii. The Petition Scheme attached at Appendix 3. 2. That the proposed variations are postponed without discussion to the next meeting of Council, in accordance with Standing Order 10 of the General Standing Orders.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Member Officer Working Group (MOWG) has taken on the role of considering proposed Constitutional Changes following the merging of the Member's Working Board and the Constitution Review Group.
- 1.2 The report details the main changes to the Standing Orders as proposed by the Group, along with others as proposed by Democratic Services following the utilisation of the previous revisions for almost a year.

- 1.3 Unless the monitoring officer advises otherwise, changes to Council Standing Orders are presented at one meeting and not debated until the next, allowing Members the time to fully consider the changes.
- 1.4 The report further details additional documents which are referred to within the Standing Orders and requests Council approve and adopt these documents alongside the Standing Orders.

2. BACKGROUND

- 2.1 The Council's Standing Orders were revised and adopted by Council on 16 April 2014 and it was agreed that following six months of implementation, the Orders would be revisited in order to ascertain whether they were fit for purpose.
- 2.2 Throughout the course of the year, a number of issues have arisen and been highlighted by Members these being:
 - i. The process for appointment of Chairman / Vice Chairman in year;
 - ii. The length of time for budget speeches; and
 - iii. The length of time for questions on notice and the number of questions.
- 2.3 These individual points have been discussed at the Member Officer Working Group and the Standing Orders updated to reflect the necessary revisions.
- 2.4 Throughout the course of the year, general day to day working within Democratic Services has also highlighted a number of areas where new Standing Orders didn't offer sufficient clarity.
- 2.5 The Standing Orders have been updated to reflect the re-addition of some previously rescinded Standing Orders, all changes are highlighted in yellow within the Orders at Appendix 1.
- 2.6 Members are requested to consider the revisions, with debate to be at the meeting of Council due to be held on 20 May 2015.

3. SELECTION OF MAYOR PROCESS

- 3.1 At the Council meeting held on 23 July 2014, a motion was put forward by Councillor Julia Davidson which requested exploration be undertaken into alternative ways of nominating the Mayor in future years.
- 3.2 A number of options were explored and a paper presented to the Member Officer Working Group for consideration. Following cross party debate, a scheme of nomination by order of seniority was considered to be the most fair and practical way of nominating a Mayor Elect. A

scheme is attached at Appendix 2 for Council to consider and approve for inclusion with the Constitution at Part 5 Section 8.

4. PETITIONS SCHEME

- 4.1 The Council has been operating without a formal petition scheme for some considerable time. The Petition Scheme was last presented to Council in October 2014 and all aspects of the Scheme were considered acceptable bar the levels of signature required to incite debate at Cabinet and Council. The Member Officer Working Group was tasked with revisiting the levels and proposing alternatives as considered appropriate.
- 4.2 Following a number of cross party debates within the Group, it was agreed that the levels would be 50 signatures to incite debate at Cabinet and 500 to incite debate at Council.
- 4.3 These levels are for Council to discuss and consider. Once this aspect of the Scheme has been agreed, the new Scheme can be implemented and included within the Constitution at Part 5 Section 9. The Scheme is attached at Appendix 3.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications for any of the above report.

6. LEGAL IMPLICATIONS

- 6.1 There are a number of standing orders that are mandatory or are a direct repetition of the relevant Act or Regulation. These are included within the Orders and have not been amended in any way.

7. BACKGROUND DOCUMENTS

- 7.1 Notes and agenda of the Member Officer Working Group.

8. APPENDICES

Appendix 1 – General Standing Orders
Appendix 2 – Selection of Mayor Protocol
Appendix 3 – Petition Scheme

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APPENDIX 1

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1. ANNUAL MEETING OF THE COUNCIL

1.1. Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

1.1.1 The Ceremonial Meeting (Mayor Making)

The Meeting will:

- i. elect a person to preside if the chair of Council (the Mayor) is not present;
- ii. elect the chair of Council (the Mayor);
- iii. elect the vice chair of Council (the Deputy Mayor); and
- iv. receive the retiring mayor's report.

1.1.2 The Business Meeting

The Meeting will:

- i. approve the minutes of the last meeting;
- ii. receive any announcements from the Mayor and/or Head of the Paid Service;
- iii. upon retirement of the previous Leader, which shall be at least once every four years, elect the Leader of the executive (the Cabinet)
- iv. be notified by the Leader of the number of members to be appointed to the Cabinet, those Members' names and their intended portfolio of responsibilities;
- v. appoint a licensing committee, a health and wellbeing board, at least one overview and scrutiny committee and such other committees as are required or the Council considers appropriate to deal with matters that are neither reserved to the Council nor are executive functions (as set out or will be set out in Part 3(2) of this Constitution). No member of the Executive will be allowed to be a member of a Scrutiny Committee or Commission;
- vi. receive the Leader's scheme of delegation of executive functions (as set out at Part 3(3) of this Constitution);

- vii. approve a programme of ordinary meetings of the Council for the year; and
 - viii. consider any business set out in the notice convening the meeting.
- 1.1.3 Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.
- 1.2. Selection of Councillors on Committees and Outside Bodies
- 1.2.1 At the annual (business) meeting, the council meeting will:
- i. decide which committees to establish for the municipal year;
 - ii. decide the size and terms of reference for those committees;
 - iii. decide the allocation of seats to political groups in accordance with the political balance requirements;
 - iv. receive nominations of councillors to serve on each committee and outside body;
 - v. appoint to those committees, **standing sub-committees** and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive; and
 - vi. appoint the Chairs and Vice-Chairs of all the Council's committees, other than those which the Council has decided should be appointed by the committee itself.
- 1.2.2 The Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees.
- 1.2.3 The Council shall always have the power to exercise any power delegated to a committee, sub-committee or an officer.

2. ORDINARY MEETINGS OF COUNCIL

- 2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:
- i. elect a person to preside if the Mayor and Deputy Mayor are not present;

- ii. approve the minutes of the last meeting;
- iii. receive any declarations of interest from members;
- iv. receive any announcements from the Mayor, Leader or the head of paid service (which, with the exception of the Mayor, will normally be limited to five minutes), followed by any question on the announcement from a leader of an opposition group (which will normally be limited to one minute);
- v. receive questions from, and provide answers to, the public in accordance with Standing Order 15;
- vi. receive petitions from the public in accordance with Standing Order 16;
- vii. Receive questions from, and provide answers to, Members in accordance with Standing Order 17.2 (was point xii);
- viii. deal with any business from the last Council meeting;
- ix. receive reports from the Cabinet and Council Committees for consideration, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate;
- x. receive reports about and receive questions and answers on decisions made by members of the Cabinet;
- xi. receive any other reports from the Council's committees and overview and scrutiny committees and receive questions and answers on any of those reports;
- xii. receive any reports about and receive questions and answers on the business of joint arrangements and external organisations;
- xiii. consider motions; and
- xiv. consider any other business specified in the summons to the meeting.

3. ORDINARY MEETINGS OF COUNCIL AND COMMITTEES

3.1 Business

Unless otherwise determined by statute, the Mayor/Chairman may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.

3.2 Urgency

The Mayor/**Chairman** may determine that an item of business that has not been open to public inspection, both as an item set out in the agenda and any accompanying published report, may be considered because he or she is of the opinion that, by reason of special circumstances, which shall be specified in the minutes, the item should be considered at the meeting as a matter of urgency.

4. EXTRAORDINARY MEETINGS AND VARIATIONS

4.1. Calling extraordinary meetings **of Council**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor (or the Deputy mayor if the mayor is unable to act);
- (c) the Monitoring Officer; or
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.2 Calling an Extraordinary Meeting of a Committee or Sub-Committee

In the case of Committee meetings, the **Chairman of a Committee or Sub-Committee** can, in consultation with the political group representatives, call an extraordinary meeting of the Committee at any time. A special meeting will also be called if three Members of the Committee or Sub-Committee ask the Chief Executive in writing to call a meeting.

4.3 Business at an Extraordinary Meeting of Council or a Committee or Sub-Committee

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor/**Chairman** may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4.4 Variation to the meeting schedule, timings and cancellation of meetings

4.4.1 Variations to the meeting schedule will be determined by the Chairman after prior consultation with the Group representatives. The Mayor determines any variation to the Council schedule, in consultation with Group Leaders.

4.4.2 If there is disagreement about the timing of an additional meeting between the Chairman and Group representatives, the meeting will start at the normal time for meetings of that Committee as identified within the Annual Calendar of meetings approved by Council.

4.4.3 Any meeting may be cancelled if there is insufficient business to consider. This will be determined by the Chairman after prior consultation with the Group representatives. For Council, the Mayor will determine in consultation with Group Leaders.

5. PRIVATE MEETING TO NOMINATE THE MAYOR ELECT

5.1 The Chief Executive will invite Members to hold a private meeting each year to nominate the Mayor Elect. This meeting will usually be held in February or March. The notice of the meeting will not be published and the proceedings will have no legal effect.

5.2 There is a written protocol for the nomination of the Mayor Elect and this can be found within Part 5 Section 8 of the Council's Constitution.

6. APPOINTMENT OF MEMBERS OF COMMITTEES AND SUB-COMMITTEES IN YEAR INCLUDING SUBSTITUTE MEMBERS

6.1 Appointment of Chair or Vice Chair in year vacancy

The Council may remove the Chairman or Vice-Chairman or they can resign. In the event that the Chairman or Vice-Chairman resigns or for some other reason becomes permanently incapacitated, the Council may appoint another Chairman or Vice-Chairman at its next meeting following the resignation or permanent incapacity and in the meantime the Committee may elect a temporary Chairman or Vice-Chairman until a new appointment is made by the Council. Unless otherwise stated in the Constitution, the Chair and Vice-Chair of a Committee or Sub-Committees shall be a Councillor.

6.2 Appointment of Members to Committees in year vacancy

If a vacancy arises on a Committee or Sub-Committee because a Member of a Committee or a Sub-Committee has resigned their seat by sending a written notice to the Chief Executive or because a Member has resigned, died or otherwise ceased to be a Member, the Chief Executive will appoint a Member to fill the vacancy if the relevant political group asks him or her to do so, in accordance with the seat

allocations approved by Council under the Local Government and Housing Act 1989 and the Regulations made thereunder.

6.3 Substitute Members

6.3.1 Number

For each Committee or Sub-Committee, the Council may appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee, however the total number of substitutes made by a political group at a meeting may not exceed 50% of the political group's seat allocation on that committee.

6.3.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

6.3.3 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the designated substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the monitoring officer by noon on the day of the meeting of the intended substitution.

6.3.4 When the ordinary member and a designated substitute are unable to attend a meeting, a nominated substitute member of the same group may attend the meeting after notifying the Monitoring Officer by 12 noon.

7. ATTENDANCE AT COMMITTEES OR SUB-COMMITTEES

7.1 The Mayor and the political group leaders can join the debate at any meeting of a Committee but they cannot vote at them.

7.2 A Cabinet Member can attend any meeting of a Scrutiny Committee or Scrutiny Commission at which a report under their portfolio is being considered, Cabinet Members can also be invited to attend a Scrutiny Committee meeting at the request of the Committee. The Member will not be allowed to vote.

7.3 A Member who has moved a motion at a Council meeting which has been referred to any Committee or Sub-Committee will have notice of the meeting when the motion will be considered, at which they will be entitled to introduce the motion. The Member will not be allowed to vote.

7.4 A Committee or Sub-Committee can invite any member who is not a member of the Committee to attend and speak at any one of their meetings. The Member will not be allowed to vote.

7.5 Members representing wards in respect of which a report containing exempt or confidential information relates, can attend the meeting at which the report is considered, unless the Chief Executive or the Monitoring Officer advises that the report must remain confidential and it is not necessary for Members (other than Members of the Committee or Sub-Committee) to be at the meeting in order to carry out their duties as a ward member.

8. COMMITTEE AND SUB-COMMITTEE POWERS AND DUTIES AND DELEGATION TO COMMITTEES AND SUB-COMMITTEES

8.1 The Monitoring Officer is responsible for maintaining and updating the terms of reference of all the Council's Committees.

8.2 All Committees can appoint a sub-committee from within its own membership and can delegate any of their powers and duties to the sub-committees, subject to any conditions the Committee sets for the Sub-Committee.

9. WORKING PARTIES FOR COMMITTEES

9.1 Committees can only appoint working parties where it would not be appropriate to refer the matter to a Scrutiny Committee or Scrutiny Commission. The Committee will decide how many Members and officers working parties will have, and their terms of reference which will be time limited. A working party will not have any powers, but will make recommendations and a report to the Committee that appointed it.

10. TIME AND PLACE OF MEETINGS

10.1 The time and place of meetings will be determined by the monitoring officer and notified in the summons.

11. NOTICE OF AND SUMMONS TO MEETINGS

11.1 The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Standing Orders (Procedure Rules). At least five clear days before a meeting, the monitoring officer will send a summons signed by him or her by

post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted (the agenda) and will be accompanied by the relevant reports.

12. CHAIR OF MEETING

- 12.1 The person presiding at the meeting may exercise any power or duty of the Mayor/**Chairman**.

13. QUORUM

- 13.1 The quorum of a meeting of Council will be one quarter of the whole number of members.

13.2 The quorum of an appointed Committee or Sub-Committee will be more than half of the Members present, apart from the Employment Committee and the Appeals Committee (Service Issues), where the quorum will be three.

- 13.3 During any meeting if the Mayor/**Chairman** counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor/**Chairman**. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

14. DURATION OF MEETING

- 14.1 Meeting recess

The Mayor/**Chairman** will adjourn the meeting for a period of ten minutes at a convenient time after two hours.

- 14.2 Interruption of the meeting

Where four hours have elapsed after the commencement of any Council meeting (and in the case of an Extraordinary meeting when two hours have elapsed since commencement of the meeting) the Mayor/**Chairman** shall interrupt the meeting and call for the vote immediately on the item under discussion. Any Member speaking must immediately cease doing so and sit down. The vote will be taken without further discussion. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

- 14.3 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with within the four hour period (or two hour period in the case of an Extraordinary meeting), they are deemed formally

moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

14.4 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

14.5 Motions which may be moved

During the process set out in Standing Order 14.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

14.6 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor/**Chairman** will declare the meeting closed.

15. QUESTIONS BY THE PUBLIC AT MEETINGS OF COUNCIL

15.1 General

15.1.1 Members of the public who are residents of the City may ask questions of Members of the Cabinet, the Chair of a Committee, the Chair of an Overview and Scrutiny Committee/Commission or a leader of a political group on the Council at meetings of the Council, other than the Annual Meeting and, except at the discretion of the Mayor, Extraordinary Meetings.

15.1.2 The total time allocated for Questions by the Public shall be limited to 30 minutes.

15.2 Order of questions

The order in which questions shall be presented to the meeting shall be determined by a draw for each section of the meeting. The draws shall be conducted by the monitoring officer (or senior officer appointed for this purpose). The draws may be attended by any Member of the Council by prior notice delivered in writing to the monitoring officer before the deadline for submission of questions.

15.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the monitoring officer no later than midday five working days before the day of the meeting. Each question

must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

15.4 Number of questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

15.5 Scope of questions

If the monitoring officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the question.

15.6 Record of questions

The monitoring officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

15.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. Three minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

15.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a

supplementary question on any of the grounds in Standing Order 15.5 above. One minute is allowed for putting the supplementary question.

15.9 Answers

Three minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question. Any question which cannot be dealt with, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

15.10 Reference of question to the Cabinet or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

15.11 There are no speaking rights at committee meetings other than those laid out in the Planning Speaking Scheme, which is available to view within the Committees terms of reference at Part 3 Section 2 of the Constitution.

16. PETITIONS PRESENTED AT COUNCIL

16.1 Petitions may be presented to the Council. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition scheme, detailed in Part 5 Section 9 of the Constitution, unless a relevant item appears elsewhere on the Agenda.

17. QUESTIONS BY MEMBERS AT COUNCIL

17.1 On reports of Cabinet or Committees

At a meeting of the Council, other than the Annual Meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

17.2 Questions on notice at full Council

17.2.1 Subject to Standing Order 17.4, a member of the Council may ask:

- the Mayor;

- the Leader or member of the Cabinet; or
- the chair of any committee or sub-committee

up to two questions on any matter in relation to which the Council has powers or duties or which affects the City.

17.2.2 The total time allocated for Questions under this item shall be limited to **30 minutes**.

17.3 Questions on notice at committees and sub-committees

Subject to Standing Order 17.4, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect the City and which falls within the terms of reference of that committee or sub-committee.

17.4 Notice of questions

A member may only ask a question under Standing Order 17.2 or 17.3 if either:

- a) they have given at least five working days notice in writing of the question to the monitoring officer; or
- b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the monitoring officer by noon on the day of the meeting.

17.5 Response

An answer may take the form of:

- a) a direct oral answer of up to three minutes;
- b) by reference to published material of the Council which is readily available to Members; or
- c) where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner.

17.6 Supplementary question

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the Member who put the question shall be allowed one supplementary question, of up to one minute, provided that it arises directly out of the original question or the reply and does not introduce any new subject matter.

The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked will have up to two minutes to answer or may decline to answer.

18. MOTIONS ON NOTICE

18.1 Notice

Except for motions which can be moved without notice under Standing Order 19, written notice of every motion, must be delivered to [the proper officer] by ten o'clock six clear working days before the date of the meeting (not including the day of the meeting). These will be entered in a book open to public inspection.

18.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting.

18.3 Scope

If the monitoring officer considers that a motion:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the motion.

19. MOTIONS WITHOUT NOTICE

19.1 The following motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;

- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) that the meeting continue beyond 4 hours in duration (2 in the case of an extraordinary meeting);
- m) to suspend a particular standing order;
- n) to exclude the public and press in accordance with the Access to Information Standing Orders;
- o) to not hear further a member named under Standing Order 27.3 or to exclude them from the meeting Standing Order 27.4; and
- p) to give the consent of the Council where its consent is required by this Constitution.

20. STANDING ORDERS OF DEBATE

20.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

20.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

20.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

20.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, statement of accuracy or point of order.

No speech may exceed five minutes by the mover of the motion or by three minutes in all other cases without the consent of the Mayor.

20.5 Budget Meetings

Rule 20.4 above, in respect of the length of speeches, shall not apply to a debate on the Budget where speeches shall not be subject to any time limit.

20.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) to move a further amendment if the motion has been amended since he or she last spoke;
- c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation and
- g) statement of accuracy.

20.7 Amendments to motions

- a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- b) Except in relation to motions that can be moved without notice under Standing Order 19, written notice of every intended amendment to a motion or to recommendations from Cabinet or the Council's committees:
 - (i) must be delivered to the monitoring officer in its initial form not later than noon two working days before the date of the meeting (not including the day of the meeting) at which the motion is to be considered; and
 - (ii) must be delivered to the monitoring officer in its intended final form not later than noon one working day before the date of the meeting (not including the day of the meeting) at which the motion is to be considered. If no withdrawal, confirmation or change is received by the monitoring officer, it will be assumed that the amendment is to be considered in its initial form.

No other amendment may be moved at the meeting except where the Mayor may permit, at his or her absolute discretion and to ensure the efficient or proper discharge of the Council's business, a further amendment or amendments to be moved.

- c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- d) If an amendment is not carried, other amendments to the original motion may be moved.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

20.8 Alteration of motion

- a) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

- c) Only alterations which could be made as an amendment may be made.

20.9 Withdrawal of motion

A member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

20.10 Right of reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

20.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) that the meeting continue beyond 4 hours in duration (or two hours if an extraordinary meeting);
- g) to exclude the public and press in accordance with the Access to Information Standing Orders;
- h) to not hear further a member named under Standing Order 27.3 or to exclude them from the meeting under Standing Order 27.4; and
- i) that a specific standing order be suspended

20.12 Closure motions

- a) A member may move, without comment, the following motions at the end of a speech of another member;
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

20.13 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or rule of law and the way in which he or she considers has been broken. The ruling of the Mayor on the matter will be final.

20.14 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

20.15 Statement of accuracy

A member may make a request to the Mayor to make a statement of accuracy at any time. If permitted, the statement will be limited to the accuracy of a fact cited by the member speaking and may not exceed thirty seconds. The ruling of the Mayor on the admissibility of a statement of accuracy will be final.

21. STATE OF THE CITY DEBATE BY COUNCIL

21.1 Calling of debate

The Leader may call a state of the City debate annually on a date and in a form to be agreed with the Mayor.

21.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the City debate.

21.3 Chairing of debate

The debate will be chaired by the Mayor.

21.4 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

22. PREVIOUS DECISIONS AND MOTIONS

22.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

22.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five members.

Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

23. VOTING

23.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

23.2 Mayor's/Chairman's casting vote

If there are equal numbers of votes for and against, the Mayor/Chairman will have a second or casting vote. There will be no restriction on how the Mayor/Chairman chooses to exercise a casting vote.

23.3 Show of hands

Unless a recorded vote is demanded under Standing Orders 23.4 and 23.5, the Mayor/Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

23.4 Recorded vote

If one quarter of members present and entitled to vote at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in writing and entered into the minutes.

23.5 Budget decision

At a budget decision meeting of the Council the names of the persons who cast a vote for the decision or against the decision or who abstained from voting will be recorded in writing and entered into the minutes of the proceedings of that meeting

For the purposes of this Standing Order:

(a) “budget decision” means a meeting of the Council at which it—

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or

(ii) issues a precept under Chapter 4 of Part 1 of that Act,

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and

(b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

23.6 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

23.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

24. MINUTES

24.1 Signing the minutes

The Mayor/**Chairman** will sign the minutes of the proceedings at the next suitable meeting. The Mayor/**Chairman** will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

24.2 There is no requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

24.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

25. RECORD OF ATTENDANCE

25.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

26. EXCLUSION OF PRESS AND PUBLIC

- 26.1 Members of the public and press may only be excluded either in accordance with the Access to Information Standing Orders in Part 4 of this Constitution or Standing Order 28 (Disturbance by Public).

27. MEMBERS' CONDUCT

- 27.1 Speaking and address system

When a member speaks at full Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order, a point of personal explanation or a statement of accuracy. This rule will not apply to Committee or Sub-Committee meetings.

- 27.2 Mayor/**Chairman**

When the Mayor/Chairman speaks or stands during a debate or otherwise indicates that the meeting should come to order, any member speaking at the time must stop and sit down. The meeting must be silent.

- 27.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor/Chairman by behaving improperly or offensively or deliberately obstructs business, the Mayor/**Chairman** or another Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

- 27.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor/**Chairman** or another Member may move that either the Member leaves the meeting or that meeting is adjourned a specified period. If seconded, the motion will be voted on without discussion.

- 27.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor/**Chairman** may adjourn the meeting for as long as he or she thinks necessary.

27.6 Conflicts of Interest

Members of the Council are under a duty to base their decision making on a consideration of the public interest. Members must avoid conflict between personal interest and the public interest, declare any personal interest when it arises and resolve any conflict between the two interests, at once, and in favour of the public.

28. DISTURBANCE BY PUBLIC

28.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor/**Chairman** will warn the person concerned. If they continue to interrupt, the Mayor/**Chairman** will order their removal from the meeting room.

28.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor/**Chairman** may call for that part to be cleared.

29. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE STANDING ORDERS

29.1 Suspension

All of these Council Standing Orders of Procedure except Standing Order 23.5 and 24.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

29.2 Amendment

Any motion to add to, vary or revoke these Council Standing Orders of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

30. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

30.1 Any member of the public may film, audio record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available to view in Part 5 Section 10 of the Council's Constitution (TO BE INSERTED), Protocol on the use of recording, photography and the use of social media at public meetings of the Council.

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DRAFT PROTOCOL ON THE SELECTION OF THE MAYOR

Summary

The purpose of this protocol is to provide guidance to Members of the Council and to officers on the procedure for selecting the Mayor on an annual basis.

1. Election Year Procedure

- 1.1 Following the elections, a list will be compiled and an order of seniority drawn up. This order of seniority will reflect the actual number of years served by each Member, regardless of any breaks in service.
- 1.2 Where new Members are elected for the first time they shall be placed at the bottom of the Council's order of seniority list. The order will be allocated according to the number of votes cast for the new Member, expressed as a percentage of the total ward electorate eligible to vote on the day of poll with the Member achieving the highest percentage point across the City placed at the head of the list and the other new Members following in percentage point order.
- 1.3 The Member at the top of the list of seniority will be eligible for the role of Mayor and the Member and Group Leaders will be notified accordingly.
- 1.4 The Member may opt to decline the offer of the position. In this case, the Member declining the role will be retained in the order of seniority list, but will be marked as having declined to take up the role. The Member will be re-considered for the role the following year.
- 1.5 Once the Member has accepted the role, a proposer will be sought to nominate the Member at the Annual Council Mayor Making Meeting.

2. Non-Election Year Procedure

- 2.1 The non-election year procedure will follow the same procedure as for election years.

3. Nomination of Deputy Mayor

- 3.1 Nominations for Deputy Mayor will be taken from each party, regardless of length of service. In taking up the role of Deputy Mayor, this will have no bearing on the Member taking up the role of Mayor in future years.

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Peterborough City Council Petitions Scheme

1. Introduction

- 1.1. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the Council within 15 working days of receipt.
- 1.2. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.3. Paper petitions can be sent to: Democratic Services, Town Hall, Peterborough, PE1 1HG.

A petition template is available at Appendix 1 and this will help you to see what information we need in order to consider your petition under the terms of the council scheme.

- 1.4. Petitions can also be presented to a meeting of the council. These meetings take place approximately every 6 weeks, dates and times can be found here:
<http://democracy.peterborough.gov.uk/ieListMeetings.aspx?CommitteeId=139>
- 1.5. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Governance Services on (01733) 452268 at least 10 working days before the meeting and they will talk you through the process.
- 1.6. Any written petition can be submitted at a meeting of the full Council. The lead petitioner will have one minute to present the petition, which will be received by the Council without comment.
- 1.7. If your petition has received 50 signatories or more from people who live, work or study in Peterborough it can then trigger submission of the petition to the Cabinet or Scrutiny Committee or Commission alongside or in advance of the business your petition is seeking to affect. If this is the case we will discuss with the lead petitioner the options for enabling this to take place.
- 1.8. If your petition has received 500 signatories or more from people who live, work or study in Peterborough it can trigger a Full Council debate and if this is the case we will discuss with the lead petitioner the options for enabling this to take place.
- 1.9. The outcome of all petitions submitted in writing are published in a report for the Council's Cabinet to consider.

2. Petitions that cannot be dealt with through this Scheme – Planning and Licensing decisions

2.1 The following matters are excluded from this petition scheme

- Any matter relating to a planning decision, including about a development plan document or community infrastructure levy (a new local levy that authorities can choose to introduce to help fund infrastructure in their area.)
- Any matter relating to an alcohol, gambling or sex establishment licensing decision.*
- Any matter where there is an appeals procedure in place

A 'Licensing Decision' is:

- Any decision in relation to an application for the grant, variation or review of any authorisation under Part 3 or 4 of the Licensing Act 2003 (premises licences and club premises licences) or any hearing or appeal in respect of any such application.
- Any decision in relation to the application for the grant, renewal or transfer of a licence under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments), a request for the variation of any term, condition or restriction contained in such a licence or the revocation of such a licence.
- Any decision in relation to any application for a licence, permit or registration under the Gambling Act 2005, a request for a variation of any term, condition or restriction associated with any such licence, permit or registration or the revocation of any such licence, permit or registration.

However, a petition that alleges a systematic failure to deliver services in the above areas is within the scope of this Scheme (e.g. while a petition on an individual planning application could not be taken, a petition about the council's failure to deliver an effective service for planning applications would be within the scope of this scheme).

2.2 If you wish to submit a petition on a planning or licensing matter, the arrangements are as follows:

- Petitions relating to licensing decisions should be e-mailed to [...] Further information on how to submit a review to a licenced premises is available through [...]
- Petitions relating to planning decisions should be e-mailed to [...@Peterborough.gov.uk] or sent to the following address [...] Further information on how to have your say on planning applications is available through following this link [...]

3. What are the guidelines for submitting a petition

3.1. Petitions may be submitted to the full Council, the Cabinet or Committees and Sub-Committees of the Council. Under the terms of this scheme they must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take

- The name and address and signature of any person supporting the petition (you are deemed to have 'signed' the petition if you have added your name and address to it.)
 - A minimum of 20 signatures of people who live, work or study in the Peterborough local authority area
- 3.2. Petitions should be accompanied by contact details, including an address, for the petition organiser who must also live, work or study in the Peterborough local authority area. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
 - 3.3. If your petition does not reach the minimum requirement of 20 signatures, particularly where the issue relates to a small locality, we will seek to advise you of other ways in which your views could be considered. A petition with fewer than 20 names will be considered if the signatories comprise a majority of the residents and/or stakeholders affected by the issue raised.
 - 3.4. A short form is available to download here (see Appendix 2), which enables you to easily set out the main summary information we require when you submit your petition.
 - 3.5. If you want to submit a petition to a specific meeting of the Council, Cabinet or any committee meeting (including scrutiny commissions) then you need to ensure that we receive a completed petitions submission form or at the very least, provide us with details of the petition subject matter, number of signatures and your contact details by no later than 12.00 noon on the working day before that meeting to enable it to be submitted there.
 - 3.6. Please note petitions submitted by the petitioner to meetings of the council will not be discussed in detail at that point, unless there is an agenda item specifically relating to that issue. Petitions received in this way will be passed to the appropriate councillor, officer or forum for proper consideration.
 - 3.7. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. We will explain the reasons for this in our acknowledgement of the petition.
 - 3.8. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
 - 3.9. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

4. What will the Council do when it receives my petition?

- 4.1. An acknowledgement will be sent to the petition organiser within 15 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website and on our e-petitions site where all petitions received will be registered.
- 4.2. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If some other action is proposed or intended, the acknowledgement will explain this. If the petition has enough signatories to trigger a Council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 4.3. We reserve the right to verify signatories as required. Please ensure you include a valid address and postcode that relates to your home address (if you live or study in Peterborough) or work address (if you work or run a business in Peterborough). These details will be taken into account when identifying if there are enough signatories from people who live, work or study in Peterborough to trigger a full Council debate.
- 4.4. Any petition that is a duplicate or near duplicate of another petition that the Council has already received will not normally be considered within a 12 month period although officers will exercise their discretion in individual cases. You are advised to check the details of previous petitions on our e-petitions site or contact us for advice at the start of your petition.
- 4.5. To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us including those pending action will be published on our website, except in cases where this would be inappropriate.

5. Full council debates

- 5.1. If a petition contains more than 500 signatures from people who live, work or study in the city, it will trigger the right to be debated by a meeting of the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.
- 5.2. If the petition organiser wishes to take up this opportunity, they will be given five minutes to present the petition at the next available meeting of the full Council. The petition will then be discussed by councillors. Full Council will decide how to respond to the petition at this meeting.
- 5.3. The petition organiser will receive written confirmation of the outcome of the full Council debate, of the Council's decision and any explanation in

the event of Council not being able to take the action which has been requested.

6. E-petitions

- 6.1. The council welcomes e-petitions which are created and submitted through our website [...] E-petitions must follow the same guidelines as paper petitions. E-petitions will not trigger the same submission or reporting steps as a petition in made in writing but the response will be published on the E-petition pages.
- 6.2. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatories. Most petitions run for six months, but you can choose a shorter or longer timeframe. You may wish to time the ending of the petition to coincide with a relevant meeting or decision. It may be helpful to discuss this with our petition administrator. If so, please contact us via email at nnn@Peterborough.gov.uk
- 6.3. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 6.4. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.5. When an e-petition has closed for signature, it will automatically be submitted to Governance Services. In the same way as a paper petition, you will receive an acknowledgement within 15 working days.
- 6.6. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

7. How do I 'sign' an e-petition?

- 7.1. You can see all the e-petitions currently available for signature here [http:// ...]
- 7.2. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete you will have been added as a signatory to the petition. People visiting the e-

petition will be able to see your name and the ward to where your postcode relates in the list of those who have signed it, but your contact details will not be visible.

8. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, please contact the Senior Governance Officer who will review your complaint and will advise you of the action which is intended. Please provide a short explanation of the reasons in your communication with us.

9. Other ways to have your say

9.1 Peterborough City Council is always interested in your feedback on our services or how we can work together better with our partners to improve things in our city.

9.2 There are a wide range of ways you can get involved and have your say, from submitting individual comments on specific issues to participating in consultations that regularly input to shaping our local services.

9.3 You can get involved by writing to us, attending meetings and events or participating online.

9.4 To find out more visit our website www.Peterborough.gov.uk

9.5 If you have a complaint about the Council, we would like to ensure this is sorted out as soon as possible. If you have a problem with a Council service please try and talk to a member of staff, as they may be able to resolve it straight away.

9.6 If it is not possible for you to talk to a member of staff or you prefer to contact us in a different way, please see the details below.

9.7 Contact us:

By phone

.

By e-mail.

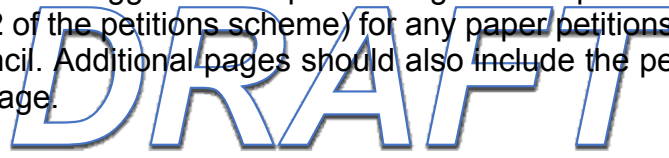
By letter. You can write to the department or service concerned.

Appendix A1

**Peterborough City Council
Petition Template**

Guidance notes:

Please use this suggested template alongside the petitions submission form (appendix 2 of the petitions scheme) for any paper petitions you wish to submit to the Council. Additional pages should also include the petition subject at the top of the page.



The Petition organiser must live, work/own a business or study in the City.

If you wish to 'sign' this petition, please put down your Peterborough address if you live, work (or own a business) or study in the City as this will count towards any threshold for debate at full Council meetings (where all Peterborough City Councillors attend).

Other signatories will be taken into consideration in respect of the issue being raised, but will not count towards the numbers required for formal debates under the scheme.

Please also refer to the petitions scheme available on our council website www.Peterborough.gov.uk for further information about how we deal with petitions at the Council.

Petition subject:		
By adding our contact details below we ask that:		
Name	Address (incl. postcode if possible)	Email address (if possible)

**Peterborough City Council
Petitions Submission Form**

Please complete the summary details on this form to assist us in directing your petition to the right place and include it with your petition.

Please note contact details for the petition organiser will not be made public other than name and postcode.

DRAFT

Petition subject	
Action requested by the petitioners	
Number of signatures (please give overall number if combination of paper and e-petition)	
Any eligible petition with 20 signatures or over will be automatically be considered by the Council. However if you prefer the petition can be presented for submission at a relevant public meeting of the council, prior to consideration of the issue raised. Please advise if you wish to submit your petition in this way. Yes/No (please circle)	
Name of Councillor submitting petition on behalf of petitioners (if appropriate)	
Contact details of petition organiser	Name:
	Address:
	Tel:
	Email:

Council use only
Date petition received:

Appendix A2

APPENDIX B

Peterborough City Council Petitions Scheme

Guidance for councillors

Introduction and background

This guidance has been produced to help councillors and officers understand the revised petitions scheme and their role in supporting it.

This could be through:

- Representing your Ward by:
 - Presenting a Petition at a Public Meeting on behalf of a Ward Member (an individual may not be confident enough to present the issue themselves)
 - Acting as Lead Petitioner on a topic that you know your community is concerned about.
- Being asked to consider the topic of petition at a meeting, gather evidence and views on the issue and then draw your conclusions and make recommendations (or make a decision if the issue is referred to you as the relevant Executive Member).

The Scheme gives local people a right to a public response if they sign an eligible petition (provided the petition is not of a vexatious, abusive or otherwise inappropriate nature).

What do I need to do?

Governance Services are responsible for the management of the Petitions Scheme overall and so if you have any queries that cannot be answered by reading this guidance or the Petitions scheme itself, please contact them for assistance.

Currently support to the petitions process is provided by officers in Governance Services

Representing your Ward

Setting up a Petition yourself

If you decide to set up a petition on behalf of your Ward (as Lead Petitioner) or are advising someone else about it there are a few things you will need to consider first, such as whether the issue has already been considered in the last 12 months, is the wording factually accurate etc?

Please see the scheme for help in the first instance.

Receiving a Petition & submitting it on behalf of your ward member or group Governance Services need to be aware of all petitions we receive as an organisation.

Therefore, if you receive one directly this needs to be registered with Governance Services along with some key basic information.

All new petitions received now need to have a summary sheet (submission form) attached (see Appendix 2 on the scheme) to assist with management and tracking of the petition. If you are handed/receive a petition by the public please ensure some basic contact information is taken in order that we can follow up on these details.

Under the scheme, a petition can be directly submitted to Governance Services and officers will register the petition and get agreement about how it should be considered/actioned and then process it accordingly. This is helpful in ensuring the issue is addressed promptly without the delay of waiting for a meeting to present it.

However, the Lead Petitioner may prefer to submit a petition to a public meeting of the Council, which can have more Governance value placed upon the action.

The Lead Petitioner themselves can submit the petition or (if not you), you can be asked to submit and present the petition on their behalf if they are unable to attend the meeting or feel uncomfortable with public speaking.

If you are asked to undertake this, please ensure the petition is submitted to Governance Services no later than 12.00 noon on the working day before that meeting.

The process for dealing with the petition once submitted

When a petition is first received, the council needs to respond within 15 working days to advise the Lead Petitioner (and others online through the e-petition system) what we plan to do with the petition.

Depending on the nature of the issue raised, a Governance Services Officer may ask for information about any related forthcoming forums/meetings/work activity where the issue could be considered.

Once this dialogue has taken place with all relevant Officers and Members an approach will be agreed and the Lead Petitioner notified.

Next steps

The Governance Services Officer will then put in place any arrangements for consideration at a meeting etc and normal reporting timescales will apply where a relevant Officer may be asked to provide a report on the issue in question.

If the issue can be considered by an Executive Member or Officer in the normal course of their duty, then the Governance Services Officer will make that request and they will have 1 month to respond.

Following the conclusion of these activities, the outcome will be passed to the Lead Petitioner and published on our website to enable others to see the Council response as laid out within our petitions scheme unless an exception is explicitly made by Council.

We are keen to ensure that even where the Council cannot do what the petitioner asks for, that the response given explains the reasoning behind it to aid understanding and where feasible suggests other options for support in getting the issue resolved.

Who do I contact if I have a query?

If the Petitions Scheme itself doesn't have the answer, please contact Governance Services on [(01733) ...]. Email: [Peterborough.gov.uk]

To see our Petitions scheme information up on our Council website please follow this link:

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