

## **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 19 JULY 2017 at 7.00 pm**

### **AGENDA**

**Page No.**

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the meeting held on:**
  - (a) **22 May 2017 - Mayor Making** 5 - 6
  - (b) **22 May 2017 - Annual Council** 7 - 12

#### **COMMUNICATIONS TIME**

4. **Mayor's Announcements**
5. **Leader's Announcements**

#### **QUESTIONS AND PETITIONS**

6. **Questions from Members of the Public**
7. **Petitions**
  - (a) **Presented by Members of the Public**
  - (b) **Presented by Members**
8. **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**
  - (d) **To the Combined Authority Representatives**

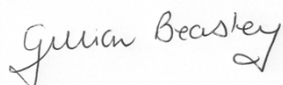
## RECOMMENDATIONS AND REPORTS

### 9. Executive and Committee Recommendations to Council

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(c) Audit Committee Recommendation - Updates to the Constitution	111 - 204
(d) Licensing Committee Recommendation - Proposed Taxi Policy	205 - 292
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11. Questions on the Combined Authority Decisions Made Since the Last Meeting	303 - 332

## COUNCIL BUSINESS

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(b) Consultation on Changes of Governance with Fire	371 - 382
(c) Appointment of the Interim Monitoring Officer	383 - 384



Chief Executive

11 July 2017  
Town Hall  
Bridge Street  
Peterborough

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**MINUTES OF THE ANNUAL COUNCIL MAYOR MAKING MEETING  
HELD WEDNESDAY 22 MAY 2017  
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

**Present:**

Councillors Aitken, Ali, Allen, Ash, Ayres, Bisby, Bond, Brown, Bull, Casey, Cereste, Clark, Coles, Davidson, Dowson, Ellis, Elsey, Ferris, Fitzgerald, Fower, Judy Fox, John Fox, Fuller, Harper, Hiller, Holdich, Hussain, Amjad Iqbal, Azher Iqbal, Jamil, Johnson, King, Lamb, Lane, Nadeem, Nawaz, Okonkowski, Over, Peach, Rush, Sanders, Saltmarsh, Sandford, Seaton, Serluca, Shaheed, Sharp, Smith, Stokes, Sylvester, Walsh, and Whitby

**1. Apologies for Absence**

Apologies for absence were received from Councillors Barkham, Goodwin, Khan, Lillis, Martin, and Shearman.

**2. Election for the Mayor for 2017 / 2018**

The Retiring Mayor, Councillor David Sanders, requested nominations for the election of Mayor for 2017 / 2018.

Councillor John Fox was nominated by Councillor Hiller, and this was seconded by Councillor Holdich.

There being no other nominations, Councillor John Fox was duly elected Mayor for the Municipal Year 2017 / 2018.

The Mayor made and signed his Declaration of Office and the retiring Mayor, Councillor Sanders invested the Mayor with his Chain of Office and Councillor Sanders invested the Mayoress, Councillor Judy Fox, with her Chain of Office.

**3. Election for the Deputy Mayor for 2017 / 2018**

The Mayor invited nominations for the election of Deputy Mayor for 2017 / 2018.

Councillor Ash was nominated by Councillor Saltmarsh and this was seconded by Councillor Sandford.

There being no other nominations, Councillor Ash was duly elected Deputy Mayor for the Municipal Year 2017 / 2018.

The Deputy Mayor made and signed his Declaration of Office. The Mayor invested the Deputy Mayor with his Chain of Office and the Mayor invested the Deputy Mayoress, Mrs Doreen Roberts, with her Chain of Office.

**4. Investiture of Badges of Office and Vote of Thanks to the Retiring Mayor**

Councillor Holdich proposed a vote of thanks to the retiring Mayor, Councillor Sanders

and congratulated him on his successful year and his ability to embrace all aspects of the Mayoral role with commitment and good humour. This vote of thanks was seconded and endorsed by Councillor Fitzgerald.

Group Leaders endorsed the vote of thanks, commenting on the firm, fair, and fun manner in which Councillor Sanders had chaired the Full Council meetings during the year. Following Group Leaders comments, all Members agreed to support the vote of thanks.

Councillor Sanders responded to the vote of thanks by commending the work of the Charity Committee in raising over £40,000 over the year. Councillor Sanders further thanked Jacie Drabble, Reverend Simon Kaye, Councillor Sharp and Christine Wilson for supporting him and ensure that his year was so enjoyable. He had considered it an honor to take on the role, which had allowed him to see the hard work of Peterborough residents first hand. Councillor Sanders went on to announce his resignation as Councillor and the Conservative Party. He wished the Mayor and Mayoress good luck for their year in office.

The Mayor invited Councillor Sanders to receive his Past Mayors Badge in recognition of his service to the city during his term of office. Upon receiving his Past Mayors Badge, Councillor Sanders presented the Jacie Drabble with a gift, the retiring Deputy Mayor, Councillor Sharp, with his Badge, the retiring Deputy Mayoress, Ms Christine Wilson, with a gift and the retiring Mayor's Chaplain, Reverend Simon Kaye with a gift.

The Mayor declared he would continue throughout the year to work within and build on the Council's community cohesion strategy. This would involve working to support local businesses. The Mayor would further continue to build on the work of the Armed Forces Partnership Board. The Mayor's charities for the 2017/18 year would be Addenbrooke's Charitable Trust, Peterborough Sea Cadets, and Peterborough Shopmobility. The Mayor's Chaplain for the year would be Reverend George Rogers.

Following the conclusion of the ceremonial part of the proceedings, the meeting was adjourned for refreshments.

6.30pm – 7:17pm  
Mayor

**MINUTES OF THE ANNUAL COUNCIL MEETING  
HELD WEDNESDAY 22 MAY 2017  
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

**THE MAYOR – COUNCILLOR JOHN FOX**

**Present:**

Councillors Aitken, Ali, Allen, Ash, Ayres, Barkham, Bisby, Bond, Brown, Bull, Casey, Cereste, Clark, Coles, Davidson, Dowson, Ellis, Elsey, Ferris, Fitzgerald, Fower, Judy Fox, John Fox, Fuller, Harper, Hiller, Holdich, Hussain, Amjad Iqbal, Azher Iqbal, Jamil, Johnson, King, Lamb, Lane, Murphy, Nadeem, Nawaz, Okonkowski, Over, Peach, Rush, Saltmarsh, Sandford, Seaton, Serluca, Shaheed, Sharp, Smith, Stokes, Sylvester, Walsh, and Whitby

**1. Apologies for Absence**

There were apologies for absence from Councillor Khan, Lillis, Martin, Shearman, and Barkham.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meetings held on 12 April 2017**

The minutes of the meeting held on 12 April 2017 were approved as a true and accurate record.

**4. Mayor's Announcements**

There were no announcements from the Mayor.

**5. Political Groups and Group Officers 2017 / 2018**

The Mayor invited the Legal Officer to speak. The Legal Officer advised the Council that, following the resignation of Councillor Sanders from the Council, his name required removal from the political group list. Councillor Sanders' resignation further impacted on the political balance of the Council, to be discussed later in the agenda, as the Council was now in a position of no overall control. Group Leaders had met and agreed to maintain the status quo of political balance, to be reviewed following the 8 June 2017 bye-election. There were no committee meetings to be held before this date.

The membership of Political Groups and their Officers for the Municipal Year 2017 / 2018 were noted and agreed (unanimous), subject to the following amendments:

1. The removal of Councillor Sanders from the political group list;
2. The Labour Group 'Chairman' being amended to 'Chair';
3. The Conservative Group Secretary being amended to Councillor Ayres; and
4. The Conservative Group Press Officer being amended to Councillor Fitzgerald.

## 6. Appointment of the Executive and Leader's Scheme of Delegations

Councillor Holdich addressed the meeting and moved the recommendations as detailed within the report and presented his Scheme of Delegations advising that he would be retaining responsibility for 'Cambridgeshire and Peterborough Combined Authority'. Councillor Holdich further named his Cabinet Members and advisors, their responsibilities and key areas to be addressed in the city during the year ahead, these included:

- Councillor Wayne Fitzgerald - Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health
- Councillor Lynne Ayres - Cabinet Member for Education
- Councillor Gavin Elsey - Cabinet Member for Digital, Waste and Street Scene
- Councillor Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development
- Councillor Diane Lamb - Cabinet Member for Public Health
- Councillor Irene Walsh - Cabinet Member for Communities
- Councillor Sam Smith - Cabinet Member for Children's Services
- Councillor David Seaton - Cabinet Member for Resources
- Councillor Steve Allen - Cabinet Advisor to the Leader
- Councillor June Stokes - Cabinet Advisor for Children's Safeguarding and Education

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

The Mayor invited Group Leaders and Members to comment on Councillor Holdich's proposals. In summary, key points raised included:

- Comment was made that the delegations proposed were no different than before.
- Focus on North Westgate and the Can Do area was welcomed, however it was noted that no comment was made on homelessness or the need for social housing.
- It was noted that while Peterborough was one of the smallest unitary authorities in the country, they had one of the largest Cabinets, and continued to appoint purely Conservative chairs. It was considered that this would be untenable if a position of no overall control was maintained.
- It was suggested that the level of Special Responsibility Allowance allocated to the Conservative Group needed to be addressed.
- Comment was made that action needed to be taken around the low attainment by local schools.
- It was noted that the Council's transport powers had been transferred to the Combined Authority, which did not appear to place Peterborough in a priority position.
- Concern was raised at the loss of dedicated Culture and City Centre portfolios.
- It was commented that support would be given to proposals that were good for the city, but that challenge would be made when necessary.
- It was hoped that proposed plans came to fruition, including those for a university in the city. Further comment was made that regrowth was needed in the outlying areas of the city, not just the city centre.

Councillor Fitzgerald exercised his right to speak as seconder of the recommendations and challenged opposition groups to present viable alternatives to proposals made. It was noted that a cross party review of homelessness had been undertaken, as well as the commencement of a housing company project with Cross Keys Homes.



Peterborough was a progressive city and the responsibility for culture and the city centre now lay within the Leader's portfolio.

Councillor Holdich summed up and advised that he would welcome input from other Groups into alternative ways of delivering services and noted that the Budget Working Group was cross party.

Following debate it was **AGREED** (unanimous) that Council:

- (a) Noted that the current Leader of the Council's term of office is until 2018;
- (b) Noted the appointment of the Cabinet and the Leader's Scheme of Delegation to Cabinet Members and officers (Appendix 1); and
- (c) Agreed to amend the Constitution to include the Leader's Scheme of Delegation to Cabinet Members and officers.

## 7. Committee Structures

Councillor Holdich addressed the meeting, moved recommendations as detailed within the report, and requested that Council note that the committee terms of reference had remained the same.

Councillor Fitzgerald seconded the recommendations.

A vote was taken on the recommendations as proposed by Councillor Holdich (unanimous) and it was **AGREED** that Council appoints the Committees listed below for the Municipal Year 2017/2018 and notes that no changes had been made to the terms of reference of these committees.

Committee
<u>Ordinary Committees subject to political balance seat allocations:</u> Growth, Environment and Resources Scrutiny Committee Adults and Communities Scrutiny Committee Health Scrutiny Committee Children and Education Scrutiny Committee Employment Committee Licensing Committee (Regulatory) Planning and Environmental Protection Committee Appeals and Planning Review Committee Audit Committee Corporate Parenting Committee
<u>Other bodies to which Section 15 LGHA does not apply</u> Health and Wellbeing Board Licensing Committee (Licensing Act 2003)

## 8. Political Balance and Allocation of Committee Seats

Councillor Holdich addressed the meeting and moved recommendations as detailed

within the report. He acknowledged that the political balance of the Council had now changed, and may change again following the bye-election on 8 June 2017, and thanked Group Leaders for their agreement maintain the status quo until this date.

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

Members were invited to comment on the recommendation and during debate queries were raised as to whether the proposals put forward were factually correct.

Councillor Fitzgerald exercised his right to speak and confirmed that it was well understood that the reality of the political balance of the Council was not as proposed in the report, however, the sensible approach was to maintain the status quo in light of further possible changes.

Councillor Holdich summed up as mover of the recommendations and noted that should a Conservative Member win the 8 June 2017 election, the Council would return to its previous political balance. Should a Member from another Group prevail, a special meeting of the Council would be called to review the political balance.

A vote was taken on the recommendations as proposed by Councillor Holdich (unanimous) and it was **AGREED** that Council:

- (a) Noted the number of seats on committees;
- (b) Agreed the allocation of seats on those committees subject to the political balance arrangements (Appendix 1); and
- (c) Agreed the allocation of seats on those committees not subject to political balance arrangements (Appendix 2).

## 9. Appointments to Committees

Councillor Holdich addressed the meeting and moved recommendations as detailed within the report and the supplementary information pack.

Councillor Fitzgerald seconded the recommendations.

A vote was taken on the recommendations as proposed by Councillor Holdich (unanimous) and it was **AGREED** that Council:

- (a) Agreed the appointments those Committee where the allocation of the seats has been determined under Agenda Item 8 (Appendix 1);
- (b) Appointed the Chair and Vice-Chair of each of the Council's Committees (Appendix 1);
- (c) Confirmed the non-elected membership of committees, as described at paragraphs 4.1 to 4.7 of the report;
- (d) Authorised the Monitoring Officer as Proper Officer, in respect of any other appointments to be made, to carry out the wishes of the Leaders of the Political Groups in allocating members to committees, and appoints those Members with effect from the date at which the Proper Officer is advised of the names of such Members.

## 10. Appointments and Nominations to Other Authorities

Councillor Holdich addressed the meeting and moved recommendations as detailed within the report and the supplementary information pack.

Councillor Fitzgerald seconded the recommendations .

A vote was taken on the recommendations as proposed by Councillor Holdich (unanimous) and it was **AGREED** that Council made the following appointments or nominations for the municipal year 2017/2018, in line with the political balance set out in Appendix 1:

- (a) appointed the Leader of Council to act as the Council's appointee to the Cambridgeshire and Peterborough Combined Authority and one substitute member, as set out in Appendix 2;
- (b) nominated two members to the Cambridgeshire and Peterborough Combined Authority Overview and Scrutiny Committee, and two substitute members from the same political parties as those appointed, as set out in Appendix 2;
- (c) nominated one member to the Cambridgeshire and Peterborough Combined Authority Audit and Governance Committee and one substitute member from the same political party, as set out in Appendix 2;
- (d) appointed three members to the Police and Crime Panel, as set out in Appendix 2;;
- (e) appointed four members to the Fire Authority, as set out in Appendix 2; and
- (f) authorised the Monitoring Officer as Proper Officer to make any amendments to the appointments and nominations in consultation with the Political Group Leaders, if the political balance is amended by the Combined Authority, Police and Crime Panel, or Fire Authority between now and the next Council meeting.

## 11. Calendar of Meetings

The Mayor advised that the Council was requested to approve the revised calendar of meetings for 2017/18 as outlined within the supplementary document pack, and approve in principle the draft calendar of meetings for 2018/19

A vote was taken (unanimous) and it was **AGREED** that Council:

- (a) Approved the revised Calendar of Meetings (Appendix 1) for 2017 / 2018; and
- (b) Approved in principle the draft Calendar of Meetings (Appendix 2) to 2018 / 2019.

The Mayor  
7.45pm – 8:26pm

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<b>COUNCIL</b>	AGENDA ITEM No. 9(a)
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**(a) CABINET RECOMMENDATION – SAFER PETERBOROUGH PARTNERSHIP PLAN 2017 - 2020**

Cabinet, at its meeting of 10 July 2017, received a report which requested its views on the proposed Safer Peterborough Plan 2017 - 2020 and to seek approval for this Plan to be submitted to Council.

**IT IS RECOMMENDED** that Council approve the Safer Peterborough Partnership Plan 2017 – 2020.

**APPENDICES**

Appendix 1 - Draft Safer Peterborough Partnership Plan 2017 – 2020.

The original Cabinet report follows this appendix.

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# Safer Peterborough Partnership Plan 2017 - 2020

## Introduction

*Chair of the Safer Peterborough Partnership, Claire Higgins*

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I am delighted to introduce the Safer Peterborough Partnership Community Safety Plan 2017 - 2020. Our plan sets out how the Safer Peterborough Partnership will tackle crime and disorder over the course of the next three years.

Peterborough published its first Crime and Disorder Reduction Strategy over 15 years ago. During that time we have achieved significant reductions in crime, anti-social behaviour and overseen improvements in areas that negatively impact on the quality of life of people living and working in the city.

Over the last three years, we have focussed on reducing the numbers of people who become victims of crime, safeguarding those who do become victims and bringing more offenders to justice. We are incredibly proud of what we have achieved as a partnership, however we know that there is more to do. For example, we know that, in some areas of the city, there is a negative perception of how crime and disorder is dealt with. We also know that some people are worried about visiting some areas of the city both in the daytime and late at night.

The foundations on which this plan are built are to ensure that Peterborough's communities and neighbourhoods are safe places to live, visit and work. The challenge facing the city is how to deliver this ambitious vision during a period of ever reducing public sector resources, against a backdrop of a growing and increasingly complex population.

Our plan outlines how we will work together to continue to reduce crime, tackle quality of life issues and address issues which have the most significant risk of harm to the city. We will work together, using real life examples and realistic interventions, to build on the successes of previous years. We will continue to forge constructive partnerships as no one agency can influence change alone. As a partnership, we will support and challenge each other to ensure we protect vulnerable people and our wider communities, to make Peterborough a safer place for everyone.

I hope you enjoy reading it.

## About this Plan

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The Safer Peterborough Partnership has a statutory duty to develop and implement a Partnership Plan, which describes how responsible authorities and other partners will work together to tackle crime, disorder, substance misuse and re-offending in the city.

This Plan defines the priorities for the Safer Peterborough Partnership over the next three years. The Plan also identifies how the Partnership will respond to the impact of national policy changes and new and emerging risks.

The Safer Peterborough Partnership Plan 2017 - 2020 will be implemented on 1st April 2017 and will be active for three years. The Plan and its priorities are revised annually to take account of changes in crime and disorder, local priorities, available resources and demographic changes within communities.

As outlined on page 11 of the plan, the Partnership has identified three priorities which have been identified as key delivery areas. The priorities are:

- Offender Management
- Domestic Abuse and Sexual Violence
- Building Resilient Communities

Other lower harm, but nevertheless important issues such as flytipping, anti-social behaviour, arson and road safety are being tackled through Prevention and Enforcement Service (PES) who act as the operational arm of the Partnership. Through joint working between the council, police, prison and fire service, the PES will prevent and enforce issues which can negatively affect quality of life for residents in Peterborough.



## Our Partnership

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The Safer Peterborough Partnership is a multi-agency strategic group set up following the Crime and Disorder Act 1998. The partnership approach is built on the premise that no single agency can deal with, or be responsible for dealing with, complex community safety issues, these issues can be addressed more effectively and efficiently through working in partnership.

The Safer Peterborough Partnership is made up of a number of responsible authorities who work together to deliver the partnership priorities. These organisations include:

- Peterborough City Council
- Cambridgeshire Constabulary
- Cambridgeshire Fire and Rescue Service
- Cambridgeshire and Peterborough Clinical Commissioning Group
- National Probation Service
- Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire Community Rehabilitation Company

The Partnership is also supported by key local agencies from both the public and voluntary sectors. Registered Social Landlords have a key role in addressing crime and disorder and they are represented by Cross Keys Homes.

The Safer Peterborough Partnership co-ordinates the work of all the partners across the city by:

- Undertaking an annual strategic assessment to identify community safety priorities across Peterborough;
- Developing a three year Partnership Plan, refreshed annually, to co-ordinate activity to address community safety priorities across Peterborough;
- Monitoring delivery against our objectives and performance through targeting resources to deliver efficient and effective outcomes for everyone who lives, visits and works in the city

One key area of focus for the Partnership over the coming 12 months, will be to improve integrated working by continuing to strengthen our relationships with other local partnerships, such as the Health and Wellbeing Board, the Safeguarding Boards and the new county partnership board focussing on domestic abuse, sexual health and substance misuse. We will engage with these partnerships to explore options for co-delivery of key areas of work which impact on community safety.

We will also seek to improve working across geographical boundaries by forging relationships with community safety partnerships and other organisations working in Cambridgeshire and beyond.

## Our Approach

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### The Safer Peterborough Partnership Strategic Assessment

Every year, Safer Peterborough completes an assessment of community safety in Peterborough, called the Strategic Assessment. The strategic assessment is designed to enable the Partnership to be more responsive to communities by developing a better understanding of local crime and disorder issues. The findings from this assessment, together with findings from the public consultation, are used to identify Peterborough's community safety priorities.

The Strategic Assessment has been developed using data, analysis and professional expertise across a broad range of community safety themes. The Cambridgeshire Constabulary Strategic Assessment, which uses a risk based approach to identify priorities, was also used to inform this document.

Each theme was researched and analysed using data taken from police and partner systems, online resources such as the Census and information from theme leads and practitioners from across the partnership. This has allowed for an assessment of all issues and puts more emphasis on the risk of harm, rather than volume of incidence, in understanding the level of threat and risk of particular issues.

This Strategic Assessment includes an analysis of the partnership's current priorities, together with analysis on new and emerging trends which the partnership may wish to consider prioritising.

### The Prioritisation Process

In times of reducing resources and increasing challenges, we are making a commitment to prioritise a small number of strategic themes which our assessment process has identified as having the highest risk of harm to communities in Peterborough. This plan therefore does not seek to address every community safety issue that can occur in the city.

There are a number of other crime and disorder types which we assess as having a lower level of risk which do not generally require a focused partnership approach to address. We will continue to work proactively in these areas to ensure that we meet our statutory responsibilities, monitor performance and where required provide a partnership response to tackle entrenched or escalating issues.

The Prevention and Enforcement Service will take a lead on these lower level crime and disorder issues which includes, but is not limited to, anti-social behaviour, enviro-crime, arson, rogue landlords and unauthorised traveller encampments. The Prevention and Enforcement Service's operational plan outlines how these issues will be tackled and prioritised over the coming 12 months.

We will use our existing robust performance management framework to monitor crime and disorder trends, ensuring that we are able to respond to areas of emerging risk where appropriate.

Other priority areas that influence the Plan, but are not led by the Safer Peterborough Partnership, include the Cambridgeshire and Peterborough Road Safety Partnership Plan, Safeguarding Children

and Adults Board and the Cambridgeshire Domestic Abuse, Substance Misuse and Sexual Violence Board. We will strengthen our relationships with these partnerships to improve integrated working.

This plan will outline:

- Our successes in reducing crime and anti-social behaviour over the past three years.
- Our priorities for the next three years – based on what you told us and our detailed assessment of crime and antisocial behaviour in Peterborough.
- Where we will focus our efforts as a partnership over the next three years.

Local delivery of our priorities is key to the success of this strategy. We know that the neighbourhoods making up the city face different challenges and have different strengths. That is why the community safety priorities will be integrated into existing local delivery plans. By doing this we will 'join up' our resources and efforts at a local level, ensuring that we are focused on the most important issues in that area.

## Consultation and Engagement

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Central to planning community safety activity in Peterborough is how we engage and listen to the concerns of our communities. The Safer Peterborough Partnership Public Consultation Survey has been developed to ask people who live, work or have some other connection with the City, to tell us what they think the priorities for Safer Peterborough should be and their perceptions of crime and disorder more generally.

This year 149 people responded to our survey which was open between 1st December 2016 and 31st January 2017. The demographic profile of the respondents was as follows:

- 55.7% were female, 41.6% male, and 2.7% did not say.
- 87.2% of respondents were British or English, and 8.1% did not disclose their nationality. 4.7% of respondents were non-British nationals.
- The most represented ethnicity was White (85.9%), followed by Black/African/Caribbean/Black British (3.4%), Mixed/multiple ethnic groups (3.4%), and Asian or Asian British (2%). 5.4% left this question blank.
- The survey was answered mostly by people from older age categories, with 71.1% of respondents over 45: 25.5% of respondents were aged 65 and over, 23.5% were 55-54 and 22.1% were 35-44. 2% were aged 18-24, 10.1% aged 25-34 and 14.8% aged 35-44.
- 10.1% of respondents stated they have a disability.

The key findings from this year's survey are:

- Respondents were able to pick from a list of 14 community safety concerns, the top issue that most respondents were concerned about in Peterborough is environmental crime (fly-tipping, fly-posting, graffiti). 78.5% of respondents stated they were either concerned or very concerned about this issue. Anti-social behaviour (75.2%), road safety issues (such as speeding, mini-motorbikes, drink driving – 71.8%) and alcohol and drug misuse (71.1%) also ranked highest among people's concerns.
- Arson ranked lowest in people concerns, with only 32.2% of respondents stating they were either concerned or very concerned about this issue. Cold calling (at the door and by phone – 51.7%), begging (57%) and violent crime (57.7%) also ranked lowest in people's concerns.
- 53.7% of respondents indicated that they are concerned or very concerned about being a victim of crime. 32.9% stated that they were not concerned or not very concerned.
- People are consistently more concerned about going out in the City Centre than their local area, both day and night.
- More than half of respondents indicated that they thought people from different backgrounds got on well together in their neighbourhood.

The survey findings have been considered as part of the priority setting process for Safer Peterborough, issues identified by the survey such as alcohol and drug misuse, violent crime and becoming a victim of crime are key issues already identified by Safer Peterborough and are priorities within this Plan. Fortunately, the lives of most people living and working in Peterborough are not affected by the issues that present the greatest risk of serious harm, and the survey has mostly highlighted low level nuisance as top concerns. The majority of these low level issues fall within the remit of the Prevention and Enforcement Service and some of the other key partners who form part of Safer Peterborough, and are prioritised by them.

## Working in Partnership

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Since the first Safer Peterborough Partnership Plan in 2008, by working together, crime has reduced by 21% over an eight year period, with the total number of crimes falling from 22,021 in 2008 to 17,322 in 2016, which is in line with national trends.

Below are some examples of how we have worked in partnership to reduce offending and protect victims and communities from harm over the last 12 months.

- **Total crime continues to reduce** over the longer term, however whilst the Police are increasingly dealing with a lower volume of crime, it is often much more complex in nature and impacts on the most vulnerable in our communities, taking longer to resolve. Short term increases in both violent and sexual offences can be attributed to the renewed focus on the quality of crime recording by the police, rather than reflecting changing levels of criminal activity. This has led to improved compliance with the National Crime Recording Standard, leading to the recording of a greater proportion of crimes that come to the attention of the police.
- We have seen the **number of offenders diminish** significantly, particularly over the last three years, for both adult and young offenders. Linked to this, the number of first time entrants into the criminal justice system continues to decrease. However, re-offending is increasing and the percentage of offenders that re-offend in Peterborough is higher than the England and Wales average rates.
- Our Integrated Offender Management Scheme, which targets a cohort of offenders identified as being the most prolific and at high risk of re-offending, has seen **significant and sustained reductions in crime** for those offenders who form part of the scheme.
- The **Prevention and Enforcement Service** was established in 2016, and is one of the first in the country to bring together Council, Police and Fire Service staff into one integrated, centrally managed team. The service undertakes a range of prevention and enforcement activities including civil enforcement of parking issues, enforcement against environmental crime, housing enforcement, anti-social behaviour, fire safety and road safety. In addition to this, the service also includes police officers and PCSOs who work across the city.
- The numbers of people killed or seriously injured on our roads **continues to reduce year on year**, and at a higher rate than the national average.
- There has been a **continued reduction in anti-social behaviour** over the last year, with 353 fewer incidents recorded than the previous 12 months. We have been using the new anti-social behaviour powers that are available to us and have issued a number of criminal behaviour orders to perpetrators of anti-social behaviour. This has resulted in significant reductions in anti-social behaviour in a number of communities across the city where families have been targeted.

- We continue to ***respond quickly and effectively to unauthorised traveller encampments***. Between April and December 2016, the Partnership have dealt with 53 unauthorised encampments on local authority land. We have robustly enforced all available legislation to resolve these issues on 30 occasions. The Prevention and Enforcement Service have worked closely with businesses who have had unauthorised encampments on their land by providing support and guidance on evictions. We have also sought to install defence measures at various locations across the city, in an attempt to prevent further unauthorised encampments.
- We have undertaken ***widespread training on the Prevent programme*** which supports staff to identify individuals who may be at risk of radicalisation and gives information on where to report any concerns. There has been widespread training across the City Council and the Police and almost all educational establishments in the city have had some kind of Prevent training.
- ***Restorative justice is being used in Peterborough to help tackle conflict*** in the city and provides an opportunity for victims to have their say. For the victim, restorative justice can help to provide a sense of closure, enabling them to move on. For the offender, restorative justice provides an opportunity for them to face the consequences of their actions and recognise the impact it has had upon others. Emphasis has been placed on restorative justice being 'victim-led' and it being available to victims at every stage of their journey. From April to December 2016, there were over 1,800 restorative reparations in Peterborough, which include face to face conferences, community resolutions and letters of apology from the offender to the victim.
- The Partnership and licensed premises take part in the NightSafe Pubwatch scheme where information is freely shared in relation to problematic offenders who are known to cause trouble in the night time economy and exclusions are enforced. Currently 118 individuals are excluded from NightSafe registered premises in Peterborough. Exclusions are pro-actively enforced and have been highly effective in preventing and deterring alcohol related harm. Whether it's a formal warning letter or absolute exclusion, ***at least 98% of those excluded do not come to the Police's attention again***.
- An ***alcohol diversion scheme*** has been developed in conjunction with drug and alcohol treatment provider, Aspire. Following an alcohol related arrest, a conditional caution is put in place whereby the offender is offered one to one support, medical prescribing, and detoxification as well as structured group work, structured and peer led activities and counselling.

## The Community Safety Landscape in Peterborough

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### **Changing Population**

The population of Peterborough is projected to increase by 9% over the next 10 years and the 65+ age group is projected to grow by 10.9% by 2021. Whilst England has experienced a 7% increase in 0-14 year age group, Peterborough has seen a 22% increase in this category. The 15-29 age group in the city has experienced a 6% increase with the city as a whole experiencing a much faster than average growth of the 45+ age groups.

As well as greater volume, the changing demographics will pose new challenges. Older people represent a significant proportion of vulnerable people in society and ageing population may lead to an increase in vulnerable adult related crime such as adult abuse, fraud, rogue trading and distraction burglary. Older people also commit crime – whilst still low overall, the percentage of older people committing crime has increased over recent years with the most common crime type violence against the person (domestic assaults).

The increased level of inward migration to Peterborough over the last 10 years, has resulted in a cultural change in the city. Outside the White British population, 'Asian or Asian British' and 'White Other' populations form the largest communities (12% and 11% respectively). Peterborough has the second highest proportion of the population who cannot speak English or cannot speak English well of local authorities in the East of England (4.86% of the population).

### **Selective Licensing**

The Housing Act 2004 has given local authorities the power to introduce selective licensing of privately rented properties to improve conditions for tenants and the local community, if there is a high level of privately rented housing stock in the area and one or more criteria are met.

In 2016, a selective licensing scheme began in Peterborough within 22 Lower Super Output Areas (geographical areas with an average of 1,500 residents) in the Central, North, East, Park, Fletton, Bretton North, Stanground Central, Walton and Orton Longueville areas. The scheme is proposed to cover the potential 22,000 properties in the areas, representing 4.8% of the city's geographic area and will initially last for five years. Through Selective Licensing, the quality, management and safety of all private rented properties in the designated areas of the city will improve.

### **Police and Crime Commissioner**

In 2016 a new Police and Crime Commissioner was elected for Cambridgeshire and Peterborough. A new Police and Crime Plan has been published in draft for the period 2017-20, setting out the Commissioner's vision for policing and community safety across Cambridgeshire. The Commissioner's priorities are:

- Victims and witnesses are placed at the heart of the criminal justice system and have access to clear pathways of support
- Offenders are brought to justice and are less likely to reoffend
- Communities have confidence in how we respond to their needs
- We deliver improved outcomes and savings through innovation and collaboration.

These priorities have been reflected in this plan, the links between the two plans are outlined in Appendix 1.

### **Prevention and Enforcement Service**

The Prevention and Enforcement Service (PES) came into effect on the 1 April 2016 and builds upon the work of the Safer Peterborough Partnership (SPP) in tackling crime, community safety and quality of life issues. The PES brings together officers from a range of public sector organisations into a single service led by a joint management structure.

The PES is hosted by Peterborough City Council and is made up of staff and resources from the Council, Police, Fire and Rescue Service and Prison.

The PES is a Community Safety Accredited Scheme which will allow all front officers to access to a range of powers to tackle anti-social behaviour and quality of life issues such as:

- Issuing fixed penalty notices for fly-posting, graffiti, dog fouling, littering, etc;
- Powers to deal with begging;
- Powers to stop cycles; and
- Powers to remove abandoned vehicles.

This builds on the powers the council and the police already have in tackling quality of life issues across the city and provides a single, joined up service that jointly addresses routine and priority issues affecting Peterborough.

### **Devolution**

Council and Local Enterprise Partnership leaders across Cambridgeshire and Peterborough have approved a devolution to deal that will deliver £770million of new funding for local infrastructure projects and to build housing.

The devolution deal includes significant benefits for the communities of Cambridgeshire and Peterborough including:

- Investment in a Peterborough University with degree-awarding powers.
- Devolved skills and apprenticeship budget – to give more opportunities to young people.
- Working with Government to secure a Peterborough Enterprise Zone – attracting investment from business leading to more and better quality jobs for residents.
- Working with Government on the continued regeneration of Peterborough City Centre.

### **Changes to Policing**

The Crime and Policing Bill, which is likely to receive Royal Assent in 2017, aims to build on the police reform carried out through the introduction of Police and Crime Commissioners, the strengthening of the Independent Police Complaints Commission and establishment of the College of Policing.

The Bill comprises nine parts, one of the key areas for consideration is the Emergency Services Collaboration which introduces a new duty on the police, fire and rescue and ambulance emergency services to collaborate, where doing so would improve efficiency or effectiveness. It also enables Police and Crime Commissioners to take on the functions and duties of Fire and Rescue Authorities and to delegate police and fire to a single Chief Officer for police and fire.



## PRIORITIES FOR 2017 - 2020

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The approach agreed by the Safer Peterborough Partnership for this plan is to adopt a small number of priorities which our assessment process has identified as having a high risk of harm to communities in Peterborough. This section covers in more detail how we will work together to tackle these issues, support victims and reduce offending.

The Safer Peterborough Partnership has identified three priorities which have been identified as key delivery areas which the Partnership places high importance on providing effective, innovative and improving services. The priorities are:

- Offender Management
- Domestic Abuse and Sexual Violence
- Building Resilient Communities

In addition, two further areas are recognised as significant cross-cutting priorities across the partnership landscape. These cross-cutting priorities already feature in thematic plans and the Partnership recognise that a more collective approach will have a significant impact and bring about lasting change. The cross cutting priorities are:

- Substance Misuse
- Mental Health

The section below describes how the Safer Peterborough Partnership will tackle these priority areas over the coming three years, it also describes how each theme will be performance managed to ensure the Partnership can accurately measure progress.

## PRIORITY 1: OFFENDER MANAGEMENT

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### Key Outcome

To reduce the number of offenders in Peterborough and the number of offences they commit, with a specific focus on those most prolific offenders and young offenders.

### Why is it a priority?

Offenders are amongst the most socially excluded in society and often have complex and deep-rooted health and social problems, such as substance misuse, mental health, homelessness and financial problems. Understanding and addressing these underlying issues in a co-ordinated way plays a key role in reducing crime and breaking the cycle of offending behaviour from one generation to the next.

Offender management has undergone a significant transition under the Government's Transforming Rehabilitation programme, with delivery of Probation services now split between the public and private sector. The public sector National Probation Service is tasked with protecting the public from high risk offenders and manages the majority of sexual offenders and those sentenced to twelve months or more in custody for the most serious violent offences. BeNCH Community Rehabilitation Company (CRC) manages the majority of the community sentences and short sentence prisoners. Domestic violence perpetrators, women, young adults and prolific acquisitive crime features heavily in their caseload, meaning the CRC manages the cases with a great deal of dynamic risk. A more integrated working model with the new Community Rehabilitation Company and the National Probation Service is developing and this will be a key area of work for the partnership over the coming 12 months.

Information shows that re-offending is increasing and the percentage of offenders that re-offend in Peterborough is higher than the England and Wales average rates. However, whilst re-offending rates are increasing, the actual number of re-offenders is reducing, indicating that this smaller group of offenders are more prolific.

For young people, identifying problems early is key as they are statistically more likely than adults to re-offend. There are also changes being proposed in the way that the youth justice system operates. The local impact of this is as yet unknown but the recent review by Government recommends that education is put at the heart of the youth justice system. Offenders would be supported in smaller, local secure schools where they can benefit from the skills needed to get on in life after release.

### What we plan to do

The Partnership will formulate and implement a strategy to reduce re-offending by adult and young offenders. The strategy will ensure that re-offending is considered in all contexts and will be closely linked to our strategies on substance misuse, homelessness, mental health and domestic abuse.

The Youth Offending Service will work with partners to identify those young people who are committing the most offences, and engage them in effective activity and rehabilitation to reduce their re-offending. There are a number of areas for development over the coming 12 months, including:

- Developing and extending early help services - the service continues to make an offer to young people either to prevent them becoming involved in offending or to keep them out of

the criminal justice system if they have committed a low level offence for the first time. Over the next 12 months we will be developing a more integrated approach to working with adolescents and a targeted youth support service is now being developed in the city.

- Working with victims and Restorative Justice - there has been some very positive work undertaken in developing both service links to and support for victims of crime and Restorative Justice. We will continue to develop more restorative approaches over the next 12 months.
- Developing a systemic approach to working with families - the Youth Offending Service have always maintained a good level of engagement with young people and their families, however we want to expand the degree of parental involvement in both planning and delivery.
- Improving the service response to recidivism, particularly higher risk young people - we will put in place extra additional training and support to improve rates of recidivism.
- Tackling resettlement issues, particularly those linked to education, training or employment - a system of early planning in cases where custody has been given to ensure more effective resettlement outcomes is now fully in place.
- The Integrated Offender Management programme continues to support some of the most problematic offenders in Peterborough. The scheme allows local and partner agencies to come together to ensure that the offenders, whose crimes cause most damage and harm locally, are managed in a co-ordinated way. Over the next 12 months, we will consider expanding the remit of the scheme beyond serious acquisitive crime offenders. Proposals being considered by the group include adopting offenders on a risk based approach, which means more offenders will benefit from the success of the management of the scheme, leading to reductions in offending.

In addition to our established multi-agency work with partners in areas such as IOM and safeguarding, and support for initiatives such as Conditional Cautions, BeNCH CRC has commissioned the services of specialist agencies including Ormiston Families, St Giles Trust and the Dawn Project to support resettlement and rehabilitation of service users in custodial and community settings.

Priorities for the year ahead include:

- Supporting a more joined-up approach to improving resettlement opportunities for short sentence prisoners, with particular focus on the issues of homelessness and unemployment. We will continue to develop our Through the Gate services to ensure those leaving custody have the right level of support and reoffending is minimised.
- Development of a strategy for better understanding and addressing the distinct needs of our young adult service users.
- Continuing to expand our Rehabilitation Activity Requirement (RAR) provision in conjunction with our operational delivery partners. This includes a suite of programmes and structured support and community integration that can be used to deliver a holistic approach to rehabilitation, tailored to the needs of individual service users. Our focus for the coming year is to work with partners to promote the use of Restorative Justice as a key element of our RAR delivery model.

### How we will measure success

Reducing the number of people who become victims of crime
Reduce the number of first time entrants into the criminal justice system

Increase the number of offenders participating in restorative interventions
Reduction in the number of proven offences for offenders managed through the Integrated Offender Management programme

## **PRIORITY 2: DOMESTIC ABUSE AND SEXUAL VIOLENCE**

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### **Key Outcome**

To prevent domestic abuse and sexual violence and reduce the associated harm, ensuring all victims of domestic abuse and sexual violence have access to the right help and support and that services are available to address their needs.

### **Why is it a priority?**

Demand on domestic abuse and sexual violence services continues to rise, particularly as vulnerable families struggle to cope with the financial and emotional pressures of unemployment, reduced household income and increased financial hardship.

There is still an unknown volume of hidden, unreported domestic abuse. Nationally it is estimated that only 16% of domestic abuse is reported to the Police, we know that awareness of domestic abuse reporting for the public needs to be improved, particularly amongst minority ethnic groups and male victims.

Although there are positive developments at a national and local level with regards to the successful prosecution of more domestic abuse and sexual violence offenders, the rate of attrition between the volume of incidents reported to the police and the volume of cases being brought before the courts by the CPS is of concern.

The government's programme of welfare reform is having an impact on families' budgets and this could be inadvertently causing financial abuse. Universal Credit, when fully introduced to include families in November 2017, will be paid monthly and as a single payment to the 'head of the household'. This could lead to an increased need to bargain and negotiate within the household, decreasing one partner's financial autonomy and independence.

### **What we plan to do**

Domestic abuse and sexual violence services in Peterborough are well established and are currently delivered by Specialist Abuse Services Peterborough, a service commissioned by Peterborough City Council. An action plan is monitored and delivered through the Domestic Abuse and Sexual Violence Strategic Board which reports to the Safer Peterborough Partnership.

There are a number of priorities which include:

- Intervening earlier to prevent domestic abuse and sexual violence from happening and challenging the attitudes and behaviours which foster it and intervene as early as possible to prevent it.
- Providing support to victims and their families where violence occurs.
- Taking action to reduce the risk to victims of these crimes and to ensure that perpetrators are brought to justice.

Over the next 12 months we will prioritise a number of areas of work in support of these priorities.

- We will ensure that domestic abuse and sexual violence services are able to respond to increasing demand for services.
- We will support in the development of a countywide partnership response to reduce the harm, risks and costs of domestic abuse, child abuse (including child sexual exploitation), serious sexual offences, trafficking and modern day slavery' which keeps victims safe from future victimisation.
- Enhance community engagement and awareness of domestic abuse and sexual violence support services to include the lesbian, gay, bi-sexual and transgender community with the aim of increasing the number of victims accessing support and reporting incidents to the Police.
- Develop a local offer to meet the needs of children and young people who are, or at risk of becoming, perpetrators and/or victims of domestic abuse and sexual violence, to improve specialist support services.
- There is a need to work towards increasing referrals from mental health care settings, ensuring all mental health professionals are providing their service users with the opportunity to access domestic abuse and sexual violence support services.
- Review and monitor the implementation of the recommendations from Domestic Homicide Reviews and hold partners to account for their actions.

#### **How we will measure success**

Performance indicators for this area of work will be developed in line with the countywide partnership focusing on domestic abuse and sexual violence, once this Board is established from April 2017. We will ensure we monitor performance data in line with the guidance from the National Institute of Clinical Excellence, taking into account the national focus on Violence Against Women and Girls.

## PRIORITY 3: BUILDING COMMUNITY RESILIENCE

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### Key Outcome

To strengthen the resilience of our communities by ensuring that those who commit hate crime and other acts which break down the fabric of our communities, do not succeed.

### Why is it a priority?

Communities cohesion builds strong and safe communities. In its simplest form, community cohesion is about people from different backgrounds getting on with each other, people contributing to how their community runs and people in the community having a sense of belonging.

Peterborough continues to benefit from its reputation as a tolerant and welcoming place, but tensions can develop in communities that undergo rapid demographic change and these must be effectively managed. The current economic and political climate has the potential to exacerbate community tensions, drive up hate crime and raise the level of fear in our communities. Nationally, support for extreme right wing views is becoming more visible and acceptable, particularly around emotive issues such as the EU refugee crisis, Brexit and fears about ISIS. Online and remote radicalisation makes those in more isolated communities vulnerable, with limited access to alternative narratives.

Issues such as hate crime and extremism can undermine a community's resilience, whilst both these issues have been assessed as a comparatively low risk and threat to our communities, since Brexit we know that the risk has increased. Hate crime and extremism are separate but linked issues in terms of identifying and responding effectively to vulnerability, discrimination and radicalisation in our communities. We recognise that crime motivated by hostility, or a particular prejudice towards an individual's personal characteristic or perceived characteristic, is particularly corrosive in relation to victims and communities. This type of act can leave people feeling vulnerable and can impact negatively on many aspects of their lives, including their self-confidence and health, as well as contributing to feelings of isolation.

The UK faces a severe and continuing threat from terrorism, however there is no intelligence to suggest an attack in Cambridgeshire is imminent and the risk of radicalisation is assessed as low within the city. The Safer Peterborough Partnership works with partners across Cambridgeshire to review the Counter Terrorism Local Plan and ensure that all identified risks are addressed.

### What we plan to do

#### Tackling Extremism

Prevent is one of the four strands of CONTEST, the UK strategy for countering terrorism. It is aimed at working closely with individuals who are likely to adopt extremist views, and work in partnership with other agencies and our communities to identify individuals who may need our support.

The Safer Peterborough Partnership, along with other key partners, will develop an annual counter terrorism local plan to mitigate identified risks around terrorism and radicalisation. We are also able to provide intervention and support for those who are identified at risk of radicalisation and extremism.

A process called 'Channel' has been developed to support people at risk of being drawn towards terrorism and violent extremism. Peterborough City Council, Cambridgeshire Police and other partners, including Probation, health agencies, community organisations and individuals within local communities work together to support vulnerable individuals who are prone to radicalisation. A range of options are available including mentoring, welfare support and access to key support services. The Partnership will continue to support this process ensuring that people who are risk of radicalisation are appropriately referred to Channel.

### Hate Crime

We will work together to strengthen the resilience of our communities, we recognise that community cohesion is driven by people making an effort to support one another in their communities and neighbourhoods. Hate crime poses a direct threat to achieving this and we will continue to ensure that we make it clear to perpetrators that their behaviour is unacceptable and will not be tolerated. There are a number of key priorities in our hate crime strategy which we will focus on over the next 12 months, these include:

- Increasing the confidence of hate crime victims to report hate incidents to the police and third parties.
- Work with community and voluntary organisations to develop more effective approaches to understanding, preventing and tackling hate crimes and incidents in our communities.
- Taking effective action against perpetrators, challenging the attitudes of offenders in relation to hate crime and engaging more perpetrators in reparation type activities.

### **How we will measure success**

Increasing the number of hate crimes and hate incidents reported
Increasing the proportion of Police detections for hate crime offences
Increase the number of hate incidents reported to third party reporting centres, including through the online portal, True Vision

## CROSS CUTTING THEME 1: SUBSTANCE ABUSE

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### Key Outcome

To reduce the number of people who experience crime and anti-social behaviour as a result of alcohol and drug abuse, whilst providing effective treatment and rehabilitation to those who have alcohol and drug problems.

### Why is it a priority?

Some people experience multiple problems which have a cumulative impact on their ability to make positive life choices and avoid criminal, anti-social behaviour or other behaviour that has a negative impact on others. The themes of domestic abuse, mental health and drug and alcohol problems in particular are recurrent themes and we can establish that substance use is a common feature in criminality and family breakdown. This in turn can lead to inter-generational cycles of behaviours such as abuse, drug use and offending.

Substance abuse impacts across many areas of community safety and drug dependency remains a significant contributory factor to a number of crime and disorder types. Drug abuse and crimes such as burglary and robbery are closely linked and anti-social behaviour can also be related to alcohol and drug misuse. We know that violent crime such as assault and domestic violence and abuse often involve alcohol. A recent night time economy review has shown that between January to August 2016 at least 56% of city centre violent crime is attributable to alcohol.

### What we plan to do

We will continue to provide services for people who want help to stop their abuse of alcohol and drugs, and to divert into treatment programmes those who commit crime to support their alcohol and drug misuse. We will take strong enforcement action against alcohol and drug-related crime, and work together to tackle the things that can cause alcohol and drug abuse.

The long term objectives of our substance abuse intervention system partnership are to:

- Increase the number of people free from drug and alcohol dependence (and substitute medication) and in sustained recovery.
- Improve the health and wellbeing of people with substance abuse issues.
- Reduce harm experienced by individuals, families and the community arising from problematic substance abuse.
- Reduce crime experienced by individuals, families and the community associated with problematic substance abuse.
- Prevent future demand on health, criminal justice and treatment services.

We have a detailed substance abuse action plan which reflects the three key themes underpinning our approach to tackling substance abuse, each section of the action plan contains detailed actions and dates for completion. There are a number of areas of focus over the coming 12 months which include:

- Develop public awareness campaigns to promote awareness of alcohol and drug related harm.



- Support the development of substance abuse education, awareness and access to help in schools.
- Develop targeted awareness raising with higher risk groups and communities.
- Develop awareness and skills regarding the use of new psychoactive substances.
- Develop work with individuals resistant to engagement in treatment services.
- Ensure effective and appropriate care for substance abusers who suffer with mental health problems.
- Ensure there are effective pathways in the criminal justice system for people abusing substances.
- Improve the use of information gathered for patients with assault related injuries in Peterborough City Hospital's Emergency Department, to improve the safety of licensed premises and to safeguard staff and customers.

### How we will measure success

Increase the number of people successfully completing drug and alcohol treatment programmes, whilst reducing the proportion who re-present to services
Reduce the number of alcohol-related admissions to hospital
Reduce alcohol and drug related crime

## CROSS CUTTING THEME 2: MENTAL HEALTH

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### **Key Outcome**

To identify the challenges and the impact of mental health on the successful delivery of community safety.

### **Why is it a priority?**

Mental health is a theme impacting all areas of delivery across the Safer Peterborough Partnership. The impact of mental health on community safety is recognised as important but has been difficult to impact upon, made more complex because data is not always routinely collected and accessible.

Mental ill health is the largest cause of disability in the UK, representing 23% of the burden of illness. At least one in four people will experience a mental health problem at some point in their life and one in six adults has a mental health problem at any one time.

The information drawn from a recent Joint Strategic Needs Assessment on Mental Health suggests that Peterborough faces potential challenges with promoting mental health and preventing mental illness. Many of the recognised risk factors for poor mental health are found at a higher rate in the Peterborough Unitary Authority area compared with England, East of England and Cambridgeshire. These risk factors include higher rates of socio-economic deprivation, children in care, violent crime, some types of drug misuse, homelessness, relationship breakdown, lone parent households and household overcrowding compared with East of England and most England averages.

High levels of crime, undermine mental wellbeing. Violent crime is linked to mental health problems including depression, anxiety and post-traumatic stress disorder, suicide, and misuse of drugs and alcohol. A strong negative relationship has been found between rates of violent crime in an area and the mental wellbeing of residents living there.

### **What we plan to do**

The Peterborough Health and Wellbeing Board is responsible for promoting integrated working to support health and wellbeing in Peterborough, including mental health, and will take the lead in this area of work.

The focus of Safer Peterborough's work around mental health will be on identifying and understanding how mental health impacts on community safety. This will include mapping mental health provision and pathways in the context of community safety. Once this is understood, the Partnership will identify how they can work with the Peterborough Health and Wellbeing Board to reduce the impact of mental health on community safety, both in terms of offenders' mental health and understanding more about how we can ensure people with mental health problems are less likely to become victims of crime.

## GETTING INVOLVED

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The Safer Peterborough Partnership are committed to reducing crime and improving quality of life and every agency involved in the Partnership wants to make Peterborough a safer place. However, we cannot do this alone. We know that people working together in their communities are helping to prevent crime and many of the achievements set out in this strategy have happened because local people have been actively engaged in tackling crime and disorder.

There are lots of ways you can get involved to make Peterborough safer and below is some information about how you can get involved.

### **Neighbourhood Watch**

Neighbourhood Watch is about local communities working together and with the police to help make their neighbourhood safer. Neighbourhood Watch schemes can help reduce crime in local areas, so they are a great way to help you protect yourself, your family and friends and home. Visit the website [Neighbourhood Watch](#).

### **Salvation Army's Good Neighbour Scheme**

Today, older people live longer and are also encouraged to live independently in their own homes. The Salvation Army's Good Neighbour Scheme volunteers support the elderly to live life in all its fullness by promoting independent living, tackling isolation, promoting a healthier lifestyle, giving a voice in things that affect them and helping to build confidence. To volunteer, visit the website [here](#).

### **Victim Support Volunteers**

The Police have new team of Police Support Volunteers, the volunteers are fully trained and focus on crime prevention, examples of the work they conduct includes house to house enquiries, CCTV collection, victim support visits, and offering crime prevention advice. For more information, contact [kerry.grice@cambs.pnn.police.uk](mailto:kerry.grice@cambs.pnn.police.uk).

### **Victims' Hub**

If you or someone you know has been affected by crime, the Victim and Witness Hub can give you the support needed to enable you to cope and recover from your experiences. Victim and Witness Hub Community Volunteers provide emotional support for victims of crime. To find out more, visit the [website](#).

### **Police Cadets**

Cambridgeshire Constabulary runs a Volunteer Police Cadet scheme which aims to strengthen the voice of younger people in policing as well as steering those at risk of criminality away from a life of crime. The scheme encourages a spirit of adventure and good citizenship and can count towards formal qualifications and evidencing voluntary work for the Princes Trust/Duke of Edinburgh Award schemes. Find out more information [here](#).

### **Do-It**

For information on other volunteering opportunities, visit the Do-It website [here](#)

## Appendix 1 - Link to the Cambridgeshire Police and Crime Commissioner's Plan

The table below shows how the Safer Peterborough Partnership Plan reflects the priorities of the Police and Crime Commissioner.

### Police and Crime Plan 2017-2020

**Victims – safeguarding the vulnerable**  
Aim: deliver a victim first approach  
Shared Outcomes: victims and witnesses are placed at the heart of the criminal justice system and have access to clear pathways of support



### How are the PCP priorities reflected in the Safer Peterborough Partnership Plan 2017-2020

Safeguarding the vulnerable is a theme running through the SPP Plan. Reducing the number of people who become victims of crime is a key priority, the SPP have also prioritised a number of high risk victim groups including **domestic abuse, sexual violence and hate crime** victims.

**Offenders – attacking criminality**  
Aim: reduce re-offending  
Shared Outcomes: offenders are brought to justice and are less likely to reoffend



**Offender management** is a priority in the SPP plan and bringing more offenders to justice, using traditional and restorative solutions are priorities within the plan. Reducing re-offending is a key area of focus.

**Communities – preventing crime, reassuring the public**  
Aim: support safer and stronger communities  
Shared Outcomes: communities have confidence in how we respond to their needs



**Building Resilient Communities** is a priority in the SPP Plan, our focus is on reducing hate crime and tackling violent extremism which can undermine the fabric of our communities.

**Transformation – achieving best use of resources**  
Aim: ensure value for money for tax payers now and in the future  
Shared Outcomes: we deliver improves outcomes and savings through innovation and collaboration



Collaboration between agencies is at the heart of the SPP plan, the priorities are owned by a variety of partners where we co-deliver key areas of work which impact on community safety.

**ITEM 9(a) – FOR INFORMATION**

<b>CABINET</b>	<b>AGENDA ITEM No. 11</b>
<b>10 JULY 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Adrian Chapman, Service Director for Adults and Communities	
Cabinet Member(s) responsible:	Cllr Irene Walsh, Cabinet Member for Communities	
Contact Officer(s):	Ch Insp Rob Hill, Prevention and Enforcement Service Manager Hayley Thornhill, Senior Policy Manager	Tel. 07801 741796 864112

**SAFER PETERBOROUGH PARTNERSHIP PLAN 2017 - 2020**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Safer Peterborough Partnership	<b>Deadline date:</b> None
It is recommended that Cabinet recommend the Safer Peterborough Plan 2017 - 2020 to Full Council for approval.	

**1. ORIGIN OF REPORT**

1.1 The production of a Community Safety Plan is a statutory requirement for upper tier councils, and as such Peterborough City Council is required to produce a plan for approval by Full Council.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to obtain the Cabinets views on a the proposed Safer Peterborough Plan 2017 - 2020 and to seek approval for this Plan.

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.'*

2.4 This report links into the following corporate priorities:

- Keeping our communities safe, cohesive and healthy; and
- Safeguarding children and vulnerable adults.

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	<b>10 JULY 2017</b>
Date for relevant Council meeting	<b>19 JULY 2017</b>	Date for submission to Government Dept.	<b>N/A</b>

## **4. BACKGROUND AND KEY ISSUES**

- 4.1 Peterborough's statutory community safety partnership, the Safer Peterborough Partnership, brings together the responsible authorities as set down in the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006 for the purposes of tackling local community safety priorities.
- 4.2 There is a statutory duty to develop and implement a community safety plan which describes how responsible authorities and other partners will work together to tackle crime, disorder, substance misuse and re-offending in the city.
- 4.3 Peterborough's draft plan defines the priorities for the Safer Peterborough Partnership over the next three years. The plan also identifies how the Partnership will respond to the impact of national policy changes and new and emerging risks.
- 4.4 The Safer Peterborough Partnership Plan 2017 - 2020 will be implemented once approved by Full Council and will be active for three years. The Plan and its priorities are reviewed annually to take account of changes in crime and disorder, the changing nature of local priorities, available resources and changes within communities.
- 4.5 The Plan will be developed in conjunction with a cross-party task and finish group looking at how communities can be supported to take ownership of low level crime, disorder and quality of life issues.

## **5. CONSULTATION**

- 5.1 Consultation with the public on the priorities in the plan is a statutory requirement. The Safer Peterborough Partnership Public Consultation Survey has been developed to ask people who live, work or have some other connection with the city to tell us what they think the priorities for Safer Peterborough should be and their perceptions of crime and disorder more generally. This consultation closed on the 31st January 2017 and the findings of the survey have been analysed, the findings of which are set out in the plan.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 Following consideration of the Community Safety Plan by Cabinet, the Plan will need to be approved by Full Council before it is implemented by the Safer Peterborough Partnership.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The Community Safety Plan ensures that the Partnership continues to meet its statutory obligations under the Crime and Disorder Act 1998.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 No alternative options were considered as the completion of a community safety plan is required by every Community Safety Partnership by statute.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 None.

## **Legal Implications**

- 9.2 The Safer Peterborough Partnership has a statutory duty to develop and implement a Partnership Plan, which describes how responsible authorities and other partners will work together to tackle crime, disorder, substance misuse and re-offending in the City. The Community Safety Plan ensures that the Partnership continues to meet its statutory obligations under the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006

## **Equalities Implications**

- 9.3 None.

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 None.

## **11. APPENDICES**

- 11.1 Appendix 1 - Draft Safer Peterborough Partnership Plan 2017 – 2020

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<b>COUNCIL</b>	AGENDA ITEM No. 9(b)
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**(b) CABINET RECOMMENDATION – ADOPTION OF THE PEAKIRK NEIGHBOURHOOD PLAN**

Cabinet, at its meeting of 10 July 2017, received a report which requested its approval to recommend that Council adopts (or ‘makes’ to use the legal jargon) the Peakirk Neighbourhood Plan and thereby make it part of the Development Plan for Peterborough.

**IT IS RECOMMENDED** that Council ‘make’ (which means to all intents and purposes ‘adopts’) the Peakirk Neighbourhood Plan, as set out at Appendix 1, to thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within Peakirk Parish.

**APPENDICES**

Appendix 1 - Peakirk Neighbourhood Plan to be Made.

The original Cabinet report follows this appendix.

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# PEAKIRK NEIGHBOURHOOD PLAN 2016 - 2030

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Revision 8.2  
Referendum Document



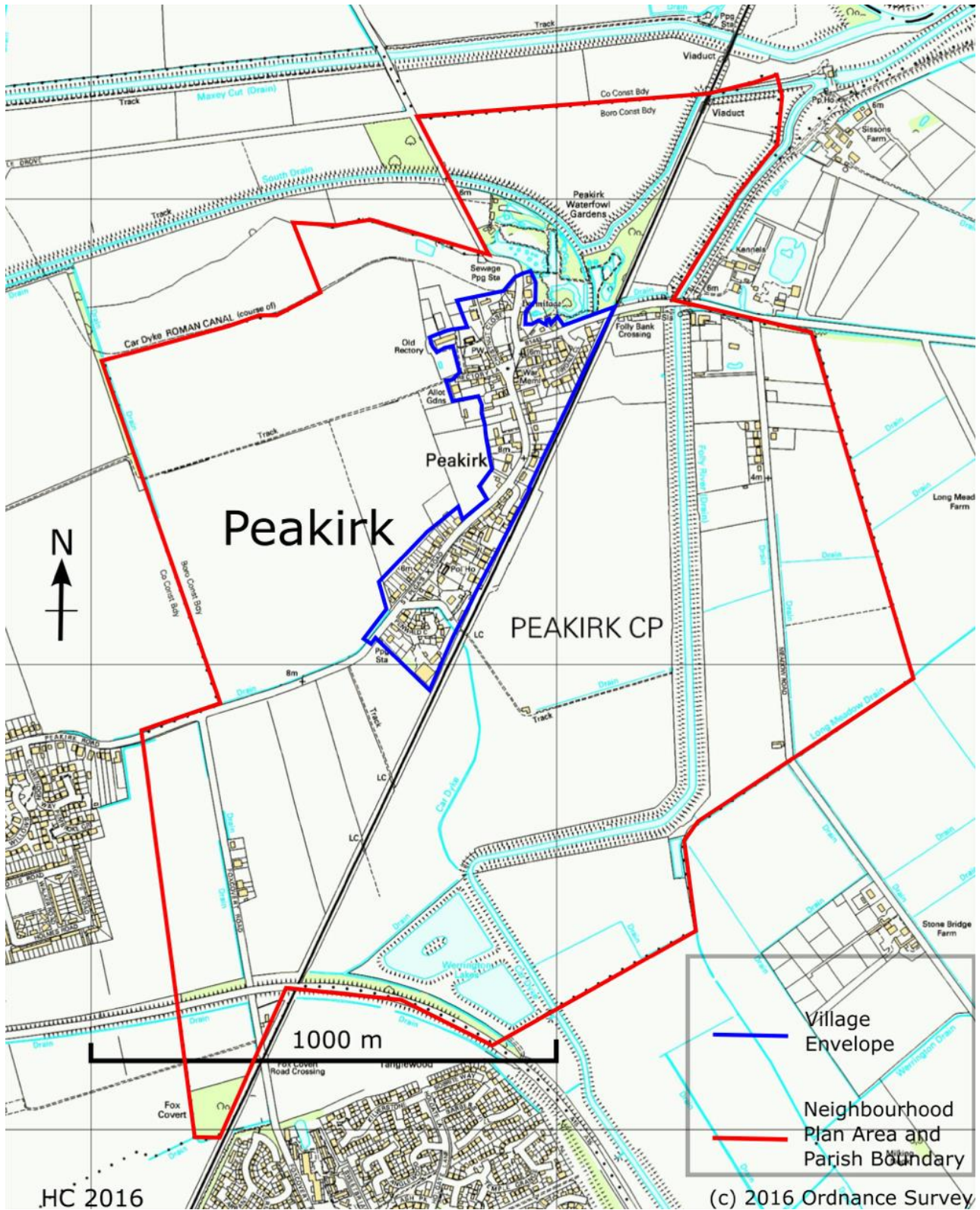
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***OUR VILLAGE - OUR FUTURE***

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### Neighbourhood Plan Area, Parish Boundary and Village Envelope



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Title	Peakirk Neighbourhood Plan
Qualifying Body	Peakirk Parish Council
Plan Version	Revision 8.2
Date	May 2017
Author	Neighbourhood Planning Group

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## INTRODUCTION

Why have a plan?

The Government encourages people to have more say in how their communities might grow and be developed in the future. The Localism Act of 2011 gives Parish Councils authority to produce a Neighbourhood Plan for the parish, dealing primarily with planning matters, such as where new houses might be built, how many and what type. It also encourages important project ideas to make the village a better place to live.

Peakirk Parish Council decided this was an important opportunity for the future of the village and took the option to write a Neighbourhood Plan to guide future development in a sustainable direction and to help to ensure that the community's views influence Peakirk's future development.

What is the plan about?

This Plan deals with land use and environmental issues in our village identified after three years of consultation.

- It sets out a Vision for the village to 2030.
- It sets a Plan period and lists the issues to be tackled and resolved over the Plan period.
- It contains Planning Policies to enable appropriate development, to meet our needs for houses and other development and infrastructure.
- It lists Village Project ideas that can be carried forward by interested groups.

Our Plan must be compliant, with the National Planning Policy Framework (NPPF), and Peterborough City Council's Local Development Plan.

## HOW DOES IT WORK?

The Neighbourhood Plan gives a unique opportunity for residents and landowners in Peakirk to influence the development of the village to 2030. The Neighbourhood Planning Group, set up by the Parish Council, has consulted widely to ensure that the views expressed are incorporated in the Plan.

Residential development is a key aspect of the Plan but is only one component of the overall scheme. The hope is that the characteristics of the village which have developed over the centuries will be reflected in these proposals for the future. Once the Plan is made it will become part of the Local Development Plan for the area and as such, will sit alongside other adopted Local Development Plan documents in Peterborough. As such it will be an important consideration in the determination of planning applications in Peakirk, as these must be in accordance with the Local Development Plan unless material considerations indicate otherwise.



# ABOUT PEAKIRK

We have a unique opportunity today to plan the future of our village.

## HOUSING

- Peakirk is a rural parish in the City of Peterborough. There are about 180 households according to the 2011 census. It has a population of 446 residents with the average household size being 2.64 people.
- Buildings comprise 67.2% detached houses or bungalows, 21% semi-detached, 5.6% terraced and the remainder flats, apartments or other structures.
- 88% of homes are owner occupied, 10% privately rented and 1.2% rented from a Housing Association.

## COMMUNITY

- The Grade 1 listed parish church is dedicated to St Pega. The name of the village is derived from "Pega's church" (Pega's Kirk). Saint Pega the sister of Saint Guthlac of Crowland, had a hermitage (cell) here. She died c. 719.
- The church has a number of striking features including a beautifully decorated Norman south entrance with an intricately carved arch (tympanum) and 14th century wall paintings uncovered in 1950-51.
- The historic centre of the village is in the heart of a Conservation Area and contains a number of Grade II listed buildings. The western end of the village mainly consists of houses built after the first world war.



## PEAKIRK OUR FUTURE

Appreciating the uniqueness of our village is the starting point for producing our Neighbourhood Plan. We are able to address some of the concerns of residents as well as taking the opportunity to plan for the future of our village to 2030 and beyond.

The Neighbourhood Planning Group considered a wide range of issues raised by Peakirk residents. From these we set out our Vision, Aims and Objectives. The Aims have been grouped into 4 themes.

1. Housing
2. Community
3. Getting about
4. Environment

This document gives a brief overview of these themes. The Vision, Aims and Objectives along with evidence from the consultations are detailed later in the Plan.

The Government's intention is for local people to have a greater say in what happens in their area. The Localism Act allows for this. However, all Neighbourhood Plans must take account of national policy and guidance and be in general conformity with the strategic policies of the Local Development Plan in place at Peterborough City Council level.

This document has been developed and produced by the Peakirk 2030 Neighbourhood Planning Group for Peakirk Parish Council on behalf of the Peakirk community. The group met regularly to discuss and develop aspects of the Plan including contents, structure and regulatory requirements.

## GETTING ABOUT

- Peakirk being a small rural village is a great place for walking as it is flat and fairly compact. It is also well suited to cycling although connections with other villages could be improved.
- Most people use cars for their travel needs as public transport is too infrequent to meet individual needs.
- Peakirk is broadly linear in layout with a single major junction at the core. The meeting of three roads provides access to Market Deeping to the north, Newborough and Thorney to the east and Glington to the west.

## ENVIRONMENT and COUNTRYSIDE

- Peakirk is located on the fen edge. To the east the landscape character is broadly open flat farmland with drainage ditches reflecting the large scale reclamation of land in the 19th century. To the west it is smaller in scale reflecting the enclosure of ancient fields under the 1809 Enclosure Act.
- The River Welland and the Maxey Cut which acts as its flood relief channel, flows to the north east of the village. This river converges with the Folly River and the South Drain to the north of the village. There is a flood area associated with these waterways.
- Peakirk used to be famous for the 14 acre Waterfowl Gardens which was opened to the public by Prince Henry, Duke of Gloucester in April 1957. By the mid 1970's there were 64,000 paying visitors per year. The site was sold into private ownership in 2003.



## INITIAL CONSULTATION KEY POINTS IDENTIFIED

**Housing:** Maintain clear separation between Peakirk and other communities. Future growth in keeping with the village and surrounding area, focusing on smaller sized housing for young families or people who wish to stay in the village and downsize.

**Community:** Support and facilities for groups and activities and the addition of open spaces for leisure and recreation.

**Getting About:** Slow down traffic and increase footpaths and bridleways. Encourage better parking.

**Environment and Countryside:** Remain completely rural with open views in and out of the village protected. Sustainability important.



## COMMUNITY ENGAGEMENT

From the outset of the project, effective engagement with local residents, businesses, community groups and service providers both in Peakirk and the adjoining areas has been regarded as essential. In producing a Plan which will be used to decide the future of our small village where people both live, work and visit, it was vital to have true community ownership and to have a Plan that is representative of the community.

In order to achieve this, much thought and effort has been put into engaging with local residents and land owners and great importance placed on working in a transparent way throughout all stages of the Plan's preparation.

The Neighbourhood Planning Group has encouraged views and suggestions from organisations both within the village itself and the nearby villages as well as individuals. Some of the responses could potentially be conflicting or challenging but every effort has been made to acknowledge all views expressed. At various stages the Neighbourhood Planning Group has fed back to the community how the Plan reflects the views and opinions received and explained why some views cannot be taken into account.

Recognition has been given to the mix of people within the village and a range of engagement opportunities offered. The engagement activities are listed below:

Launch event a 2 day exhibition / drop-in event

Compilation of extensive stakeholder database

Letters to stakeholders

Arranging face-to-face meetings with key stakeholders

Development of promotional materials — leaflets, banner, posters, web-site, Facebook, Twitter, dedicated e-mail address

Distribution of goody-bags with information & feed-back cards to village organisations & village hall user groups

Family film night to engage with young people

Local media coverage — including Peterborough Telegraph and The Village Tribune

Manned information stand at Village Fete

Regular newsletters delivered to all households

Consultation workshops

Village Questionnaire – including Survey Monkey

Publication of analysis of results of questionnaire

Provision of ongoing updates and feedback by posters, e-mail, parish council minutes and village web-site

The Neighbourhood Plan blog.

## HOW THE PLAN WAS FORMED

### Peakirk Neighbourhood Plan Process

April 2012	Neighbourhood Planning Regulations published.
Winter/Spring 2013	Early engagement with neighbouring parishes.
June 2013	Application by Peakirk Parish Council to Peterborough City Council to designate the Peakirk Parish as a Neighbourhood Area. The adjoining parishes of Glinton, Northborough and Deeping Gate were designated at the same time but as separate areas.
August 2013	Launch of consultation for the Peakirk Neighbourhood Plan.
September 2013	Goody Bags to all village hall user groups.
November 2013	Compile extensive database and correspond with all to ask for their input. Newsletters sent out to all residents and all on the electronic database.
Nov / Dec 2013	Workshops and Film and Pizza night.
Winter 2013	Understanding the area - Data and evidence collection and interpretation.
February 2014	Consultation on Vision, Aims and Objectives.
Mar/April/May 2014	Working on ideas for the Vision, Aims and Objectives, based on last consultation.
May 2014	Presented our ideas to the community at the Village Fete. Arranged a walkabout around the village to engage with householders and give them the opportunity to express their views.
Summer 2014	Options Consultation - testing ideas for the future development of the village and surrounding countryside.  Workshop open to all to consult on Aims, Objectives and Policy ideas. More Village Project ideas sought.
Autumn 2014	Plan Creation - Bringing together all the evidence and consultation results.
Winter 2014/15	Version 1 of Peakirk Neighbourhood Plan — testing proposals for the future development of the village and surrounding countryside.
March 2015	Version 2 of the Plan. Date extended to 2030.
Autumn/Winter 2015	Version 3 of the Plan. Working on policies and testing against the Vision, Aims and Objectives.  Version 4 of the Plan, discussions and comments from planning consultant.
March 2016	Version 5 of the Plan, adjusted to include consultant's suggestions.
May 2016	Version 6 of the Plan, adjusted to include local authority suggestions.
Summer/Autumn 2016	6 week Pre-Submission Consultation of the Plan Version 7.2
Summer/Autumn 2016	Amend Plan to points raised at consultation (Version 8)
Winter 2016	Version 8.1 of the Plan submitted to Peterborough City Council
Winter 2016	Council undertakes Regulation 16 Consultation of Neighbourhood Plan (a further six week consultation). (Version 8.1)
January 2017	External examiner appointed: examination of Neighbourhood Plan.
Spring/Summer 2017	Referendum.
Summer 2017	Plan 'made' by Peterborough City Council

# Section 1 Our Vision for Peakirk



## SECTION 1: OUR VISION FOR PEAKIRK

The Neighbourhood Planning Group considered it important that the Plan contained a simple Vision Statement that sets out the community's aims for the future. The Statement was prepared by the Neighbourhood Planning Group and accepted through consultation by the local community. It is hoped that the Vision Statement clearly defines the aims and ideals of the community and the Neighbourhood Area.

**'Our Vision is for Peakirk to remain a small, green village within a rural parish with a rich heritage and culture which can be enjoyed, protected and where possible enhanced, whilst supporting appropriate and proportionate growth.'**

To accompany the Vision the Neighbourhood Planning Group developed detailed Aims and Objectives that are designed to address the challenges that may be encountered in securing Peakirk's future to 2030. The Aims and Objectives provide the basis for the development of the Planning Policies, which are set out in Section 3 and the Section 4 Village Projects.



## Section 2 Aims and Objectives

## SECTION 2: AIMS AND OBJECTIVES

The Neighbourhood Planning Group have identified the following Aims and Objectives to deliver the Vision from the initial Consultation Key Points.

**Aims** are high level, aspirational statements of what is needed make the **Vision** a reality.

An **Objective** sets out how to achieve the **Aims**.

Each **Aim** has a series of **Objectives**.

<p><b>AIM 1: HOUSING</b></p> <p>To remain separate from nearby villages whilst supporting appropriate growth.</p>	<p><b>OBJECTIVES</b></p> <p>A) Other than in very special circumstances, to locate new homes within the defined Village Envelope.</p> <p>B) Integrate new housing with existing homes.</p> <p>C) Support development of smaller sized homes.</p> <p>D) Achieve high quality design.</p> <p>E) Preserve and enhance the village setting.</p>
<p><b>AIM 2: COMMUNITY</b></p> <p>To support the rural amenities of the village and the community spirit of those who live in it.</p>	<p><b>OBJECTIVES</b></p> <p>F) Preserve and develop local amenities and community assets.</p> <p>G) Designate Local Green Space where appropriate.</p> <p>H) Seek to establish local business opportunities.</p> <p>I) Support renewable low carbon community energy projects.</p>
<p><b>AIM 3: GETTING ABOUT</b></p> <p>To widen the sustainable options available to all people in the parish for getting about without their cars and help solve some of the problems traffic travelling through the village creates.</p>	<p><b>OBJECTIVES</b></p> <p>J) Ensure new development has adequate parking.</p> <p>K) Ensure new homes have easy and safe access to village amenities and the countryside.</p> <p>L) Address speeding vehicles and road safety through the management of traffic.</p> <p>M) Support public transport, pedestrian and cycle links between villages.</p>
<p><b>AIM 4: ENVIRONMENT</b></p> <p>To safeguard and where possible enhance the parish's rural setting and historic character. To support biodiversity and habitats of importance.</p>	<p><b>OBJECTIVES</b></p> <p>N) Preserve and enhance existing wildlife habitats.</p> <p>O) Protect existing homes from flooding.</p> <p>P) Safeguard trees, woodland and hedgerows important to the setting of the village.</p> <p>Q) Encourage sustainable design.</p> <p>R) Preserve and enhance the historic environment.</p>

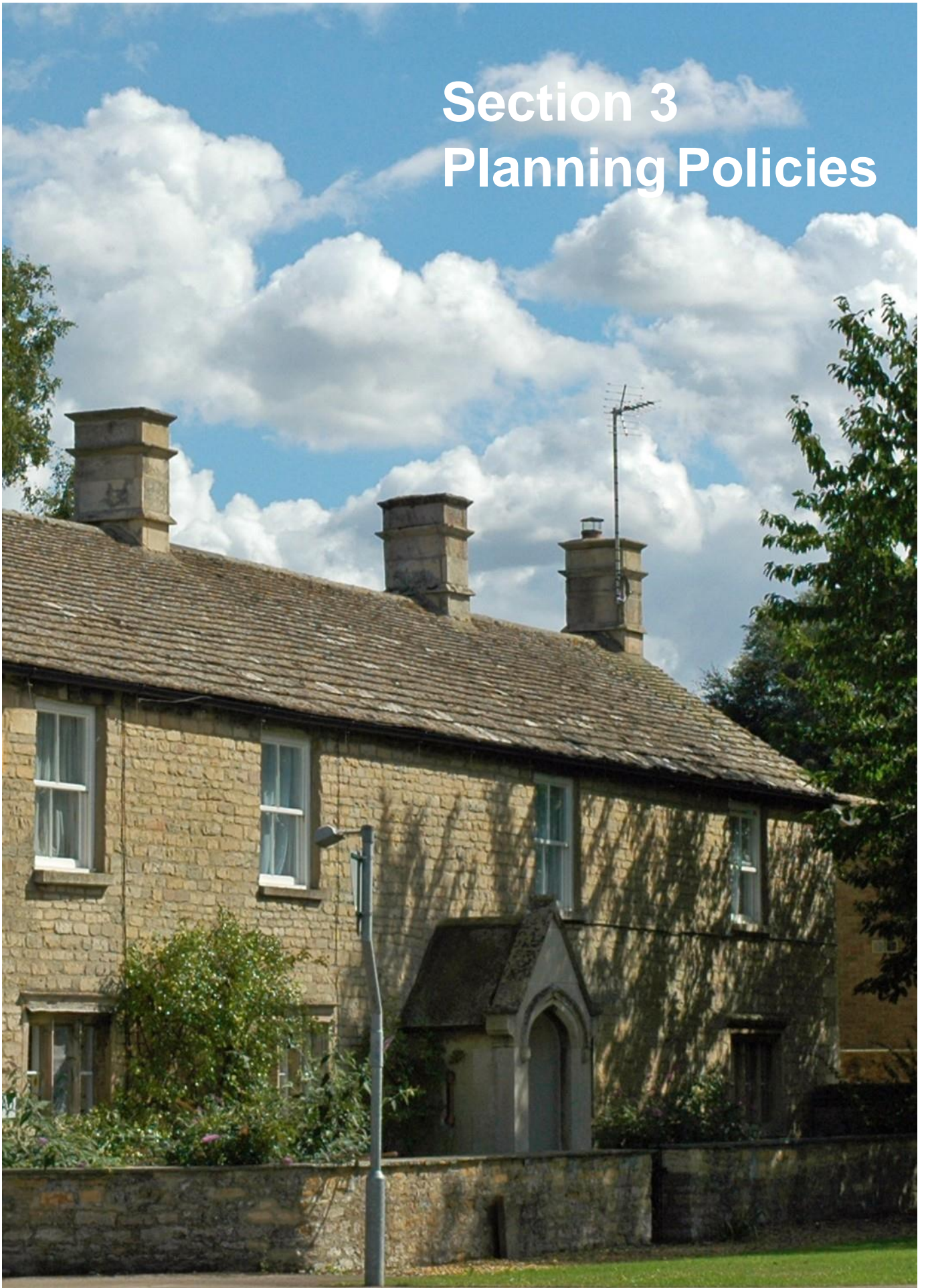


**The table below summarises the Neighbourhood Plan Policies which will help achieve each of our Objectives.**

OBJECTIVE	DELIVERED THROUGH POLICIES / PROJECTS
<b>AIM 1: HOUSING</b>	
A) Other than in very special circumstances, to locate new homes within the defined Village Envelope	Policy PK1, PK3, PK4
B) Integrate new housing with existing homes	Policy PK4, PK5, PK7
C) Support development of smaller sized homes	Policy PK4, PK7
D) Achieve high quality design	Policy PK4, PK5, PK9
E) Preserve and enhance the village setting	Policy PK1, PK2, PK3, PK11, PK12, PK13
<b>AIM 2: COMMUNITY</b>	
F) Preserve and develop local amenities and community assets	Policy PK6, PK11, PK12, PK13
G) Designate Local Green Space where appropriate	Policy PK12
H) Seek to establish local business opportunities	Policy PK6, PK10
I) Support renewable low carbon community energy projects	Policy PK10
<b>AIM 3: GETTING ABOUT</b>	
J) Ensure new development has adequate parking	Policy PK4
K) Ensure new homes have easy and safe access to village amenities and the countryside	Policy PK3, PK4, PK13
L) Address speeding vehicles and road safety through the management of traffic	Village Project
M) Support public transport, pedestrian and cycle links between villages	Village Project
<b>AIM 4: ENVIRONMENT</b>	
N) Preserve and enhance existing wildlife habitats	Policy PK3, PK11, PK12, PK13
O) Protect existing homes from flooding	Policy PK4, PK8, PK9
P) Safeguard trees, woodland and hedgerows important to the setting of the village	Policy PK2, PK3, PK11, PK12, PK13
Q) Encourage sustainable design	Policy PK8, PK9, PK10
R) Preserve and enhance the historic environment	Policy PK2, PK3, PK5, PK12

The policies in this plan will be examined for effectiveness by the Parish Council against these Aims and Objectives. The Neighbourhood Plan will be reviewed when this proves necessary.

# Section 3 Planning Policies



## SECTION 3: PLANNING POLICIES

### PK1 Preventing the Coalescence of Peakirk and Glington.

#### Background and Justification

- 1.1 Peakirk is a small rural 'Fen edge' village of 180 dwellings, in the Welland valley, about a mile north of the urban edge of Peterborough and half a mile east of Glington, a larger village settlement of 680 dwellings, with more facilities such as schools and a shop.
- 1.2 The individual identity of Peakirk village is very important. The 'village feel' and its surrounding openness is crucial to its local distinctiveness and character.
- 1.3 It has been a separate rural settlement, serving the needs of the local farming community since Roman times. The 1790 Composite map of England and Wales shows Peakirk as one of a series of 'Fen edge' villages, marking the outer limits of the waterlogged fenland. With the drainage of the fens in the 19<sup>th</sup> Century, the village continued to mark the physical change in landscape from wide open fenland to smaller scale enclosure.
- 1.4 Map 1 shows the Neighbourhood Area and the adjoining settlements and the current Village Envelope.
- 1.5 The Peterborough Urban Fringe Landscape Sensitivity Study April 2007 identified views out of and into the village to the east, as characteristic sweeping, flat, fenland vistas, dominated by arable farming, and to the west of smaller scale fields, some of permanent pasture interspersed with trees and hedgerows.
- 1.6 The Peakirk Landscape Character Assessment 2016, carried out by local people specifically for the Neighbourhood Plan, confirmed this feeling of being on the boundary between one area and another. It identifies, at a smaller scale, the fragile local fen edge character of Peakirk still in place today and the importance of its distinct setting to the intrinsic landscape character of the area.
- 1.7 The Peterborough Site Allocations Development Planning Document Policy SA17 Green Wedges supports maintaining the separate identity of communities by containing urban sprawl. A Green Wedge already separates the urban edge of Peterborough at Werrington from Glington and the western side of the Neighbourhood Area along Foxcovert Road.

#### Ambition

To keep Peakirk a small, green village in a rural parish.

To ensure distinct separation between Peakirk and Glington. The villages have always been distinct and separate communities.

To reinforce the classification of 'open countryside' outside the Village Envelope, meeting the criteria of Peterborough City Council Core Strategy Policy 5

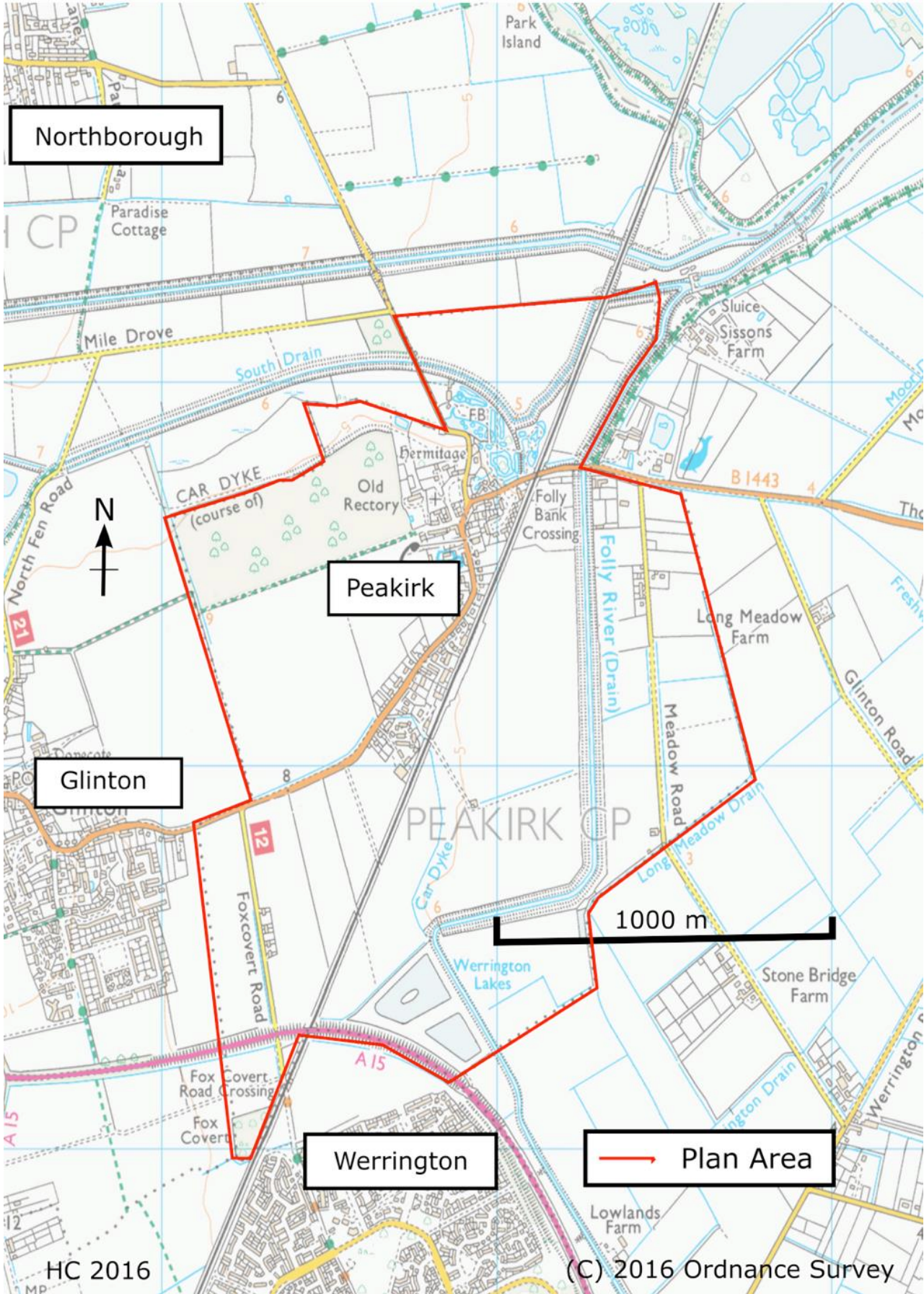
To meet Objectives:

- A) Other than in very special circumstances, to locate new homes within the defined Village Envelope
- E) Preserve and enhance the village setting

#### PK1 Preventing the Coalescence of Peakirk and Glington.

Development outside the Village Envelope, as defined on Map 1, must not, either individually or cumulatively, increase the coalescence of Peakirk and Glington by reducing the physical gap between the two settlements.

Map 1 Peakirk and its proximity to other settlements.



**PK2 Views Important to the Historic and Cultural Setting of Peakirk****Background and Justification**

- 2.1 The Natural England National Character Areas identifies Peakirk as being on the boundary between Area 46 The Fens and Area 75 The Kesteven Uplands.
- 2.2 The Landscape Character Assessment for Peterborough City Council 2007 also shows Peakirk on the boundary between Area 3 The Welland Valley and Area 4 Peterborough Fens.
- 2.3 The Peakirk Landscape Character Assessment 2016, carried out by local people, compliments these findings on a more local scale.
- 2.4 Peakirk's intrinsic position as a 'Fen edge' village, provides opportunities to experience a contrast of views, reflecting its settlement history.
- 2.5 The subtle change in this boundary landscape is very vulnerable to development pressure and this policy aims to identify particular views that are important to maintaining Peakirk's setting and character.
- 2.6 View 1 and View 2 are important in the understanding of the historical relationship between Peakirk and Glinton. Rectory Lane can trace its origins back to the medieval paths linking the villages and the open field system that served them both. These views are shown on Map 2. Further details of the key features that make these views important to retaining the historic rural setting of Peakirk are given in Appendix 1 Background Documents and Supporting Evidence.
- 2.7 To the north and west the landscape is much older and less open with fields of a smaller scale. There are several fields of permanent pasture with mature trees and hedgerows dating back to the Enclosure Act of 1809 and possibly before. View 3 shows the northern approach to the village where it's setting is influenced by this landscape.
- 2.9 The Roman excavated waterway, Car Dyke marks the change in the landscape. It may also have marked a boundary between land held by the Iceni tribe in the east and a Roman estate based on Castor in the west. View 4 looks along the line of the Car Dyke as it reaches the village edge, underlining its importance as an historical boundary.
- 2.10 To the south and east the views beyond the Neighbourhood Area are of the large scale, open landscape of Newborough Fen, much of it on or below the 5m contour, where the water levels are artificially controlled by constant pumping. View 5 shows the importance of the planting that marks the boundary of the Neighbourhood Area and gives it a separate character to the fen beyond.
- 2.11 View 6 is from the centre of the village across Meadow's field. The importance of this view reflects the historic settlement pattern.

**Ambition**

To retain views in to and out of the village that recognise its historically significant position.

To meet Objectives:

- E) Preserve and enhance the village setting.
- P) Safeguard trees, woodland and hedgerows important to the setting of the village
- R) Preserve and enhance the historic environment

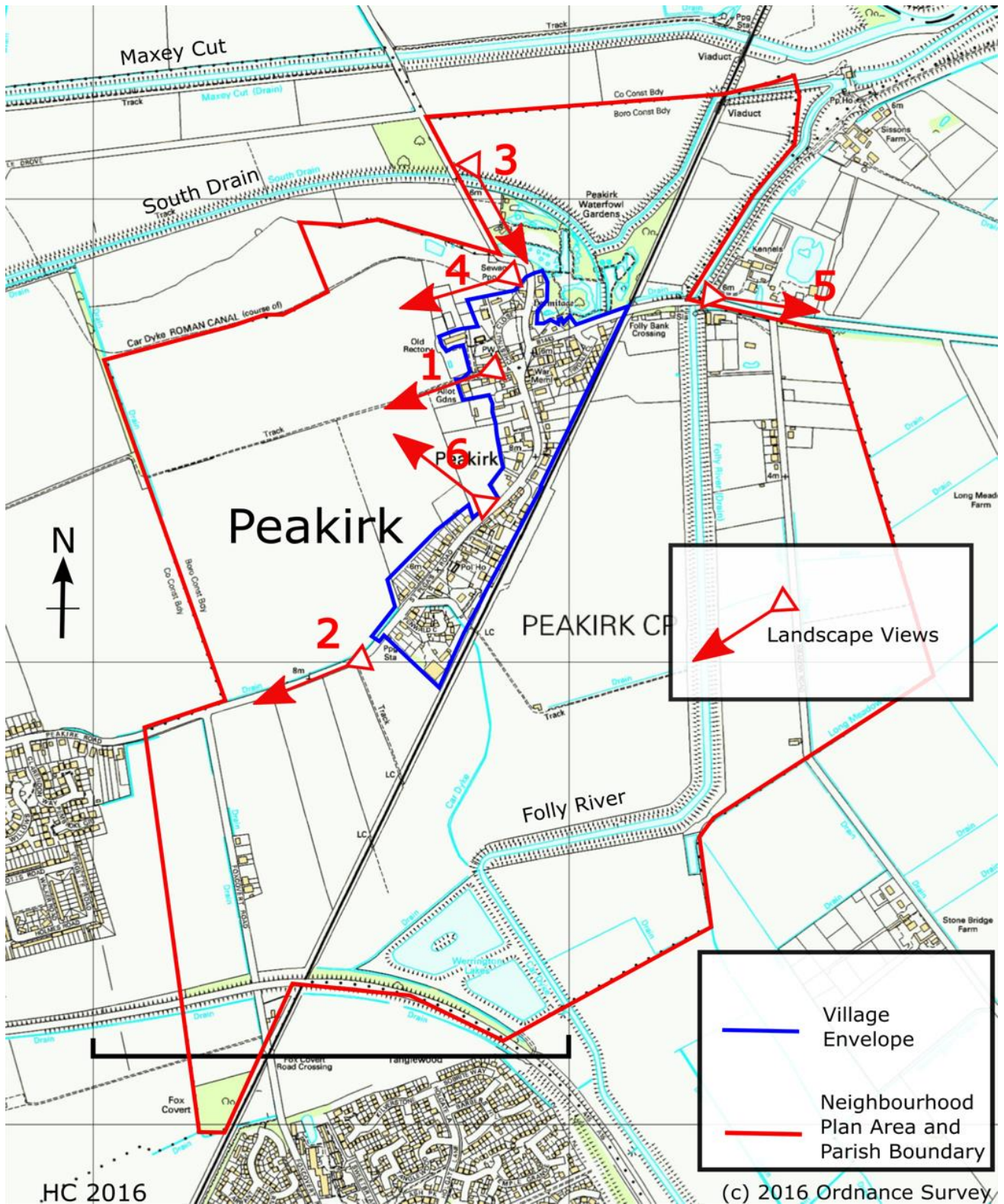
**PK2 Views Important to the Historic and Cultural Setting of Peakirk**

**Map 2 identifies Local Views that have been identified as important to the historic and cultural setting of Peakirk. Details of these views are contained in Appendix 1.**

1. From the end of Rectory Lane looking west towards Ginton church.
2. From the southern edge of the village looking along the B1443 towards Ginton
3. From the South Drain bridge on the Deeping Road looking south east towards Peakirk
4. From the Deeping Road looking west across the Hermitage Field from the pumping station towards Car Dyke.
5. Eastwards along the Thorney Road towards the junction with Meadow Rd with Newborough fen beyond.
6. From St Pegas Road over the wall across Meadow's field.

Development proposals that would have an unacceptable impact on the identified important local views through closing off or reducing the view, or through detracting from important features that make the view important, will not be supported.

Map 2 Views important to the Historic and Cultural Setting of Peakirk





## PK3 Protect and Enhance our Heritage and Rural Landscape Character

### Background and Justification

- 3.1 Peakirk has a long and varied history as a small country village providing a home for the people who live and work here. Archaeological evidence suggests that the area around the present village has been used by people for over 4000 years.
- 3.2 Peakirk is classified as a 'small village' in the Peterborough City Council Settlement Hierarchy Study (January 2016), unsuitable for formally allocated development. Development would be restricted to a small redevelopment site or infill. All development should be of a scale appropriate to the village.
- 3.3 In all our consultation events over the past three years, the community have placed considerable importance on preserving the size of the village and ask that all future development proposals remain within the Village Envelope unless exceptional circumstances can be proven.
- 3.4 The earliest documentary reference to the village is in a charter of 1016, a grant of land in Peakirk by King Edmund II (Edmund Ironside), to a new minster, presumed to be the church here, the earliest fabric of which dates to that period.
- 3.5 Early settlement is likely to have been located on the higher ground to the south and west of Car Dyke, a Roman watercourse, excavated possibly in the 1<sup>st</sup> or 2<sup>nd</sup> century AD, which follows the 5m contour around the present village. There is also evidence of Roman occupation within the area of the present village, but following their withdrawal from Britain in the early 5<sup>th</sup> century, this seems to have been abandoned.
- 3.6 The section to the north of the village is a Scheduled Monument List Entry Number: 1021104 Section of Car Dyke canal, fishponds and Barrows that 'contribute to our understanding of the development of the pre-historic, Roman and medieval landscapes.'
- 3.7 In the early 8<sup>th</sup> century, St Pega, the sister, of St Guthlac of Crowland, is said to have set up a hermitage to the east of Car Dyke, on a site now occupied by a medieval chapel (converted to domestic use in the late 20<sup>th</sup> century), but there is no evidence of Anglo-Saxon occupation to the west of Car Dyke, within the present village, until the mid-9<sup>th</sup> century.
- 3.8 The historic centre of the village is the heart of the Conservation Area and contains a number of Grade 1, Grade II and Grade II\* Listed Buildings, including St. Pega's church which dates mainly from the 13<sup>th</sup> century to the 15<sup>th</sup> century but has some 11<sup>th</sup> Century Anglo-Saxon and Norman Fabric. The 14<sup>th</sup> Century Morality paintings on the north wall are nationally important to our historical understanding.
- 3.9 Protecting the setting of all these heritage assets is an important element in planning the future of our parish. It is also important to conserve the historic environment beyond the designated assets. This should include such things as local listed structures, surviving street furniture, areas of paving, boundary walls and railings.
- 3.10 The modern site of the village at the confluence of several important waterways has grown out of its historic setting on the boundary between the waterlogged fens and the drier uplands. Historical Landscape Characterisation written work carried out by Tracey Partida for the Rockingham Trust identifies Peakirk as on the edge of Zone 6, the Soke of Peterborough. Today the River Welland flows to the north east of the village where it connects to the Maxey Cut, South Drain and Folly River just outside the parish boundary.
- 3.11 Peakirk was originally an agricultural settlement. Its sustainability was ensured by the best use of the agricultural land surrounding it. Originally this was Medieval fields to the north and west. The c1812 Parish Inclosure map shows the position of large open fields called Dovecot Field, Well Moor Field and Tween Towns Field. Peakirk was part of the Glinton Manor and probably shared these fields with them. After the reclamation of the fenland to the east and south, large arable fields, diverted by drains, became the dominant landscape in this area. The coming of the railways in 1848, enabled fresh food, including ducks from the local Borough Fen Decoy and fresh goods brought by boat to be transported quickly to London.
- 3.12 The farmland in the Neighbourhood Area remains an important asset. It will help support the Peterborough Environment Capital Action Plan 2014 - 2050 Vision Theme 5 Local and Sustainable Food in its ambition that '80% of food consumed will be produced and processed within 100 miles of the city' by 2050.

- 3.13 The farmland is classified by the MAFF 1988 Agricultural Land Classification as Grade 3 Good to Moderate quality with Grade 3a good quality agricultural land is classed as 'best and most fertile' land. The government has reaffirmed the importance of protecting our 'best and most fertile' soils and the services they provide in the National Planning Policy Framework March 2012.
- 3.14 The Peakirk Neighbourhood Plan aims to protect that heritage whilst encouraging the sustainable use of the surrounding land, as in the past.

### **Ambition**

To preserve the setting of Peakirk as a small rural village in a historically important landscape, whilst encouraging development that will maintain its intrinsic character for the next 1,000 years.

To promote the sustainable use of the productive farmland surrounding the settlements.

To meet Objectives:

- A) Other than in very special circumstances, to locate new homes within the defined Village Envelope
- E) Preserve and enhance the village setting
- K) Ensure new homes have easy and safe access to village amenities and the countryside
- N) Preserve and enhance existing wildlife habitats
- P) Safeguard trees, woodland and hedgerows important to the setting of the village
- R) Preserve and enhance the historic environment

### **PK3 Protect and Enhance our Heritage and Rural Landscape Character**

Outside of the Village Envelope, as shown on Map 3, development proposals will be limited to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services, and to residential development on rural exception sites.

Any development within the Plan area will only be permitted where it would not have a detrimental impact, by way of size, scale, design, positioning, layout, or use, on the setting of the village and/or its satellite housing at Meadow Road and Foxcovert Road.

## PK4 Neaverson's Yard

### Background and Justification

- 4.1 The Peakirk Neighbourhood Plan takes a positive approach to the development of an area of previously developed land within the village envelope, known as Neaverson's Yard.
- 4.2 Peakirk is classified as a 'small village' in the PCC Settlement Hierarchy 2016, unsuitable for formally allocated development. An application for this site to be included under the Peterborough Site Allocations DPD 2012 was rejected. This application indicated that 14 dwellings could be built on this site.
- 4.3 Under policy CS1 of the current Peterborough City Council Core Strategy, residential development in Peakirk would be restricted to windfall site, limited in scale to infilling or a group of no more than nine dwellings. All development should be of a scale appropriate to the village.
- 4.4 The Neaverson's yard site is 0.54ha in total with the owners indicating that 0.27ha could be currently available for housing. The rest of the site consists of a large modern factory building. It is the only area left in the village that could provide a small housing development of no more than nine dwellings. There are possible contamination issues on the site, resulting from historical wood treatments, which may require remedial work. The position of the site is shown on Map 3.
- 4.5 The old factory building was replaced in 2000, but the site had been used by a local family, for the manufacture of timber buildings for over one hundred years. The factory building could be subdivided to provide light industrial units, which could bring new employment opportunities into the village.
- 4.6 The remainder of the site is part of a larger site, part redeveloped in 2007, resulting in the building of Penwald Court, [density of 29 dwellings per hectare] consisting of 14 four bed houses, of which 11 are detached, and 3 three storey, terraced town houses. This development was an approximate 10% increase in the size of the village.
- 4.7 In 2010 an application was made on the remaining site, for two 4 bed detached dwellings and six semi-detached dwellings. [10/01553/OUT]. It was withdrawn in Feb 2011. In May 2011 outline planning permission was granted for five detached 4 bed dwellings with associated garages and access road and the change of use for the existing factory from B2 to B1. [11/00368/OUT]
- 4.8 The planning permission granted in 2011 [11/00368/OUT] requested details of a SuDS system in order to protect and safeguard the amenity of the area and of the water environment in accordance with PPS23 and Policy U1 of the Peterborough Local Plan [First Replacement].
- This planning permission has now lapsed without work being started.
- 4.9 The site could provide the village with a wider variety of house types, sizes and tenures than is currently available.
- 4.10 The Peakirk Neighbourhood Plan Group feel that one of the main problem identified with the development of this area is the provision of adequate on site parking.
- 4.11 As a rural community, with only a limited bus service Monday to Saturday and no shop or school, most people in the village have to drive to work, school and the shops, so it is unrealistic to expect people to not have more than one car per household.
- 4.12 Parking on the side of the road, especially in the new development of Penwald Court, adjacent to this site, is a big problem in Peakirk.
- Sometimes it is impossible to push a buggy or walk with children along the footpaths because the roads are narrow and the cars park on the footpath to avoid traffic. This is especially noticeable during the evenings and weekends.
- 4.13 Car ownership in Peakirk follows the general profile of rural Peterborough, shown by the Newborough Ward figures, of which Peakirk was a part when the survey was completed, which is higher than both Central Ward Peterborough [urban] and the overall figures for the Peterborough Unitary Authority.

	No cars or vans in household	1 Car or van in household	2 Cars or vans in household
Peakirk Parish	6%	25%	69%
Newborough Ward	7%	35%	58%
Central Ward Peterborough	45%	41%	14%
Peterborough Unitary Authority	25%	45%	30%

- 4.14 Housing needs. – Our research shows that the village has an unbalanced mix of housing types and the Neighbourhood Plan supports development on this site that offers a wider choice of types, sizes and range of tenures.

This is an opportunity to contribute to delivering a mix of housing, in terms of size, type and tenure informed by the latest Strategic Housing Market Assessment (SHMA) and/or local housing needs survey.

- 4.15 Flooding problems - Peakirk has a foul sewage network only. Heavy rain causes increased flow from surface water into the foul system. The speed in which water flows into the pumping stations at both ends of the village, can and has resulted in pump failure.
- 4.16 Any increased demand on the system could increase the risk of pump failure resulting in blockages and backflow, causing a risk of contaminated water overflowing into houses, gardens and the Car Dyke. Anglian Water have upgraded some parts of the system, but flooding problems are still occurring at both ends of the village especially following periods of heavy rain.
- 4.17 Opportunity for local businesses – This site already has a modern factory building in place. It could offer real opportunities to promote and encourage local business.

### **Ambition**

To encourage the redevelopment of Neaverson's Yard to provide a mix of housing types and tenures that serve the needs of the village.

To ensure new development has adequate parking

To support alternative uses for the site that could increase the economic sustainability of the village without compromising the health and welfare of its residents.

To meet Objectives:

- A) Other than in very special circumstances, to locate new homes within the defined Village Envelope
- B) Integrate new housing with existing homes
- C) Support development of smaller sized homes
- D) Achieve high quality design
- J) Ensure new development has adequate parking
- K) Ensure new homes have easy and safe access to village amenities and the countryside
- O) Protect existing homes from flooding

**PK4 Neaverson's Yard**

Proposals for residential use on the Neaverson's Yard site which contribute to the achievement of a sustainable and mixed community will be supported.

As such proposals must:

- Deliver a mix of dwelling types, sizes and range of tenures to meet the identified future needs for sustainable and mixed community in Peakirk; and
- Make appropriate provision for off-road parking taking into consideration the type of development and the accessibility of the location and the lack of a comprehensive local bus service. This policy aims to minimise the impact of any nuisance caused by on street parking to pedestrians, cyclists, traffic and service access; and
- Where the number of dwellings in each size category as specified by the Peterborough City Council Parking Standards falls short of the threshold, the total number of dwellings will be used to calculate the number of unallocated spaces required, taking an average car parking requirement for their sizes; and
- At least one of the parking spaces provided for each dwelling should be of a width of 3.3m to enable access for those with accessibility issues; and
- All residential development should be designed, where practical, to incorporate facilities for electric plug-in and other ultra low emission vehicles.

Proposals involving the use of this land (or any part of it) for non residential purposes will also be supported in principle where they contribute to the economic sustainability of the village.



**PK5 Design and Amenity****Background and Justification**

- 5.1 Peakirk is a small, historic, rural settlement located on the fen edge, with continuous occupation and use of the landscape over about 4000 years.
- 5.2 The Ruddy Duck public house, built of stone, is one of the oldest surviving buildings in the village, with several similar style farmhouses that may be even older, such as The Goshams, also surviving.
- 5.3 Peakirk remained a mixed farming community until the coming of the railway in 1848. This brought a new wave of Victorian development using materials brought in locally from Fletton and Whittlesey.
- 5.4 The 20<sup>th</sup> Century brought a change in the balance of settlement. In medieval times the church was the most prominent and most decorated building in the village, reflecting the day to day dominance of religion. In the 20<sup>th</sup> century technical advances made construction easier and houses more uniform.
- 5.5 In the 21<sup>st</sup> Century the village street scene is made up of a wide variety of individual buildings with different frontages. Some are detached, semi detached, terraced, farm sheds, barns and even commercial buildings. Only about a quarter of these now date from before the 20<sup>th</sup> century making modern houses the most visually dominant building type in the village.
- 5.6 It is important that new buildings reflect and enhance the existing characters to broaden and enrich the street scape rather than relying on standardised design that is inappropriate in the setting of a small rural village.
- 5.7 The information above is provided by the Peakirk Conservation Area Appraisal Report and Management Plan, (Peterborough City Council August 2010), which also concludes that:
- ‘there is a marked difference between new buildings within the Conservation Area and buildings just outside the Conservation Area boundary. Recent infilling that has taken place has a marked impact on the character of the frontages.’
  - ‘Post 2000 estate development outside the Conservation Area is machine made brick with artificial blue slate. Inside the Conservation Area post 2000 development are individual plots in stone with natural Welsh slate or good quality artificial Collyweston slates.’
- 5.8 The character of the village is further described in the Peakirk 2030 Character Area Assessment 2016 as having 12 distinct Character Areas. See Appendix 1.

**Ambition**

To encourage design of new development which enhances and compliments the characteristics and identity of the village as described in the Peakirk Conservation Area Appraisal Report and Management Plan, (Peterborough City Council August 2010) and the Peakirk 2030 Character Area Assessment 2016.

To support innovative, alternative or contemporary design where it is sensitive to its immediate setting.

To plan for the important every day details such as bin storage.

To meet Objectives:

- B) Integrate new housing with existing homes.
- D) Achieve high quality design.
- R) Preserve and enhance the historic environment

**PK5 Design and Amenity**

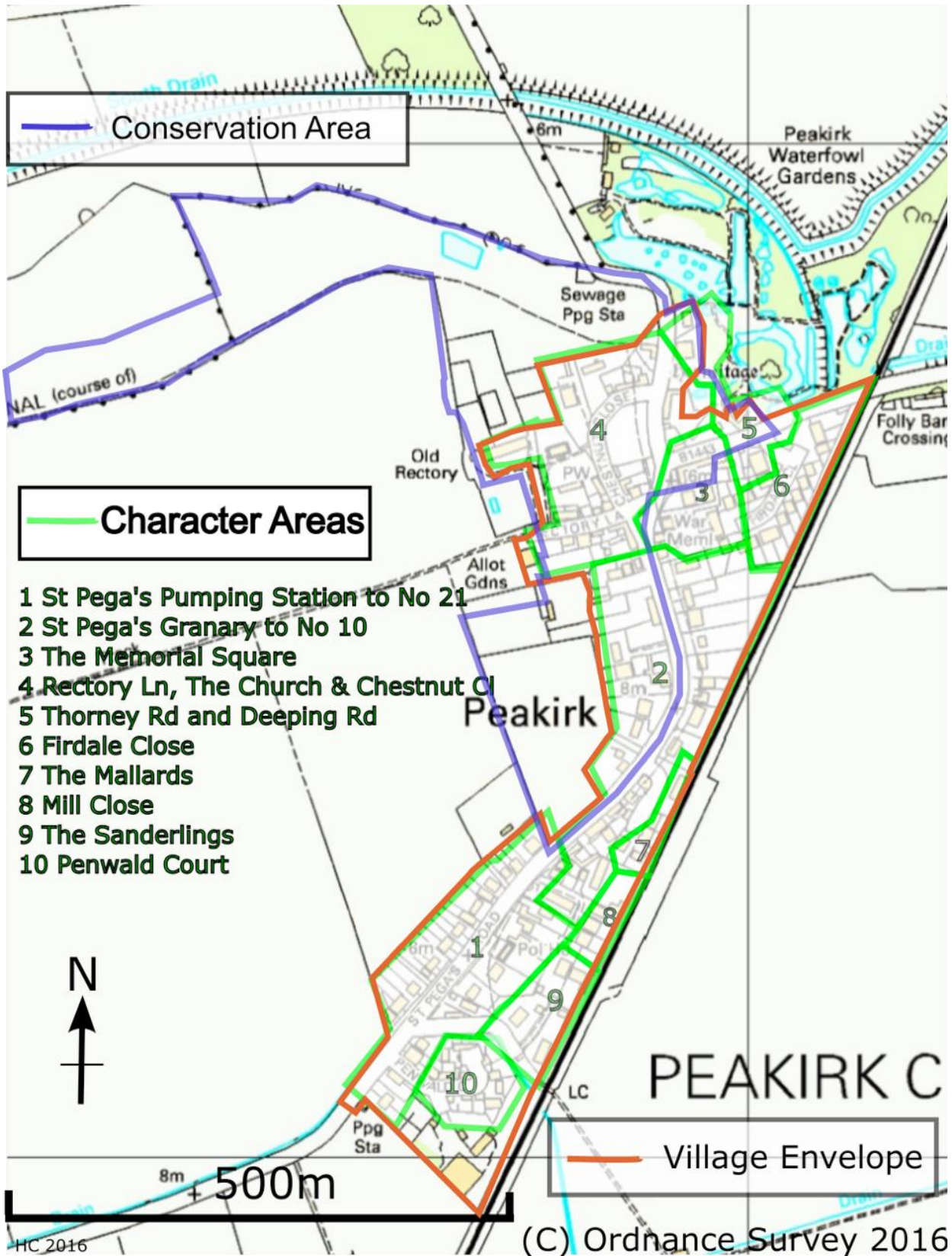
Development will be supported where it is designed to a high quality and responds positively to the heritage and local distinctiveness of the village.

As such proposals must:

1. Positively reflect the characteristics identified in the Peakirk 2030 Character Area Assessment 2016 by way of;
  - a. height, scale, spacing between buildings, layout of buildings within the scheme, building orientation, rooflines, design, and materials used; and
  - b. the design of and materials used in areas of public realm, including footways, roadways, open spaces, means of enclosure and landscape treatment.
  
2. Follow guidance in the Peakirk Conservation Area Appraisal Report and Management Plan, (Peterborough City Council August 2010) – (or similar document if superseded) on
  - Alterations to Historic Buildings, - retaining original fabric in older properties, resisting further extensions to already extended Listed Buildings and amalgamated buildings, repair and restoration of doors and windows using patterns from nearby villages.
  - New Buildings, - Use of traditional building materials throughout the village. In the Conservation Area, where possible, new buildings designed with a plan form of 6m max. and constructed using local stone, Collyweston tiles and thatch with pantiles on single storey buildings. Use of red or white stock bricks and natural slate.
  - Archaeology, all proposed development within the Conservation Area should, where appropriate, include an archaeological assessment at or before planning application stage, especially important around course of Car Dyke.
  - Stone Walls, all existing stone walls retained, maintained and rebuilt if necessary, preferably to original height.
  - Street Furniture, retain all vestiges of historic street furniture such as granite and local stone kerbs and setts, old light standards, water pumps, milestones. New development and upgraded buildings to use traditional features such as limestone setts and granite kerbs and new materials that compliment historic character.
  - Tree planting and Landscape and Townscape Enhancement seek specialist design expertise for landscape and townscape improvements which could result from new development, especially at the junction of character areas.
  
3. Demonstrate that they do not result in unacceptable levels of light, noise, odour, air or water pollution.



Map 4 Peakirk Character Areas.



**PK6 Encouraging Micro and Small Businesses****Background and Justification**

- 6.1 Peakirk is now almost entirely residential. In recent years we have lost our Post Office and shop, a craft centre and a woodworking factory. Our pub, church and the village hall are the only local facilities left.
- 6.2 The NPPF promotes a prosperous rural economy by encouraging the retention and development of local services and community facilities in villages.
- 6.3 The Peakirk Conservation Area Appraisal Report and Management Plan, (Peterborough City Council August 2010) reports that in the 1950s and up until the 1970s when private car ownership became more affordable, most people who lived in Peakirk would have worked here or in nearby villages.
- 6.4 The 2011 census figures show that 22 people [9.1% of the population] work mainly at or from home, yet 244 people [72.6% of the population] were actively working. This is a reduction from 28 people [15.5%] in the 2001 census.

**Ambition**

To encourage more residents to work within the village, either from home or suitable local premises.

To meet Objectives:

- F) Preserve and develop local amenities and community assets
- H) Seek to establish local business opportunities

**PK6 Encouraging Micro and Small Businesses**

Proposals for small scale commercial or industrial development in the categories A1 (shops), A2 (Financial and professional), A3 (restaurants and cafes) and B1 (business offices) will be supported.

The following types of development will be supported:

- premises for business start-ups, including Micro businesses
- extensions and small new buildings enabling working from home
- provision of serviced offices
- community facilities

## PK7 Dwelling Size and Type

### Background and Justification

- 7.1 The population of Peakirk has increased by nearly 40% between 2001 (321 residents) and 2011 (446 residents). (Source 2001 and 2011 Census)
- 7.2 In 2011, 90 of these residents were 16 years old and younger, an increase of over 80% since 2001.
- 7.3 At the same time the number of residents over 60 has risen from 72 residents (2001) to 99 residents (2011), an increase of 35%.
- 7.4 Modern households rightly require more space than in past times and so many of the smaller cottages and terraced houses have been amalgamated into larger dwellings.
- 7.5 This means there are few opportunities for young local families to live in the village. Most of the old houses have been converted to four bedrooms and the new houses also aim at this market.
- 7.6 Older people living in these larger houses are also disadvantaged, as there are few smaller houses to downsize into and free up the larger houses for growing families. This has resulted in an imbalance in housing provision, which the Peakirk Neighbourhood Plan aims to address.
- 7.7 To survive as a thriving community Peakirk needs residents with a range of ages to support local community initiatives and to build a strong sense of community.
- 7.8 To support the local school in Ginton, young families with children must be supported in their wish to live in the village.
- 7.9 To support our pub, the only retail outlet left in the village, a wide range of prospective clients should live within walking distance of this vital amenity.
- 7.10 All the 14 houses built in our only recent development in Penwald Court [2007] are 4 bed houses.
- 7.11 The new Local Plan Sustainability Appraisal January 2016 identifies as a key issue in Theme 10, Health and Wellbeing, the need for affordable housing and the even more acute need in rural areas, which score highly on the Indices of Multiple Deprivation.
- 7.12 The governments Indices of Multiple Deprivation 2010 show details on barriers to housing including affordability. The wards appearing in the worst 5% in the country include Ginton, Newborough and Northborough. Peakirk was in Newborough Ward at the time of the survey.

### Ambition

To encourage a mix of dwelling sizes and types to contribute to meeting identified local needs

To kick start the availability of housing in the village suitable for all life stages

For new development to be 'tenure blind' so that it is not easy to differentiate between homes that are private and those in shared ownership or rented.

To meet Objectives:

- B) Integrate new housing with existing homes
- C) Support development of smaller sized homes

### **PK7 Dwelling Size and Type**

Developments of 3 or more units should;

- contribute to delivering a mix of housing, in terms of size, type and tenure informed by the latest Strategic Housing Market Assessment (SHMA) and/or local housing needs survey and
- meet, as a minimum, Building Regulation Part M4(2) requirements, to ensure dwellings are accessible and adaptable
- be 'tenure blind'.

## PK8 Drainage and Flood Risk

### Background and Justification

- 8.1 Peakirk is built on the gently sloping land of the River Welland valley, near the 5m contour, within 100 metres of 4 major watercourses The Folly River, The South Drain, The Maxey Cut and The River Welland.
- 8.2 The water levels in the surrounding drains and rivers are controlled by two Internal Drainage Boards, The Welland and Deepings IDB to the west of the railway and the North Level IDB to the east of the railway. Shown on Map 5
- 8.3 The Internal Drainage Boards supervise all matters relating to drainage within their areas. This includes regular maintenance and conservation work for which the board are responsible. They also have bylaws, granted by the Land Drainage Act 1991, which require development, within their area, to obtain certain permissions before a variety of work can proceed.
- 8.4 The main pumping station for the area is at Sissons Farm Newborough, just to the north of our Neighbourhood Area. It was built in 1973 as part of the North Level Drainage Major Improvement Scheme and has a total capacity of 273T/min.
- 8.5 The Environment Agency is responsible for water quality and resources, treatment of contaminated land, conservation and ecology. Peakirk comes under the Anglian (Northern) Regional Flood and Coastal Committee.
- 8.6 Local soils are identified by Soilsmap, which is a 1:250,000 scale, simplified soils dataset covering England and Wales. It was created from the more detailed National Soil Map (NATMAPvector) with the purpose of effectively communicating a general understanding of the variations which occur between soil types, and how soils affect the environment
- 8.7 It has been developed by Cranfield University and is sponsored by Defra. Details are shown on Map 6. The Peakirk Neighbourhood Area has three Soilsmap classifications.
- Soilsmap 20: Loamy and clayey floodplain soils with naturally high groundwater.
- Soilsmap 5: Freely draining lime-rich loamy soils.
- Soilsmap 22: Loamy soils with naturally high groundwater
- 8.8 Peakirk has a foul sewage network only. Heavy rain causes increased flow from surface water into the foul system. The speed at which water flows into the pumping stations at both ends of the village, can and has resulted in pump failure.
- 8.9 Any increased demand on the system could increase the risk of pump failure resulting in blockages and backflow, causing a risk of contaminated water overflowing into houses, gardens and the Car Dyke. Anglian Water have upgraded some parts of the system, but flooding problems are still occurring at both ends of the village especially following periods of heavy rain.
- 8.10 Early settlement is likely to have been located on the higher ground to the south and west of Car Dyke, a Roman watercourse, excavated possibly in the 1<sup>st</sup> or 2<sup>nd</sup> century AD, which follows the 5m contour around the present village. The section of Car Dyke to the north of the village is a Scheduled Monument List Entry Number: 1021104. The course of the Car Dyke is shown on Map 7 (Blue dotted line) with the open sections which become contaminated, marked in red.
- 8.11 The PCC New Local Plan Sustainability Appraisal Jan 2016 identified as a key issue in Theme 2. Sustainable Water, the importance of securing appropriate sewer infrastructure before new development proceeds.

### Ambition

As far as reasonably practicable:

To prevent future development on areas identified as at risk of flood by the Environment Agency.

To ensure existing and future residents are protected from the foreseeable risk of flooding.

To ensure that receiving watercourses and ground water in our area, are protected from pollution risk brought on by changes in water quality following flooding incidents.

To meet Objectives:

- O) Protect existing homes from flooding.
- Q) Encourage sustainable design.

**PK8 Drainage and Flood Risk**

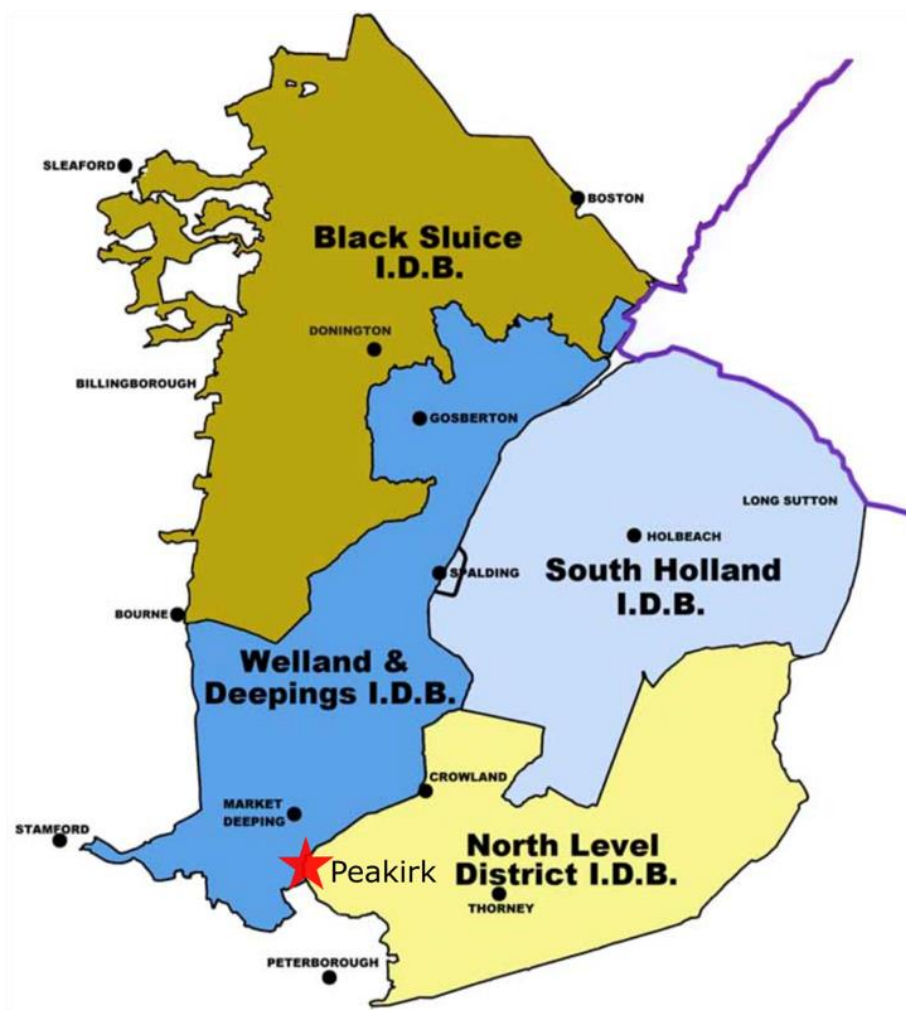
No connection for surface water should be made using the existing Foul system as this could put existing properties at risk of flooding.

The use of Source Control/surface water treatment stages, are recommended on all development sites where possible.

Proposals that would result in the loss of open watercourses and the creation of new culverts which will change the character of the village will not be supported unless essential to the provision of access to water systems.

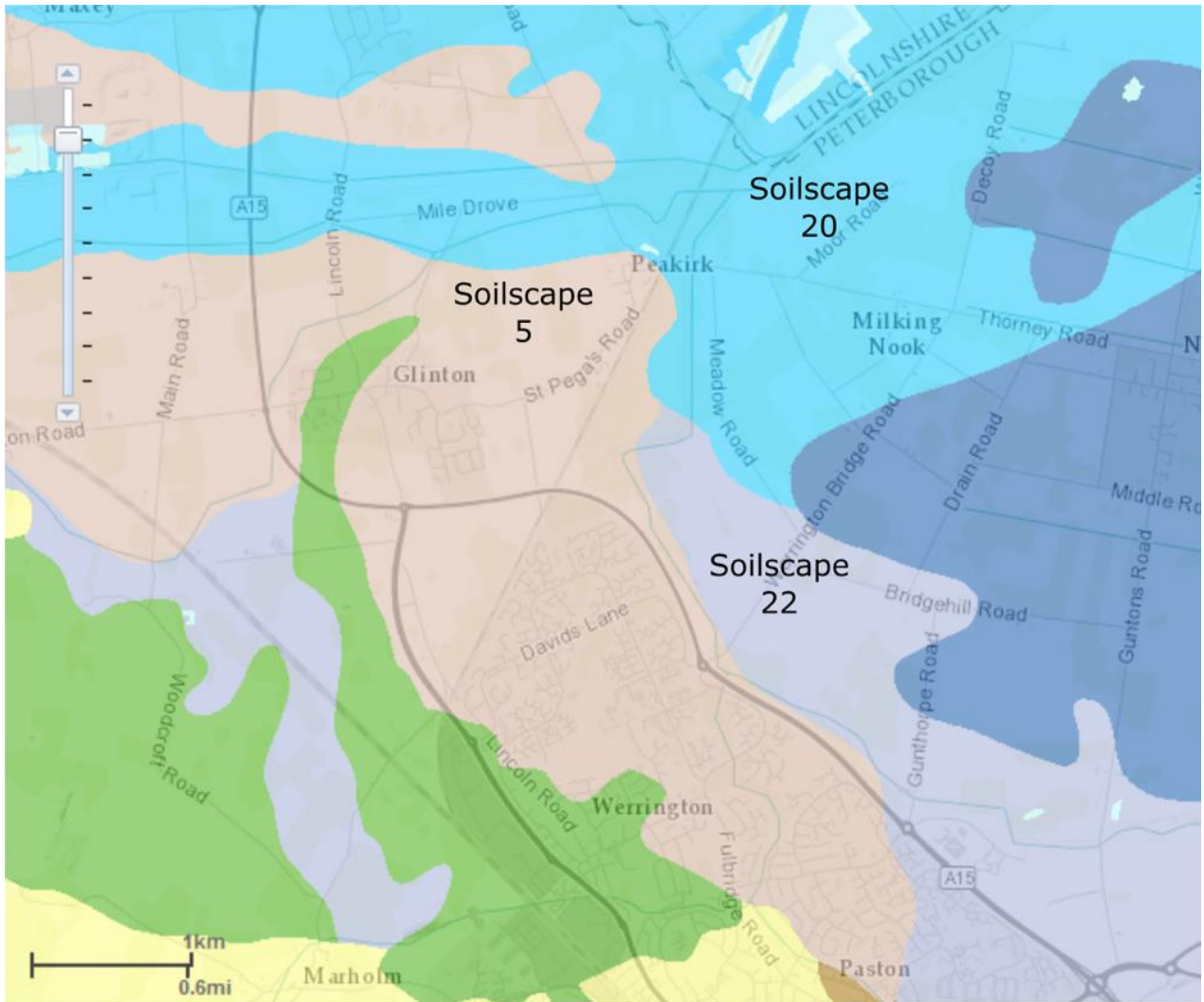
Development applications are encouraged to utilise Sustainable Urban Drainage Systems (SuDS) where it is shown to be feasible.

**Map 5 The Internal Drainage Boards operating in the Peakirk Neighbourhood Area.**

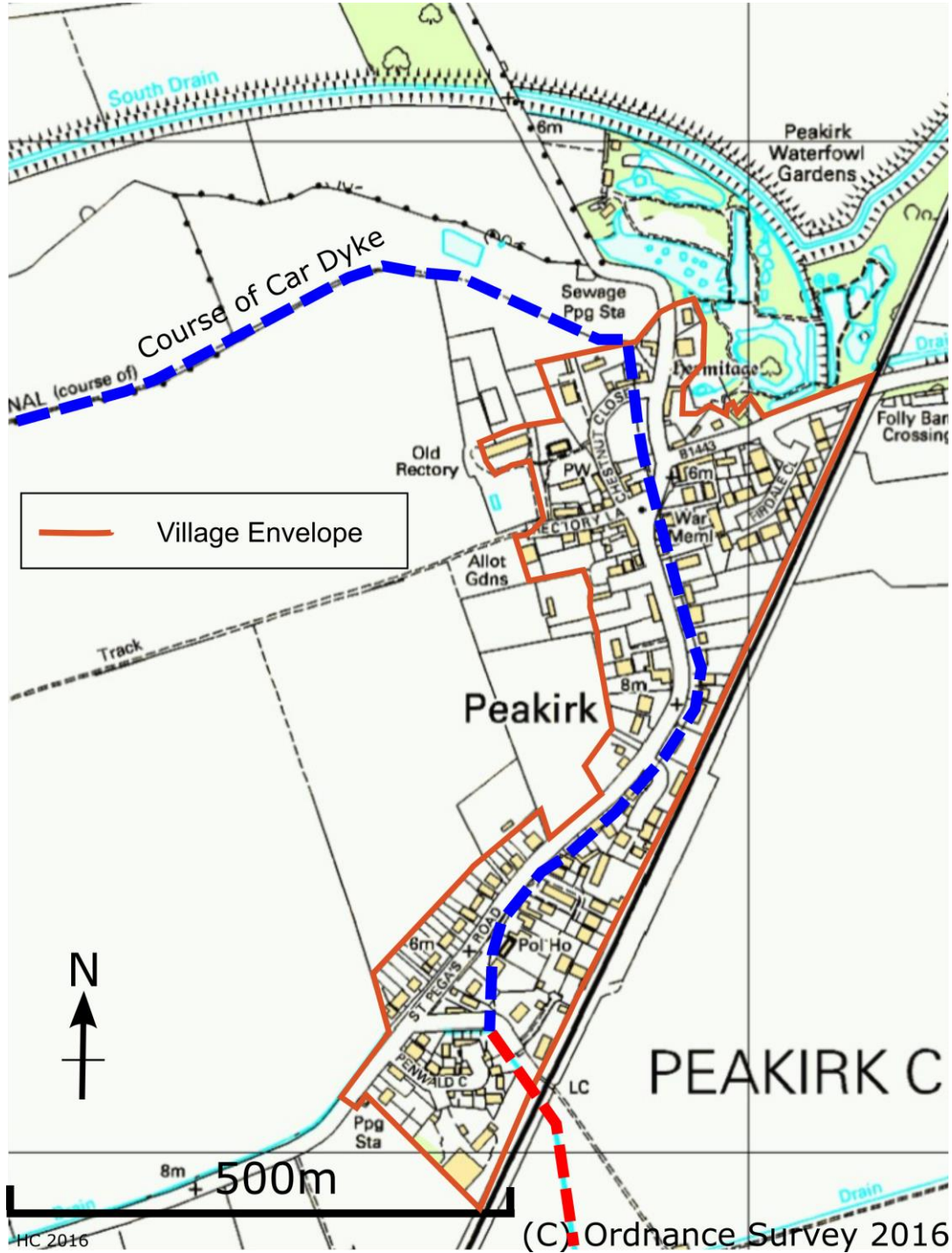


HC 2016

**Map 6 Cranfield University Soilscape Map showing the Peakirk Area.**



Map 7 The course of the Roman Car Dyke running through Peakirk





## PK9 Building Sustainable Homes

### Background and Justification

- 9.1 Peakirk Neighbourhood Plan supports development that helps achieve the reduction of greenhouse gas emissions of at least 80% by 2050 in line with the Climate Change Act 2008.
- 9.2 Peakirk households consume around 25% more energy each year than the national average which is estimated by ofgem as 19,800 kWh per household. Our total emissions of CO<sub>2</sub> are estimated from a Green Group project update in September 2013 as 10,000 tonnes per year.
- 9.3 About 50% of the emissions come from domestic heating and energy use.
- 9.4 Peakirk and Glinton together have a high carbon footprint and used 30,000MWh of energy during 2013.
- 9.5 The Peterborough Rural Housing Strategy (2010-2013) carried out by Peterborough City Council and The Greater Peterborough Partnership, identified Fuel Poverty and Energy Efficiency as one of its 3 main objectives. This is aligned with the Peterborough Sustainable Community Strategy 2008-21. Peterborough City Council Housing Stock projections 2007 identified a higher percentage of rural dwellings that are: 'Non-decent', have inadequate thermal comfort, have category 1 hazards, are energy inefficient, have a high level of disrepair and fuel poverty.
- 9.6 11.6% of rural households in private dwellings were defined as 'vulnerable' with 5.6% of these living in accommodation that was considered 'non-decent'
- 9.7 Peakirk is part of the Glinton and Peakirk Green Group set up in April 2009 by local people wanting to explore ways of improving our sustainability and supported by Peterborough City Council. In 2012 the two parishes were chosen as trial villages for the European Zero CO<sub>2</sub> Community Project, which is aimed at gaining European 'Zero CO<sub>2</sub>' certification in recognition of our efforts to reduce emissions.
- 9.8 The group funded a review of the insulation of both village halls, resulting in a successful grant application to Waste Recycling Environmental Ltd (WREN), to complete the Peakirk Village Hall energy reduction project.
- 9.9 High sustainable design and construction standards for new homes will be encouraged by the Peakirk Neighbourhood Plan as part of our commitment to Peterborough's ambition to become the UK's Environment Capital [Environment Capital Action Plan April 2014 Theme 10 Health and Wellbeing].

### Ambition

To reduce the parish carbon footprint as a contribution towards meeting the government's carbon emissions target.

To encourage high standards of sustainability in all future development as future predictions on climate change make the parish vulnerable to flooding.

To encourage low carbon homes that will last for many years to come.

We also want other rural communities to be motivated by our success in encouraging more demanding energy efficiency standards in future development.

To meet Objectives:

- D) Achieve high quality design
- O) Protect existing homes from flooding
- Q) Encourage sustainable design

**PK9 Building Sustainable Homes**

Proposals for low carbon development, which include measures to reduce resource use, will be supported. Examples would include, but would not be limited to, those meeting Passivhaus, Huf-haus or BREEAM standards.

Developers are encouraged to consider the following in their proposals, where relevant:

- Above building regulations part L standard levels of insulation
- Maximising passive solar gains and internal heat sources
- Minimise the use of energy and clean water
- Good level of airtightness as defined by BREEAM as being 5m<sup>3</sup>/hr (or less) leakage of air through the gaps and cracks of the building fabric.

## PK10 Community Renewable Energy

### Background and Justification

- 10.1 Peakirk uses 25% more energy each year than the national average and produces 10,000 tonnes of CO<sub>2</sub>. In 2015, with the support of Peterborough City Council (PCC) and the Peterborough Environment City Trust (PECT) the Glinton and Peakirk Green Group established an Energy Community Interest Company to apply for grant funding for viability studies for local community energy production projects.
- 10.2 The need to generate more clean energy and the protection of our countryside from large energy generating structures is a dilemma that needs careful consideration. We think the best way to solve this problem is to support ventures for community controlled projects, where the siting and operation of the infrastructure must be appropriate to the size of the village.
- 10.3 Large scale wind turbines or solar power development would have a detrimental impact on the local distinctiveness and character of the village setting and are not supported by this policy.
- 10.4 The importance of the landscape setting of the village is confirmed by our policies PK2 Views important to the Historic and Cultural Setting of Peakirk and PK3 Preserve and Enhance our Heritage.
- 10.5 Peakirk Parish Council also supports the Rural Vision 2015, which aims to provide a framework for achieving sustainable and viable rural communities in Peterborough.

### Ambition

To support the aims of the Zero Carbon Community Project and encourage ways of implementing their ideas about community energy generation.

To encourage schemes from within the community to meet the needs of the community without compromising the landscape setting of the village.

To meet Objectives:

- H) Seek to establish local business opportunities
- I) Support renewable low carbon community energy projects
- Q) Encourage sustainable design

### PK10 Community Renewable Energy

Proposals for community led renewable energy initiatives, especially those providing a long term source of income for the community and reducing bills by enabling local supply, will be supported provided:

- the energy generating infrastructure is located as close as practicable to existing buildings and/or the proposed development it is intended to serve; and
- the proposal is of a proportional scale to the use it will serve; and
- the siting, scale and design of the energy generating infrastructure will not adversely impact on neighbours in terms of noise, vibration, or electromagnetic interference.

All proposals must consider the cumulative impacts of the scheme when taken in conjunction with existing energy generating infrastructure, on the setting of the Conservation Area, the impact on important views identified on Map 2 and the effects on the local environment.

The siting of energy generating infrastructure will not be supported where there would be significant effects upon the setting of Listed Buildings or Scheduled Monuments.

Where planning permission is granted, the energy generating infrastructure shall be conditioned to be removed as soon as reasonably practicable once it is no longer used for energy generation.

**PK11 Trees****Background and Justification**

- 11.1 Peterborough is identified in the new Local Plan as one of the least wooded areas in the UK. All development plans should respect the role of trees in the landscape and avoid damage to their setting and their wellbeing.
- 11.2 The Peterborough Environment City Trust (PECT) is working with a range of different partners to create a 'Forest for Peterborough'. The project aims to plant a tree for every person in Peterborough. That will mean 180,000 trees by 2030.
- 11.3 Peakirk Parish Council has its own Tree and Woodland Policy adopted 2013. This stresses the importance of trees to the landscape setting of the village and supports the idea of 'the right tree in the right place', as outlined in the PCC Peterborough Tree and Woodland Strategy 2012.
- 11.4 The Peakirk Landscape Character Assessment 2016 identifies the importance of trees to the setting of Peakirk and the Peakirk 2030 Character Area Assessment 2016 identifies trees with a big impact on the character of the village. Most of these trees are in private ownership, some reaching the end of their life. Planting for the future should be a part of sustainable development.
- 11.5 Definition of a semi-mature tree: [BS 3936-1] A semi-mature tree has a main stem minimum girth of 18-20cm as measured 1m from the ground and a height of 5m

**Ambition**

To prevent the unnecessary loss of healthy trees.

To replace each felled tree with an appropriate replacement unless justification can be given for not doing so.

To support the PCC Tree and Woodland Strategy 2012 of 'the right tree in the right place'.

To support the PECT ambition to plant 180,000 trees by 2030

To meet Objectives:

- E) Preserve and enhance the village setting
- F) Preserve and develop local amenities and community assets
- N) Preserve and enhance existing wildlife habitats
- P) Safeguard trees, woodland and hedgerows important to the setting of the village

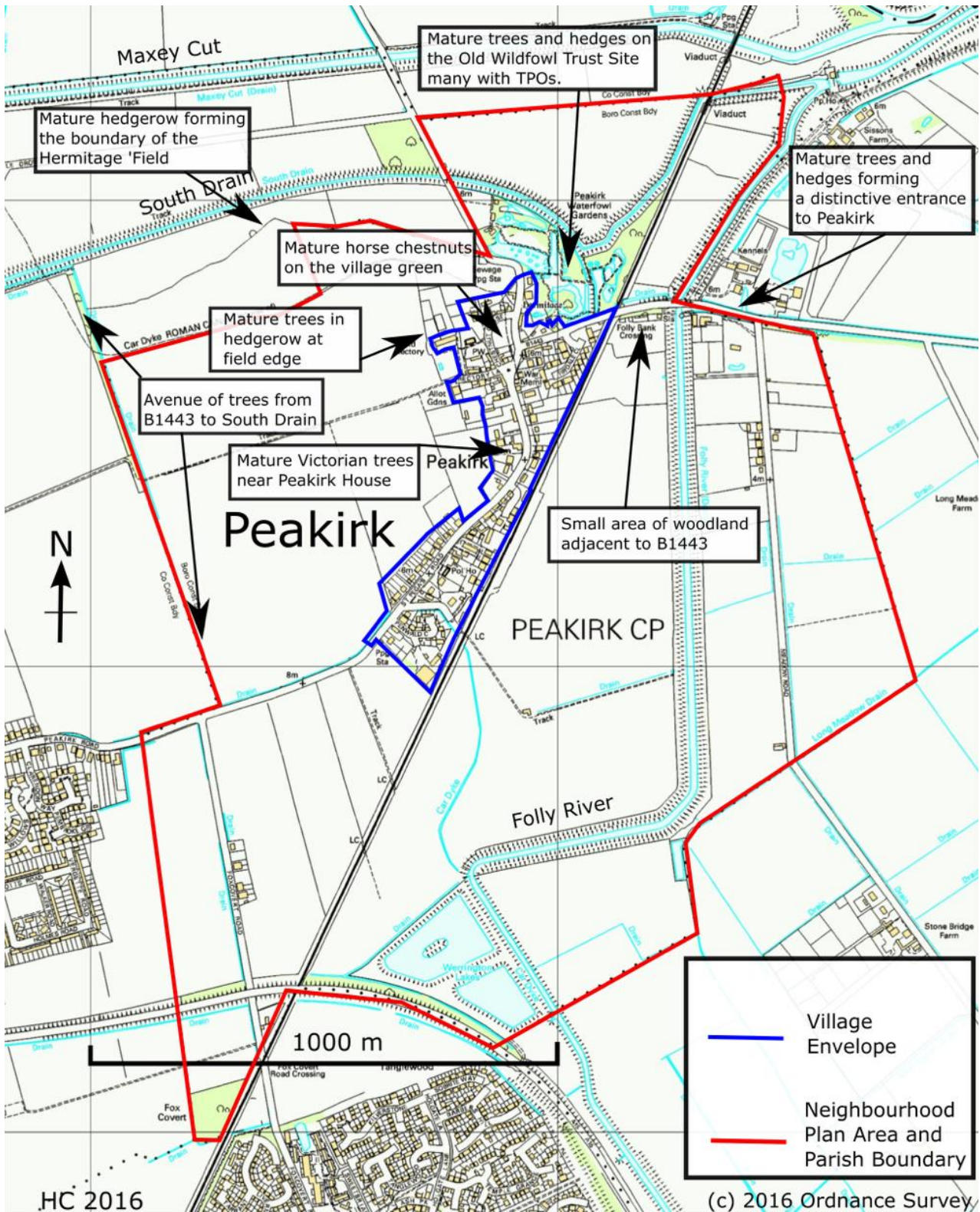
**PK11 Trees**

The felling of healthy mature and semi-mature trees as part of development is not supported unless it is demonstrated as necessary in order to make a development acceptable in layout or viability terms.

Where the loss of a tree is necessary, or where the tree in question is identified as important to the intrinsic character of the village in the Peakirk Landscape Character Assessment 2016 or the Peakirk 2030 Character Area Assessment 2016 (as shown on Map 8 below), a suitable replacement should be planted where appropriate.

An appropriate management plan for the maintenance of woodland, trees, shrubs and hedges within a development of 2 or more houses, must be submitted where the trees, shrubs, hedges and/or woodland make an important contribution to the setting of the village, as identified in the Peakirk Landscape Character Assessment 2016

### Map 8 Trees identified as being Important to the Intrinsic Character of Peakirk in the Peakirk Landscape Character Assessment 2016 or the Peakirk 2030 Character Area Assessment 2016.



## PK12 Local Green Space

### Background and Justification

The NPPF paragraph 76 says that ‘Local communities through local and Neighbourhood Plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.’

### Ambition

To designate Meadow’s field (between 18-26 St Pegas’ Rd) as a Local Green Space so that the historic nature of the settlement pattern, as identified by the Peakirk Conservation Area Appraisal Report and Management Plan, (Peterborough City Council August 2010), remains intact for future generations to enjoy.

To designate part of the Old Wildfowl Trust Site adjacent to the Conservation Area to protect and enhance the setting of the historic core of the village. This valuable habitat of wet woodlands, reedbeds and ponds is synonymous with the village of Peakirk and important to the early years of the history of Conservation. It is also identified as a Priority Habitat of Lowland Mixed Deciduous Woodland in the UKBAP 1994. This area should be preserved to allow its continued protection of local biodiversity, as identified in the Peterborough City Council Green Grid Strategy 2006.

The Parish Council, in partnership with other relevant bodies, intends to pursue initiatives designed to enhance the recreational and educational value of designated Local Green Spaces, including steps to improve appropriate levels of public access to them and to enhance their biodiversity.

To meet Objectives:

- E) Preserve and enhance the village setting
- F) Preserve and develop local amenities and community assets.
- G) Designate Local Green Space where appropriate
- N) Preserve and enhance existing wildlife habitats
- P) Safeguard trees, woodland and hedgerows important to the setting of the village
- R) Preserve and enhance the historic environment.

### PK12 Local Green Space

The two following areas are designated as Local Green Space where development will not be permitted other than in very special circumstances.

1. The field northwest of the stone wall between 18 and 26 St. Pegas Road, known as Meadow’s Field and
2. Part of the southern area of The Old Wildfowl Trust Site adjacent to the northern boundary of the village Conservation Area.

Both sites are shown on Map 9.

<b>Name of Local Green Space</b>	Between 18-26 St Pegas Rd known as Meadow's Field (Map 9a)
<b>1. Close Proximity to the Community</b>	<p>This Local Green Space is within the village Conservation Area, but outside the Village Envelope. It is adjacent to St Pegas Rd, which is the main street of the village. The site is within the heart of the village and within 15 minutes walking distance of all properties. It is the only undeveloped frontage in the village. As identified in LCA 17 Peakirk Landscape Character Area Assessment 2016.</p> <p>There are 2 properties immediately adjoining the site and a number of properties over looking the area from the other side of the road.</p>
<b>2. Demonstrably Special to the Local Community</b>	<p>This site is an important part of the local character of the village.</p> <p>It is representative of the small fields close to settlement and surrounded by stone walls that are identified as part of the Saxon heritage of the village. Peakirk Conservation Area Appraisal Report and Management Plan, (Peterborough City Council August 2010)</p> <p>Comments at the community Neighbourhood Plan Workshop in June 2014 stressed the importance of 'keeping the boundaries open' and 'not shutting in the centre of the village'.</p> <p>It is an open grass field in private ownership, used for grazing by a local farmer. We have contacted the owner to ask for his comments. It has not been cultivated in living memory providing habitat for many different species.</p> <p>There is no public access to this field, but views across it towards the open countryside are an important part of the character of the village as shown on Map 2.</p> <p>In the 2014 questionnaire consultation 78.8% of residents who replied agreed this site was a suitable space to be designated a Local Green Space.</p>
<b>3. Other Characteristics</b>	<p>The site is particularly significant locally because it is a focal point within the village, separating the historic core from the later ribbon development of the 20th Century. Its importance is identified in Settlement Character Area 2.</p> <p>As shown on Map 9a, the site is of modest scale.</p> <p>Planning permission for a single dwelling was refused by PCC in 1971 on the grounds that 'It was included within the area as marking the transition between the village core and more recent development on the village approach from the south. As such its retention as an open space is important in maintaining the distinctiveness of the Conservation Area. The proposed dwelling would adversely affect the setting of No18 St Pega's Rd, an attractive and important listed building in the Conservation Area.'</p>

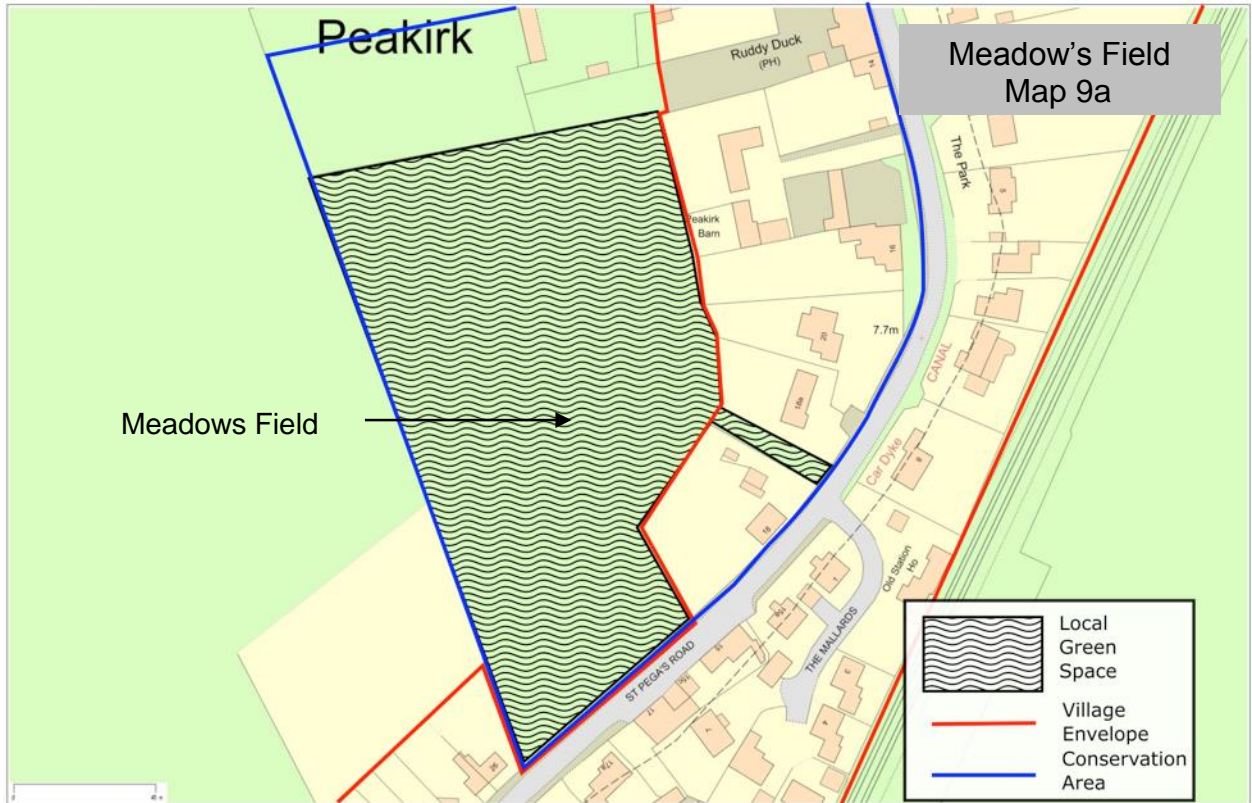
<b>Name of Local Green Space</b>	Part of the southern area of the Old Wildfowl Trust Site adjacent to the northern boundary of the village Conservation Area. (Map 9b)
<b>1. Close proximity to the community</b>	This Local Green Space is an area of mature trees, open marshy spaces and ponds bordering on the Village Envelope and adjacent to the Village Conservation Area in the north of the village. It is identified as part of LCA 14 in our Landscape Character Assessment. It is important to the setting of the Conservation Area and especially the Grade 11 Listed Building The Hermitage, thought to be the site of and successor to, St Pega's cell circa 1300.
<b>2. Demonstrably Special to the Local Community</b>	<p>This is a small part of a 14 acre site has been synonymous with the village of Peakirk since 1956 when Sir Peter Scott, who helped to found the Wildfowl and Wetlands Trust in 1946, identified it as one of nine wetland centres across the UK.</p> <p>The site was an important part of village life with local residents given free passes and sponsorship of endangered species sponsored by the local school.</p> <p>Each summer the primary school children walked down from Glington to meet their protected birds. Many local children grew up understanding the importance of wildlife conservation because of these early first encounters.</p> <p>The whole site is now in private ownership and there is no public access. In the 2014 questionnaire consultation 93.4% of residents who replied agreed this site was a suitable space to be designated a Local Green Space.</p> <p>This part of the site has now been added because of strong demand from village residents. At our Pre-submission consultation, 40 residents asked why it had been omitted. It is approx 2.6 acres.</p>
<b>3 Other Characteristics.</b>	<p>The whole site was originally gravel workings, dug in 1840's for use on the Lincolnshire Loop railway line. 10 islands were constructed in the main pond. Once the gravel had been extracted, the area became extensive osier beds, used for basket making.</p> <p>In 1956 the site was purchased by the Wildfowl and Wetlands Trust and work started to transform it into one of their nine Wildfowl Gardens sites. The gardens were opened to the public, as the Trust's second centre, in April 1957 by Prince Henry, Duke of Gloucester, with visitors averaging 30-40,000 per year. 3 more acres were added in 1967.</p> <p>There were 700 water birds, 108 species of which 5 were threatened with extinction. Our site has played its part in conservation history. It was the subject of a BBC East documentary in 1975 when Jean Goodman visited the scientific officer Tony Cook who explained that the numbers of Hawaiian geese had fallen to 28 in 1947, but Sir Peter Scott acquired a breeding pair for Peakirk, which went on to produce 1000 birds that were then re-introduced into the wild. By the mid 70s there were 64,000 paying visitors, 8,000 of which were school children. Visitor numbers fell and in 1989/90 the decision was made by the WFT to sell the site. The Peterborough Agricultural Society leased the site in 1991 for 6 years, but it was uneconomical and closed in December 2001. It was sold into private ownership in 2003.</p> <p>The area as identified as needing special protection is the part of the site adjacent to the village Conservation Area. It contains the Ring Pond, which was the focus of Conservation work on ringing and cataloguing wildfowl, an area of wet woodland along the boundary with the B1443 Thorney Road which provides the setting for the Victorian cottages and a previous home to a colony of Flamingoes and a belt of protected trees adjacent to the 10 islands pond which enhances the setting of the Hermitage Chapel -Details in Appendix 1.</p>





### Map 9 Local Green Space

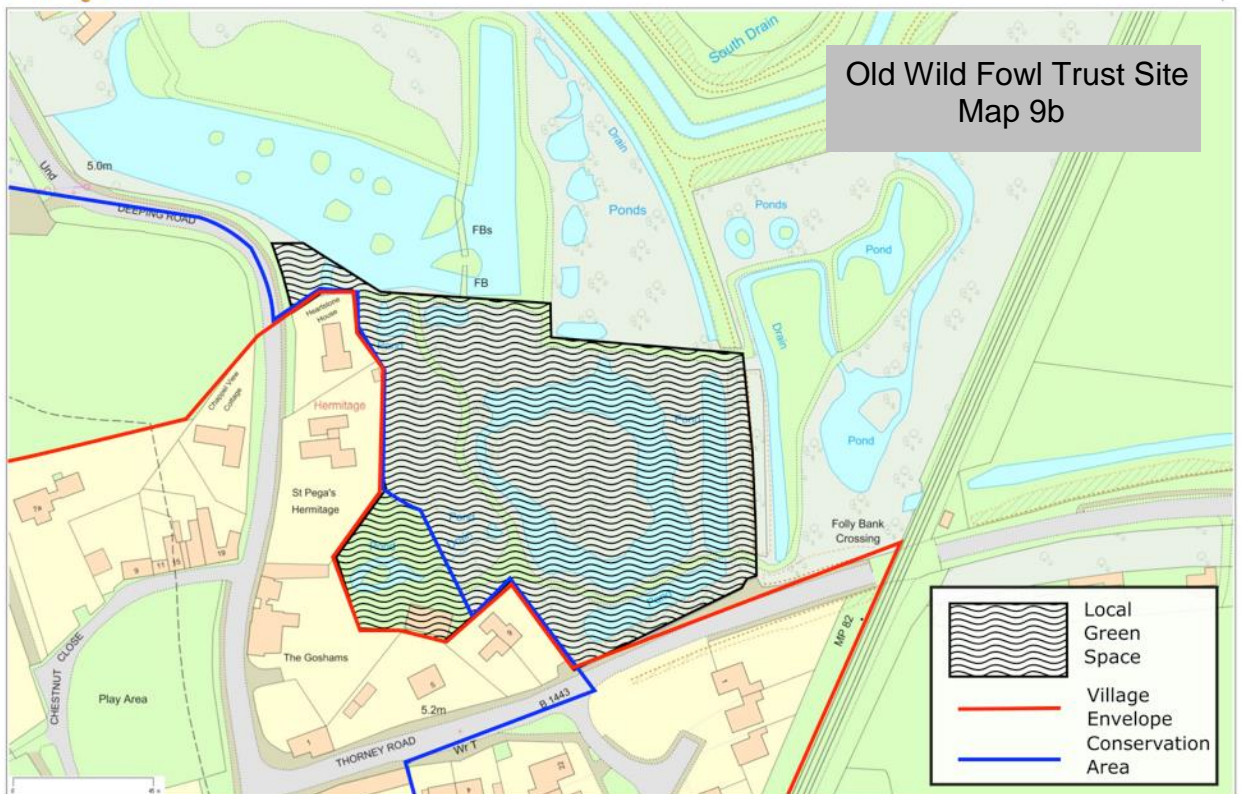
Peakirk CP



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Peakirk CP



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**PK13 Protection of Allotments****Background and Justification**

- 13.1 Peakirk has a thriving, popular allotment site just outside the Village Envelope, at the bottom of Rectory Lane. The allotment site has been in private ownership for many years and is managed locally by one of the plot holders. We have contacted the owners and the plot holders to ask for their views and they all support the retention of the allotments as a thriving community facility.
- 13.2 All the plots are carefully tended and several of the tenants have been involved for many years. There are also tenants, including young families, from neighbouring villages where no allotments are available.
- 13.3 Participants stressed the importance of the allotments as a village amenity during all our consultations, the response to the 2014 questionnaire found 93.4% of replies supported the continuation of the allotments on this site.
- 13.4 The Peterborough new Local Plan Sustainability Appraisal 2016 uses as its criteria, the themes agreed by the Environment Capital Action Plan 2014. Theme 5 is local and sustainable food. This identifies the importance of allotments and community growing. Peterborough has 35 allotment sites, 25 of which are managed by Amey for the city council, eight are managed by Parish Councils and two, including ours, are privately owned.
- 13.5 Peterborough City Council Local Plan (Further Draft) December 2016 Appendix D Open Space Standards states that there should be a provision of 0.29ha per 1,000 population with no household more than 560m straight line distance away from an allotment.

**Ambition**

To protect the allotment site in Rectory Lane for community use.

To meet Objectives

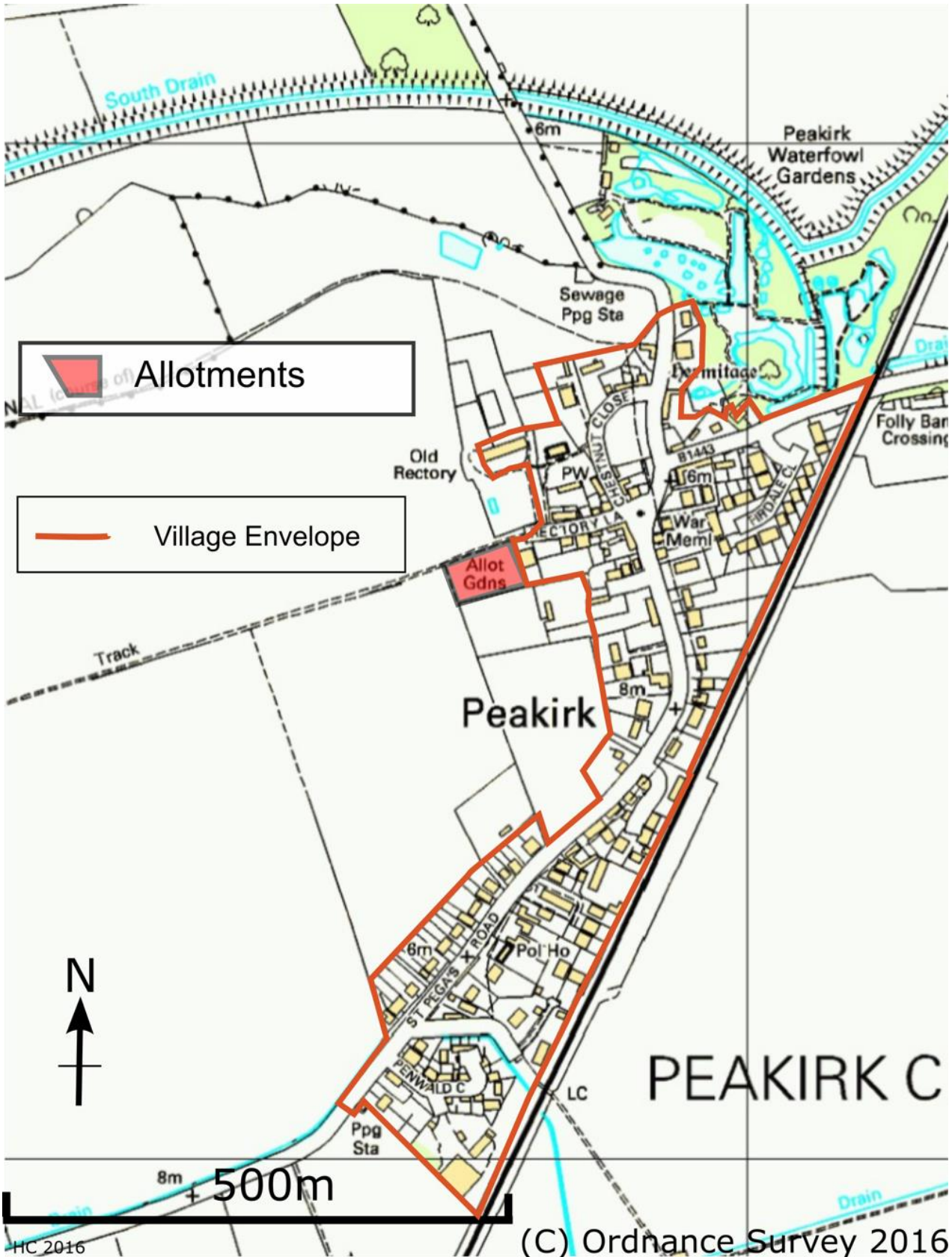
- E) Preserve and enhance the village setting
- F) Preserve and develop local amenities and community assets
- K) Ensure new homes have easy and safe access to village amenities and the countryside
- N) Preserve and enhance wildlife habitats
- P) Safeguard trees, woodland and hedgerows important to the setting of the village

**PK13 Protection of Allotments**

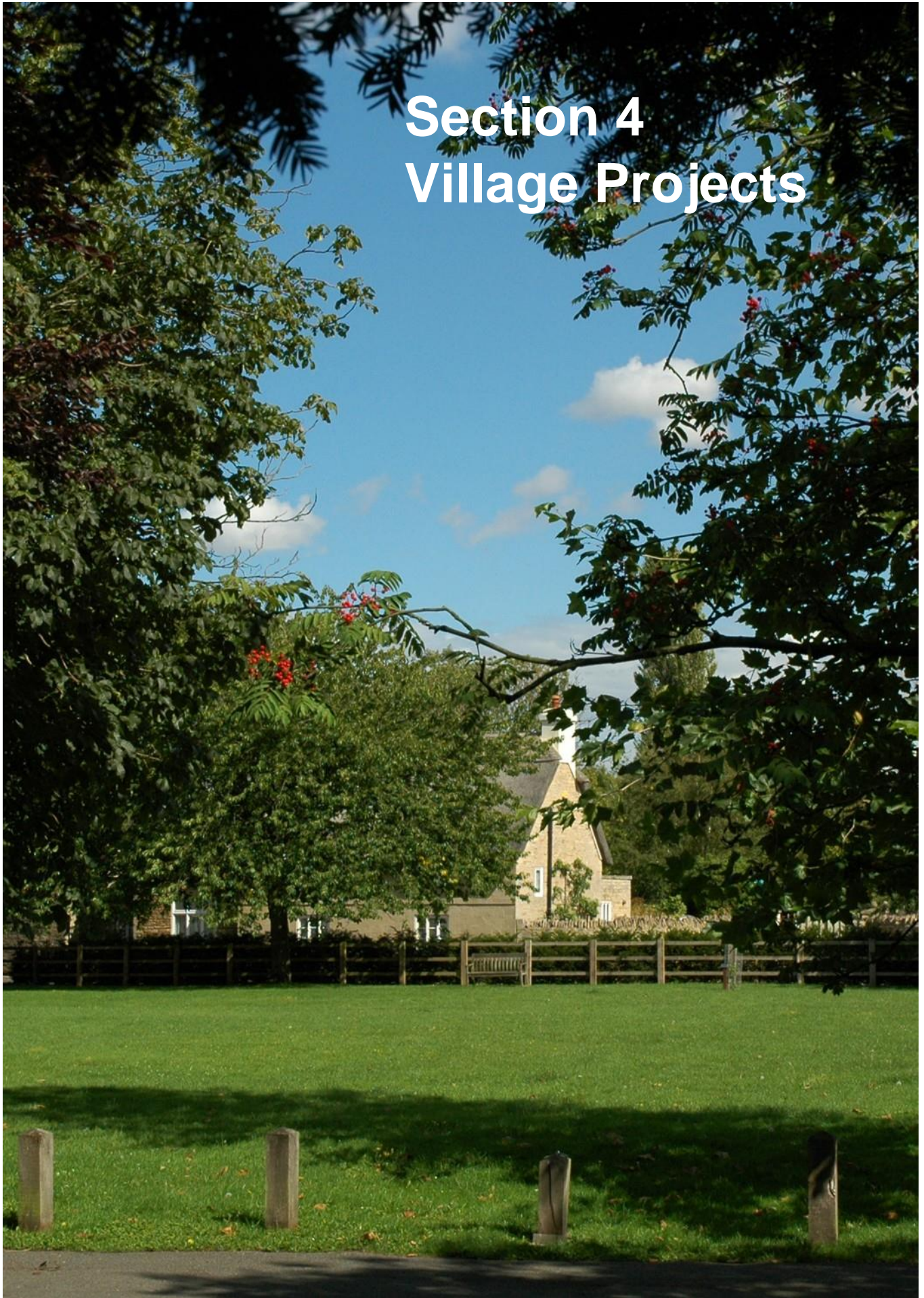
Proposals that result in the loss of the Rectory Lane allotment site will not be permitted unless replacement provision is made that is at least:

- a) as accessible to users by walking and cycling as the existing site; and
- b) equivalent in terms of size, attractiveness and quality as the existing site and
- c) within or adjacent to the village envelope.

### Map 10 The Allotments



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# Section 4 Village Projects

Some Objectives cannot be realised by Planning Policies. They require the village community to work together to achieve a Village Project.

The consultation process has produced several good project ideas. Section 4 looks at those ideas to see if they are deliverable.

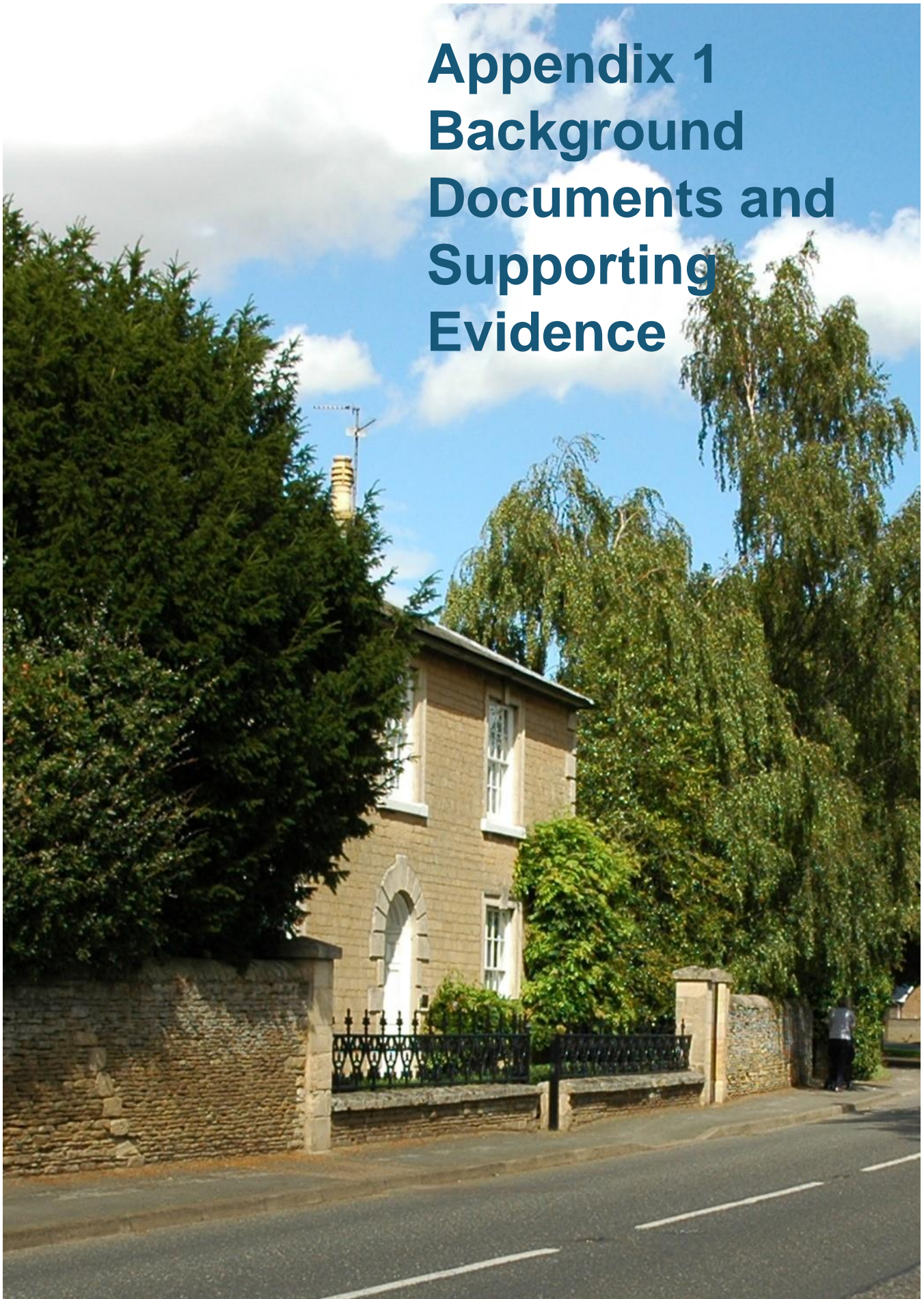
Project	Rationale	Scope	Time-scale	Leader	Resources	Cost
Tree Planting in areas not identified on Map 8. Policy PK11	Some existing trees present a danger or are diseased and need to be removed. Areas of the parish would be enhanced by the planting of appropriate trees.	Tree survey. Identification of unsatisfactory trees. Removal of unsatisfactory trees. Identification of tree planting sites. Planting appropriate trees. Management of new trees.	2016-2019	Peakirk Parish Council PPC	Volunteer labour Spades Stakes & cages	Removal £5,000 Planting £2,000 Ongoing maintenance £500 per annum  Funding from WREN
Effective Public Transport	There is only an infrequent, limited hours bus service.	Conduct needs analysis. Work with other parishes and Passenger Transport Team to identify possible solutions.	2016-2018	Parish Liaison Committee	Parish Councils	N/a
Road Safety	There is no footway along Thorney Road, Deeping Road and part of St Pega's Road. Pedestrians are therefore exposed to danger when walking on the road.	Thorney Road – 100m opposite Firdale Close to level crossing. Deeping Road – 900m on the east side to Church Street Northborough. St Pega's Road – 170m Mill Close to the Sanderlings.	2017-2021		Big Lottery Public Works Loan Board WREN PCC.	£100,000
Footpath and Bridleway enhancement	There is a lack of footpaths linking some local villages.	Work with PCC and the Local Access Forum to extend the rights of way network.	2016-2021	Northern Footpath Forum NFF	Peterboro' City Council Local Access Forum	
Access to Fishponds	There is no official access to this historic site.	Identify suitable access. Negotiate access with landowner. Erect signs.	2016-2018	NFF	Natural England	£1,500
Nesting Boxes	This will encourage the breeding of birds in the parish	Identify suitable locations. Install nesting boxes. Monitor usage.	2017-2021	PPC	WREN	£1,000

Project	Rationale	Scope	Time-scale	Leader	Resources	Cost
Allotments	The allotments are privately owned. There is a risk that the owner will withdraw them in future	Negotiate purchase of land from owner. Establish an allotment management group. Fence off the site. Install composting toilet and water supply.	2016-2018	PPC	Public Works Loan Board Big Lottery Precept	£50,000
Heavy Goods Vehicles and speeding traffic.	Heavy lorries cutting through the village are dangerous and noisy.	Talk to PCC about re-routing HGVs. Collect more information about the problem.	2017	Peterboro' City Council PCC		£1,000
The Old Wildfowl Trust and County Wildlife sites.	The Peterborough Local Plan 2016 Sustainability Appraisal identifies as a key opportunity the better management of locally important wildlife sites which could better protect localised populations from extinctions and the effects of climate change.	Encourage and support the provision of 'habitats of importance' such as wet woodland and coastal and flood plane grazing marsh. (BAP Priority Habitats)	2017-2020	PPC	WREN	£1,500
Increase accessibility of Open Space by means of footpaths and bridleways	Improve the safe access between villages on foot and on a bike and a horse.	Work with the Northern Footpath Forum and the Local Access Forum to identify projects for the Right of Way Improvement Plan.	2017-2030	NFF	PCC Rights of Way Budget. WREN	£10,000
Setting up a "hub" for the green wheel to improve the facilities for cyclists and walkers	New opportunities for local business. Work with the local council to designate better public access to the countryside	Development of new access routes along Green Infrastructure Corridors	2017-2030	NFF	PCC Green Space budget	£10,000
Supporting development of the Old Wildfowl Trust Site as a natural green space with public access, part of the corridor linking Maxey Cut and the River Welland	Re-establish public access to an important local wildlife area. Set up as a hub on the Green Infrastructure corridor.	Develop as an important local education and conservation area.	2017-2030	PCC PPC	Public Works Loan Board Biodiversity Action Fund	£10,000

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# Appendix 1 Background Documents and Supporting Evidence

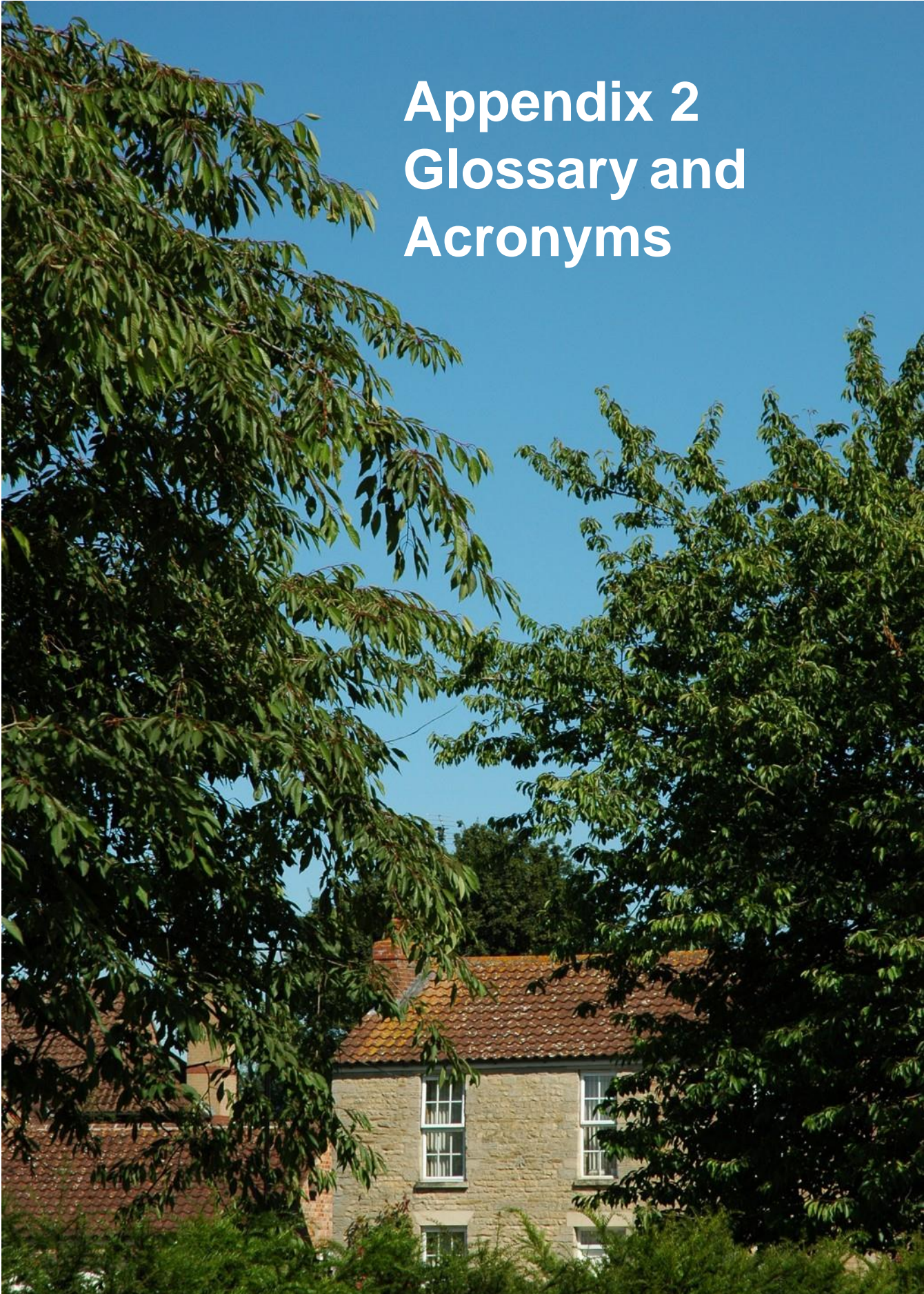


## Appendix 1: Background documents and supporting evidence

The following documents provide the evidence base used by this plan.

They can be viewed at :- <http://www.peakirkvillage.co.uk/documents>

- I. Peakirk Neighbourhood Plan Summary  
August 2016 Peakirk Neighbourhood Plan Group
- II. Peakirk 2030 Character Area Assessment  
August 2016 Peakirk Neighbourhood Plan Group
- III. Peakirk Landscape Character Assessment August 2016  
Peakirk Neighbourhood Plan Group
- IV. Peakirk Neighbourhood Plan Census Analysis  
August 2016 Peakirk Neighbourhood Plan Group
- V. Peakirk House Audit  
August 2016 Peakirk Neighbourhood Plan Group
- VI. Peakirk Neighbourhood Plan Water Study  
Peakirk Neighbourhood Plan Group Dec 2016
- VII. Peakirk Neighbourhood Plan 2030 Heritage Study  
June 2016 Peakirk Neighbourhood Plan Group
- VIII. Frequently Asked Questions  
August 2016 Peakirk Neighbourhood Plan Group
- IX. Peakirk Neighbourhood Plan 2030 PK2 Views important to the historic setting of Peakirk  
November 2016 Peakirk Neighbourhood Plan Group
- X. Peakirk Conservation Area Appraisal Report and Management Plan Planning Services.  
Peterborough City Council August 2010.
- XI Green Infrastructure, its importance to the setting of the Peakirk Neighbourhood Area.  
November 2016 Peakirk Neighbourhood Plan Group



# Appendix 2 Glossary and Acronyms

## Appendix 2: Glossary and Acronyms

**Affordable housing.** Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

**Archaeological interest.** There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

**Area of previously developed land or 'Brownfield' sites.** Land which is or was occupied by a permanent structure, including the curtilage of the developed land

**Assets of Community Value.** A building or land in your council's area can be listed as an Asset of Community Value if: current primary use of the building/land or use of the building/land in the recent past furthers the social well-being or social interests (cultural, recreational, or sporting interests) of the local community.

**Best and most versatile agricultural land.** Land in grades 1, 2 and 3a of the Agricultural Land Classification.

**Birds and Habitats Directives.** European Directives to conserve natural habitats and wild fauna and flora.

**Building Research Establishment Environmental Assessment Method BREEAM.** First published by the Building Research Establishment (BRE) in 1990, is the world's longest established method of assessing, rating, and certifying the sustainability of buildings.

**Commission for Architecture and the Built Environment. CABE.** A public body acting as a champion of good design in England.

**Cambridgeshire and Peterborough Biodiversity Action Plan BAP.** UK Action Plan for biodiversity was launched in 1994. Since then action plans for nationally important species and habitats have been produced and are periodically reviewed. Now known as UK Priority Habitats and Species, these form the basis of Cambridgeshire's action plans, along with other locally important habitats and species.

**Climate change adaptation.** Adjustments to natural or human systems in response to actual or expected climatic factors or their effects, including from changes in rainfall and rising temperatures, which moderate harm or exploit beneficial opportunities for Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

**Coalescence.** The merging or coming together of separate towns or villages to form a single entity.

**Code for Sustainable Homes.** A national standard for sustainable design and construction of new homes launched in December 2006.

**Countryside Stewardship (CS).** jointly delivered by Natural England, Forestry Commission England and the Rural Payments Agency on behalf of Defra and provides financial incentives for land managers to look after their environment. The scheme is open to all eligible farmers, woodland owners, foresters and other land managers, through a competitive application process.

**Community Infrastructure Levy.** A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.

**Conservation (for heritage policy).** The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

**Conservation Area.** Local authorities have the power to designate as conservation areas, any area of special architectural or historic interest. This means the planning authority has extra powers to control works and demolition of buildings to protect or improve the character or appearance of the area. Conservation Area Consent has been replaced by planning permission for relevant demolition in a conservation area.

**County Wildlife Site.** Non Statutory nature reserves. Sites established and managed by a variety of public and private bodies e.g. Country Wildlife Trusts or the Royal Society Protection of Birds.

**Defined Village Envelope.** A boundary around a village, or part of a village, usually quite tightly drawn, within which development might be allowed in principle.

**Designated heritage asset.** A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

**Development.** Development is defined under the 1990 Town and Country Planning Act as "the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land." Most forms of development require planning permission.

**Development Plan Documents. [DPD]** This includes adopted Local Plans. including the Core Strategy, Neighbourhood Plans and, where needed, Area Action Plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. DPDs form an essential part of the Local Development Framework.

**Defra.** The UK government department responsible for safeguarding our natural environment, supporting our world-leading food and farming industry, and sustaining a thriving rural economy.

**Energy Community Interest Company.** Peterborough Environment City Trust (PECT) worked together with the villages of Glinton and Peakirk to help establish and constitute a Community Interest Company (CIC) focused on delivering Community Energy schemes which, once built, could provide a long-term income for reinvestment back into local community initiatives.

**Environment Capital.** In 1992 Peterborough was made one of four UK Environment Cities. Since this time Peterborough has worked hard to improve its environmental credentials and is committed to creating the UK's Environment Capital. Peterborough Environment City Trust (PECT) is working with Greater Peterborough Partnership, Peterborough City Council, Opportunity Peterborough and many other partners towards this aspiration.

**Environment Capital Action Plan April 2014.** The action plan, which is currently being developed, will be structured around ten themes, each with a lead partner. Each theme has a 2050 vision and interim targets toward Environment Capital. In 2016 the progress will be reviewed and new three year targets will be produced. Targets will be delivered by a partnership including Peterborough City Council, Peterborough Environment City Trust, local educational establishments, the health service, the business community, local voluntary and community organisations, and the public.

There are ten action plan themes. Zero Carbon, Zero Waste, Sustainable Transport, Sustainable Materials, Local and Sustainable Food, Sustainable Water, Land Use and Wildlife, Culture and Heritage, Equity and Local Economy and Health and Wellbeing.

**English Nature. EN now Natural England.**

**Environment Agency.** A government body that aims to prevent or minimise the effects of pollution on the environment and issues permits to monitor and control activities that handle or produce waste. It also provides up-to-date information on waste management matters and deals with other matters such as water issues including flood protection advice.

**European Zero CO<sub>2</sub> Community Project.** A European Regional Development Funding (ERDF) funded ZeCO<sub>2</sub>S project, developing an EU certification system for communities which reduce their emissions far beyond normal compliance. Glinton and Peakirk Green Group were part of this scheme from 2012 to 2015.

**Forest for Peterborough.** Peterborough Environment City Trust [PECT] wants to improve tree coverage to create a network of wooded areas, improving our green spaces, the quality of air we breathe, and also making sure that Peterborough is less vulnerable to the effects of flooding and other extreme weather. The project aims to plant a tree for every person in Peterborough. That will

mean 180,000 trees by 2030. In July 2016 the total had reached over 93,000.

**Foul sewage network.** The foul sewer is designed to carry contaminated wastewater to a sewage works for treatment, whereas the surface water sewer carries uncontaminated rainwater directly to a local river, stream or soakaway.

**Frontage.** A strip or extent of land abutting on a street or water.

**Glinton and Peakirk Green Group** was set up in 2009 by local people, originally in Glinton with the help and support of Councillor Holdich. Peakirk soon became involved. Many residents were concerned about the ever increasing use of natural resources and our effect on Climate Change and wanted to do something practical to help. GPGG have carried out energy audits on the village halls, leading to improved insulation, upgraded some of the streetlights to LEDs, run an Ecoclub at the school, worked out our village Carbon footprint and worked on a Community Energy Plan.

**Peterborough City Council - People and Communities Strategy May 2016.** Sets out the framework of how the council will transform the way in which they deliver services and the role the community and other partner organisations will have in meeting the needs of residents.

**Green Wheel cycleway.** Is a network of cycle routes providing over 45 miles of continuous sustainable routes around the city. It was one of the first large scale projects Peterborough Environment City Trust (PECT) delivered for Peterborough and first opened in 2000.

**Ground water.** An important part of the natural water cycle present underground, within strata known as aquifers.

**Green infrastructure or GI corridor.** A network of multi-functional green spaces, urban and rural, which are capable of delivering a wide range of environmental and quality of life benefits for local communities.

**Green Wedges.** Comprise the open areas around and between parts of settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence of adjacent places and can also provide recreational opportunities.

**Heritage asset.** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

**Historic environment.** All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

**HGV Heavy Goods Vehicle.** The European Union term for any truck with a gross combination mass (GCM) of over 3,500 kilograms

**Historic Environment Record.** Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

**Mid Tier Countryside Stewardship.** Multi-year agreements for environmental improvements in the wider countryside, including multi-year options and capital items, run by Defra.

**Historic Landscape Characterisation English Heritage 2004.** A programme initiated by English Heritage to increase understanding of the designed landscapes, either commonplace or special, by looking at their history.

**Historic Area Assessment Historic England 2010.** A method of studying historic landscapes of widely different types for a variety of purposes, including education and academic study, but most often to inform the management of change.

**Identified Local needs.** The gap between what is available and what should be available. A need can be felt by an individual, a group, or an entire community. It can be as concrete as the need for food and water or as abstract as improved community cohesiveness.

**Indices of deprivation 2015.** Measure relative deprivation in small areas of England. The index of multiple deprivation is the most widely used. Most of the data is from 2012-2013.

**Inclusive design.** Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.

**Internal Drainage Board.** A local public authority established in areas of special drainage need in England and Wales. They have permissive powers to manage water levels within their respective drainage districts. IDBs undertake works to reduce flood risk to people and property and manage water levels to meet local needs.

**Intrinsic Landscape Character.** The character and combination of elements and features in the landscape, that give it a unique sense of place

**International, national and locally designated sites of importance for biodiversity.** All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

**Local Development Plan.** The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the Development Plan Documents adopted under the Planning and

Compulsory Purchase Act 2004. Current Core Strategies or other Planning Policies, which under the regulations would be considered to be Development Plan Documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

**Local planning authority.** The public authority whose duty it is to carry out specific planning functions for a particular area. Peterborough City Council is our Local planning authority.

**Listed Building.** A building of special architectural or historic interest. Listed buildings are graded I, II\* or II with grade I being the highest. Listing includes the interior as well as the exterior of the building, and any buildings or permanent structures (e.g. wells within its curtilage).

**Local Green Space.** An area of land of particular importance to local communities designated for special protection to rule out new development other than in very special circumstances.

**Localism Act 2011.** Has devolved greater powers to councils and neighbourhoods and given local communities more control over housing and planning decisions.

**Micro and small businesses** include the categories A1 [shops], A2 [Financial and professional], A3 [restaurants and cafes] and B1 [business offices].

**Material Consideration.** A matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

**The National Planning Policy Framework [NPPF].** Published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

**Neighbourhood plans:** A plan prepared by a Parish Council for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

**Natural England.** The government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide.

**The Northern Footpath Forum [NFF]** a local community group set up in 2008 to encourage the provision of safe footpath and bridleway links between rural villages in the north of Peterborough.

**Older people.** People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.

**Open space.** All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

**Original building.** A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

**Peakirk Parish Council [PPC].** The civil local authority for the parish of Peakirk, an elected corporate body with variable tax raising powers.

**Planning condition.** A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

**Peterborough City Council [PCC].** The local unitary authority [just one level of local government] that works with local partners to determine and deliver services. Most of these are mandatory, although some, can be provided as a chosen option. Elected councillors set the overall policy for the council the officers implement the councillor's decisions.

**Priority habitats and species.** Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

**Public Right of Way [PRoW].** A path that anyone has the legal right to use on foot, and sometimes using other modes of transport. Legally, a public right of way is part of the Queen's highway and subject to the same protection in law as all other highways, including trunk roads.

Public footpaths are open only to walkers

Public bridleways are open to walkers, horse-riders and pedal cyclists

Restricted byways are open to walkers, horse-riders, and drivers/riders of non-motorised vehicles (such as horse-drawn carriages and pedal cycles)

Byways Open to All Traffic (BOATs) are open to all classes of traffic including motor vehicles, though they may not be maintained to the same standard as ordinary roads

**Passivhaus** refers to a rigorous, voluntary standard for energy efficiency in a building, reducing its ecological footprint. It results in ultra-low energy buildings that require little energy for space heating or cooling.

**Pre-submission consultation for the Neighbourhood Plan.** The qualifying body [PPC] publicises the draft plan over a six week period, and invites representations.

**Public realm** any publicly owned streets, pathways, right of ways, parks, publicly accessible open spaces and any public and civic building and facilities.

**Public Transport.** Forms of transport that are available to the public, charge set fares, and run on fixed routes.

**Public Works Loan Board [PWLb].** A statutory body, whose function is to lend money from the National Loans Fund to local authorities, including Parish Councils, and to collect the repayments.

**Renewable and low carbon energy.** Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

**Royal Institute of British Architects [RIBA].** A global professional membership body driving excellence in architecture.

**Rural exception sites.** Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

**Setting of a heritage asset.** The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

**Significance (for heritage policy).** The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

**Peterborough Site Allocations Development Plan Document** forms part of the statutory Development Plan for Peterborough, known as the Local Development Framework [LDF]. It identifies land required over the period to 2026 to deliver the scale of growth and development set out in the Peterborough Core Strategy.

**Sustainable transport modes.** Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

**Small village.** The Peterborough City Council Settlement Hierarchy Study 2016 defines Peakirk as a 'small village', one which does not meet the criteria for one of the categories higher in the hierarchy. Typically, a small village will have a low population and a limited range of services, if any. Any development is likely to be restricted to infill.

**Soilscapes,** is a 1:250,000 scale, simplified soils dataset covering England and Wales. It was created from the more detailed National Soil Map (NATMAPvector) with the purpose of effectively communicating a general understanding of the variations which occur between soil types, and how soils affect the environment. It has been developed by Cranfield University and is sponsored by Defra.

**Stakeholders.** A person or business with an interest or concern in the process of producing the Neighbourhood Plan. This could include people who live or own land in the Neighbourhood Area, people who work in the Neighbourhood area, or people who live in nearby areas that might be affected.

**Strategic Housing Market Assessment (SHMA)** is a key part of the evidence indicating the future quantity of housing needed, including a breakdown by type, tenure and size. It is required under national planning policy.

**Sustainable Urban Drainage systems (SUDS)** are a natural approach to managing drainage in and around properties and other developments. SUDS work by slowing and holding back the water that runs off from a site, allowing natural processes to break down pollutants.

**Sustainable.** Sustainable development consists of balancing local and global efforts to meet basic human needs without destroying or degrading the natural environment. The 2005 World Summit on Social Development identified sustainable development goals, such as economic development, social development and environmental protection. In ecology, sustainability is the capacity to endure; it is

how biological systems remain diverse and productive indefinitely.

**Tenure blind** means that it should be difficult to spot the difference between social affordable property and those sold to private buyers. Growing concerns about housing affordability and segregation between communities have led policy makers to recommend mixed tenure and mixed income housing developments. Policy has increasingly encouraged new housing developments which mix affordable housing alongside market-priced housing, in order to achieve more balanced communities, income mix and social mix.

**Village setting.** The surroundings in which a village is set. Elements of the setting can be positive or negative and can change with time.

**Waste Recycling Environmental Limited [WREN].** A not-for-profit business that awards grants for community, biodiversity and heritage projects from funds donated by FCC Environment [one of the UK's leading waste and resource management companies] through the Landfill Communities Fund and Scottish Landfill Communities Fund.

WREN was established in 1997 and since then has provided over £200m to more than 7,000 community and environmental projects throughout the UK, including a grant to Peakirk Village Hall.

**Wildlife corridor:** Areas of habitat connecting wildlife populations.

**Windfall sites.** Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

**Zero Carbon Homes.** Over a year, the net carbon emissions from all energy use in the home are zero. This includes energy use from cooking, washing and electronic entertainment appliances as well as space heating, cooling, ventilation, lighting and hot water.



# Appendix 3 List of Maps



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<b>CABINET</b>	<b>AGENDA ITEM No. 13</b>
<b>10 JULY 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Simon Machen - Corporate Director of Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer(s):	Phil Hylton - Senior Strategic Planning Officer	Tel. 863879

## ADOPTION OF THE PEAKIRK NEIGHBOURHOOD PLAN

R E C O M M E N D A T I O N S	
<b>FROM:</b> Corporate Director of Growth and Regeneration	<b>Deadline date:</b> 19 July 2017
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1) Notes the verbal update given at the meeting in respect of the outcome of the Referendum on the Peakirk Neighbourhood Plan, which is scheduled for 6 July 2017; and</li> <li>2) Subject to the outcome of the referendum being that more than 50% of those voting support the Neighbourhood Plan, recommends to Full Council that the Peakirk Neighbourhood Plan, as set out at Appendix 1, be ‘made’ (which means to all intents and purposes ‘adopted’) and thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within Peakirk Parish.</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the submission and successful examination of the Peakirk Neighbourhood Plan. The Peakirk Neighbourhood Plan is to be subject to a referendum of voters in Peakirk Parish who will be asked to vote on the following question: ‘Do you want Peterborough City Council to use the Neighbourhood Plan for the Peakirk Neighbourhood Area to help it decide planning applications in the neighbourhood area?’ This referendum will be held on Thursday 6 July 2017.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 Provided the results of the referendum are that more than 50% of those voting in the referendum answer ‘yes’, then the purpose of this report is to seek Cabinet approval to recommend that Council adopts (or ‘makes’ to use the legal jargon) the Peakirk Neighbourhood Plan and thereby make it part of the Development Plan for Peterborough. ’.
- 2.2 If the result of the referendum is ‘yes’ then the Council must ‘make the neighbourhood plan’ part of the development plan in accordance with the relevant legislation.
- 2.3 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. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	<b>10 JULY 2017</b>
Date for relevant Council meeting	<b>19 JULY 2017</b>	Date for submission to Government Dept.	<b>N/A</b>

### 4. **BACKGROUND AND KEY ISSUES**

- 4.1 Neighbourhood Planning was formally introduced to the planning system in the Localism Act in 2011. It provides communities with the opportunity to shape how their area will grow and enables them to develop a suite of policies against which planning applications in their area will be considered, alongside the policies in the Development Plan (often referred to as the Local Plan).
- 4.2 The Peakirk Neighbourhood Area was formally designated by Peterborough City Council on 11 June 2013 and since this date members of Peakirk Parish Council (and other community volunteers) have developed their plan through extensive consultation with the community and through other evidence gathering work. This work included a statutorily required consultation in summer 2016 undertaken by the parish council as a Qualifying Body, prior to the plan and associated evidence being formally submitted to Peterborough City Council in December 2016.
- 4.3 Following its submission, the neighbourhood plan was again the subject of a formal six week consultation, this time organised by Peterborough City Council, which ran from 26 January to 6 March 2017 and this consultation was followed by an independent examination by a suitably qualified individual. The independent examiner considered the plan against the necessary requirements of the relevant legislation and concluded that the plan, subject to some minor modifications, met what is called the 'basic conditions' and, therefore, should proceed to a local referendum in the Peakirk Neighbourhood Plan Area. The Corporate Director of Growth and Regeneration, under authority delegated by the Council, issued a decision on 19 May 2017 that the Council agreed with these findings and that the plan should proceed to referendum.
- 4.4 The Counting Officer (Gillian Beasley) published the necessary information and publicised notice of the referendum in accordance with the requirements of legislation, with the referendum taking place on Thursday 6 July 2017. The result of the referendum is not known at the time of writing this report, but it will be published before, and will be reported verbally, during the meeting of Cabinet on 10 July 2017.
- 4.5 The decision of whether or not to adopt the Peakirk Neighbourhood Plan and make it part of the Development Plan is not a key decision as the Council can only adopt it if it is successful at referendum by more than 50% of those voting in the referendum (those voters selecting that they do want it to be used in deciding on planning applications in the area). Conversely if 50% or more of those voting select that they do not wish for it to be used in making decisions on planning applications in their area, the Council cannot adopt it. Thus, if 50% or more say, in short, 'no', then recommendation 2 of this report is withdrawn and should not be approved.
- 4.6 Peakirk is the first area to progress a neighbourhood plan to this stage in Peterborough. The Parish Councillors and members of the community responsible for its production have invested a substantial amount of time and energy into this process over the past four years and, irrespective of the outcome of the referendum, it marks a key milestone for the neighbourhood planning group, the Council and the residents of the Peakirk Area.

## **5. CONSULTATION**

- 5.1 The Peakirk Neighbourhood Plan has been the subject of substantial consultation during its preparation. The draft plan was subjected to a formal six week consultation in summer/autumn 2016 and the submitted plan was also subjected to an additional six week consultation in early 2017 before it was independently examined.
- 5.2 No further consultation is necessary on this plan.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 Cabinet and Council have very little option at this stage and the decision is fully dependent on the outcome of the referendum. If the outcome of the referendum is positive, then the Plan must be 'made' (adopted) by Council. If the referendum outcome is negative, the Council must not 'make' the Plan. If 'made' the neighbourhood plan will be used in making decisions on relevant planning applications within the Peakirk Neighbourhood Area, alongside the policies in the wider Development Plan for Peterborough.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 This recommendation is made to be in accordance with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (as amended). The plan has been assessed by an independent examiner and officers agree that the plan meets the basic conditions and other requirements of legislation. As such, the Plan should be 'made' part of the Development Plan, subject to the plan being supported at referendum.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The Council does not have alternative options given the content of the legislation and the content of the Peakirk Neighbourhood Plan and the process followed in its production.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There are no foreseen financial implications of this recommendation.

### **Legal Implications**

- 9.2 The Council is required by legislation to follow through on this recommendation.

### **Equalities Implications**

- 9.3 There are no anticipated equalities implications of this recommendation.

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 None.

## **11. APPENDICES**

- 11.1 Appendix 1 - Peakirk Neighbourhood Plan to be Made

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<b>COUNCIL</b>	AGENDA ITEM No. 9(c)
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

**EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

**(c) AUDIT COMMITTEE RECOMMENDATION – UPDATES TO THE CONSTITUTION**

Audit Committee, at its meeting of 26 June 2017, received a report which sought the Committee’s views on proposed amendments and updates to the Council’s constitution, including Regulatory Committee Functions, Standing Orders, and the Petitions Scheme.

At this meeting the Audit Committee agreed to recommend the proposed updates to Council, subject to the replacement of any reference to “sufficient reasoning” to “reasoning” within the Regulatory Committee Functions, and the removal of “from more than one Political Group” within the Council Standing Orders.

These amendments have been made within the attached appendices.

<p><b>IT IS RECOMMENDED</b> that Council:</p> <ol style="list-style-type: none"> <li>1) Agree to suspend standing order 29.2 to allow for variation of Council Standing Orders without the item standing adjourned;</li> <li>2) Approve the updated Regulatory Committee Functions (Appendix A) subject to the replacement of any reference to “sufficient reasoning” to “reasoning”;</li> <li>3) Approve the updated Council Standing Orders (Appendix B) subject to the removal of “from more than one Political Group”;</li> <li>4) Approve the updated General Standing Orders (Appendix C); and</li> <li>5) Approve the updated Petition Scheme (Appendix D).</li> </ol>
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**APPENDICES**

- Appendix A - Regulatory Committee Functions;
- Appendix B - Council Standing Orders;
- Appendix C - General Standing Orders; and
- Appendix D - Petition Scheme.

The original Audit Committee report follows these appendices.

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## **Section 2 – Regulatory Committee Functions**

### **Introduction**

These regulatory functions consist of:

- functions which the Executive may not in law exercise, and
- 'local choice' functions where Council has decided that they shall not be exercised by the Executive.

The Council has delegated to every Committee full powers to act in all matters covered by the Committee's terms of reference subject to:

- (a) the provisions of any financial or procedural rules for the time being in force as set out in this constitution, except where such rule has been specifically waived by resolution of the Council;
- (b) prior Council approval to recommendations for the allocation of duties or powers;
- (c) the right of Council to call for a report on any committee decision;
- (d) the right of Council to exercise the powers which have been delegated, when necessary.

Each Committee may appoint, and delegate any of its powers to, sub-committees and officers and may also authorise an officer, after consultation with the chairman of the Committee, to take other decisions on specific urgent matters falling within its own terms of reference. Each Committee may, from time to time, amend or vary the delegation of its powers to sub-committees and officers.

Every Committee shall have the power to undertake its functions for other local authorities,

Any sub-committee established by a Committee must refer back to the Committee for decision any matters which the committee reserves to itself, and must submit to it the minutes of all the sub-committee's meetings.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

**2.1 APPEALS AND PLANNING REVIEW COMMITTEE****2.1.1 TERMS OF REFERENCE**

2.1.2 To review appeals procedures for the Council's various services (excluding appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive or Council.

2.1.3 To hear and determine appeals about all the Council's services, other than employee appeals and those for which there are separate, statutory appeals procedures, and to set up panels for this purpose.

**PLANNING REVIEWS**

2.1.4 To determine any planning matter that has been referred to the Committee following the implementation of the planning call-in procedure.

2.1.5 The Committee shall adopt the Planning Speaking Scheme at its meetings and shall follow the same procedure as the Planning and Environmental Protection Committee.

2.1.6 All Members of the Committee (and substitutes) shall have received appropriate training before being involved in the determination of a planning matter.

**APPEALS PANEL – ~~TERMS OF REFERENCE~~**

2.1.7 The Committee has set up a panel to hear appeals about Council Services. The panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal. Panel members should not be a representative of the Ward of the appellant. The quorum shall be three members. Political balance applies to the panel.

**2.2. Audit Committee****2.2.1 Terms of Reference**

- 2.2.1.1 To consider the annual report and opinion of the Corporate Director 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 Public Sector Audit Appointments Ltd (PSAA) over the appointment of the council's external auditor.
- 2.2.1.9 To commission work from internal and external audit.

**Regulatory Framework**

- 2.2.1.10 To maintain an overview of the Council's constitution with the exception of those matters under the remit of the Executive or a regulatory committee.
- 2.2.1.11 To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- 2.2.1.12 To monitor the effective development and operation of risk management and corporate governance in the council.
- 2.2.1.13 To monitor Council policies on "raising concerns at work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- 2.2.1.14 To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
- 2.2.1.15 To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

**Accounts**

- 2.2.1.16 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.
- 2.2.1.17 To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

**Member Code of Conduct**

- 2.2.1.18 Promoting and maintaining high standards of conduct by Councillors and co-opted members;
- 2.2.1.19 Assisting the Councillors and co-opted members to observe the Code of Conduct;
- 2.2.1.20 Advising the Council on the adoption or revision of the Code of Conduct;
- 2.2.1.21 Monitoring the operation of the Code of Conduct;
- 2.2.1.22 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

**2.3 Employment Committee****2.3.1 Terms of Reference**

- 2.3.1.1 To appoint Directors and Heads of Service, and determine terms and conditions of employment.
- 2.3.1.2 To determine employee procedures, including dismissal procedures.
- 2.3.1.3 To act as the Employer's Side of the Joint Consultative Panel (the Council's consultative body with recognised trade union representatives), for discussion and negotiation. When meeting in this context, the Cabinet member with human resource responsibilities may attend and speak, if not already a member of this committee.
- 2.3.1.4 To determine local terms and conditions of employment for employees.
- 2.3.1.5 To consider, and recommend appropriate actions where necessary in response to, executive proposals relating to:
  - (a) changes within a Department's/Division's structure which involve substantial changes in the responsibilities of first and second tier posts;
  - (b) requests for Trade Union facilities, including budget and establishment;
  - (c) other executive human resources matters.
- 2.3.1.6 To promote and pursue a policy of equal opportunities in employment.
- 2.3.1.7 To determine pension issues which relate to auto enrolment.

**2.3.2 Delegation to Officers**

- 2.3.2.1 The appropriate Director is authorised to make appointments to vacancies on the establishment at levels below Head of Service, within approved policy and budgets, subject to:
  - (a) appointments of Directors and Heads of Service being made by the Employment Committee (the Chief Executive's appointment is subject to a separate procedure reserved to Council);
  - (b) any limitations or other conditions in relation to filling vacancies which are currently required by the Executive.
- 2.3.2.2 The Chief Executive shall advertise vacancies subject to the authorisation of a recruitment requisition, to any overriding Council policy, to there being adequate budget provision, and to compliance with national or local agreements.

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

- 2.3.2.3 In respect of all employees, Directors may:
- (a) suspend employees in accordance with the agreed procedure, subject to consultation with the Director of Governance;
  - (b) subject to the approved appeals procedure and consultation with the Director of Governance, take any disciplinary action (including dismissal) and any action relating to incapability (including dismissal);
  - (c) approve the transfer of probationary staff to the permanent establishment at the end of their probationary period;
  - (d) terminate the employment of staff whose performance has not been satisfactory during their probationary period;
  - (e) in consultation with the Director of Governance, determine whether a post is unsuitable for job-share and appoint in accordance with that determination and Council policy;
  - (f) award an additional payment/honorarium to any member of staff within the guide-lines determined by Director of Governance;
  - (g) authorise Essential and Casual Car Allowances in accordance with Council policy and having regard to the circumstances of each case;
  - (h) authorise reimbursement for the installation and rental charges in respect of telephones at private residences where staff are subject to contact in cases of emergency or where private telephones are used for business reasons;
  - (i) vary job titles and job descriptions;
  - (j) authorise pay in lieu of holidays (in exceptional circumstances);
  - (k) terminate the employment of staff for any lawful reason, in consultation with the Director of Governance.
  - (l) take decisions relating to the employment of staff, including establishment control and matters of staff recruitment, reward and discipline that are necessary for the effective delivery of service and to stay within allocated budgets, in consultation with the relevant Cabinet Member in relation to executive functions
- 2.3.2.4 Senior Officers from departments other than where the employee was employed should hear the appeal.
- 2.3.2.5 The Chief Executive is authorised to grade all posts other than Chief Executive, Directors, Heads of Service, Teachers, Crafts employees and posts covered by Soulbury Scales, in accordance with the Council's agreed Job Evaluation Scheme with the aim of recruiting and retaining high quality employees.
- 2.3.2.6 The Chief Executive to exercise personal responsibility for delegations to officers in relation to non-executive human resource matters, including the creation and disestablishment of posts, changes to job descriptions and matters related to the recruitment, reward and disciplining of staff.
- 2.3.2.7 Directors may determine matters relating to training and development, leave, temporary (including agency) and overlapping appointments and minor variations to the relocation scheme for new employees, within agreed cash limits and in accordance with approved Council policies, consulting the Director of Governance where appropriate.

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

- 2.3.2.8 The relevant Director, in consultation with the Corporate Director Resources, is authorised to consider and determine:-
- (a) any redundancy within the Council's redundancy policy;
  - (b) premature retirement on the grounds of ill-health;
  - (c) premature retirement in the interests of the service.
- 2.3.2.9 Directors, in consultation with the Director of Governance and the Chairman of the Committee, may authorise the extension of an employee's contract beyond retirement age for a maximum period of 6 months.
- 2.3.2.10 The Corporate Director Resources and Director of Governance are authorised following agreement by the relevant Director to approve, complete and transfer agreements relating to car loans including those which do not fall within Council policy, subject in these cases to consultation with the Director of Governance.
- 2.3.2.11 The Director of Governance is authorised to implement agreed employee policies.
- 2.3.2.12 The Chief Executive and Directors respectively in consultation with the relevant portfolio holder and the Director of Governance are authorised to update and amend the job descriptions and person specifications of Directors and Heads of Service/Assistant Directors.

**2.4 PETERBOROUGH CORPORATE PARENTING COMMITTEE****2.4.1 TERMS OF REFERENCE****2.4.1.1 OUR COMMITMENT TO CHILDREN AND YOUNG PEOPLE IN CARE:**

- 2.4.1.1 Peterborough City Council is committed to raising the quality of life of everyone living within the city. For children in particular, the city council aims to provide high quality opportunities for learning and ensure children are healthy and safe. It is important that the Corporate Parenting Committee members ensure that the Council provides such care, education and opportunities that the Committee would be afforded to their own children.

**2.4.2 PURPOSE:**

- 2.4.2.1 To ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers and holds partners to account for the discharge of their responsibilities.
- 2.4.2.2 On behalf of the Council and partners of the Local Authority to ensure that all services directly provided for children and young people in care and care leavers are scrutinised to deliver to a high standard and to all statutory requirements.
- 2.4.2.3 To raise the aspiration, ambitions and life chances of children and young people in care, narrowing the gap of achievement between children in care and their peers.
- 2.4.2.1 To ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers and holds partners to account for the discharge of their responsibilities.

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

2.4.3.5 To ensure that all elected members are aware of their corporate parenting responsibilities and that all Council services are mindful of the needs of children in care and respond accordingly within their particular remit.

### **2.4.3 FUNCTIONS OF THE COMMITTEE:**

2.4.3.1 To act as advocates for looked after children and care leavers.

2.4.3.2 To receive statutory reports in relation to the adoption, fostering, commissioning, looked after children services and children's homes with a view to recommending any changes.

2.4.3.3 Ensure that the needs of looked after children and care leavers are addressed through key plans, policies and strategies throughout the Council overseeing interagency working arrangements.

2.4.3.4 Review complaints from looked after children to ensure officers have dealt with these appropriately and made any recommendations for change.

2.4.3.5 Raise awareness in Peterborough City Council and the wider community by promoting the role of members as corporate parents and the Council as a large corporate family with key responsibilities.

2.4.3.6 To monitor the quality of care delivered by the City Council and review the performance of outcomes for children and young people in care.

- (a) Raise the profile of the needs of looked after children and care leavers through a range of actions including through the organising of celebratory events for the recognition of achievement.
- (b) Ensure that leisure, cultural, further education and employment opportunities are offered and taken up by our looked after children and care leavers.
- (c) Promote the development of participation and ensure that the view of children and young people are regularly heard through the Corporate Parenting Committee to improve educational, health and social outcomes to raise aspiration and attainments.
- (d) Hold meetings with children and young people in care, frontline staff and foster carers to inform the committee of the standards of care and improvement outcomes for looked after children.
- (e) Monitor the ongoing commitment to providing support, training and clarity of expectations to foster carers to achieve excellent and high quality care.
- (f) To appoint elected members as Champions for Children in Care in respect of the following strands:
  - i) Housing
  - ii) Employment and training opportunities within council departments and with partner agencies
  - iii) Health
  - iv) Educational Attainment and access to Higher Education
  - v) Recreation and Leisure activities
  - vi) Finance and benefits



*Part 3, Delegations Section 2 – Regulatory Committee Functions***2.4.4 WORK PROGRAMME**

2.4.4.1 The Corporate Parenting Committee will formally agree a skeleton work programme annually which will be reviewed at each formal meeting. In reviewing the work programme, the Committee may agree to request reports on particular matters of their own preference or as advised by the lead officer.

**2.4.4.2 PERFORMANCE MONITORING**

2.4.4.3. The Corporate Parenting Committee will scrutinise and monitor outcomes for children in care and care leavers. To this end, the Committee will develop and agree a core data set which it wishes to receive at each Committee meeting. Additional detailed monitoring reports will be presented in accordance with the agreed work programme on the following key aspects of care:

- (a) Placement stability
- (b) Independent child care reviews
- (c) The performance of all care standards regulated services
- (d) Adoption and adoption support
- (e) Fostering
- (f) Children's homes
- (g) Service to care leavers, including accommodation, education, employment and training
- (h) The health needs of children in care
- (i) Educational attainment of children in care

2.4.4.4 The Corporate Parenting Committee will report to the Cabinet Member for Children's Services and to the Scrutiny Committee on a six monthly basis or more frequently if required.

**2.4.5 MEMBERSHIP OF THE COMMITTEE**

2.4.5.1 There will be a standing membership of the Corporate Parenting Committee to provide continuity and consistency. Councillors outside the standing membership will be invited to discuss issues and raise questions within a standing agenda item.

2.4.5.2 All Councillors are invited to attend the informal meetings. The Committee may also co-opt non-voting members. Membership may include up to four foster carers and representatives from the Children in Care Council. The Committee may invite participation from non-members where this is relevant to their work.

**2.4.6 CHILDREN IN CARE COUNCIL**

2.4.6.1 Representatives from the Children in Care Council may attend the Corporate Parenting Committee up until and no later than 8pm.

*Part 3, Delegations Section 2 – Regulatory Committee Functions***2.5 Licensing Committee****2.5.1 Terms of reference**

- 2.5.1.1 To undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.
- 2.5.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.5.2.
- 2.5.1.3 To exercise the functions of the authority as listed in Schedule 2.5.4, where these are not delegated to officers as listed at section 2.5.3, namely:-
- (a) hackney carriage and private hire vehicle licensing
  - (b) licensing marriage and entertainment
  - (c) licensing shops and food premises
  - (d) safety issues (sports grounds, and Health and Safety at Work Act)
  - (e) licensing premises associated with live animals
  - (f) approval and enforcement duties relating to premises associated with dead animals and food production
  - (g) employment related licensing functions
  - (h) Betting, gaming, lotteries and charity collections
  - (i) Licences for alcohol and entertainment etc
  - (j) issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments
  - (k) Licences for scrap metal dealers
- 2.5.1.4 To consider and determine all applications in relation to the functions in Schedule 2.5.4, where:
- (a) they are not delegated to Officers;
  - (b) the Officer with delegated authority refers the application to the Committee.
- 2.5.1.5 To consider whether or not to:
- (a) suspend, and/or
  - (b) revoke, and/or
  - (c) refuse to renew, and/or
  - (d) amend any conditions of any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant Officer where the holder has been:
    - (i) convicted of an offence involving dishonesty, indecency or violence, and/or
    - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
    - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
    - (iv) any other reasonable cause.
- 2.5.1.6 To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council.
- 2.5.1.7 To monitor and review policy relating to licensing matters and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes.

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

2.5.1.8 There is no power to suspend and call in any Licensing Committee decisions to Council for determination.

## **2.5.2 Delegations to Sub-Committees**

2.5.2.1 To undertake and perform all of the statutory duties and functions required of local authorities under the Licensing Act 2003 as follows:

- (a) application for a Personal License if there is a Police objection
- (b) application for a Personal License with unspent convictions in all cases
- (c) application for Premises License/Club Premises Certificate if a relevant representation is made
- (d) application for a provisional statement, if a relevant representation is made
- (e) application to vary Premises Licence/Club Premises Certificate if a relevant representation is made
- (f) application to vary the Designated Premises Supervisor if there is a Police objection
- (g) application for transfer of a Premises Licence if there is a Police objection
- (h) application for interim authorities if there is a Police objection
- (i) application to review a Premises Licence/Club Premises Certificate in all cases
- (j) decision to object when the Local Authority is a consultee and not the relevant authority considering the application
- (k) determination of a Temporary Event Notice where objections have been received from relevant persons
- (l) in the event of all relevant representations concerning an application being withdrawn, the application is delegated to officers as per 2.5.3 below.

2.5.2.2 To undertake and perform all of the statutory duties and functions proposed for local authorities under the Gambling Act 2005 as follows:

- (a) application for a premises licence where representations have been received and not withdrawn;
- (b) application for a variation to a licence where representations have been received and not withdrawn;
- (c) application for a transfer of a licence where representations have been received from the Commission;
- (d) application for a provisional statement where representations have been received and not withdrawn;
- (e) review of a premise licence;
- (f) application for a club gaming/club machine permit where objections have been made and not withdrawn;
- (g) cancellation of a club gaming/club machine permit;
- (h) decision to give counter notice to temporary use notice.

## **2.5.3 Delegations to officers**

2.5.3.1 **The Corporate Director Resources is authorised:**

- (a) to set fees, issue/renew/suspend/revoke hackney carriage drivers' and vehicle licences and private hire drivers' and vehicle licences, except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee;

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

- (b) to approve advertising in or on purpose-built Hackney Carriage vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee;
- (c) to set fees, issue/renew/suspend/revoke Private Hire Operator's licences except where the Officer is of the opinion that an application should be considered by the Licensing Committee.
- (d) to set the fees under the Gambling Act 2005 in consultation with the Chairman of the Licensing Committee
- (e) to determine Street Collection Permits; including those for special Christmas collections;
- (f) to determine house-to-house collection licences;
- (g) to determine house-to-house Christmas Carol Float permits;
- (h) to deal with the following registrations:
  - (i) Ear piercing, acupuncture, electrolysis and tattooing;
  - (ii) Food premises;
- (i) to issue/renew/amend/suspend/revoke the following licences:
  - (i) Riding establishments;
  - (ii) Keeping of dangerous wild animals;
  - (iii) Keeping a pet shop;
  - (iv) Keeping a dog breeding establishment;
  - (v) Keeping an animal boarding establishment;
  - (vi) Zoos.
- (j) to take all necessary action under the Breeding of Dogs Act 1991;
- (k) to issue, amend, revoke or refuse street trading consents boroughwide and including the use of the city centre pedestrian area, including those for:-
  - (i) annual food/commercial concessions; and
  - (ii) the Christmas street festival;
- (l) to prepare, amend, vary, attach and adopt as necessary, standard and other conditions to all licences, registrations and consents. The Corporate Director Resources will incorporate any special conditions requested or determined by Licensing Committee;
- (m) to consider and determine applications for certificates under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.
- (n) to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local government (Miscellaneous Provisions) Act 1976;
- (o) to take appropriate action and issue all notices (including notices of entry) under the Health and Safety at Work, etc Act 1974;
- (p) to take all necessary action under the Scrap Metal Dealers Act 2013 except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee.
- (q) to exercise all the functions conferred by the Acts, Orders and Regulations set out below or any Act, Order or Regulation which

*Part 3, Delegations Section 2 – Regulatory Committee Functions* extends or amends them or any Order, Instrument, Regulation or Byelaw made under them:

- (i) Celluloid and Cinematographics Films Act 1922 – fire safety and storage provisions relating to celluloid film kept on premises;
  - (ii) Explosives Acts 1875 and 1923 – storage conditions and licensing for explosives;
  - (iii) Nurses Agencies Act 1957 – licensing and regulation of Nurses Agencies;
  - (iv) Performing Animals (Regulation) Act 1925 – registration of persons exhibiting or training performing animals;
  - (v) Poisons Act 1972 – registration of sellers of some categories of poisons;
  - (vi) Criminal Justice and Police Act 2001.
- (r) to issue game dealers' licences;
- (s) under the Licensing Act 2003:
- (i) to consider Applications for a Personal License if no objection is made
  - (ii) to consider Applications for a Premises Licence/Club Premises Certificate if no relevant representation is made
  - (iii) to consider Applications for a provisional statement if no relevant representation is made
  - (iv) to consider Applications to vary Premises Licence/Club Premises Certificate if no relevant representation is made
  - (v) to consider Applications to vary the designated premises supervisor if there is no Police objection
  - (vi) to request to be removed as Designated Premises Supervisor in all cases
  - (vii) to consider Applications for transfer of Premises Licence if there is no Police objection
  - (viii) to consider Applications for interim authorities if there is no Police objection
  - (ix) to decide on whether a complaint is irrelevant, frivolous or vexatious in all cases
  - (x) to determine the suitability of films to be shown to particular age groups and licensing of premises showing films;
  - (xii) to license theatre premises in accordance with the Licensing Act 2003
  - (xiii) to issue, amend, suspend or refuse licenses under the Licensing Act 2003
  - (xiv) to take decisions in respect of applications for a minor variation to a premises/club premises certificate in all cases; and to take decisions relating to applications for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied if there is no police objection
  - (xv) issue Closure Notices to premises operating in breach of their licensing conditions and apply for an Order to close the premises should the illegal behaviour continue.
- (t) under the Gambling Act 2005

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

- (i) to set the fees when appropriate following consultation with the Chair of the Committee
- (ii) to consider applications for premises licenses where no representations have been received or representations have been withdrawn;
- (iii) to consider applications for a variation of a license where no representations have been received or representations have been withdrawn;
- (iv) to consider applications for a transfer of a licence where no representations have been received
- (v) to consider applications for a provisional statement where no representations have been received or representations have been withdrawn
- (vi) to consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;
- (vii) to consider applications for other permits under the Act;
- (viii) to cancel licensed premises gaming machine permits as appropriate;
- (ix) to consider temporary use notices as appropriate
- (x) to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005
- (xi) to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 – Section 346 of the Act
- (xii) to exchange information under Section 350 of the Act
- (xiii) to have a statement of principles for Unlicensed Family Entertainment Centres.
- (xiv) to have a statement of principles for Prize Gaming.
- (u) To issue/renew/transfer and add conditions in relation to sex establishment licences where no representations have been received or representations have been withdrawn.
- (v) Determine variation applications in relation to sex establishments, in consultation with the Chairman of the Licensing Committee.
- (w) To grant or refuse and attach conditions to permit an exhibition, demonstration or performance of hypnotism on any person and to vary and/or attach conditions.

2.5.3.2 The Corporate Director Resources, in consultation with the Chair of the Licensing Committee, is authorised to:

Determine the fees for premises licences (The Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)).

2.5.3.3 The Corporate Director People and Communities is authorised:

- (a) to monitor and regulate the employment of young people below school leaving age, including issuing of work permits, investigation of breaches to bye-laws and meeting all LEA statutory responsibilities with regard to prosecution of employers who contravene employment legislation;

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

- (b) to grant or refuse licences for children to take part in public entertainment or performances and to grant or refuse chaperone licences, in accordance with bye-laws.

2.5.3.4 The Corporate Director Resources is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

*Part 3, Delegations Section 2 – Regulatory Committee Functions***2.5.4 Schedule of relevant functions – Licensing Committee****2.5.4.1 Hackney carriage and private hire licensing**

Function	Relevant legislation
Licensing hackney carriages and private hire vehicles	<p>HACKNEY CARRIAGES</p> <p>Town Police Clauses Act 1847 (10 &amp; 11 Vict. C.89), as extended by Public Health Act 1875 (38 &amp; 39 Vict. C.55), Section 171 and Transport Act 1985 (c.67) Section 15; and</p> <p>Local Government (Miscellaneous Provisions) Act 1976 (c.57) Sections 47, 57-58, 60, 70 and 79.</p> <p>PRIVATE HIRE VEHICLES</p> <p>Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 57-58, 60 and 79.</p>
Licensing drivers of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 51, 53-54, 59, 61, 70 and 79
Licensing operators of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 55-58, 62, 70 and 79

**2.5.4.2 Licences for Marriage and Entertainment**

Approving premises for the solemnisation of marriage and civil partnerships	Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Licensing sex shops and sex cinemas	Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85.
Licensing performances of hypnotism	The Hypnotism Act 1952 (c.46), Section 1 as amended by Licensing Act 2003 (c.17) paragraph 198 and Schedule 6, paragraphs 25 – 27



*Part 3, Delegations Section 2 – Regulatory Committee Functions*

Licensing pleasure boats and pleasure vessels	Public Health Acts Amendment Act 1907 (c.53), s.94 as amended by Local Government Act 1974 (c.7) Schedule 6 Para 1 and Local Government (Miscellaneous Provisions) Act 1976 (c.57), Section 18 and  Local Government, Planning and Land Act 1980 (c.65), s186 as substituted by ;  Deregulation (Public Health Acts Amendment Act) Order 1997 (SI 1997/1187), Section 94(8)
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2.5.4.3 Licensing of shops and food premises

Licensing premises for acupuncture, tattooing, ear-piercing and electrolysis	Local Government (Miscellaneous Provisions) Act 1982, Sections 13 – 17
Licensing market and street trading	Local Government (Miscellaneous Provisions) Act 1982, Part III of, and Schedule 4
Duty to keep a list of persons entitled to sell non-medicinal poisons	Poisons Act 1972 (c.66), Sections 3(1)(b)(ii), 5, 6 and 11 as amended by Local Government, Planning and Land Act 1980, Schedule 6 Para 13(1)
Licensing dealers in game and the killing and selling of game	Game Act 1831 (c.32), Sections 5-6, 17-18, 21-23 and  Game Licensing Act 1860 (c.90), Sections 2-16; and  Customs and Inland Revenue Act 1883 (c.10), Section 4;  Sections 12(3) and 27 Local Government Act 1874 (c.73);  Section 213 Local Government Act 1972 (c.70)
Registering and licensing premises for the preparation of food	Section 19 Food Safety Act 1990 (c.16)

*Part 3, Delegations Section 2 – Regulatory Committee Functions***2.5.4.4 Safety functions (sports grounds and Health and Safety at Work)**

Issuing, amending or replacing safety certificates (general or special) for sports grounds	The Safety of Sports Grounds Act 1975 (c.52), as amended by Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part II and Schedule 2
Issuing, cancelling, amending or replacing safety certificates for regulated stands at sports grounds	Fire Safety and Safety of Places of Sport Act 1987 (c.27), Part III
Sanctioning use of parts of buildings for storage of celluloid	Celluloid and Cinematographic Film Act 1922 (c.1935), Section 1 – 4
Health and Safety at Work Act functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the 1974 Act  [not including the authority’s discharge of these functions in relation to its own employees, which is an executive responsibility]	Health and Safety at Work, etc Act 1974 (c.37), Part I  [For “relevant statutory provisions” see the various definitions in Sections 53(1) and 15(1) of the Act, the latter section having been substituted by Employment Protection Act 1975 (c.71), Schedule 15 Para 5 ]

**2.5.4.5 Licensing associated with live animals**

Licensing premises for the breeding of dogs	Section Breeding of Dogs Act 1973 (c.60); Section 1 Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)
Licensing pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Pet Animals Act 1951 (c.35), Section 1 as amended by Local Government Act 1974 Schedules 6 and 8  Animal Boarding Establishments Act 1963 (c.43), Section 1 as amended by Local Government Act 1974, Schedule 6 Para 17 and Protection of Animals (Amendment) Act 1988 (c.29) Sections 3(2) and (3) and Schedule  Riding Establishments Act 1964 (c.70) and 1970 (c.70) as amended by Local Government Act 1974, Section 35(1) and (2) and Schedule 6 Para 18 and Schedule Protection of Animals (Amendment) Act 1988, Sections 3(2) and (3)  Breeding of Dogs Act 1973 (c.60), Section 1 as amended by Local Government Planning and Land Act 1980, Section 1(6), Schedule 6, Schedule 34 Para 15 and Protection of Animals (Amendment) Act 1988 Sections 3(2) and (3) and Schedule and Breeding and Sale of Dogs (Welfare) Act 1999, Sections 1 and 8

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

Registering animal training and exhibitors	Performing Animals (Regulation) Act 1925 (c.38), Section 1 as amended by Local Government Act 1974, Sections 35(1) and (2), Schedule 6 Para 2(1) and Schedule 8
Licensing zoos	Zoo Licensing Act 1981 (c.37), Section 1 as amended by Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002 (SI 2002, No. 3080), Regulations 3 and 4 and Local Government (Wales) Act 1994, s.66(6) and (8) and Schedule 16, and Schedule 18, paragraph 62(2)
Licensing dangerous wild animals	Dangerous Wild Animals Act 1976 (c.38), Section 1
Enforcing provisions for Record Keeping, Identification Marking and Movement relating to pigs	The Pigs (Records, Identification and Movement) Order 2003 (SI 2003, No. 2632), Section 27.
Enforcing provisions for Record Keeping, Identification and Movement of Cattle	The Cattle Identification Regulations 2007 (SI 2007, No.: 529) as amended by The Cattle Identification (Amendment) Regulations 2007 (SI2007, No. 1046)
Enforcing provisions for Record Keeping, Identification and Movement of Sheep and Goats	The Sheep and Goats (Records, Identification and Movement) (England) Order 2005 (SI 2005 No.: 3100) and The Sheep and Goats (Records, Identification and Movement) (England) (Amendment) Order 2006 (SI 2006, No.: 2987)

2.5.4.6 Approval and Enforcement of duties relating to premises associated with dead animals and food production

Licensing knackers' yards	Section 4 Slaughterhouses Act 1974 (and see also Animal By-Products Order 1999, SI 1999/646)
Enforcing requirements in relation to any food business premises as to e.g. hygiene, HACPP principles and registration as well as approving the food business premises.	Food Hygiene (England) Regulations 2006 (SI 2006, No 14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunction with 2004/852/EC

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

Enforcing requirements in relation to any relevant food business operators (dealing with e.g. meat, minced meat, eggs, dairy and fish products) as to e.g. hygiene, HACCP principles, identification marking, slaughtering and preparation, transport and storage etc as well as approving the premises.	Food Hygiene (England) Regulations 2006 (SI 2006, No.14) as amended by the Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No. 56) both to be read in conjunctions with 2004/852/EC and 2004/853/EC
Duty to keep a register of food premises	Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56)
Registering food business premises	Food Hygiene (England) Regulations 2006 (SI 2006, No. 14) and Food Hygiene (England) (Amendment) Regulations 2007 (SI 2007, No.: 56)

2.5.4.7 Employment related licensing functions

Licensing the employment of children	Part II Children and Young Persons Act 1933 (c.33); Byelaws made under that Part; Part II Children and Young Persons Act 1963 (c.37)
Licensing agencies to supply nurses	Section 2 Nurses Agencies Act 1957 (c.16)

2.5.4.8 Licences for Alcohol and Entertainment etc

Issuing cinema and cinema club licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(h) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise License under the Licensing Act 2003)</i>  Licensing Act 2003 (c.17), Part 3 (Premise Licence) and 4 (Club License – if applicable) <i>(as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i>  N.B.: Licensing Act 2003 (c.17), Section 20 <i>(as to mandatory conditions to be attached to Premise Licence for the Exhibition of Films)</i>
Issuing theatre licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under the Theatres Act 1968 to a Premise License under the Licensing Act 2003)</i>  Licensing Act 2003 (c.17), Part 3 <i>(as to grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i>

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

Issuing and Enforcing Licenses for Alcohol and Entertainment etc	Licensing Act 2003 (c.17), Part 3 (Premise Licence), Part 4 (Club Licence), Part 5 (Permitted Temporary Activities) and Part 6 (Personal Licences) N.B. Mandatory and prohibitory conditions to be applied to any Licence granted under Parts 3, 4 and 6.
Approving premises for the solemnisation of marriage and civil partnerships	Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Issuing and Enforcing Licences for sex shops, sex cinemas and sexual entertainment venues	Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85 and by Section 27 of the Policing and Crime Act 2009 (c.26).

**2.5.4.9 Licensing of Food Premises**

Licensing night cafes and take-away food shops	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) <i>(as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise Licence under the Licensing Act 2003)</i>  Licensing Act 2003 (c.17), Part 3 (Premise Licence) <i>(as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)</i>
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**2.5.4.10 Gambling**

Issuing, registering and enforcing Premise Licenses	Gambling Act 2005 (c.19), Part 8 and Part 18, Section 346
Acknowledging or determining, registering and enforcing Temporary Use Notices	Gambling Act 2005 (c.19), Part 9 and Part 18, Section 346
Issuing and enforcing Family Entertainment Centre Gaming Machine Permits	Gambling Act 2005 (c.19), Part 10, Section 247, Part 18, Section 346 and Schedule 10
Issuing and cancelling/forfeiting Club Machine Permits and Club Gaming Permits	Gambling Act 2005 (c.19), Part 12, Sections 271 – 274 and Schedule 12
Issuing and cancelling/forfeiting Licensed Premises Gaming Machine Permits	Gambling Act 2005 (c.19), Part 18, Section 346 and Schedule 13

*Part 3, Delegations Section 2 – Regulatory Committee Functions*

Issuing, enforcing and registering Prize Gaming Permits	Gambling Act 2005 (c.19), Part 13, Part 18, Section 346 and Schedule 14
Registration revocation and enforcement of Small Society Lotteries	Gambling Act 2005 (c.19), Part 11, Part 18, Section 346 and Schedule 11, Part 5
Assessment of Compliance through inspection and enforcement of breaches	Gambling Act 2005 (c.19), Part 15 and Part 18, Section 346
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
Power to institute criminal proceedings for offences under section 342 of the Gambling Act 2005	Section 346 of the Gambling Act 2005
Power to exchange information	Section 350 of the Gambling Act 2005
Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)."

2.5.4.11 Scrap Metal Dealers

Licensing of Scrap Metal Dealers	Section 2 and Section 4 and Section 9 of the Scrap Metal Dealers Act 2013 (c10)
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*Part 3, Delegations Section 2 – Regulatory Committee Functions***2.6 Planning and Environmental Protection Committee****2.6.1 Terms of reference**

2.6.1.1 To exercise the functions of the Council as listed in Schedule 2.6.5, where these are not delegated to officers as listed at section 2.6.4.

2.6.1.2 In respect of functions listed in Schedule 2.6.5, to determine an application, or to decide upon or vary appropriate conditions, limitations, terms or other restrictions upon any approval, consent, licence, permission or registration granted, or discontinuance or revocation order in cases where:

- (a) the officer with delegated authority to deal with the matter refers it to the Committee for determination;
- (b) an application has been referred to the Committee by a Member or a Parish Council from the weekly press list on proper planning grounds, or by a consultee on the delegation confirmation list and the referrers views are contradictory to the officer recommendation (this does not apply to any prior notification type application). ~~The Head of Development and Construction, after consultation with the Chair, Vice Chair and Group Representatives, may determine the application if planning reasons are not given, with a review after six months of the procedure. All referrals by a Member or a Parish Council must also provide a reason for the referral based on relevant material planning grounds. Referrals made without an accompanying reason will not be valid. Members who have made a referral to the Committee are expected to attend the Committee meeting at which the matter is discussed, where possible, or submit a written supporting statement.~~
- (c) the officer's proposed course of action falls outside the Council's agreed policies and criteria;
- (d) any planning application recommended for approval does not accord in a material way with the Development Plan;
- (e) a planning application relates to an exceptionally large scale development, or a major development which does not accord with the Development Plan;
- (f) a proposed Tree Preservation Order has unresolved objections to it.

None of (a) – (f) above shall prevent an officer determining one of these matters in cases of urgency, provided that the action taken is reported to the next Committee meeting.

2.6.1.3 In respect of issues governed by the list of functions at Schedule 2.6.5, to determine whether, and in what manner, to enforce any failure to comply with an approval, consent, licence, permission or registration granted by the Council in cases where:

- (a) the officer with delegated authority to deal with the matter refers it to the Committee for determination;
- (b) a member refers it to the Committee on proper planning grounds;
- (c) the issue falls outside the Council's agreed policies and criteria;

None of (a) – (c) above shall prevent an officer taking enforcement action in cases of urgency which warrant the service of a Stop Notice and/or injunction, subject to the consent of the Director of Governance provided that the action taken is reported to the next Committee meeting.

2.6.1.4 To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers.

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- 2.6.1.5 To be consulted by, and comment on, the Executive's draft proposals for Local Development Documents within the Local Development Framework at each formal stage in preparation."
- 2.6.1.6 To assess and review the performance of the services which fall within the terms of reference of the Committee.
- 2.6.1.7 To transfer enforcement functions to another enforcement authority under Smoke-free (Premises and Enforcement) Regulations 2006.

**2.6.2 Call in of Decisions Made by the Committee**

- 2.6.2.1 Applications determined by the Planning and Environmental Protection Committee can be called in to the Appeals and Planning Review Committee (*see Appeals and Planning Review Committee Terms of Reference for procedure para. 2.1*).

**2.6.3 Planning Call-In Procedure**

2.6.3.1 This paragraph only applies to a determination of planning application decisions made by the Planning and Environmental Protection Committee.

2.6.3.2 If the Planning and Environmental Protection Committee makes a determination as set out in paragraph 2.7.1 above, 30% of the Members present at the meeting where the resolution was passed can ask the Chief Executive that it be reported to a special meeting of the Appeals and Planning Review Committee.

2.6.3.3 The right under the paragraph above must be carried out within two working days of the end of the meeting by the submission of a planning call-in notice.

2.6.3.4 Signatories of a planning call-in notice or their group representatives can withdraw a planning call-in notice by notifying the Chief Executive in writing. If the planning call-in notice has been withdrawn, the original Committee decision takes effect.

2.6.3.5 The request to call-in a decision must be made in writing or electronically, using the agreed form. The form must:

- (a) set out the planning application decision that the Members wish to call in;
- (b) give the reasons why the Appeals and Planning Review Committee reconsider the decision. These must include either the incorrect application of procedure during the application process, or the relevant material planning considerations not being taken into account;
- (c) be signed and dated by 30% of the Members present at the meeting where the resolution was passed.

2.6.3.6 Determination of whether a request to call-in a decision is valid or not, in accordance with the above criteria, will be determined by the Corporate Director of Growth and Regeneration, in conjunction with the Monitoring Officer.

2.6.3.7 The procedure of an Appeals and Planning Review Committee will follow the same format as a Planning and Environmental Protection Committee, including the Speaking Scheme. An application that is called-in will be



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reconsidered by the Appeals and Planning Review Committee in its entirety.

## 2.6.4 Planning Speaking Scheme as Agreed by the Committee

2.6.4.1 Members of the public can speak at meetings of the Planning and Environmental Protection Committee which is considering any planning application (including those referred to the Appeals and Planning Review Committee).

(a) Any Ward Councillor, Parish Council (or other groups defined in local planning policy as operating in a manner similar to a Parish Council) representative or member of the public who wish to address the Committee on any planning application or any consultation item referred from another local authority, must register with the Chief Executive by 12 noon Friday before the meeting.

(b) The following procedure will apply for each item.

- (i) Officers will introduce the item;
- (ii) Representations by Ward Councillors and the Parish Council representative;
- (iii) Members questions to the Ward Councillors and Parish Council representative;
- (iv) Objectors' representations;
- (v) Members' questions to objectors;
- (vi) Representations by the applicant, agent and any supporters;
- (vii) Members' questions to the applicant, agent and any supporters;
- (viii) Officers' comments;
- (ix) Members will debate the application and get advice from officers where appropriate;
- (x) Members will reach a decision.

2.6.4.2 The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances:-

- (a) Objectors;
- (b) Applicant or agent and their supporters.

2.6.4.3 If more than one objector or supporter wants to speak, the Chairman may ask the supporters and objectors to appoint a spokesperson to represent their views.

The total time allowed for speeches from Ward Councillors and Parish Council representatives will not be more than ten minutes in total unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

MPs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact should be submitted to the Committee. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the

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meeting to extend the time allowed due to unusual or exceptional circumstances.

2.6.4.4 The Chairman may:

- (a) Suspend the public's right to speak if he or she considers it necessary to maintain order at the meeting; or
- (b) Vary the order of representations if he or she feels that it is convenient and will assist the Committee in dealing with the matter provided it will not cause any prejudice to the parties concerned.

In lieu of speaking, Ward Councillors, Parish Council representatives and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee in an update report and circulated on the day of the meeting.

If a Ward Councillor is unable to attend the Committee and submits representations in writing such representations may be read out at the Committee provided that the written representations are no more than 300 words and provided that there is sufficient time following speeches from Ward Councillors present at the Committee (i.e. within the 10 minute time allowed for speeches from Ward Councillors and Parish Council Representatives).

**2.6.5 Delegations to officers**

2.6.5.1 The Corporate Director Growth and Regeneration is authorised to deal with the following matters after consultation with the Chairman of the Committee and notification to (i) the Vice-Chairman, (ii) the representatives of the other political groups on the Committee of which the Chairman and Vice-Chairman are not members, (iii) relevant ward councillors, and no relevant planning objection being raised by them within 48 hours:

- (a) All planning applications not delegated to Officers and not reserved to the Committee;
- (b) the designation, revocation, variation and modification of a Tree Preservation Order which has been opposed;
- (c) Hazardous Substances Consents;
- (d) Applications made by the Council under Regulation 3 of the Town and Country Planning General Regulations 1992 in cases which the Corporate Director Growth and Regeneration –would be authorised to determine if they were private applications;
- (e) All enforcement matters, where a breach reported by a member of the public is recommended for “no further action” and where consideration is not referred to the Committee.

If an objection is received the application will be determined by the Committee.

2.6.5.2 The Corporate Director Growth and Regeneration is authorised to determine all planning applications, applications to carry out work on Protected Trees, and applications for advertisement consent, listed building consent and conservation area consent, except an application:

- (a) contrary to the provisions of an approved or draft Development Plan and which is recommended for approval;

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- (b) contrary to approved Council policies, standards or guidance, and which is recommended for approval;
- (c) which raises an issue of significance which is not covered by specific Council policies, standards or guidance
- (d) which has been referred to the Committee by a Member or a Parish Council from the weekly press list within 28 days, or by a consultee on the delegation confirmation list and the referrers views are contradictory to the officer recommendation;
- (e) which, in the opinion of the Head of Planning, Transport and Engineering Services is potentially controversial, likely to be of significant public interest or would have a significant impact on the environment;
- (f) known to be submitted by or on behalf of a Councillor, Director or Head of Service of the authority (or their spouse/partner);
- (g) which the Corporate Director Growth and Regeneration considers should be presented to the Planning and Environmental Protection Committee for determination.

2.6.5.3 The Corporate Director Growth and Regeneration is authorised to deal with the following matters subject to there being no prior referral by a Member or a Parish Council to the Planning and Environmental Protection Committee as set out in its terms of reference;

**Note:** From time to time the Corporate Director Growth and Regeneration may authorise in writing other competent officers of the authority to exercise specific delegated functions. The Corporate Director Growth and Regeneration may also refer any of the matters listed below to the Planning and Environmental Protection Committee for determination.

- (a) the details of all Planning Obligations,
- (b) all prior notification applications relating to agricultural, telecommunication, changes of use and householder extensions;
- (c) all planning and enforcement matters relating to Conservation (including emergency\* Article 4 Directions); Hedgerows and Tree Preservation Orders and proposed Emergency\* Tree Preservation Orders which includes designation, revocation, variation, and modification, and confirmation, except;
  - (i) the designation or modification of a Conservation Area (Cabinet Member for Environment Capital)
  - ~~(ii) Designation, revocation, variation and modification of Tree Preservation Orders (other than emergency orders)~~
  - (iii) any which the Corporate Director Growth and Regeneration considers should be determined by the Planning and Environmental Protection Committee.

**NB** \*Emergency – when there is an immediate threat that a building or tree is going to be felled/demolished or pruned/modified in ways that would have a significant impact on the character or amenity of an area.

- (d) all enforcement matters including instructing the Director of Governance to consider the initiations of prosecutions in accordance with the Council's enforcement procedures except where;
  - (i) a significant breach reported by a member of the public or where there is significant public interest in the matter, is recommended for no further action;

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- (ii) the Corporate Director Growth and Regeneration considers a breach should be reported to the Planning and Environmental Protection Committee for decision;
- (e) Applications for the discharge or modification of covenants in agreements under Section 106 of the Town and Country Planning Act 1990;

**NB** The agreement of the Director of Governance shall be required to authorise the issue of an Enforcement Notice, Breach of Condition Notice, Section 215 Notice, Notices under Section 3 of the Planning (Listed Buildings and Conservation Area) 1990. The Director of Governance shall be responsible for the initiation of any criminal or civil proceedings he considers necessary including the seeking of an injunction. He shall be responsible for arranging the discharge of all legal work and advice arising from all enforcement action including ensuring that the Council is properly represented in Court.

- (f) to respond to consultations from:
  - (i) government bodies, other authorities or from other agencies on planning, footpath or similar matters;
  - (ii) Area Traffic Commissioners with observations on applications for goods vehicle licences except where the Head of Development and Construction is of the opinion that the matter should be considered by the Committee.
- (g) matters relating to overhead power lines and applications under prior approval of telecommunications procedures;
- (h) Other powers:
  - (i) determination and issue of Certificates of Alternative Development;
  - (ii) determination and issue of certificates of Lawful Use or Development following consultation with the Director of Governance as to the adequacy of the evidence in all cases where the evidence is either doubtful or complex;
  - (iii) to exercise all the relevant functions listed in schedule 2.6.5 in respect of public unmetalled footpaths, bridleways and byways open to all traffic;
  - (iv) authority to proceed with the stopping up of a public right of way required in connection with development where planning permission has been granted and appropriate publicity has been undertaken including instructing the Director of Governance to make the appropriate Order under the Town and Country Planning Act 1990;
  - (v) authority to instruct the Director of Governance to make orders under Sections 257 or 258 of the Town and Country Planning Act 1990 in respect of the creation, diversion and/or extinguishment of public rights of way with any orders being confirmed where there are no unresolved objections;
  - (vi) to determine, subject to no outstanding objections, applications for Definitive Map Modification Orders under the Wildlife and Countryside Act 1981. To publish Modification Orders to the Definitive Map and Statement, and to authorise the creation, extinguishment and diversion orders for public footpaths, bridleways and byways open to all traffic under the Highways

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 Act 1980 and Town and Country Planning Act 1990 and to instruct the Director of Governance to make such Orders. (NB - the Corporate Director Growth and Regeneration is also authorised to modify rights of way, at paragraph 2.6.4.6 (f) below);

- (vii) the service of notices under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 requiring urgent work to preserve unoccupied listed buildings;
- (viii) the giving of screening and scoping opinions under the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999.
- (ix) the making of Listed Building and conservation grants within approved budget;
- (x) identifying applications representing departures from the Development Plan;
- (xi) to maintain Public Registers under the legislation for which s/he is responsible, including registers of rights of way;
- (xii) to act as Appointing Officer under Section 10(8) of the Party Wall etc. Act 1996.
- (xiii) the right to enter land under the legislation governing the functions for which s/he is responsible;
- (xiv) applications made under the Licensing Act 2003 and the making of any representations to the courts;
- (xv) the discharge of conditions imposed on planning and related permissions, where those conditions have been complied with;
- (xvi) to determine applications to develop land without compliance with conditions previously attached;
- (xvii) to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights;
- (xviii) to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers;
- (xix) to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980;
- (xx) to authorise stopping up or diversion of highway;
- (xxi) relating to complaints about high hedges;
- (xxii) to enforce offences relating to the display of no-smoking signs;
- (xxiii) to enforce offences relating to smoking in smoke-free places;
- (xxiv) to enforce offence of failing to prevent smoking in smoke-free places.

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- 2.6.5.4 **The Corporate Director Growth and Regeneration is authorised to determine:**
- (a) applications under Prior Approval of Telecommunications Procedures; and
  - (b) those under delegation 2.6.5.3 (b) and 2.6.5.3 (f);
- in consultation with the Chairman or, if not available or inappropriate, the Vice Chairman of the Committee, where a Member or a Parish Council has exercised their power to refer an application to the Committee but there is no scheduled meeting of the Committee within the time period for response.
- 2.6.5.5 **Authorised Signatories**
- (a) Planning Decision or Building Control Notices determined by Committee - the Corporate Director Growth and Regeneration
  - (b) Notices and directions following determination by Committee, under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification - the Corporate Director Growth and Regeneration
- 2.6.5.6 **The Corporate Director Growth and Regeneration is authorised:**
- (a) to issue licences for hoardings and scaffolding within the highway;
  - (b) to issue licences for the placing of skips within the highway;
  - (c) to exercise the non-executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority, including the serving of Notices as contained in the Highways Act 1980
  - (d) to create, extinguish and divert footpaths under the Highways Act 1980;
  - (e) to enter land under the legislation governing the functions for which s/he is responsible;
  - (f) to modify rights of way, in line with para 2.6.4.6 (d) above.
- 2.6.5.7 **The Corporate Director Growth and Regeneration is authorised:**
- (a) To undertake non-executive actions under the Environmental Protection Act 1990 in relation to pollution and statutory nuisance (these are set out in Schedule 2.6.5;
  - (b) To take appropriate action and issue all notices (including notices of entry) under the following legislation: Control of Pollution Act 1974; Noise and Statutory Nuisance Act 1993.
- 2.6.5.8 The **Corporate Director Growth and Regeneration** is authorised to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local government (Miscellaneous Provisions) Act 1976.
- 2.6.5.9 The Corporate Director People and Communities is authorised to issue licences and ensure compliance with statutes relating to residential caravan sites, touring caravans and campsites, as listed in Schedule 2.6.5 (Section 3 Caravan Sites Control and Development Act 1960 and Section 269 Public Health Act 1936).
- 2.6.5.10 The Corporate Director Growth and Regeneration is authorised to set up and establish any Joint Planning and Environmental Protection Committee

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and to negotiate and determine the Terms of Reference of such Joint Planning and Environmental Protection Committees with neighbouring councils and local planning authorities, following consultation with the Director of Governance and Chairman of the Planning and Environmental Protection Committee.

## 2.6.6 Schedule of relevant functions

### 2.6.6.1 Town and country planning and development control functions

Determination of applications for planning permission	Sections 70(1)(a) and (b) and 72 Town and Country Planning Act 1990 (c.8)
Granting planning permission for development already carried out	Section 73A Town and Country Planning Act 1990 (ref. Schedule 7 para 8 Planning and Compensation Act 1991 (c.34).
Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
Declining to determine applications for planning permission	Section 70A Town and Country Planning Act 1990 (ref. Section 17 Planning and Compensation Act 1991)
Duties associated with determining planning applications	Sections 69, 76 and 92 Town and Country Planning Act 1990, Articles 8, 10 – 13, 15 – 22 and 25 – 26 Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made thereunder
Determination of applications for planning permission by the local authority or jointly with another person	Section 316 Town and Country Planning Act 1990, Town and Country Planning General regulations 1992 (SI 1992/1492) (ref. Section 20 Planning and Compensation Act 1991 and SIs 1992/1982 and 1998/2800)
Entering into agreements regulating development or use of land	Section 106 Town and Country Planning Act 1990
Issuing certificates of existing or proposed lawful use or development	Sections 191(4) and 192(2) Town and Country Planning Act 1990 (ref. Section 10 Planning and Compensation Act 1991)
Serving completion notices	Section 94(2) Town and Country Planning Act 1990
Granting consent for the display of advertisements	Section 220 Town and Country Planning Act 1990, Town and Country Planning (Control of Adverts) Regulations 1992 (SI 1992/666)
Authorising entry onto land	Section 196A Town and Country Planning Act 1990 (ref. Section 11 Planning and Compensation Act 1991, and Sections 196A to C Town and Country Planning Act 1990)
Requiring a use of land to discontinue	Section 102 Town and Country Planning Act 1990

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Revocation/amendment of Planning Permission	Section 97 Town and Country Planning Act 1990
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19,20, 21 to 24, 26,30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995
Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
Duties relating to applications for listed building consent and conservation area consent	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, Paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
Serving planning contravention, breach of condition or stop notices	Sections 171C, 187A and 183(1) Town and Country Planning Act 1990 (ref. Sections 1,2 and 9 Planning and Compensation Act 1991)
Issuing enforcement notices	Section 172 Town and Country Planning Act 1990 (ref. Section 5 Planning and Compensation Act 1991)
Applying for injunctions restraining a breach of planning control	Section 187B Town and Country Planning Act 1990 (ref. Section 3 Planning and Compensation Act 1991)
Determining applications for hazardous substances consent, and related powers	Sections 9(1) and 10 Planning (Hazardous Substances) Act 1990 (c.10)
Duty to determine conditions which may apply to old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites	Schedule 2 Para 2(6)(a) Planning and Compensation Act 1991, Schedule 13 Para 9(6) and Schedule 14 Para 6(5) Environment Act 1995 (c.25)



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Requiring proper maintenance of land	Section 215(1) Town and Country Planning Act 1990
Determining applications for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9)
Determining applications for conservation area consent	Sections 16(1) and 74(3) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9) (ref. Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regs 1990, SI 1990/1519)
Duties relating to applications for listed building and conservation area consent	Sections 13(1), 14(1) and 14(4) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, Regs 3 – 6 and 13 Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990, Paras 8, 15 and 22 DoE Circular 14/97
Serving building preservation notices, and related powers	Sections 3(1) and 4(1) Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Issuing enforcement notices in relation to demolition of unlisted buildings in conservation areas	Section 38 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Acquiring listed buildings in need of repair, and serving repairs notices	Sections 47 – 48 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Applying for injunctions in relation to listed buildings	Section 44A Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (ref. Schedule 3 Para 7 Planning and Compensation Act 1991, c.34)
Executing urgent works	Section 54 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area)	Sections 61G, 61H and 61I of the Town and Country Planning Act 1990 (as amended by section 116 and Schedule 9 of the Localism Act 2011)
Designation of an organisation or body as a neighbourhood forum and withdrawal of an organisation or body's designation as a neighbourhood forum	Section 61F of the Town and Country Planning Act 1990 (as amended by section 116 and Schedule 9 of the Localism Act 2011)

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Obtaining information as to interests in land	Section 330 Town & Country Planning Act 1990 (c.8)
Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976 (c.57)

2.6.6.3 Tree and hedgerow related functions

Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997/1160)
Powers relating to the preservation of trees	Sections 197 – 214D Town and Country Planning Act 1990, Trees Regulations 1999 (SI 1999/1892)
Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003

2.6.6.4 Highway and rights of way related functions

Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990
Creating footpaths bridleways or restricted byways by agreement	Section 25 Highways Act 1980 (c.66)
Creating footpaths bridleways and restricted byways	Section 26 Highways Act 1980
Duty to keep a register of information with respect to maps, statements and declarations	Section 31A Highways Act 1980
Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers	Section 115E, 115F and 115K of the Highways Act 1980
Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 155G of the Highways Act 1980
Stopping up footpaths bridleways and restricted byways	Section 118 Highways Act 1980
Determining applications for public path extinguishments orders	Sections 118ZA and 118C(2) Highways Act 1980
Making rail crossing extinguishments orders	Section 118A Highways Act 1980
Making special extinguishments orders	Section 118B Highways Act 1980

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Diverting footpaths bridleways and restricted byways	Section 119 Highways Act 1980
Making public path diversion orders	Sections 119ZA and 119C(4) Highways Act 1980
Making rail crossing diversion orders	Section 119A Highways Act 1980
Making special diversion orders	Section 119B Highways Act 1980
Requiring applicants for an order to enter into an agreement	119C(3) Highways Act 1980
Making an SSSI diversion order	Section 119D Highways Act 1980
Duty to keep a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1990	Section 121B Highways Act 1980
Declining to determine certain applications	Section 121C Highways Act 1980
Duty to assert and protect the rights of the public to use and enjoyment of public highways	Section 130 Highways Act 1980
Duty to serve notice of proposed action in relation to obstruction	Section 130A Highways Act 1980
Applying for variation of order under section 130B Highways Act 1990	Section 130B(7) Highways Act 1980
Authorising temporary disturbance of the surface of a footpath bridleway or restricted byway	Section 135 Highways Act 1980
Temporarily diverting a footpath bridleway or restricted byway	Section 135A Highways Act 1980
Functions relating to the making good of damage and removal of obstructions	Section 135B Highways Act 1980
Removal of obstructions from the Highway	Section 143 Highways Act 1980
Powers related to the removal of things so deposited on the highway as to be a nuisance	Section 149 Highways Act 1980
Extinguishing certain rights of way	Section 32 Acquisition of Land Act 1981 (c.67)
Duty to keep definitive map and statement under review	Section 53 Wildlife and Countryside Act 1981 (c.69)
Including modifications in other orders	Section 53A Wildlife and Countryside Act 1981

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Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981	Section 53B Wildlife and Countryside Act 1981
Preparing map and statement by way of consolidation of definitive map and statement	Section 57A Wildlife and Countryside Act 1981
Designating a footpath as a cycle track	Section 3 Cycle Tracks Act 1984 (c.38)
Extinguishing a public right of way over land acquired for clearance	Section 294 Housing Act 1981 (c.68)
Authorising stopping-up or diversion of a footpath or bridleway	Section 257 Town and Country Planning Act 1990
Extinguishing public rights of way over land held for planning purposes	Section 258 Town and Country Planning Act 1990
Entering into agreements with respect to means of access	Section 35 Countryside and Rights of Way Act 2000 (c.37)
Providing access in the absence of agreement	Section 37 Countryside and Rights of Way Act 2000
Allowing the deposit of a builder's skip on the highway	Section 139 Highways Act 1980 (c.66)
Licensing planting, retention and maintenance of trees, etc in part of the highway	Section 142 Highways Act 1980
Authorising erection of stiles etc on footpaths or bridleways	Section 147 Highways Act 1980
Licensing works in relation to buildings, etc which obstruct the highway	Section 169 Highways Act 1980
Consenting to temporary deposits or excavations in streets	Section 171 Highways Act 1980
Consenting to temporary deposits or excavations in streets	Section 171 Highways Act 1980
Dispensing with obligations to erect a hoarding or fence	Section 172 Highways Act 1980
Restricting the placing of rails, beams, etc over highways	Section 178 Highways Act 1980
Consenting to construction of cellars, etc under streets	Section 179 Highways Act 1980
Consenting to making of openings into cellars, etc under streets, and pavement lights and ventilators	Section 180 Highways Act 1980

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Granting a street works license	Section 50 New Roads and Street Works Act 1991 (c.22)
Power to enforce offences and issue proceedings relating to unauthorised street works	Sections 54, 55, 57, 70, 74, 74A New Roads and Street Works Act 1991
Registering common land or town and village greens, except where this power is exercised solely to give effect to: <ul style="list-style-type: none"> <li>- exchange of land effected by order under Section 19(3), or Para 6(4) Schedule 3, Acquisition of Land Act 1981 (c.67), or</li> <li>- order under Section 147 Enclosure Act 1845 (c.8 &amp; 9 Vict. c. 118)</li> </ul>	Regulation 6 Commons Registration (New Land) Regulations 1969 (SI 1969/1843)
Registering variation in rights of common	Regulation 29 Commons Registration (General) Regulations 1966 (SI 1966/1471, amended by SI 1968/658)

2.6.6.5 Environmental protection and control functions

Any functions relating to contaminated land	Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part
Service of an abatement notice in respect of statutory nuisance	Section 80(1) of the Environmental Protection Act 1990
Discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention & Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25),
	Part I of the Environmental Protection Act 1990 (c.43), Clean Air Act 1993 (c.11)
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Section 8 Noise and Statutory Nuisance Act 1993 (c.40)
Inspection of the authority's area to detect any statutory nuisance	Section 79 Environmental Protection Act 1990
Investigation of any complaint as to the existence of a statutory nuisance	Section 79 Environmental Protection Act 1990
Consenting to the operation of a loudspeaker	Schedule 2 Noise and Statutory Nuisance Act 1993 (c.40)

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Issuing 'site licences' authorising the use of land as a caravan site	Section 3(3) Caravan Sites Control and Development Act 1960 (c.62)
Issuing licences for use of moveable dwellings as camping sites	Section 269(1) Public Health Act 1936 (c.49)
Making closing orders with respect to take-away food shops	Section 4 Local Government (Miscellaneous Provisions) Act 1982 (c.30)
Any function regarding complaints of noise at night	Noise Act 1996

2.6.6.6 Health

Power to enforce offences relating to the display of no-smoking signs	Section 6(5) of the Health Act 2006
Power to enforce offences relating to smoking in smoke-free places	Section 7(4) of the Health Act 2006
Power to enforce offence of failing to prevent smoking in smoke-free places	Section 8(4) of the Health Act 2006
Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006

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**2.7 Planning Call-In Procedure**

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- ~~2.7.1 This paragraph only applies to a determination of planning application decisions made by the Planning and Environmental Protection Committee.~~
- ~~2.7.2 If the Planning and Environmental Protection Committee makes a determination as set out in paragraph 2.7.1 above, 30% of the Members present at the meeting where the resolution was passed can ask the Chief Executive that it be reported to a special meeting of the Appeals and Planning Review Committee.~~
- ~~2.7.3 The right under paragraph 2.7.2. above must be carried out within two working days of the end of the meeting by the submission of a planning call-in notice.~~
- ~~2.7.4 Signatories of a planning call-in notice or their group representatives can withdraw a planning call-in notice by notifying the Chief Executive in writing. If the planning call-in notice has been withdrawn, the original Committee decision takes effect.~~

**2.7 Peterborough Health and Wellbeing Board****Purpose and Terms of Reference****2.7.1. Background and context:**

The Peterborough Health and Wellbeing Board has been established to provide a strategic leadership forum focussed on securing and improving the health and wellbeing of Peterborough residents.

**2.7.2. The aims are:**

2.7.2.1 To bring together the leaders of health and social care commissioners to develop common and shared approaches to improving the health and wellbeing of the community.

2.7.2.2 To actively promote partnership working across health and social care in order to further improve health and wellbeing of residents.

2.7.2.3 To influence commissioning strategies based on the evidence of the Joint Strategic Needs Assessment.

**2.7.3. Its functions are:**

2.8.3.1 To develop a Health and Wellbeing Strategy for the city which informs and influences the commissioning plans of partner agencies.

2.8.3.2 To develop a shared understanding of the needs of the community through developing and keeping under review the Joint Strategic Needs Assessment and to use this intelligence to refresh the Health & Wellbeing Strategy.

2.8.3.3 To keep under review the delivery of the designated public health functions and their contribution to improving health and wellbeing and tackling health inequalities.

2.8.3.4 To consider the recommendations of the Director of Public Health in their Annual Public Health report.

2.8.3.5 To consider options and opportunities for the joint commissioning of health and social care services for children, families and adults in Peterborough to meet identified needs (based on the findings of the Joint Strategic Needs Assessment) and to consider any relevant plans and strategies regarding joint commissioning of health and social care services for children and adults.

2.8.3.6 To identify areas where joined up or integrated commissioning, including the establishment of pooled budget arrangements would benefit improving health and wellbeing and reducing health inequalities.

2.8.3.7 By establishing sub groups as appropriate give consideration to areas of joint health and social care commissioning, including but not restricted to services for people with learning disabilities.

2.8.3.8 To oversee the development of Local HealthWatch for Peterborough and to ensure that they can operate effectively to support health and wellbeing on behalf of users of health and social care services.

2.8.3.9 To keep under consideration, the financial and organisational implications of joint and integrated working across health and social care services, and to make recommendations for ensuring that performance and quality standards for health



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and social care services to children, families and adults are met and represent value for money across the whole system.

- 2.8.3.10 To ensure effective working between the Board and the Greater Peterborough Partnership ensuring added value and an avoidance of duplication.

## **2.7.4 Membership**

- 2.7.4.1 Membership of the Health and Wellbeing Board will be composed of the following:

### Peterborough City Council:

The Leader of the Council / Deputy Leader – Chairman of the Board  
 Cabinet Member Adults & Health Integration  
 Cabinet Member Public Health  
 An Opposition Councillor  
 The Corporate Director People and Communities  
 Service Director Adults and Communities  
 The Director of Public Health

### Cambridgeshire and Peterborough Clinical Commissioning Group

Local Chief Officer for Peterborough City and Borderline LCG  
 2 GP members representing Peterborough City Local Commissioning Group – Vice Chairman of the Board  
 1 GP member representing Borderline Local Commissioning Group

### Lincolnshire

1 GP representing South Lincolnshire CCG

### National Commissioning Board

1 representative of the NCB Local Area Team

### Peterborough Healthwatch

1 member

### The Board will also include as co-opted members the following:

Independent Chair of Local Safeguarding Children's Board and Peterborough Safeguarding Adults Board  
 The Chair of the Safer Peterborough Partnership (Claire Higgins)

- 2.8.4.2 The membership will be kept under review periodically.
- 2.8.4.3 The Board shall co-opt other such representatives or persons in a non-voting capacity as it sees relevant in assisting it to undertake its functions effectively.

## **2.8.5 Meetings**

- 2.8.5.1 The meetings of the Board and its decision-making will be subject to the provisions of the City Council's Constitution including the Council Procedure Rules and the Access to Information Rules, insofar as these are applicable to the Board in its shadow form.
- 2.8.5.2 The Board will meet in public.
- 2.8.5.3 The minimum quorum for the Board shall be 5 members which should include at least one elected member, one statutory director (DCS/DASS/DPH) and a CCG/LCG member.
- 2.8.5.4 The Board shall meet periodically and at least quarterly. Additional meetings shall be called at the discretion of the Chairman where business needs require.

2.8.5.5 Administrative arrangements to support meetings of the Board shall be provided through the City Council's Governance team.

## **2.8.6 Governance and Approach**

2.8.6.1 The Board will function at a strategic level, with priorities being delivered and key issues taken forward through the work of the partnership organisations.

2.8.6.2 Decisions taken and work progressed will be subject to scrutiny of the City Council's Scrutiny Commission for Health Issues.

## **2.8.7 Wider Engagement**

2.8.7.1 The Health and Wellbeing Board will develop and implement a communications engagement strategy for the work of the Board, including how the work of the Board will be influenced by stakeholders and the public.

2.8.7.2 The Board will ensure that its decisions and the priorities it sets take account of the needs of all of Peterborough's communities and groups are communicated widely.

## **2.8.8 Review**

2.8.8.1 These Terms of Reference will be reviewed periodically.

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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;
- iii. receive a report from the Returning Officer on the outcome of City Elections;
- iv. upon retirement of the previous Leader, which shall be at least once every four years, elect the Leader of the executive (the Cabinet)
- v. 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;
- vi. 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;

- vii. receive the Leader's scheme of delegation of executive functions (as set out at Part 3(3) of this Constitution);
  - viii. approve a programme of ordinary meetings of the Council for the year; and
  - ix. 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 and Leader (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 and Members in accordance with Standing Order 16;
- vii. consider petitions in accordance with the Council's petition scheme;
- viii. Receive questions from, and provide answers to, Members in accordance with Standing Order 17.2;
- ix. deal with any business from the last Council meeting;
- x. receive reports from the Cabinet for consideration, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- xi. receive any reports from the Council's committees and overview and scrutiny committees for consideration and receive questions and answers on any of those reports;
- xii. receive reports about and receive questions and answers on decisions made by members of the Cabinet since the last meeting of Council;
- xiii. receive any reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority;
- xiv. consider motions; and
- xv. 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 or any representative of the Council on the Combined Authority any question without notice upon an item of the report of the Cabinet or a committee or from the Combined Authority 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;



- the chair of any committee or sub-committee; or
- any representative of the Council on the Combined Authority.

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 for questions to the Mayor, Leader or member of the Cabinet, or the chair of any committee or sub-committee, and 15 minutes for questions to any representatives of the Council on the Combined Authority.

### 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; ~~or~~
- c) the question is not substantially the same as a question which has been put at a meeting of the Council in the past six months.

### 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.

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## **Section 4 - General Standing Orders**

### **1. INTERESTS OF MEMBERS**

- 1.1 If a Member has any disclosable pecuniary interests or other interests (within the meaning of the Members' Code of Conduct ) the member shall disclose them to the meeting unless they are already entered in the register of members' interests or have been notified to the Monitoring Officer in writing (a "pending notification"). The Member need not leave the meeting, but may neither speak nor vote, unless a dispensation has been granted by the Monitoring Officer (to speak) or the Audit Committee (to speak and vote).
- 1.2 Members will give notice to the Monitoring Officer of all their respective interests under the Members' Code of Conduct.
- 1.3 Members of the public will be able to inspect the Register kept by the Monitoring Officer under Section 81 of the Local Government Act 2000 during normal office hours.
- 1.4 If a Member has a disclosable pecuniary interest or other interest under the Members' Code of Conduct they will declare the interest in accordance with the requirements of the Code of Conduct.
- 1.5 Although a member with a disclosable pecuniary interest is not required to leave the meeting while the matter is considered, if the Member chooses to do so the Member will be called back once the item has been dealt with.

### **2. OFFICERS' INTEREST IN CONTRACTS**

The Monitoring Officer will record in a special book any notice an officer gives under Section 117 of the Local Government Act 1972 of a financial interest in a contract. The book will be open during office hours for the public to inspect.

### **3. SEALING DOCUMENTS**

- 3.1 The Council will not attach its common seal to any document unless the sealing has been authorised in accordance with this Constitution
- 3.2 The following person or people will attach the seal:
- (a) the Chief Executive, the Corporate Director Resources, the Solicitor to the Council or any lawyer authorised by him or her;
  - (b) the Mayor, the Deputy Mayor or another Member, together with the Chief Executive or the Solicitor to the Council or any lawyer authorised by him or her.

### **4. AUTHORITY TO SIGN DOCUMENTS**

- 4.1 The Chief Executive, the Corporate Director Resources, the Solicitor to the Council or any solicitor authorised by him/her can sign on behalf of the Council:
- (a) any contract (without the seal); and
  - (b) any document which that officer considers is proper and necessary to give effect to a resolution;

as long as nothing in this paragraph prevents any other person from being authorised to sign the document, where this Constitution allows.

## 5. **CONTRACTS**

5.1 The Chief Executive, the relevant Director, Head of Service or Assistant Director can approve any action and/or expenditure in respect of contracts provided that the action and/or expenditure is:

- (a) contained within an approved capital or revenue budget;
- (b) not contrary to the Council's Budget or Major Policy Framework; and
- (c) in line with Contract Regulations and Financial Regulations

## 6. **EMERGENCY ACTION BY THE CHIEF EXECUTIVE**

6.1 When the Chief Executive feels that circumstances make it necessary for the Council to take urgent action which would not otherwise be in accordance with the Constitution the Chief Executive is deemed to have delegated authority for this purpose, in consultation with the Leader and the ~~lead Member for Scrutiny—the Chairman of the Strategic Growth Scrutiny Committee~~Chairman of the relevant Scrutiny Committee.

6.2 A report on this action, and why it was necessary will be made to the next meeting of the Cabinet and the relevant Scrutiny Committee ~~or Scrutiny Commission.~~

## 7. **GENERAL AUTHORITY OF THE SOLICITOR TO THE COUNCIL**

7.1 If the Council has to issue any document in legal proceedings, the Solicitor to the Council may sign it unless someone else is authorised to do so by this Constitution.

7.2 The Solicitor to the Council has the authority to take all legal proceedings on behalf of the Council unless someone else is authorised to do so by this Constitution.

7.3 The Solicitor to the Council has the authority to defend all legal proceedings brought against the Council and to take any steps he or she considers necessary to do this.

7.4 If the Chief Executive is absent, the Solicitor to the Council will deal with all procedural matters within this Constitution.

## 8. **MONITORING OFFICER**

Each Chief Officer will immediately tell the Monitoring Officer of any proposal, decision or omission connected to their department which may lead to a report to the Council by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

## 9. **SUSPENDING STANDING ORDERS**

Any paragraph within Part 4 of this Constitution except Section 1, paragraph 13.15 , Section 2 paragraph 13.4, Section 3 paragraph 6 and 7 and Section 5, 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.

**10. VARYING AND CANCELLING STANDING ORDERS**

When an addition or variation to, or cancellation of these standing orders is proposed and seconded, the motion will be postponed without discussion to the next ordinary meeting, unless the Monitoring Officer advises that the matter need not be postponed.

**11. INTERPRETATION OF STANDING ORDERS**

The Mayor's ruling on how to apply these Standing Orders will not be challenged at any meeting. His or her interpretation will be fully recorded in the Minutes.

**12. STANDING ORDERS AND PROCEDURE RULES TO BE GIVEN TO MEMBERS**

The Chief Executive will give each Member access to a copy of the Constitution and any legal provisions that regulate our proceedings and business.

**13. POLITICAL GROUPS**

13.1 Members who may, from time to time, be selected as leaders of political groups will be known as 'The Leader of the (name of group) Group'. The Member will give the Chief Executive written notice of their appointment for him or her to report to the Council's annual meeting, or at any other time when a new selection is made.

13.2 If a political group has given notice that a Member is authorised to act in place of the Leader of the Group, the Member will be entitled to act for the relevant leader if the leader is absent or incapable or unwilling to act. The Member will give the Chief Executive notice that they are authorised to act, and will then receive any documents which the Leader of the Group would have been entitled to.

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## **Petition Scheme**

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Peterborough City Council

## 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 ~~C~~ouncil will receive an acknowledgement from the Council within 45 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 ~~full C~~ouncil. These meetings take place approximately every 6 weeks, dates and times can be found here:

#### [Council Meetings](#)

- 1.5. If you would like to present your petition to the ~~C~~ouncil, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on (01733) 747474 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~~ will be eligible for 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 will be eligible for submission to ~~can trigger~~ a ~~F~~ull Council for 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 [eh.licensing@peterborough.gov.uk](mailto:eh.licensing@peterborough.gov.uk) Further information on how to submit a review to a licenced premises is available through the council website ([Licences](#)) or by contacting the licensing team on 01733 453491
- Petitions relating to planning decisions should be e-mailed to [planningcontrol@peterborough.gov.uk](mailto:planningcontrol@peterborough.gov.uk) or sent to the following address:

Planning & Building  
Growth & Regeneration  
Town Hall  
Bridge Street

Peterborough  
PE1 1HG

Further information on how to have your say on planning applications is available through following this link: [Search Planning Applications](#)

### 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, or directly to the Council Offices. 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, 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 1), 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 Committees) 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 ~~C~~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~~ 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 ~~4~~5 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 A response will be provided to the petition organiser within 15 working days of the acknowledgement being sent.

- 4.3 If the petition has enough signatories to ~~trigger permit~~ a Scrutiny Committee, Cabinet, or 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.

- 4.4 If we can do what your petition asks for, the ~~acknowledgement~~ may response will confirm that we have taken the action requested and the petition will be closed. If some other action is proposed or intended, the ~~acknowledgement response~~ will explain this.

- 4.5 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), or place of study (if you study 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.

#### 4.6 Please ensure that when you submit your petition that you identify who your petition organiser is, with relevant contact information.

- 4.7 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.
- 4.8 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 become eligible for 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 debate will be conducted and concluded as follows:

5.3.1 The debate on an individual petition will be unlimited, with Members able to speak for up to three minutes each, except for the relevant Cabinet Member's initial contribution, which shall be for up to five minutes.

5.3.2 The petition organiser will be given five minutes to present the petition at the beginning of the debate.

5.3.3 The Mayor will facilitate discussion of the petition by Members, offering the relevant Cabinet member the opportunity to make the first contribution.

5.3.4 At the conclusion of the debate, the Mayor will offer a "right of reply" to the petition organiser, so that they may respond for up to three minutes to any matters raised in the debate.

5.3.5 The Mayor shall then offer the "right of reply" to the relevant Cabinet Member who shall respond for up to three minutes and then propose a course of action to be taken in response to the petition. The courses of action available to the Council will be either to:

- Note and take no action for the reasons put forward in the debate;
- Take the action requested by the petition (if it's within the Council's remit to do so); or



- Refer the petition to either Cabinet, a Cabinet Member, or the relevant Scrutiny Committee for consideration having regards to the comments made in the course of debate;

5.3.6 The Mayor shall seek a seconder for the motion proposed by the relevant Cabinet Member and then enquire as to whether alternative courses of action wish to be proposed, as set out in paragraph 5.3.5. Any motion proposed will need to be seconded;

5.3.7 If only one motion has been proposed and seconded, the Mayor will call for a vote on that motion, which will either be carried or defeated;

5.3.8 Should multiple motions have been proposed and seconded, the Mayor will call for a vote on each motion in turn until a motion is carried and an outcome is achieved.

5.4 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 [www.peterborough.gov.uk/ePetitions](http://www.peterborough.gov.uk/ePetitions). E-petitions must follow the same guidelines as paper petitions. E-petitions will not trigger the same submission or reporting steps as a petition 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 [petitions@peterborough.gov.uk](mailto:petitions@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 Democratic** 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 [www.peterborough.gov.uk/ePetitions](http://www.peterborough.gov.uk/ePetitions).
- 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 Democratic Services on (01733 747474) 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](http://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: 01733 296 331

By e-mail: [complaints@peterborough.gov.uk](mailto:complaints@peterborough.gov.uk)

By letter: You can write to the department or service concerned.

Appendix 1

**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 [Part 5 Codes of Conduct Good Practice and Protocols](#) 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.

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 2

### **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  
Tel: (01733) 452537  
Email: [petitions@Peterborough.gov.uk](mailto:petitions@Peterborough.gov.uk)

To see our Petitions scheme information up on our Council website please follow this link:

[Part 5 Codes of Conduct Good Practice and Protocols](#)



**ITEM 9(c) – FOR INFORMATION**

<b>AUDIT COMMITTEE</b>	<b>AGENDA ITEM No. 11</b>
<b>26 JUNE 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Kim Sawyer, Director of Governance	
Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member for Resources	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

**UPDATES TO THE CONSTITUTION**

R E C O M M E N D A T I O N S	
<b>FROM:</b> <i>Member, Officer, and Constitutional Review Working Group</i>	<b>Deadline date:</b> <i>19 July 2017</i>
<p>It is recommended that the Audit Committee recommend to Council:</p> <ol style="list-style-type: none"> <li>1. Agreement to suspend standing order 29.2 to allow for variation of Council Standing Orders with the item standing adjourned;</li> <li>2. Approval of the updated Regulatory Committee Functions (Appendix A);</li> <li>3. Approval of the updated Council Standing Orders (Appendix B);</li> <li>4. Approval of the updated General Standing Orders (Appendix C); and</li> <li>5. Approval of the updated Petition Scheme (Appendix D).</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Audit Committee following a referral from the Member, Officer, and Constitutional Review Working Group on 26 April 2017 and 14 June 2017.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to provide to obtain the Committee's views on proposed amendments and updates to the Council's constitution, including Regulatory Committee Functions, Standing Orders, and Petitions Scheme.

2.2 This report is for the Audit Committee to consider under its Terms of Reference No. 2.2.1.10, '*To maintain an overview of the Council's constitution with the exception of those matters under the remit of the Executive or a regulatory committee.*'

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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## 4. BACKGROUND AND KEY ISSUES

### Part 3, Section 2 - Delegations (Appendix A)

- 4.1 Changes have been proposed within this document in two specific areas. The first is the section outlining the process for call-in of Planning and Environmental Protection Committee decisions to the Planning and Appeals Review Committee.
- 4.2 Following a decision of the Planning and Environmental Protection Committee being called-in earlier this year, it was brought to light that the procedures around calling in items required further clarity.
- 4.3 The key points for Members to note are:
- The requirements introduced to provide sufficient reasoning for the call-in, on material planning grounds or procedural grounds;
  - The validation of the call-in; and
  - Clarity around the speaking scheme in place for the Planning and Appeals Review Committee.
- 4.4 Amendments have also been suggested to the powers delegated to officers around protected trees and emergency Article 4 Directions, following a request from officers.
- 4.5 The Member, Officer, and Constitutional Working Group suggest further changes to the Planning and Environmental Protection Committee referral guidance to ensure that, when Members or Parish Councils, refer an item to the Committee, sufficient Planning Grounds are provided. It is also noted that those making referrals would be expected to attend the Committee, where possible.

### Part 4, Section 1 - Council Standing Orders (Appendix B)

- 4.6 It is suggested that amendment be made to the Council Standing Orders in the following areas:
- To allow for the debate of a petition, should the relevant trigger point be met;
  - To restrict questions on notice so that no question can be asked that is substantially the same as a question asked within the previous 6 months; and
  - To include a requirement that any motion that rescinds a decision taken in the previous 6 months be signed by 5 members *from more than one Political Group*.
- 4.7 A further amendment is suggested to remove Council Standing Order 29.2, which requires variations to the Standing Orders to be moved at a meeting of Council, with debate postponed to the following meeting. This requirement was put in place to ensure that all variations to Standing Orders were given due consideration. However, as any proposed changes to Standing Orders are now required to first be agreed by the Audit Committee, it is suggested that this Standing Order is superfluous.

### Part 4, Section 4 - General Standing Orders (Appendix C)

- 4.8 The amendments proposed to the General Standing Orders are straightforward, to take into account the new Scrutiny arrangements.

### Part 5, Section 9 - Petition Scheme (Appendix D)

- 4.9 Earlier in the 2016/2017 municipal year Full Council debated a petition which had met the relevant trigger point set out in the Council's Petition Scheme. During this process, it was considered that the Petition Scheme should be updated to include the full procedure for a petition debate at Council.
- 4.10 This proposed procedure is set out in the attached scheme.

## **5. CONSULTATION**

5.1 The Member, Officer, and Constitutional Working Group considered the proposals at its meetings on 26 April 2017 and 14 June 2017, making the above recommendations.

5.2 Group Leader's have further been consulted on the proposals, with no additional suggestions received.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that, should the proposed amendments be made to the constitution, the changes will provide greater clarity on the procedures for both call in of Planning and Environmental Protection Committee decisions, and Full Council's debate of petitions. The changes proposed to the Council Standing Orders will ensure a debate remains relevant and focused.

## **7. REASON FOR THE RECOMMENDATION**

7.1 The recommendations are made to the Audit Committee to ensure that the Constitution is as up to date and meaningful as possible, and provides clarity on all relevant procedures contained within.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

### **To Maintain the Constitution in its Current Form**

8.1 This option was dismissed, as to do so would leave the relevant sections of the Constitution unclear and inaccurate.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 There are no financial implications arising from this decision.

### **Legal Implications**

9.2 There are no legal implications arising from this decision.

### **Equalities Implications**

9.3 There are no equalities implications arising from this decision.

## **10. BACKGROUND DOCUMENTS**

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

10.1 Peterborough City Council Constitution

## **11. APPENDICES**

Appendix A - Regulatory Committee Functions

Appendix B - Council Standing Orders

Appendix C - General Standing Orders

Appendix D - Petition Scheme

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<b>COUNCIL</b>	AGENDA ITEM No. 9(d)
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

## **EXECUTIVE AND COMMITTEE RECOMMENDATIONS TO COUNCIL**

### **(d) LICENSING COMMITTEE RECOMMENDATION – PROPOSED TAXI POLICY - RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION DATE**

Licensing Committee, at its meeting of 6 July 2017, received a report to advise members of the consultation process carried out on the proposed Taxi Policy, to request members to properly consider the responses received and determine the direction of the policy in consideration of those responses, agree the adoption of the final policy, subject to amendments, and set the implementation date for the policy and conditions to take effect.

At the meeting the Licensing Committee agreed with officer direction on areas where no amendment was required in relation to the responses received following the consultation of the draft taxi policy.

The Committee further considered the consultation responses and other matters within the report and:

- (i) Following a vote 5 for and 3 against it was agreed to retain the status quo in regards to the 3 year standard DBS arrangements;
- (ii) following a vote, unanimously Agreed to the addition of the paragraph within sections 6 – Enforcement of the draft taxi policy ‘Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action’;
- (iii) Agreed to drop proposal option d) not to extend the life of a vehicle in the trade based on emission standards and to retain status quo;
- (iv) Agreed to remain with the status quo in relation to the licensing age of HCVs as follows:  
A maximum age at time of first being licence - 3 year old; with a maximum age limit for a Hackney carriage vehicle for 15 years;
- (v) Agreed to retain the Group 2 medical check outlined within the draft policy on taxi license application for drivers and then every three years, then annually thereafter when the driver reaches 65;
- (vi) Agreed to amend the draft policy in relation to the Part 2 notice wording ‘Should you wish to comment positively or negatively on any aspect of your journey today, please call....’;
- (vii) Noted the awaited response from the secretary of state regarding the proposed byelaws and the pending consultation;
- (vii) Noted the use of the designated car parks (wellington street, Wirrina and Pleasure Fair Meadow) for the purposes of PHV waiting subject to two director approvals and an amendment to the (Traffic Regulation Order).

These amendments have been made within the attached appendices.

**IT IS RECOMMENDED** that Council:

- 1) Adopt the draft Taxi Policy, subject to the amendments proposed by the Licensing Committee;

- 2) Agree the Taxi Policy implementation date to be of immediate effect, subject to:
  - (i) An allowance of 3 months for the amendment of the Off Street Traffic Regulation Order; and
  - (ii) Relevant procurement process for outsourcing driving tests.
- 3) Approve the amendment of the Licensing Committee terms of reference to state that:
  - (i) On recommendation by the Licensing Committee all statutory policies within the Licensing Committee's remit must go to Full Council for formal adoption. This includes any modifications, amendments to those policies; and
  - (ii) On recommendation by the Licensing Committee all non statutory policies must be submitted either to Full Council or Cabinet for formal adoption. Thereafter, any minor amendments or modifications, can be adopted by the Licensing Committee.

## **APPENDICES**

Appendix 1 – Hackney Carriage and Private Hire Draft Licensing Policy

The original Licensing Committee report follows these appendices.



# Peterborough City Council

Hackney Carriage and Private Hire  
Draft Licensing Policy

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**Definitions**

The Council	Means Peterborough City Council
The Licensing Authority	Means the licensing function within Peterborough City Council
The Controlled District	Boundary area of a local authority which has adopted the provisions of the 1976 Act
The Licensing Committee	Is the committee which determine licensing matters as set out in the council's constitution
Authorised Council Officer	A council officer who is authorised by the council to exercise powers and duties conferred by legislation
This Policy	Is this policy document and appendices
Applicant	Is a person or business who has submitted an application for either a grant or renewal of a licence
Licensed Vehicle	Is a vehicle which is licensed under the 1847 Act as a hackney carriage or licensed under the 1976 Act as a private hire vehicle
Proprietor	Is the registered owner or part owner of a vehicle
Taximeter	Is the device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
Fare Card	Is a card which must be displayed in vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and soilage charge and the licence plate number
The Licence Plate	The plate which licensed vehicles must display which shows the licence number, the maximum amount of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Date of First Registration	Means the date shown as the date of first registration on the vehicle's V5 logbook issued by DVLA
Driving licence	A full GB driving licence issued by DVLA or acceptable equivalent as defined by DVLA
Licensed Driver	A driver licensed under the 1847 Act to drive a hackney carriage vehicle or under the 1976 Act to drive a private hire vehicle.
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Operator	The business which invites and accepts bookings for private hire work
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Private Hire Door Stickers	Door stickers which must be permanently affixed to the rear doors of private hire vehicles which display 'Private Hire vehicle – Insurance invalid unless pre-booked with an operator'
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
DVLA	Is the Driver and Vehicle Licensing Agency
DfT	Is the Department for Transport
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
The Equality Act	Means the Equality Act 2010
Assistance Dog	Is a dog which is trained to assist people with disabilities to help them with their day to day life
Conditions	Mean the conditions of licence applied by the council to either a driver's licence, an operator's licence or a vehicle licence.
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
Road Traffic Acts	Including all associated legislation
PSV	Means Public Service Vehicle
WAV	Wheelchair Accessible Vehicle
Byelaws	Locally adopted 'conditions' applicable to hackney carriage drivers

## Key Facts about Peterborough and District

Peterborough is a modern and progressive city with a strong historical character that makes it a stimulating environment in which to live, work and visit.

In the 2011 Census, Peterborough had a population of approximately 183,000, with an approximate population of 188,400 in 2013. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 350,000 people in both the East of England and East Midlands regions.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today, Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the East of England. It is only 45 minutes from central London and within striking distance of the region's other great cities being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

Peterborough continues to invest in regeneration, infrastructure and accessibility, with projects within the city centre and the outskirts. This creates a vibrant mix of activities and premises catering for a multi-cultural city, offering a wide range of facilities to residents and visitors.

There are over 950 licensed drivers, approximately 175 licensed hackney carriage vehicles (taxis), and over 700 licensed private hire vehicles and 50 operators.

Peterborough city council recognise the vital and important role that hackney carriage and private hire vehicles, drivers and operators play in an integrated transport system. They provide services in situations where other forms of transport are either not available such as rural areas, late night economy or for persons with mobility difficulties.

The council's strategic priorities are:

- Drive growth, regeneration and economic development
- Improve educational attainment and skills
- Safeguard vulnerable children and adults
- Implement the Environment capital agenda
- Support Peterborough's culture and leisure trust Vivacity
- Keep all our communities safe, cohesive and healthy
- Achieve the best health and wellbeing for the city

**SECTION 1****1. Introduction****Policy Purpose, Status and Scope**

- 1.1 The purpose of this policy is to provide guidance and information regarding the general approach taken by Peterborough City Council, when administering its functions within the legislative framework of the 1847 and 1976 Acts. It has traditionally exercised these responsibilities through a number of sets of conditions, byelaws, guidelines and procedures which have been developed and adopted over the years. It is widely considered best practice to create a unified policy that brings together all of these procedures and documents in one overarching policy.
- 1.2 This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements shall not apply and will be amended at the earliest opportunity.
- 1.3 The legislation places a duty on the council as the licensing authority for licensing hackney carriage and private hire vehicles, drivers of those vehicles and operators of those vehicles. The licensing authority understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that drivers are fit and proper to undertake the role. This policy and the imposition of conditions found in the appendix documents are considered appropriate to address all these aspects.
- 1.4 The primary focus when administering its functions are public safety, safeguarding and wellbeing.
- 1.5 In exercising its discretion in carrying out regulatory functions, the council will have regard to this policy and appendices.
- 1.6 In formulating this policy, consideration has been given to local circumstances and requirements and the DfT best practice guidance March 2010.
- 1.7 Every decision, application and enforcement action will be considered on its own merits.
- 1.8 The council may depart from this policy if merited, but will provide clear and compelling reasons for doing so.
- 1.9 This policy is not a comprehensive statement of the law, applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- 1.10 It must be noted that vehicles and drivers licensed by different local authorities can be used for private hire purposes within this district. These vehicles and drivers are not subject to compliance with the conditions applied by this authority. But must still comply with their own local authority conditions and the general law.

**Consultation and Revision**

- 1.11 The council consulted with stakeholders prior to the adoption of this policy, and will do so for the further continuation and development of the policy.
- 1.12 This policy and appendices will be kept under review and revised as appropriate and in any event, not less than every five years. The council expects licence holders to comply with its terms and conditions.
- 1.13 The council will keep the policy and appendices under review and will consult where appropriate on proposed revisions. Appendices and sections of the policy may be updated and amended by the licensing committee after consultation without the whole policy being consulted upon.

- 1.14 The council has taken this opportunity to review and redraft the byelaws which apply to hackney carriage drivers. The proposed new byelaws are based on the DfT model and will be subject to a separate consultation process in due course.  
Persons wishing to respond and make comment must do so within the consultation period. This is to ensure that all comments can be properly considered prior to their adoption.
- 1.15 This being the first draft of the policy, was consulted upon for 8 weeks from Friday 7th April 2017 to Friday 2nd June 2017.
- 1.16 The consultation draft policy was made freely available on the council's website and main council buildings. There was a public notice in the local newspaper advising of the consultation and period.
- 1.17 Consultation took place with the following:
- Peterborough Hackney Carriage Representatives
  - Taxi and private hire drivers and proprietors
  - Peterborough private hire operators
  - Peterborough city council councillors
  - Parish councillors
  - Passenger Transport
  - Local Children's Safeguarding
  - Police Chief Constable
  - Peterborough Chamber of Commerce
  - General public
- 1.18 On the 6th July 2017, the licensing committee properly considered all responses to the consultation and recommended adoption of the amended policy to full council. A meeting of the full council was held on the 19th July 2017, where it was agreed to adopt the policy as recommended by the licensing committee. *(This is subject to approval by full council on 19<sup>th</sup> July 2017)*. This policy becomes effective from this date. Where the adoption of this policy results in a process change, this will be implemented at the earliest opportunity.

### **The Licensing Regime – General overview**

- 1.19 The primary legislation applicable is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Vehicles used for hire and reward which accommodate a maximum of up to eight passengers, drivers of those vehicles and operators of private hire vehicles are regulated by the above legislation. Vehicles which accommodate more than eight passengers are classed as Public Service Vehicles (PSV) and are not covered by the legislation or this policy. The council has no involvement in the licensing of PSV's, they are the responsibility of The Traffic Commissioner.
- 1.20 Any person who carries out hire and reward work without the correct licences, would be breaking the law and therefore would not have valid insurance. This can have serious consequences for all parties involved, if an accident or incident occurs.
- 1.21 In order to be licensed correctly the licenses must 'match', i.e. issued by the same local authority. A hackney carriage vehicle and the driver must be licensed by the same local authority. For private hire, the operator, driver and vehicle must be licensed by the same authority. This does not prohibit the operator subcontracting a booking to another operator licensed by a different local authority.
- 1.22 The legislation places a duty on the local authority to only licence those who are considered to be 'fit and proper'. The term 'fit and proper' is not defined in legislation therefore the widest interpretation will apply.
- 1.23 The legislation allows local authorities to set their own conditions, requirements and application processes. Which means that each local authority's requirements and conditions are different.
- 1.24 The aim of the legislation is to ensure that the public have reasonable access to these services and to ensure the public are protected. Public safety is paramount and has a wide scope, it includes public safeguarding, protecting vulnerable persons and public wellbeing. To achieve the aim of the

legislation and to meet the obligations of the Acts, Peterborough City Council have set conditions and processes in place, which promote well run, safe and responsible businesses.

- 1.25 Other general law is also applicable such as the Road Traffic Act, Health and Safety at Work Act, the Health Act, the Equality Act etc. This is not a definitive list and not all applicable legislation is enforced or regulated by the council. Peterborough City Council expects licence holders to ensure that they keep up to date and comply with all applicable legislation pertaining to their roles.

### **Role of Hackney Carriage and Private Hire Trade and the difference between them**

- 1.26 The council recognises the importance of hackney carriage and private hire vehicles, drivers, proprietors and operators. They play an essential role in the provision of local transport for those who have difficulty getting about on public transport, those enjoying the night time economy, taking children to school etc., and are vital in helping to maintain a healthy local economy. They can often be the first contact for a visitor to the local area.
- 1.27 Whilst the general public do not always know the difference between a hackney carriage and a private hire vehicle, and often refer to both as taxis, there are significant distinctions in law, on how they are allowed to operate. However, both have equal importance.
- 1.28 Within the district in which a hackney carriage vehicle (and driver) are licensed, they are available for immediate hiring, they can be hailed (or flagged) in the street, can wait on a rank and be approached directly by a member of the public i.e. 'ply for hire' in public places. They are not required to be booked via an operator. They must display a fare card within the vehicle which shows the current maximum fares to be charged as set by the local authority. In law, these are allowed to be called 'taxis' or 'cabs', and are sometimes also referred to as Black or London Cabs.  
Hackney carriages licensed by another local authority who operate within this district cannot ply for hire or wait on ranks. They may however be used for private hire purposes, i.e. carry out pre-booked journeys.
- 1.29 A private hire vehicle is not allowed to accept direct bookings from the public. They can only accept bookings from a licensed operator, they cannot operate independently, i.e. without a licensed operator. They cannot be hailed in the street or wait on ranks. If a private hire driver accepts a fare which has not been pre-booked through a licensed operator, they are committing an offence and potentially driving without valid insurance.  
The fares charged are not regulated by the authority, but must be agreed with the operator at the time of booking. Although, within district, where a private hire vehicle has a taximeter fitted, the fare charged cannot be more than would be charged by the taximeter fare. They are not allowed to use the term 'taxi' or 'cab' but may be called 'minicabs'.
- 1.30 In determining if a vehicle is being used for private hire purposes and needs to be licensed, the council will have regard to the guidance issued by DfT. See link below.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/3985/phv-licensing-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3985/phv-licensing-guidance.pdf)
- 1.31 The conditions set by this council require both hackney carriages and private hire vehicles to display the licence plate on the rear of the vehicle. A hackney carriage vehicle is required to display a white plate and a private hire vehicle must display a yellow plate, unless exempted.

### **Local Transport Plan – (LTP4 LTTS 2016-2021)**

- 1.32 In developing this policy due regard has been given to the local transport plan to ensure consistency and development for a sustainable future. The council encourages the uptake of electric and ultra-low emission private hire vehicles and taxis where possible. Electric charging points have been installed in various locations and development of these is ongoing.
- 1.33 Peterborough do not have a set limit for hackney carriage vehicles, this ensures that taxis and private hire vehicles are readily available for passengers in Peterborough. The conditions set by this council are aimed to ensure licensing standards result in a high level of service and that vehicles offer a safe and comfortable journey.

- 1.34 Training for all new drivers is in place. All new applicants must pass the taxi competency course provided by Peterborough Regional College, which includes amongst other things, the importance of disability awareness and safeguarding.
- 1.35 The licensing department have regular contact with hackney carriage representatives to support the improvement and development of taxi ranks.
- 1.36 Further information on the local transport plan can be found on the council website. See link below <https://www.peterborough.gov.uk/council/strategies-policies-and-plans/transport-strategies/local-transport-plan/>

### **Passenger Transport**

- 1.37 To become an approved operator for children's transport, please call the Passenger Transport Team on 01733 747474

### **Information sharing**

- 1.38 The council works in partnership with many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, benefit fraud etc. The council will share information with other departments or regulatory bodies where appropriate. The council is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- 1.39 The legislation also requires local authorities to maintain a public register.
- 1.40 The council will work with neighbouring authorities and report to them any relevant matters that relate to their licence holders.

### **Decision making**

- 1.41 Each application and enforcement action will be determined on its own merits. Determination of applications will be made in accordance with this policy and the council's constitution. Officers have delegated powers, but may also refer certain matters to the licensing committee if appropriate.
- 1.42 Enforcement actions will be in accordance with this policy, the council's enforcement policy and the Regulators' Code 2014.
- 1.43 Any person who has been refused a licence, or has had their licence revoked or suspended, or who believes that the imposition of a condition is unfair, may appeal to the magistrate's court within 21 days of being given the decision.

### **Immigration Act – all licences**

- 1.44 The council has a statutory obligation to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licenses will be undertaken in accordance with the requirements of the Immigration Act 2016 with due regard to Home Office guidance.
- 1.45 The council takes this responsibility seriously and has checks in place to ensure compliance with the Act, and will liaise where required with relevant Home Office departments. If however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.
- 1.46 A licence may be suspended or revoked or refused to be renewed if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- 1.47 Proprietors and operators also have an obligation to ensure that they only utilise persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will

be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment.

### **Policing And Crime Act 2017**

- 1.48 The council will give full regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. If any changes to any parts of this policy or related appendices are required when the guidance is released, they will be amended at the earliest opportunity.

## **SECTION 2**

### **2 General provisions for hackney carriages and private hire vehicles**

#### **Vehicles General**

- 2.1 Peterborough city council has not set a limit for the amount of hackney carriage vehicles it will licence. There is no provision for the council to limit the amount of private hire vehicles it licences.
- 2.2 The maximum duration of a vehicle licence is one year, this is a requirement of legislation. However, a vehicle licence can be renewed up to the age at which it will be de-licensed as specified in the relevant appendices.
- 2.3 If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed within 28 days of the expiry of the licence, will be classed as de-licensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle. Exceptions may be made, if the vehicle is undergoing major repair work.
- 2.4 It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner to avoid the unnecessary burden of a vehicle being de-licensed.
- 2.5 Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is de-licensed. This means that these vehicles can only be driven by licensed drivers. The only exception to this is where an applicant is undertaking a test, or the vehicle is being tested e.g. driven by a garage mechanic.
- 2.6 Therefore any other person who is not a licensed driver themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person, is likely to be invalid. Insurance policies are usually invalid if the insured is knowingly breaking the law by driving the vehicle.
- 2.7 Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.
- 2.8 The council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence. These can be found on the appendices attached, Appendix C for private hire vehicles and Appendix A for hackney carriage vehicles. There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at Appendix F. These appendices also provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.
- 2.9 The council has set these conditions as the minimum standards to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type approval and construction and use regulations.
- 2.10 Whilst each application will be determined on its own merits, it is unlikely that the council would licence a vehicle which did not meet the licensing standards and specifications. Where a vehicle proprietor wishes to licence a vehicle which did not meet the specifications and standards, they are encouraged



instead to put forward a case for modification of the standards.

- 2.11 All vehicles must provide adequate heating and ventilation systems for the driver and passengers. Passengers must be able to operate the windows independently.
- 2.12 All expired plates must be returned to the council or retained by the appointed testing station upon renewal.
- 2.13 All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes and vaping in licensed vehicles, whether by the driver or passengers

### **Appearance**

- 2.14 Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise, meet the expectations of this council and the travelling public.
- 2.15 The exterior of the vehicle must be reasonably clean to ensure that passengers can get in and out of the vehicle without fear of getting their clothing dirty with dust, oil, mud and other road debris. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.
- 2.16 Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.
- 2.17 All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle and has been granted a plate exemption certificate.
- 2.18 The licence plate must be securely fixed to the outside of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer.
- 2.19 The council will not permit any advertising which it considers inappropriate, therefore all advertising, (except for the operator name and telephone number), on or in vehicles must be approved prior to being placed on or in the vehicle.
- 2.20 Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed (not magnetic) door signage. This signage must state 'Private hire vehicle – insurance invalid unless pre-booked with operator'.

### **Age policy**

- 2.21 The council must ensure that the vehicles it licenses are fit and safe for the purpose they are licensed for, with consideration to reliability, environmental impacts, passenger comfort, and the need to sustain a high quality of licensed vehicles.
- 2.22 Therefore there are various age restrictions and testing requirements applicable for vehicles it will licence. There are conditions regarding the maximum age and or mileage a vehicle will be initially licensed, the age at which six monthly tests are required, and the age at which a vehicle will be de-licensed, and they are different for private hire, hackney carriages, speciality and limousine vehicles. The table and information provided below is a guide, but please refer to the appropriate appendices attached.

	<b>Hackney carriage</b>	<b>Private hire</b>
Maximum age at time of first being licensed	3 years old	6 years old – mileage restrictions apply see below
Maximum age limit beyond which	15 years old	10 years old

the vehicle will not be licensed		
Age at which the vehicle will be subject to six monthly inspections	6 years old	6 years old
Age at which the vehicle will be Subject to Critical testing criteria	12 years old	8 years old

Hackney carriages are generally purpose built vehicles for the licensed trade, therefore there is no set mileage limit, just an age limit for when it is initially presented for licensing.

Vehicles which may be licensed for the purpose of private hire are not purpose built for the trade. Therefore a mileage restriction is imposed according to the age of the vehicle when presented for initial licensing.

Age in months	0 - 12	13 - 24	25 – 36	37 - 48	49 - 60	61 - 72
Maximum mileage	No restriction	No restriction	No restriction	No restriction	65,000	75,000

### Insurance

- 2.23 It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.
- 2.24 Applications for new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.

### Safety equipment

- 2.25 All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

### CCTV in licensed vehicles

- 2.26 The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and be a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations.
- 2.27 The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers and operators to determine.
- 2.28 Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO and comply with all aspects of data protection and CCTV codes of practice. Further information can be found on the following link <https://ico.org.uk/>
- 2.29 CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.
- 2.30 CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to a threat of physical violence.

### **Maintenance of vehicles**

- 2.31 It is expected by the council and the travelling public, that all vehicles over three years old are serviced in accordance with the manufacturer's requirements or at least annually. Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.
- 2.32 Maintenance is a key factor with any vehicle and it's good practice for all commercial vehicles to be part of a planned preventative maintenance programme, where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and operators. It should be noted that the 12 monthly and 6 monthly tests carried out by the testing centre, is to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.

### **Vehicle testing**

- 2.33 The law requires all vehicles to have a yearly MOT test. However, as licensed vehicles provide a service to the public and have more usage, wear and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test at the council's appointed testing station.
- 2.34 Once a vehicle has passed this enhanced test and provided all required documentation, the council will issue a Certificate of Compliance (CoC), which stands in place of an MOT certificate. An MOT certificate will not be issued, this means that the vehicle will not show as having a valid MOT on the national recognised database.
- 2.35 If licence holders wish to obtain an MOT in addition to the CoC test, they may do so. But will still be subject to the CoC testing requirements and frequency of testing, at the council's appointed testing centre, as detailed in this policy and appendices attached.
- 2.36 The appointed vehicle testing station is Amey, based at Nursery Lane, Fengate, Peterborough PE1 5BG. All fees payable for vehicle testing must be paid directly to Amey. Any complaints regarding vehicle testing should be made directly to Amey.
- 2.37 The council considers it appropriate to require all vehicles over six years old, to be subject to a six monthly vehicle test at the appointed testing station. This is to ensure that, as the vehicle gets older, it still meets the required standards applied by this council, and the law regarding vehicle emissions.
- 2.38 Vehicles must be presented for vehicle testing at the appointed testing station. Proprietors and or drivers, must book these appointments themselves directly with Amey. They must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions (i.e. yearly or six monthly).
- 2.39 It is an offence to use on a public road a vehicle of testable age that does not have a current certificate of compliance, except when:
- Taking it away from the testing station after it has failed the test
  - Taking it to or bringing it away from a place where by previous arrangement repairs are to be or have been made to remedy the defects for which the vehicle was failed
  - Taking it to the testing station for a test booked in advance.
- Even in the above circumstances you may still be prosecuted for driving an unroadworthy vehicle if it does not comply with the various regulations affecting its construction and use.
- 2.40 Vehicles which have failed the vehicle test must not be used for hire and reward work, until the vehicle has been re-presented to the testing station and been passed as fit for use and is licensed.

### **Accidents**

- 2.41 Any accident that causes damage which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the council as soon as

reasonably practicable, and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence.

- 2.42 The driver involved in the accident must provide details to the licensing department of how, where and when the accident occurred. The damage to the vehicle must be assessed by an officer, where the vehicle is not capable of being driven, photos must be taken and given to the licensing department with the vehicle's licence plate and a vehicle suspension notice will be issued.
- 2.43 Drivers, proprietors and operators are advised that the council may be contacted by insurance companies to verify an accident damage report and details provided.
- 2.44 Vehicles which have sustained damage may apply for a temporary replacement vehicle whilst the vehicle is being repaired. The replacement vehicle will carry the same licence number as the damaged vehicle, therefore the licence plate for the damaged vehicle must be given back in order for the temporary plate to be released. Replacement vehicles must first be passed as fit for service by the council's appointed testing station and must meet all the other requirements and standards applicable. There is a separate application form and fee payable for this service and the reinstatement of the plate.

### **Taximeters**

- 2.45 All hackney carriages licensed by this authority are required to have a working taximeter fitted in the vehicle, some private hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the council. The taximeter must be sealed by an authorised council officer.
- 2.46 Within district, if a vehicle is fitted with a taximeter it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

### **Transfer of ownership of the vehicle**

- 2.47 If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as practically possible, and in any case within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

### **Accessibility of vehicles**

- 2.48 An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this council. The council expects that proprietors, drivers and operators give full consideration to the service they provide to ensure they provide service to all members of society without discrimination.
- 2.49 The council is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for disabled people.
- 2.50 All hackney carriages licensed by this council are designated wheelchair accessible vehicles (WAV). This is to ensure that people with disabilities are able to hire the vehicle on the spot with the minimum delay or inconvenience.
- 2.51 All licensed drivers must ensure that no extra charges are applied for conveying persons with disabilities.
- 2.52 All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued an exemption certificate. (Further information on exemption certificates and notices can be found in section 3.68 to 3.73)

- 2.53 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- 2.54 Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements.

### **Funeral and wedding vehicles**

- 2.55 There is no requirement for a vehicle to be licensed as a private hire if it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.
- 2.56 There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

### **Speciality Vehicles and Limousines**

- 2.57 Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.
- 2.58 Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.
- 2.59 These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at Appendix F.
- 2.60 The council strongly recommends that anyone wishing to purchase and licence a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

### **Critical failure**

- 2.61 The council has an essential testing criteria for vehicles which have reached a certain age. For hackney carriages it is from 12 years onwards and for private hire it is from 8 years onwards. The essential testing criteria are items which the council considers to be critical areas of a vehicle test, e.g. steering and suspension, brakes, exhaust emissions etc. This is considered a major failure and can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective. See Appendix H for testing criteria for vehicles which have reached the standard age limit.
- 2.62 If a vehicle fails a mechanical test on one or more of these critical items the vehicle will be automatically suspended and the vehicle must not be used. The vehicle may be repaired and re-presented to the testing station within 30 days for retesting. If the vehicle passes the mechanical test within 30 days the suspension notice will be lifted and the vehicle may be relicensed.
- 2.63 If the vehicle does not pass the mechanical test within 30 days it will be de-licensed.
- 2.64 Vehicle emissions are tested and checked on mechanical inspections. Vehicles will only pass the mechanical inspection, if the vehicle emissions continue to meet the defined criteria as set out in the V5 vehicle registration log book.

### **Private hire exemption to display licence plate etc.**

- 2.65 The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who require an unmarked vehicle for security reasons. Such customers will expect these vehicles

to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.

- 2.66 The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, it does not extend to hackney carriages which must display their plates at all times.
- 2.67 Prestige high specification private hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption certificate, which exempts that vehicle from the requirement to display the Part 1 and Part 2 notice, the licence plate and door signage. It also exempts the licensed driver from wearing his badge, however the driver must carry his badge with him so that it is immediately available. The vehicle will still be issued with a licence plate, which must be affixed within the boot of the vehicle. Insurance which covers the driver and vehicle for hire and reward purposes must still be maintained.
- 2.68 Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 2.69 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- 2.70 Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. Where issued, an exemption certificate renewal date will coincide with the renewal of the private hire vehicle licence.
- 2.71 There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Appendix I.
- 2.72 If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display the Part 1 and Part 2 notice, the plate and door stickers as required by the conditions for private hire vehicles.

#### **Required information to be displayed inside all licensed vehicles – Part 1 and Part 2 notice**

- 2.73 Members of the public who have cause for concern, or who wish to complain about a journey in a licensed vehicle, will need some information about the driver or vehicle which conveyed them in order to progress their complaint or report their concern.
- 2.74 Whilst licensed vehicles display their licence plate which contains identifying details, these are displayed on the outside of the vehicle. Members of the public do not routinely get the information off the licence plate prior to getting into a licensed vehicle. If they have a problematic journey, they may attempt to get the information, but this can be difficult if it is late at night or the vehicle quickly drives away.
- 2.75 Also, whilst licensed drivers are required to wear their licence badge, which contains their information, a passenger may feel it too confrontational to request to see the driver's badge, especially if they have had a difficult journey.
- 2.76 In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, the council has determined that certain information must be displayed inside all licensed vehicles, (except for exempted (executive) private hire vehicles) in the form of a Part 1 and Part 2 notice.
- 2.77 A Part 1 notice must contain the following information and must be displayed in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle;

the business name of the operator, or proprietor if it is a hackney carriage,

the telephone number where a customer can make a complaint, report a concern, or comment positively e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number) the vehicle registration number, and the vehicle licence plate number.

- 2.78 A Part 2 notice must be displayed alongside the Part 1 notice and must contain a photograph of the driver of the vehicle and the driver's licence number in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. See Appendix M
- 2.79 By requiring the display of a Part 1 and Part 2 notice inside all licensed vehicles, the customer is fully empowered to easily report issues or concerns. It will also assist proprietors and operators to quickly identify the vehicle and driver utilised in order to address the complaint or concern reported.

## SECTION 3

### 3. General provisions for hackney carriages and private hire drivers

#### Drivers general

- 3.1 The council can only licence drivers that it considers are 'fit and proper' to hold a licence, and that the applicant is not disqualified by reason of their immigration status. There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgement for the licensing authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.
- 3.2 Therefore the council will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be, or remain licensed.
- 3.3 Applicants and existing licence holders are required to share information held about them by various bodies, such as DVLA, the police, medical information, right to work, immigration status, etc. The council can request any information it deems may be relevant to determine their fit and proper status. This may include checking a driver's prior history with this or any other council, using intelligence from the police or any other regulatory authority as appears relevant.
- 3.4 In order to be eligible to apply to be a licensed driver, an applicant must have held a valid full GB driving licence (or equivalent as defined by DVLA) for a minimum of 12 months. Therefore the minimum age a person could be eligible to apply is 18 years old. There is no maximum age, so long as the applicant still meets the full criteria.
- 3.5 In order to be a licensed driver an applicant must submit a signed completed application form and fee, provide proof of right to work in the UK, complete and pass the taxi competency course provided by Peterborough Regional College, provide a satisfactory DBS, DVLA and group 2 medical report, provide three recent passport type photos, and pass the driving assessment test.
- 3.6 Drivers licenses are generally issued for a three year duration. They may be issued for a lesser period if appropriate, e.g. the applicants right to work is of a shorter or limited duration. They may also be renewed, however, if a licensed driver fails to renew within a period of 28 days of the date of expiry of the licence, they will be required to apply as a new driver and meet all the requirements.
- 3.7 It is the responsibility of the driver to ensure they apply for their renewal with all relevant supporting original documentation in good time to avoid any unnecessary burden.
- 3.8 It is important that drivers notify the council of any significant changes which occur after their licence has been granted. Such as change of name or address, or email address or telephone number, change of immigration status, changes in their physical or mental health which may affect their driving ability, all convictions, cautions or arrests, DVLA penalty points etc. or any other matter which may question their fit and proper status.

- 3.9 All licensed drivers are required to wear their drivers badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local byelaws. Drivers are reminded that the driver's badge remains the property of Peterborough City Council, all expired, surrendered or revoked badges must be returned to the council.
- 3.10 This council issues two types of licences for drivers, a hackney carriage driver licence and a private hire driver licence. The driving assessment test for hackney carriage drivers is more rigorous. Therefore a hackney carriage driver may drive a private hire vehicle, but a private hire driver cannot drive a hackney carriage vehicle.
- 3.11 Private hire drivers may apply to become hackney carriage drivers, they will need to submit the required application and fee and pass the enhanced test.

### **Suitability of driver**

- 3.12 Licensed drivers will come into contact with vulnerable people, drivers are expected to assist passengers with luggage, shopping etc., they will be driving for prolonged periods of time, and will have access to sensitive information, therefore the council must fully assess an applicant's suitability prior to and after issuing a licence.
- 3.13 Consideration of suitability includes character and patterns of behaviour and are not limited to incidents which occur whilst the driver is 'on duty'. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk, will also be taken into account when assessing their fit and proper status. The onus is on the applicant or licensed driver to satisfy the council that they are and remain 'fit and proper'.
- 3.14 The council requires applicants to fulfil certain criteria to ensure that the public are protected and drivers are able to provide the service which is expected of them.
- 3.15 Applicants will be required to undertake and provide an Enhanced DBS (Disclosure and Barring Service) check and a medical health check to the DVLA group 2 standard, and share information held by DVLA, upon new and renewal applications.
- 3.16 Applicants for new and renewals, who fail to report or declare an offence, or other relevant matter, will be taken particularly seriously. As it deliberately prevents the authority from taking into account that information in protecting public safety. It also shows a blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

### **Application process**

- 3.17 Applicants must fully complete an application and provide the relevant paperwork required and fee. Where supporting documentation is required to be submitted, only the original document will be accepted, not photocopies or photographs of the original. Applicants who deliberately fail to declare or who make false statements on the application form or during the application process, may be subject to legal action if it constitutes fraud.
- 3.18 Applicants must be able to prove their immigration status and that they have a right to work in the UK.
- 3.19 New applicants must complete and pass the Taxi Competency Course delivered by Peterborough Regional College.
- 3.20 Applicants who have criminal convictions, may submit an application with the enhanced DBS check for consideration, prior to taking the college course, medical check and driving assessment test. The convictions and cautions will be assessed and the applicant will be provided with an indicative decision. This does not prohibit the applicant from submitting a full application for a formal determination.
- 3.21 When an applicant has fulfilled all the application criteria, they will be required to take a driving assessment test, to assess driving ability, safety, control of the vehicle, awareness of controls within the vehicle, and local Knowledge, without the use of satellite navigation equipment.



### **Convictions, cautions and related matters**

- 3.22 In considering fit and proper, the council will take into consideration any prior convictions and cautions. Therefore, all applicants for new and renewals are required to undertake and submit an Enhanced DBS check. This check will detail all criminal convictions and cautions including those that are spent, and other relevant matters which may be held by the police about them. It does not prove an applicant's right to work.
- 3.23 The council uses an external provider called GB Group to process the DBS certificates. Applicants are responsible for completing these checks and must register and apply online via the GB Group website. After registering and completing the online process, applicants are required to print off the completed form and take it to a post office with the relevant identification and original documentation required. Applicants are also responsible for the payment of the appropriate fee in order to complete the issuing of the DBS certificate. DBS certificates must be no older than 3 months at the time of application.
- 3.24 Due to the type of work performed by licensed drivers, they do not fall under the Rehabilitation of Offenders Act. This means that what would be considered as spent, under the Rehabilitation of Offenders Act, are still taken into consideration when determining applications for licensed drivers.
- 3.25 Where convictions or cautions appear on a DBS, it is not the place of the council to go behind the existence or reason of that conviction. Whilst mitigating circumstances may have applied at the time of the conviction, the council cannot re-try the conviction. Depending on the offence committed, applicants may be able to demonstrate that it was a 'one off', they acted out of character, so is unlikely to be repeated. Each application will be determined on its own merits.
- 3.26 Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate.
- 3.27 The existence of a criminal conviction or caution does not necessarily preclude an applicant from obtaining a driver's licence. Conversely, the absence of any convictions or cautions does not mean that an applicant will be licensed. Each application will be determined on its own merits.
- 3.28 Further information is contained in the guidelines relating to the relevant of convictions / cautions in relation to taxi licensing attached at Appendix G.
- 3.29 Whilst each application is determined on its own merits, some offences are of such a serious nature that it is unlikely that a licence would be issued. Such as indecency offences relating to sexual assault or rape.
- 3.30 Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. The CLPD replaced the Notifiable Occupation Scheme which was withdrawn in March 2015.
- 3.31 Licensed drivers are obligated to notify the licensing department of any cautions, convictions, arrests, immigration offences, road traffic offences such as speeding, or any other relevant matters which may question their fit and proper status, that occur during or after the licence has been issued.
- 3.32 If it comes to the attention of the council that a licensed driver has failed to notify the council of relevant matters which occur during or after the licence has been issued, it will be taken particularly seriously. It shows a propensity towards dishonesty and questions the fit and proper status of the licence holder.

### **DVLA**

- 3.33 As driving is the predominant aspect of a licensed driver, the council needs to consider if applicants hold a valid driving licence and if the licence holder has been issued any penalty points.

- 3.34 As the paper counterpart of the driving licence was abolished in June 2015, applicants and licensed drivers will be required to share information held about them by DVLA via an online process.
- 3.35 Applicants and licensed drivers are required to register online with the DVLA share my licence portal, and provide the access code to the council with their application and upon request. The access code will provide the council with information regarding penalty points etc. As the access code is only valid for a limited duration, drivers may be contacted and requested to provide another code, to enable progression of their application.
- 3.36 Consideration of penalty points and driving offences will be made in accordance with the guidelines relating to the relevance of convictions / cautions in relation to taxi licensing which can be found at Appendix G

### **Medical Requirements**

- 3.37 It is essential that licensed drivers are in good health as they are expected to carry passengers' luggage, will drive on the road for longer periods than most car drivers, and may need to assist disabled passengers. The council must be satisfied that the drivers it licenses are sufficiently fit to undertake the tasks expected of them.
- 3.38 Being a licensed driver is a demanding role, safe driving requires the involvement of vision, hearing, attention, concentration, perception, good reaction time, judgement, coordination, muscle power and control etc. Therefore various body systems need to be functional for safe driving.
- 3.39 Due to the length of time an occupational driver (hackney carriage and private hire) spends at the wheel, it is appropriate to have more stringent medical checks and standards than those applicable to normal car drivers.
- 3.40 The DVLA, The Royal Society of Medicine and the DfT recommend and consider it best practice for licensed drivers (hackney carriage and private hire) to be subject to the DVLA group 2 medical requirements. The DVLA group 2 medical is a recognised national standard developed by DVLA for bus and lorry drivers.
- 3.41 To ensure that public safety is protected, the council has chosen to adopt this best practice and require all applicants to obtain and submit a group 2 medical report with their application for new and renewals.
- 3.42 Therefore applicants are required to undergo a medical examination by a registered general practitioner and submit the doctor's group 2 medical report with their application, to enable the council to consider their fitness to hold a licence.
- 3.43 The group 2 medical assessment must be completed by a doctor registered and licensed to practice in the UK or registered within the EU. If the applicant's own doctor completes the medical assessment it may speed up the application, as they already have full access to their medical records.
- 3.44 A group 2 medical report must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old. Applicants must pay any fees to the registered medical practitioner for completing the medical and report. The medical assessment must be no older than four months at the time of submission with the relevant application.
- 3.45 Applicants must arrange and book these appointments themselves and provide photographic proof of identity to the registered medical practitioner. If the registered practitioner is unable to complete the vision assessment section of the medical, the applicant must arrange for an optician or optometrist to complete this part.
- 3.46 Licensed drivers must notify the council and their medical practitioner of any deterioration in their physical or mental health which may affect their ability to drive or complete their tasks as a licensed driver. The council expects licensed drivers to be responsible and to not continue to drive following any deterioration in their health, or any health problems which could endanger the lives of the general

public.

- 3.47 If a licensed driver is involved in an accident in which s/he is injured, they must ensure that they are fit prior to returning to hire and reward work, this is for the safety of the driver and the general public. Drivers who have suffered whiplash must ensure that they have sufficient movement in the neck area to enable them to observe any potential hazards.

### **Taxi Competency Course provided by Peterborough Regional College.**

- 3.48 Peterborough City Council and Peterborough Regional College have jointly developed a course specifically for those who wish to be licensed drivers. The course tests some of the skills required to be a licensed driver, such as reading and writing, safeguarding, numeracy, equality and disability awareness, customer service, understanding of the conditions applied by the council, etc.
- 3.49 All new applicants must pass the taxi competency course provided by Peterborough Regional College. Those wishing to enrol on the course should contact the information centre at Peterborough Regional College, Park Crescent Campus, contact telephone number 01733 863068, where they will be issued with the course handbook and the pre-course reading material. When attending the course, applicants must take with them two forms of identification, one of which must be a DVLA driving licence with photo card, the other a utility bill no more than 3 months old.
- 3.50 Applicants must conduct themselves appropriately when attending the course. Behaviour of a rude or abusive manner will question their 'fit and proper' status and may result in their application being terminated.

### **Driving Assessment Test**

- 3.51 Once a complete application has been received and assessed, new applicants must take and pass a driving assessment test. The test will assess driving ability, control of the vehicle, awareness of controls within the vehicle, and local area knowledge without the use of satellite navigation equipment.
- 3.52 Applicants must provide a roadworthy licensed vehicle in which to take their test.
- 3.53 The tests applied are different for private hire driver applicants and hackney carriage driver applicants. As hackney carriage drivers can be hired on the spot, the local knowledge part of the test is more rigorous. Also as all hackney carriages are designated WAV's, applicants must be able to demonstrate that they can safely load, unload and safely secure a wheelchair in the vehicle.
- 3.54 Historically the driving assessment test has been provided in house by authorised council officers. The council have determined that the test should be delivered by an external provider whose assessors have been accredited by DVSA. This will ensure that the person undertaking the role of examiner is specifically trained in this role.
- 3.55 The council has not yet appointed an external provider and consideration will be given to cost and availability prior to handing over this responsibility. New applicants will be notified of how and where to book the test when it has been determined and the new provider has been appointed. *(This paragraph will be amended with details of the provider once appointed).*

### **Service Expectations**

- 3.56 The council and the travelling public expect licensed drivers to provide good customer service and behave in a civil and courteous manner. They are expected to be clean and smart in their appearance. The vehicle must also be clean, presentable and roadworthy. They are expected to provide reasonable assistance with luggage or shopping and provide a written receipt if requested with no extra charge. Arrive at the appointed time and not prolong any journey. As professional occupational drivers, they are expected to drive with consideration to other road users and weather conditions.
- 3.57 Drivers must be aware of and comply with the conditions applied by this council and other appropriate legislation. Drivers who fail to observe these requirements may be subject to enforcement action.

- 3.58 Conditions applicable to private hire drivers are attached at Appendix D.
- 3.59 Hackney carriage drivers are conditioned by way of byelaws. The council have reviewed and updated the byelaws which will be subject to a separate consultation process in due course. After consultation and confirmation from the Secretary of State, the byelaws will form Appendix B
- 3.60 Drivers must not operate any equipment which may distract them whilst driving. Drivers must not cause annoyance to passengers during the journey by playing music or constantly talking on a hands free mobile phone.
- 3.61 Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, disabilities and to take assistance dogs, without extra charge.
- 3.62 Drivers who refuse or fail to take assistance dogs without an exemption certificate may be prosecuted by the passenger and may also be subject to enforcement action by the council.
- 3.63 This council condemns discriminatory behaviour which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. The council does not have any power over passengers who use licensed vehicles, but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.
- 3.64 Licensed drivers must ensure that they fully consider the safety of the passenger, other road users, parking restrictions, street furniture and other hazards when stopping to allow a passenger to alight the vehicle.
- 3.65 Driving for long periods of time, when sleepy or fatigued impairs driving ability, reduces reaction time, vigilance, alertness, concentration, is dangerous and increases the risk of accidents. Licensed drivers have a duty to make a conscious decision to take regular rest periods, to ensure their own safety and the safety of the travelling and general public. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

#### **Requirement to display required information – Part 1 and Part 2 notice**

- 3.66 As licensed vehicles may be driven by different licensed drivers and licensed drivers may utilise different licensed vehicles, the Part 1 and Part 2 notices can be interchanged. The driver must ensure that the correct information is displayed in the Part 1 and Part 2 notice prior to the commencement of all journeys with passengers.
- 3.67 The Part 1 notice must correctly reflect the proprietor or operator information for that journey and drivers must ensure that they display their Part 2 notice in the vehicle they are driving. (See section 2.73 To 2.79 for further information and appendix M for example)

#### **Exemption certificate**

- 3.68 Drivers may apply for an exemption certificate if, for health reasons, they are unable to convey assistance dogs, or provide physical assistance to passengers in wheelchairs. Drivers who have a medical condition, a disability or physical condition which makes it impossible or unreasonably difficult to provide the service, may apply for an exemption certificate.
- 3.69 The council will only consider exemption applications which are accompanied with a medical report signed by a registered medical practitioner. The period of the exemption certificate will be individually determined based on the medical practitioner's recommendation. The council may request applicants to be assessed by the council's professional qualified medical assessor, particularly where the period of exemption is likely to be long term.
- 3.70 Where an exemption application has been considered and approved by the council, the driver will be issued with an exemption certificate and an exemption notice. The exemption notice must be displayed in the vehicle on the nearside of and immediately behind the windscreen of the vehicle, in a manner that readily permits its removal, so that its front is clearly visible from the outside of the

vehicle and its back is clearly visible from the driver's seat of the vehicle, when they are driving. The exemption notice must be removed prior to another licensed driver driving the vehicle. Failure to display the notice could leave the driver open to prosecution, if they then do not comply with the requirements of the Equality Act. Only one exemption notice should be displayed in a vehicle at any one time.

- 3.71 If an exemption application is refused, the applicant will be informed in writing providing reasons for the decision to refuse. Applicants who have been refused an exemption can appeal the refusal to the Magistrates Court within 28 days.
- 3.72 Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption, to avoid any unnecessary distress or delay to passengers.
- 3.73 Licensed drivers of designated WAV vehicles who fail to comply with the duties under section 165 of the Equality Act will be subject to enforcement action. Drivers convicted of failure to comply with this section are unlikely to be considered a 'fit and proper' person.

#### **Idling offence environmental impact**

- 3.74 Drivers are reminded that stationary idling is an offence under section 42 of the Road Traffic Act 1988. For further information on idling please see the council's website.  
<https://www.peterborough.gov.uk/business/licences-and-permits/taxis-and-private-hire/taxis-and-the-environment/>

#### **Monitoring of licensed drivers – trigger points**

- 3.75 In the interests of public safety, the council has a duty to ensure that licensed drivers remain fit and proper and will intervene where appropriate. Complaints made to the council are recorded and monitored.
- 3.76 Where serious complaints, which question a drivers fit and proper status are received, they are investigated and appropriate action is taken. Less serious complaints and minor infringements are not investigated to the same degree, but the accumulation of several complaints and infringements about the same driver could highlight that there is a cause for concern and will not go unnoticed. It could highlight a training need, a lack of understanding of conditions or legislation, or a failure to provide good customer care.
- 3.77 For the interests of clarity, the council has determined to introduce a trigger point system that assesses the severity of a complaint, the accumulation of complaints, and the timeframes in which they are received. This does not mean that sanctions or enforcement action will automatically be applied. Each incident, complaint, breach or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- 3.78 Trigger point one will be reached if three complaints are received regarding the same driver within a six month rolling period. Where this occurs an officer will review the driver's record and the issues which lead to the trigger point being activated. This may highlight an issue which requires the officer to contact the driver and or proprietor or operator. The officer may ask the driver to attend the council offices, to ascertain if support can be offered or if appropriate enforcement action needs to be taken, or if no action is required.
- 3.79 Trigger point two will be reached if during a further period of six months another two complaints are received. Where this occurs the officer will again review the driver's record and the driver will be requested to attend an interview to discuss the individual circumstances, merits or concerns which lead to the trigger point being activated. The officer may also contact the proprietor or operator where appropriate, and may consider enforcement action.
- 3.80 Trigger point three will be reached if a complaint of a serious nature and or a breach of certain conditions or legislation occurs. It will also be reached if during the period of 12 months six complaints are received. When trigger point three is reached this may lead to a formal warning, prosecution, immediate suspension, or revocation of the driver's licence, even in the first instance, where there is

an immediate public safety risk.

### **Private Hire Drivers – Designated waiting areas within the city centre**

- 3.81 Previously the conditions of this council required private hire vehicles to return to base after a passenger had alighted the vehicle. However, the imposition of this condition can have a negative impact on the environment and other road users, as the vehicles travel to and from base.
- 3.82 An alternative condition which prevents these unnecessary journeys to base, whilst ensuring that the city centre is not choked with waiting private hire vehicles has now been adopted.
- 3.83 Please note, the adoption of this alternative condition is reliant on the council obtaining the required authorisations, i.e. amendment to the Traffic Regulation Order and Directors approval.
- 3.84 The new condition provides; 'Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not causing an obstruction, and not within the defined city centre area. Private hire vehicles and drivers waiting for their next booking within the city centre will be required to wait in the following designated car parks; Wellington Street, Wirrina, or Pleasure Fair Meadow, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council reserves the right to restrict private hire vehicles from these car parks as and when necessary, for example a city wide event.
- 3.85 These car parks have been designated as they are located at different approaches into the city centre, are sufficiently close and have CCTV coverage.
- 3.86 Private hire drivers who are waiting in designated car parks in their vehicles will not be required to pay parking charges. If however, a driver parks and walks away from the car park, they must 'pay and display' as any other car park user.
- 3.87 The designated car parks will still be open to the general public, however, they do not contain public conveniences and must not be used for this purpose or for the purpose of sleeping. Drivers who cause a public nuisance, behave inappropriately or commit any public order offences will be subject to enforcement action.
- 3.88 A map attached at Appendix L shows the area which is defined for the purpose of this policy as the city centre and the proposed designated car parks.
- 3.89 Private hire drivers must switch off their vehicle's engine when waiting in the designated car parks, and not leave their vehicle engine idling, when parked for more than a couple of minutes anywhere.
- 3.90 If a private hire driver is parked and is approached directly by a member of the public, the driver commits an offence if the driver takes an active part in the 'booking' process, e.g. by contacting the operator directly by radio or mobile phone to make that booking for his own vehicle there and then.

### **Hackney carriage drivers**

- 3.91 It is understood that Hackney carriage drivers waiting on taxi ranks, will attempt to operate a first in the queue system. So that when a customer approaches, the taxi at the front of the rank will expect to take that passenger. Whilst this etiquette generally works without incident, drivers are advised that the customer may, for whatever reason, choose not to take the first taxi at the rank.
- 3.92 The customer has the choice in this situation, drivers who, whilst waiting on a rank, refuse or neglect to drive without reasonable cause are committing an offence.
- 3.93 Drivers are also advised that it is an offence to leave their vehicle unattended on a rank.
- 3.94 As the testing criteria for hackney carriage drivers is more stringent than those applied to private hire drivers, a licensed hackney carriage driver may also drive private hire vehicles.

**Hackney carriage proprietors – Part 1 notice**

- 3.95 Hackney carriage proprietors must ensure that their vehicles comply with the requirement to display required information in the form of a Part 1 notice as detailed in section 2.73 To 2.79 and example provided at appendix M.
- 3.96 If a proprietor is made aware of a safeguarding or serious complaint concerning the fit and proper status of a driver, they must notify the licensing department immediately or as soon as practically possible and provide details of their actions taken.

**SECTION 4****4 Operators****General**

- 4.1 The legislation requires any person, who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle, must be licensed as a private hire operator.
- 4.2 Any individual, partnership, company or other body that advertises the services of a private hire vehicle, provided with a driver, for hire and reward, is required to be licensed as an operator.
- 4.3 The acceptance of bookings may be provided for by a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means.
- 4.4 The legislation requires the authority to only licence operators who are considered to be fit and proper to hold an operators licence and who are not disqualified by reason of their immigration status.
- 4.5 All work undertaken by private hire vehicles (and drivers), must be pre-booked via a licensed operator. All three licences (private hire vehicle, private hire driver and operator) must be issued by the same local authority.
- 4.6 Operators can only utilise drivers and vehicles that are correctly licensed. Operators who fail to ensure that the drivers and vehicles they utilise have valid licenses, are guilty of an offence and will be subject to enforcement action.
- 4.7 An operator's licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing or if the applicant's immigration status limits it to a shorter duration.
- 4.8 There is no provision within the legislation to transfer an operator's licence. New applicants must be subject to the fit and proper test and new premises must also be assessed for suitability.
- 4.9 An operator's licence cannot be issued to persons who do not have the right to work in the UK. A licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies, the person must immediately cease to operate and return their operator's licence to the council within 7 days.
- 4.10 Licensed operators may accept bookings and may subcontract these bookings, but only to another licensed operator. However, the operator who accepted the initial booking remains responsible for that booking.
- 4.11 Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator. Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Further information can be found in the Operator's conditions at Appendix E.

**Application – suitability of applicant**

- 4.12 Operators are generally the owners of the private hire business. They have access to private

information, are responsible for ensuring they only utilise properly licensed, insured and safe vehicles and drivers, therefore the council is required to ensure that they are also fit and proper.

- 4.13 The council requires applicants to complete the application and submit it with the appropriate fee, with supporting documentation, which will be used to establish that they are fit and proper to hold an operators licence. The supporting documents must be the originals, not photocopies or photographs.
- 4.14 Operators (who are not also licensed drivers), are required to submit a basic DBS disclosure. The basic disclosure will list any current convictions and cautions, but nothing which is considered spent under the Rehabilitation of Offenders Act. As operators do not necessarily have close contact with vulnerable persons, but do have access to personal information.
- 4.15 Applicants for operators licences are required to provide details of their name and address. The address where they intend to operate the business, any trade or business activities s/he has carried on before making the application, any prior applications made for an operator's licence, if any prior operator's licence has been suspended or revoked, details of any convictions. This includes any convictions where applicants or those associated in running the business have been convicted of any offences. This is to ensure that those involved in the operation of the business are fit and proper to operate a business.
- 4.16 Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom. This licence was previously issued by the Department of Trade and Industry but changed to Ofcom in 2003.
- 4.17 The council will not grant a licence to an operator whose premises are located outside our area. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended to be a restraint of trade.

#### **Suitability of premises**

- 4.18 When considering an application for an operator's licence at a new premises, consideration will be given to the location, the vicinity, facilities, parking arrangements, planning permission etc. to ensure that the grant of a licence will not negatively impact on the surrounding area, including businesses, residents and the general public.
- 4.19 Operators intending to operate from new premises will be required to submit with their application proof of planning permission, or proof that planning permission is not required. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's fit and proper status.

#### **Operators responsibilities and obligations**

- 4.20 Operators are responsible for keeping accurate records of bookings and retaining them for a period of not less than six months. These records must detail required information about each booking taken and fulfilled by the operator. Further information is contained within the operator's conditions attached at Appendix E
- 4.21 If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 4.22 Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 4.23 It is not expected that subcontracting of bookings would be commonplace. Customers who book through a Peterborough operator would expect a vehicle and driver also licensed by this authority.



The conditions and standards applied by other licensing authorities are different to those applied by this authority, therefore, may not meet the licensing requirements of this authority.

- 4.24 The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 4.25 Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioner's Office (ICO). Further information including a self-assessment, can be found on the following links;  
<https://ico.org.uk/for-organisations/register/>  
<https://ico.org.uk/for-organisations/register/self-assessment/>  
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
- 4.26 Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for customers must ensure that they have valid public liability insurance.
- 4.27 Operators must make customers fully aware of any additional charges which may be applied, e.g. for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and website where available.
- 4.28 Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this council. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this council are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.
- 4.29 The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- 4.30 Operators who provide wheelchair accessible vehicles must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- 4.31 Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 4.32 Operators must be aware of their obligations under the Immigration Act and only utilise persons who have the right to work in the UK. Failure to observe this requirement or to provide due diligence checks may be subject to enforcement action by the relevant Home Office department.

### **Part 1 notice and complaint policy**

- 4.33 As responsible business owners, operators will understand that the drivers and vehicles they utilise represent their business when undertaking bookings. Operators will want to ensure good customer service, as this builds a respected reputation, resulting with repeat bookings and a successful business. Where vehicles or drivers fail to provide a good service, the operators business can suffer.
- 4.34 Whilst a vast majority of bookings take place without problem, there are occasions where a customer has cause for concern or complaint. Aggrieved customers have a right to complain if the service provided fails to meet expectations. It is also right for responsible operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention.

- 4.35 Complainants must be dealt with in a respectful timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and maintain records of complaints received.
- 4.36 A copy of the complaints policy and procedure must be given to the council and will be required with all new and renewal applications.
- 4.37 The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request.
- 4.38 The specified information to be recorded must include the following information as a minimum:  
 the name of the complainant and how they can be contacted,  
 the date the complaint was made and the time and date of the journey,  
 If the booking was subcontracted the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern  
 the name of the driver and vehicle being reported,  
 the nature of the complaint or concern,  
 The date by which the operator will respond to the complaint, which must not exceed 72 hours from time of receipt,  
 The action taken if any, by the operator to resolve the complaint or concern.
- 4.39 Operators must also inform the complainant, that they can further their complaint to the council if they remain dissatisfied with the outcome of their complaint.
- 4.40 If an operator is made aware of a safeguarding or serious complaint concerning the fitness of a driver, they must notify the licensing department immediately or as soon as practically possible and provide details of the actions taken by the operator.
- 4.41 Operators must ensure that the vehicles they utilise display a correctly completed Part 1 notice (See section 2.73 to 2.79 and appendix M for further information) and door signage

## SECTION 5

### 5. Safeguarding

- 5.1 Safety, security and welfare applies to passengers and licensed drivers. Licensed drivers deal with strangers, they work alone often late at night, carry cash and may be at risk of violence, non-payment of fares, verbal abuse etc. Proprietors and operators must consider these factors when determining what safeguarding measures should be in place. The council encourages the use of CCTV in licensed vehicles, but has not made it a condition of licences due to the financial burden involved. However, proprietors and operators should consider the benefits and disadvantages of safeguarding measures such as, CCTV, cashless payment systems, communication systems, etc. in licensed vehicles in their risk assessments.
- 5.2 Drivers and operators may refuse to carry any passenger if they have good cause, e.g. a customer's behaviour or demeanour is threatening, offensive or abusive or has previously refused 'bilked' payment. Where this occurs drivers and operators should keep records of why the service was refused.
- 5.3 Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.
- 5.4 Licensed drivers, proprietors and operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable. Should a licensed driver, proprietor or operator have any concerns about the

vulnerability of a child or public safeguarding they must report this immediately as it may prevent the vulnerable child from becoming a victim. Reports of imminent danger should be made to the police on 999. Where there is no immediate danger, or you wish to pass on some information or intelligence please call 101.

- 5.5 Further information can be found on the following link  
<http://www.peterboroughlscb.org.uk/reporting-concerns/>

## SECTION 6

### Enforcement

- 6.1 The council has a responsibility to ensure that all licence holders adhere to the standards and conditions applied by this authority and the legislation.
- 6.2 As all licence holders are considered to be 'fit and proper', they are expected to fully understand the conditions and requirements placed on them by this authority and other applicable legislation.
- 6.3 The council will take appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be a breach of the legislation or condition imposed on a licence, or byelaw, or this policy.
- 6.4 Offences under legislation outside that applicable to private hire and hackney carriages, may be considered, if they call into question the fit and proper status of the licence holder.
- 6.5 The council will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- 6.6 Some breaches of legislation cannot be enforced by the council, but will be enforced where appropriate, by other partner agencies, e.g. the Police, DVSA, the Home Office etc.
- 6.7 Every enforcement action taken by the council, will be determined on the individual circumstances, will be in accordance with this policy, the council's enforcement policy and the Regulators Code.
- 6.8 There are a range of sanctions and actions which may be taken by the council, e.g. prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.
- 6.9 Prosecutions will be taken where it is in the public interest.
- 6.10 The council will revoke or suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at risk.
- 6.11 Licensed drivers will be monitored in accordance with section 3.75 to 3.80 of this policy.
- 6.12 Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action.

### Right of appeal

- 6.13 Where an applicant or licence holder is aggrieved by the council's decision to refuse an application, revoke or suspend a licence, or impose conditions on a licence, the applicant or licence holder has a right of appeal to the Magistrates Court within 21 days of being given that decision.

## SECTION 7

### 7. Fees, Charges and Refunds

- 7.1 The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed and any increase or reduction will be published and consulted upon as required by the legislation.
- 7.2 The council sets the maximum fares which can be charged by hackney carriage vehicles within its district. This does not prohibit a driver from charging less than the fare shown on the meter. Please see Appendix K attached for the current maximum fare table.
- 7.3 The council has no power to regulate the fares charged by private hire operators, they are a private contract between the customer and the operator. Operators are required to display any additional fees which may be charged e.g. for waiting time or for cleaning a soiled vehicle.
- 7.4 Requests for refunds by licence holders must be made in writing and will be considered on a case by case basis. Consideration will be given to the reason for the request and the costs incurred by the council at the point of request, including the cost incurred to arrange the refund. Please note that some fees are non-refundable.

## Appendices

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## PETERBOROUGH CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE VEHICLES

### Hackney Carriage Vehicle Specification and Type Approval

#### SECTION 1. APPROVED VEHICLES

- 1.1 The following vehicles are approved by Peterborough City Council (the Licensing Authority) to be licensed as Hackney Carriage Vehicles: LTI TX1, TX2, TX4, Metro Triple T, Mercedes-Benz Vito, and the Peugeot E7 SE and XS short wheelbase models.

#### SECTION 2. VEHICLE APPROVAL

- 2.1 No vehicle will be authorised as a Hackney Carriage Vehicle unless it conforms with the requirements as set out within this document unless; where justifiable reasons exist the committee may decide to approve the vehicle.
- 2.2 A vehicle must be new or under 3 years old (36 months) at the time it is first licensed and may be licensed up to 15 years of age; calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994. The operating period being subject to compliance with the council's standard of fitness.
- 2.3 Vehicles more than 6 years of age will be subject to 6 monthly inspections at a time and place to be notified by the authorised officer of the council.
- 2.4 An application for the approval of a new type of Hackney Carriage vehicle must be made in writing to the Licensing Authority.
- 2.5 The applicant must study the Conditions of Fitness set out in Section 3 of this document and provide detailed specifications of the proposed vehicle, or vehicle conversion demonstrating that the vehicle meets the requirements of the Conditions of Fitness. It will also be necessary to arrange a preliminary inspection of the vehicle.
- 2.6 The applicant should address any current guidance issued by the Department for Transport (DfT) [or any replacement body if this should change] for the design of Hackney Carriage Vehicles and indicate to the Licensing Authority the extent to which those guidelines have been accommodated. In particular, applicants should demonstrate that they have taken account of current DfT guidance as regards ergonomic requirements for accessible taxis.
- 2.7 There shall be provided and maintained in the vehicle at all times a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available for immediate use in an emergency.
- 2.8 Arrangements must then be made to present the completed vehicle for inspection by the Licensing Authority. When presented, all associated equipment must be present for the inspection and testing of the vehicle; i.e. wheelchair ramps, straps, safety equipment etc. A declaration must be provided by the manufacturer or authorised person that the vehicle conforms to the law and is safe for use as a public carriage, together with a certificate of registration and summarised documentary evidence that the vehicle meets the Conditions of Fitness as stated in Section 3 of this document.
- 2.9 Any proposed structural alterations to the original specification must be submitted to the Licensing Authority for approval.
- 2.10 The approval of the vehicle will be determined by the Licensing Committee who will consider each application under its own merits. Although a vehicle may meet the criteria as set out by the Conditions of Fitness, where justifiable reasons exist the committee may decide after consideration not to approve the vehicle. Where a vehicle does not completely comply with the Conditions of Fitness, however justifiable reasons exist the committee may decide after consideration to approve the vehicle.

**SECTION 3. CONDITIONS OF FITNESS****3. General Construction**

- 3.1 Every new type of Hackney Carriage Vehicle must comply with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of approval including the Motor Vehicle (Type Approval) Regulations 1980, and the Motor Vehicles (Construction and Use) Regulations 1984.
- 3.2 Every new type of Hackney Carriage Vehicle offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 70/156/EEC as amended. Those Hackney Carriage Vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of those categories.
- 3.3 Vehicles offered for Hackney Carriage approval must be constructed in a way as to allow the carriage of disabled persons and must accommodate as a minimum a disabled person in a Department of Transport reference wheelchair in the passenger compartment.
- 3.4 No equipment and/or fittings, other than those approved by the Local Authority may be attached to, or carried on the inside or outside of the vehicle.
- 3.5 No modification may be carried out to a Hackney Carriage Vehicle without prior approval from the Licensing Authority.
- 3.6 Before considering any modification to a Hackney Carriage Vehicle, approval must be sought from the Licensing Authority.

**4. Steering**

- 4.1 The steering wheel must be on the offside of the vehicle.

**5. Tyres**

- 5.1 All tyres must comply with the relevant legislation and be marked accordingly.
- 5.2 Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.

**6. Brakes**

- 6.1 An anti-lock braking system is to be fitted.

**7. Interior lighting**

- 7.1 Adequate lighting must be provided for the driver and passengers.
- 7.2 Separate lighting controls for both passenger and driver must be provided. In the case of the passenger compartment, an illuminated control switch must be fitted in an approved position. This must be within reach of wheelchair passengers. Lighting must also be provided at floor level to each passenger door and be activated by the opening of the doors.

**8. Electrical Equipment**

- 8.1 Any additional electrical installation and/or aftermarket components to be used within the taxi must meet the requirements of the relevant Automotive Electromagnetic Compatibility (EMC) Directive, as amended, and be marked accordingly.

**9. Fuel Systems**

9.1 Any engine powered by liquid petroleum gas (LPG), compressed natural gas (CNG), liquid natural gas (LNG), petrol or any combination of these fuels must be fitted with an automatic inertia fuel cut off device.

## 10. Exhaust emissions standards

10.1 New taxi models must meet the current and relevant EC Directive for exhaust emissions, i.e. the respective Euro standard. Current, approved, taxi models must meet prescribed emissions standards.

## 11. Body

11.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.

11.2 The overall length must not exceed 5 metres. This is essential for determining the size of taxi ranks, other pick-up points in Peterborough's city centre.

## 12. Facilities for the disabled

12.1 Every taxi must be equipped to approved standards in order that wheelchair passengers may be carried.

12.2 Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other.

12.3 Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

12.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.

12.5 The clear height of the doorway must be not less than 1.2 metres.

12.6 Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.

12.7 The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:

- a. be not more than 380 mm from the ground, (measured at the centre of the tread width);
- b. the surface shall be covered in a slip-resistant material;
- c. have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380 mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-

- a. not be more than 380 mm in height from the ground, (measured at the centre of the step width);
- b. not be less than 250 mm deep;
- c. the surface shall be covered in a slip-resistant material;
- d. have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- e. not be capable of operation whilst the vehicle is in motion;
- f. if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;
- g. can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle

is not capable of being driven away unless the step is so folded or retracted.

- 12.8 The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
- 12.9 Where seats are placed facing each other, there must be a minimum space of 350mm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.
- 12.10 Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
- 12.11 A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

### **13. Passenger compartment**

- 13.1 Occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must be not less than 35.5cm.
- 13.2 Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.
- 13.3 The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical disabilities, unless;
  - a. *the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed, or*
  - b. *the vehicle is newly presented for licensing, in which case this condition will not apply until 15 November 2014 to allow manufacturers / suppliers time to comply with this requirement. From the 15 November 2014 all newly presented vehicles for licensing will be required to have the swivel seat fitted.*
- 13.4 The rear seat dimensions must be adequate to carry the appropriate number of adult passengers comfortably.
- 13.5 Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
- 13.6 Lap and diagonal seatbelts must be fitted on all seats (including rear facing seats).
- 13.7 Colour contrasting sight patches are required on all passenger seats.
- 13.8 Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.
- 13.9 An induction loop system (or equivalent) must be fitted.

### **14. Driver's compartment**

- 14.1 The driver's compartment must be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls.
- 14.2 The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, controls must be properly protected from contact with luggage.



14.3 Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5cm.

14.4 Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver.

## **15. Visibility – Driver**

15.1 A single-piece, full width rear window must be fitted. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

## **16. Visibility – Passenger**

16.1 The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 750mm on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass.

16.2 The bottom of the window line for front and side windows must be low enough to afford passengers adequate visibility out of the vehicle.

16.3 A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

16.4 Windows must permit maximum visibility into, and out of, the vehicle. They must have no more than 25% tint value.

16.5 Passenger windows must be capable of being opened easily by passengers, including those in wheelchairs, when seated. The control for opening a window must be clearly identified to prevent it being mistaken for any other control.

## **17. Heating and ventilation**

17.1 An adequate heating and ventilation system must be provided for the driver and passengers and means provided for independent control by the driver and the passengers. All switches must be within easy reach of seated passengers, including those in wheelchairs.

## **18. Door fittings**

18.1 An approved type of automatic door securing device must be fitted to passenger doors to prevent them being opened when the vehicle is in motion.

18.2 When the vehicle is stationary, the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

18.3 The door must not open from the inside if the driver has the foot brake depressed.

18.4 The interior door handle must be clearly identified to prevent it being mistaken for any other control.

## **19. Fare table and number plate**

19.1 A frame must be provided for the fare table and fixed in an approved place. A position for an interior number plate is to be provided with the words "The number of this taxi is...." Shown immediately above the position of the plate.

## **20. Floor covering**

- 20.1 The flooring of the passenger compartment must be covered with a slip resistant material, which can be easily cleaned.
- 20.2 The floor covering must not impede the movement of wheelchairs. The colour of the floor covering must contrast with any up-stand areas around it and with the colour of the seats.

## **21. Luggage**

- 21.1 Suitable dedicated provision for the secure carriage of luggage must be made, separated from the passenger compartment and proportionate in size to the number of passengers carried.

## **22. Taximeter**

The vehicle shall be provided with a taximeter which must be so constructed, attached and maintained as to comply with the requirements of the Council:-

- a. all taximeters must be calendar controlled, approved and sealed by the City Council Taxi Enforcement Section.
- b. the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter and cancel any external "For Hire" sign;
- c. such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- d. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
- e. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- f. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- g. the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
- h. the taximeter affixed to the vehicle shall be appropriately set to ensure that the Council's hackney carriage fare scale currently in force in the City is recorded thereon.

## **23. Taxi Roof Sign**

- 23.1 A "Taxi" roof sign approved by the council must be fitted and be clearly visible daytime and nighttime when the taxi is available for hire.

## **24. Radio Equipment**

- 24.1 Where equipment for the operation of a two-way radio system is fitted to a taxi, no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- 24.2 Any other radio equipment, either in the passenger or driver compartment, must be approved by the council.

## **25. Electrical Equipment**

- 25.1 Any additional or non-standard electrical installation to the original vehicle must be installed and tested by a professional installer and be protected by a suitably rated fuse. Any additional installation must comply with all relevant regulations.
- 25.2 Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.

## **26. Required information to be displayed inside the vehicle – Part 1 and Part 2 notice**

- 26.1 The proprietor must ensure that the vehicle displays a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
- The name of the vehicle proprietor
  - The contact telephone number where a customer can make a complaint, report a concern, or positive comment e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
  - The vehicle registration number
  - The vehicle licence plate number
- 26.2 Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
- The licensed drivers photograph and
  - The driver's licence number

### **Hackney Carriage Byelaws**

The consultation on the Hackney Carriage Byelaws will take place separately in due course, they will then form Appendix B of this policy

The policy reflects the requirements of the new byelaws as drafted.

There will be a public notice in the local newspaper advising of the consultation and period.

Any written responses to the consultation and any comments from the Secretary of State, will be considered prior to adoption of the final byelaws.

If you would like any further information on the Byelaws or timeframe for consultation, please email [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

PETERBOROUGH CITY COUNCIL  
PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The following are conditions attached to the Private Hire vehicle licence. These conditions are additional to the requirements imposed upon proprietors/drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

Appearance, Design, Signs, Notices etc

1. The vehicle must not be equipped with roof fittings except that a wireless aerial which may be fitted but only in such a manner so as to satisfy the Council.
2.
  - (a) There shall be no lights, plates, signs, advertisements or other fittings (other than the licence plate referred to in Condition 6 and other signage referred to in (c) to (f) below) displayed on or from the vehicle, except those approved by the Council in accordance with or displayed to comply with requirements under the current lighting and licensing regulations approved by the appropriate Secretary of State.
  - (b) The vehicle must not be equipped with any sign or notice such as the word "CAB" or "TAXI" or be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.
  - (c) The vehicle to display on the rear passenger doors in a prominent position, "**Private Hire Vehicle – Insurance Invalid Unless Pre-booked With Operator**" door stickers, as issued by Peterborough City Council and be permitted to advertise the name and telephone number of the Operator employing the vehicle, and that words "Taxi" or "Cab" are not featured. These stickers must be permanently affixed to the vehicle. Magnetic door signs are not permitted.
  - (d) Vehicles must display a Part 1 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
    - The name of the operator
    - The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
    - The vehicle registration number, and
    - The vehicle licence plate number
  - (e) Alongside the Part 1 notice, vehicles must also display a Part 2 notice, which must contain the following information in a conspicuous unobscured place so that it can be easily read by a passenger travelling in the rear and front of the vehicle;
    - The Driver's photograph and
    - The driver's licence number
  - (f) Vehicles must display a no smoking sign as required by the Health Act 2006

Radio, Microphone, PDA, mobile phone etc

3. Any radio, microphone, PDA, mobile phone etc. installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

Use of Taximeter

4. If the vehicle is fitted with a taximeter, that taximeter must be so constructed, attached and maintained as to comply with the following requirements:
  - (a) all taximeters must be calendar controlled, approved and sealed by the City Council Taxi

- Enforcement Section.
- (b) the machinery of the taximeter must be only visible to persons who have boarded the vehicle;
  - (c) the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (d) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (e) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance/time;
  - (f) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (g) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (h) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. All meters must be sealed by an authorised officer of the city council and be calendar controlled.
  - (i) only meters approved by the Peterborough City Council may be fitted to the vehicle.

Private hire vehicles that are fitted with a taximeter must display inside the vehicle a statement of maximum fares as set by the council. Operators and / or drivers cannot demand a fare greater than that recorded on the taximeter, save for any extra charges authorised by the council.

#### Maintenance of Vehicle

5. The vehicle shall:
- (a) be of such design to enable any person in the carriage to communicate with the driver;
  - (b) be fitted with a roof or covering which can be kept watertight;
  - (c) contain windows and a means of opening and closing not less than one window on each side;
  - (d) contain seats which must be properly cushioned or covered;
  - (e) be provided with a proper carpet, mat or other suitable covering for the floor;
  - (f) contain fittings and furniture kept in a clean condition safe and well maintained and in every way fit for public service;
  - (g) be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
  - (h) be provided with at least four doors (or three doors in the case of the diesel "Fortwo" Smart Car);
  - (i) be a right hand drive vehicle.
  - (j) Vehicles fitted with a passenger tail lift must maintain a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance, and produce it upon request.
6. A plate provided by the Council identifying the vehicle as a Private Hire vehicle must be securely fixed to the outside the vehicle at the rear in such a manner that the plate is not obscured from view by any fixtures or fittings.

The plate shall be capable of being removed by a constable or authorised Officer of the Council should the Licence be suspended or revoked. Whilst the vehicle is not being used as a Private Hire vehicle the licence plate must be covered from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

7. The vehicle shall be submitted for annual inspection at the place, date and time as notified by the Council in each year during which the licence is in force and at any other time at the Authority's discretion. When submitted for inspection it shall be in a complete and thoroughly good condition and the engine, chassis, body, wheels, fittings, furniture and all parts must be in good repair and order. All steering parts and braking linkages must be thoroughly cleaned. All vehicles more than six years old to be tested every six months.
8. All brakes, machinery, furniture and fittings shall be kept in good order and condition.

#### Safety Equipment

9. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment must be in date and carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

#### Licence Period

10. Private Hire vehicle Licences shall be granted for a period of 12 months or such other period as the Council may determine from time to time. Expired plates must be returned to the council or retained by the appointed testing station upon renewal.

#### Change of Address or Ownership of vehicle

11. The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place. The proprietor must also complete and submit the required application with fee, as soon as practically possible, and in any case within 14 days, if they transfer ownership of the vehicle.

#### Vehicle Documentation

12. The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.
  - (a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
  - (b) the Private Hire vehicle Licence issued by the City Council;
  - (c) a current Ministry of Transport Test Certificate (where applicable) or CoC issued by the authority;
  - (d) the vehicle registration documents; and
  - (e) the driving licence issued by DVLA or acceptable equivalent defined by DVLA

#### Alteration of Vehicle

13. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force. Approval from the licensing authority must be obtained prior to installing CCTV in a vehicle.

#### Employees

14. If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

#### Vehicle Requirements

15. (a) No vehicle shall be first licensed which is more than 6 years old. A vehicle aged between 49

- 60 months must not exceed 65,000 miles and those between 61-72 months must not exceed 75,000 miles.
- (b) A vehicle will continue to be licensed until it is 10 years of age, subject to the vehicle passing any necessary tests laid down by the City Council and there being no break during the licensing period.
- (c) Vehicles more than 6 years of age will be subject to 6 monthly inspections at a time and place to be notified by the authorised Officer of the Council.
- (d) Any vehicle damage that materially affects the safety, performance appearance, or the comfort of the passenger, must not be used for hire and reward purposes, until the vehicle has been suitably repaired.  
Where a vehicle is off the road due to accident damage, subject to satisfactory documentary evidence being produced to the authorised Officer, the Council may allow a replacement vehicle that meets the above criteria to be licensed as a replacement for the accident damaged vehicle for a period not exceeding 3 months. A vehicle will only be accepted for relicensing if the break in the licence does not exceed 28 days. All applications received after 28 days shall be treated as a new application and will be required to comply with the criteria set out above including age and condition of vehicle. All accidents must be reported to the council within seventy-two hours.

### **Cheques**

16. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.



PETERBOROUGH CITY COUNCIL  
PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

The following are conditions attached to the private hire driver's licence. These conditions are additional to the requirements imposed on private hire drivers and vehicles by the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

1. Use of Taximeter

The driver of a private hire vehicle provided with a taximeter shall ensure that the taximeter is sealed and approved by an authorised Officer of the City Council. All meters must be calendar controlled.

- (a) As soon as the vehicle is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (b) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Lighting Act 1957 and also at any other time at the request of the hirer;
- (c) If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

2. Fare to be Demanded

- (a) The driver shall not demand (from any hirer of a private hire vehicle) a fare in excess of (any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare) the fare shown on the face of the taximeter. The driver **must** confirm prior to the commencement of the journey, the name of the hirer, the destination and the cost of the journey;
- (b) The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare shown on the face of the taximeter.

3. Interference with Equipment

The driver of a private hire vehicle shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.

4. Shortest Route

The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

5. Driver's Identification Badge

The Driver must at all times when acting as a driver of a private hire vehicle wear his identity badge, as provided by the Council, in such manner as to be plainly and distinctly visible. The badge must be handed over for inspection, if requested, to any authorised officer or Police Officer for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.

6. The driver of a private hire vehicle shall, when required to do so by an authorised officer of the Council or any Police Officer, return the driver's badge and licence to the Council and obtain a receipt for it.

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return the driver's badge to the Council. Badges must be renewed before the expiry date of the existing badge.

Late applications will be accepted up to 28 days after expiry of the licence **however** the driver will be required to pay a penalty of £31.00. Drivers are reminded that it is an offence to drive a licensed Hackney / Private Hire vehicle whilst not being in possession of a current licence.

#### 7. Assistance with Luggage

The driver of a private hire vehicle so constructed as to carry luggage shall:

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

#### 8. Operation of Vehicle

Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, provided that there are no parking restrictions, it is not causing an obstruction, and not within the defined city centre area. Private hire vehicles and drivers waiting for their next booking within the city centre area will be required to wait in the following designated car parks, Wellington Street, Wirrina or Pleasure Fair Meadow, until the vehicle is booked and required to proceed to the destination at the appointed time within the city centre. The council reserves the right to restrict private hire vehicles from these car parks as and when necessary, for example a city wide event.

Drivers must switch off their vehicle engine when waiting in the designated car parks, and not leave their engine idling when parked for more than a couple of minutes anywhere.

9. Drivers of private hire vehicles shall at all times carry a written record of all hirings to be produced on demand to an authorised officer of the City Council or any Police Officer. **THE DRIVER SHALL ONLY ACCEPT HIRINGS THAT HAVE BEEN PASSED VIA THE PREMISES OF THE LICENSED OPERATOR FOR WHOM HE WORKS AND IMMEDIATELY UPON RECEIPT OF SUCH A HIRING THE DRIVER MUST RECORD THE SAME IN HIS OWN RECORD OF BOOKINGS BEFORE PROCEEDING TO THE PICK-UP POINT.**

#### 10. Lost Property

The driver of a private hire vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein. Any property found shall be returned to the hirer or handed in to the nearest Police Station within 24 hours.

#### 11. Carriage of Other Persons

The driver of a private hire vehicle shall not permit any other person to be conveyed in the vehicle without the express consent of the first hirer.

#### 12. Licence Plate

The driver of a private hire vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view whilst the vehicle is being used for the purpose of hire. The driver must ensure that the plate is securely fixed to the rear outside of the vehicle in such a manner as to be easily removed by an authorised officer of the Council or Police Officer.

#### 13. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired, be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by reasonable cause.

14. Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

15. Conduct of Driver

The driver shall:

- (a) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- (b) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (c) not drink, eat or smoke in the vehicle;
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Drivers are reminded that it is an offence to sound a horn whilst stationary except in traffic and not at all between 11.30pm and 7.00am in areas where there is a 30mph speed limit in force); and
- (f) NOT consume ANY alcohol whilst on duty and ensure that he/she complies with statutory legislation in relation to drink driving offences.

16. Smoking

It is against the law for a driver or passenger to smoke in a licensed vehicle.

17. Passengers

- (1) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (2) The driver shall not allow any child below the age of twelve years to be conveyed in the front of a private hire vehicle:

18. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide the hirer with a written receipt for the fare paid.

19. Vehicle Damage Notification

The driver of a private hire car shall within seventy two hours report all accidents in writing to the Council.

20. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself, the proprietor or operator of the vehicle. Any animal belonging to or in the custody of any passenger may be conveyed at the driver's discretion.

- 21. The carrying of hearing dog, guide dog or other assistance dog shall not be at the driver's discretion and such a dog accompanying a blind or deaf person must be carried at no additional cost.

22. Health of Driver

The driver of a private hire vehicle must inform the Council without delay about the onset or worsening of any health condition likely to cause them to be a source of danger to the public when driving either

now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug taking and loss of a limb or use of a limb. THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

23. A Group 2 medical certificate completed by a registered general practitioner who is licensed to practice in the UK must be submitted with all new applications and every three years upon renewal and then annually thereafter when the applicant reaches 65 years old.

24. Period of Licences

Private Hire Drivers Licences are generally issued for a three year duration, but may be granted for a lesser duration if appropriate, or if the applicant's right to work is of a shorter or limited duration. Drivers are responsible for ensuring they renew their licence at the appropriate time. Drivers who fail to renew their licence within 28 days after expiry will be required to apply as a new driver.

25. Acceptance of Hirings

The driver shall not whilst driving or in charge of a private hire vehicle ply for hire or otherwise:

- (a) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
- (b) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
- (c) offer the vehicle for immediate hire whilst the driver is on a road or PUBLIC PLACE or PRIVATE PROPERTY.

26. Before commencement of a journey the driver shall confirm the passenger's name and destination. The driver shall confirm the fare before the commencement of the journey unless a sealed meter is used in accordance with the City Council's regulations.

27. Before commencement of duty, a private hire driver shall ensure:

- (a) that the vehicle is licensed in accordance with the City Council's regulations;
- (b) the vehicle is correctly insured as required by the relevant Road Traffic Regulation Act or any other enactment; and
- (c) that he inspects the vehicle to ensure that it is in a fit and proper condition to be used as a private hire vehicle.
- (d) the vehicle is displaying the correct Part 1 and Part 2 notice, in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle. The part 1 notice must contain the following information;
  - the business name of the operator,
  - the telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
  - the vehicle registration number, and
  - the vehicle licence plate number.

The Part 2 notice must display the drivers photo and licence number

28. When a driver is not using a licensed vehicle for private hire purposes, the driver shall ensure that the licence plate is obscured from public view. Drivers are reminded that it is an offence to drive a licensed Private Hire vehicle whilst not being in possession of a current private hire driver's licence.

29. Documentation

At the request of an authorised officer of the Council or a Police Officer the driver must within 7 days produce for inspection the following documents:

- (a) the vehicle licence;
- (b) the vehicle registration documents;
- (c) a Certificate of the policy of motor insurance as required by Part IV of the Road Traffic Act 1988 or any other enabling Act;
- (d) where appropriate a Ministry of Transport Test Certificate; or CoC and
- (e) his own driving licence issued by DVLA or equivalent as defined by DVLA.

30. Convictions/Cautions

The proprietor/driver shall within seven days disclose to the Council in writing details of any convictions, cautions or arrests, DVLA penalty points etc. imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

Licensed drivers must also report to the council within 7 days any changes to their immigration status, or any convictions of an immigration offence, or any requirement to pay an immigration penalty. A licence ceases to have effect if the person does not have the right to work in the UK. Any licence which has expired due to the person's immigration status must be returned to the council within 7 days.

31. Advertisements etc.

The driver of a private hire vehicle shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the prior written consent of the Council.

**Cheques**

32. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

## Private Hire Operator's Licence Conditions

### Introduction

Private Hire Operators are licensed to provide pre-booked journeys for passengers at an agreed fare. Legislation states that the journey must be pre-booked with the operator prior to commencing, where a fare is undertaken without being pre-booked it is against the law and the driver's insurance will almost certainly be invalid.

The council has a responsibility to regulate Private Hire Operators in accordance with legislation, when receiving an application as well as considering any legislative requirements local authorities also have the ability to take into consideration local factors or issues that may be relevant when granting a licence.

When considering a new application for an operator's licence we will consider the location of the premises, parking arrangements for vehicles and what the effect of granting the licence is likely to have on anyone in the vicinity, this includes residents, the public and other businesses.

Some locations such as the city centre and other densely populated areas do not easily accommodate businesses such as the private hire trade due to the space required for vehicles etc. Due to this we would not grant a licence unless the applicant can demonstrate such measures to ensure that there will not be a detrimental effect on anyone in the vicinity, this will also include any parking infringements by drivers visiting the office that are encouraged due to the location. Any application for a city centre location will also be considered in accordance with the Peterborough City Centre Development Plan.

In granting a licence the authority will attach conditions to the licence, and as part of the authority's role within regulation it will ensure compliance by the operator to these conditions. Some conditions are prescribed by legislation and are mandatory; others are adopted locally where deemed appropriate or necessary.

It is good practice and appropriate to regularly review the conditions in order to ensure that they remain relevant and are fit for purpose. It should be remembered that where conditions are set by legislation then these cannot be amended or removed and therefore will continue to be attached to all operator licences.

These conditions are in addition to the requirements imposed upon operators by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Breach of any of these conditions may lead to enforcement action which could lead to suspension or revocation of the licence and/or prosecution.

### 1. Planning Requirements

- (a) There shall (where planning legislation and practice requires it) be in force for the premises from which the business is to be conducted a valid planning consent in these cases. Operators must comply fully with any condition attached to such consent.
- (b) Where planning consent is not required written confirmation from the council's planning department will be required.
- (c) In the case of an operator with only one vehicle operating from a residential address and the council's planning department has confirmed that planning permission is not required the following conditions must be adhered to:
  - (i) only one vehicle can operate from the premises
  - (ii) customers must not visit the premises
  - (iii) customers must be picked up away from the premises
  - (iv) any advertising from the premises must have prior approval from the council's planning department.

### 2. Records

#### 2.1 Records of vehicles and drivers

- (a) The operator shall be responsible for maintaining at his premises **(AND AT EACH SUCH**

**PREMISES IF OPERATING FROM TWO OR MORE PREMISES)** particulars of all vehicles operated by him, which shall include the following:-

- (i) the call sign or other identifying mark used on booking records;
  - (ii) the licence plate number;
  - (iii) the vehicle registration number;
  - (iv) the name and address of vehicle proprietor;
  - (v) a valid current certificate of motor insurance or security for the vehicle together with, where appropriate, a Ministry of Transport certificate and or certificate of compliance, and ensure both the driver and vehicle hold a current licence issued by the same authority;
  - (vi) the names and addresses of drivers and the badge numbers of drivers.
- (b) The above records to be produced on request to an authorised officer of the Council or to a Police Officer.
- (c) Operators must provide due diligence in the form of written records to demonstrate that staff and drivers are fully trained and aware of their responsibilities. Operators may demonstrate this with training records to include safeguarding and disability awareness, other checks performed by the operator, company policies etc. The due diligence records must be made available to an authorised officer upon request.
- (d) Operators who provide wheelchair accessible vehicles (WAV) must ensure that the driver is appropriately trained to safely load, unload and convey passengers in a safe and secure manner. This training must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.

## 2.2 Records of bookings

- (a) Before the commencement of each journey of every private hire booking the operator shall enter in a suitably bound book, **TO BE HELD AT THE PREMISES FROM WHICH THE BOOKING IS MADE**, the pages of which are numbered consecutively, the following details:-
- (i) the time and date of each booking;
  - (ii) by what method the booking was received, i.e. telephone or personal call;
  - (iii) journey from \_\_\_\_\_ to \_\_\_\_\_;
  - (iv) the name of the hirer; and
  - (v) cost of fare quoted for journey.

If the above data is to be retained electronically, the operator must make appropriate provision to ensure it is backed up to maintain data integrity and retention period.

(Note: If a licence plate number or call sign is used, a record showing the vehicle registration number and the plate number or call sign allocated shall be displayed and kept on the licensed premises).

- (b) If an operator subcontracts a booking to another licensed operator, both operators must keep a record of bookings. The initial operator who accepted the booking must provide due diligence of checks made to ensure the operator they passed the booking onto is correctly licensed. This due diligence must be documented and made available to an authorised officer.
- (c) The records shall be kept for a period of not less than six months from the date of the last entry, or such longer period as required by an authorised officer of the Council and must be produced on reasonable request to any such officer or to a Police Officer.

## 3. Information as to Charges

No operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first drawing the attention either orally or in writing to the person making the booking, information as to the basis of charge for the hire of the vehicle. The Operator shall ensure that such

information is passed to the driver.

#### 4. **Statement of Fares**

Operator's who provide private hire vehicles that are fitted with a taximeter must ensure that the vehicle displays a current statement of maximum fares as set by the council.

Operator's must make customers fully aware of any additional charges which may be applied, e.g.

- (a) the minimum charge of each hiring (if any);
- (b) the fare tariff;
- (c) any additional charges (eg. cleaning a soiled vehicle)

These additional charges must be clearly displayed in the operator's office and website where available.

#### 5. **Term of Licence**

A Private Hire Vehicle Operator's Licence is usually granted for a five year duration, but may be granted for a lesser duration if requested to do so in writing, or the applicant's immigration status limits it to a shorter duration.

#### 6. **Ofcom licence**

Operators who utilise a radio system will be required to provide proof of their current licence from Ofcom.

#### 7. **Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities and has valid public liability insurance in place for this area.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- (e) Ensure that if it is intended that a diesel "Fortwo" Smart Car is to be dispatched to fulfill a booking, it is highlighted with the customer and if requested, an alternative licensed vehicle is supplied.
- (f) Ensure that no additional charges or costs are levied or applied by them or their drivers for the conveying of assistance dogs.
- (g) Where the operator has a wheelchair accessible vehicle within their fleet, ensure that no additional costs are levied by them or their drivers for conveying disabled passengers.

#### 8. **Disorder**

The holder of an operator's licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.

#### 9. **Change of Address**



- (a) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.
- (b) Where there is a change of address from which the business is conducted, the operator must ensure that all necessary requirements including any planning permissions are in place prior to the business operating from the new location.

#### 10. **Convictions/Cautions**

- (a) The operator shall within seven days disclose to the Council in writing details of any conviction/cautions imposed on him or arrests (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.
- (b) The operator must notify the council within seven days of any changes to their immigration status or, if since the grant of their licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- (c) An operator's licence ceases to be in effect if the person to whom it was granted becomes disqualified by reason of their immigration status. Where this applies the person must cease to operate and return their operator's licence to the council within 7 days.

#### 11. **Facilities for Passengers**

- (a) The operator shall ensure that where any passenger waiting area or room is provided it is kept physically separate from any driver rest area and operations room.
- (b) The operator shall ensure that his/her staff, driver's, vehicle proprietors, passengers or prospective passengers are not allowed to congregate on a public road, footpath or any other public place adjacent to his/her licensed premises whilst waiting for the arrival of vehicles.
- (c) The operator shall ensure that the internal and exterior of **EACH of HIS/HER** premises ARE kept in good repair to the satisfaction of the Council.

#### 12. **Complaints and requirement to display required information - Part 1 notice**

- (a) Operators must have a formal written complaints procedure and policy in place which must be made freely available to all customers. The procedure must, as a minimum include and document the following matters:
  - (i) The way in which customers can complain, including the operator's business name and telephone number.
  - (ii) When the complaint was made (date and time)
  - (iii) Who made the complaint
  - (iv) The nature of the complaint
  - (v) When the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt).
  - (vi) The resolution offered by the operator, and
  - (vii) That the complainant may further their complaint to the licensing department if they remain unsatisfied with the operators resolution.
- (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer.
- (c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted to another licensed operator.
- (d) All vehicles utilised by the operator (except where subcontracted to another licensed operator) must clearly display a Part 1 notice, which must contain the following information in a conspicuous unobscured place, which can be easily read by a passenger travelling in the rear and front of the vehicle:

- (i) The business name of the operator
- (ii) The contact telephone number where a customer can make a complaint or report a concern, e.g. Should you wish to comment positively or negatively on any aspect of your journey today, please call (insert telephone number)
- (iii) The vehicle registration number, and
- (iv) The vehicle licence plate number

- (e) Operators must monitor complaints to see if there are any trends, or if they relate to particular drivers or vehicles. Where a trend is apparent, appropriate action must be taken by the operator to address the issue.
- (f) If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.

### 13. Taximeters

- (a) The operator shall ensure that vehicles operated by him which are fitted with a sealed taximeter, charge a fare or charge calculated from the point in the district at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of the journey. The taximeter being brought into operation at the commencement of the journey.
- (b) The operator must ensure that all vehicles operated by his base station fitted with meters have been sealed by an authorised Officer of the Council.

### 14. Acceptance of Bookings

- (a) The operator must advise all drivers **OF VEHICLES IN RESPECT OF WHICH HE ACCEPTS A BOOKING THAT**, whilst on duty, being in charge of a licensed private hire vehicle HE shall not ply for hire or otherwise:-
  - (i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
  - (ii) cause or procure any other person to tout or solicit on any road or other PUBLIC place any person to hire or be carried for hire in any private hire vehicle; or
  - (iii) offer the vehicle for immediate hire whilst the driver is on a road or public place or private property.
- (b) The Operator/Proprietor shall not permit any person not being the holder of a valid licence issued by the City Council to drive a licensed private hire vehicle.

### 15. Satellite Offices

Where a satellite office is in operation the following conditions will apply in addition to those previously mentioned:

- (a) Private hire vehicles must not park illegally on the public highway in the vicinity of the satellite office, breach road traffic legislation or breach parking restrictions or cause obstruction or annoyance to the public, other road users or other businesses.
- (b) Vehicles must not be allowed to congregate in the vicinity of the satellite office unless there is adequate off street parking to accommodate all vehicles.
- (c) Private hire vehicles must only attend the satellite office to undertake pre-booked fares and should depart immediately on the collection of their passenger
- (d) Vehicles should not be dispatched to the satellite office unless the passenger is ready for collection.
- (e) Booking records must be kept in accordance with section 2 of this document.
- (f) Private Hire Marshals must be clearly identifiable to the public and fully aware of their responsibilities in accordance with the conditions as attached to the operator's licence and all associated legislation.
- (g) Private Hire Marshals or any other person representing the operator must not approach the public

or any prospective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. This includes handing out business cards to prospective customers without the customer making an initial enquiry.

- (h) Where official marshals are not employed by the operator and existing members of staff of a premises are acting as an agent for the operator, then the agent representing the operator must not approach the public or any prospective customer and offer a vehicle for hire, regardless of their location, be it in a public or private place. This includes handing out business cards to prospective customers without the customer making an initial enquiry.
- (i) Driver's must not take bookings direct from customers.
- (j) Where a driver is temporarily undertaking the role of a marshal, the driver must be clearly identifiable as such and must not be in the vicinity of his vehicle.
- (k) Where a driver is temporarily undertaking the role of a marshal, the driver must not take a booking and then carry out the job himself.

16. **Licence Fees**

- (a) A licence in respect of which a licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

# PETERBOROUGH CITY COUNCIL

## Limousine and Speciality Vehicles Licence Conditions

Peterborough City Council reserve the right to consult with DVSA (Driver and Vehicle Standards Agency (formerly VoSA)) if it believes a vehicle does not meet the standards set out in the latest version of their document for Guidance for Limousine Operators. The authority may refuse any vehicle upon application that does not meet the criteria.

It is the responsibility of each applicant to ensure that no more than 8 (Eight) passengers are ever transported in the vehicle at any one time. Seating capacity can be defined by the number of seating positions, which again can be defined by sculpting in the seat and/or seat belts. When signing the vehicle licence application you are confirming that you will adhere to this.

On application for a limousine vehicle licence the applicant must be able to prove that the vehicle is of an approved standard to be used on the UK highway. If a vehicle is less than ten years of age it will require an IVA (Individual Vehicle Approval) certificate, a current MOT test certificate and a V5 vehicle registration certificate. Any vehicle over ten years of age will require a current MOT test certificate and a V5 vehicle registration certificate.

If any applicant is unsure how to obtain the relevant registration documentation, they should contact DVLA and/or DVSA.

Limousines should ideally be chauffeur driven vehicles, and will not be permitted to be used for standard day to day private hire work.

For the licensing of prestige cars each vehicle must comply with the Road Vehicle (Construction and Use) Regulations. It is expected that the type of vehicle relevant to this category of licensing would be a Rolls Royce, Daimler, Bentley, Jaguar or other high end models from manufacturers such as BMW or Mercedes Benz however this list is non-exhaustive and approval will be at the council's discretion; Also incorporated into this section would be vintage or classic cars. Other vehicles that the authority may be asked to licence could be Kit cars, or something of a more retro nature such as those from television, examples being a Ford Capri or a Reliant three wheeler.

All vehicles when presented for inspection must have all relevant documentation such as the MOT test certificate and a V5 vehicle registration certificate.

All speciality vehicles should ideally be chauffeur driven vehicles, and will not be permitted to be used for standard day to day private hire work.

Peterborough City Council reserve the right to consult with DVSA if it believes a vehicle does not meet the standards of roadworthiness as set out in the categorisation of vehicle defects.

It should be noted that at the time of writing there is an exemption under the Local Government (Miscellaneous Provisions) Act 1976, when vehicles are used for weddings and funerals. However, this may change once the results of the law commission consultation are known, and changes made to legislation.

### 1. **Licensing Requirements**

- 1.1 The general conditions imposed by Peterborough City Council (hereafter referred to as the Council) for private hire vehicle operators and drivers will be applicable to the licensing of stretch limousines and Speciality Vehicles unless amended by the following provisions.
- 1.2 The general conditions imposed by the Council for private hire vehicles where applicable to the licensing of stretch limousines and speciality vehicles are included in section 12. General Conditions for Private Hire Vehicles.

1.3 The type of work undertaken by stretch limousines will differ significantly from that of regular private hire work in that the vehicle will only be licensed for the carriage of passengers for special events, examples of which are:

- Prom nights
- Theatre trips
- Hen nights
- Stag nights
- Party trips
- Race days

or any other similar events considered by the Council to be special in nature. However, vehicles used solely for weddings and funerals are exempt from the requirements of private hire licensing.

## 2. Private Hire Operator's Licence

2.1 Persons taking bookings for private hire work using stretch limousines or speciality vehicles will be required to hold a private hire operator's licence issued by the Council.

2.2 All bookings of a limousine or speciality vehicle for use as a private hire vehicle must be made through a licensed private hire operator. Any vehicle licensed by the Council will only be used for hire under the terms of a private hire operator's licence already issued or granted to an operator within the District or to any new licensed operator.

## 3. Private Hire Driver's Licence

3.1 Any person driving a stretch limousine or speciality vehicle for private hire will be required to be licensed as a private hire driver by the Council.

## 4. Stretched Limousine - Definition

4.1 A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder that is capable of carrying up to but not exceeding 8 passengers. There will be no age limit for first registration and no maximum upper age limit, subject to the vehicle being mechanically and physically maintained in accordance with the provisions of the Council's standard conditions relating to private hire vehicles.

4.2 In order for the limousine to be considered for licensing, the applicant must prove that the "stretch" was carried out by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines must have been built by an approved coachbuilder under the QVM programme, (Qualified Vehicle Modifier) for Ford vehicles or the CMC programme (Cadillac Master Coachbuilders). The onus is placed upon the applicant to prove that the vehicle meets the prescribed standards.

4.3 Once licensed as a private hire vehicle, the limousine will be subject to any statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976.

4.4 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such a vehicle for standard private hire work is not considered to be appropriate.

## 5. Vehicle Testing

5.1 A stretched limousine vehicle will be subject to a **twice yearly mechanical examination** at intervals to be specified by the Council at its authorised testing station (Amey) to determine its safety and suitability for the type of work for which it is to be licensed. This will apply to all stretched limousines regardless of age, date of import or date of registration. **A licence for a stretched limousine will be issued for a period of 12 months only**, renewal subject to a satisfactory retest.

- 5.2 The Vehicle Registration Document V5 must indicate in the field "Type Approval Number" that it has undergone one of the following approvals and meets the technical standards of either:
- a European Whole Vehicle Type approval, or
  - a British National Type approval, or
  - an Individual Vehicle Approval (IVA) (formerly known as the Single vehicle Approval scheme (SVA)).
- 5.3 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- 5.4 Documentation is to be provided proving that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer e.g. American limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- 5.5 A plate on the door pillar shall confirm the total weight of the vehicle.
- 5.6 DVLA V5 or equivalent shall be produced to authenticate registration.
- 5.7 A speciality vehicle will be subject to an **annual MOT test** at any DVSA authorised MOT testing centre. This will apply to all speciality vehicles regardless of age, date of import or date of registration. **A licence for a speciality vehicle will be issued for a period of 12 months**, renewal subject to a satisfactory retest.
- 5.8 Limousine and speciality vehicles will receive an exemption to display an external identification plate, a paper permit will be issued which must be clearly displayed on the nearside of the front windscreen.
- 5.9 An exemption notice will be issued and must be carried in the vehicle at all times, the notice must be produced upon request by an authorised officer of the council or any police officer on request.
- 5.10 The driver will also be exempt from wearing a private hire badge under the exemption notice. But must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- 5.11 The vehicle will be exempted from displaying the Part 1 and Part 2 notice

## 6. Vehicle Requirements

- 6.1 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
- 6.2 Where applicable, an installation certificate must be produced from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- 6.3 The vehicle must maintain valid road vehicle excise duty.
- 6.4 Vehicles may either be left or right hand drive.
- 6.5 Vehicles must be fitted with at least 4 doors (limousines).
- 6.6 All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations (limousines). In the case of speciality vehicles seat belt requirements will depend on the Road Vehicle (Construction and Use) Regulations relating to the age of the vehicle; where this allows for seatbelt exemption children must not be carried in the vehicle.
- 6.7 Stretch limousines with heavily tinted glass in the windows behind the driver's cockpit will be

considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by DVSA.

## 7. **Passengers**

- 7.1 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.
- 7.2 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age.
- 7.3 Passengers must not be carried in the front compartment.

## 8. **Insurance**

- 8.1 The vehicle must have 'hire and reward insurance' to carry out private hire work and a full policy of insurance must be presented before the vehicle is licensed. An insurance cover note will not be accepted.

## 9. **Alcohol**

- 9.1 Alcohol shall only be served while the vehicle is stationary and afterwards all bottles shall be placed in a secure receptacle.
- 9.2 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the licensing Act 2003 permitting the sale or supply of the same.
- 9.3 If there are any passenger's below the age of 18, then there shall be no alcohol in the vehicle.
- 9.4 Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.

## 10. **Entertainment**

- 10.1 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).
- 10.2 Entertainment provided in the vehicle shall be under the terms of any relevant legislative requirements. Activities which are prohibited within the vehicle are:
- Striptease
  - Lap Dancing
  - Pole Dancing
  - Any other activity or performance of a like kind.
  - The driver of the vehicle shall not knowingly permit to be played any video, DVD or other recording image that is unsuitable having regard to the age of passengers being conveyed. In deciding what a suitable regard shall be, the driver must take notice of the classification of the video, DVD or recorded image awarded by the British Board of Film Classification

## 11. **Advertisements**

- 11.1 No signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council. There is no requirement for the vehicle to display a door sign denoting the operator's details.
- 11.2 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry a maximum of 8 passengers and a sign to this effect must be displayed within the passenger compartment of the vehicle.

## 12. **General Conditions for Private Hire Vehicles**

12.1 Listed in this section are the conditions taken from the council's general conditions for private hire vehicles which are applicable to the licensing of stretch limousines and speciality vehicles.

12.2 Maintenance of Vehicle

- a) The vehicle shall be of such a design to enable any person in the carriage to communicate with the driver;
- b) The vehicle will be provided with a proper carpet, mat or other suitable covering on the floor;
- c) The vehicle will be kept in a clean, safe condition and well maintained and in every way fit for public service; and
- d) The vehicle will be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage.

12.3 Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

12.4 Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

12.5 Vehicle Documentation

The proprietor of a Private Hire vehicle licensed by the Council shall at the request of an authorised Officer or any Police Constable produce for inspection the following documentation within 7 days from the time the request is made at a place notified to the driver by the authorised Officer or Police Constable.

- a) a certificate of the policy of Insurance or security required by Part IV of the Road Traffic Act 1988 or other enactment in respect of such Private Hire vehicle;
- b) the Private Hire vehicle Licence issued by the City Council;
- c) a current Ministry of Transport Test Certificate or CoC (where applicable);
- d) the vehicle registration documents; and
- e) the driving licence (issued by DVLA)

12.6 Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

12.7 Employees

If the proprietor permits or employs any other person to drive a licensed vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle ensure that the driver holds a valid private hire driver's licence, is insured as required by the Road Traffic Act and that the driver fully understands the conditions attached to both this licence and the private hire driver's licence.

13. **Right of Appeal**

13.1 Under Section 48 (7) of the 1976 Act, any person aggrieved by the refusal of the council to grant a private hire vehicle licence, or any conditions specified in such a licence may appeal to a Magistrates' Court.

13.2 Please note that failure to comply with any of the aforementioned conditions including the general conditions relating to private hire vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.



## **Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing**

### **Introduction**

The City Council as the Taxi Licensing Authority, has the responsibility to ensure all drivers of hackney carriages and private hire vehicles that are available for hire to the public, are 'fit and proper' persons to hold the relevant drivers' licences, and are not disqualified by reason of their immigration status. The taxi Licensing Authority will take such measures as appropriate in order to protect members of the public, other road users and the drivers themselves.

There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgment for the Licensing Authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.

Convictions and cautions do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed 'fit and proper' by the Licensing authority. Each case is treated on its own merits.

The assessment is ongoing and drivers have a duty to disclose any convictions or cautions which might affect their suitability to hold a private hire or hackney carriage driver's licence.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest person
- The safeguarding of children and young persons

These guidelines will be referred to by officers exercising their powers of delegation, under the Council's Scheme of Delegations in determining whether or not a person is 'fit and proper' to hold a driver's licence.

### **1. General**

#### **1.1 Scope**

These guidelines apply to the grant, revocation, suspension or renewal of Operator's Licences ("Operator's Licences") and Licences to drive hackney carriages and/or private hire vehicles ("Driver's Licences") issued by Peterborough City Council ("the Council").

#### **1.2 Purpose**

The purpose of these guidelines are to facilitate the Council's duties and responsibilities in determining the impact of convictions and cautions on the grant or renewal of Driver's and Operator's Licences in accordance with the legislative considerations set out below.

### **2. Legislative Background**

#### **2.1 Licensing Legislation**

The Council licences drivers and operators under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 ("the Relevant Legislation").

#### **2.2 Grant and Renewal of Licences**

Sections 51, 55 and 59 of the Relevant Legislation prescribe that the Council shall not grant a Driver's or Operator's Licence unless satisfied that the applicant is fit and proper for that purpose.

Whilst the relevant legislation is not specific as to what will constitute a fit and proper person for the purpose of determining whether to issue a Licence, it is commonly accepted that any history of offending will be a relevant consideration. The overriding aim of the licensing authority is to protect the public.

### 2.3 **Immigration Act 2016**

The immigration Act also places a duty on the licensing authority to verify an applicant's right to work in the UK prior to issuing a licence. The council is prohibited from issuing a licence, (drivers and operators licence) to anyone who is disqualified by reason of their immigration status. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator's licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.

The provisions also add immigration offences and penalties to the list of grounds on which operator and private hire and hackney carriage driver licences may be suspended or revoked by this authority. Where licences expire, or are revoked or suspended on immigration grounds, the licence must be returned within seven days. Failure to return the licence within seven days is a criminal offence.

### 2.4 **Suspension or Revocation of Licence**

Section 61 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew a Driver's Licence in the following circumstances:

- (a) there has been a conviction/caution for an offence involving dishonesty, indecency or violence;
- (b) there has been a conviction or caution for an offence under or a failure to comply with the Relevant Legislation; or
- (c) that since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (d) any other reasonable cause

Similarly, Section 62 of the Relevant Legislation prescribes that the Council may suspend, revoke or refuse to renew an Operator's Licence in the following circumstances:

- (a) there has been an offence under or non-compliance with the Relevant Legislation;
- (b) any conduct on the part of the Operator which renders him unfit to hold a licence;
- (c) any material change since the Licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (e) any other reasonable cause.

### 2.5 The Council will also have due regard to:

- (a) s.17 of the Crime and Disorder Act 1998 which states 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.
- (b) The Department for Transport's Taxi and Private Hire Vehicles: Best Practice Guidance which recognises the need for criminal record checks as an important safety measure and contemplates that a particularly cautious view will be taken in relation to offences of a violent or sexual nature.

## 3. **Disclosure of Convictions/Cautions**

### 3.1 All persons ("Applicants") seeking to obtain an Operator's and/or Driver's Licence or will be required

to disclose the existence and detail of all relevant convictions and/or cautions they may have.

- 3.2 For the purpose of meeting their disclosure obligations, applicants for a driver's licence will be required to obtain an Enhanced Disclosure from the Disclosure and Barring Service ("DBS").
- 3.3 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 3.4 The Council will decide what level of disclosure is required and in doing so will have regard to the Rehabilitation of Offender's Act 1974 and the Rehabilitation of Offender's Act 1974 (Exceptions) Order 2002 ("the Order"). In particular, the following is of note:

#### 4. **Drivers**

- 4.1 Hackney and private hire drivers working with children and/or vulnerable adults are included within the scope of the Order. This means that all convictions, irrespective of age or sentence imposed can be considered if relevant to the application and will not become spent for this purpose.
- 4.2 In view of the application of the Order, the Council will request an Enhanced Disclosure from the Disclosure and Barring Service (DBS) the response to which will contain information of any current or spent convictions, cautions, reprimands or warnings as well as for example other relevant information held by the Police. More information about the DBS and the checks that they perform is available on their website.

#### 5. **Operators**

- 5.1 Private Hire Operators do not fall within the Exemption of the Order, however it is acknowledged that whilst that individual may not be directly responsible for transporting members of the public, they will have access to personal information about passengers and afforded access to them if they walked into the Operator's office to hire a private hire vehicle.
- 5.2 In view of the above and requirement of the Relevant Legislation, that Operators are fit and proper persons, the Council will require operators (who are not also licensed drivers) to submit a basic DBS disclosure.
- 5.3 Information obtained from the DBS will be shared only with those authorised to receive it in the course of their duties.

#### 6. **Assessment of Applications**

- 6.1 The Council will not preclude applications from persons who have previous criminal convictions /cautions subject to the application of these guidelines. In particular, having a criminal record will not necessarily be a bar from obtaining a Licence. Each case will be decided on its own merits.
- 6.2 The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the applicant's history may be such that they can never be deemed a fit and proper person. The Council retains absolute discretion as to whether or not a Licence will be granted, having regard to the legislation outlined at paragraph 2 above, all information obtained and observations made during the relevant application process.
- 6.3 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take into account as appropriate.
- 6.4 Careful consideration of the evidence provided should be given if an applicant has on more than one occasion been arrested, charged, but not convicted of a serious offence, which suggests on the balance of probabilities that they could pose a danger to the public. Consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.

6.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.

6.6 The Council is also entitled to use other records and available information when determining applications. This may include information held by the council or other Licensing Authorities and information disclosed by the Police under the Common Law Police Disclosure (CLPD) scheme for reporting offences where there is a pressing social need, or with the Home Office regarding immigration offences. Anyone on the Disclosure and Barring Service (DBS) Barred List will normally be refused a licence. Any licence holder who is subsequently included on the DBS Barred List will normally have their licence revoked.

## 7. **Impact of Cautions/Convictions**

7.1 Each application will be carefully assessed and in each case the information provided will be considered in relation to the particular circumstances and shall take into account one or more of the following (non-exhaustive) factors:

7.2 **Level of Responsibility.** The Council will consider the level of independence afforded to the Applicant. An Applicant who works alone with minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.

7.3 **Date of Offence(s).** The Council recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period of time will be considered more serious than an isolated minor conviction.

7.4 **Attitude of the Applicant.** The Council will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.

7.5 **Mitigating Circumstances.** The Council may ask applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.

7.6 **Sentence Imposed.** The Council will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

## 8. **Rehabilitation**

8.1 These guidelines prescribe the minimum periods of rehabilitation which will ordinarily need to have elapsed before an application can be approved. These minimum periods will be considered in conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.

8.2 Representatives of the Council tasked with deciding whether or not to approve an application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent or habitual offending history).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

## 9. **Right of Appeal**

9.1 Applicants have a right to appeal against decisions made in pursuance of these guidelines in the following circumstances:

### 9.2 **Licences**

A right of appeal arises against the following decisions:

- Refusal to grant or renew an Operator's or Driver's Licence;
- Suspension or revocation of an Operator's or Driver's Licence; and
- The imposition of conditions which may have been placed on the grant of an Operator's or Driver's Licence.

**Any such appeal must be made in writing to the Magistrates Court within 21 days of the date of the decision letter having been served.**

The appeal will be processed and determined by the Magistrates Court.

9.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes this statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver (Road Safety Act 2006, s 52, 2A & 2B).

9.4 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the operator.

## 10. **Updating and Repeat Checks**

10.1 Successful applicants are required to notify the Council within 7 days of any convictions or cautions they may receive after the grant of their Licence/Approval.

10.2 Persons wishing to renew their Licence must obtain and provide updated Disclosure Documents with their renewal application.

10.3 So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's recommendation that applicants register for the DBS update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year.

10.4 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

## 11. **Breaches of these guidelines**

11.1 Applicants are prohibited from driving a private hire or hackney carriage vehicle, or performing the duties of an operator without first having obtained a relevant Licence for this purpose.

11.2 Persons who have previously been granted a Driver's or Operator's Licence which has been suspended or revoked are prohibited from continuing to drive or perform the duties of an operator unless they have submitted an appeal in accordance with paragraph 9 of this Policy.

## 12. **Guidelines**

The following paragraphs offer a general guide on the decision, which might be taken where cautions or convictions are disclosed.

### **Offences Involving Violence**

#### **Offences against Children under 14 years and Young Persons 14 to 17 years**

12.1 Drivers of hackney carriages and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken when offences of violence involve children or young persons.

- 12.2 Where the commission of an offence involved loss of life a licence will normally be refused. In other cases anyone of a violent disposition will normally be refused to be licensed until they have at least 3 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

### **Offences against Other Persons**

- 12.3 As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of at least 3 to 10 years free of such conviction or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction and the term of rehabilitation could be reduced or increased.

- 12.4 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide whilst driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

- 12.5 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Arson
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm
- Riot
- Assault on the Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 10 years prior to the date of application.

- 12.6 An application will normally be refused where the applicant has a conviction for an offence such as:

- Racially aggravated criminal damage
- Racially aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 5 years prior to the date of application.

- 12.7 An application will normally be refused where the applicant has a conviction for an offence such as:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Harassment, alarm or distress (S5 Public Order Act 1986)
- Fear of provocation of violence(S4 Public Order Act 1986)

- Intentional harassment, alarm or distress (S4A Public Order Act 1986)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

and the conviction is less than 3 to 5 years prior to the date of application.

### 13. **Weapon Offences**

- 13.1 If an applicant has been convicted of possession of a weapon or a weapon related offence, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 to 5 years prior to the date of application.

### 14. **Sex and Indecency Offences**

- 14.1 Any applicant currently on the Sex Offenders Register will not normally be granted a licence.

#### **Offences against Children under 14 years and Young Persons 14 to 17 years**

- 14.2 Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

#### **Offences against Other Persons**

- 14.3 As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, an application will normally be refused where an applicant has a conviction for an offence of:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 14.4 An application will normally be refused where the applicant has a conviction for an offence relating to:
- Sexual or indecent assault
  - Possession of indecent photographs, child pornography etc
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 14.5 An application will normally be refused where the applicant has a conviction for an offence relating to:
- Indecent exposure
  - Soliciting (including kerb crawling)
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 14.6 A licence will not normally be granted if an applicant has a conviction for any sex or indecency offence.

### 15. **Dishonesty Offences**

- 15.1 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. It should also be noted that a private hire driver is not bound by a set fare structure and therefore

is open to potential abuse by dishonest drivers. Customers often use the trade for journeys to airports and drivers are privy to the knowledge that premises will be empty for a period of time. In addition overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.

15.2 For these reasons a serious view is taken of any convictions involving dishonesty. In general a minimum period of 3 to 5 years free of conviction should be required before an application can be considered favourably. Offences of dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

## 16. Drug Offences

16.1 A serious view will be taken with regard to any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of such conviction for a period of at least 3 to 5 years.

16.2 An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

16.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

16.4 If there is evidence of persistent drugs use, misuse or dependency, a medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years after detoxification treatment.

## 17. Driving Offences

17.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where an applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving unlicensed, disqualified or uninsured drivers or
- Or any similar offences

17.2 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and vehicles at all times. Any traffic offence could demonstrate that a driver is not a fit and proper person to hold a Licence. The following is of note:

- **Major offences / High risk offences** (see Annex A for examples of major/high risk offences). An Application received which details one of the major / high risk traffic offences in Annex A, on the DVLA licence, will normally be refused or a current licence suspended or revoked. An application will not normally be approved until the endorsement period has expired (4-11 years) and it is



shown that no further motoring convictions have been endorsed on the licence in that period.

- **Minor offences** (see Annex B for examples of minor offences). Where a period of disqualification has been imposed due to the accrual of DVLA penalty points or for a single infringement, an application should not be considered until the driving licence has been restored for a period of 12 months. Should the DVLA licence show a further conviction after the disqualification period then a 12 month period free of conviction should elapse from the date of the latest conviction. If an applicant has had their licence revoked, following six or more penalty points during the first two years since passing their driving test, then a period of 12 months free of further conviction, after passing a further test should have elapsed before granting a licence.

## 18. **Drunk driving / driving under the influence of drugs / using a mobile phone whilst driving**

- 18.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. Where a disqualification has occurred as a result of a drink driving offence, a period free of conviction of 3 to 5 years should elapse from the restoration of the DVLA licence, before an application will be considered.
- 18.2 If there is any indication that the applicant is an alcoholic, a medical examination (in accordance with the DVLA Group 2 Medical Standards) shall be arranged by the applicant, at their expense, before an application is considered. If the applicant was an alcoholic, then they will be required to show evidence that they have undergone rehabilitation and have been free from any issues for a period of at least 3 to 5 years.
- 18.3 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of related convictions could indicate a problem necessitating a medical, as laid down in 18.2.
- 18.4 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- Are much less aware of what's happening on the road around them
  - Fail to see road signs
  - Fail to maintain proper lane position and steady speed
  - Are more likely to 'tailgate' the vehicle in front
  - React more slowly, take longer to brake and longer to stop
  - Are more likely to enter unsafe gaps in traffic
  - Feel more stressed and frustrated.
- 18.5 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view will be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 18.6 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

## 19. **Discrimination Offences**

- 19.1 The council will treat any discrimination offence seriously when establishing if an applicant is fit & proper. A period of 3 to 5 years free of conviction must have elapsed before an application should be considered. If the conviction relates to a racial incident then refer to paragraph 12.6.

## 20. **Licensing Offences**

- 20.1 Licensing legislation is designed to ensure the public are protected and as such a serious view will be taken of convictions for offences under the Acts, such as plying for hire, overcharging, and refusing to carry disabled persons, when deciding whether an applicant is fit & proper. In general a period of 3 to 5 years free of conviction must have elapsed before an application should be considered.

- 20.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.
- 20.3 If an applicant has had a licence suspended, revoked or refused by another authority, then checks will be made with that authority to aid the decision making process.
- 21 Insurance offences**
- 21.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided s/he has been free of conviction for 3 years, however a strict warning will be given as to future behaviour.
- 21.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 21.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operator's' licence revoked immediately and be prevented from holding a licence for at least 3 years.
- 22. Outstanding Charges and Summonses**
- 22.1 If an applicant is the subject of any outstanding charge, summons, or is currently on bail awaiting a charging decision, no decision will be made, or licence granted until these outstanding matters are resolved.

## Annex A

**MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident  
 AC20 Failing to give particulars or to report an accident within 24 hours  
 AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court  
 BA30 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention  
 CD20 Driving without reasonable consideration for other road users  
 CD30 Driving without due care and attention or without reasonable consideration for other road users  
 CD40 Causing death through careless driving when unfit through drink  
 CD50 Causing death by careless driving when unfit through drugs  
 CD60 Causing death by careless driving with alcohol level above the limit  
 CD70 Causing death by careless driving then failing to supply a specimen for analysis  
 CD71 Causing death by careless driving then failing to supply a specimen for drug analysis  
 CD80 Causing death by careless, or inconsiderate driving  
 CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD40 Dangerous driving  
 DD60 Manslaughter or culpable homicide while driving a vehicle  
 DD80 Causing death by dangerous driving  
 DD90 Furious driving
- DR10 Driving or attempting to drive with alcohol level above limit  
 DR20 Driving or attempting to drive while unfit through drink  
 DR30 Driving or attempting to drive then failing to supply a specimen for analysis  
 DR40 In charge of a vehicle while alcohol level above limit

- DR50 In charge of a vehicle while unfit through drink
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive
- DR70 Failing to provide specimen for breath test
- DR80 Driving or attempting to drive when unfit through drugs
- DR90 In charge of a vehicle when unfit through drugs
  
- IN10 Using a vehicle uninsured against third party risks
  
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
  
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes
  
- UT50 Aggravated taking of a vehicle

## Annex B

**MINOR TRAFFIC OFFENCES**

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street offences
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to identity of driver etc
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable or traffic warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign
- TT99 To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified
  
- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
  
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- C80 Using a mobile phone while driving a vehicle
  
- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type or vehicle (excluding goods or passenger vehicles)

- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway

**Aiding, Abetting, counselling or procuring**

Offences as coded above, but with 0 change to 2 (for example CU10 becomes CU12)

**Causing or permitting**

Offences as coded above, but with 0 change to 4 (for example CU10 becomes CU14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (for example CU10 becomes CU16)

**Non-endorsable offences**

Some offences are non-endorseable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

**Testing criteria for vehicles which have reached the standard age limit**

Modern technological advances have improved the build quality and durability of all vehicles so that they are now designed with a longer lifespan. However, this is dependant on regular preventative maintenance and servicing being carried out effectively and in accordance with the manufacturer's' specifications. Failure to carry out such checks and tests can lead to costly repairs and even failure of critical safety features.

Licensed vehicles are subject to increased mileage and wear and tear than general vehicles. To ensure that the licensing of older vehicles does not have a negative impact on public safety or the environment, the council has an essential testing criteria. The criteria are items which the council considers to be critical areas of a vehicle test, which, if failed on a mechanical inspection are considered a major failure. Failure of these essential items can indicate that regular preventative maintenance has not been carried out, or if it has, it has not been effective.

Vehicles which remain licensed beyond a standard age are subject to this essential testing criteria. The standard age for private hire vehicles is 8 years and for hackney carriages it is 12 years. The age of the vehicle is determined from the date when first registered as indicated on the vehicle's V5 registration log book.

Where a licensed vehicle fails a mechanical inspection on one or more of the items contained in the table below, it will be immediately suspended and must not be used. The vehicle may be repaired and re-presented to the appointed testing station (Amey) within 30 days for retesting. If the vehicle passes the mechanical test within 30 days, the suspension will be lifted and the vehicle may be re-licensed. If a vehicle does not pass the mechanical test within 30 days, for whatever reason, it will be de-licensed.

Licensed vehicles should be presented to the appointed testing centre in a good serviceable condition, and subject to routine planned preventative maintenance and servicing in order to ensure the safety of passengers, the driver and the general public.

**Hackney carriage vehicles**

All mechanical tests carried out between 12 and 15 years old.

**Private hire vehicles**

All mechanical tests carried out between 8 and 10 years old.

<b>Critical Items</b>	
<b>Steering and Suspension</b>	Steering mechanism / system
	Transmission shafts
	Front suspension
	Rear suspension
<b>Brakes</b>	Condition of service brake system
	Condition of parking brake system
<b>Tyres and Wheels</b>	Tyre type and condition
	Road wheels
<b>General</b>	Exhaust emissions
	Vehicle structure
	Appearance – interior
	Appearance – exterior
<b>Road Test</b>	Where an issue is highlighted by the appointed testing centre, this will be determined on an individual basis depending on diagnosis

## Private Hire Vehicle Plate Exemption

### 1. Objectives

- 1.1 The aim of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow “executive vehicles” to operate without displaying external identification plates (private hire vehicle licence plate).

### 2. Introduction

- 2.1 The displaying of the external identification plate on a licensed vehicle and a drivers badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to assist with public safety issues.
- 2.2 However there are occasions when the requirement to display an external identification plate may have the opposite effect in the terms of customer safety and could have commercial implications for the operating business. The display of local authority licence plates may also deter some corporate customers from using the service; and in some cases the identification of the vehicle as licensed may allow “high risk” passengers to more readily be targeted putting both them and the driver at risk.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver’s badge. The same legislation also allows Peterborough City Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.
- 2.4 It is not intended that a significant number of private hire vehicles licensed by Peterborough City Council should be exempt from the council's requirement to display an external vehicle identification plate, however the council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.
- 2.5 In creating its policy Peterborough City Council does not seek to provide a definite list of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external vehicle identification plates.
- 2.6 This section provides guidance to potential applicants on the standards of vehicle, comfort and equipment that the council considers should be the minimum standard of comfort and vehicle type before the Authority would consider such an application.

### 3. Policy

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- 3.3 Applications for the exemption from the requirement to display an external identification plate on the rear of a private hire vehicle may be considered where the following requirements are met;
- a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
  - b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as “S” and “E” Class Mercedes- Benz, 7 Series BMW, Lexus “GS” or “LS” models, Audi A8 Series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered).
  - c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external

bodywork or internal trim and seating.

- d) The type of work is “executive” in nature. This means that the vehicle is used specifically and exclusively to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by Peterborough City Council.
- 3.5 Where an operator wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate application form. The application must be accompanied by supporting documentation and a non refundable fee.
- 3.6 The council may require applicants to provide additional documentation as reasonably necessary to allow the council to make an informed decision. Where such documentation is not provided to the satisfaction of the council the application will be refused.
- 3.7 Peterborough City Council is entitled to recover its costs in relation to the application for and issuing of an exemption notices and may charge such fees as it believes are appropriate to recover all or part of those costs.
- 3.8 The fee to accompany an application for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non refundable.
- 3.9 Where an application is granted, an exemption notice will be issued as soon as practical after the decision is made.
- 3.10 Where a vehicle is exempted from the requirement to display an external identification plate the licensed driver of the vehicle will also be exempted from wearing a driver's badge.
- 3.11 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for the same period of time as that vehicles private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.12 Exemption notices may be renewed annually subject to the vehicle under going an inspection by a licensing officer to ensure that it continues to be fit for purpose for an exemption. The annual renewal fee for an exemption notice is listed in the council's Taxi Fees and Charges schedule and is non refundable.
- 3.13 The fee for a replacement plate or exemption notice is listed in the council's Taxi Fees and Charges schedule.
- 3.14 The authority to determine any application for an exemption notice is by delegation to the Licensing Manager.
- 3.15 Applicants have the right to appeal a decision where a grant of a notice is refused or revoked; appeals must be in writing and will be reviewed by the licensing committee.
- 3.16 All vehicles granted an exemption notice must in addition to this policy also comply in accordance with the requirements of the council's standard private hire conditions.
- 3.17 Where there is any inconsistency between the standard private hire conditions and these conditions, then these conditions shall prevail.

**Private Hire Vehicle Plate Exemption Conditions**

**The conditions listed below apply to all private hire vehicles granted an exemption from Peterborough City Council from the requirement to display an external identification plate (private hire vehicle licence plate). The following conditions in addition to the standard conditions required for private hire vehicles.**

- a) The vehicle licence plate and exemption notice issued by the council in accordance to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the council.
- b) Any vehicle granted an exemption from displaying a vehicle licence plate will be required to have the vehicle licence plate normally displayed on the rear of the vehicle affixed to the inside of the boot lid. The plate when so affixed must be readily visible when that boot lid is raised.
- c) In the event of loss or damage rendering the plate or notice unserviceable the operator shall make immediate application for a replacement which a fee is payable.
- d) The exemption notice issued by the council must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the council or any police officer on request.
- e) When issued an exemption notice, the vehicle will not be required to display door signs which the council require private hire vehicles to display.
- f) When issued an exemption notice a taximeter must not be installed in the vehicle.
- g) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
- h) The operator will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising third party companies, products or services.
- i) During the period of the exemption notice the driver will not be required to wear a private hire drivers badge but must have it available for immediate inspection by an authorised officer of the council or any police officer on request.
- j) During the period of exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in either a formal chauffeur's uniform or business suit with collar and tie.
- k) The operator will notify the council immediately of any change of use of the vehicle.
- l) The vehicle must not be used for private hire purposes other than for executive use (i.e. not for "normal" airport journey's or daily private hire use).
- m) The driver and passenger front side window glass and front windscreen must clear. However tinted windows can be fitted to the rear side and rear window glass of the vehicle as long as they are factory fitted, comply with current legislation and comply with any current private hire vehicle conditions.
- n) The exemption will cease to have an effect on the sale or transfer of the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale or transfer of ownership immediately and in writing. The exemption notice must be returned to the council along with the private hire vehicle licence plate unless being sold to another private hire operator licensed by the council; in which case the only the exemption notice has to be returned.
- o) Exempted vehicles will not be required to display a Part 1 or Part 2 notice.



**Licence fees from 1<sup>st</sup> April 2017**

This form should be taken to the city council cash office together with the required fee. The cash office receipt issued should then be handed in with the application form as proof of payment.

**Hackney carriage and private hire driver's licence**

- New application deposit - £40
- New hackney carriage drivers 3 year licence - £487
- Balance of hackney carriage driver's licence when granted - £447
- New private hire drivers 3 year licence - £446
- Balance of private hire driver's licence when granted - £406
- Renewal 3 year drivers licence hackney carriage/private hire - £252
- Change from private hire to hackney - £139
- Balance to change from private hire to hackney carriage driver - £99

**Hackney carriage vehicle licence**

- New vehicle/Renewal (yearly) - £190 + ( £55.00 to Amey)

**Private hire cars**

- New vehicle/Renewal (yearly) - £155 + ( £55.00 to Amey)

**Speciality Vehicles**

- New vehicle/Renewal (yearly) - £75

**Limousines**

- New vehicle (yearly) - £193 + ( £100 to Amey)
- Renewal (yearly) - £185 + ( £100 to Amey)

**Miscellaneous**

- PH Replacement Door Stickers - £6
- Fare card - £5
- Meter seal - £17
- Plate Transfer - £36
- Replacement plate - £36
- Platform for mounting plate - £20
- Full fixing bracket - £25
- Half fixing bracket - £14
- Replacement vehicle - £21 + ( £55.00 to Amey)
- Six month test - £21 + ( £55.00 to Amey)
- Reinstatement of Suspended Vehicle - £36
- Failure to attend stage 2 (mechanical inspection) - £24
- Re-test within 14 days (pay at Amey) - £24
- Re-test after 14 days - £55.00 (pay at Amey)
- Replacement driver's badge - £32
- Second and subsequent private hire driving test - £78
- Second and subsequent hackney carriage driving test - £116
- Private hire plate exemption (new) - £52
- Private hire plate exemption (renewal) - £32
- Change of address - £13
- Data request - £31
- Replacement Exemption certificate/driver's licence - £20
- Penalty – late badge renewal application - £32

**Method of payment**

In person at: Cash Office - Bayard Place, Broadway, Peterborough.  
Opening times: 9am to 2pm, Monday to Friday.  
Cheques should be made payable to Peterborough City Council.

**For official use**

Hackney / private hire  
licence no: .....

Account and cost centre:  
E100030080

**City of Peterborough**  
**HACKNEY CARRIAGE FARES**  
**(INCLUSIVE OF VAT)**

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**FOR DISTANCE AND TIME**

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**AT ALL TIMES**  
**BOTH DAY AND NIGHT**

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**FOR THE FIRST MILE OR PART THEREOF**      **£3.30P**

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**FOR EACH SUBSEQUENT MILE**      **£1.70p**

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**XMAS AND NEW YEAR**

**1800Hrs DEC 24th TO 0600Hrs DEC 27th AND 1800Hrs DEC 31<sup>st</sup> to 0600 HRS JAN 2nd**

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**FOR THE FIRST MILE OR PART THEREOF**      **£4.00P**

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**FOR EACH SUBSEQUENT MILE**      **£2.00p**

**WAITING TIME**

**AT ALL TIMES**  
**BOTH DAY AND NIGHT**      **£12.00 PER HOUR**

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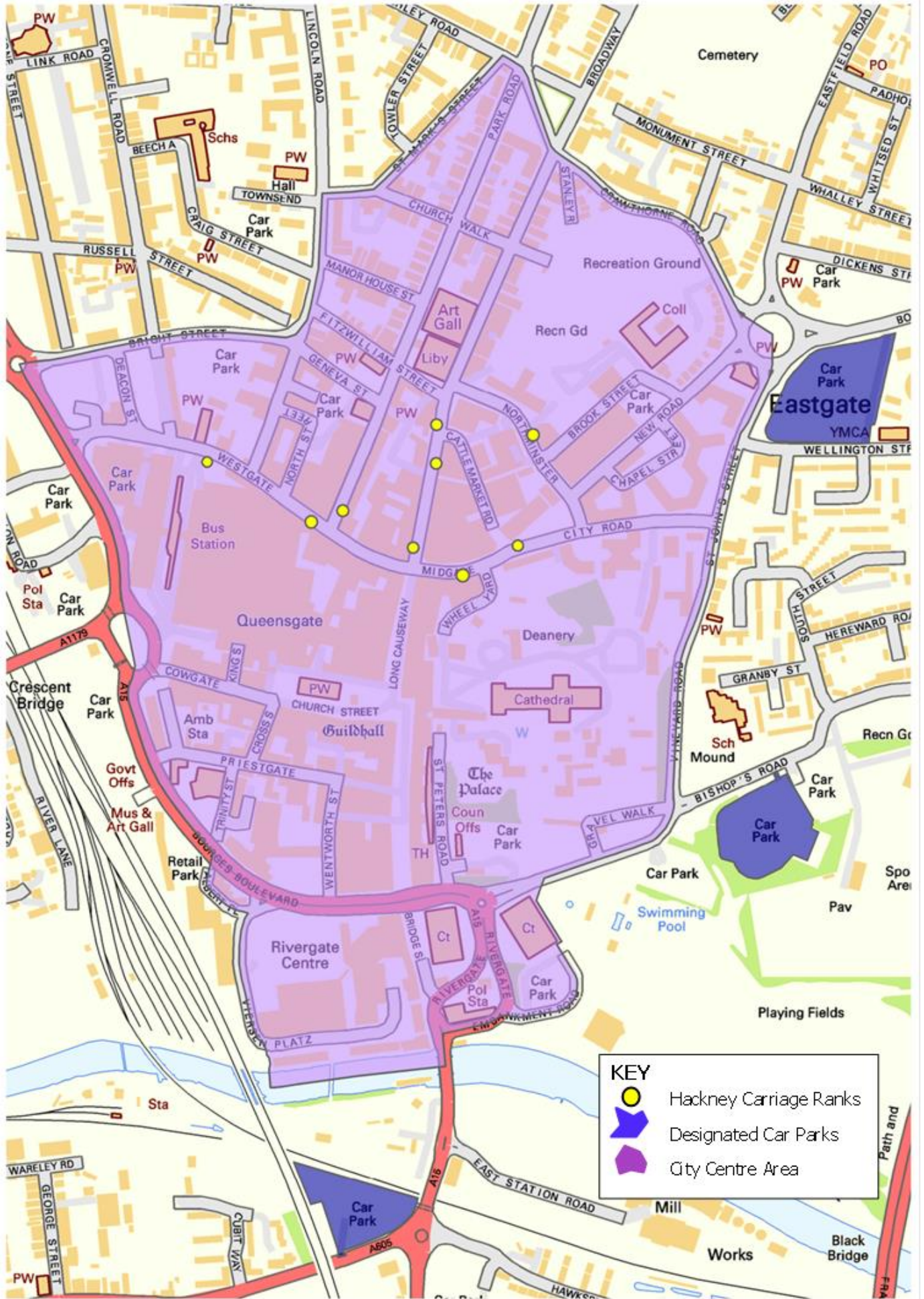
THIS VEHICLE LICENCE  
NUMBER IS:-

**HACKNEY  
CARRIAGE**

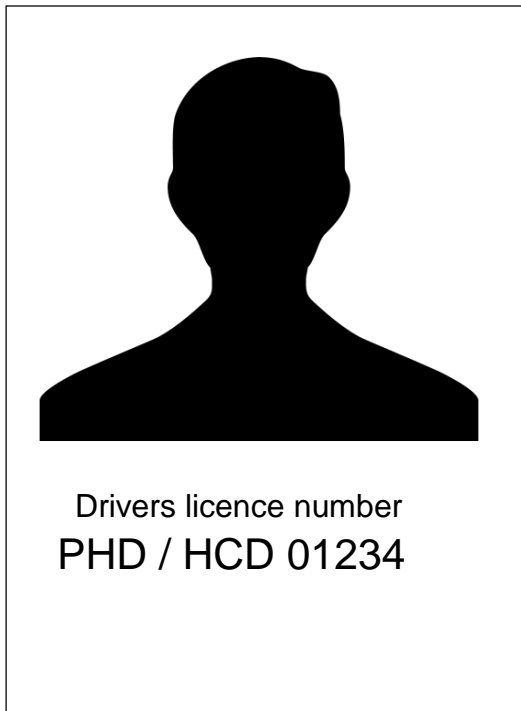
A FEE OF £25 IS PAYABLE FOR PERSONS SOILING THIS VEHICLE.

COMPLAINTS

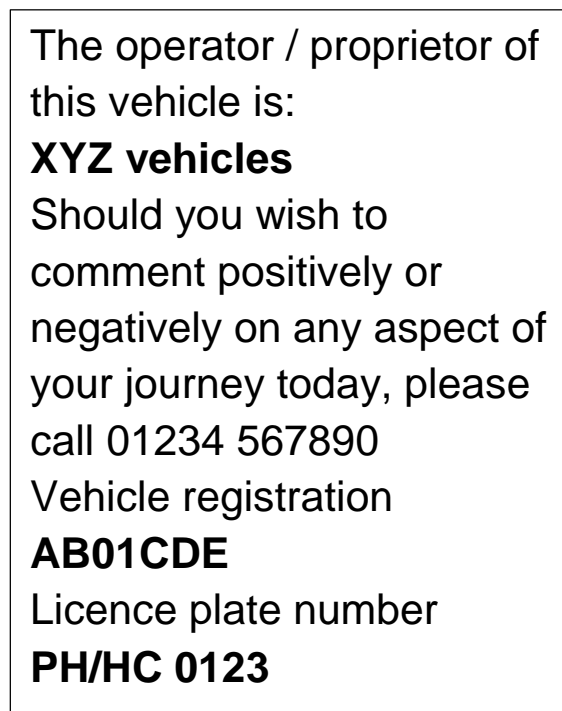
THE PASSENGER SHOULD CONTACT THE LICENSING OFFICER,  
PETERBOROUGH CITY COUNCIL, (TEL: 01733 747474) ON ANY MATTER CONCERNING THE FARE OR ANY OTHER ASPECT OF THE  
JOURNEY AFTER HAVING FIRST OBTAINED A RECEIPT FROM THE DRIVER STATING NAME AND BADGE NUMBER.



Example of a Part 1 Notice



Example of a Part 2 notice



The above examples provide the minimum size of the Part 1 and Part 2 notice.  
The minimum font size required for information is Arial size 16 in bold.

<b>LICENSING COMMITTEE</b>	AGENDA ITEM No.4
<b>6 JULY 2017</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Walsh – Communities and Environment Capital	
Contact Officer(s):	Terri Martin – Regulatory Officer – Licensing Kerry Leishman – Licensing and Business Manager Peter Gell – Head of Regulatory Services	Tel. 453561 Tel. 453502 Tel. 453419

**PROPOSED TAXI POLICY – RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION DATE**

R E C O M M E N D A T I O N S	
<b>FROM :</b> The Licensing Team	<b>Deadline date :</b> N/A
<p>Request members determine the following hackney carriage and private hire matters raised during the consultation period on the draft hackney carriage and private hire licensing policy.</p> <p>1) Review the response table attached at <b>Appendix 6</b> and confirm if they agree with officer direction on areas where no amendment is required. Or Is there a response received, which has been dismissed by officers, which you would like to consider further? (see 6.4)</p> <p>2) Consider the responses received proposing alternative arrangements in the following matters:</p> <p>(i) Do members wish to amend the policy and current process, by adding a condition within the private hire driver conditions and hackney carriage byelaws to require all licensed drivers to register for the DBS update service, maintain continuous registration and nominate the licensing authority to receive updates? Or, Retain the status quo (see 7.10)</p> <p>(ii) Should the policy include a clarification paragraph regarding the police being the enforcing body for driving offences? (See 7.13)</p> <p>(iii) Determine if we continue with the draft proposal regarding purpose built low emission licensed vehicles, in light of responses received, or amend and adopt an alternative option proposed in responses? (see 7.25)</p> <p>(iv) Consider and determine requests from the trade to extend the life in service for hackney carriage vehicles by an extra 5 years, thereby allowing a HCV to be licensed up to 20 years old from date of first registration? (See 7.27)</p> <p>(v) Consider and determine the frequency of Group 2 medical checks in light of the response received. (See 7.31)</p> <p>3) Approve the final policy for adoption, subject to amendments, and set the implementation date, which allows for a period of transition over to new conditions and processes.</p>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee following the consultation process, (as agreed by the Licensing Committee on 8 December 2016) on the draft hackney carriage and private hire licensing policy.

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise members of the consultation process carried out, to request members to properly consider the responses received and determine the direction of the policy in consideration of those responses, agree the adoption of the final policy, subject to amendments, and set the implementation date for the policy and conditions to take effect.
- 2.2 This report is for committee to consider under its Terms of Reference No. 2.5.1.3 (a). To exercise the functions of the authority as listed in Schedule 2.5.4.1, where these are not delegated to officers as listed at section 2.5.3, namely hackney carriage and private hire vehicle licensing.

## 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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## 4. BACKGROUND

- 4.1 Hackney carriage and private hire legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The aim of the legislation is to protect the public. The legislation provides a broad framework for the licensing of drivers, vehicles and operators, but allows local authorities to set their own standards and conditions, to ensure the public travel in safe well maintained vehicles driven by competent drivers.
- 4.2 On the 8 December 2016, a report was considered by the licensing committee regarding the development, direction and consultation of an overarching policy for hackney carriages and private hire licensing.
- 4.3 The committee determined eight new hackney carriage and private hire matters which were to be incorporated into the draft policy for consultation. The eight new proposals amended current conditions and processes when administering the functions conferred within the Acts.

## 5. CONSULTATION

- 5.1 The draft policy with 12 appendix documents was put out to consultation for 8 weeks, starting on Friday 7<sup>th</sup> April 2017 and ending on Friday 2<sup>nd</sup> June 2017. The full consultation document can be found at **Appendix 1**.
- 5.2 A copy of the public notice which appeared in the local press on Thursday 6<sup>th</sup> April 2017 advising of the consultation and period can be found at **Appendix 2**
- 5.3 The consultation document was made available at the Town Hall, Bayard Place and the council's website. The launch of the consultation was also tweeted. See **Appendix 3** to view the Tweet
- 5.4 Emails were sent to various stakeholders, advising them of the consultation and period and included a link to the full consultation document on the council's website and a pdf attachment of the full consultation document. Reminder emails to the trade were also sent halfway through the consultation period. See **Appendix 4** for a full list of those consulted.
- 5.5 Notices were put up on the taxi notice board at the railway station and at the hackney rank near the bus station, advising of the consultation and process.
- 5.6 Meetings with representatives of the trade, took place where details of the draft policy were discussed in further detail.
- 5.7 Statistical information showing the website views of the consultation document can be found at **Appendix 5**.

## 6. CONSULTATION RESPONSES

- 6.1 A total of 15 responses to the consultation were received. Three from Councillors, seven from the trade, three from partner agencies and two from other persons. A response table which details the

salient points of the consultation responses, officer comment and areas to be determined can be found at **Appendix 6**.

- 6.2 The consultation responses in full can be found at **Appendix 7**. Please note due to data sensitivity, certain identifying detail has been redacted.
- 6.3 All responses received during the consultation period must be properly considered prior to drafting and determining the final policy. Officers have reviewed the responses and have determined that some of the proposals within the responses, could/should not be considered as a valid proposal, officers have provided reasoning for the decision of why such matters cannot be taken forward.
- 6.4 Members are asked to consider the responses received and determine;  
Do members agree with officers direction where the officers direction within the response table is to propose no amendment?  
Or is there a response received which has been dismissed by officers which you would like to consider further?

## **7. CONSULTATION RESPONSES RECEIVED PROPOSING ALTERNATIVE ARRANGEMENTS**

- 7.1 In the response received from Hannah Campling (Peterborough City Council Safeguarding), feedback is also provided from Cambridgeshire Constabulary DBS unit. The DBS Unit manager highlighted an error in the policy, as it made reference to the Notifiable Occupation Scheme which was withdrawn in 2015.
- 7.2 Officers have agreed to amend paragraph 3.30 in the policy, so that is in line with current legislative arrangements, and replace it with the following:  
*'Under Common Law Police Disclosure (CLPD) the police can share information regarding a licensed driver even before conviction if there is a 'pressing social need'. This ensures that where there is a public protection risk, the police will pass information onto a regulator body to allow swift actions to mitigate any serious safeguarding risk. The CLPD replaced the Notifiable Occupation Scheme which was withdrawn in March 2015.'*
- 7.3 For ease of reference, the draft policy (Appendix 1) has been amended to show the wording which went out to consultation and the proposed reworded paragraph. (see paragraph 3.30 of Appendix 1)
- 7.4 The DBS Unit manager has also recommended consideration is given to require all licensed drivers to subscribe to the update service. They state 'the CLPD relies on the suspect telling the police what their occupation is. There is no legal requirement for this and some don't tell the truth.'
- 7.5 Page 14 of the LGA (Local Government Association) Taxi and PHV licensing councillors handbook (Dec 16) also suggest making it a mandatory requirement, it states;  
*The LGA suggests that all licensing authorities consider making it mandatory for drivers to register for the update service and nominate the licensing authority to receive updates. Licensees should be able to provide evidence of continuous registration and nomination throughout the duration of their licence'.*
- 7.6 Even if drivers do sign up to the update service, the local authority are not automatically notified. It would require a search into that particular record. On an individual basis this system would not be a viable option. However, the DBS do offer a method of checking multiple status updates electronically.
- 7.7 GB Group process DBS applications on our behalf. Enquiries will be made with GB Group to ascertain if they can offer efficient multiple status update checks, what the cost would be, the frequency at which such checks could be carried out, etc. At the time of writing this report, we do not have sufficient information about the viability of this option, to assist members to make a more informed decision. Officers hope to be able to provide members with this information at the committee meeting.
- 7.8 If members are minded to adopt the suggested proposal, it would require an amendment to the private hire drivers licence conditions and the hackney carriage byelaws.
- 7.9 Drivers currently pay £44 for the DBS check plus a £10 administration fee to GB Group, which is carried out every three years. If drivers sign up to the update service, once the initial £44 (plus £10 admin fee) is paid there is a yearly fee of £13.

- 7.10 Members are asked to consider the response received and determine.  
Do members wish to amend the draft policy and current process, by adding a condition within the private hire driver conditions and hackney carriage byelaws to require all licensed drivers to register for the update service, maintain continuous registration and nominate the licensing authority to receive updates? Or,  
Retain the status quo
- 7.11 The last item in this response, was a request to amend the definition of CSE within the policy, in line with DfE definition 2017. Officers have agreed to redraft paragraph 5.3 to the current definition provided by DfE.
- 7.12 For ease of reference, the draft policy (Appendix 1) has been amended to show the wording which went out to consultation and the proposed reworded paragraph. (See paragraph 5.3 of Appendix 1)
- 7.12 Cllr Over raised concerns regarding the driving standards of licensed drivers, stating they were dangerous, reckless and drove at speed. Complaints of this nature should be reported to the police.
- 7.13 Members are asked to determine  
In order to provide clarity, do members agree to the addition of the following paragraph within section 6 – Enforcement:  
*‘Any person who witnesses speeding, dangerous, reckless, or careless driving by a licensed driver or otherwise, should report each incident to the police (as they are the enforcing body for driving offences) with sufficient information to allow the police to take appropriate action.’*
- 7.14 Four responses had regard to the proposed amendment to extend the life of a vehicle within trade if it meets certain emission standards. Another five responses wanted to increase the age limit of existing vehicles. As these sections have cross over concerns, they will be considered together.
- 7.15 One response considers that we should only extend the life of a vehicle to 20 years if it is 100% electric, as emission criteria is going to get more stringent in time. A vehicle licensed now in 20 years time will be a huge polluter. Peterborough is an Environment Capital and should have a unified approach to sustainable travel. Remove the proposal and replace with 100% electric.
- 7.16 One response states that electric vehicles are expensive to purchase with the current age and mileage restrictions in place. Would like to extend the age a private hire vehicle can enter the trade from the current 6 years to 7 years and would also like to see removal of the mileage policy.
- 7.17 PECT (Peterborough Environmental City Trust) queried the emission criteria within the policy. (For clarification the criteria is matched to Euro 6 standards. Emission standards take into account the weight of the vehicle, so are higher for hackney carriages which are also diesel.) They support the aim of the policy, but consider that emission standards will get higher over time as technology improves, the policy needs future proofing. What is considered LEV now does not mean it will still be classed as LEV in 15/20 years time. Peterborough should be as ambitious as London. (From 1 January 2018 all newly presented vehicles for licensing in London must be zero emission capable).
- 7.18 The PHDF (Peterborough Hackney Drivers Federation) disagree with the timing of the introduction of the low emission proposal (Euro 6 standards), as it is not in the interest of all parties. Would prefer to wait until the TX5 is more freely available at the end of 2018. But would like the committee to consider instead, to apply the extension policy to Euro 5 compliant vehicles, then Euro 6 standards in 2019.
- 7.19 For information, the TX5 is the London Taxi Company zero emission capable hackney carriage. The TX5 is due to be released in London only, in the last quarter of 2017, then available around the world in early 2018.
- 7.20 The TX4 Euro 5 has been available from 2012, the TX4 Euro 6 has been available from 2015, see above for the TX5. Information from The London Taxi Company (who manufacture the TX vehicles) website states;  
*‘The TX4 Euro 6 compliant means its pollution levels, on average, are 71% cleaner than Euro 5 models and show a 83% reduction in Nitrogen Oxides (NOx)’*
- 7.21 The proposal within the draft policy is to extend the life within trade for an extra five years, for vehicles which meet the defining criteria, (Euro 6 standards), to incentivise the trade to purchase lower



emission vehicles.

The responses to the consultation are conflicting, some stating Euro 6 standards are still too polluting to allow to be licensed for 20 years and recommend this should only apply to 100% electric vehicles and others stating it is too ambitious at this time.

- 7.22 In order to adopt the 100% electric vehicle proposal it requires an infrastructure of charging points. There are several types of charging points, standard, fast and rapid. Fast chargers which usually charge a vehicle in 3-4 hours cost approximately £3k. A rapid charger charges 80% in 30 minutes and cost approximately £28k, but should be able to charge 3 vehicles at one time.
- 7.23 Information from Peterborough's Transport and Infrastructure team have confirmed that Peterborough does not currently have any rapid charge points, they are concentrating their efforts on installing fast charges, aimed at visitors parking up for a few hours, with no current plans for rapid chargers.
- 7.24 As licensed drivers are on the roads for long durations, they can be amongst those who are most affected by poor air quality from high emission vehicles.
- 7.25 Members are asked to consider the responses received and determine.  
Do members wish to adopt the draft proposal (as detailed on page 16 of the draft policy) and extend the period of licence for purpose built low emission (Euro 6 compliant or better) licensed vehicles for an extra five years, thereby allowing a purpose built Euro 6 (or better) compliant HCV to be licensed up to 20 years old and a purpose built Euro 6 (or better) compliant PHV to be licensed up to 15 years old (from date of first registration) ? Or,  
Amend the proposal to,
- a) Only extend the life within trade for five years for vehicles which are zero emission capable? (Currently there are no rapid charge points in place, only fast charge.) Or,
  - b) Keep the proposed policy for PHV's, (or amended as below) but drop the emission standard for HCV's to Euro 5 until 2019, then in 2019 apply the extended life within trade to Euro 6 Or,
  - c) Keep the proposed policy for HCV's, (or as amended above), but allow purpose built low emission PHVs to enter the trade up to 7 years old (currently restricted to a maximum of 6 years old) and remove the mileage restriction. Or,
  - d) Drop the proposal altogether, and not extend the life of a vehicle in the trade based on emission standards?
- 7.26 Three of the responses just requested that the life within trade of HCV's should be extended by five years. (Thereby allow all currently licensed HCV's to be licensed until they are 20 years old from date of first registration). This request, put forward by licensed drivers, is due to the current financial climate and fixed priced fares by the PHV's. It is making it difficult to make a living and afford essentials, and hard and impossible to buy another taxi.
- 7.27 Members are requested to determine.  
Consider the responses received from the trade to extend the life in service for hackney carriage vehicles by an extra 5 years, thereby allowing all HCV's to be licensed up to 20 years old from date of first registration?
- 7.28 The PHDF (Peterborough Hackney Drivers Federation) welcome proposals to the change in the current health check to Group 2 health check, but feel that the requirement for submission every three years is excessive and unwarranted and there is no overriding local precedent.
- 7.29 PHDF have provided a list of other local authorities who also require Group 2 health checks, but with varying frequencies. However all require a group 2 health check upon application and annually when the driver reaches 60/65. Some authorities require every 5 years, others require every 5 years when the driver reaches 45 or 55, one requires every 6 years. Two other local authorities require it upon application, then every three years until 65 thereafter annually, which is the same as Peterborough's proposal.
- 7.29 PHDF state that the best practice is aimed at HGV (heavy goods vehicles) and PSV (public service vehicles) and propose an alternative, that Group 2 health checks should be conducted for all new applicants, then at 45, 55, 65 then annually thereafter.
- 7.30 The best practice referred to by the PHDF is from the HSE (Health and Safety Executive). However,

DfT (Department for Transport) Taxi and Private Hire Vehicle Licensing Best Practice Guidance (March 2010) is specifically aimed at the trade. Paragraph 67 of which states *'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards ...'*

- 7.30 At the committee meeting on the 8 December 2016, members determined the proposal to request a Group 2 health check for all new applications then every three years upon renewal, then annually thereafter when the driver reaches 65, as it was consistent with DfT best practice guidance and the drivers badge renewal period.
- 7.31 Members are requested to determine  
Consider the response from PHDF and determine the frequency required for Group 2 medical checks. The PHDF propose upon application, then at 45, 55, 65 then annually thereafter.  
The draft policy proposes upon application then every three years upon renewal, then annually thereafter when the driver reaches 65.
- 7.32 During a meeting with PHDF where the consultation document was discussed, representatives were in support of the introduction of the Part 1 and Part 2 notice required to be displayed in all licensed vehicles, in the interests of public safety. But were concerned with the wording proposed, as it invited only negative comments. The proposed wording in question is *'Please call (insert telephone number) should you have a **complaint** about your journey in this vehicle'*
- 7.33 PHDF proposed an alternative wording which would read *'Should you wish to comment positively or negatively on any aspect of your journey today, please call...'*
- 7.34 Officers agreed with PHDF and agreed to amend the wording in this regard. The Draft policy attached at Appendix 1 has been amended to this effect.

## **8. OTHER RELATED MATTERS**

- 8.1 Members are advised that we are waiting for a response from the Secretary of State regarding the proposed byelaws. When we have received approval from the Secretary of State, the redrafted byelaws will be advertised and consulted upon as is required.
- 8.2 Members are advised that the use of the designated car parks (Wellington Street, Wirrina and Pleasure Fare) for the purpose of allowing private hire vehicles to wait until they are required to proceed to their destination at the appointed time within the city centre, is subject to two director approvals and amendment to the TRO (Traffic Regulation Order).

## **9. ANTICIPATED OUTCOMES**

Members will properly consider the responses and alternative proposals received during the consultation process and make a determination on a direction to adopt for the final policy. Approve the final policy for adoption, subject to amendments, and set the implementation date, which allows for a period of transition over to new conditions and processes.

## **10. REASONS FOR RECOMMENDATIONS**

It is considered best practice by the LGA (Local Government Association) and the DfT (Department of Transport) to have an overarching policy in place. The adoption of an overarching policy will provide clarity for drivers and operators, as well as strengthening the councils position if there is a challenge against a decision in court.

## **11. ALTERNATIVE OPTIONS CONSIDERED**

Retain the status quo

## **12. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)  
Town and Police Clauses Act 1847

**13. APPENDICES**

- Appendix 1 – Full consultation document
- Appendix 2 – Public notice
- Appendix 3 – Copy of Tweet
- Appendix 4 – List of consultees
- Appendix 5 – Website viewing statistics
- Appendix 6 - Consultation response table
- Appendix 7 – A copy of all responses received in full

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<b>COUNCIL</b>	<b>AGENDA ITEM No. 10</b>
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

## **RECORD OF EXECUTIVE DECISIONS MADE SINCE THE LAST MEETING**

### **1. CABINET 10 JULY 2017**

#### **i. Implementation of Peterborough Lottery**

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

- 1) Approve the setting up of a Peterborough Lottery in accordance with the Medium Term Financial Plan;
- 2) Authorise the Corporate Director, Resource to establish the 'Peterborough Lottery' in accordance with the policies in the attached appendices including implementing and running the Peterborough Lottery;
- 3) Authorise the appointment of Gatherwell as the external lottery management company (ELM) to deliver the Peterborough Lottery;
- 4) Agree that the proposed distribution of funding be considered at a future meeting of Cabinet; and
- 5) Agree that a report would return to Cabinet in six months to provide an update on the progress of the Peterborough Lottery scheme.

#### **ii. Payment Strategy**

Cabinet considered the report and **RESOLVED** to approve three separate consultations for the next phase of our digital transformation programme on projects within the Front Door project impacted by the implementation of the Payments Strategy 2017 - 2021:

- 1) The Payment Strategy 2017 - 2021 sets out the vision for how customers will make payments to the council in future, with an emphasis on more digital channels. This could include the council not providing a cash office in the future;
- 2) A change to the Parking Permits administration and payment by making the process entirely available online; and
- 3) A change to the Taxi Licensing administration and payment by making the process entirely available online.

#### **iii. Amendment of Existing Loan Arrangements to Empower**

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

- 1) Approve the amendment of the terms of the Strategic Partnership with Empower Community Management LLP as set out at paragraph 4.2;
- 2) Approve the amendment of the financing agreement with ECS Peterborough 1 LLP;

- 3) Approve the Council entering into such further agreements with ECS Peterborough 1 LLP and any other body necessary to facilitate the arrangements set out in this report; and
- 4) Delegate to the Corporate Director, Resources and the Director of Governance the ability to finalise matters 1 to 3 above.

**iv. Approval of Funding for Medesham Homes**

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

- 1) Approve a facility of £9m to provide funding for the initial project of Medesham Homes LLP;
- 2) Authorise the Director of Governance and Corporate Director Resources to exercise delegated authority to finalise and agree all necessary due diligence on the project; and
- 3) Authorise the Director of Governance and Corporate Director Resources to exercise delegated authority to finalise and agree all necessary legal agreements with Medesham Homes LLP to secure the funding for the project.

**v. Procurement Update - July 2017**

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

- 1) Approve the procurement Small Medium Enterprise (SME) position statement;
- 2) Approve the procurement Ethical position statement, subject to a strengthening of wording in relation to Child Labour; and
- 3) Note the progress of delivering the Procurement Strategy and work of the Procurement Working Group.

**vi. Budget Monitoring Report Final Outturn 2016/2017**

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

- 1) Note the final outturn position for 2016/17 (subject to finalisation of the statutory statement of accounts) of a £1.3m underspend on the Council's revenue budget;
- 2) Note the outturn spending of £76.8m in the Council's capital programme in 2016/17;
- 3) Note the reserves position, including the position on the Grant Equalisation reserve;
- 4) Note the performance against the prudential indicators;
- 5) Note the performance on treasury management activities, payment of creditors, collection performance for debtors, local taxation and benefit overpayments;
- 6) Agree that when the All Party Budget Group make any recommendations which affects service they are to Be referred to the next appropriate scrutiny panel for discussion and agreement; and
- 7) Agree that when the All Party Budget Group recommends efficiency savings they implemented without delay.

**vii. Safer Peterborough Partnership Plan 2017 - 2020**

Cabinet considered the report and **RESOLVED** to recommend the Safer Peterborough Plan 2017 - 2020 to Full Council for approval.

**viii. Peterborough Local Development Scheme (LDS)**

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

- 1) Approve commencement of a review of the Cambridgeshire and Peterborough Minerals and Waste Local Plan for Peterborough, working jointly with Cambridgeshire County Council; and
- 2) Approves the attached Local Development Scheme (LDS), which sets out a timetable for the production of the Peterborough Local Plan and a Minerals and Waste Local Plan, to come into effect on 14 July 2017.

**ix. Adoption of the Peakirk Neighbourhood Plan**

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

- 1) Note the verbal update given at the meeting in respect of the outcome of the Referendum on the Peakirk Neighbourhood Plan, which is scheduled for 6 July 2017; and
- 2) Recommend to Full Council that the Peakirk Neighbourhood Plan, as set out at Appendix 1, be 'made' (which means to all intents and purposes 'adopted') and thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within Peakirk Parish.

**2. CALL-IN BY SCRUTINY COMMITTEE**

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

**3. SPECIAL URGENCY AND WAIVER OF CALL-IN PROVISIONS**

Since the publication of the previous report to Council, the special urgency and waiver of call-in provisions have not been invoked.

**4. CABINET MEMBER DECISIONS**

<b>CABINET MEMBER AND DATE OF DECISION</b>	<b>REFERENCE</b>	<b>DECISION TAKEN</b>
Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health  Councillor Wayne Fitzgerald  5 April 2017	APR17/CMDN/37	<p><b>Section 75 Agreement for Joint Procurement of Child and Adolescent Mental Health Services</b></p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> <li>1) Approved the entry by the Council into a section 75 agreement with Peterborough Clinical Commissioning Group, as part of the joint procurement of Child and Adolescent Mental Health services; and</li> <li>2) Approved the Council's financial commitment to the procurement.</li> </ol>

<p>Cabinet Member for Communities and Environment Capital</p> <p>Councillor Irene Walsh</p> <p>10 April 2017</p>	<p>APR17/CMDN/38</p>	<p><b>Food Safety Service Plan</b></p> <p>The Cabinet Member approved the Regulatory Services Food Law Enforcement Plan 2017 – 2021.</p>
<p>Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health</p> <p>Councillor Wayne Fitzgerald</p> <p>18 April 2017</p>	<p>APR17/CMDN/39</p>	<p><b>Authorisation to Make a Compensation Payment Following Resolution of Stage 2 Complaint</b></p> <p>The Cabinet Member approved the payment of £2,825.00 to support the settlement of a complaint centred on the provision of carers meals.</p>
<p>Cabinet Member for Growth, Planning, Housing and Economic Development</p> <p>Councillor Peter Hiller</p> <p>19 April 2017</p>	<p>APR17/CMDN/40</p>	<p><b>Allocation of Grant to Provide Temporary Accommodation at Elizabeth Court and Secure Site for Long Term Provision of Affordable Housing</b></p> <p>The Cabinet Member approved the allocation of £900,000 grant to Cross Keys Homes from the Affordable Housing Section 106 commuted sum payments for the refurbishment of Elizabeth Court to enable the provision of temporary accommodation in the short term and to maximise the provision of affordable housing in the long term for Peterborough residents, and enter into the necessary documentation to secure the grant.</p>
<p>Cabinet Member for Growth, Planning, Housing and Economic Development</p> <p>Councillor Peter Hiller</p> <p>21 April 2017</p>	<p>APR17/CMDN/41</p>	<p><b>Local Transport Plan Programme of Capital Works for 2017/18</b></p> <p>The Cabinet Member approved the 2017/18 Transport Programme of Works, as follows:</p> <ul style="list-style-type: none"> <li>• The 2017/18 Integrated Transport Programme;</li> <li>• The 2017/18 Highway Maintenance Programme; and</li> <li>• The 2017/18 Bridge Maintenance Programme.</li> </ul>
<p>Cabinet Member for Resources</p> <p>Councillor David Seaton</p> <p>26 April 2017</p>	<p>APR17/CMDN/42</p>	<p><b>Housing Related Support Grant Agreements 2017/2018</b></p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> <li>1) Awarded specific grants for the funding of Housing Related Support, which will be funded through the Housing Related Support (formerly Supporting People) Programme, to the following organisations for the period of 1 April 2017 to 31 March 2018: <ul style="list-style-type: none"> <li>• Axiom Housing Association – Hostel</li> </ul> </li> </ol>



		<p>Accommodation and Drop-in Service - £530,000.04;</p> <ul style="list-style-type: none"> <li>• Cross Keys Homes – Hostel Accommodation - £99,109.08;</li> <li>• YMCA – Hostel Accommodation - £250,059.48;</li> <li>• Peterborough &amp; Fenland MIND Floating Support Service - £21,333.60;</li> <li>• Peterborough Woman’s Aid – Refuge Service - £60,205.68;</li> <li>• NACRO Storm Project – Floating Support - £35,200.32; and</li> </ul> <p>2) Awarded a specific grant for the provision of Housing Related Support to the following organisations for the period of 1 April 2017 to 30 September 2017 with an option to extend for a further six months to 31 March 2018:</p> <ul style="list-style-type: none"> <li>• Home Group (Stonham) – Hostel Accommodation - £36,687.60 per 6 month period; and</li> <li>• Genesis Housing Association – Hostel Accommodation - £29,033.28 per 6 month period.</li> </ul>
<p>Cabinet Member for Waste and Street Scene</p> <p>Councillor Gavin Elsey</p> <p>17 May 2017</p>	APR17/CMDN/43	<p><b>Implement a Daily Two-man Hit Squad</b></p> <p>The Cabinet Member approved changes to the street cleansing service to include – lengthsman in Millfield, daily sweeper in the Gladstone area and a two hit squad, at a cost of £187,000 approved in the 2017/18 budget.</p>
<p>Cabinet Member for Resources</p> <p>Councillor David Seaton</p> <p>18 May 2017</p>	APR17/CMDN/44	<p><b>Provision of Temporary Accommodation</b></p> <p>To enter into a lease arrangement with Cross Keys Homes for the management of additional temporary accommodation at Elizabeth Court, Peterborough.</p>
<p>Cabinet Member for Education, Skills, and University</p> <p>Councillor Lynne Ayres</p> <p>5 June 2017</p>	JUN17/CMDN/01	<p><b>Nene Park Academy Expansion</b></p> <p>To agree to the award of a contract to expand Nene Park Academy.</p>
<p>Cabinet Member for Education, Skills, and University</p> <p>Councillor Lynne Ayres</p>	JUN17/CMDN/02	<p><b>Ormiston Bushfield Academy Expansion</b></p> <p>To agree to the award of a contract to expand Ormiston Bushfield Academy.</p>

5 June 2017		
Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health  Councillor Wayne Fitzgerald  7 June 2017	JUN17/CMDN/03	<p><b>Provision of Contract Services for Highways and Related Works to a Third Party Developer</b></p> <p>The Cabinet member:</p> <ol style="list-style-type: none"> <li>1. Authorised the council to enter into a contract with PIP (Fletton Quays) Limited relating to the delivery of highway and associated works for the price set out in the exempt annex;</li> <li>2. Authorised the council to award the delivery of the highway and associated works, mentioned in recommendation 1, to Skanska (Construction) UK Limited under its existing highway services contract for the price set out in the exempt annex; and</li> <li>3. Authorised the Assistant Director for Legal and Governance or delegated officers to enter into any legal documentation on behalf of the council in relation to this matter.</li> </ol>
Cabinet Member for Communities  Councillor Irene Walsh  16 June 2017	JUN17/CMDN/04	<p><b>Business Advice Charging Policy</b></p> <p>The Cabinet Member approved the adoption of Regulatory Services Business Advice Charging Policy.</p>
Cabinet Member for Communities  Councillor Irene Walsh  19 June 2017	JUN17/CMDN/05	<p><b>Implementation of Millfield, New England and Parts of Park Ward (Eastfield) and East Ward (Embankment) Public Space Protection Order</b></p> <p>The Cabinet Member approved the implementation of the aforementioned Public Space Protection Order following public consultation.</p>
Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health  Councillor Wayne Fitzgerald  19 June 2017	JUN17/CMDN/06	<p><b>Assessed Needs Contracts with Care Homes</b></p> <p>The Cabinet Member approved the entering into contractual arrangements with Care Homes [residential and nursing] in order meet eligible service users' assessed needs until such time as a Pseudo Dynamic Purchasing System had been established.</p>
Leader of the Council and Member of the Cambridgeshire and Peterborough Combined Authority  Councillor John	JUN17/CMDN/07	<p><b>Appointments and Nominations to Outside Organisations 2017 – 2018</b></p> <p>The Cabinet Member approved the appointments to outside organisations and the nominations to outside organisations.</p>

Holdich 20 June 2017		
Cabinet Member for Growth, Planning, Housing and Economic Development  Councillor Peter Hiller  21 June 2017	JUN17/CMDN/08	<b>Junction 20 Capacity Improvements (A47/A15 Interchange)</b> The Cabinet Member approved the award of a further works package to Skanska (Construction) UK Limited of £720,000 for works within the Junction 20 Capacity Improvements Scheme.
Cabinet Member for Education, Skills, and University  Councillor Lynne Ayres  21 June 2017	JUN17/CMDN/09	<b>Academy Conversion</b> The Cabinet Member:  1) Approved the closure of Abbotsmede Primary School, and authorise the execution and completion of a Commercial Transfer Agreement (CTA) between Peterborough City Council, the Governing Body of Abbotsmede Primary School and The Lime Trust;  2) Authorised the grant of a 125 year lease of the land and buildings occupied by the School known as Abbotsmede Primary School (including the nursery contained within the School), at a peppercorn rent to The Lime Trust; and  3) Authorised the execution and completion of a Licence to enter and Landlord's refurbishment works between Peterborough City Council and The Lime Trust.
Cabinet Member for Education, Skills, and University  Councillor Lynne Ayres  21 June 2017	JUN17/CMDN/10	<b>Academy Conversion</b> The Cabinet Member:  1) Approved the closure of Parnwell Primary School, and authorise the execution and completion of a Commercial Transfer Agreement (CTA) between Peterborough City Council, the Governing Body of Parnwell Primary School and The Lime Trust;  2) Authorised the grant of a 125 year lease of the land and buildings occupied by the School known as Parnwell Primary School at a peppercorn rent to The Lime Trust; and  3) Authorised entering into a Deed of Assignment with The Lime Trust to assign the benefit of the Council's contract dated 21 August 2009 with Frederick F Smith Builders Limited, to The Lime Trust, to give effect to the terms of the CTA.

<p>Cabinet Member for Education, Skills, and University</p> <p>Councillor Lynne Ayres</p> <p>21 June 2017</p>	<p>JUN17/CMDN/11</p>	<p><b>Academy Conversion</b></p> <p>The Cabinet Member:</p> <ol style="list-style-type: none"> <li>1) Approved the closure of Watergall Primary School and authorise the execution and completion of a Commercial Transfer Agreement (CTA) between Peterborough City Council, the Governing Body of Watergall Primary School and The Lime Trust;</li> <li>2) Authorised the grant of a 125 year lease of the land and buildings occupied by the School known as Watergall Primary School, including the land currently used as a children’s centre and pre-school, at a peppercorn rent to The Lime Trust;</li> <li>3) Authorised entering into a 125 year lease from Lime Trust to Peterborough City Council regarding the children’s centre and pre-school part of the building and land;</li> <li>4) Authorised entering into a Deed of Assignment with The Lime Trust to assign the benefit of the Council’s contract dated 27 August 2015 with Harmony Roofing Services Limited, to The Lime Trust, to give effect to the terms of the CTA; and</li> <li>5) Authorised entering into Deeds of Novation with The Lime Trust and the Governing Body of Watergall Primary School, for the following contracts to be novated from the Governing Body of Watergall Primary School to the Lime Trust: <ol style="list-style-type: none"> <li>a) Solar Power Purchase Agreement dated 22 May 2012 between (1) Peterborough City Council and (2) Watergall Primary School; and</li> <li>b) PV System Roof Access Agreement dated 22 May 2012 between (1) Peterborough City Council and (2) Watergall Primary School.</li> </ol> </li> </ol>
<p>Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health</p> <p>Councillor Wayne Fitzgerald</p> <p>22 June 2017</p>	<p>JUN17/CMDN/12</p>	<p><b>Shared Lives</b></p> <p>The Cabinet Member authorised the de-registration of the Council’s Shared Lives service.</p>
<p>Cabinet Member for Waste and Street Scene</p>	<p>JUN17/CMDN/13</p>	<p><b>Award of Contract for the Management and Operation of Dogsthorpe Household Recycling Centre</b></p>

Councillor Gavin Elsay  30 June 2017		The Cabinet Member awarded a contract for the management and operation of Dogsthorpe HRC.
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<b>COUNCIL</b>	<b>AGENDA ITEM No. 11</b>
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

**RECORD OF CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY DECISIONS MADE SINCE THE LAST MEETING**

**1. MEMBER REPRESENTATIVES**

<b>Meeting</b>	<b>Dates of Meeting</b>	<b>Representative</b>
Combined Authority Board	31 May 2017 28 June 2017	Councillor John Holdich
Overview and Scrutiny Committee	26 June 2017	Councillor David Over Councillor Ed Murphy
Audit and Governance Committee	26 June 2017	Councillor David Seaton

1.1 The above meetings have taken place in May and June.

**2. BOARD MEETING – WEDNESDAY 31 MAY 2017**

2.1 The Board held its annual meeting on 31 March. The decision notice is attached at **Appendix 1**.

**3. AUDIT AND GOVERNANCE COMMITTEE- MONDAY, 26 JUNE 2017**

3.1 The first meeting of the Audit and Governance Committee meeting was held on 26 June. The first part of the meeting was an induction session to explain the work of the committee. The second part of the meeting dealt with the decisions required of the Committee. A summary of decisions is attached at **Appendix 2**.

**4. OVERVIEW AND SCRUTINY COMMITTEE – MONDAY 26 JUNE 2017**

4.1 The first meeting of the Overview and Scrutiny Committee was held on 26 June. The Committee had met in shadow form to discuss how it would like to work. It agreed that its first few meetings would invite the Mayor and Portfolio Holders to discuss their portfolios and priorities in order to create the focus of its work plan. At this first meeting, Mayor James Palmer discussed his 100 day plan and priorities.

4.2 The Committee also agreed that it should meet two days before the Board meeting so that had an overview of the work of the Board and could make recommendations to the Board.

4.3 A summary of the committee's decisions is attached at **Appendix 3**.

**5. BOARD MEETING – WEDNESDAY 28 JUNE 2017**

5.1 This was the first business meeting of the Board after its annual meeting. The decision summary is attached. (**Appendix 4**)

**6. THE AGENDAS AND MINUTES OF THE MEETINGS ARE ON THE COMBINED AUTHORITY WEBSITE**

<http://cambridgeshirepeterborough-ca.gov.uk/meetings/cambridgeshire-and-peterborough-combined-authority-28th-june-2017/?date=2017-06-28>

<http://cambridgeshirepeterborough-ca.gov.uk/about-us/committees/audit-and-governance-committee/>

<http://cambridgeshirepeterborough-ca.gov.uk/about-us/committees/overview-and-scrutiny-committee/>





## CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY BOARD

Meeting: 31st May 2017

<http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Combined-Authority-Agenda-31st-March-2017.pdf>

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Item	Topic	Decision [ <i>None of the decisions below are key decisions</i> ]
	<b>Part 1 – Business Items</b>	
1.1	<b>The Mayor – Declaration of Acceptance of Office</b>	James Palmer signed the statutory declaration of acceptance of office. By virtue of this office is the Chair of the Board
1.2	<b>Membership of the Combined Authority</b>	<p>The Board:</p> <p>(a) noted the Members and substitute Members appointed by Constituent Councils to the Combined Authority for the municipal year 2017/2018; and</p> <p>(b) confirm the appointment of the Member and substitute Member nominated by the Greater Cambridge/Greater Peterborough Enterprise Partnership (GCGP LEP) to the Combined Authority for the municipal year 2017/2018.</p> <p>The Membership of the Board is on the Combined Authority Website.</p>

		<p><a href="http://cambridgeshirepeterborough-ca.gov.uk/leaders/">http://cambridgeshirepeterborough-ca.gov.uk/leaders/</a>, together with their portfolio responsibilities.</p> <p>Details of the substitutes can be found in appendix A of the supporting information circulated after publication of the agenda.</p> <p><a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf</a></p>
1.3	<b>Deputy Mayors of the Combined Authority</b>	The Mayor appointed Councillor Holdich, as the Constitutional Deputy Mayor, and Councillor Howe, as the Statutory Deputy Mayor of the Combined Authority.
1.4	<b>Apologies and Declarations of Interest</b>	Apologies received from Mark Reeve (GCGP LEP), and Jason Ablewhite and Jess Bawden (observers). There were no declarations of interest.
1.5	<b>Minutes – 26 April 2017</b>	The minutes of the meeting of 26th April 2017 were approved as a correct record. These are on the main agenda – page 6-31.
1.6	<b>Appointment of Co-opted Member Organisations</b>	<p>The Board is able to co-opt partners onto the Board. The Combined Authority may invite organisations with direct responsibility for functions relevant to the Combined Authority objectives to become Co-opted Members to attend the Combined Authority Board and may take part in the debate. They do not have voting rights. Their role is set out in the constitution (page 9).</p> <p><a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Combined-Authority-Constitution.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Combined-Authority-Constitution.pdf</a></p> <p>The Board</p> <p>(a) agreed that the following bodies be given co-opted member status for the municipal year 2017/18:</p> <p style="padding-left: 40px;">(i) The Police and Crime Commissioner for Cambridgeshire;</p> <p style="padding-left: 40px;">(ii) Cambridgeshire and Peterborough Fire Authority representative;</p> <p style="padding-left: 40px;">(iii) Clinical Commissioning Group representative.</p> <p>(b) note the named representative and substitute representative for each organisation as set out in the report.</p>

1.7	<b>Petitions</b>	None received.
1.8	<b>Public Questions</b>	None received.
1.9	<b>Forward Plan</b>	The Board approved the Forward Plan of Executive Decisions dated 26 May 2017. – p3-14 of the supporting information  <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf</a>
2.1	<b>Portfolios - Approval</b>	<p>It is the Board’s responsibility to agree portfolio responsibilities and for the Mayor to allocate them to each member of the seven constituent councils.</p> <p>The Board :</p> <ul style="list-style-type: none"> <li>(a) agreed the portfolio responsibilities for Board Members and note that the Mayor would be responsible for governance;</li> <li>(b) noted the Mayor’s allocation of portfolio responsibilities to each Member of the seven Constituent Councils as set out in Appendix 1; (See page 17 of the main agenda and 1.2 above)</li> </ul> <p>The Board had previously agreed to set up two working groups: the investment working group and delivery working group. The terms of reference are included on Appendix 2 page 158 of the constitution. <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Combined-Authority-Constitution.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Combined-Authority-Constitution.pdf</a> The Board agree the revised membership of the Investment Working Group and the Delivery Working Group to take account of the amended portfolio responsibilities.</p>
2.2	<b>Appointment of the Overview and Scrutiny Committee</b>	At its annual meeting, the Board appoints to its committee. By law, it must have a politically balanced O&S Committee. The Board agreed to:

		<p>(a) note the political balance on constituent councils following the local elections;</p> <p>(b) confirm that the size of the Overview and Scrutiny Committee should be 14 members; two members from each Constituent Councils and two substitute members for the municipal year 2017/2018;</p> <p>(c) agree the political balance on the committee as set out in Appendix 1;</p> <p>(d) confirm the appointment of the Member and substitute Member nominated by Constituent Councils to the Overview and Scrutiny Committee for the municipal year 2017/2018 as set out in Appendix 2.</p> <p>The membership is on the Combined Authority website <a href="http://cambridgeshirepeterborough-ca.gov.uk/about-us/committees/overview-and-scrutiny-committee/">http://cambridgeshirepeterborough-ca.gov.uk/about-us/committees/overview-and-scrutiny-committee/</a> and a full list including substitutes is in the supporting information p15 <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf</a></p>
Item	Topic	Decision
2.3	<b>Appointment of Audit and Governance Committee</b>	<p>At its annual meeting, the Board appoints to its committee. By law, it must have a politically balanced Audit and Governance Committee, and must include an independent person. The Board agreed to:</p> <p>(a) confirm that the size of the Audit and Governance Committee should be 8 members; one member and one substitute from each Constituent Council and one independent person for the municipal year 2017/2018;</p> <p>(b) agree the political balance on the committee as set out in Appendix 1;</p> <p>(c) confirm the appointment of the Member and substitute Member nominated by Constituent Councils to the Committee for the municipal year 2017/2018 as set out in Appendix 2;</p>

		<p>(d) appoint Mr Alan John Pye as the independent person of the Audit and Governance Committee for a term of four years ending May 2021; and</p> <p>(e) appoint Mr Alan John Pye as Chair, and ask the Committee to elect a Vice Chair, of the Audit and Governance Committee for the municipal year 2017/2018.</p> <p>The membership is on the Combined Authority website <a href="http://cambridgeshirepeterborough-ca.gov.uk/about-us/committees/audit-and-governance-committee/">http://cambridgeshirepeterborough-ca.gov.uk/about-us/committees/audit-and-governance-committee/</a> and a full list including substitutes is in the supporting information p16 <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Uploads/To-Follow-Information.pdf</a></p>
2.5	<b>Chief Executive Recruitment Update</b>	The Board received a report on the progress towards the recruitment of a permanent Chief Executive and propose questions for inclusion in the assessment centre interviews.
2.6	<b>Calendar of Meetings 2017/18</b>	It was resolved to approve the revised Calendar of Meetings for 2017 / 2018 (Appendix 1). <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Item-2.4-Appendix-1-Draft-Meeting-Schedule-Revised.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Item-2.4-Appendix-1-Draft-Meeting-Schedule-Revised.pdf</a>
3.1	<b>Date of Next Meeting</b>	It was resolved to note the date of the next meeting – Wednesday, 28 June 2017 at 10.00am at East Cambridgeshire District Council Offices.

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## **AUDIT & GOVERNANCE COMMITTEE - Decision Summary**

**Meeting:** 26<sup>th</sup> June 2017

<http://cambridgeshirepeterborough-ca.gov.uk/assets/Audit-and-Governance-Committee/Audit-Governance-Agenda-June.pdf>

Chair: John Pye (Chair and Independent Person)

Summary of decisions taken at this meeting

<b>Item</b>	<b>Topic</b>	<b>Decision <i>[None of the decisions below are key decisions]</i></b>
1.	<b>Apologies And Declarations Of Interests</b>	Apologies were received from Councillors Chris Morris (East Cambridgeshire District Council), Chris Seaton (Fenland District Council), David Seaton (Peterborough City Council) and Mark Ashton (Cambridge City Council).
2.	<b>Appointment Of Vice-Chair</b>	The appointment of Chair and Vice Chair is reserved to the Board. At the annual meeting on 31 May the Board agreed to appoint Mr John Pye, the independent person as Chair. It also requested the committee to appoint its own Vice-Chair.

		The Committee therefore elected Councillor Barry Chapman as Vice Chair for the municipal year 2017/18.
3.	<b>Terms Of Reference</b>	<p>As this was the first meeting of the Audit and Governance Committee, its terms of reference was included on the agenda so that it may discuss them and ask any questions about them. The terms of reference were agreed by the Board in April as part of the constitution.</p> <p>The Board:</p> <ul style="list-style-type: none"> <li>a) noted the Terms of Reference, subject an update on the process for appointing the external and internal auditors.</li> <li>b) agreed to review the Terms of Reference in twelve months time.</li> </ul> <p>The terms of reference are included on page 3 of the agenda</p>
4	<b>Internal Audit Plan – Overview and Future Plans</b>	<p>Internal Audit look to provide assurance to the Audit and Governance Committee that activities undertaken across the Combined Authority are appropriately managed, monitored and delivered in accordance with set governance, controls and risk management frameworks. This report sets out how Internal Audit will look to support the Committee and set out an early draft of the plan.</p> <p>The plan covers a wide range of areas and not all areas will be covered in the same year. Appropriate coverage will be established each year so as to be able to provide assurance to the Board. The plan covers:</p> <ul style="list-style-type: none"> <li>- <b>Core financial systems</b> eg general ledger, creditors, debtors, payroll, treasury management</li> <li>- <b>Safeguarding Assets</b> eg data security and protection, data housing</li> <li>- <b>Corporate Governance</b>, governance, risk management, health and safety,</li> </ul>



		<p>business contingency, disaster recovery and Code of Corporate Governance</p> <ul style="list-style-type: none"> <li>- <b>Countering Fraud, Bribery and Corruption</b>, eg fraud investigations, proactive anti fraud exercise</li> </ul> <p>See Appendix 2 on page 28 of the agenda for more details</p> <p>The Committee:</p> <ul style="list-style-type: none"> <li>- noted the development of the internal audit plan for 2017/18.</li> <li>- requested the Chief Internal Officer produce a briefing paper on Governance to the September Committee meeting.</li> </ul>
5	<b>Work Programme</b>	<p>The Committee considered suggested draft programme of work for matters to be considered by the Committee during the course of the year ahead. The work programme will need to be flexible enough to react to new and changing priorities. The draft programme is set out on page 32 of the agenda</p> <p>The Board agreed the Work Programme subject to the following additions: .</p> <ul style="list-style-type: none"> <li>(i) an Internal Audit 'Governance Briefing' item included onto the September agenda from the Chief Internal Auditor.</li> <li>(ii) a 'Risk Management' training slot be included at the beginning of the September meeting by the Monitoring Officer??.</li> <li>(iii) 2017/18 External Audit plan be reported to the December meeting.</li> <li>(iv) the inclusion of a 10 minute 'hot topic' slot at each meeting, starting with December 2017.</li> </ul>
6	<b>Statement of Accounts</b>	<p>The Combined Authority is required to prepare a Statement of Accounts each financial year, and it must be prepared in accordance with statutory timelines and accounting practices. Legislation requires the Authority to consider and approve its Accounts. You will note that for 2016/17 that the accounts are for a four week period from the time the</p>

Combined Authority was formally established until 31 March 2017.

The Authority's Constitution delegates this matter to the Audit and Governance Committee. The Accounts must be signed and certified by 30 June 2017 by the Authority's Interim Chief Finance Officer (CFO), in accordance with the Accounts and Audit Regulations 2015. The Authority's CFO has responsibility for certifying that the Accounts present fairly, the financial position of the Authority at 31 March 2017. The Audit and Governance Committee is required to approve the Accounts no later than 30 September 2017 following, and in the knowledge of, the audit findings.

The Committee noted the draft Statement of Accounts for the period 3 March 2017 to 31 March 2017. The draft statement is set out on page 39-91 of the agenda. NEXT STEPS

- the responsible financial officer must certify the presentation of the accounts no later than the 30 June 2017;
- the annual accounts must be published with the audit opinion and certificate, and before that must have been approved by members no later than 30 September 2017; and
- the responsible financial officer must re-certify the presentation of the annual accounts before member approval is given.

The Accounts and Audit Regulations 2015 also require all Councils/CAs to have a common 30 day public inspection period which includes the first 10 working days in July. The period of public inspection runs concurrently with the period whereby a local government elector may raise questions or objections to the External Auditor.

At the conclusion of the Audit, the Auditor will issue a report on the Financial Statements and will issue the Audit Certificate for 2016/17. This will be considered at the Audit Committee meeting on 21 September 2017.

7	<b>External Audit Plan 2016/17</b>	<p>The Committee to discussed the Audit Plan for the audit of the 2016/17 Statement of Accounts with Ernst &amp; Young LLP, the Authority’s External Auditor. As with the internal audit plan, this covers a short period ending 31 March 2017. The Audit Plan sets out how they intend to carry out their responsibilities in their first year as auditor for CPCA. The Audit Plan is shown at Appendix 1 p95-107 of the agenda.</p> <p>The plan recognises the unusual circumstances of preparing financial statements for a four week period and the need to undertake a full external audit, including a value for money conclusion. The plan summarises Ernst &amp; Young’s initial assessment of the key risks driving the development of an effective audit for the Authority and outlines their planned audit strategy in response to those risks.</p> <p>The Committee agreed the Audit Plan as at 31 March 2017.</p> <p>There will be a further report to its next meeting in September.</p>
8	<b>Date of Next Meeting</b>	Thursday, 21 September 2017 at 10.00am at Cambridge City Council offices, Cambridge.

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## Overview and Scrutiny Committee\_ Decision Summary

**Meeting:** 26<sup>th</sup> June 2017

<http://cambridgeshirepeterborough-ca.gov.uk/assets/Overview-and-Scrutiny-Committee/OS-Committee-June-Agenda.pdf>

Chair: Cllr John Batchelor

Summary of decisions taken at this meeting

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
1.	<b>Minutes of the meeting held on Tuesday 11th April 2017</b>	Apologies were received from Cllr Mark Buckton, substituted by Cllr David Mason.
2.	<b>Declaration of Interests</b>	There were no declarations of interest.

3.	<b>Appointment of Chair &amp; Vice Chair</b>	<p>The constitution allows for the Committee to appoint its Chair and Vice Chair. By law, the Chair cannot be from the same political party as the Mayor, and therefore the Vice Chair should not be from the same party.</p> <p>The Committee appointed</p> <p>(a) Cllr Batchelor as Chair of the Committee for the municipal year 2017/18.</p> <p>(b) Cllr Hayward as Vice Chair of the Committee for the municipal year 2017/18.</p>
4.	<b>Minutes of the meeting held on Tuesday 11<sup>th</sup> April 2017</b>	<p>The Committee agreed the minutes, subject to the attendance being amended to show Councillor Haywood was not at the meeting. The minutes are on page 6 of the agenda. (see link above)</p>
5.	<b>Interview - Mayor of Combined Authority</b>	<p>The Committee invited the Mayor to the meeting to talk about his priorities and 100 day plan and in particular</p> <ul style="list-style-type: none"> <li>● Housing and Infrastructure</li> <li>● Maximising affordable housing and range of housing options</li> <li>● The benefits of having feasibility studies</li> <li>● The benefits of business plans to attract further investment</li> <li>● Wisbech Garden Town</li> <li>● M11/A47 feasibility study</li> <li>● Skills, apprenticeships and the proposed Peterborough University</li> <li>● Working with partners</li> </ul>

		<ul style="list-style-type: none"> <li>● Public sector reform</li> <li>● The economy and dealing with deprivation</li> <li>● Staffing levels</li> <li>● The role of scrutiny in relation to its</li> </ul> <p>A full summary of the interview is in the minutes. <a href="http://cambridgeshirepeterborough-ca.gov.uk/meetings/overview-and-scrutiny-committee-26-june-2017/">http://cambridgeshirepeterborough-ca.gov.uk/meetings/overview-and-scrutiny-committee-26-june-2017/</a></p> <p>The 100 day plan is on page 11-14 of the agenda and is also available on the Combined Authority website. <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Mayor/The-Mayor-of-Cambridgeshire-and-Peterborough-100-Day-Plan.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Mayor/The-Mayor-of-Cambridgeshire-and-Peterborough-100-Day-Plan.pdf</a></p>
6.	<b>Review of Combined Authority Agenda</b>	The Committee considered the agenda that had been published for the upcoming Combined Authority Board meeting on 28 June and agreed to note the agenda of the Combined Authority Board meeting on 28 June, having had the opportunity to discuss the projects under the previous item.
7.	<b>Combined Authority Forward Plan</b>	The Committee noted the forward plan of the Combined Authority Board as at 12 June.  The current forward plan is at <a href="http://cambridgeshirepeterboroughca.gov.uk/assets/Combined-Authority/Agenda-Item-1.8-Forward-Plan.pdf">http://cambridgeshirepeterboroughca.gov.uk/assets/Combined-Authority/Agenda-Item-1.8-Forward-Plan.pdf</a>
8.	<b>Overview &amp; Scrutiny Work</b>	The Committee agreed to amend the work programme particularly the timetable for inviting Portfolio Holders to future meetings to talk about their portfolios and areas of

	<p><b>Programme</b></p>	<p>responsibility. should be amended as follows:</p> <p>The following Portfolio Holders to be invited to this meeting</p> <p>24 July meeting</p> <p>(a) Portfolio Holder for New Homes and Communities (b) the Portfolio Holder for Transport.</p> <p>21 September meeting</p> <p>(a) Deputy Mayor – Portfolio Holder for Economic &amp; Productivity Strategy. (b) the Portfolio Holder for Strategic Planning</p> <p>23 October meeting</p> <p>(a) Deputy Mayor – Portfolio Holder for LEP and Tourism (b) Portfolio Holder for Employment and Skills</p> <p>27 November</p> <p>(a) the Portfolio Holder for Fiscal Planning.</p> <p>The Mayor should be invited quarterly to attend the Overview and Scrutiny Committee meetings with the next invitation to be in six months.</p>
9.	<p><b>Date &amp; Location of Next Meeting</b></p>	<p>The next meeting would be held at Peterborough City Council on 24<sup>th</sup> July 2017</p>





# CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY BOARD

## Decision Statement

Meeting: 28th June 2017

<http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Agenda-and-items.pdf>

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Item	Topic	Decision
	<b>Part 1 – Governance Items</b>	
1.1	<b>Apologies and Declarations of Interest</b>	Apologies received from Councillor Count, substituted by Councillor Hickford. There were no declarations of interest.
1.2	<b>Minutes – 31 May 2017</b>	The minutes of the meeting of 31st May 2017 were approved as a correct record.
1.3	<b>Petitions</b>	None received.
1.4	<b>Public Questions</b>	None received.

Item	Topic	Decision
1.5	<b>Independent Remuneration Panel (IRP) on Mayoral Remuneration Scheme and Independent Person Allowance</b>	<p><b>Mayoral Remuneration Scheme</b>  The Cambridgeshire and Peterborough Combined Authority Order 2017 enabled the Combined Authority to pay an allowance to the Mayor if the Combined Authority consider a report published by an independent remuneration panel established by one or more of the constituent councils. Cambridgeshire County Council's panel was appointed to consider the Mayor's allowance. The panel undertook its review in April and its report was considered by the Board. The Independent panel's report is attached at Appendix A on page 12 on the agenda (See link above) and agreed:</p> <p>(a) the scheme of Mayoral allowance as recommended by the Independent Panel for the municipal year 2017/18 and 2018/19;</p> <p>(b) that the Panel should undertake a further review no later than 24 months from the date of this decision;</p> <p><b>Independent Person's Allowance</b>  By law, the Board must appoint an independent person to sit on the Audit and Governance Committee for which an allowance may be paid. At its annual meeting the Board appointed John Pye as the independent person and appointed him as Chair. The Chair's position requires significantly more work and responsibility, and involves meetings in between meetings, such as meetings with the Internal and External Auditors, agenda briefings etc. Therefore the Board agreed to increase the allowance to £1534 to take account of his additional duties as Chair.</p>
1.6	<b>Appointment of Chief Executive</b>	<p>By law, the Combined Authority must appoint a Head of Paid Service. This officer also acts as Chief Executive. Following a recruitment campaign, 24 applications were received, a long list of 8 candidates were given a technical interview by Penna, the appointed recruitment consultants. 3 candidates attended a final selection process by a Member level appointments panel.</p> <p>The Board approved the appointment of Martin Whiteley to the post of Chief Executive as recommended by the Chair of the Appointments panel following the final interviews.</p>
1.7	<b>Arrangements for Appointment of Statutory</b>	<p>By law the Combined Authority must appoint a Monitoring Officer and Chief Finance Officer. These positions had been filled on an interim part time basis (2 days a week) by the Monitoring</p>

	<b>Officers</b>	<p>Officer and Chief Finance Officer at Peterborough City Council. Now that the Combined Authority's work was developing at apace, these roles needed to be filled on a full time basis. The City Council agreed to release Kim Sawyer, the interim Monitoring Officer, on a full time bases. The Board therefore agreed to appoint Kim Sawyer from 1 July on a full time basis until a permanent appointment was made.</p> <p>As the City Council were unable to release the interim Chief Finance Officer on a full time basis, the Board agreed to authorise the Chief Executive to source a full time interim Chief Finance officer until a permanent appoint was made.</p>
1.8	<b>Forward Plan</b>	<p>The board approve the Forward Plan of Executive Decisions dated 26 June 2017.  <a href="http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Agenda-Item-1.8-Forward-Plan.pdf">http://cambridgeshirepeterborough-ca.gov.uk/assets/Combined-Authority/Agenda-Item-1.8-Forward-Plan.pdf</a></p>
	<b>Part 2 – Key Decisions &amp; Policy</b>	
2.1	<b>Business Case for Phase 2 of the University of Peterborough</b>	<p>The creation of an independent University in Peterborough with its own degree awarding powers has been a long held desire of the leaders, employers and people of Peterborough and the surrounding area. The Constituent Councils of the Combined Authority expressed their intention to deliver a University for Peterborough in the devolution deal signed with Government in July 2016.</p> <p>The city is one of the largest conurbations in the UK without a university and contains six wards with the lowest higher education progress in the East of England. This restrains economic growth by perpetuating high end skills shortages, deters future investment by technology-based industries in the area and drives an outward migration of intellectual and skilled talent.</p> <p>The University Centre Peterborough was created as a joint venture in 2007 by Anglia Ruskin University and Peterborough Regional College and both organisations agreed to work together to establish an independent University in Peterborough.</p> <p>Phase one of the project involving an assessment of potential student demand and initial planning had been completed. The Greater Cambridge Greater Peterborough Enterprise Partnership (GCGPEP) Board supported the first phase and this phase demonstrated the</p>

		<p>potential to establish a viable self-sustaining university in Peterborough</p> <p>The board received a business case for phase 2 of the project (See page 39-89 of the agenda) comprises the following work streams:</p> <ul style="list-style-type: none"> <li>● Curriculum development - develop student base, confirm demand for courses and mode of delivery, recruit staff, raise aspirations and understanding</li> <li>● Marketing, engagement and widening participation strategy</li> <li>● Development of a robust business case for phase 3 – the design and build phase of the university campus</li> <li>● Developing student facilities/amenities to attract additional students who want a wider student experience</li> <li>● Securing/ refurbishing interim University building / premise</li> </ul> <p>The Board:</p> <ol style="list-style-type: none"> <li>1. Agreed to support Phase 2 of the University of Peterborough project and approved in principle, the overall funding request for £6.53m.</li> <li>2. Approved the initial draw down of £3.83m from the overall total subject to agreement of the grant conditions attaching to the funding.</li> <li>3. Note that the following would come to future meetings as indicated: <ol style="list-style-type: none"> <li>a. a further set of costed options for work streams 4 and 5 – improving student amenities and the securing and refurbishment of interim accommodation for the University (September 2017 meeting).</li> <li>b. reports timed around key milestones on the delivery of Phase 2 (on-going).</li> <li>c. a detailed Business Case and Investment Strategy for Phase 3 of the University “Design and build of a University campus” (December 2018).</li> </ol> </li> </ol>
2.2	<b>Interim Local Transport Plan</b>	Following devolution the directly-elected Mayor and the Combined Authority (CPCA) assumed certain transport functions under the Cambridgeshire and Peterborough Combined Authority

		<p>Order 2017. The Combined Authority is now the Local Transport Authority with strategic transport powers for the areas previously covered by Cambridgeshire County Council and Peterborough City Council.</p> <p>The Mayor and the Combined Authority are together responsible for:</p> <ul style="list-style-type: none"> <li>(a) Setting the overall transport strategy for Cambridgeshire and Peterborough, called the Local Transport Plan;</li> <li>(b) A multi-year local transport budget for Cambridgeshire and Peterborough;</li> <li>(c) Management and maintenance of a Key Route Network of local authority roads when established; and</li> <li>(d) Passenger transport, including the ability to franchise bus services in the Cambridgeshire and Peterborough area.</li> </ul> <p>The Combined Authority must produce a Local Transport Plan. The report recommended that the previous Local Transport Plans of Cambridgeshire County Council and Peterborough City Council are adopted into a single Local Transport Plan. (See plan on page 94-135). This is an interim measure until a comprehensive statutory process can be undertaken to review the Combined Authority's strategic transport planning role to produce a long term Local Transport Plan for the Cambridgeshire and Peterborough area.</p> <p>It is proposed to bring forward a scheme to the Board meeting in July which will set out how it will undertake work to develop a new Local Transport Plan for the Cambridgeshire and Peterborough area. This will include consultation with residents and businesses, to ensure that the Local Transport Plan properly represents the needs of communities and stakeholders across the entire region.</p> <p>The Board agree the Interim Local Transport Plan for the Combined Authority and noted the intention to bring forward plans to commission a new Local Transport Plan for the Combined Authority.</p>
2.3	<b>Strategic Transport Infrastructure Schemes</b>	The Mayor and the Combined Authority are committed to addressing the historic deficit in transport investment and improving transport and the physical connections between communities

including cities, towns and rural areas. This will provide a means to deliver sustainable growth across the area, and support housing and economic development.

Devolution affords the Combined Authority the opportunity to consider bold and innovative solutions to overcome long-standing infrastructure needs across Cambridgeshire and Peterborough via a series of new initiatives together with work that is already underway and planned across the Combined Authority area.

The purpose of this report was to ask the Board to proceed with an initial set of interrelated business cases and feasibility studies for key strategic schemes across Cambridgeshire and Peterborough.

The Board agreed to Commission each of the following feasibility studies:

**Dualling of A47 Business Case between the A16 to the east of Peterborough and Walton Highway to the east of Wisbech.**

The terms of reference for the consultant's brief is set out in Appendix 1 (p144-154 of the agenda)

This scheme will:

- Improve connectivity between Norfolk, Fenland and Peterborough / the A1 and onward to national destinations, reducing journey times and improving journey reliability
- Help to boost economic prosperity, particularly in Peterborough and Wisbech, by reducing transport costs and improving accessibility to national markets for a large part of the east of England
- Support economic and housing growth in Peterborough, Fenland, Kings Lynn and West Norfolk and further east along the A47 corridor.

The benefits and aims are summarised in 3.2 of the report on page 137-138

**A47 extension to M11 Feasibility Study – aligned to upgrading of A10 Business Case** (For terms of reference for consultants – see Appendices 2 & 3 – pages 155-166)

**(a) Extending the A47 to the M11**

The Combined Authority wishes to understand the feasibility, viability, benefits and impacts of connecting the M11 in the Cambridge area to the A47 in the Guyhirn / Wisbech area.

In improving accessibility from the north of Cambridgeshire to the Strategic Road Network, Cambridge, Stansted Airport and London, a new or upgraded route would aim to:

- Provide conditions that encourage inward investment in higher value employment sectors in the north of Cambridgeshire
- Improve access from the north of Cambridgeshire to employment opportunities in the Greater Cambridge area
- Reduce spatial inequalities across Cambridgeshire and share and expand the benefits of the success of the Greater Cambridge area
- Support economic and housing growth in Fenland and East Cambridgeshire and in the Cambridge area.

The work to understand options for extending the A47 to the M11 is intrinsically linked to the existing work to upgrade the A10. It is therefore proposed that this initial work is undertaken and aligned with the stage that the A10 work has already reached at which point the Combined Authority can decide whether to proceed with a single route study north to south or two separate studies.

**(b) Upgrading the A10**

The A10 is a significant growth corridor linking Greater Cambridge to the wider Cambridgeshire area. There are currently a number of pieces of work underway and planned that could impact on the corridor between Kings Lynn, Ely, Cambridge and Royston.

Therefore, the feasibility study for extending the A47 into the M11 will be commissioned as an extension to the current Greater Cambridge City Deal / Cambridgeshire County Council commissioned Cambridge to Ely / Kings Lynn Studies / Business Case development. The feasibility study outputs will then be considered alongside the A10 improvements to determine the strategy and programme of work.

**Wisbech Garden Town Feasibility Study** (Appendix 4 pages 167-178)

		<p>The Combined Authority wishes to undertake feasibility work to continue to develop Wisbech Garden Town.</p> <p>The Wisbech Garden Town development aims to:</p> <ul style="list-style-type: none"> <li>● Enable regeneration of the town, tackling social, economic and deprivation challenges</li> <li>● Support economic and housing growth in Wisbech and Cambridgeshire, in particular ensuring a pipeline of good quality homes in the Wisbech area</li> <li>● Provide conditions that improve East-West connectivity and North-South links, improving connectivity and promoting Wisbech as a destination of choice for residents and businesses</li> <li>● Develop Wisbech as a location for economic growth and inward investment geared towards agri-tech, food research and development and food processing</li> </ul> <p>The feasibility work will test the viability of the proposed Garden Town and include a series of technical development and placemaking studies aimed at addressing challenges associated with flooding risk and water management, highway and transportation and housing completions.</p> <p>The Garden Town proposal will be submitted to DCLG in summer/autumn 2017 identifying the requirement for Government support for the project and inclusion in the Garden City prospectus.</p> <p>The Board agreed</p> <p>(a) a total budget allocation of £8.75 million for the delivery of the feasibility studies and business case.</p> <p>(b) delegated authority to the Interim Chief Executive, in consultation with the Portfolio Holder for Transport &amp; Infrastructure, to award a contract for each of the feasibility studies and business case provided that the collective value of the contracts does not exceed the approved budget allocation.</p> <p>The Board also noted the intention to bring forward proposals for a feasibility study with the City Deal Board into the rapid, mass transport options for Cambridge City and the surrounding travel to work area to the Board in July 2017. This will to assist in the development of City Deal's ambitions to provide rapid, mass transport in Cambridge City and the surrounding travel to work.</p>
2.4	<b>An Independent Economic</b>	The Combined Authority, local businesses and central government must share a collective



	<p><b>Commission</b></p>	<p>understanding of the size, importance, additionality, and rate of grow of the economy in Cambridgeshire and Peterborough. Creating a single view of the economy will allow political and business leaders to agree on economic priorities and to come together more effectively in pursuing them.</p> <p>The Combined Authority is committed, through its Assurance Framework, agreed in February 2017 with Government and by the shadow Combined Authority Board, to creating an independent Economic Commission. The Board agreed:</p> <ol style="list-style-type: none"> <li>1. to establish an independent Economic Commission; the proposed membership is set out in para 3.8 of the report p182, and the terms of reference is set out in Appendix 1(p185-186)</li> <li>2. that the independent Economic Commission undertake an economic review to be completed by 1 December 2017; (For Terms of Reference see Appendix 2 (p187-188)</li> <li>3. a budget of £145,000 to support the operation of the commission, undertake the economic review, and to promote its findings with Government and private sector investors.</li> </ol> <p>The establishment of the Commission will require partners to work collectively and to think differently about economic growth, investment and prosperity.</p>
<p><b>Part 3 – Decisions</b></p>		
3.1	<p><b>National Productivity Investment Fund</b></p>	<p>The Board agreed four schemes for submission to the National Productivity Investment Fund (NPIF), run by the Department for Transport.</p> <ol style="list-style-type: none"> <li>a. A47 Junction 18 Improvements</li> <li>b. March Junctions</li> <li>c. Wisbech Development Access Improvements</li> <li>d. A605 Whittlesey Access Phase 2 – Stanground Access</li> </ol> <p>Details of the scheme are set out in table 1 page 192-3 of the agenda. The four schemes have been approved and prioritised by the Highway Authorities –</p>

		<p>Cambridgeshire County Council and Peterborough City Council.</p> <p>If the bids are successful in securing funding, they will collectively support the delivery of:</p> <ul style="list-style-type: none"> <li>● approximately 7,000 new homes – identified in local plans;</li> <li>● approximately 3,000 new jobs – also identified in local plans; and</li> <li>● address traffic congestion at recognised bottlenecks.</li> </ul> <p>The Board noted</p> <ol style="list-style-type: none"> <li>1. the significant wider economic benefits they would deliver; and</li> <li>2. that if successful 30% of the costs of the March Junctions and the Wisbech Development Access Improvement schemes, £3.29m in total, would be met locally through Combined Authority funding, or other funding streams.</li> <li>3. that if successful 30% of the costs of the A47 Junction 18 improvements and the A605 Whittlesey Access scheme will be met locally, through the local Highway Authority block grant funding.</li> </ol> <p>Details will be incorporated within a budget update report to the Board in July.</p>
3.2	<p><b>Housing Programme: Modular Homes – Off Site Housing</b></p>	<p>The Board agreed to proceed with a feasibility study to consider the commercial opportunities that might exist for the Combined Authority in off-site housing manufacturing and to assess the wider benefits that might be available to the area including new skills and employment, and in accelerating housing delivery.</p> <p>The Combined Authority agreed to appoint a Consultant to provide expert independent advice in undertaking a Feasibility Study to consider how off-site construction methods can be used to speed up housing delivery and to determine the options and business case for establishing a production facility/commercial enterprise with the aim of:</p> <ul style="list-style-type: none"> <li>● Accelerating housing delivery – the Combined Authority’s ambition is to accelerate and sustain delivery of 100,000 new homes across the Combined Authority area;</li> <li>● Supporting economic growth - increasing the delivery of homes at prices people can afford</li> </ul>

- will help attract new workers into the area and encourage employers to locate here; and
- Advancing its ambitions to create a production facility, supporting economic growth and providing employment and training opportunities.

The feasibility study will:

- Prepare a technical paper setting out the necessary considerations in setting up an off-site housing manufacturing production plant. Details of the requirements for the technical paper are set out in Appendix 1 p202-207.
- Provide advice about the likely local market in Cambridgeshire and Peterborough for an off-site manufactured housing product, and undertake relevant local market research.
- Provide advice about the activities of potential local (regional and national) competitors that are currently operating in this market space or currently considering investing.
- Provide advice, based on examples from around the UK about the more effective business operating model. Set out the specific revenue and capital funding that would be required from the Combined Authority to progress these options.
- Provide advice about potential funding sources to support this work and assist in preparation of bids for appropriate available funding.
- Provide advice about the key risk issues that the Combined Authority would need to consider in developing this proposal.
- Prepare a strategic outline business case (in accordance with Government/ Treasury guidelines) for the proposal.

The Board also

- Noted the intention for the Combined Authority Interim Chief Executive in conjunction with the Portfolio Holder for Housing to determine the most appropriate means of procuring the feasibility study in accordance with procurement regulations.
- Agreed a budget allocation of £25,000 in 2017/18 to commission the proposed feasibility study and delegate authority to the Interim Chief Executive, in consultation with the Portfolio Holder, to award a contract for the feasibility study provided that the value of the contract does not exceed the approved budget allocation.

	<b>Part 4 – Financial Management &amp; Audit</b>	
4.1	<b>Budget Update</b>	<p>This report provided an update on the draft outturn position and draft Statement of Accounts of the Combined Authority for 2016/17 and of the 2017/18 budget together with the Medium Term Financial Forecast to 2020/21.</p> <p>The Board noted</p> <ol style="list-style-type: none"> <li>1. the re-profiling of the Housing Grant funds for the years 2016/17 to 2020/21 (para 3.1 page 209 of the agenda).</li> <li>2. the Outturn position for 2016/17. (para 3.1 page 209 210 of the agenda).</li> <li>3. the Statement of Accounts for the period ended 31 March 2017. (para 3.3 page 210 211) of the agenda</li> <li>4. the current VAT position of the Combined Authority and the steps being taken to address the issues caused by not having a Section 33 VAT Order in place (para 3.5 p 211-22)</li> <li>5. the budget updates as requested for approval <ol style="list-style-type: none"> <li>a) in other Board reports on this meeting’s agenda.</li> <li>b) as set out for approval in paragraph 3.13 p214 of the agenda</li> <li>c) to note the budget adjustments made via delegated Authority.</li> </ol> </li> <li>6. the updated budget and indicative resources for 2016/17, 2017/18 and Medium Term Financial Forecast for 2018/19 to 2020/21 as set out in Appendix A p215-273</li> </ol> <p>The Board also approve the external auditors fees for 2016/17 and 2017/18.</p>
	<b>Part 5 – Date of Next Meeting</b>	
5.1	<b>Date of Next Meeting</b>	<p>Wednesday 26 July 2017</p> <p><b>Post meeting note: The board will be now be held at 10am at Shire Hall.</b></p>

<b>COUNCIL</b>	<b>AGENDA ITEM No. 12</b>
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

## **MOTIONS ON NOTICE**

The following notice of motion has been received in accordance with the Council's Standing Orders:

### **1. Motion from Councillor Ansar Ali**

The Council recognises the concerns of traders, local community organisations, residents and road users of Lincoln Road, Millfield with regard to traffic congestion caused by the buses using the bus depot at the end of the day. As bus drivers bring their buses back to the depot at the end of the shift, long tailbacks ensue as buses try to enter the depot. This holds up the flow of the traffic through this already congested area and stops people from entering the area for shopping or eating, thus having an impact on the businesses.

Action needs to be taken to address this issue which has been constantly raised by the traders and others affected within the North, Central and Park Ward area.

The Council resolves to:

1. Request the relevant Council Officers to work with the Bus Company to look at staggering the times for Buses coming into the depot to avoid tailbacks in the short term; and
2. Work with the Bus Company to look at the feasibility of relocating the Bus Depot as a solution to this problem for the medium to long term.

### **2. Motion from Councillor Richard Ferris**

Annual consumption of plastic bottles is set to top half a trillion (500, 000, 000, 000) by 2017. Recognising the damaging impact that plastic waste is having on the Earth's ecosystems, it is imperative that we reduce this through a greater commitment to recycling and reuse.

This Council is asked to introduce a 'refill-reuse' scheme, similar to those already in operation in other cities across Europe. Such a scheme invites local businesses to sign up, allowing people to refill their water bottles on their premises rather than throwing them away after single use. If every Peterborough resident refilled once a week instead of buying a single-use plastic bottle, the city would reduce its waste plastic bottle consumption by approximately 10 million a year.

To take this forward, this Council is asked to:

1. Promote a refill-reuse scheme with local businesses, with an aim of recruiting them to become Refill Points;
2. Seek a commercial sponsor to act as a partner in the scheme;
3. Develop a Refill App which shows users which businesses nearby are happy to fill water bottles; and

4. work with other public space operators to contract companies to install drinking water fountains with visible and convenient attachments made to refill bottles in areas of high footfall.

### **3. Motion from Councillor Richard Ferris**

Council notes the need to promote pedestrian and cycle routes in the city of Peterborough.

This Council believes that pedestrian and cycle facilities in Peterborough can be enhanced and better coordinated particularly in the city centre.

This Council believes that a footbridge and cycle route to Fletton Quays should be constructed.

<b>COUNCIL</b>	AGENDA ITEM No. 13(a)
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Stephen Gerrard, Interim Director of Law and Governance	
Cabinet Member(s) responsible:	Leader of the Council and Cabinet Member of the Cambridgeshire and Peterborough Combined Authority	
Contact Officer(s):	Pippa Turvey, Constitutional and Democratic Services Manager	Tel. 452 460

## **NOTIFICATION OF CHANGES TO THE EXECUTIVE FUNCTIONS – OFFICER DELEGATIONS**

R E C O M M E N D A T I O N S	
<b>FROM:</b> <i>Interim Director of Law and Governance</i>	<b>Deadline date:</b> <i>July 2017</i>
It is recommended that Council notes the changes made by the Leader to the Executive Functions - Officer Delegations.	

### **1. PURPOSE AND REASON FOR REPORT**

- 1.1 The purpose of this report is to advise Council of changes made to the Executive Functions - Officer Delegations by the Leader and for Council to note these changes.

### **2. CHANGE TO THE EXECUTIVE DELEGATIONS**

- 2.1 All executive functions are delegated to the Leader who may then delegate further to the Cabinet, Committees of Cabinet, Cabinet Members and Officers. Council noted the Leaders Scheme of Delegation to Cabinet Members and Officers.
- 2.2 As per Part 4, Section 7 of the Constitution, Executive Procedure Rules, Paragraph 1.4.1 the Leader may amend the scheme of delegation relating to executive functions at any time, giving written notice to the Monitoring Officer and to the person, body or Committee concerned.
- 2.3 The rules further stipulate that the Monitoring Officer will present a report to the next Ordinary meeting of the Council setting out the changes made by the Leader.

### **LOAN OF OFFICERS AND EX-GRATIA PAYMENTS**

- 2.4 Changes have been made to the Executive Functions – Officer Delegations as follows:

“3.13.2 The Chief Executive is authorised:

**(h) to loan officers to another authority for the purposes of discharging their functions.**”

*and*

“3.13.5 The Chief Executive and every Director shall be authorised to exercise the following functions in so far as they fall within his/her remit, subject to the ability of the Leader (or Cabinet Members acting under authority delegated to them by the Leader or a regulatory committee of the Council to exercise the functions):

(g) to make ex-gratia payments up to a limit of ~~£250~~ **£1,000**, in respect of complaints where quantifiable damage or loss can be identified;”

### **3. CONSULTATION**

3.1 The Governance Board (formerly the Member, Officer, and Constitutional Working Group) were consulted on the change to the level of ex-gratia payments delegated to Officers at its meeting on 26 April 2017 and recommended to the Leader of the Council an increase from £250 to £1,000.

### **4. IMPLICATIONS**

#### **Financial Implications**

4.1 There are no financial implications to the delegation amendments.

#### **Legal Implications**

4.2 There are no legal implications to the delegation amendments.

#### **Equalities Implications**

4.3 There are no equalities implications to the delegation amendments.

### **5. BACKGROUND DOCUMENTS**

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

5.1 Peterborough City Council’s Constitution.  
Report to Annual Council 22 May 2017 – Appointment of Executive and Leader’s Scheme of Delegation.

### **6. APPENDICES**

6.1 Appendix 1 – Part 3, Section 3 - Executive Functions – Officer Delegations



**3.12 Delegations to Officers: General Provisions**

- 3.12.1 Officers shall exercise the following delegations subject to the constraints listed at paragraph 3.1 above. It shall be noted that all delegations to Directors may also be exercised by the Director of Governance and the Chief Executive.

**3.13 Delegations to Officers: Corporate Matters**

- 3.13.1 The Chief Executive shall, in pursuance of his or her duty to present to the Cabinet and Scrutiny Committees advice on matters of major policy, ensure that regular meetings are called of all Directors, and that matters of major policy are considered at those meetings before reference to members through the Council's formal governance structures.

- 3.13.2 The Chief Executive is authorised:

- (a) to require any matter delegated to a Director, but not requiring an urgent decision, to be referred to Corporate Management Team or the equivalent body and to be subject of a report to the Executive or an appropriate Committee;
- (b) to authorise a Director to act in his/her absence on any matter within his/her authority;
- (c) in the absence of any Director, to take decisions delegated to him/her or a Head of Service in his/her department (excluding the statutory functions of the Monitoring Officer and the Section 151 financial officer);
- (d) to take any action, including the incurring of expenditure, where emergency action is required;
- (e) to exercise the functions of the Head of Paid Service under the provisions of the Local Government and Housing Act 1989;
- (f) to exercise personal responsibility for delegations to officers in relation to executive human resource matters, including the creation and disestablishment of posts, changes to job descriptions and matters related to the recruitment, reward and disciplining of staff;
- (g) to determine changes within the management structure, where these involve substantial change to the responsibilities of first and second tier posts, having regard to the proposals of the relevant Cabinet Members for the services affected and also of the Leader of the Council.
- (h) to loan officers to another authority for the purposes of discharging their functions.

- 3.13.3 The Chief Executive, or an officer authorised by him/her, shall deal with press enquiries on matters of general policy. In addition, the Chief Executive is authorised:-

- (a) to issue news releases about matters which have been the subject of consideration by the Executive or Committees;
- (b) having consulted where appropriate with the relevant Member to issue news releases about other matters and to call press conferences.

- 3.13.4 Directors shall be authorised to deal with press enquiries and issue press releases on matters arising from the work of their Department.

- 3.13.5 The Chief Executive and every Director shall be authorised to exercise the following functions in so far as they fall within his/her remit, subject to the ability of the Leader (or Cabinet Members acting under authority delegated to them by the Leader or a regulatory committee of the Council to exercise the functions):

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- (a) to take any steps necessary for the day to day management and routine administration of his/her Department without reference to the Executive or a Committee, but subject to any necessary reference to the Chief Executive or other Director;
- (b) to act on behalf of and in the name of the Executive or a Committee on those matters shown in this delegations document as matters for decision at Officer level, where necessary in consultation with the Cabinet Member, Chief Executive and/or other appropriate Officers;
- (c) to authorise the exercise, on his/her behalf, of the powers delegated to him/her within this delegations document by such other Officers within his/her Department as he/she deems appropriate for the proper performance of the work. A statement of the officers who exercise such functions on the Director's behalf must be maintained by each Director and made available to the Cabinet and to other Members upon request;
- (d) in pursuit of their service delivery to give notice under Regulation 3 of the Town and Country Planning General Regulations 1992 that it is proposed to seek permission for development, together with authority to submit such applications under Regulation 4 or 5 thereof, or to authorise any officer acting as agent to do so. This delegation shall also include authority to submit Building Regulations applications. This delegation shall also apply to Heads of Service or other designated senior officers;
- (e) in pursuit of their service delivery to serve notices on persons requiring information as to their interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or, where appropriate, Section 330 of the Town and Country Planning Act 1990 as amended, together with authority to instruct the Director of Governance to prosecute for failure to comply with any such notice;
- (f) to take any emergency action necessary for the safety of the public or the preservation of the property of the Council;
- (g) to make ex-gratia payments up to a limit of £1,000, in respect of complaints where quantifiable damage or loss can be identified;
- (h) to approve Members' attendance at conferences and seminars, following consultation with the Leader as to the benefit to be obtained by member attendance and the appropriate level of such attendance, provided any fees and associated costs can be met from within existing budget provision for conferences/seminars;
- (i) to submit the Council's response to Government, Local Government Association and other similar consultation papers following discussion with the relevant Cabinet Member, Scrutiny Chairman and Group Representatives. If agreement is not reached the response will be referred to the Cabinet for approval;
- (j) to authorise the allocation of external funding awarded to the Council where such

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funding does not exceed £500,000, subject to prior consultation with the Director of Governance (or his/her representatives). For funding between £300,000 and £500,000 this delegation is subject to a further consultation with the Leader of the Council, relevant Cabinet Member and the Chief Executive. To determine allocation of external funding over £500,000 a key Cabinet Member decision is required.

- (k) to monitor the performance of organisations receiving grant aid from the Council, whether through a standard rate or a Service Level Agreement.
- 3.13.6 The Chief Executive and Directors are authorised to deal with contractual matters in accordance with Contract Regulations.
- 3.13.7 Directors are authorised to investigate contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.
- 3.13.8 The relevant Director, in consultation with the Director of Governance and Corporate Director Resources, is authorised to negotiate and settle claims by or against the Council where this is considered to be in the best interests of the Council.

**Human Resource Matters**

- 3.13.9 The Chief Executive and every Director has authority to take decisions relating to the employment of staff, including establishment control and matters of staff recruitment, reward and discipline that are necessary for the effective delivery of services and to stay within allocated budgets, in consultation with the relevant Cabinet Member in relation to Executive functions.
- 3.13.10 The relevant Director may vary their Department's establishment subject to compliance with agreed procedures and any such variations being within the Department's cash limited budget; also subject to substantial change in the first or second tier being referred to the Chief Executive, and substantial change between more than one Department requiring the agreement of all relevant Cabinet Members or reference to the Cabinet for determination.
- 3.13.11 Directors may:
- (a) authorise overtime working by employees in their Department/Division, where there is provision in their contract for overtime to be paid;
  - (b) appoint the requisite members of existing staff who have already received the necessary first aid training as first aid personnel.

**Finance Matters**

- 3.13.12 Each Director has responsibility for, and will be judged accountable for, managing their

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Department's budget within its overall cash limits. In consultation with the relevant Cabinet Member, each Director is authorised to vire between budget heads where the cost centres are within his or her sole control, and where the cost centre is under the control of more than one Director, provided that they manage their budgets within cash limits.

- 3.13.13 All Directors are budget holders are accountable for maintaining expenditure, including staff costs within their allocated cash limit and budget and must not exceed this level of spending without written authority from the Leader of the Council. No virement to or from staffing budgets shall be made without prior approval from the Leader of the Council/relevant Cabinet Member. Although Directors and all budget holders will delegate responsibility for spending and services to their senior managers, they are accountable for the decisions and actions of their staff. Failure on the part of a budget holder to comply with this prime accountability will be viewed by the Executive as gross misconduct and will be reported to the appropriate officer to deal with in accordance with the Council's disciplinary procedures and rules, such officer reporting back to the Executive on the outcome.

**3.14 Delegations to Officers: Director of Governance****Legal Matters**

3.14.1 The Director of Governance is authorised:

- (a) to exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the Council in accordance with Section 222 of the Local Government Act 1972;
- (b) to take all necessary steps in legal proceedings against any person or body authorised by the Council;
- (c) to take all necessary steps to defend the Council in legal proceedings against the Council brought by any person or body, including in Employment Tribunals;
- (d) to certify resolutions and documents as being correct;
- (e) to obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable;
- (f) to insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches;
- (g) in consultation with appropriate officers, to grant wayleaves to statutory undertakers;
- (h) to withdraw legal proceedings in his/her discretion;
- (i) to fix charges for legal work carried out by the Council;
- (j) to institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto;
- (k) to authorise officers of the City Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.
- (l) to sign on behalf of the Council any deed or other document, which, in his/her professional judgement, is necessary or desirable to sign;
- (m) to act as Deputy Electoral Registration Officer;

3.14.2 The Director of Governance is authorised to make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.

3.14.3 The Director of Governance is authorised to enter into agreements under Section 38 & 278 of the Highways Act 1980, subject to consultation with the Director Growth & Regeneration.

**Legal: Children, Families and Adult Social Care**

3.14.4 The Director of Governance is authorised to institute legal proceedings in respect of:

- (a) Prosecutions relating to the relevant functions assigned to the Authority under the Local Authority Social Services Act 1970;
- (b) Recovery of any charge made in respect of a service provided by the Social Services Department;
- (c) The care, supervision or protection of any child or young person under the Children Act 1989, the High Court's inherent jurisdiction or any other enactment relating to children or young persons;
- (d) The safeguarding of vulnerable adults under the Care Act 2014 and the Mental Capacity Act 2005.

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- 3.14.5 The Director of Governance is authorised to determine and arrange the novation of, or as the case may be otherwise transfer, all contracts or agreements which relate to the provision or commissioning by the Council of Health related adult social care functions to its partners the Cambridgeshire and Peterborough Mental Health Partnership NHS Trust or, as the case may be the Peterborough Primary Care Trust.
- 3.14.6 The Director of Governance is authorised to apply for letters of administration of the estate of residents who die while living in a Residential Home owned or managed by the Council or its agent, where it is likely that the sole beneficiary of the estate is the Council or funds managed by the Council or its agent for the benefit of residents living in such a home.
- 3.14.7 The Director of Governance is authorised to wind up estates of deceased persons where the Council has arranged the funeral under Section 46 of the Public Health (Control of Diseases) Act 1984.

**Legal: Housing Service**

- 3.14.8 The Director of Governance is authorised:
- (a) to institute legal proceedings for the recovery of mortgage arrears;
  - (b) to approve the release of land subject to a Housing Act advance from the charge to the Council, subject to the Council's security not being affected;
  - (c) in consultation with the Corporate Director Resources, to grant loans under the Housing (Service Charge Loans) Regulations 1992 on suitable conditions;
  - (d) to approve licences of areas of land to tenants and owner-occupiers on suitable terms and conditions;
  - (e) in consultation with appropriate Officers, to grant wayleaves to statutory undertakers;
  - (f) to determine claims for adverse possession in respect of Council land;
  - (g) to authorise the completion of Deeds of Variation/Release in respect of land formerly owned by the Commission for the New Towns where necessary to allow a Council scheme to proceed, subject to no payment being involved (other than costs).

**Legal - Community Safety**

- 3.14.9 The Director of Governance is authorised:
- (a) to take appropriate action under Sections 70 and 167 of the Criminal Justice and Public Order Act 1994;
  - (b) to exercise the powers and duties of Section 36 of the Local Government (Miscellaneous Provisions) Act 1982 - Control of Fly Posting, and section 132 Highways Act 1980, where attached to buildings or structures
  - (c) to agree with Cambridgeshire Constabulary the necessary parking and traffic arrangements for the annual Remembrance Sunday Parade
  - (d) in relation to private sector housing, to authorise the application for and institute proceedings orders and notices in pursuance of the Anti-Social Behaviour, Crime and Policing Act 2014 and other relevant interventions to promote Community Safety.

**Room Hire**

- 3.14.10 The Director of Governance is authorised:

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- (a) to make future updates of the room hire pricing structure, together with the annual room hire price increases up to and including the annual inflation figure applied by the Council during the annual budget setting process;
- (b) to allow subsidised or free use of the Council's meeting rooms contrary to the usual conditions on occasions where this is in the Council's best interests, in accordance with the Council's room hire policy.

**Other Matters**

## 3.14.11 The Director of Governance is authorised

- (a) to act as Proper Officer for the Coroner's Service;
- (b) to make appointments to partnerships and other outside organisations following consultation with all political Group Secretaries in accordance with the Council's agreed procedure. Any disputed/unresolved appointments to be referred to the Leader of the Council for determination.

**3.15 Delegations to Officers: Corporate Director Resources****Finance**

## 3.15.1 The Corporate Director Resources is authorised:

- (a) to write off as being irrecoverable, debts of any type up to a value of £10,000;
- (b) to write off stock surpluses and deficiencies and dispose of obsolete stock, in conjunction with the relevant Director, to a level agreed by the Council;
- (c) to open subsidiary banking accounts and, for all bank accounts, to negotiate new and amended facilities, changes in terms and operations as required;
- (d) to act as the Council's Registrar of Stocks, Bonds and Mortgages;
- (e) to raise and repay loans, and pay interest thereon, in accordance with the Council's borrowing strategy for the time being;
- (f) to make investments of the Council's monies with institutions approved by the Council;
- (g) to manage internal arrangements, including insurance provisions and approve payments to be made in relation to claims;
- (h) to obtain insurance cover, appointing insurers, insurance brokers and loss adjusters as necessary and negotiate and agree the settlement of claims with the Council's insurers;
- (i) to approve requests by Directors for additions/amendments to the authorised signatory schedule;
- (j) to certify cheques, girocheques, standing order/BACs payment mandates;
- (k) to receive and process housing benefit and council tax benefit applications not delegated to any other Director including initial reviews of decisions relating thereto and to approve the backdating of housing benefit payments and council tax benefit payments;
- (l) to administer Discretionary Housing Payments;
- (m) to attend, as necessary, valuation and council tax tribunal hearings; and
- (n) to enter into agreements for deferred payment of NNDR, subject to registration of a charge on the Land Register, and in accordance with Council policy;
- (o) to administer operating leases and other financing agreements (following initial approval of such schemes) including the making of relevant payments;
- (p) to implement pay awards to employees;
- (q) to act as Deputy Electoral Registration Officer.

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- 3.15.2 The Corporate Director Resources and the Director of Governance are authorised to recover by action or otherwise debts, rates and council tax owed to the Council.

**Housing benefit**

- 3.15.3 The Corporate Director Resources is authorised:
- (a) to determine claims for additional rent rebate, and make use of the Housing Benefit Regulations allowing direct deductions from all state benefits in the recovery of overpaid housing benefit;
  - (b) to determine the Council's local average rate under the Housing Act 1985 and to approve changes in mortgage interest rates;
  - (c) to offer administrative penalties under section 15 of the Social Security Administration (Fraud) Act 1997 where the circumstances of an overpayment are appropriate, as an alternative to prosecution, in respect of housing and council tax benefit;
  - (d) to receive and process housing benefit applications not delegated to any other Director including initial reviews of decisions relating thereto and to approve the backdating of the housing benefit payments;
  - (e) to use an external debt collection agency for the recovery of overpaid housing benefits where other recovery procedures are inappropriate.

**Information and Communications Technology**

- 3.15.4 The Corporate Director Resources is authorised in the event of any emergency preventing normal operations to make alternative arrangements for the continuation of information technology and communication services.

**Emergency Planning**

- 3.15.5 The Corporate Director Resources is authorised to ensure adequate arrangements are made for Emergency Planning under the Council's Statutory obligations, in consultation with the Chief Executive and the Leader of the Council.

**Registration Service, Cemeteries and Crematoria**

- 3.15.6 The Corporate Director Resources is authorised to act as Proper Officer for the Registration Services.
- 3.15.7 The Corporate Director Resources is authorised to manage cemeteries and crematoria

**Regulatory Services**

- 3.15.8 To authorise the Corporate Director Resources:
- (a) to exercise the powers and duties conferred on officers of a Weights and Measures Authority by the Commissioners of Customs and Excise under Section 8(2) of the Customs and Excise Management Act 1979 or any Act, Order or Regulation which extends or amends the Act; or any Order, Instrument, Regulation or Byelaw made under the Act;



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- (b) to exercise the powers and duties conferred on a Weights and Measures Authority by Section 169i of The Licensing Act 1964, or any Act, Order or Regulation which extends or amends the Act; or any Order, Instrument, Regulation or Byelaw made under the Act;
- (c) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
- (i) Food Safety Act 1990;
  - (ii) Prevention of Damage by Pests Act 1949;
  - (iii) take action under the Sunday Trading Act 1994 and to institute legal proceedings in respect thereof;
  - (iv) Anti-Social Behaviour, Crime and Policing Act 2014;
  - (v) Clean Neighbourhoods and Environment Act 2005;
  - (vi) Environmental Protection Act 1990;
  - (vii) Public Health Acts 1936 & 1961;
  - (viii) Public Health (Control of Diseases) Act 1984;
  - (ix) Refuse Disposal (Amenity) Act 1978 (note that the Executive Director Resources also has delegation under this Act to deal with abandoned vehicles) and Environment Act 1995;
  - (x) Prevention of Damage by Pests Act 1949;
  - (xi) Breeding Dogs Act 1991;
  - (xii) Riding Establishment Act 1970;
  - (xiii) Anti Social Behaviour Act 2003;
  - (xiv) Avian Influenza and Influenza of Avian Origin in Mammals (England) Order 2006;
  - (xv) Clean Air Act 1993;
  - (xvi) Environment Act 1995;
  - (xvii) Water Industry Act 1991;
  - (xviii) National Assistance Act 1948 and 1951;
  - (xix) Noise and Statutory Nuisance Act 1993;
  - (xx) Control of Pollution Act 1974;
  - (xxi) Licensing Act 2003;
  - (xxii) Local Government (Miscellaneous Provisions) Act 1976 and 1982;
  - (xxiii) Pollution Prevention and Control Act 1999;
  - (xxiv) Health Act 2006;
  - (xxv) Regulation of Investigatory Powers Act 2000;
  - (xxvi) European Communities Act 1972; and
  - (xxvii) Noise Act 1996.

## Environmental Protection and control functions

Any functions relating to contaminated land	Part IIA of the Environmental Protection Act 1990 (c.43) and subordinate legislation under that Part
Service of an abatement notice in respect of statutory nuisance	Section 80(1) of the Environmental Protection Act 1990
Discharge of any function relating to the control of pollution or the management of air quality	Pollution Prevention & Control Act 1999 (c.24), Part IV of the Environment Act 1995 (c.25), Part I of the Environmental Protection Act

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	1990 (c.43), Clean Air Act 1993 (c.11)
Investigation of any complain as to the existence of a statutory nuisance	Section 79 Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Section 8 Noise and Statutory Nuisance Act 1993 (c.40)
Inspection of the authority's area to detect any statutory nuisance	Section 79 Environmental Protection Act 1990
Consenting to the operation of a loudspeaker	Schedule 2 Noise and Statutory Nuisance Act 1993 (c.40)

- (d) to take action in relation to private water supplies under the Water Industry Act 1991;
- (e) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the Acts and Regulations listed in the delegation to this officer, or any statutory re-enactments or modification thereof, or any Orders made thereunder, so far as the same or any of them may permit or require;
- (f) to carry out duties in connection with a Consumer Complaint and Advisory Service, to test tyre pressure gauges and to inspect and test weighting and measuring equipment at school canteens, clinics and other Council establishments;
- (g) undertake executive functions set out in the Environmental Protection Act 1990 (for non-executive functions (see para 2.5.4 ));
- (h) exercise the powers and duties conferred by the Petroleum (Regulation) Acts 1928 and 1936 in relation to construction requirements and criteria for storage conditions on premises where petroleum spirit and/or mixtures are stored and licensing of such premises.

3.15.9 In association with the functions delegated in the table below and elsewhere in the officer scheme, the Director of Resources is authorised:

- (a) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the Acts, Orders or Regulations listed in the delegation to this officer;
- (b) to sign documents, notices or certificates arising from the use of any of these delegated powers;
- (c) to fix, waive or vary charges in appropriate circumstances where no statutory fee is prescribed, in consultation with the relevant executive portfolio holder;
- (d) to authorise, subject to no complaints being received, exemption orders under the Sporting Events (Control of Alcohol) Act 1985.

3.15.10 That the Director of Resources is authorised to deliver the following functions and compliance with associated legislation on behalf of Peterborough City Council and

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Cambridgeshire County Council:

- (a) Delegated authority for exercising all functions of the Council relating to Trading Standards;
- (b) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts in accordance with approved policies and financial procedure rules in relation to Trading Standards.

To authorise officers for the purpose of trading standards functions:

(i) to exercise all the powers and duties conferred by and in the implementation of the Acts, Order or Regulations listed below or any Act, Order or Regulation extending or amending the same or any Order, Regulation or By-law made there under;

(ii) to exercise all the powers and duties conferred by and in the implementation of any other legislation having a broadly similar purpose to those referred to in the Schedule below relating to fair trading, consumer protection or related issues;

(iii) to exercise further powers and duties relating to the Trading Standards function as may be enacted from time to time in Acts, Orders and Regulations and to update the list to reflect these changes (and so far as this relates to Cambridgeshire County Council, following consultation with the Chair of the Highways and Community Infrastructure Committee);

(iv) to prosecute before a Magistrates' Court any information, complaint or proceedings arising under any of the said Acts, Orders or Regulations in accordance with Section 223 of the Local Government Act 1972;

(v) to initiate legal proceedings arising from any of the above legislation or from any related subordinate legislation;

(vi) to appear in the Magistrates' Court and to conduct relevant proceedings;

(vii) to prosecute cases brought under any of the relevant statutory provisions set out in Schemes 1 to the Health and Safety at Work Act 1974 and which are already enforced by the Department, in accordance with Section 39 of the Act;

(viii) to enter and carry out inspections on any premises and to take samples and make such tests as appear to be necessary for the purpose of the above mentioned Acts and Regulations, or any statutory re-enactments or modification thereof, or any Orders made there under, so far as the same or any of them may permit or require;

(ix) to grant, vary or refuse a consent, an approval, a licence or registration in connection with any of the above Acts, Orders or Regulations;

(x) to sign documents, notices or certificates arising from the use of any of these delegated powers.

Schedule of Acts, Regulations and Orders exercised:

- Accommodation Agencies Act 1953
- Administration of Justice Act 1970 as amended
- Agricultural Produce (Grading and Marking) Acts 1928-1931

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- Agriculture Act 1970
- Animal By Products (Enforcement)(England) Regulations 2013
- Animal Feed (Composition, Marketing and Use) (England) Regulations 2015
- Animal Feed (Hygiene, Sampling etc. and Enforcement)(England) Regulations 2015
- Animal Health Acts 1981 & 2002
- Animal Health and Welfare Act 1984
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003 S54 & 54A
- Avian Influenza (Preventive Measures) (England) Regulations 2006
- Avian Influenza (Vaccination) (England) Regulations 2008
- Beef and Veal Labelling Regulations 2010
- Biofuel (Labelling) Regulations 2004
- Bluetongue Regulations 2008
- Bovine Products (Restrictions on Placing on the Market) (England) (No2) Regulations 2005
- Building Regulations 2010
- Business Protection from Misleading Marketing Regulations 2008
- Cancer Act 1939
- Care Act 2014
- The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 (as amended 2009)
- Cattle Identification Regulations 2007
- Children and Young Persons Act 1933 as amended by the Protection of Children (Tobacco) Act 1986 and the Children and Young Persons (Protection from Tobacco) Act 1991
- Clean Air Act 1993
- Companies Act 1985 & 2006
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Credit Act 1974 & 2006
- Consumer Protection Act 1987
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights Act 2015
- Consumers, Estate Agents and Redress Act 2007
- Contaminants in Food (England) Regulations 2013
- Copyright, Designs and Patents Act 1988
- Cosmetic Products Enforcement Regulations 2013
- Courts and Legal Services Act 1990
- Criminal Justice & Police Act 2001
- Criminal Justice Act 1996 as amended by the Offensive Weapons Act 1997
- Criminal Justice and Public Order Act 1994 – S. 165 – Copyright and Counterfeiting
- Dangerous Substances and Explosives Atmospheres Regulations 2002
- Diseases of Swine Regulations 2014
- Drinking Milk (England) Regulations 2008
- EC Fertilisers (England and Wales) Regulations 2006
- The Ecodesign for Energy-Using Products Regulations 2007
- E-Commerce Regulations 2002
- Education Reform Act 1988
- Eggs and Chicks (England) Regulations 2009
- Electromagnetic Compatibility Regulations 2006
- Energy Act 1976
- Energy Conservation Act 1981
- The Energy Information Regulations 2011
- Energy Performance of Buildings (England & Wales) Regulations 2012
- Enterprise Act 2002

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- Environmental Protection Act 1990
- Estate Agents Act 1979
- European Communities Act 1972
- Explosives Acts 1875 and 1923
- The Explosives Regulations 2014
- Farm and Garden Chemicals Act 1967
- Financial Services Act 2012
- Financial Services and Markets Act 2000
- Fire Safety and Safety of Places of Sport Act 1987
- Fireworks Act 2003
- Food and Environment Protection Act 1985
- Food Information Regulations 2014
- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013
- Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2011
- Forgery and Counterfeiting Act 1981
- Fraud Act 2006
- General Product (Safety) Regulations 2005
- Hallmarking Act 1973 (As Amended)
- Health and Safety at Work etc., Act 1974 S.19, 20, 38 and 39
- Horse Passports Regulations 2009
- Intellectual Property Act 2014
- Intoxicating Substances (Supply) Act 1985
- Licensing Act 2003
- London Olympic Games and Paralympic Games Act 2006
- Malicious Communications Act 1988
- Materials and Articles in Contact with Food (England) Regulations 2012
- Measuring Instruments (Automatic Catchweighers) Regulations 2006
- The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
- Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
- Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
- Measuring Instruments (Beltweighers) Regulations 2006
- Measuring Instruments (Capacity Serving Measures) Regulations 2006
- Measuring Instruments (Cold-water Meters) Regulations 2006
- Measuring Instruments (EEC Requirements) Regulations 1988
- Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
- Measuring Instruments (Material Measures of Length) Regulations 2006
- Measuring Instruments (Non-Prescribed Instruments) Regulations 2006
- Medical Devices Regulations 2002
- Medicines Act 1968
- Money Laundering Regulations 2007
- Motor Vehicles (Safety of Equipment for Children) Act 1991
- Motorcycle Noise Act 1987
- Non-Automatic Weighing Instruments Regulations 2000
- Official Controls (Animals, Feed and Food) (England) Regulations 2009
- Olive Oil (Marketing Standards) Regulations 2014
- Olympic Symbol etc (Protection) Act 1995
- Organic Products Regulations 2009
- Package Travel, Package Holidays etc Regulations 1992
- Packaging (Essential Requirements) Regs 2003
- Performing Animals (Regulation) Act 1925
- The Petroleum (Consolidation) Regulations 2014

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- Plant Protection Products (Sustainable Use) Regulations 2012
- Plant Protection Products Regulations 2011
- Pressure Equipment Regulations 1999
- Prices Acts 1974 and 1975
- Proceeds of Crime Act 2002
- Products of Animal Origin (Disease Control) (England) Regulations 2008
- Protection from Harassment Act 1997
- The Psychoactive Substances Act 2016
- Public Health Act 1961
- Quick Frozen Foodstuffs (England) Regulations 2007
- Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- REACH Enforcement Regulations 2008
- Recreational Craft Regs 2004
- Registered Designs Act 1949
- Registration of Establishments (Laying Hens) (England) Regulations 2003
- Regulatory Reform (Fire Safety) Order 2005
- Road Traffic (Consequential Provisions) Act 1988
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Acts 1988 and 1991
- Road Traffic Offenders Act 1988
- Road Traffic Regulation Act 1984
- Safety of Sports Grounds Act 1975
- The Scotch Whisky Regulations 2009
- Simple Pressure Vessels (Safety) Regulations 1991
- Solicitors Act 1974
- Spirit Drinks Regulations 2008
- Spreadable Fats (Marketing standards) and Milk and Milk Products (Protection of designations) (England) Regulations 2008
- Supply of Machinery (Safety) Regulations 2008
- Swine Vesicular Disease Regulations 2009
- Telecommunications Act 1984 (As Amended)
- Thefts Acts 1968 and 1978 and Theft (Amendment) Act 1996
- Timeshare Act 1992
- Tobacco Advertising & Promotion Act 2002
- Trade Descriptions Act 1968
- Trade in Animals and Related Products Regulations 2011
- Trade Marks Act 1994
- Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Unsolicited Goods and Services Acts 1971 and 1975
- Vehicles (Crime) Act 2001
- Veterinary Medicines Regulations 2013
- Video Recordings Acts 1984, 1993 and 2010
- Weights and Measures (Packaged Goods) Regulations 2006
- Weights and Measures Acts 1976 and 1985
- Welfare of Farmed Animals (England) Regulations 2007
- The Wine Regulations 2011
- Zoonoses (Monitoring) (England) Regulations 2007

to incur expenditure under Section 137 of the Local Government Act 1972 for the purpose of test purchases, testing fees, production of information and other necessary expenses in affording the provision of advice, information and assistance;

To authorise, subject to no complaints or objections being received, exemption orders under the

Sporting Events (Control of Alcohol) Act 1985
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**School Finance**

3.15.11 The Corporate Director Resources is authorised:

- (a) to monitor schools' financial arrangements to ensure accountability and value for money;
- (b) to implement revised arrangements for bank accounts in schools;

**Markets**

3.15.12 The Corporate Director Resources is authorised:

- (a) to operate the Council's market and determine the licences to hold markets, to manage the Council's market on a weekly basis, to negotiate, grant and terminate licences for stalls including change of use in accordance with the agreed policies and also to supervise markets licensed by the Council;
- (b) to open the market for additional days during the Christmas period.

**Highways, Street Furniture and Parking**

3.15.13 The Corporate Director Resources is authorised to review parking charges and parking management, to change or adjust fees and parking charges during any financial year where necessary to meet budgetary targets.

3.15.14 The Corporate Director Resources is authorised to be responsible for the issue of concessionary parking badges ('Blue Badges') to motor vehicles used by disabled persons and to deal with the refusal to issue and withdrawal of concessionary parking badges within the terms of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

3.15.15 The Corporate Director Resources is authorised:

- (a) to determine the charges payable by hirers of electricity in Bridge Street;
- (b) following consultation with the Ward Member(s), to approve suitable sites for the erection of bus shelters, seats etc
- (c) to approve the erection of banners and signs over streets;
- (d) to appoint debt collection agencies to pursue unpaid Excess Charge Notices in accordance approved criteria;

**Town Twinning and Tourism**

3.15.16 The Corporate Director Resources is authorised:

- (a) to promote the Council's twinning partnership and friendship links and to allocate grants in accordance with approved policy;
- (b) to manage the Tourist Information Centre and exercise the Council's powers under Section 144 of the Local Government Act 1972 (Tourism etc.).

**City centre management**

3.15.17 The Corporate Director Resources is authorised:

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- (a) to manage Queensgate Bus Station;
- (b) to issue or refuse vehicle parking permits within the city centre pedestrian area.
- (c) to maintain the Council's car parks and on-street parking facilities, including residents parking zones;
- (d) to oversee the provision and management of on and off street car parking, including, setting charges for future financial years, entering into agreements for the use of parking spaces at special negotiated rates; and approving a three year rolling investment programme of works for future financial years.

**Hackney Carriage and Private Hire vehicles**

3.15.18 The Corporate Director Resources is authorised:

- (a) to consider representations and determine increases in Hackney Carriage fares, to enable requests for fare increases from the Hackney Carriage trade to be dealt with promptly;
- (b) to carry out all necessary consultation and formal advertisement relating to the appointment of stands for Hackney Carriage vehicles under the Local Government (Miscellaneous Provisions) Act 1976 including the consideration of any objections or representations received and the subsequent appointment or revocation of appointment of such stands;
- (c) to ensure appropriate arrangements are in place for the testing of Hackney Carriage and Private Hire vehicles.

**Vivacity Culture and Leisure**

3.15.19 The Corporate Director Resources is authorised to manage arrangements with Vivacity Culture and Leisure to procure a range of community based opportunities to the broadest possible cross-section of the community, in accordance with approved policy, including:

- (a) opening and closing seasonal facilities;
- (b) administering bookings of facilities;
- (c) varying the fees and charges for community facilities;
- (d) authorising free, one-off or reduced charges for the use of facilities;
- (e) approving requests from non-residents for concessionary swimming passes to be used in association with the GP referral scheme at Bushfield Sports Centre;
- (f) closing part or all of a facility for maintenance, including in cases of emergency, or if insufficient staff are available to meet policy, safety or legislative standards;
- (g) arranging shows and productions, and setting ticket prices, at the Key Theatre to obtain the best possible financial arrangements and a balanced usage;
- (h) arranging and/or enabling musical or other artistic promotions; managing the Museum and Art Gallery including:
  - management of its facilities, possessions and exhibitions;
  - acquiring, by donation and purchase, items, having regard to the collection policy and within available budgets; and
  - disposing of surplus and/or unwanted items according to the agreed disposal policy;
- (i) managing the library service including:
  - changing the number of hours in which each library is open;
  - stock purchase;



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- changing library charges;
- changing mobile library routes and stopping times;
- authorising exhibitions in libraries;
- removing, or requiring removal of, any material in an exhibition or which does not accord with Council policy.

**Other Services**

3.15.20 The Corporate Director Resources is authorised to manage operational services which includes in its scope the broad service elements of:

- (i) refuse and recycling (and related) collections;
- (ii) street cleansing;
- (iii) parks, trees and open spaces (including some limited ground maintenance functions at cemeteries and the crematorium);
- (iv) property design and maintenance;
- (v) building cleaning;
- (vi) corporate and schools catering;
- (vii) courier service;
- (viii) passenger and home to school

**Waste**

3.15.21 The Corporate Director Resources is authorised to:

- (a) To carry out the functions of the Council in its capacity as the Waste Collection Authority in line with the Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Household Waste Recycling Act 2003, Clean Neighbourhoods and Environment Act 2005 and Waste Framework Directive 2008 and Regulations made thereunder and to make arrangements for the following collections:
  - (i) household waste and recycling;
  - (ii) bulky household goods;
  - (iii) clinical waste collections;
  - (iv) commercial waste; and
  - (v) bring banks.
- (b) To carry out the functions of the Council in its capacity as the Waste Disposal Authority in line with the Refuse Disposal (Amenity) Act 1978, Environmental Protection Act 1990, Household Waste Recycling Act 2003, Clean Neighbourhoods and Environment Act 2005 and Waste Framework Directive 2008 and Regulations made thereunder and to arrange for the disposal and/or treatment of waste whether through the Council's facilities or by other means.
- (c) To manage arrangements for operating the Council's facilities as follows:
  - (i) materials recycling facility;
  - (ii) household recycling facility in line with the Refuse Disposal (Amenity) Act 1978; and
  - (iii) WEEE facility in line with the Waste Electrical and Electronic (WEEE) Regulations 2006.

**Street Cleansing**

3.15.22 The Corporate Director Resources is authorised:

- (a) To ensure that relevant land (eg. highways, streets, city centre, the Council's car parks) are kept clean and clear of litter, refuse and fly tipping and that such waste is disposed of or treated in line with Section 89 of the Environmental Protection Act 1990 and Code of Practice on Litter and Refuse;
- (b) To ensure the emptying, cleaning, replacing and providing additional litter bins in streets and to take enforcement action in conjunction with the Director of Operations;
- (c) To ensure illegally erected signs, fly posting and graffiti on highway or Council owned land are removed and to take enforcement action in conjunction with the Corporate Director Growth & Regeneration;
- (d) To ensure attendance for cleaning services at road traffic incidents, flooding and other such emergencies;
- (e) To remove, retain and return abandoned shopping trolleys in line with Part 4 of the Environmental Protection Act 1999 and Section 99 of the Clean Neighbourhoods and Environment Act 2005;
- (f) To serve notices, take appropriate action and make arrangements for inspecting, removing, retaining and disposing of abandoned vehicles in line with the Refuse Disposal (Amenity) Act 1978 and to act with other statutory organisations to remove untaxed vehicles from highways and public open spaces.

3.15.23 **Parks, Trees and Open Spaces:**

To manage, maintain and develop the strategy for the Council's parks, trees and open spaces and to make arrangements for maintenance and cleaning operations to be carried out in such areas in line with the Environmental Protection Act 1990, Code of Practice on Litter and Refuse and legislation relating to wildlife and protected species, biodiversity and the Council's aspirations to be recognised as the Environment Capital.

3.15.24 **Passenger and Home to School Transport**

3.15.25 To make arrangements for the provision of passenger transport and home to school transport services in conjunction with the Corporate Director People & Communities on behalf of the Council.

3.15.26 The Corporate Director Resources is authorised:

- (a) to exercise discretion in the implementation of the Council's policy for home to school and college transport, ensuring that the LEA's statutory duties and discretionary powers relating to free or assisted home to school transport are met (This discretion to be exercised for pupils eligible for mainstream or special educational needs transport);
- (b) to approve and vary an appropriate charge or parental contribution to the cost of assisted transport where the Council has no statutory duty to provide free transport.

**Catering**

- 3.15.27 To ensure appropriate provision of corporate catering where necessary in Children's schools.

**Building cleaning**

- 3.15.28 To ensure that building cleaning and associated services to the Council's premises (including attendance and facilities management of public conveniences).

**Courier service**

- 3.15.29 To ensure appropriate provision of courier services on behalf of the Council and its customers in conjunction with other Directors as appropriate.

**3.16 Delegations to Officers: Corporate Director People & Communities (Education Provision)****Special Educational Needs and Disabilities (SEND)**

- 3.16.1 The Corporate Director People & Communities is authorised:
- (a) to take all steps necessary to identify whether a child has special educational needs, including the making, maintaining and reviewing of Education, Health and Care Plans for such children and to secure appropriate provision to meet those needs;
  - (b) to arrange, monitor and review school placement and support for children with special educational needs and prepare transition plans;
  - (c) secure arrangements to improve the educational attainment of looked-after children;
  - (d) to develop close inter-agency partnerships with health organisations to ensure that children with complex medical, emotional and behavioural needs and their families enjoy a co-ordinated service focused on their needs;
  - (e) to undertake functions of planning and commissioning in relation to the statutory responsibilities for Learning and Skills for 16-19 year olds and for 16-25 year old learners with learning difficulties or disabilities.

**School Organisation**

- 3.16.2 The Corporate Director People & Communities is authorised:
- (a) to submit representations, as appropriate, on statutory proposals affecting educational provision in the City;
  - (b) to agree specifications and design of new school buildings and extensions, subject to their meeting national and local specifications and following consultation with all relevant partners, the Executive Member with education responsibilities, and also the Chairman and Group Representatives on the relevant Scrutiny Committee.
  - (c) to make appointments (other than Councillor appointments) to the School Organisation Committee in accordance with the Committee's terms of reference.
- 3.16.3 The Corporate Director People & Communities and the Director of Governance are jointly authorised, following resolution by the Cabinet or relevant Executive Member, to publish Statutory Notices of LEA proposals to establish, alter or discontinue a school, including changes in a school's standard number for admissions, under Part II of the School

Standards and Framework Act 1998 and subsequent legislation.

### **Admissions**

- 3.16.4 The Corporate Director People & Communities is authorised:
- (a) to review admissions arrangements for maintained schools and publish information for parents;
  - (b) to select lay members and persons experienced for appointment to the Independent Education Appeals panels in accordance with the School Standards and Framework Act 1998 and any subsequent legislation.
  - (c) to establish policies and practices for ensuring Traveller children are able to access schools.

### **Education Welfare/Support to Pupils**

- 3.16.5 The Corporate Director People & Communities is authorised:
- (a) to promote and enforce regular school attendance and to take all steps which are necessary for this purpose;
  - (b) to exercise discretion in the management of financial assistance to pupils in the light of changes in national regulations issued by the Benefits Agency;
  - (c) to determine, in accordance with LEA policy, applications for discretionary student awards subject to student rights of appeal.

### **School Standards, Quality and Effectiveness**

- 3.16.6 The Corporate Director People & Communities is authorised:
- (a) to monitor the performance of all schools, ensuring they have the necessary information to set and meet demanding targets for all groups of pupils, including those from ethnic and cultural minorities;
  - (b) to facilitate and monitor an action plan for raising the attainment of all groups of vulnerable learners;
  - (c) to identify and monitor improvements in schools causing concern or likely to do so, in liaison with the Office of the Regional Schools Commissioner where such schools are not maintained by the local authority;
  - (d) to provide advice to school governing bodies on the appropriateness of the exclusion of pupils, including an LEA statement to the Discipline Committee, for example, on how other schools in the City have responded to similar incidents;
  - (e) to ensure that suitable education is provided for excluded pupils;
  - (f) to ensure the provision of information and advice to schools on school management, curriculum and the teaching profession;
  - (g) to exercise, on behalf of the Council, the approved arrangements for the consideration of complaints on school curriculum, religious worship and related matters;
  - (h) to make appointments (other than councillor appointments) to the Standing Advisory Committee for Religious Education in accordance with agreed arrangements;
  - (i) to arrange for the establishment and operation of the Schools Forum;
  - (j) to make non-Councillor appointments to the School Organisation Committee.

**Education Strategic Management: Co-opted Members and School Governors**

3.16.7 The Corporate Director People & Communities is authorised:

- (a) to approve arrangements for the election and appointment of co-opted members (Church of England, Roman Catholic, and parent governor representatives) and (Teacher) Advisers to sit on overview and scrutiny committees dealing with education matters;
- (b) to make by order Instruments of Government for schools in accordance with model forms prescribed by statute;
- (c) to agree with promoters the composition of temporary governing bodies for new schools in accordance with the requirements of the Education Act 1996 and subsequent legislation;
- (d) to provide advice to school governing bodies, only in exceptional circumstances, where the governing body are unable to appoint a Clerk.

**Personnel**

3.16.8 The Corporate Director People & Communities is authorised:

- (a) to refer to the police, following consultation with the Director of Governance, cases of assaults on staff where a prosecution is considered to be warranted either for assault, or malicious damage, or incidents under the provisions of Section 40 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 547 of the Education Act 1996, if the member of staff involved agrees;
- (b) to decide, in consultation with the Director of Governance and if action is appropriate, to assist a member of staff with legal representation in taking action in such cases of assault, where the police have decided not to bring proceedings;
- (c) to approve voluntary early retirement by school staff in the interests of efficiency, in line with the Authority's agreed policy;
- (d) to issue guidance to governing bodies on the criteria to be used in applying the local discretion available to them under the School Teachers Pay and Conditions documents;
- (e) to exercise discretion under the School Teachers Pay and Conditions documents in relation to the number of incentive allowances, the starting salary of new appointments, additional increments to new appointments employed centrally;
- (f) to secure that appraisal is carried out and headteacher appraisers appointed in accordance with the current Regulations and any subsequent changes, including adjustments to their role following the Green Paper and Technical Document.

**Partnership working and relations with Statutory and Voluntary Organisations**

3.16.9 The Corporate Director People & Communities is authorised:

- (a) to work with local partners, including social services, health, police, probation services and voluntary organisations to contribute to cross-cutting approaches to tackle deprivation, raise the level of education and training among young people and adults and contribute to the social and economic development of the City. In this context, formal partnerships will include Health and Wellbeing Board and Safer Peterborough Partnership, Adult and Children Safeguarding Board.
- (b) to authorise the participation in Community Safety Schemes and the delegation of

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powers to Council staff and contractors as permitted by Schedule 56 of the Police Reform Act 2002.

- (c) to implement, monitor and review service level agreements with, and small grants to voluntary organisations in relation to education, consistent with the Council's agreed policy, criteria and conditions.

### **3.17 Delegations to Officers: Corporate Director People & Communities (Children's Services)**

#### **Children and families (social care) functions**

3.17.1 The Corporate Director People & Communities is authorised to carry out the following functions under the Children Act 1989 and associated legislation with the exception of Section 57 closures of controlled or assisted community homes:

- (a) Provision of welfare reports to the Court
- (b) Consent applications for residence orders in respect of children in care
- (c) Family assistance orders
- (d) Functions under Part III of the Act (Local Authority support for children and families)
- (e) Care and supervision
- (f) Protection of children
- (g) Functions in relation to community homes, voluntary homes and voluntary organisations, private arrangements for fostering children.
- (h) Inspection of children's homes on behalf of the Secretary of State
- (i) Research and information returns
- (j) Functions in relation to children accommodated by Health Authorities and Local Education Authorities or in residential care, nursing or mental nursing homes or in independent schools
- (k) Functions in relation to the Carers and Disabled Children Act 2000
- (l) functions in relation to the Apprenticeships, Skills, Children and Learning Act 2009

3.17.2 The Corporate Director People & Communities is authorised to carry out the necessary functions and actions in relation to the following matters:

- (a) loans to Foster Carers to purchase motor vehicles
- (b) Adoption Allowances
- (c) Residence Order Allowances
- (d) to determine foster care allowances and special and incidental expenses in special cases in connection with holiday grants
- (e) to approve, in consultation with the Corporate Director Resources, all loans to foster parents not exceeding £25,000
- (f) to determine the amount of a loan to foster carers to be repaid where the foster carers ceases to foster because they have adopted the child (or children)
- (g) to waive payment of parental contributions to the cost of children in care in cases of hardship.

3.17.3 The Corporate Director People & Communities is authorised to act as consultee where the Local Education Authority proposes to apply for an Education Supervision Order under Section 36 of the Children Act 1989.

3.17.4 The Corporate Director People & Communities is authorised to make applications for the grant of Letters of Administration for the use and benefit of children in the care of the Council.

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- 3.17.5 The Corporate Director People & Communities is authorised to exercise the powers of the Council in connection with legislation relating to adoption, including determining the size of, and members to be appointed to, the Adoption Panel.
- 3.17.6 The Corporate Director People & Communities is authorised to carry out the necessary functions in relation to:
- (a) Part III of the Children and Young Persons Act 1933 in relation to the protection of the young in relation to criminal and summary proceedings etc;
  - (b) Part I of the Children and Young Persons Act 1963 in relation to young persons in need of care, protection or control and for the protection of the young in relation to criminal proceedings;
  - (c) Part I of the Children and Young Persons Act 1969 and Criminal Justice Act 1991 in relation to the case and other treatment of children and young persons through court proceedings;
  - (d) The Access to Information Act 1987, in relation to access by individuals to personal information kept by the Social Services Department in connection with its social services functions;
  - (e) Section 26 of the Children Act 1989 in relation to the conduct of complaints procedures required to be provided by the Social Services Department.

### **3.18 Delegations to Officers: Corporate Director People & Communities (Adult Social care functions)**

#### **Community Care and Disability**

- 3.18.1 The Corporate Director People & Communities is authorised to carry out the necessary functions under:
- (a) Part I of the Care Act 2014 and all related legislation in relation to:
    - (i) assessments of needs and the provision of care and support services to eligible adult persons and services for disabled persons;
    - (ii) assessment of carers needs and the provision support;
    - (ii) the making of payments to persons in respect of securing the provision of care and support services;
  - (b) Public Health (Control of Disease) Act 1984 Section 46(2) and (5) in relation to the burial and cremation of persons dying in accommodation provided under Part I of the Care Act 2014 and recovery of expenses from the deceased person's estate;
  - (c) functions in relation to the Apprenticeships, Skills, Children and Learning Act 2009.
  - (d) to approve, in consultation with the Corporate Director Resources, loans up to £25,000 in respect of Disabled Facilities Grants, to assist clients in exceptional circumstances;
  - (e) to approve the disposal of assets belonging to deceased residents to relatives or other persons entitled to them after payment or proper claims on account of funeral expenses or sums due to the Council.

#### **Mental Health Functions**

- 3.18.3 The Cambridgeshire and Peterborough Mental Health Partnership NHS Trust is authorised by Peterborough City Council under section 79 of the Care Act 2014 to:
- (i) provide or commission residential care and welfare services for people who have

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- mental health problems and whose level of need meets the Council's eligibility criteria for the provision of a service;
- (ii) carry out the assessment of needs for community care services for people who have mental health problems;
  - (iii) make provision for the welfare and accommodation of mentally disordered people
- 3.18.4 The Corporate Director People & Communities is authorised to carry out the necessary functions under the Mental Health Act 1983 as follows:
- (a) Parts II, III and IV relating to the welfare of the mentally disordered, guardianship or persons suffering from a mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative or person so suffering;
  - (b) Sections 66, 67 and 69(1) in relation to the exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals;
  - (c) Sections 116 and 117 in relation to the welfare of certain hospital patients and after care of detained patients.

**Health Related Functions**

- 3.18.5 The Cambridgeshire and Peterborough CCG is authorised (through its Governance Group) to commission or provide all Health-related functions specified in Schedule 1 to the Local Authorities Social Services Act 1970 so far as they relate to adults for the duration of the Partnership Agreement set up under section 75 NHS Act 2006 except where prevented by statute, namely:
- (a) Provision of residential care, welfare services for people with disabilities, visual and hearing impairment, or who have mental health problems and whose level of need meets the Council's eligibility criteria for the provision of a service.
  - (b) Temporary protection of property belonging to people in hospital or accommodation provided under Part I of the Care Act 2014; paying the expenses of the officer acting as deputy for Property and Finance for a patient; prosecution for failure to maintain a person, giving false statements, and obstructing a person with power of entry and inspect;
  - (c) Assessment of needs for community care services;
  - (d) Direct Payments - Making of assessments and payments for purchasing care and support services to individuals whose level of need meets the Council's eligibility criteria for the provision of a service;
  - (e) Assessment of ability of carers to provide care;
  - (f) The provision of facilities for disabled people, including those with sensory disabilities to be employed or work under special conditions;
  - (g) Identifying the need for, and publishing information about welfare services, provision of certain services, and providing certain information to the Secretary of State;
  - (h) Representation and assessment of disabled persons;
  - (i) The promotion of welfare of old people;
  - (j) Financial and other assistance to voluntary organisations;
  - (k) Co-operation in relation to homeless people and people threatened with homelessness.

**Adult social care functions**

- 3.18.6 The Corporate Director People & Communities is authorised to exercise functions under Section 26 of the Children Act 1989 and Section 7B of the Local Authority Social Services Act 1970 in relation to the conduct of complaints procedures required to be provided by



the Social Services Department.

### **Data Protection**

- 3.18.7 The Corporate Director People & Communities is authorised to exercise functions under the Data Protection Act 1998, in relation to access by individuals to personal information kept by the Social Services Department in connection with its social services functions;

### **Registration**

- 3.18.8 The Corporate Director People & Communities is authorised to determine applications for registration and, in appropriate circumstances, to vary the registration criteria in respect of:
- (a) All residential care homes across all sectors,
  - (b) Day care within the provisions of Part X of the Children Act 1989,

The Corporate Director People & Communities is authorised to inspect premises as permitted and required under the Registered Homes Act 1984 and the Children Act 1989.

### **Closer Integration with the CCG**

- 3.18.9 The Corporate Director People & Communities, with the joint agreement of the Chief Executive of the CCG and the Chief Executive of the Council, will retain on behalf of the CCG, a range of specific responsibilities that until this agreement were either the sole responsibility of the CCG or a common responsibility as follows:
- (a) Older People's Services including older people's mental health
  - (b) Learning Disability Services
  - (c) People with Long Term Conditions
  - (d) Adult Mental Health and Substance Misuse, Social Care Services
    - (i) Adult Mental Health Services from Mental Health Trust and voluntary and private sector providers
    - (ii) Substance Misuse services from Mental Health Trust and voluntary and private sector providers
    - (iii) Specialist services (as part of a countrywide process)
    - (iv) Specialist out of area services.

**3.19 Delegations to Officers: Corporate Director People and Communities (Housing and Community Safety Functions)****Housing Need and Allocations**

3.19.1 The Corporate Director People & Communities is authorised:

- (a) to determine nomination agreements with Housing Associations to meet housing need;
- (b) to agree financial assistance to homeless households in accordance with the provisions of the Housing Act 1985 (as amended) within agreed budgetary provision;
- (c) to negotiate and enter into agreements within established budgetary provision, with private owners and developers in respect of properties suitable for the private leasing scheme or other temporary accommodation in conjunction with the Director of Governance, Corporate Director Resources and Corporate Director Growth and Regeneration;
- (d) to research, develop and enter into agreements with private landlords and social housing organisations relating to the Council's enabling role and maximising provision of accommodation resources for housing applicants;
- (e) to prepare for and, in conjunction with Director of Governance, attend as necessary judicial review or appeals against decisions taken in respect of homeless applicants;
- (f) to hear and deal with review and appeals on decisions under Part VI (allocations) of the Housing Act 1996;
- (g) to decide upon the acceptance of submissions by housing associations for acquisition of existing satisfactory properties taking into account the location, number, type and size of dwellings and the relevance of these factors in meeting housing need;
- (h) to give advice and assistance to homeless families on homelessness and prevention of homelessness including helping them to secure accommodation if that is available within the Council's district.

**Private Sector Housing**

3.19.2 The Corporate Director People & Communities is authorised:

- (a) to waive repayment of grants made under the Housing Act 1985/Local Government and Housing Act 1989, Housing Grants, Construction and Regeneration Act 1996 (as amended) subject to being satisfied that the owner is elderly or infirm and is disposing of the property with the intention of moving into sheltered housing or residential care, or to be cared for by a relative;
- (b) to disallow fees and charges in connection with applications for renovation grants:
  - (i) in relation to the cost of the works being unreasonable;
  - (ii) the professional adviser or agent failing, in the opinion of the Officer, to do a satisfactory job;
- (c) to take appropriate action and issue all licences and notices (including notices of entry) under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and the Mobile Homes Act 1983 and the Mobile Homes Act 2013.
- (d) to determine all landlord's grant applications;
- (e) to take appropriate action under Sections 77 to 80 of the Criminal Justice and Public Order Act 1994 including all issue of directions;
- (f) in consultation with the Director of Governance to seek and execute orders for

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- removal and/or the prosecution of offences under Sections 77 to 80 of the Criminal Justice and Public Order Act 1994;
- (g) to issue all notices and take appropriate action under Parts VI and X of the Housing Act 1985 (as amended);
  - (h) to issue all notices and take appropriate action under Parts VII, VIII and IX of the Local Government and Housing Act 1989 (as amended);
  - (i) to take appropriate action in relation to health and wellbeing of occupants under the Housing Act 1988 and 1996;
  - (k) to issue all licences, notices and orders and take appropriate actions under Parts I, II, III, IV, VI and VII of the Housing Act 2004;
  - (l) to take appropriate action in relation to health under the Building Act 1984;
  - (m) to deal with vacant property, in compliance with the Council's Empty Home Strategy, and including decision-making in respect of the most appropriate method of disposal of empty homes subjected to Compulsory Purchase Order.
  - (n) to take appropriate action under Sections 33 and 35 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (o) in consultation with the Executive Director Resources to receive and investigate future applications for the approved list of Builders for Renovation Grants as are received and to determine whether or not each application should be included in the list;
  - (p) to take appropriate action under Section 27 and 29 of the Local Government (Miscellaneous Provisions) Act 1982;
  - (q) to serve deferred action notices under the Housing Grants Construction and Regeneration Act 1996;
  - (r) to take all necessary action required in relation to the approval or refusal of grants as described under Part I, Housing Grants, Construction and Regeneration Act 1996 (as amended) and in compliance with the Council's Housing Renewal Policy;;
  - (s) to serve notices on persons requiring information as to their interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and to instruct the Director of Governance to prosecute for failure to comply with any such notices;
  - (t) to use powers contained in the Public Health Act 1936
  - (u) to use powers contained in the Environmental Protection Act 1990 relating to statutory nuisances;
  - (v) to use powers contained in the Prevention of Damage by Pests Act 1949;
  - (w) to use appropriate powers of entry contained in the Public Health Act 1936, Building Act 1984, Housing Act 1985, Local Government and Housing Act 1989 and Environmental Protection Act 1990;
  - (x) to conduct appropriate inspections and produce necessary reports for the immigration service and make appropriate financial charge;
  - (y) to exercise the Council's powers in connection with the investigation of complaints relating to the Protection from Eviction Act 1977, to be passed where appropriate to the Director of Governance for court action if he/she is satisfied with the evidence;
  - (z) to exercise the Council's powers contained in Chapter 24, Part 6, sections 83 – 88 of the Enterprise and Regulatory Reform Act 2013 and regulations made thereunder and any subsequent amending legislation.
  - (z)(i) to exercise the Council's powers contained in Part 3, Chapter 3, of the Consumer Rights Act 2013 and regulations made thereunder and any subsequent amending legislation.
  - (z)(ii) to take appropriate action under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
  - (z)(iii) to use powers contained within the Energy Act 2013.

**Environmental Well-Being, and Community Safety and Prevention and Enforcement Service**

3.19.3 The Corporate Director People & Communities is authorised:

- (a) to manage Travellers' sites and implement the annual rent increase;
- (b) to deal with unauthorised encampments for Travellers in accordance with Council policy, good practice and statute, where necessary in liaison with the Director of Governance, and to make applications to courts for the removal of unauthorised encampments.

3.19.4 The Corporate Director People & Communities is authorised to:

- (a) manage partnerships and programmes in pursuance of the Community Safety Strategy agreed as part of the Council's responsibilities under the Crime and Disorder Act 1998 and the Police and Justice Act 2000 and the Police Reform Act 2002;
- (b) to meet the Council's duties under the Asylum Support (Interim Provisions) Regulations 1999;
- (c) to ensure that the Council's duties under section 17 of the Crime and Disorder Act are fully exercised, and oversee management of the Youth Offending Team;

3.19.5 The Corporate Director People & Communities is authorised to:

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

3.19.6 The Corporate Director People & Communities is authorised:

- (a) to approve sites for graffiti trials on property falling under the control of the Operations department;
- (b) to appoint the Proper Officer, or a substitute designated by the Health Authority under the Public Health (Control of Diseases) Act 1984, National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 and Regulations made under the said Act;
- (c) to take all necessary action under the Dangerous Dogs Act 1991;
- (d) to instigate proceedings in the Magistrates' Court for offences under the Control of Dogs Order 1992;
- (e) to waive payment of the statutory fee for collection of stray dogs from the pound under the Environmental Protection (Stray Dogs) Regulations 1992, in cases of proven hardship;
- (f) to exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
  - (i) Anti Social Behaviour, Crime and Policing Act 2014;
  - (ii) Clean Neighbourhoods and Environment Act 2005;
  - (iii) Environmental Protection Act 1990.

*Part 3, Delegations Section 3 - Executive Functions*

- (g) exercise all powers and duties and to issue all notices (including notices of entry) conferred by the following Acts and any Act, Order or Regulation made under them:
- (i) Abandonment of Animals Act 1960
  - (ii) Animals Act 1971
  - (iii) Anti Social Behaviour Act 2003
  - (iv) Control of Horses Act 2015
  - (v) Dangerous Dogs Act 1989
  - (vi) Dangerous Dogs Act 1991;
  - (vii) Dangerous Dogs (Amendment) Act 1997
  - (viii) Dogs Act 1871
  - (ix) Guard Dogs Act 1975
- (h) make and rescind appointments of Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948, as amended by the National Assistance Act (Amendment) Act 1951, and Regulations made thereunder or any subsequent amending legislation;
- (i) provide written authority for Officers of Cambridgeshire Constabulary to issue fixed penalty notices in respect of littering offences in pursuance with arrangements made under Section 88(10) of the Environmental Protection Act 1990 and Section 47(1) of the Anti-Social Behaviour Act 2003.

**3.20 Delegations to Officers: Service Director Adult Services and Communities**

3.21.1 The Service Director Adult Services and Communities is authorised to issue, refuse to issue or withdraw concessionary parking badges ('blue badges') to motor vehicles for disabled persons.

**3.21 Delegations to Officers: Corporate Director Growth and Regeneration**

3.21.1 The Corporate Director Growth and Regeneration is authorised to approve requests from Ward Councillors for the use of the Community Leadership Fund which meet the criteria for use of money under the fund.

**Open spaces and landscape management**

3.21.2 The Corporate Director Growth and Regeneration is authorised, in consultation with the Director of Governance:

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

3.21.3 The Corporate Director Growth & Regeneration is authorised:-

- (a) to authorise the use of non-designated areas of open space for firework displays, subject to consultation with the Leader of the Council and approval by all the relevant ward councillors.
- (b) to let allotments, serve notices to cultivate and terminate allotment tenancies where there is a breach of the tenancy conditions;

*Part 3, Delegations Section 3 - Executive Functions*

- (c) to pursue discussions with entrepreneurs and developers up to outline stage of proposals for leisure-related developments;
- (d) to pursue discussions with voluntary groups, private clubs and other similar interests in pursuance of transferring direct managed services to management by such community groups;

**Maps and rights of way**

3.21.4 The Corporate Director Growth & Regeneration is authorised:

- (a) to enter into contracts for the supply of Ordnance Survey Maps and data and to act as the Council's Ordnance Survey Liaison Officer;
- (b) to exercise all executive functions relating to public unmetalled footpaths, bridleways and byways open to all traffic.

3.21.5 The Corporate Director Growth & Regeneration is authorised to carry out all necessary consultations and formal advertisement relating to Orders under the Road Traffic Regulation Act 1984, including consideration of objections and the subsequent making, modification or abandonment of the Order.

**Buildings Act**

3.21.6 The Corporate Director Growth & Regeneration is authorised to determine applications for Building Regulation approval and associated matters and deal with all executive functions relating to:

- (a) building regulations approval and associated matters;
- (b) the issue and acceptance of any notice under the Building Act 1984 and associated legislation;
- (c) the taking of all appropriate action in relation to demolitions, defective premises and dangerous and dilapidated buildings under the Building Act 1984;
- (d) any appropriate action in relation to health under the Building Act 1984.

**Highways**

3.21.7 The Corporate Director Growth & Regeneration is authorised:

- (a) to exercise the executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority;
- (b) to initiate representations to or respond to consultations from the various regulatory bodies concerned with the operation of road and rail passenger transport;
- (c) to exercise the powers and duties of the Council in respect of the Highways Act 1980 relating to
  - (i) highways maintainable at public expense (s 37-40),
  - (ii) recovery of expense incurred (s59 and 305),
  - (iii) improving highways (s59),
  - (iv) providing HGV parking (s 115),
  - (v) stopping up/diverting highways (s116-129),
  - (vi) removing marks and repairing damage to highways/footways (s132-133),
  - (vii) controlling builders' skips (s 39-40),
  - (viii) preventing projections and overhangs onto the street (s 152-154, 286),
  - (ix) danger/annoyance to highway users (s161-167),
  - (x) cement mixing (s170),

*Part 3, Delegations Section 3 - Executive Functions*

- (xi) construction of crossings (s176-184),
- (xii) refuse bins (s185),
- (xiii) transfer of land (238-262), emergency street barriers (s287),
- (xiv) entry onto land (s 289-294),
- (xv) material disposal (s 295) and doing work on others' behalf (s296);
- (d) to make Traffic Regulation Orders (under the Road Traffic Regulation Act 1984) in connection with highway and sewer works, statutory undertakers' works and private events which require the temporary closure/diversion of any highway;
- (e) to act on behalf of the Council in accordance with the powers contained in the Highways Act 1980 (especially section 132) and Town and Country Planning Act 1990 to deal with unauthorised signs and advertisements attached to street furniture or erected within the highway;
- (f) to approve applications under the New Roads and Street Works Act 1991 (in relation to agreeing to carry out works in the highway at private expense);
- (g) to exercise the duties conferred by the Road Traffic Act 1984 in respect of weight limits for particular stretches of highway or bridges
- (h) to oversee the administration of the Concessionary Fares Scheme for rail and bus users;
- (i) undertake all necessary consultations required under part VIIA of the Highways Act 1980 (as amended) in relation to applications made under that part to provide amenities on highways, to consult the Ward Councillors, the Disabled Persons Forum and other relevant parties, and to grant permission subject to conditions where appropriate.

The Corporate Director of Growth & Regeneration is responsible for the Council's Carbon Management Programme and is authorised to carry out the powers and duties conferred by any relevant legislation and regulations, including, but not limited to, the Climate Change Act 2008 and the CRC Energy Efficiency Scheme Order 2010.

**Street naming and numbering**

- 3.21.8 The Corporate Director Growth & Regeneration is authorised to carry out the functions of the Council in relation to the naming of streets and numbering of houses.

**Property Matters**

- 3.21.9 The Corporate Director Growth and Regeneration, in consultation with the Director of Governance is authorised:

- (a) to peaceably re-enter and take possession of Council-owned land and buildings;
- (b) to take all necessary steps, including service of Notices to Quit, for obtaining possession of land required for development;
- (c) to serve Notices under Section 25 of the Landlord and Tenant Act 1954 in respect of commercial premises;
- (d) to take all necessary steps to repossess Council property from persons in illegal occupation;
- (e) to take appropriate steps in respect of forfeiture of Council premises;
- (f) to determine claims for adverse possession in respect of Council land.

- 3.21.10 Subject to any conflict of interest through any Joint Vehicle Companies, the Corporate Director Growth and Regeneration is authorised:

- (a) in consultation with appropriate officers, to keep all land and property under review and to take such emergency action as may be necessary for the protection of the

*Part 3, Delegations Section 3 - Executive Functions*

- public or the Council's property;
- (b) unless otherwise authorised, to negotiate and complete land and property transactions in accordance in accordance with Council policy up to a financial limit of £250,000;
  - (c) to undertake day to day management and maintenance of Council land and buildings;
  - (d) to act as the Council's Corporate Property Officer, as required in Government guidance about asset management, responsible for dealing with strategic property issues at corporate level;
  - (e) to be responsible for all matters concerning the Register of Public Bodies' Land and Vacant and Underused Land;
  - (f) to fix charges for negotiations undertaken on behalf of the Council;
  - (g) in consultation with the Director of Governance, to take surrenders of leases and to agree and implement the termination of tenancies, agreements and licences of Council premises in appropriate circumstances;
  - (h) to undertake and complete rent reviews not requiring any further amendment to the lease (other than user);
  - (i) to grant or refuse consent to underlettings and assignments not requiring any further amendment to the lease (other than user);
  - (j) to negotiate and settle terms for new, and variations to, leases, tenancies, wayleaves and easements of Council property in consultation with the Director of Governance as appropriate, taking into account the sale, complexity and significance of the matter in hand;
  - (k) to grant or refuse consent on behalf of the Council as landlord to a change of use;
  - (l) to negotiate and settle terms for covenants for the acquisition and sale of all property previously authorised by the Council;
  - (m) to grant or refuse consent on behalf of the Council as landlord to internal alterations to Council properties and to minor alterations to the exterior of such properties;
  - (n) to appoint the District Valuer to negotiate and/or provide valuations of land or property as and when necessary or desirable
  - (o) to appoint agents to undertake rent reviews, to negotiate and/or provide valuations of land or property, and to market land and property available to let or for previously authorised sale.
  - (p) in consultation with Officers, to grant consent or approval, and to relax or release covenants contained in conveyances of Council land and former Council land in cases where the Council is unable to charge and in cases where the Council can charge.
  - (q) to grant or refuse consent on behalf of the Council as landlord to amend existing lease clauses;
  - (r) to enter into contracts for goods and services up to £500,000;
  - (s) to demolish buildings which are in a dangerous or life-threatening state;
  - (t) in consultation with appropriate officers approve the assignment of property between services;
  - (u) to approve all licences for works by the Council on non-Council owned property;
  - (v) to negotiate and settle all construction-related claims against the Council;

Where there is a conflict of interest, the Director, Resources will undertake the above delegations.

**School Property**

- 3.21.11 Subject to any conflict of interest through any Joint Venture Companies, the Corporate Director Growth & Regeneration is authorised:



*Part 3, Delegations Section 3 - Executive Functions*

- (a) to secure the release of identified surplus education land, following a decision in principle by the Executive;
- (b) to take decisions on the retention and improvements of specific teachers' and caretakers' accommodation.

Where there is a conflict of interest, the Director, Resources will undertake the above delegations.

### **Economic development**

3.21.12 The Corporate Director Growth & Regeneration is authorised:

- (a) to prepare and give effect to an economic development strategy,
- (b) to negotiate and implement partnership frameworks to deliver growth funding programme management in accordance with policy agreed by the Council and its partners;
- (c) to prepare and deliver strategies to maximise European Funding opportunities for the benefit of the Council and its partners;
- (d) to exercise powers granted under the Ancient Monuments and Archaeological Areas Act 1979 relating to the management of archaeological monuments;
- (e) to negotiate and administer partnership project agreements which facilitate archaeological research.

### **3.22 Delegations to officer – Public Health Functions**

3.22.1 The Director Public Health (DPH) shall have the responsibility and delegation to carry out all of the local authorities functions under the NHS Act 2006 and the Health & Social Care Act 2012, and related Regulations, including, but not limited to:

- (a) writing the Annual report on the health of the local population (which the Council then has a duty to publish);
- (b) any actions necessary to improve public health;
- (c) any actions necessary to fulfil the Secretary of State's public health protection or health improvement functions;
- (d) exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health;
- (e) co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders;
- (f) such other public health functions as the Secretary of State specifies in regulations;
- (g) responsibility for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
- (h) ensuring plans are in place to protect the population including through screening and immunisation, and where such programmes are delivered by other organisations, ensuring that the combined plans deliver effective programmes to the local population;
- (i) community infection prevention and control;
- (j) appropriate access to sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention);
- (k) ensuring NHS Commissioners receive the public health advice they need;
- (l) the National Child Measurement Programme;

*Part 3, Delegations Section 3 - Executive Functions*

- (m) the NHS Health Check Assessment;
- (n) if the local authority provides or commissions a maternity or child health clinic, the DPH has responsibility for providing Healthy Start vitamins;
- (o) any other functions which, in the professional opinion of the DPH, are necessary to fulfil the local authority's public health responsibilities.

3.22.2 The Corporate Director People & Communities and the Director Public Health shall be lead officers of the Health & Wellbeing Board, and may delegate attendance at this Board to a member of their management teams in the event of his/her unavailability.

<b>COUNCIL</b>	<b>AGENDA ITEM No. 13(b)</b>
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Stephen Gerrard, Interim Director of Law and Governance	
Cabinet Member(s) responsible:	Leader of the Council and Cabinet Member of the Cambridgeshire and Peterborough Combined Authority	
Contact Officer(s):	Pippa Turvey, Constitutional and Democratic Services Manager	Tel: 452 460

## **CONSULTATION ON CHANGES OF GOVERNANCE WITH FIRE**

R E C O M M E N D A T I O N S	
<b>FROM:</b> <i>Interim Director of Law and Governance</i>	<b>Deadline date:</b> <i>4 September 2017</i>
<p>It is recommended that Council:</p> <ol style="list-style-type: none"> <li>1. Comment on the consultation proposing a change to the governance of the fire and rescue service in Cambridgeshire; and</li> <li>2. Delegate the preparation of a full written response to the Chief Executive, in consultation with Group Leaders, by the closing date of 4 September 2017.</li> </ol>	

### **1. PURPOSE AND REASON FOR REPORT**

- 1.1 The purpose of this report is to respond to the consultation launched by the Police and Crime Commissioner, Jason Ablewhite, on changes to the governance of the fire and rescue service in Cambridgeshire.

### **2. BACKGROUND**

- 2.1 The Policing and Crime Act 2017 introduced measures that place a statutory obligation on all emergency services to collaborate and enable Police and Crime Commissioners to take on responsibilities for fire and rescue services in their area.
- 2.2 The Cambridgeshire Police and Crime Commissioner (PCC), Jason Ablewhite, is proposing that he becomes the Police, Fire and Crime Commissioner and has overall responsibility for the governance of both Cambridgeshire Fire and Rescue Service and Cambridgeshire Constabulary.
- 2.3 Before the PCC can submit this proposal to the Secretary of State, he must consult each relevant local authority about the proposal.
- 2.4 The PCC has launched a consultation to seek views on him having greater responsibility for Cambridgeshire Fire and Rescue Service.
- 2.5 A Local Business Case (LBC) assessing police and fire collaboration governance options in Cambridgeshire has been prepared by independent consultants, who were commissioned by a joint Fire Authority and Office of the Police and Crime Commissioner Working Group. The development of the LBC was part funded by a grant from the Home Office. The two page

briefing is attached at Appendix 1 and the Executive Summary at Appendix 2. The full LBC is available at the following link:

<http://www.cambridgeshire-pcc.gov.uk/get-involved/fire-governance-consultation/>

- 2.6 Available at the same link is a short online survey, which Councillors and their constituents are encouraged to complete.
- 2.7 The PCC has been invited to brief all Members on his proposals, prior to the Council meeting on 19 July 2017.

### **3. IMPLICATIONS**

#### **Financial Implications**

- 3.1 There are no financial implications to the delegation amendments.

#### **Legal Implications**

- 3.2 There are no legal implications to the delegation amendments.

#### **Equalities Implications**

- 3.3 There are no equalities implications to the delegation amendments.

### **4. BACKGROUND DOCUMENTS**

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

- 4.1 Consultation Document - <http://www.cambridgeshire-pcc.gov.uk/get-involved/fire-governance-consultation/>  
Policing and Crime Act 2017 - <http://www.legislation.gov.uk/ukpga/2017/3/schedule/1/paragraph/13/enacted>

### **5. APPENDICES**

- 5.1 Appendix 1 – Briefing Note  
Appendix 2 – Executive Summary



# Consultation on changes to the governance of the Fire and Rescue Service

- We want your views about changing the governance of the fire and rescue service in Cambridgeshire.
- This follows a government legislation to promote greater joint working between emergency service organisations.
- The proposal is that the Police and Crime Commissioner becomes the Police, Fire and Crime Commissioner and has overall responsibility for the governance of both Cambridgeshire Fire and Rescue Service and Cambridgeshire Constabulary.

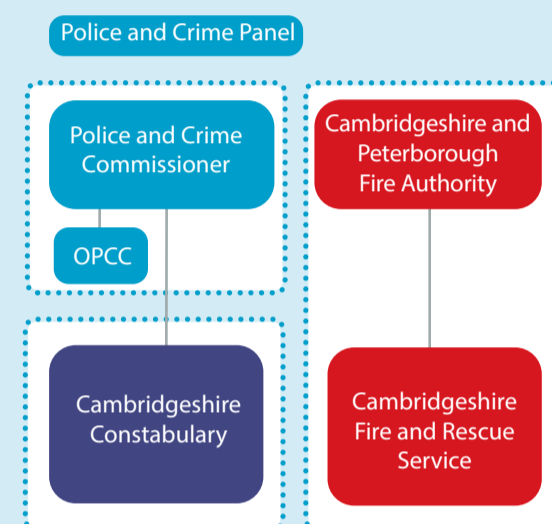
This document summarises the options and the reasons for recommending the chosen option.

## WHAT DO WE HAVE NOW?

In Cambridgeshire and Peterborough, Police and Fire services are currently governed differently.

**Police** - The Police and Crime Commissioner (PCC) provides strategic leadership of Cambridgeshire Constabulary. The PCC is elected by the public every four years and is supported by a team of 14 staff in the Office of the Police and Crime Commissioner. Cambridgeshire Constabulary has the operational responsibility for policing of Cambridgeshire.

**Fire** - The Cambridgeshire and Peterborough Fire Authority (CPFA) oversees the service delivery of the fire and rescue service and employs fire staff. The CPFA is made up of 17 elected members, from Cambridgeshire County Council and Peterborough City Council, and usually meets five times a year as a full authority with smaller committees held throughout the year. Members are appointed by the councils after each local election.



## SUMMARY OF THE OPTIONS CONSIDERED

A Local Business Case (LBC) assessing police and fire collaboration governance options in Cambridgeshire has been prepared by independent consultants, who were commissioned jointly by the Fire Authority and the Office of the Police and Crime Commissioner.

Four different options were considered: **1** No change option, **2** Representation option, **3** Governance option, **4** Single employer option, and ranked as set out below. The business case recommends that the governance option offers the greatest benefits.

Model	Description	Assessment	Rank
<b>Governance Model</b>	PCC takes over the role of the CPFA and becomes the Police, Fire and Crime Commissioner. The PFCC would be the employer for the Fire and Rescue Service, but not Cambridgeshire Constabulary	<ul style="list-style-type: none"> <li>• Savings through simpler governance processes</li> <li>• Savings through accelerating the better use of the fire and police estates</li> <li>• Closer and quicker joint working between fire and police, and their local partners improving public safety</li> <li>• Increased accountability through a directly elected Police, Fire and Crime Commissioner</li> <li>• Operational independence of police and fire is maintained</li> <li>• Requires change in governance arrangements. Transfer of staff, assets, contracts and liabilities assumed to be relatively straightforward to deliver</li> </ul>	1
<b>Single Employer Model</b>	PCC takes over the role of the CPFA and becomes the Police, Fire and Crime Commissioner and appoints a single chief officer and employer for both police and fire personnel	<ul style="list-style-type: none"> <li>• Savings through simpler governance processes</li> <li>• Savings through accelerating the better use of the fire and police estates</li> <li>• Closer and quicker joint working between fire and police, and their local partners improving public safety</li> <li>• Increased accountability through a directly elected Police, Fire and Crime Commissioner</li> <li>• Substantial staffing changes and so challenging and time-consuming to deliver</li> </ul>	2
<b>Representation Model</b>	PCC sits on the local fire authority with full voting rights	<ul style="list-style-type: none"> <li>• Neither detrimental impact or strong likelihood of improved public safety</li> <li>• Minor scrutiny benefits</li> <li>• Limited economy and efficiency as costs for governance may increase slightly</li> <li>• Likelihood of estates consolidation only marginally increases</li> </ul>	3
<b>No change</b>	There are separate governance structures for police and fire and rescue services.	<ul style="list-style-type: none"> <li>• Neither detrimental impact or strong likelihood of improving public safety</li> <li>• Limited economy and efficiency as governance costs continue</li> <li>• Likelihood of estate consolidation not affected</li> <li>• No delivery impact as no change</li> </ul>	4

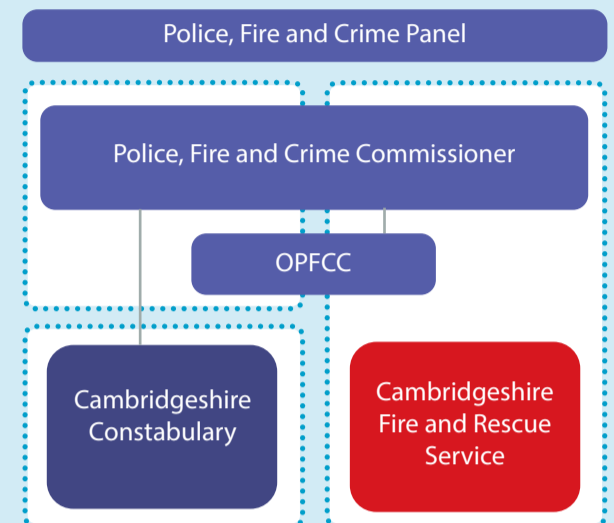
## RECOMMENDATION

The business case recommends that the Governance option offers the greatest benefits.

**The proposal is that the Police and Crime Commissioner becomes the Police, Fire and Crime Commissioner (PFCC) and has overall responsibility for the governance of both Cambridgeshire Fire and Rescue Service and Cambridgeshire Constabulary.**

## WHAT WOULD CHANGE?

- Operational responsibility for fire and police would remain with the Chief Fire Officer and the Chief Constable.
- The PFCC would continue to be responsible for setting policing priorities through the Police and Crime Plan, and have responsibility for controlling police assets.
- The PFCC would become the holder of fire assets and contracts, as for the police.
- The PFCC would become the employer of all fire and rescue staff (the Chief Constable of Cambridgeshire Constabulary would continue to employ police officers and staff).
- The PFCC will be responsible for such things as decisions on how the Fire and Rescue Service spend their budget and whether new fire service facilities should be built or shared with other emergency services.



## WHY IS THIS THE PREFERRED OPTION?

The Governance model was assessed as the best option as it would enable:

### 1. Savings through simpler governance processes

It is estimated that there will be £1.69 million savings over 10 years through savings in Fire Authority members allowances and the sharing of the Chief Financial Officer post.

### 2. Savings through better use of the fire and police estates

Better use of police and fire estates will initially require investment but is expected to provide financial benefits of £4.34 million over 10 years.

### 3. Closer and quicker joint working between fire and police, and their local partners improving public safety

Having a single decision making person, the PFCC, helps speed up decision making and helps ensure that strategies and decisions are joined up across organisations therefore improving public safety.

### 4. Increased accountability through a directly elected Police, Fire and Crime Commissioner

You would vote for a Police, Fire and Crime Commissioner every four years as you do for a PCC.

### 5. Operational independence of police and fire is maintained

The operational responsibility for the Fire and Rescue Service will sit with the Chief Fire Officer and with the Chief Constable for Police.

For the residents of Cambridgeshire and Peterborough this means they will continue to be provided with an efficient and effective public service which delivers value for money. Residents will also be consulted on both the police and fire funding elements of the council tax (known as the precept), so that they can hold the PFCC to account for how their money is spent.

## What is governance?

Governance is the process for making and implementing decisions.

Good governance allows people to follow and understand the decision making process; is answerable for decisions; and uses a process that makes the best use of the available people, resources and time to ensure the best possible results for the community.

## TELL US WHAT YOU THINK?

To share your views, please complete a short online survey at [www.cambridgeshire-pcc.gov.uk/fire](http://www.cambridgeshire-pcc.gov.uk/fire). On the website you will find the full business case along with some additional materials that summarise and explain the options considered.

Or write to us at: **Office of Police and Crime Commissioner, PO Box 688, Huntingdon, Cambridgeshire, PE29 9LA**

Or email us at: [Cambs-pcc@cambs.pnn.police.uk](mailto:Cambs-pcc@cambs.pnn.police.uk)



## **OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR CAMBRIDGESHIRE**

Local business case for fire and rescue governance  
options to improve the effectiveness of emergency  
services delivery in Cambridgeshire

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### **Executive Summary**





# INTRODUCTION AND EXECUTIVE SUMMARY

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The Policing and Crime Act 2017 introduced measures that place a statutory obligation on all emergency services to collaborate and enable Police and Crime Commissioners (PCCs) to take on responsibilities for fire and rescue services in their area<sup>1</sup>. In describing the measures, Brandon Lewis, the Police and Fire Minister said that “by overseeing both police and fire services, I am clear that PCCs can drive the pace of reform, maximise the benefits of collaboration and ensure best practice is shared.”<sup>2</sup>

This is the Local Business Case (LBC) assessing police and fire collaboration governance options in Cambridgeshire, prepared by independent consultants, who were commissioned by a joint Fire Authority and Office of the Police and Crime Commissioner Working Group. The development of the LBC was part funded by a grant from the Home Office.

## 1.1 Introduction

### 1.1.1 Status of this document

This document has been prepared for the Office of the Police and Crime Commissioner by independent external advisers, based on information provided by Cambridgeshire Constabulary (CC), Cambridgeshire and Peterborough Fire Authority (CPFA), Cambridgeshire Fire and Rescue Service (CFRS) and information in the public domain. The appointment of the independent external advisors, PA Consulting, was a joint appointment by the OPCC and the Cambridgeshire Fire and Rescue Authority, after an open tendering process.

Representatives from the following organisations have been engaged with during the development of the LBC:

- Cambridgeshire Constabulary
- Cambridgeshire and Peterborough Fire Authority
- Cambridgeshire Fire and Rescue Service
- Cambridgeshire County Council
- Peterborough City Council
- East of England Ambulance Service NHS Trust
- UNISON (CFRS)
- Retained Firefighters’ Union
- Fire Brigades Union
- The Police Federation

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<sup>1</sup> HM Parliament, [Policing and Crime Act 2017](#)

<sup>2</sup> Brandon Lewis (2017), [Fire Minister’s speech to Reform](#)

### 1.1.2 New governance models

To facilitate better collaboration and improve emergency services, the Policing and Crime Act 2017 proposes three alternative options to the status quo (the 'no change' option) that are now available to PCCs. These are:

#### 1. Representation model

The PCC is represented on a Fire Authority (or its committees) in their police area with full voting rights, subject to the consent of the Fire Authority. In Cambridgeshire, that would see the PCC join CPFA.

#### 2. Governance model

The PCC takes on legal and overarching responsibility for the provision of the fire and rescue service(s) in their area. Individual services retain their operational independence, their chief fire officers and their own staff. In Cambridgeshire, this would see the PCC becoming the CPFA.

#### 3. Single employer model

The PCC would become the CPFA but, in addition, fire and rescue functions are delegated to a single chief officer for policing and fire. Within this model, the services remain distinct front line services, albeit supported by increasingly integrated support services.

This LBC, therefore, assesses the strategic, operational and financial benefits that closer collaboration could deliver between the police and the fire and rescue service. It also assesses the current provision of fire and rescue and policing services and governance in Cambridgeshire.

It then considers the governance options available under the Policing and Crime Act 2017 and assesses whether one of these options could support the improvement of emergency services and public safety in Cambridgeshire. It also considers whether the potential benefits are sufficient to warrant such a change, given the cost of change.

### 1.1.3 Methodology to assessing options

This LBC uses the HM Treasury five case model for business cases. This approved methodology underpins all major government business decisions and will help to ensure that key, relevant criteria and options are considered. It also permits criteria such as ease and speed of implementation and existing collaborative arrangements to be considered and factored in to the option appraisal and consultation process.

The five cases are:

- **Strategic Case** – sets out the legislative and strategic context for Cambridgeshire Constabulary (CC) and Cambridgeshire Fire and Rescue Service (CFRS) collaboration and governance, summarise the case for change and set out the opportunities, constraints, dependencies and strategic risks. This provides the context, and critical success factors, for appraising the options. The Strategic Case does not recommend a particular option.
- **Economic Case** – appraises the governance options (including the 'no change' option), against the critical success factors that will help the PCC to decide and the Office of Police and Crime Commissioner (OPCC) to inform the Home Secretary's appraisal of a proposal if and when submitted. The Economic Case considers overall public value and identifies the 'preferred option'

The implications of implementing the preferred option is then be set out in the remaining three cases:

- **Commercial Case** – sets out the commercial, HR and resourcing implications of the preferred option.
- **Financial Case** – sets out the affordability and accounting implications of the preferred option. The Financial Case reflects the benefits and costs to the organisations.
- **Management Case** – outlines how the option can be delivered, including more detailed planning, consultation requirements and communications approach.

### 1.1.4 Recommendation

The recommendation of the Local Business Case is for a Police, Fire and Crime Commissioner to take on the responsibility for the Fire and Rescue Authority by way of adopting the governance model as described in 1.1.2 above.

How has this conclusion been reached? Table 8 on page 25 of the business case sets out a list of seven critical success factors against which all the options are measured and the category of improvement that will be brought about (Public Safety, Effectiveness, Economy/Efficiency, and Transparency /Accountability). Each of the four options have then been measured against these and a scoring given. Table 1 below shows the summary of this scoring, with a higher score being better, and as can be seen the Governance option is the highest score and therefore ranked first.

**Table 1: Qualitative evaluation against the four tests**

	'No change'	Representation	Governance	Single employer
Total score	9	10	<b>12</b>	11
Overall rank	4	3	<b>1</b>	2

The key factors that have caused this high ranking are:

- Savings through improved efficiencies in governance processes – there will be revenue savings over a ten year period of £1.770m as a result in savings in Fire Board members' allowances and the sharing the Chief Financial Officer post between the OPCC and Fire and Rescue Service.
- Savings through better use of fire and police estates – after initial investment of £1.3m, tranche 1 of the estates consolidation will release an estimated £2.744m of capital receipts and tranche 2 £2.738m.
- Closer and quicker joint working between fire and police and their local partners – Through a single decision making person, in the form of the Commissioner, the speed of decision making will improve along side ensure that decisions are joined up and the impact on public safety for both police and fire is fully taken into account.
- A system of a directly elected Police, Fire and Crime Commissioner – As is currently the position for the Police, the public of Cambridgeshire will have a single, democratically elected person who is accountable to them for the Fire Service.
- Maintain operational independence of police and fire – Operational responsibility for the Fire and Rescue Service will clearly sit with the Chief Fire Officer, as is the case for the Police and the Chief Constable.

All Fire and Rescue Service staff will transfer from the employment of the Fire and Rescue Service to the Police, Fire and Crime Commissioner, with the transfer being governed by the Cabinet Office Statement of Practice (COSoP), protecting the terms and conditions of staff. With regard to this LBC the only posts directly impacted are the Deputy Police and Crime Commissioner, the Deputy Chief Executive of the Fire Service and the Chief Finance Officer and Deputy Chief Executive of the OPCC. The changes in these positions will be subject to consultation.

## 1.2 Executive summary of the local business case

The remainder of this executive summary sets out the findings of the five cases for evaluating the options that led to the recommendation.

### 1.2.1 Strategic Case: the context and case for change

The foundations for the case for change in Cambridgeshire are built on improving efficiency, economy and effectiveness and at its core, the case for change:

### **Facilitates the optimal utilisation of capital assets**

A change of governance could ensure the best use of police and fire assets through a single approach to investment decisions and estates consolidation. Optimisation of estate is perhaps the area of greatest opportunity for financial benefits from collaboration between the two organisations.

The realisation of these benefits does not solely depend upon a change in governance, however, simplified more joined up governance would increase the likelihood of success of the estates consolidation programme and avoid decisions being taken by a single service that may not provide overall best value for money.

### **Accelerates pace and effectiveness of police and fire collaboration**

The emergency services in Cambridgeshire are some of the UK's most forward-looking when it comes to regional single service collaboration, and there is now a growing focus on place-based inter-service collaboration. Since its inception in August 2016, the Strategic Interoperability Board had identified and prioritised a number of police and fire collaboration initiatives, but progress to date has been slow and formal benefits realisation measures lacking.

Collaboration between fire and police is considered to work well at the operational level, but there are opportunities, through shared governance, to accelerate collaboration initiatives and introduce formal mechanisms that will ensure benefits are realised.

Stronger shared governance at the strategic and political level would also enable the alignment of strategic objectives across police and fire which would place greater focus and accountability for collective community safety rather than individual service outcomes.

### **Enables a more innovative and effective approach to public service transformation**

The new Cambridgeshire and Peterborough Combined Authority will lead the next steps in transforming local public services in the county. There is therefore an opportunity, through stronger joined up police and fire strategic leadership, to develop innovative integrated community safety intervention work to manage demand upstream and maximise public value.

Since their introduction in 2012, PCCs have already demonstrated an ability to act as a catalyst for change and drive innovation. More integrated governance between fire and police could therefore drive a more effective approach to public service transformation and provide a louder, more concentrated voice of advocacy for both services, when forming agreements with other public sector partners.

### **Brings benefits in terms of transparency and accountability**

Police Authorities were abolished, in part, due to their lack of visibility and evidence suggests that the introduction of elected PCCs has increased transparency and public accountability whilst providing clarity of leadership in policing. A number of independent national reviews of current fire and rescue governance, have also highlighted inefficiencies with the current committee governance model and the inadequate provision of effective independent technical scrutiny by fire authorities.

Evidence suggests that single, streamlined governance can accelerate reform and improve public visibility, accountability, transparency and effective scrutiny. There is therefore an argument that removing the current committee structure of the CPFA would bring benefits in terms of the transparency and accountability of fire governance in Cambridgeshire.

## **1.2.2 Economic Case: the options assessment**

Despite being one of the lowest funded police and fire services in the country Cambridgeshire must identify saving of over £15m from these services over the coming years (see section **Error! Reference source not found.**). The business case sets out how a change in governance can release additional savings and increase operational resilience.

A summary of the economic appraisal for each option is shown below in Table 2.

**Table 2: Summary economic appraisals**

	'No change'	Representation	Governance	Single employer
Savings - NPV (£m)	1.04	1.39	<b>4.66</b>	4.39
Payback year	0	0	<b>2</b>	3

The savings in the above table represent estimated savings generated over a ten year period to 2026/27 and are expressed as a net present value, which represents future year's costs at today's prices.

Based on the economic appraisal numbers above alongside the assessment of the options against the critical success factors and the four tests of public safety, effectiveness, economy and efficiency, as summarised in Table 1, the preferred option to take forward for further evaluation is the governance model.

### 1.2.3 Commercial Case

The main commercial implications from adopting the governance model are relatively straightforward and focus on the transfer of contracts, assets and liabilities from the old FRA to the new FRA, led by the PCC. This transfer will take place through a statutory transfer scheme. It will also require the Secretary of State, using powers in the Policing and Crime Act, to make the PCC the FRA for Cambridgeshire.

### 1.2.4 Financial Case

The cost of implementing the governance model is affordable within current budgets. We estimate that the direct costs of implementation will be £80k. We expect these costs will be funded from the PCC's earmarked reserve. We forecast a small annual saving in operational costs as a direct result of a change to the governance model of £182k, and a total saving of £1.690m over the ten year period.

Short term funding of £1.1m would be required in 2018/19 to enable the estate consolidation programme to proceed.

### 1.2.5 Management Case

The Management Case describes the arrangements and plan for managing implementation of the proposed governance model successfully. The LBC assumes that the changes will take effect on 1 April 2018, but this is dependent upon a range of activities being achieved before then. If there is delay, the next likely date of transfer would be 1 October 2018.

The implementation of the governance changes will be led by the PCC, with support from the OPCC. Where required the OPCC will commission specialist professional advice and support in areas such as programme management, HR, estates and legal services.

Formal public consultation will take place in July and August 2017. If then agreed by relevant parties, following formal consultation, it will be used as the basis for the LBC submission to the Home Secretary for endorsement of the preferred option.

## 1.3 Conclusion

Enhanced, transparent and effective governance under an elected Police, Fire and Crime Commissioner will be the catalyst for delivering significant and tangible benefits for the people of Cambridgeshire. The changes will improve public safety through a more joined-up and integrated approach to community safety and broader public service delivery across the county. The new governance model will set a clear strategic direction and accelerate collaboration, allowing for financial gains through the consolidation of assets such as estates. It will provide a secure platform for public service reform in Cambridgeshire.

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<b>COUNCIL</b>	<b>AGENDA ITEM No. 13(c)</b>
<b>19 JULY 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Gillian Beasley, Chief Executive	
Cabinet Member(s) responsible:	Leader of the Council and Cabinet Member of the Cambridgeshire and Peterborough Combined Authority	
Contact Officer(s):	Pippa Turvey, Constitutional and Democratic Services Manager	Tel. 452 460

## APPOINTMENT OF THE INTERIM MONITORING OFFICER

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> <i>Chief Executive</i>	<b>Deadline date:</b> <i>July 2017</i>
It is recommended that Council appoint Mr Stephen Gerrard (Interim Director for Law and Governance) as the Interim Monitoring Officer for Peterborough City Council.	

### 1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is for Council to appoint to the statutory Chief Officer role of Monitoring Officer for Peterborough City Council.

### 2. BACKGROUND AND KEY ISSUES

- 2.1 Part 3, Delegations Section 1 - Functions Reserved to the Council, paragraph 1.3.8 of the Council's Constitution states that it is the Council's responsibility to appoint 'proper officers', including the Monitoring Officer. The role of Monitoring Officer is a statutory Chief Officer of the Council.
- 2.2 The role of Monitoring Officer currently falls under the remit of the post of Director of Governance. Kim Sawyer, the Director of Governance post holder, has been seconded to the Cambridgeshire and Peterborough Combined Authority as Combined Authority Monitoring Officer, to support the Authority in its infancy. As a result a new appointment to the post of Peterborough City Council Monitoring Officer is required immediately.
- 2.3 Stephen Gerrard is in post as the Interim Director for Law and Governance, while the Director of Governance is seconded to the Combined Authority. As such, it is appropriate for this post holder to take on the role of Interim Monitoring Officer.

#### Regulations

- 2.4 Under 2.3.1 Part I, section 5 of the Local Government and Housing Act 1989, it is stated:

“(i) It shall be the duty of every relevant authority –

- (a) to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section; and
- (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed; and the officer so designated

may be the head of the authority's paid service but shall not be their chief finance officer."

2.5 This was later amended in the Local Government Act 2000 Schedule 5 (24) as:

"3) 1a) The officer designated under subsection (1) above by a relevant authority to which this subsection applies may not be the head of that authority's paid service;

1b) Subsection (1a) above applies to the following relevant authorities in England and Wales –

- (a) a county council;
- (b) a county borough council;
- (c) a district council;
- (d) a London borough council;
- (e) a Greater London Authority; and
- (f) the Common Council of the City of London in its capacity as a local authority, police authority or post health authority."

### **3. IMPLICATIONS**

#### **Financial Implications**

3.1 The costs of the position are contained within existing budgets.

#### **Legal Implications**

3.2 The role of Monitoring Officer is statutory requirement.

#### **Equalities Implications**

3.3 There are no equalities implications arising from this report.

### **4. BACKGROUND DOCUMENTS**

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

4.1 Peterborough City Council Constitution

Local Government and Housing Act 1989

Local Government Act 2000

### **5. APPENDICES**

5.1 None.