

NOTICE OF MEETING

| | |
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| MEETING | STANDARDS COMMITTEE |
| DATE: | WEDNESDAY 10 JUNE 2009 |
| TIME: | 7.00 pm |
| VENUE: | FORLI ROOM - TOWN HALL |
| CONTACT: | Alex Daynes Telephone: 01733 452447 e-mail address alexander.daynes@peterborough.gov.uk |
| Despatch date: | 2 June 2009 |

AGENDA

PAGE NO

1. **Apologies**
2. **Declaration of Interests (if any)**

At this point Members must declare whether they have an interest, whether personal or prejudicial, in any of the items on the agenda. Members must also declare if they are subject to their party group whip in relation to any items under consideration.
3. **Minutes of the meeting held on 18 March 2009** **1 - 4**
4. **Monitoring Officer's Report** **5 - 22**

To receive and comment on a report from the Monitoring Officer
 - 4.1 **Actions from last meeting**
 - 4.2 **Referrals / Complaints**
 - 4.3 **Revised Standards Regulations**
 - 4.4 **Agenda Plan**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Alex Daynes on 01733 452447.

5. Agenda Planning

6. Date of Next Meeting

8 July 2009 (provisional date) and 9 September 2009 scheduled date.

MEMEBRS OF STANDARDS COMMITTEE COMMITTEE

Councillors: Boast (Chairman), Whiles (Vice-Chairman), A Miners, M Todd, N Khan, S Scott, D Fower, Fearon, Menendez, Smith and Batty

Subs: Councillors: Z Hussain, R Dobbs, Nesbitt and N Sandford

CASE OFFICERS

Helen Edwards

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

Minutes of a meeting of the Standards Committee held at the Forli Room - Town Hall
on 18 March 2009

MEMBERS PRESENT:

Mr S Boast (Chairman), Mr D Whiles (Vice-Chairman), Mr O Menendez, Ms A Smith and Ms B Fearon
Councillors A Miners, G Murphy and M Todd
Parish Councillors Batty and Evans

OFFICERS PRESENT:

Helen Edwards, Solicitor to the Council
Alex Daynes, Senior Governance Officer

1. Apologies

No apologies were received.

2. Declaration of Interests

Councillor Todd declared an interest as Chair of the Planning and Environmental Protection Committee.

3. Minutes of the meeting held on 21 January 2009

The minutes of the meeting held on 21 January 2009 were approved as a true and accurate record.

4. Monitoring Officer's Report

4.1 Actions Since Last Meeting

The Committee noted that its response had been submitted regarding Local Authority Publicity and the Code of Conduct for Members and Employees by the deadline of 12 March 2009.

4.2 Referrals / Complaints

The Committee **AGREED** to receive the first Annual Return - to analyse complaints – at its next meeting, rather than have an update on complaints before submission of the Annual Return.

4.3 Work Programme

4.3.1 CRB Checks for elected Members

The Committee was advised that following the Joint Area Review of Haringey Children's Services, recommendations were made to apply for Criminal Records Bureau (CRB) checks for officers and Members following risk assessments of their roles. A draft decision notice was circulated to the Committee for comment.

The Monitoring Officer advised the Committee that a risk assessment test for a single role had taken only a few minutes in a test case and therefore it would be practical and cost effective to carry out the risk assessments within the council.

It was **AGREED** for the draft decision notice to be referred to Cabinet.

It was **RESOLVED** to receive an update on CRB checks to be brought back to the Committee in 6 months.

4.3.2 Annual Report to Council

Members reviewed a draft copy of the Annual Report to Council to agree the contents. Following discussion, members made the following comments:

- (i) Paragraph 3 – needs to be clearer that the Board has legislation to abide by in order to create a sense of “ethical wellbeing”.
- (ii) Paragraph 5 – include the decision to conduct in-house assessments of roles for CRB instead of an external agency to highlight cost savings.
- (iii) Paragraph 7 – amend the section, “at the start of *each* Council meeting”, to indicate that not all Council meetings would have to have a briefing e.g. “a number of meetings” or “where appropriate”.

Members discussed the proposal to include a 20 minutes briefing session on Standards issues at the beginning of Council meetings. It was felt that as more Councillors attended Council than other meetings, this would enable more Councillors to be exposed to briefings. The Chairman agreed to further engage group Leaders on Standards issues.

The Monitoring Officer provided information for the Committee on recognition awards for good practise in Standards. Members agreed that the Standards function had improved over recent years and many causes of the awards that other Councils had received were already taking place in Peterborough.

During further discussion, the following issues were recommended for inclusion in the Council report:

- (i) A determination that the Committee will review any cases that comes before it.
- (ii) A summary of the work programme for the year ahead.
- (iii) A summary of Parish Council engagement with Standards Committee.

The Committee **AGREED** the content of the annual report subject to the comments noted above.

Following discussion, it was **RESOLVED** to:

- (i) Continue to improve the Standards function.
- (ii) Continue engagement with Group Leaders.
- (iii) Develop awareness of the role of the Standards Committee in public places such as libraries.

4.3.3 Future Work Items

Following discussion it was **RESOLVED** to:

- (i) Establish a sub-group to discuss Local Democracy Week with Councillor M Dalton – to be made up of Anne Smith, Brenda Fearon and Steve Boast.
- (ii) Include the first 6 monthly CRB check in the January 2010 agenda.
- (iii) Engage Peterborough Association of Local Councils (PALC) in Standards issues.
- (iv) Invite the Standards Board for England and other Standards Committees to discuss and share best practise at meetings.
- (v) Raise Standards issues at Group Leaders meetings.
- (vi) Review the Officer Wellbeing policy.
- (vii) Engage Licensing Committee on Standards issues.

Following further discussion Members **AGREED** to the schedule of meetings and the inclusion of provisional dates.

4.4 Planning Committee Voting Analysis

The committee noted the contents of the voting analysis for September 2008 to 17 February 2009 and requested a further report be submitted in three months.

5. **Date of Next Meeting (prov. 22 April 2009)**

Members **AGREED** not to hold a meeting on 22 April 2009 unless important business was submitted for it to consider.

CHAIRMAN
7.00 - 7.45 pm

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|----------------------------|----------------------|
| STANDARDS COMMITTEE | AGENDA ITEM 4 |
| 10 June 2009 | PUBLIC REPORT |

| | | |
|---------------------|---|----------------------|
| Contact Officer(s): | Helen Edwards, Solicitor to the Council | Tel: 01733 452539 |
|---------------------|---|----------------------|

| |
|---|
| RECOMMENDATIONS |
| FROM : SOLICITOR TO THE COUNCIL & MONITORING OFFICER |
| <p>That the Standards Committee:</p> <ol style="list-style-type: none"> 1. notes the contents of this report 2. notes the contents of the annual report to the Standards Board attached at Appendix 1 3. considers an analysis of complaint against members received for the year to 31st March 2009 in comparison with national statistical information provided by the Standards Board for the same period 4. notes the revised Standards Regulations referred to in para 3 and considers the issue of joint Standards Committees 5. agrees its future work programme 6. considers the planning voting analysis at para 5 and appendix 2 |

1. ACTIONS SINCE LAST MEETING

The Chair delivered the Committee's Annual Report to Council on 18th May, as agreed at the last meeting.

2. REFERRALS / COMPLAINT

The fourth quarterly return, for the period ending 31st March 2009, was submitted to the Standards Board, together with the first Annual Report, which is attached at Appendix 1.

Comparing data for Peterborough with national statistics on the Standards Board website, the following items are worthy of note:

Number of complaints received

During the period ending 31st March 2009, Peterborough City Council received a total of 10 complaints that were referred to an assessment sub-committee of the standards committee.

This is broadly consistent with the average number of cases received by unitary authorities, which is 11.2 per unitary authority.

Nationally, a total of 2863 complaints were received, of which 29% were investigated locally, with 12% referred to monitoring officers for alternative measures such as training or mediation. During the previous year, prior to the local assessment regime being introduced, the Standards Board received 3547 complaints and referred 14% for investigation.

Source of complaints received

Of the total received, 9 were from members of the public, and 1 was from an MP. There were none received from members.

This is inconsistent with national statistics, where 54% of complaints were received from members of the public, 36% from members, 4% from council officers, and 6% from other sources.

Type of complaint received

Only 1 complaint related to an alleged failure to declare interests. The remainder were mainly a combination of failing to treat others with respect, and/or behaviour which is alleged to have brought the authority into disrepute.

National statistics collated from information about finished cases submitted by standards committees show that the most common causes of complaint are:

| | |
|---------------------------------------|-----|
| Failure to treat others with respect | 28% |
| Bringing the authority into disrepute | 21% |
| Failure to disclose interests | 12% |

Town and Parish Councillors

Nationally far fewer complaints were received than expected. Town and parish members make up 80% of all elected councillors, yet accounted for only 51% of total complaints. Peterborough received one complaint against a member who is also a parish councillor.

Outcome of initial assessment

| Initial assessment outcome | Peterborough number | % age | National number | % age |
|---|---------------------|-------|-----------------|-------|
| Referred to another authority | Nil | | 6 | 0.2 |
| Referred to Standards Board | Nil | | 166 | 6.2 |
| Referred to MO for alternative measures | 1 | 10% | 327 | 12.1 |
| Referred to MO for investigation | 7 | 70% | 780 | 29.0 |
| No further action | 2 | 20% | 1414 | 52.5 |

Review requests

Nationally, a review of the assessment hearing has been requested in 37% of cases where the decision is not to refer the complaint any further: 6% of those requests resulted in the matter being referred for investigation, and less than 1% resulted in a referral to the Standards Board.

Peterborough has received no review requests.

Outcome of determination sub-committee

Of the 6 complaints so far that have been referred to a determination sub-committee, 3 have found a potential breach and will proceed to a hearing, for the remaining 3 the monitoring officer's recommendation of no breach found was accepted.

Final hearings

No complaints have progressed to a final hearing during the period in question.

Conclusions / items for discussion

- the number of complaints received by PCC is consistent with the national average.
- PCC has no cases resulting from one member complaining against another.
- The number of cases referred for investigation following initial assessment is more than double the national average.
- The number of requests for review is much lower than the national average.

3. REVISED STANDARDS REGULATIONS

The Standards Board issued new Regulations on 22nd May 2009.

The areas dealt with by the new Regulations are:

- Guidance on Standards Board's ability to suspend initial assessment functions of the Standards Committee where the committee or the monitoring officer has failed to carry out its functions in a reasonable period of time;
- Ability of 2 or more authorities to establish joint standards committees, to exercise such functions as may be determined by those authorities, subject to agreeing terms of reference, and submitting a copy of them to the Standards Board;
- Updating of the dispensation procedures, used when the transaction of business of the authority would, but for the grant of a dispensation, be impeded because more than 50% of members that would otherwise be entitled to vote on the business, or numbers prevented from voting would upset the political balance to the extent that the outcome would be prejudiced.

We have been approached by South Cambridgeshire District Council to see whether there would be any interest in setting up joint committees in the Cambridgeshire area. Members' views are sought on this issue.

4. WORK PROGRAMME

Draft proposals at present for the following municipal year are as follows:

| | |
|----------------|--|
| September 2009 | (1) Training event for Standards Committee – case study of a Standards Complaint / more in depth understanding / updating of knowledge (2) Consider role of Committee in further promoting high standards of ethical behaviour within the Council |
| November 2009 | |
| January 2010 | |
| March 2010 | (1) Consider Annual Report to Council (2) Make preparations for Local Democracy week 2010 |

5. PLANNING COMMITTEE VOTING ANALYSIS

Attached at appendix 2

6. FINANCIAL IMPLICATIONS

There are no specific financial implications to this report.

7. LEGAL IMPLICATIONS

These are dealt with in the body of the report.

8. WARD COUNCILLORS

The contents of this report are not ward specific.

Background Papers

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

Statistical information on the website of the Standards Board for England

The Standards Committee (Further Provisions) (England) Regulations 2009.



Annual return

Submitted As Final

Independent overview

Does the standards committee have Terms of Reference?

- Yes
- No

What help do members receive on following the Code of Conduct?

General training as part of their induction, personal advice on request from the monitoring officer, and pro-active advice from the monitoring officer and other legal and committee staff following consideration of council business and their respective interests.

Does the standards committee have a forward work plan?

- Yes
- No

If yes, who outside of the standards committee is involved in agreeing the forward work plan? Please explain below.

Apart from the committee, the Monitoring Officer and Democratic Services are involved, and the Chairman also speaks regularly with the Leader about major items

Is the standards committee given a role in reviewing amendments to the authority's constitution (or standing orders where appropriate)?

- Yes
- No

Standards committee meetings

Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.

Reason for meeting

**Number of times met between
01/04/2008 and 31/03/2009**

| | |
|--|---|
| General meeting of whole standards committee | 6 |
| Training | 3 |
| Assessment sub-committee | 6 |
| Review sub-committee | 0 |
| Consideration meeting | 2 |
| Hearing | 0 |
| Other | 0 |

Tick this box if section has been completed in full 

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Annual return

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Standards committee - annual report

Does the standards committee produce an annual report on its own work?

- Yes No

Is the annual report received by a meeting of the full authority?

- Yes No

Is the annual report sent to all members?

- Yes No

Is the annual report sent to all senior officers?

- Yes No

How is the annual report publicised to the general public?

In reports to Full Council and available on PCC website

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Standards committee - promoting standards

What else does the standards committee do to communicate its role and the importance of high standards internally within the authority to members and officers?

Chair and Vice Chair and at least one other member attend each Council meeting to be a visible presence, and speak informally to members about items of business, and standards generally
Occasional training sessions run for all members, and parish councils

What else has the standards committee done to promote confidence in local democracy to the wider public?

Work has mainly focused internally to date, but the committee is planning to be involved in Local Democracy week this year, and is considering as part of its work programme how it might promote confidence in local democracy

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

• Yes No

Please provide examples.

The monitoring officer and Democratic services team have been considering this item and putting appropriate governance arrangements in place for partnership working is an ongoing area of work for the coming year. The standards committee in particular has not yet considered this item specifically, but members are made aware that high standards of

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Standards committee - training

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?

- Yes No

What training needs were identified?

Need to train all members of Standards Committee in relation to the operation of the new regime for assessment of complaints

Training for all members of Planning committee in relation to standards and pre-determination and bias

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 to 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the operation of the local standards framework eg local assessment and hearings.

2 sessions for Standards Committee working through the Standards Board assessment training sessions / role play
 One session with an external trainer in relation to standards hearings
 Presentations to Parish Council liaison committee in relation to new assessment regime
 Regular training sessions for PLanning Committee members

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Leadership

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

There have been no formal meetings with the Chief Executive but the Chair speaks with her on a regular basis after Full Council meetings

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

Two

Please also provide an overview of what the meetings were about.

General discussions about standards in the authority, the promotion of high standards of ethical behaviour, the role of Cabinet members in promoting this, and a general discussion about the work of the Standards Committee

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

Yes, the Monitoring officer attends all standard committees and other hearings (unless conflicted out) and there are also informal discussions inbetween meetings, and at the Council meetings

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

One

Does the monitoring officer sit on the corporate management team, or equivalent?

- Yes No

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

- Yes No

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Complaints

Can the public access information, from the authority website, about how to make a complaint against a member?

- Yes No

What else has the authority done to advertise the complaint process on member conduct to the general public?

Advertised in local newspaper when introduced.

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process?

For example has the authority sought feedback from the complainant, witnesses or person against whom the allegation was made? Please choose from responses below.

No, have not sought feedback

How does the authority communicate the outcome of investigations into member conduct to:

a) members

By letter to the individual members concerned, or meeting if appropriate, general information about the numbers of complaints in the annual report.

b) officers

If officers are involved as witnesses the outcome is communicated by letter, or meeting if appropriate. Otherwise the outcome is not communicated to officers

c) the general public

Appropriate notices will be placed when required.

In allegations into member conduct which have NOT resulted in investigation, such as those allegations which have not been referred for investigation and those which have resulted in other action, how does the authority communicate the outcome to:

a) members

Only to the member concerned, by letter.

b) officers

By letter to those officers concerned.

c) the general public

The outcome is not communicated to the general public except in the annual public report to council

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Member officer relations

Does the authority have a protocol for relations between members and officers?

- Yes No

How is the protocol communicated to officers and members?

It is part of the Constitution and is explained to officers and members as part of their induction process

What is the mechanism for reviewing the effectiveness of this protocol?

It is reviewed regularly by the Monitoring Officer who will refer it to both the standards committee and employment committee if review or amendments are considered required

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

- Yes No

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

- Yes No

Please provide details of any mechanisms and, if possible, provide an example where this has been used.

The Monitoring Officer, the Chief Executive, and the Chair and Vice Chair of Standards Committee (both of whom are trained as mediators) all make themselves available to deal informally with such matters. The most appropriate is chosen to deal with the particular circumstances arising. This has been done on a few occasions particularly involving member and

Tick this box if section has been completed in full

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Registering member interests

Is the member register of interests accessible to the public on the authority website?

- Yes
- No

Is the register of gifts and hospitality available to the public on the authority website?

- Yes
- No

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

Part of induction process, followed by annual letter to all members asking them to review and update their interests where appropriate
All committee clerks and legal advisers give pro-active advice at committees relating to interests

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Officer conduct

Does the authority have a code of conduct for senior officers?

- Yes
- No

Does the authority compile a register of senior officers' interests?

- Yes • No

Does the authority compile a register of senior officers' gifts and hospitality?

- Yes
- No

is the senior officers' register of gifts and hospitality available to the public on the authority website?

- Yes • No

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Optional questions

The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements.

Has your authority used the ethical governance toolkit?

- Yes
- No

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Planning and Environmental Protection Committee

Voting Analysis – 3rd March to 28th April 2009

3rd March

| Item | 08/01433/FUL - Retention of Smoking Shelter at the Phoenix, Townsend Road, Wittering | 06/01051/FUL & 07/01411/FUL Erection of Wind Turbines at Wrydecroft and Nutsgrove Farms, Thorney, Peterborough* |
|-------------------------|--|---|
| Motion | With Officer Recommendations | With Officer Recommendations |
| Cllr Todd | NV | ✓ |
| Cllr Hiller | ✓ | ✓ |
| Cllr Ash | ✓ | ✓ |
| Cllr Colin Burton | ✓ | ✓ |
| Cllr Cereste | Sent apologies | |
| Cllr Kreling | ✓ | X |
| Cllr Thacker | ✓ | ✓ |
| Cllr Walsh | ✓ | ✓ |
| Cllr Charles Day | ✓ | ✓ |
| Cllr Sharp ¹ | ✓ | ✓ |

* The item was not an application under the Town and Country Planning Act definition.

¹ Substitute for Cllr Lane

17th March

| Motion | Against officer recommendations | Item deferred | Item deferred |
|-------------------|---|--|---|
| | 08/01138/OUT - Land To Rear Of 12-16 Broadway Yaxley Huntingdonshire* | 08/01443/FUL - 98 Dogsthorpe Road Peterborough PE1 3AQ | 08/01472/FUL - 2 Elmfield Road Peterborough PE1 4HB |
| Cllr Todd | ✓ | ✓ | ✓ |
| Cllr Hillier | ✓ | | |
| Cllr Ash | NV | | |
| Cllr Colin Burton | ✓ | | |
| Cllr Cereste | Sent apologies | | |
| Cllr Kreling | X | ✓ | ✓ |
| Cllr Thacker | ✓ | ✓ | ✓ |
| Cllr Walsh | NV | ✓ | ✓ |
| Cllr Charles Day | ✓ | ✓ | ✓ |
| Cllr Lane | ✓ | ✓ | ✓ |

* Application site located in Orton with Hampton Ward

| | | | | | | |
|-------------------|--|---|--|--|---|---|
| | 07/01296/FUL - Construction of Monument to Commemorate War Dead at The Green, Thorney, | 08/01392/FUL - Fitzwilliam House Bushfield Orton Goldhay Peterborough | 08/01504/REM - 157 - 161 Fletton Avenue Fletton Peterborough PE2 8DB | 08/01577/MMFUL - Proposed Integrated Materials Recycling Facility, Storeys Bar Road, Fengate | 09/00114/R3FUL - Adjacent Footpath North East Of Bretton Park Pavilion Flaxland Bretton - Provision of Water Facility | 09/00170/FUL - Retrospective Revised Scheme at 78-80 Welland Road, Peterborough |
| Motion | Deferred | With officer recommendations | Deferred | With officer recommendations | With officer recommendations | Against officer recommendations |
| Cllr Todd | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cllr Hillier | ✓ | ✓ | ✓ | ✓ | NP | NP |
| Cllr Ash | ✓ | ✓ | ✓ | ✓ | ✓ | NV |
| Cllr Colin Burton | Sent apologies | | | | | |
| Cllr Cereste | ✓ | NP - Withdrew due to personal and prejudicial interest | ✓ | ✓ | ✓ | X |
| Cllr Kreling | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cllr Thacker | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cllr Walsh | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cllr Charles Day | Sent apologies | | | | | |
| Cllr Lane | ✓ | ✓ | ✓ | ✓ | ✓ | X |

| Motion | With officer recommendations | With officer recommendations |
|-------------------|------------------------------|---|
| Cllr Todd | NV | 08/01504/REM - 157 - 161 Fletton Avenue Fletton Peterborough PE2 8DB. |
| Cllr Hillier | ✓ | 08/01525/FUL - Newborough Branch Practice 42 School Road Newborough Peterborough. |
| Cllr Ash | NV | |
| Cllr Colin Burton | NV | |
| Cllr Cereste | NV | |
| Cllr Kireling | ✓ | |
| Cllr Thacker | ✓ | |
| Cllr Walsh | NV | |
| Cllr Charles Day | NV | |
| Cllr Lane | X | |